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Class Certified in “All Natural” Labeling Suit Against Dole

Brazil v. Dole Packaged Foods LLC, No. 5:12-cv-01831 (N.D. Cal.): Judge Koh granted in part and denied in part plaintiff's motion for class certification in a case alleging that Dole misrepresents its various fruit and berry products as "all natural" when they contain synthetic ingredients. Largely tracking her class certification analysis in *Werdebaugh v. Blue Diamond Growers*, Judge Koh certified a California damages class under Rule 23(b)(3) but denied plaintiff's request for a national damages class. Judge Koh also certified a national Rule 23(b)(2) class for injunctive relief, finding that plaintiff's brand loyalty gave him standing to seek injunctive relief. Following the same analysis she did in *Werdebaugh*, Judge Koh rejected the full refund and price premium damages models proposed by plaintiff's expert but concluded that the expert's proposed regression model was sufficient under *Comcast* to allow class certification. [Order](#).

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