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Court Rejects Class Damages Theories, Decertifies Nationwide Class in Juice Label Suit

In re Pom Wonderful LLC Marketing and Sales Practices Litig., No. 2:10ml2199 (C.D. Cal.): The court decertified the previously certified nationwide class in this action based on the claim that defendants falsely advertised that certain juice products provide various health benefits. Initially, the court certified a nationwide class comprised of all persons who purchased a Pom Wonderful 100% juice product between October 2005 and September 2010. Analyzing the plaintiffs' damages case in light of the Supreme Court's *Comcast* decision restricting class certification, the court held that none of plaintiffs' damages theories were adequate to measure class damages. Specifically, plaintiffs' "full refund" model was insufficient because it made no attempt to account for any actual benefit conferred on plaintiffs by the products. Likewise, plaintiffs' "price premium" model was insufficient because it relied upon a novel "fraud on the market" theory which was unworkable because consumers purchase products for many different reasons, making damages neither uniform nor amenable to class proof. Finally, the court also held that the element of ascertainability was not met because every adult in the United States could theoretically be a class member—all of whom may have purchased the products for different reasons—and it was unlikely that any of these individuals retained receipts or packaging. [Order.](#)

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