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Food & Consumer Packaged Goods Litigation

# Courts Lift Stays After FDA Stalls in Giving Guidance on ECJ

*Perera v. Pac. Foods of Or., Inc.*, No. 3:14-cv-2074 (N.D. Cal.): In this putative class action alleging violations of California's consumer protection statutes claiming that Defendant falsely labels its Hemp Non-Dairy beverage and other products as "all natural" when they contain artificial ingredients and evaporated cane juice ("ECJ") rather than sugar, the Court issued an order lifting its stay of the action pending FDA consideration of labeling issues due to the FDA's continued delay in providing final guidance. [Order](#). *Swearingen et al v. Pac. Foods of Or., Inc.*, No. 3:13-cv-4157 (N.D. Cal.): In this putative class action alleging violations of California's consumer protection statutes claiming that Defendant's almond and soy-based beverages are "misbranded" because the labels list evaporated cane juice ("ECJ") as an ingredient rather than sugar, the Court issued an order lifting its stay of the action pending FDA consideration of labeling issues due to the FDA's continued delay in providing final guidance. [Order](#). *Figy v. Lifeway Foods*, No. 3:13-cv-4828 (N.D. Cal.): In this putative class action alleging violations of California's consumer protection statutes claiming that Defendant misbranded its products by referring to added sugar in its products as "evaporated cane juice," the Court lifted the stay that it entered in Spring 2014, pending the FDA's issuance of guidance on the use of the term "evaporated cane juice" due to the FDA's continued delay in providing final guidance. [Order](#).

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