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January 10, 2018

Food & Consumer Packaged Goods Litigation

## **New Filings - January 10, 2018**

[\*Community Science Institute v. Target Corp, et al.\*](#), No. RG18-887565 (Cal. Super. Ct. – Alameda Cnty.): Proposition 65 action alleging Defendant fails to warn consumers that its Up & Up Toddler Beginnings Infant Formula with Iron Milk-Based Powder contains lead. [\*Community Science Institute v. Wal-Mart Stores, Inc.\*](#), No. RG18-887567 (Cal. Super. Ct. – Alameda Cnty.): Proposition 65 action alleging Defendant fails to warn consumers that its Parent's Choice 2 Toddler Beginnings Complete Nutrition DHA, Choline & Iron Milk-Based Powder Infant Formula with Iron contains lead. [\*Shatequa Leguette v. Schwan's Company, et al.\*](#), No. 1:17-cv-07599 (E.D.N.Y.): Putative class action asserting violations of New York's Deceptive and Unfair Trade Practices Act and the False Advertising provisions of the GBL, and raising claims for breach of express and implied warranties and unjust enrichment. Plaintiff alleges that the labeling for Defendants' Original Flaky Crust Pies products is falsely and misleadingly representing the products as "Made With Real Butter," when in fact they are made with a "Shortening Butter Blend," which contains butter but is predominantly made up of palm oil. [\*Gibson v. Wal-Mart Stores, Inc., et al.\*](#), No. 3:18-cv-00134 (N.D. Cal.): Putative class action asserting violations of California's UCL, CLRA, and FAL, and raising a claim for unjust enrichment. Plaintiff alleges that Defendants' private label eggs are falsely and misleadingly advertised as having provided the laying hens "with outdoor access," when in fact Defendants confine their egg-laying hens to "industrial barns without outdoor access." [\*Kelly v. Cameron's Coffee and Distribution Company\*](#), No. 1816-CV00470 (Mo. Cir. Ct. – Jackson Cnty.): Putative class action asserting violations of the Missouri Merchandising Practices Act. Plaintiff alleges that Defendant sells coffee pods labeled as "100% compostable and environmentally friendly," when in fact the coffee pods are only compostable in commercial composting facilities that are not generally available in Missouri. [\*Stanley Frompovicz v. Niagara Bottling, LLC, et al.\*](#), No. 2:18-cv-00054 (E.D. Pa): Putative class action asserting claims for False Advertising under the Lanham Act and for Unfair Competition under Pennsylvania Law. Plaintiff alleges that Defendants have been passing off well water as spring water.

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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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