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August 22, 2014

Food & Consumer Packaged Goods Litigation

Court Dismisses ECJ Claims Due to Lack of Reliance

Swearingen v. Pacific Foods of Oregon, Inc., No. 13cv4157 (N.D. Cal.): In a putative class action alleging claims under California's UCL and CLRA that the defendant's almond milk and other products are misbranded and misleading to the extent they list ECJ as an ingredient rather than sugar, Judge Donato granted the defendant's motion to dismiss. Relying on other decisions in the district, the court held that the plaintiffs had failed to allege the requisite reliance and rejected the plaintiffs argument that they did not need to plead reliance because their claims were strict liability labeling violations. As with other decisions in the district, the court rejected the "illegal products" theory as well. [Order](#).

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