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October 16, 2015

Food & Consumer Packaged Goods Litigation

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

*Atik v. Welch Foods, Inc.*, No. 15cv5405 (E.D.N.Y.): Putative class action alleging claims under New York and California consumer protection laws, as well as claims for breaches of express and implied warranty and unjust enrichment, claiming that Defendants' fruit snacks are misbranded and misrepresented as containing more fruit than they actually contain. [Complaint](#). *People for the Ethical Treatment of Animals, Inc. et al. v. Whole Foods, Inc.*, No. 15cv4301 (N.D. Cal.): Putative class action on behalf of consumers and PETA alleging claims under California's UCL, FAL, and CLRA, alleging that although Whole Foods represents that it has a five-step rating system for sourcing meat products and that its meat suppliers meet high standards for animal treatment, these representations are false because the standards are meaningless and not rigorously enforced. [Complaint](#). *Kincaid v. XO Health Co.*, No 1522-cc10662 (St. Louis Circuit Ct. Mo.): Putative class action alleging a claim under Missouri's consumer protection statute and unjust enrichment, claiming that Defendant's baking mix products are misrepresented as being "all natural" when in fact they contain sodium acid pyrophosphate (SAPP). [Complaint](#). *Cohen v. Kind, LLC*, No. CV 15 851422 (Ohio Ct. Common Pleas): Putative class action alleging a single claim under Ohio's Consumer Sales Practices Act, claiming that Defendant's food bar products are misrepresented as being "healthy" and "all natural" when in fact they contain synthetic or artificial ingredients such as Natural (fruit) flavor, Non GMO Glucose or Glucose Syrup, vegetable glycerin, hexane-processed soy lecithin, soy protein isolate, and/or palm kernel oil. [Complaint](#). *Cruz-Acevedo v. Conagra Foods, Inc.*, No. 15cv2307 (Dist. P.R.): Putative class action alleging claims for breach of express warranty and unjust enrichment, claiming that Defendant's Chef Boyardee brand pasta and pizza products are misrepresented as having "no preservatives" when in fact they contain citric acid. [Complaint](#). *Chechik v. Vitalicious, Inc.*, No. 1522-CC10685 (St. Louis Circuit Ct. Mo.): Putative class action alleging claims under Missouri's consumer protection statutes and unjust enrichment, claiming that Defendant's "Vita Tops" products are misrepresented as "All Natural" when in fact they contain SAPP. [Complaint](#). *McCartney v. TCHO Ventures, Inc.*, No CGC-15-548092 (S.F. Super.): Proposition 65 complaint alleging that Defendant does not warn consumers that its cocoa powder and cocoa nibs products contains cadmium. [Complaint](#). *Henry v. Nestle USA, Inc.*, No. 15cv25526 (Or. Circuit Ct.): Putative class action alleging claims under Oregon's consumer protection statutes claiming that Defendants' baby "puffs" snacks products are misrepresented as containing fruit and vegetable content that they do not have. [Complaint](#). *Thornton v. Katz Gluten Free Bake Shoppe Inc.*, No. 1522-CC10713 (St. Louis Circuit Ct. Mo.): Putative class action alleging claims under Missouri's consumer protection statute and unjust enrichment, claiming that Defendant misrepresents its powdered donuts products as being "all natural" when in fact they contain titanium dioxide. [Complaint](#). *Environmental Research Center, Inc. v. Nutrex Research Inc.*, No RG15-787548 (Alameda Super.): Proposition 65 complaint alleging that Defendant's muscle infusion products contain lead. [Complaint](#). *Environmental Research Center, Inc. v. New Whey Nutrition LLC*, No RG15-787566 (Alameda Super.): Proposition 65 complaint alleging that Defendant's nutrition products, such as Multi-Pro Whey Isolate Blend flavors and Bio Engineered Waximaize flavors, contain lead. [Complaint](#). *Environmental Research Center, Inc. v. SDC Nutrition Inc.*, No. RG15-788140 (Alameda Cty.): Proposition 65 complaint alleging that Defendant does not warn consumers that its nutrition products contain lead and cadmium. [Complaint](#).

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