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December 21, 2015

### High Court Rules Herb Claims Not Preempted

*Quesada v. Herb Thyme Farms, Inc.*, No. S216305 (Cal. Supreme Ct.): The California Supreme Court reversed an Appeals Court's ruling that Plaintiff's claims that Defendant's herbs were misleadingly labeled "organic" were preempted by the Organic Foods Production Act ("OFPA"). The Court reasoned that while organic certification was a fully federally occupied field, state Courts have jurisdiction to resolve claims alleging abuse of the term.

[Order.](#)

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