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Food & Consumer Packaged Goods Litigation

## Court Dismisses “Sugar Free” Gum Lawsuit

*Gustavson v. Wrigley Sales Co.*, No. 12cv1861 (N.D. Cal.): The court granted a motion to dismiss claims that various Eclipse gums and Lifesaver candies are misbranded as "sugar free." The court found that the claims were expressly preempted under federal law and dismissed with prejudice. The court reasoned that defendant had complied with the relevant federal regulations, rendering the complaint an attempt to impose requirements "in addition to" the FDA's regulations and therefore expressly preempted. [Order](#).

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