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Food & Consumer Packaged Goods Litigation

Class Partly Decertified in Dole “All Natural” Case

Brazil v. Dole Food Company, Inc. et al, No. 5:12-cv-01831 (N.D. Cal.): A federal judge granted in part and denied in part a motion to decertify in this putative class action asserting that defendant's fruit products are misbranded as "all natural." In decertifying the damages class, the court ruled that plaintiff's damages report had failed to ascertain the price premium attributable to the "all natural" label by controlling for other variables that could also impact pricing of the products, such as advertising expenditures. The report author also failed to verify whether competing products actually made "all natural" claims or not, did not account for the possibility that packaging may make more than one claim (i.e. "all natural" and "sugar free"), and did not account for variations in how different products were packaged. [Order](#).

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