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July 18, 2014

Food & Consumer Packaged Goods Litigation

### **New Filings for July 18, 2014**

*Monka v. Jag Specialty Foods LLC*, No. 9:14cv80764 (S.D. Fla.): On behalf of a putative class of Florida consumers, plaintiff claims defendant deceptively markets certain of its breadsticks as "All Natural," when the breadsticks allegedly contain unnatural, synthetic, and/or artificial ingredients including soybean oil and/or corn syrup. The complaint alleges violations of Florida's Deceptive and Unfair Trade Practices Act, as well as claims for negligent misrepresentation, breach of implied warranty of fitness for particular purpose, breach of express warranty, and violation of the Magnusson-Moss Warranty Act. [Complaint](#). *Sturdivant v. Bob's Red Mill Natural Foods Inc.*, No. 9:14cv80765 (S.D. Fla.): Plaintiff alleges that defendant deceptively represented various of its food products as "All Natural," when the products allegedly contained unnatural, synthetic, artificial, and/or genetically modified ingredients, including whole grain corn meal, whole grain corn flour, sodium acid pyrophosphate, corn starch, xanthan gum, soy lecithin, and maltodextrin. On behalf of a putative class of Florida consumers, the complaint alleges violations of Florida's Deceptive and Unfair Trade Practices Act, as well as claims for negligent misrepresentation, breach of express warranty, violation of the Magnusson-Moss Warranty Act, and unjust enrichment. [Complaint](#). *Herndon v. Gruma SAB de CV*, No. 3:14-cv-2985 (N.D. Cal.): This putative class action asserts claims under California's UCL and CLRA, as well as Fraud and Negligent Misrepresentation. Plaintiffs allege that defendant misrepresents its Mission Guacamole as guacamole when it is actually a "whipped oil paste," which contains "avocado powder" but no actual avocados. Further, plaintiffs claim that defendant misrepresents its guacamole as being higher quality, healthier, and better tasting than it actually is. [Complaint](#). *Shaouli v. Peanut Butter & Co. Inc.*, No. BC550157 (L.A. Cty. Superior): The complaint in this putative class action alleges claims under California's UCL, FAL, and CLRA, as well as negligent misrepresentation and breach of quasi-contract. Plaintiffs claim that defendants misbranded and misrepresented their products as containing evaporated cane juice rather than "sugar" or "dried cane syrup." [Complaint](#).

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## **Food & Consumer Packaged Goods Litigation**

Food & Consumer Packaged Goods Litigation shares timely insights into litigation developments, emerging arguments and challenges facing food and consumer packaged goods manufacturers and related industries.

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