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February 20, 2015

New Filings for February 20, 2015

Frei v. Vans International Foods, Inc., No. 15-cv-00209-KLM (D. Colo.): On behalf of a putative national class, Plaintiff claims Defendant's waffle products are deceptively labeled as "totally natural" or "100% natural" but actually contain synthetic ingredients. The complaint asserts claims for violations of various California consumer protection statutes and breach of warranty. [Complaint](#). *Davis v. Hampton Creek, Inc.*, No. 1:15-cv-20440-CMA (S.D. Fla.): Plaintiff claims Hampton Creek's "Just Mayo" spread is falsely advertised and mislabeled because it is not actually mayonnaise as it does not contain eggs. On behalf of a class of Florida consumers, the complaint alleges violation of Florida's Deceptive and Unfair Trade Practices Act and unjust enrichment. [Complaint](#). *Guttman v. Nissin Foods (U.S.A.) Company, Inc.*, No. 4:15-cv-00567 (N.D. Cal.): On behalf of a putative national class, the plaintiff asserts claims for violation of California's Unfair Competition Law, nuisance, and breach of the implied warranty of merchantability based on allegations that several of Nissin Food's instant noodle products contain partially hydrogenated oil, a toxic carcinogen that is not safe in any quantity and that has safe alternatives. Plaintiff claims defendant's use of partially hydrogenated oil in its products is "unfair" in violation of California law. [Complaint](#). Finally, on February 2, 2015, New York Attorney General Eric Schneiderman sent letters to four major retailers—Target, Walmart, Walgreens, and GNC—for allegedly selling store-brand herbal supplement products that either do not contain the active ingredient listed on the label or contain ingredients not listed on the labels. The challenged products include Target's "Up & Up" brand, Walmart's "Spring Valley" brand, Walgreen's "Finest Nutrition" brand, and GNC's "Herbal Plus" brand. The attorney general demanded the retailers stop selling the supplements, which include Echinacea, Ginseng, and St. John's Wort, in New York. Within days of the announcement, several false labeling class action lawsuits had been filed in California and Arkansas, including the following:

- *Taketa v. Wal-Mart Stores, Inc.*, No. 4:15-cv-00542 (N.D. Cal.) (putative class action of California and Florida consumers alleging violations of California and Florida consumer protection laws regarding Walmart's Spring Valley branded supplements). [Complaint](#).
- *Clemmons v. Walgreen Co.*, No. 5:15-cv-05032 (W.D. Ark.) (putative nationwide class regarding alleging deceptive trade practices, unjust enrichment, warranty claims, and negligence under Arkansas law regarding Walgreen's Finest Nutrition brand supplements). [Complaint](#).
- *Sparks v. Wal-Mart Stores, Inc.*, No. 15-cv-5031 (W.D. Ark.) (putative nationwide class action alleging deceptive trade practices, unjust enrichment, warranty claims, and negligence under Arkansas law regarding Walmart's Spring Valley branded supplements). [Complaint](#).
- *Sparks v. Target Brands, Inc.*, No. 15-cv-5033 (W.D. Ark.) (putative nationwide class action alleging deceptive trade practices, unjust enrichment, warranty claims, and negligence under Arkansas law regarding Target's Up & Up branded supplements). [Complaint](#).
- *De la Torre v. Wal-Mart Stores, Inc.*, No. 5:15-cv-00557 (N.D. Cal.) (putative class action of California consumers alleging violations of various California consumer protection statutes, warranty claims, and unjust enrichment regarding Walmart's Spring Valley branded supplements). [Complaint](#).
- *De la Torre v. GNC Holdings Inc.* 5:15-cv-00561 (N.D. Cal.) (putative class action of California consumers alleging violations of various California consumer protection statutes, warranty claims, and unjust enrichment regarding GNC's Herbal Plus branded supplements). [Complaint](#).
- *De la Torre v. Walgreen Co.*, No. 5:15-cv-00556 (N.D. Cal.) (putative class action of California consumers alleging violations of various California consumer protection statutes, warranty claims, and unjust enrichment regarding Walgreen's Finest Nutrition branded supplements). [Complaint](#).
- *De la Torre v. Target Corp.*, No. 15-cv-00559 (N.D. Cal.) (putative class action of California consumers alleging violations of various California consumer protection statutes, warranty claims, and unjust enrichment regarding Target's Up & Up branded supplements). [Complaint](#).

- *Barber v. Target Corp.*, No. 3:15-cv-00568 (N.D. Cal.) (putative class action of California consumers alleging violations of various California consumer protection statutes regarding Target's Up & Up branded supplements). [Complaint](#).

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