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March 16, 2015

Food & Consumer Packaged Goods Litigation

## **New Filings for March 16, 2015**

*Harlam v. Blue Diamond Growers*, No. 1:15-cv-877 (E.D.N.Y.): Putative class action alleging defendant deceptively labels its Almond Breeze Almond Milk as "All Natural," when in fact it contains synthetic and artificial ingredients and preservatives. *Snyder v. Knudson & Sons Inc.*, No. 3:15cv00189 (M.D. Fla.): On behalf of a putative statewide class, plaintiff asserts claims under Florida Deceptive and Unfair Trade Practices Act, as well as negligent misrepresentation and unjust enrichment, alleging that defendant marketed a mixed juice to make consumers think it contains mostly pomegranate and blueberry when it is actually made primarily from apple juice and water. [Complaint](#). *Guttman v. Nissin Foods Company, Inc.*, No. 4:15-cv-00567 (N.D. Cal.): Plaintiff asserts on behalf of a putative nationwide class claims under California's Unfair Competition Law, as well as nuisance and breach of implied warranty based on claims that defendant sells instant noodles containing partially hydrogenated oil, which is a toxic carcinogen that has many safe substitutes. [Complaint](#). *Hulse v. Wal-Mart Stores, Inc.*, No. 15cv0233 (M.D. Fla.): On behalf of a putative statewide class, plaintiff alleges violations of Florida Deceptive and Unfair Trade Practices Act, negligent misrepresentation, and unjust enrichment based on claims that defendant's cranberry-pomegranate juice is misleadingly and unfairly labeled and marketed as "Cranberry Pomegranate," with pictures of cranberries and pomegranates on the product's front label, when the juice is actually a flavored juice from concentrate, consisting primarily of water and white grape, apple, and plum juice concentrates. [Complaint](#). *Murphy v. Stonewall Kitchen LLC*, No. 1522-CC00481 (St. Louis City Cir. Ct.): On behalf of a putative statewide class, plaintiff alleges violations of Missouri's Merchandising Practices Act and unjust enrichment based on claims that defendant's Vanilla Cupcake Mix is mislabeled as "all natural" when it contains synthetic ingredients such as sodium acid pyrophosphate ("SAPP"). [Complaint](#). *George v. Urban Accents Inc.*, No. 1522-CC00479 (St. Louis City Cir. Ct.): Plaintiff asserts on behalf of a putative statewide class claims under Missouri's Merchandising Practices Act and unjust enrichment based on claims that defendant's Ginger Carrot Cake Flapjack Mix is mislabeled as "all natural" when it contains synthetic ingredients such as sodium acid pyrophosphate ("SAPP"). [Complaint](#). *Thornton v. YZ Enterprises, Inc.*, No. 1522-CC00482 (St. Louis City Cir. Ct.): On behalf of a putative statewide class, plaintiff alleges violations of Missouri's Merchandising Practices Act and unjust enrichment based on claims that defendant's Almondina Toastees product is mislabeled as "all natural" when it contains synthetic ingredients such as sodium acid pyrophosphate ("SAPP"). [Complaint](#). *Tsang v. Walgreen Co.*, No. 1:15-cv-1153 (E.D.N.Y.): On behalf of a putative nationwide class, plaintiff alleges violations of consumer protection laws of New York, California, Illinois, Florida, Michigan, New Jersey, and Pennsylvania, as well as negligent misrepresentation, breach of express warranties, and unjust enrichment based on claims that defendants marketed their "Good & Delish" food products as containing "Natural" or "All Natural" ingredients and "No Preservatives," when in fact the products contained chemically processed ingredients and preservatives. [Complaint](#). *McCartney v. Artisan Confections Company*, No. CGC-15-544497 (S.F. Sup. Ct.): Action under California's Proposition 65 based on claims that defendants failed to adequately warn consumers that their cacao powder product contains cadmium, a chemical known to the state to cause cancer, birth defects, and other reproductive harm. [Complaint](#). *Cady v. Double Diamond Distillery, LLC*, No. 2015-CH-3632 (Cook Co. Cir. Ct.): On behalf of a putative nationwide class, plaintiff alleges violations of Illinois FCA, Colorado CPA, and unjust enrichment based on allegations that defendant labels its Breckenridge Bourbon as being handcrafted in Colorado using snowmelt from the mountains, but it is in fact mass-produced at distilleries outside of Colorado. [Complaint](#).

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