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Food & Consumer Packaged Goods Litigation

Potato Chip Misbranding Claims Half-Baked, Says Court

Wilson v. Frito Lay, No. 12cv1586 (N.D. Cal.): The court granted in part a motion to dismiss plaintiff's suit over allegedly misbranded and mislabeled products containing claims such as "No MSG," "All Natural," and "0 Grams Trans Fat." The court found that plaintiffs had failed to allege substantial similarity between the products plaintiffs alleged they had actually purchased and the myriad other non-purchased products. The court therefore dismissed all claims regarding the non-purchased products from the complaint. The court also refused to incorporate reference statements made on the company's website into product labels simply because the labels referred customers to the website, in part because the complaint failed to allege that plaintiffs relied on the website. Notably, the court also found that allegations of product misbranding could not satisfy standing requirements where plaintiff did not also allege reliance on the misbranding. Other claims were allowed to proceed. [Order](#).

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