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Food & Consumer Packaged Goods Litigation

Court Dismisses False Claim Case Against Weight Watchers

Burke v. Weight Watchers International Inc., No. 12cv6742 (D.N.J.): Plaintiff claimed that low calorie ice cream bars sold by Weight Watchers understated the number of calories in the products. The court granted defendants' motion to dismiss, finding that the complaint had failed to adequately plead that defendants violated any of the five methods authorized by FDA regulations to calculate calorie content, nor did plaintiff plead around a safe harbor that allows a product to understate the caloric content of a product by 20%. The court gave plaintiff leave to amend. [Order](#).

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