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Food & Consumer Packaged Goods Litigation

Court Grants in Part, Denies in Part Motion to Dismiss Class Action Regarding Whole Foods Meat Rating System

People for the Ethical Treatment of Animals, Inc. ("PETA") et al. v. Whole Foods, Inc., No. 5:15-cv-4301 (N.D. Cal.): The Court granted in part and denied in part Defendant's motion to dismiss in this putative class action asserting violations of California's UCL, FAL, and CLRA, based on the allegation that Whole Foods' representations that it has a five-step rating system for sourcing meat products and that its meat suppliers meet high standards for animal treatment are false because the standards are meaningless and not rigorously enforced. Whole Foods argued that PETA's second amended complaint ("SAC") should be dismissed because (1) both PETA and the individual plaintiffs lacked standing; (2) the SAC failed to allege fraud-based claims with the required specificity; (3) the claims are preempted by federal law; and (4) the class action claims fail due to lack of commonality. The Court rejected Whole Foods' preemption, standing, and class action certification arguments; but dismissed Plaintiffs' fraud-based state law claims for failure to satisfy Rule 9(b)'s specificity requirement, because the individual plaintiffs did not identify the specific advertising statements she relied upon when she decided to purchase meat products at Defendant's stores. [Order](#).

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