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Food & Consumer Packaged Goods Litigation

Orange Juice Cases Squeeze Forward After Court Denies Cross-Motions for Summary Judgment

In re: Simply Orange Juice Marketing and Sales Practices Litigation, No. 4:12-md-2361 (W.D. Mo.): The Court denied the parties' cross-motions for summary judgment in this consolidated multi-district class action alleging violations of multiple states' consumer protection statutes as well as various common law claims. The consolidated cases are based on the allegation that Defendant misrepresents its Simply Orange juices as "100% Pure Squeezed," "100% Orange Juice," "No Water or Preservatives Added," and "Honestly Simple," when these juices are allegedly made using a highly-engineered process involving a complex algorithm and artificial flavoring. After initially entertaining oral argument on the parties' motions for summary judgment in April 2015, the Court ordered the parties to complete expedited discovery on the specific composition, manufacturing process, and source of the contents of the "modified orange oil add-back" used in Defendant's products. Upon completion of discovery, the parties supplemented their briefing, and the Court again heard oral argument. Thereafter, the Court denied the motions for summary judgment after finding that at least two issues of material fact remained: (1) "whether orange essence oil should be considered orange oil or orange essence under the relevant FDA regulations;" and (2) "whether the processing of the oil and/or flavor components in Defendant's orange juice products makes those components something other than ordinary orange oil or essence which must be disclosed on the products' labels." *[Order.](#)*

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