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July 06, 2015

### Court Grants in Part and Denies in Part Motion to Dismiss In Juice False Advertising Suit

*Reynolds v. Wal-Mart Stores, Inc.*, No. 4:14-cv-00381 (N.D. Fla.): The Court granted in part and denied in part Defendant's motion to dismiss in this putative class action alleging violations of Florida's DUTPA, breach of express and implied warranty statutes, as well as unjust enrichment based on claims that Defendant's Great Value 100% Cranberry Pomegranate Juice misleads consumers into thinking it is made 100% out of cranberry juice and pomegranate juice when it is in fact a juice blend and contains very little pomegranate juice. First, the Court found that Plaintiffs had Article III standing, having alleged sufficient economic injury-in-fact by claiming that they spent more money than they otherwise would have without the accused labelling. Next the Court found that Plaintiffs stated a viable claim, despite the fact that the accused products' labeling included the words "Flavored Juice Blend from Concentrate with Added Ingredients," because the "100% Cranberry Pomegranate" labelling in larger text undermined the entire label. The Court then moved on to spend the bulk of the discussion on Defendant's argument that the Nutrition Labeling and Education Act ("NLEA") preempts Plaintiffs' state law claims. The Court rejected this argument, reasoning that while the NLEA bars state labeling requirements that differ from federal rules, states may still allow damages remedies for claims premised on the FDCA. Finally, the Court granted Defendant's motion as to the requests for punitive and treble damages after Plaintiffs conceded such damages were not recoverable forms of relief. [Order.](#)

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