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January 11, 2016

Food & Consumer Packaged Goods Litigation

New Filings for January 11, 2016

Gates, et al. v. MusclePharm Corp., No. 3:15-cv-2870 (S.D. Cal.): Putative class action alleging negligent misrepresentation, violations of California's consumer protection statutes (CLRA, UCL, and FAL), and violations of New York's Deceptive Trade Practices Act. Plaintiffs claim that Defendant's whey protein products are misleadingly packaged in large containers that contain a significant percentage (45%) of non-functional slack-fill. [Complaint](#). *Gioia, et al. v. GNC Holdings Inc.*, No. 3:15-cv-2871 (S.D. Cal.): Putative class action alleging negligent misrepresentation, violations of California's consumer protection statutes (CLRA, UCL, and FAL), and violations of New York's Deceptive Trade Practices Act. Plaintiffs claim that Defendant's whey protein products are misleadingly packaged in large containers that contain a significant percentage (30%) of non-functional slack-fill. [Complaint](#). *Forsher v. The J.M. Smucker Co.*, No. 1:15-cv-7180 (E.D.N.Y): Putative class action alleging violations of California's CLRA, FAL, and UCL, as well as violations of Ohio's Deceptive Trade Practices Act and Consumer Sales Practices Act and other state law claims. Plaintiff claims that Defendant falsely represents that its Jif Natural Peanut Butter Spread is "natural," when in fact it contains ingredients derived from bioengineered ingredients. [Complaint](#). *Gertsnecker v. McCormick & Co. Inc.*, No. 2:05-mc-2025 (W.D. Pa.): Putative class action alleging violation of Pennsylvania's Unfair Trade Practice Act and a claim for unjust enrichment based on the claim that Defendant engaged in non-functional slack-filling of its pepper tins by using 25% less product. As reported [here](#), Courts have recently transferred a number of related lawsuits to the U.S. Judicial Panel on Multidistrict Litigation for consolidation.

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Blog series

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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