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July 13, 2016

Food & Consumer Packaged Goods Litigation

New Filings For July 13, 2016

Cumming v. Betterbody Foods & Nutrition LLC, No. 37-2016-19510-CU-BT-CTL (Cal. Super. Ct. – San Diego Cnty.): Putative class action alleging violations of California's UCL, CLRA, and FAL, and raising claims for breach of warranty (express and implied merchantability). Plaintiff contends Defendant misleadingly labels and markets its coconut oil product as "inherently healthy, and a healthy alternative to butter and other oils," when in fact it is inherently unhealthy and a less healthy alternative. [Complaint](#). *Envtl. Research Ctr. v. Orange Peel Enters., Inc.*, No. CGC-16-552495 (Cal. Super. Ct. – San Francisco Cnty.): Proposition 65 action alleging Defendant's dietary supplements (meal replacement shakes and bars) contain lead and cadmium. [Complaint](#). *Ctr. for Env'tl. Health v. See's Candy Shops, Inc.*, No. RG16819342 (Cal. Super. Ct. – Alameda Cnty.): Proposition 65 action alleging Defendant's candy products contain lead. [Complaint](#). *Vigil v. Mars Inc.*, No. RG16819596 (Cal. Super. Ct. – Alameda Cnty.): Putative class action asserting violations of California's UCL, CLRA, and FAL. Plaintiff alleges that after preparation, Defendant's Uncle Ben's branded "Ready Rice" products contain up to 33% less product than is indicated on the products' labels. [Complaint](#). *Stiles, et al. v. Trader Joe's Co., et al.*, No. 2:16-cv-6215 (C.D. Cal.): Copycat putative class action asserting violations of California's CLRA, FAL, and UCL, and raising claims for breach of express warranty and fraudulent inducement. Plaintiffs allege Defendant misleadingly represents its "Frosted Maple and Brown Sugar Shredded Bite Size Wheats" and "Oatmeal Complete Maple and Brown Sugar" as containing maple, when in fact, the products does not contain any maple syrup or maple sugar. [Complaint](#). *Hu v. Herr Foods Inc.*, No. 1:16-cv-3313 (E.D.N.Y.): Putative class action asserting violations of New York's consumer protection statutes and raising claims for negligent misrepresentation, breach of express warranties, and unjust enrichment. Plaintiff alleges Defendant's snack products are misleadingly labeled as having "No Preservatives Added," although the products contain citric acid. [Complaint](#). *Izquierdo v. Mondelez Intl., Inc.*, No. 1:16-cv-4697 (S.D.N.Y.): Putative class action asserting violations of New York's consumer protection statutes and raising claims of negligent misrepresentation, fraud, and unjust enrichment. Plaintiff alleges that Defendant's "Sour Patch Watermelon" candy is packaged in boxes with significant non-functional slack-fill. [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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