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Food & Consumer Packaged Goods Litigation

# Court Denies Class Certification for Lack of Ascertainability

*Bruton v. Gerber Prods Co.*, No. 12cv2412 (N.D. Cal.): The court has denied a motion for class certification in this putative class action alleging claims under California's UCL, FAL, and CLRA. Plaintiffs claim that Gerber misbrands and misrepresents its baby food products as to certain nutrient content claims, specifically: claims that the products are an "Excellent Source" or "Good Source" various vitamins and minerals, claims that the products are "As Healthy As Fresh" and provide "Nutrition for Healthy Growth & Natural Immune Support" or "Supports Healthy Growth and Development", and claims that the products contain "No Added Sugar" or "No Added Refined Sugar". In denying the motion on the grounds of lack of ascertainability, the Court accepted Gerber's argument that multiple changes in product labeling over the proposed class period rendered any effort to identify class members through self-reporting infeasible. [Order](#).

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