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Food & Consumer Packaged Goods Litigation

# **Watkins Incorporated v. McCormick & Company**

*Watkins Incorporated v. McCormick & Company*, No. 1:15-mc-01825 (D.D.C.): In this putative class action alleging that Defendant deceptively "slack-filled" its black pepper containers, which Plaintiff says caused it to lose pepper sales by confusing consumers, the Court granted in part Defendant's motion to dismiss. Defendant moved to dismiss Plaintiffs' claims for lack of constitutional or statutory standing under the Lanham Act, failure to state a claim, and because Minnesota's choice-of-law rules preclude Plaintiff's claims under the California and Florida statutes. In its order, the Court held that Plaintiff alleged enough to enjoy Article III standing and standing under the Lanham Act. It also held that Plaintiff's Lanham Act false advertising claim was adequately alleged. Similarly, because the Court found that Plaintiff had adequately stated a claim under the Lanham Act, it also rejected Defendant's argument that the state law claims (under the Minnesota Deceptive Trade Practices Act, the California UCL, and the Florida Deceptive and Unfair Trade Practices Act) should fail for the same reasons as the Lanham Act. However, because Plaintiff did not oppose Defendant's motion to dismiss its common law claim of unfair competition, the Court dismissed that claim.

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