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Food & Consumer Packaged Goods Litigation

Court Denies Unopposed Motion for Preliminary Approval of Class Action Settlement

Marshall et al v. Monster Beverage Corp, No. 2:14-cv-6311 (C.D. Cal.): The Court issued an order denying Plaintiffs' unopposed motion for preliminary approval of class action settlement in this putative class action alleging that Defendant misrepresents its Hansen's, Vibration, Blue Sky, Energy Pro, Diet Red, and Blue Energy products as being "Natural," "100% Natural," or "All Natural" when they actually contain color additives and synthetic ingredients such as citric acid and erythritol. The Court declined to approve the proposed settlement after finding the proposed class as defined could not satisfy Rule 23's commonality and predominance requirements, because the class involves numerous different advertisements implicating different legal and factual questions. The Court suggested the deficiencies could be overcome with appropriately defined subclasses, and noted that the settlement agreement, though not without its problems, likely falls within the range of possible judicial approval. The terms of the proposed settlement were previously reported [here](#).

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