



Our notable ruling roundup aims to keep our readers up to date on recent rulings in the food & consumer packaged goods space.

***Selina Valencia v. Snapple Beverage Corp.***, No. 23-cv-1399 (CS) (S.D.N.Y. – March 18, 2024): The Southern District of New York dismissed a challenge to multiple varieties of ***beverage products*** bearing an "All Natural" claim. Plaintiff alleged that the "All Natural" representation was false or misleading because the beverage products also contained vegetable and fruit juice concentrates for color as well as citric acid. The court dismissed, reasoning that plaintiff had not plausibly alleged that a significant portion of reasonable consumers acting reasonably under the circumstances would find the "All Natural" label misleading in this context where the added color is from natural sources. The court further concluded that even if plaintiff's theory could be credited, that would merely show that the challenged representation was ambiguous, and a reasonable consumer

would resolve the ambiguity by reading the ingredient list on the back of the package. Regarding citric acid, the court rejected plaintiff's argument about citric acid via a fermentation process as somehow being "synthetic," concluding that "[a] reasonable consumer would not think that a compound found in nature is artificial even if it is produced in a different way than nature produces it, if the way it is produced is that it is derived from a natural product and does not contain anything synthetic." Because the deficiencies in the pleading would not be cured by amendment, the court granted dismissal with prejudice. **Note:** Perkins Coie LLP represented Snapple Beverage Corp. Opinion available [here](#).

***Deborah Brown, et al. v. Coty Inc.***, No. 1:22-cv-02696-AT (S.D.N.Y. – March 1, 2024): The Southern District of New York dismissed a putative class action alleging that defendant's ***cosmetics products*** contain synthetic chemicals (PFAS), which can have adverse health effects. Plaintiffs asserted claims under consumer protection laws in seven states, as well as a claim for unjust enrichment under New York law. The court found that plaintiffs failed to allege that they each suffered an injury in fact and granted defendant's motion to dismiss for lack of standing. The dismissal is without prejudice, and plaintiffs may move for leave to file an amended complaint. Opinion available [here](#).

If you are a food or CPG company contact interested in receiving our daily email update on filings and notable rulings, please reach out to Kellie Hale with your request to be added: [khale@perkinscoie.com](mailto:khale@perkinscoie.com).

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