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December 17, 2015

Seafood Omega-3 Claims Survive Dismissal

McMahon v. Bumble Bee Foods, LLC, No. 1:14-cv-3346 (N.D. Ill.): The Court denied a motion to dismiss this putative class action alleging that Defendant's seafood and tuna products were labeled with unlawful Omega-3 nutrient content claims. Declining to find the matter preempted by the Nutrition Labeling and Education Act, the Court held that the claims were based on current FDA regulations, which were not displaced by pending action. [Order](#).

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