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November 16, 2015

Food & Consumer Packaged Goods Litigation

Motion to Dismiss Granted in Part, Denied in Part

Albert v. Blue Diamond Growers, No. 15cv4087 (S.D.N.Y.): In a putative class action alleging that Defendant's almond milk products are misrepresented as containing a significant amount of almonds when in fact they contain only 2 percent, the Court granted in part and denied in part Defendant's motion to dismiss. First, the Court held that Plaintiffs did not have standing for injunctive relief because they had not alleged an intent to purchase the products in the future. Second, turning to the merits of the statutory claims, the Court held without meaningful discussion that the claims were sufficiently pleaded. Finally, the Court refused to determine at the pleadings stage whether Plaintiffs could recover damages under the UCL. [Order attached.](#)

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