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Food & Consumer Packaged Goods Litigation

Partial Summary Judgment Granted in Hershey Suit

Khasin v. The Hershey Co., No. 5:12cv01862 (N.D. Cal.): The court partially granted summary judgment dismissing several claims in a putative class action alleging claims under California's UCL, FAL, CLRA, and unjust enrichment that claims defendant made misrepresentations about its products spanning antioxidant claims, nutrient content claims without the proper disclosures, health claims, sugar free claims, unlawful serving sizes, improperly listing polyglycerol polyricinoleic acid, and failing to disclose vanillin. First, the court dismissed plaintiff's FAL, CLRA, and unjust enrichment claims because plaintiff had failed to oppose the summary judgment motion as to those claims. Next, the Court found that plaintiff's deposition testimony revealed that he had not, in fact, relied on the majority of the representations claimed in his complaint in buying the products. The Court thus dismissed the UCL claims as to all representation except the antioxidant claims, for which the Court found that plaintiff had raised a question of fact as to whether he saw and relied on the statements. [Order](#).

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