

Court Leaves Standing and Choice of Law Questions for Class Certification Stage

Peterson v. CJ America, Inc., No. 3:14-cv-2570 (S.D. Cal.): The Court granted in part and denied in part Defendant's motion to dismiss or, in the alternative, motion to strike, in putative class action alleging that several of Defendant's prepackaged food products were mislabeled as having "NO MSG ADDED" and "100% all natural ingredients" when the products contain several ingredients that have MSG. The Court declined to dismiss the case for lack of standing, finding that whether Plaintiff has standing to bring claims for products he did not actually purchase is better resolved at the class certification stage. The Court did, however, strike Plaintiff's request for injunctive relief, finding that Plaintiff failed to allege facts indicating that he would purchase the products in the future if labeled correctly. The Court also declined to dismiss on the grounds that no reasonable consumer would be deceived by the "NO MSG ADDED" label because it would not lead them to believe that a product contains no MSG at all. Finally, the Court declined to dismiss or strike Plaintiff's nationwide class allegations finding that the issue of whether California's choice of law analysis should apply is better left for the class certification stage. [Order](#).

Authors



[Sunita Bali](#)

Partner

SBali@perkinscoie.com [415.344.7065](tel:415.344.7065)

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