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October 14, 2013

Food & Consumer Packaged Goods Litigation

## **Court Dismisses Soy Milk Claims as Not Misleading To Reasonable Consumer**

*Gitson v. Trader Joe's Co.*, 13cv1333 (N.D. Cal.): Plaintiffs' complaint alleged labeling violations of eight "purchased" products, including yogurt, soy yogurt, candy and enchilada sauce. The complaint included allegations that the products are misbranded because the labels list ECJ and contain additives or preservatives. The court dismissed claims based on products the plaintiffs did not purchase. The court further found that no reasonable consumer would conclude that soy milk labeled as "lactose and dairy free" and an "alternative to dairy milk" comes from a cow. The court also dismissed with leave to amend the ECJ claim, explaining that the products' Nutrition Facts panel clearly disclosed the presence of "sugar" in the products. [Order](#).

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