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July 24, 2015

Food & Consumer Packaged Goods Litigation

### **New Filings for July 24, 2015**

*Osborne v. Kraft Foods Group Inc.*, No. 3:15-cv-02653-JCS (N.D. Cal.): On behalf of a class of California consumers, Plaintiff alleges Defendant deceptively labels its "Capri Sun 100% Juice" products as "All Natural" when they contain unnatural, synthetic, artificial, and/or genetically-modified ingredients, including citric acid and "Natural Flavor." Plaintiff asserts claims for violation of various California consumer protective statutes, breach of express warranty, and negligent misrepresentation. [Complaint](#). *Backus v. H.J. Heinz et al.*, No. 3:15-cv-02738 (N.D. Cal.): Putative class action alleging violations of California UCL and FAL, as well as breach of express and implied warranty, based on claims that defendant markets its Easy Fries and Easy Tater Tots as free of trans fat when in reality they contain "dangerous levels of trans fat." [Complaint](#). *Vega-Encarnacion v. Ghirardelli*, No. 3:15-cv-01821 (D. P.R.): Putative class action alleging breach of express warranty and unjust enrichment based on claims that Ghirardelli's white chocolate products did not contain chocolate or white chocolate, but were instead "artificial" and "imitation." The claims are nearly identical to those in the recently settled *Miller v. Ghirardelli Chocolate Co.*, No. 3:12cv04936 (N.D. Cal.). [Complaint](#). *Bassolino v. Whole Foods Group Inc.*, No. 23469/2015E (N.Y. Sup. Ct.): Following on the heels of an investigation by the New York City Department of Consumer Affairs, this putative class action asserts claims under New York GBL, New York Executive Law, as well as unjust enrichment and breach of contract based on claims that defendant falsely labeled and overstated the weights of its pre-packaged products. [Complaint](#). *Hu v. Perfetti Van Melle USA, Inc.*, No. 1:15-cv-03742 (E.D.N.Y.): Putative class action alleging violations of consumer protection statutes of New York, California, Illinois, Michigan, Florida, New Jersey, and Washington D.C., based on claims that defendants sell their chewing gum products in brightly colored, non-transparent wrappings so that consumers won't notice the containers contain less products than claimed. [Complaint](#). *Hu v. The Hershey Co.*, No. 1:15-cv-3741 (E.D.N.Y.): Putative class action alleging violations of consumer protection statutes of New York, California, Illinois, Michigan, Florida, New Jersey, and Washington D.C., based on claims that defendant's "Ice Cubes" gum packages conceal the smaller amount of product contained in the boxes. [Complaint](#).

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## **Food & Consumer Packaged Goods Litigation**

Food & Consumer Packaged Goods Litigation shares timely insights into litigation developments, emerging arguments and challenges facing food and consumer packaged goods manufacturers and related industries.

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