

## [Blogs](#)

October 12, 2013

Food & Consumer Packaged Goods Litigation

# Court Dismisses as “Ridiculous” Plaintiffs’ Claims that Strawberry and Raspberry Newtons Contain Whole Fruit

*Manchouck v. Mondelez International, dba Nabisco, No. 13cv2148* (N.D. Cal.): Plaintiffs claimed that Nabisco's representations that Strawberry and Raspberry Newton cookies were "made with real fruit" violated California's consumer protection statutes because the cookies were made with pureed strawberries and raspberries, rather than solid fruit. The court granted Nabisco's motion to dismiss, with prejudice. The court concluded that the claims "strained credulity" and that "[i]t is ridiculous to say that consumers would expect snack food 'made with real fruit' to contain only 'actual strawberries or raspberries,' rather than these fruits in a form amenable to being squeezed inside a Newton." [Order](#).

## Explore more in

[Food & Consumer Packaged Goods Litigation](#) [Food & Beverage](#)

Blog series

## 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.

[View the blog](#)