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Food & Consumer Packaged Goods Litigation

Court Denies Motion to Dismiss in Florida "Natural" Action

Dye v. Bodacious Food Co., No. 9:14cv80627 (S.D. Fla.) The court denied defendant's motion to dismiss in a putative class action alleging that defendant advertises its cookies as "all natural," when in fact they contain GMOs and synthetic ingredients. The court rejected the primary jurisdiction doctrine argument, relying upon the fact that the FDA does not regulate the use of "natural" as it applies to food products. The court also rejected defendant's standing argument, holding that Florida's DUTPA allows injunctive relief even if the remedy may not benefit the individual consumer who filed the suit. The court also rejected the argument that there could be no misrepresentation where the products' packaging discloses the actual ingredients in the products, holding that the statement "all natural" could mislead a consumer even if disclosures about ingredients were made on a product's packaging. [Order](#).

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