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Food & Consumer Packaged Goods Litigation

## **Court Applies Common Sense Standard in Dismissing ‘No Refined Sugars’ Case**

*Ibarrola v. Kind LLC*, No. 3:13cv50377 (N.D. Ill.): The Court granted Defendant's motion to dismiss with prejudice in a putative class action alleging claims under the Illinois Consumer Fraud Act, common law fraud, breach of warranty, and unjust enrichment, claiming that Defendant's use of evaporated cane sugar and molasses in its products was misleading and the products were misbranded because they were labeled as containing "no refined sugars." The Court concluded that a reasonable consumer would not be deceived by the "no refined sugars" statement when the ingredient list contained "evaporated cane sugar" and "molasses." On the breach of warranty claim, the Court held that Plaintiff failed to give Defendant reasonable notice, which is a pre-litigation requirement in Illinois, and dismissed that claim. Because it dismissed the fraud and warranty claims, the Court also dismissed the unjust enrichment claim. [Order.](#)

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