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April 12, 2016

Food & Consumer Packaged Goods Litigation

### **New Filings for April 12, 2016**

*Brady v. Bayer AG*, No. 30-2-16-00839608 (Cal. Super. Ct. – Orange Cnty.): Putative class action asserting violations of California's CLRA and UCL, and raising a claim for unjust enrichment. Plaintiff alleges that Defendant falsely labels its "One A Day" brand of chewable supplements, because the consumer must take two of the supplements a day to get their full nutritional benefit. [Complaint](#).

*Aliano v. The Quaker Oats Co.*, No. 1:16-cv-3087 (N.D. Ill.): Putative class action asserting violations of Illinois' Consumer Fraud and Deceptive Trade Practices Act on behalf of an Illinois subclass, and violations of multiples states' consumer protection statutes on behalf of a national class, as well as claims of fraud, fraudulent misrepresentation, breach of express warranty, and unjust enrichment on behalf of both classes. Plaintiff alleges that Defendant misleadingly represents its Maple & Brown Sugar Instant Oatmeal as containing maple syrup or maple sugar, although the product contains neither ingredient. [Complaint](#).

*Scholder v. Quorn Foods, Inc.*, No. 2:16-cv-1298 (E.D.N.Y.): Putative class action alleging violations of multiple states' consumer protection statutes, and claims of breach of warranty (implied merchantability and fitness), fraudulent misrepresentation, and unjust enrichment. Plaintiff alleges that the packaging of Defendant's meat-substitute products falsely represents that the main ingredient of such products, "mycoprotein," is the same or substantially similar to a mushroom, truffle, or morel, when in fact the products are actually made of mold. [Complaint](#).

*Strumlauf v. Starbucks Corp.*, No. 3:16-cv-1306 (N.D. Cal.): Putative class action asserting violations of California's UCL, CLRA, and FAL, and raising claims of breach of warranty (express and implied merchantability), negligent misrepresentation, fraud, and unjust enrichment. Plaintiffs accuse Defendant of cheating customers by uniformly under filling their "tall" and "venti" sized latte beverages by at least 25 percent. [Complaint](#).

*Anestis v. Love Grace, Inc.*, No. 3079/16 (N.Y. Supreme Ct. – Kings Cnty.): Putative class action asserting violations of New York's consumer protection statutes and claims of fraud, breach of express warranty, and unjust enrichment. Plaintiff alleges that Defendants' juice products falsely represent that they are "100% Raw" and unpasteurized, when in fact, the products are cold-pressed and subjected to a treatment called high pressure pasteurization. [Complaint](#).

*Aliano v. Mom Brands Co. LLC*, No. 2016CH03879 (Ill. Cir. Ct. – Cook Cnty.): Copycat putative class action asserting violations of Illinois' Food, Drug and Cosmetic Act and Consumer Fraud and Deceptive Trade Practices Act on behalf of an Illinois subclass, and violations of multiples states' consumer protection statutes on behalf of a national class, as well as claims of fraud, fraudulent misrepresentation, breach of express warranty, and unjust enrichment on behalf of both classes. Plaintiff alleges Defendant misleadingly represents its maple & brown sugar instant oatmeal products as containing maple syrup or maple sugar, although neither ingredient is in the products. [Complaint](#).

*Envtl. Research Ctr. v. Healthy Home Co. LLC*, No. RG16808206 (Cal. Super. Ct. – Alameda Cnty.): Proposition 65 action alleging Defendants' health products contain lead. [Complaint](#).

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## **Food & Consumer Packaged Goods Litigation**

Food & Consumer Packaged Goods Litigation shares timely insights into litigation developments, emerging arguments and challenges facing food and consumer packaged goods manufacturers and related industries.

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