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Food & Consumer Packaged Goods Litigation

Mott's "No Sugar Added" Labeling Lawsuit Narrowed

Rahman v. Mott's LLP, No. 3:13-cv-03482 (N.D. Cal.): In this proposed class action, the court dismissed claims that Mott's applesauce is improperly labeled as having "no sugar added," although it allowed claims regarding Mott's apple juice to proceed. As to applesauce, the court held that the complaint did not plead sufficient facts to show that Mott's could not label its applesauce as "no sugar added" under governing FDA regulations. As to labeling for apple juice, however, the court concluded that plaintiff had pled sufficient facts to support those claims. The court further held that the complaint properly stated a claim regarding Mott's apple juice for violation of the "unlawful" prong of California's Unfair Competition Law. The court dismissed, however, plaintiff's claims under California's False Advertising Law, Consumer Legal Remedies Act, the fraud prong of the Unfair Competition Law, as well as plaintiff's negligent misrepresentation claim, for failure to satisfy the heightened pleading standard of Rule 9(b). The court granted plaintiff leave to file an amended complaint as to those claims. [Order](#).

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