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January 29, 2016

Food & Consumer Packaged Goods Litigation

### **Court Approves Milk Settlement**

*In re Horizon Organic Milk Plus DHA Omega-3 Marketing and Sales Practice Litigation*, No. 1:12-md-2324 (S.D. Fla.): After conducting a fairness hearing, the Court issued an order granting Plaintiffs' motion for final approval of class action settlement and dismissing this consolidated class action alleging violations of multiple states' consumer protection statutes, based on the claim that Defendant unlawfully marketed and sold Horizon Brand Organic Milk with DHA Omega-3 by making scientifically unsubstantiated claims about the product's ability to support and benefit brain health and development. The terms of the settlement are as follows: 1) Defendant will establish a settlement fund in the amount of \$441,000 to provide claimants with proof of purchase with a reimbursement of 75% of the product purchase price, with a \$50.00 cap per household; claimants without proof of purchase will be refunded 25% of the purchase price, with a \$25.00 settlement cap per household; (2) Defendant agrees to cease making certain representations about the brain and eye health benefits of certain DHA products; (3) Defendant will not oppose a collective award of attorneys' fees and costs of up to \$400,000; and (4) Defendant will not oppose an award of \$1,000 to each class representative, for a total of \$9,000. Plaintiffs are represented by Harke Clasby & Bushman LLP, Piscitelli Law Firm, and Bonnett, Fairbourn, Friedman & Balint, P.C.. [Order](#).

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