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Food & Consumer Packaged Goods Litigation

Final Settlement Approved In White Chocolate False Advertising Suit

Miller v. Ghirardelli Chocolate Co., No. 3:12cv04936 (N.D. Cal.): The Court granted final settlement approval in this putative class action alleging that Ghirardelli's white chocolate products did not contain chocolate or white chocolate, but were instead "artificial" and "imitation." The terms of the approved settlement are as follows: Defendants will pay \$5.25 million into a fund to compensate consumers who purchased the products, with individual consumers eligible to claim \$1.50 per purchase of the White Chips and \$0.75 per purchase of any other products labeled "All Natural." The residual funds will be donated *cy pres*, in equal amounts, to four charitable organizations. Defendants have also agreed to change their product labeling for three years such that they will not use the phrases "all natural;" "Classic White" except as part of the phrase "Classic White Chips;" and "baking chocolate" or "chocolate indulgence" on the packaging of White Chips. Finally, the settlement approves attorneys' fees in the amount of \$1,575,000, litigation costs in the amount of \$87,572.15, and an incentive award of \$5,000 for each named plaintiff. [Order](#).

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