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November 20, 2014

Food & Consumer Packaged Goods Litigation

Ninth Circuit Urged Not To Return To Era of No Reliance California Law

Kane v. Chobani, No. 14-15670 (9th Cir.): In an amicus brief filed last week, Washington Legal Foundation asked the Ninth Circuit to affirm the district court's dismissal of claims that food labeled as containing "only natural ingredients" was deceptive under California law. According to plaintiffs, the "fruit and vegetable concentrate (for color)" disclosed in the yogurt's ingredient list are "highly processed unnatural substances" that made the "natural" label misleading. The district court concluded that plaintiffs lacked standing because they failed to plausibly allege that they relied on the allegedly deceptive labeling. The Cliff Notes version of WLF's brief on why that was correct: "Appellants must realize fruit or vegetable juice concentrate is not obtained by simply ladling it out of naturally-occurring streams; 'lemonade springs' may exist in song, but they are not found in nature." [Amicus Brief](#)

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