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April 07, 2014

Food & Consumer Packaged Goods Litigation

‘Illegal product’ Theory Rejected in Cane Juice Suit

Swearingen v. Amazon Preservation Partners, Inc., No. 3:13cv4402 (N.D. Cal.): In a putative class action alleging the misleading use of the phrase "organic evaporated cane juice" in products' ingredients lists, the court granted Defendants' motion to dismiss without prejudice. The court held that plaintiffs had not adequately pled reliance sufficient for statutory standing because they did not allege that they had read the products' ingredients list. Plaintiffs had argued reliance was unnecessary because the products violated labeling laws. The court reaffirmed its stance that actual reliance was necessary for statutory standing and agreed that the "illegal product" theory is insufficient to plead actual reliance. [Order](#).

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