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Food & Consumer Packaged Goods Litigation

Evaporated Cane Juice Complaint Dismissed in Part

In *Reilly v. Amy's Kitchen*, No. 13cv21525 (S.D. Fla.), plaintiff alleged a wide variety of defendant's packaged food products violate Florida consumer protection laws because their labels disclose "evaporated cane juice even though ECJ is actually sugar, not juice." The court ruled that plaintiff lacked standing to allege statutory violations based on products she did not purchase, but otherwise allowed the case to proceed, holding that the claims were not preempted since the complaint alleged adequately that labeling a product's ingredients ECJ rather than sugar meet the statutory requirements under Florida's consumer protection statutes and rejected the primary jurisdiction defense. [Order](#).

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