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March 07, 2016

Food & Consumer Packaged Goods Litigation

### **New Filings for March 7, 2016**

*Lewin v. Kraft Heinz Foods Co.*, No. 3:16-cv-823 (N.D. Cal.): Putative class action alleging violation of California's CLRA, UCL, and FAL, as well as claims for breach of warranty (express and implied merchantability), fraud, and negligent misrepresentation, based on the allegation that Defendant has falsely advertised its grated parmesan cheese products as containing "100% parmesan cheese," when in fact the product contains significant amounts of adulterants and fillers, including cellulose, a filler and anti-clumping agent derived from wood pulp. [Complaint](#).

*Moschetta v. Wal-Mart Stores Inc. dba Great Value*, No. 7:16-cv-1377 (S.D.N.Y.): Putative class action alleging violation of New York's consumer protection statutes on behalf of a New York subclass, and all other states' consumer protection statutes on behalf of a national class, as well as claims for breach of warranty (implied fitness and implied merchantability) and common law unjust enrichment, based on the allegation that Defendant falsely advertised its Great Value grated parmesan cheese products as containing "100% parmesan cheese," when the product contains significant amounts of adulterants and fillers, including cellulose, a filler and anti-clumping agent derived from wood pulp. [Complaint](#).

*Quinn et al v. The Kraft Heinz Co.*, No. 7:16-cv-1471 (S.D.N.Y.): Putative class action alleging breach of express warranty, unjust enrichment and violations of New York, Connecticut, and Florida's consumer protection statutes on behalf of classes from the three states, based on the allegation that Defendant falsely advertised its grated parmesan cheese products as containing "100% parmesan cheese," when the product contains significant amounts of adulterants and fillers, including cellulose, a filler and anti-clumping agent derived from wood pulp. [Complaint](#).

*Evans v. Kraft Heinz Foods Co.*, No. 4:16-cv-257 (E.D. Mo.): Putative class action alleging violation of the Missouri Merchandising Practices Act and a claim of unjust enrichment, based on the allegation that Defendant falsely advertised its grated parmesan cheese products as containing "100% parmesan cheese," when the product contains significant amounts of adulterants and fillers, including cellulose, a filler and anti-clumping agent derived from wood pulp. [Complaint](#).

*Bustamante et al. v. Wal-Mart Stores Inc. et al.*, No. 2:16-cv-1265 (C.D. Cal.): Putative class action alleging violations of multiple states' consumer protection statutes and breach of express warranty claims on behalf of subclasses in California, New Jersey, and North Carolina consumer protection statutes, as well as common law claims for breach of warranty and unjust enrichment on behalf of a national class, based on the allegation that Defendant falsely advertised its Great Value grated parmesan cheese products as containing "100% parmesan cheese," when the product contains significant amounts of adulterants and fillers, including cellulose, a filler and anti-clumping agent derived from wood pulp. [Complaint](#).

*Averhart v. Kraft Heinz Foods Co.*, No. 1:16-cv-2626 (N.D. Ill.): Putative class action alleging violation of Illinois' Consumer Fraud and Deceptive Trade Practices Act and claims of breach of warranty (express and implied merchantability), negligent misrepresentation, fraud, and unjust enrichment, based on the allegation that Defendant falsely advertised its grated parmesan cheese products as containing "100% parmesan cheese," when the product contains significant amounts of adulterants and fillers, including cellulose, a filler and anti-clumping agent derived from wood pulp. [Complaint](#).

*Quinn et al v. Kraft Heinz Foods Co.*, No. 2:16-cv-963 (E.D.N.Y.): Copycat putative class action alleging breach of warranty (express and implied merchantability), unjust enrichment and violations of consumer protection statutes in New York, Illinois, and Pennsylvania, based on the allegation that Defendant falsely advertised its grated parmesan cheese products as containing "100% parmesan cheese," when the product contains significant amounts of adulterants and fillers, including cellulose, a filler and anti-clumping agent derived from wood pulp. [Complaint](#).

*Wand v. Wal-Mart Stores Inc.*, 5:16-cv-965 (N.D. Cal.): Copycat putative class action alleging violations of California's UCL, FAL, and CLRA, as well as claims for breach of warranty (express and implied merchantability), negligent misrepresentation, and unjust enrichment/common law restitution, based on the allegation that Defendant falsely advertised its Great Value

grated parmesan cheese products as containing "100% parmesan cheese," when the product contains between seven to nine percent cellulose, a filler and anti-clumping agent derived from wood pulp. [Complaint](#). *Harwell v. Wal-Mart Stores Inc.*, 4:16-cv-265 (E.D. Mo.): Putative class action alleging violations of the Missouri Merchandising Practices Act and the Magnusson-Moss Warranty Act, as well as a claim for unjust enrichment, based on the allegation that Defendant falsely advertised its Great Value grated parmesan cheese products as containing "100% parmesan cheese," when the product contains significant amounts of adulterants and fillers, including cellulose, a filler and anti-clumping agent derived from wood pulp. [Complaint](#). *Ambers v. The Kraft Heinz Co., et al.*, No. BC612088 (Cal. Super. Ct. – Los Angeles Cnty.): Putative class action alleging violations of California's UCL and FAL statutes, based on the allegation that Defendants have falsely advertised their grated parmesan cheese products as containing "100% parmesan cheese," when in fact the products contain significant amounts of adulterants and fillers, including cellulose, a filler and anti-clumping agent derived from wood pulp. [Complaint](#). *Ducorsky et al. v. Wal-Mart Stores Inc.*, No. 1:16-cv-1571 (S.D.N.Y.): Putative class action alleging violations of New York and Florida's consumer protection statutes, as well as claims of breach of express warranty and unjust enrichment, based on the allegation that Defendant has falsely advertised its Great Value grated parmesan cheese products as containing "100% parmesan cheese," when in fact the product contains significant amounts of adulterants and fillers, including cellulose, a filler and anti-clumping agent derived from wood pulp. [Complaint](#). *Hechmer et al. v. Kraft Heinz Foods Co. et al.*, No. 1:16-cv-2687 (N.D. Ill.): Putative class action alleging violations of Illinois and Florida's consumer protection statutes, and claims of breach of warranty (express and implied merchantability), negligent misrepresentation, fraud, unjust enrichment, based on the allegation that Defendants have falsely advertised their grated parmesan cheese products as containing "100% parmesan cheese," when in fact the products contain significant amounts of adulterants and fillers, including cellulose, a filler and anti-clumping agent derived from wood pulp. [Complaint](#). *Yankee v. Kraft Heinz Foods Co. et al.*, No. 1:16-cv-2687 (N.D. Ill.): Putative class action alleging violations of Illinois Consumer Fraud and Deceptive Business Practices Act and claims of breach of warranty (express and implied merchantability), negligent misrepresentation, fraud, unjust enrichment, based on the allegation that Defendants have falsely advertised their grated parmesan cheese products as containing "100% parmesan cheese," when in fact the products contain significant amounts of adulterants and fillers, including cellulose, a filler and anti-clumping agent derived from wood pulp. [Complaint](#). *Franklin v. Wal-Mart Stores Inc. et al.*, No. 8:16-cv-515 (M.D. Fla.): Putative class action alleging claims of breach of warranty (express and implied merchantability), negligent misrepresentation, fraud, unjust enrichment, based on the allegation that Defendants have falsely advertised their grated parmesan cheese products as containing "100% parmesan cheese," when in fact the products contain significant amounts of adulterants and fillers, including cellulose, a filler and anti-clumping agent derived from wood pulp. [Complaint](#). *Erika McCartney v. Vitacost.com, Inc.*, No. RG16-805080 (Cal. Super. Ct. – Alameda Cnty.): Proposition 65 action alleging that Defendant's "Vitacost Organic Cacao Nibs" contain cadmium. [Complaint](#). *Burton v. Hodgson Mill Inc.*, No. 16-L-88 (Ill. Cir. Ct. – St. Clair Cnty.): Putative class action alleging a violation of the Illinois Consumer Fraud and Deceptive Business Practices Act and a claim for unjust enrichment, based on the allegation that Defendant misleadingly represents that its Buckwheat Pancake Mix is "All Natural," when in fact, it contains monocalcium phosphate, a synthetic leavening agent. [Complaint](#). *Birbrower v. Quorn Foods, Inc.*, No. 2:16-cv-1346 (C.D. Cal.): Defendant removed to federal court this putative class action alleging violations of California's CLRA, UCL, FAL, and a claim for fraud/fraudulent concealment, based on the allegation that the packaging of Defendant's meat-substitute products falsely represent that the main ingredient of such products, "mycoprotein," is the same or substantially similar to a mushroom, truffle, or morel, when the products are actually made of mold. [Complaint](#). *Hatamian v. Robinson Pharma, Inc. et al.*, No. BC12428 (Cal. Super. Ct. – Los Angeles Cnty.): Putative class action asserting violations of California's UCL, FAL, and CLRA, and breach of warranty (express and implied merchantability) claims, based on the allegation that Defendants falsely represent the benefits of their "Anthro" line of dietary supplements. [Complaint](#). *Hamilton v. General Mills, Inc. et al.*, No. 6:16-cv-382 (D. Or.): Putative class action alleging violations of multiple states' consumer protection statutes and a claim for quantum meruit, based on the allegation that Defendants deceptively marketed their "Cheerios" and "Honey Nut Cheerios" cereal as being

gluten free, when in fact they contained gluten. This action is based on an October 2015 recall of the products-at-issue. [Complaint](#). *Eisenlord v. The Quaker Oats Co.*, No. 2:16-cv-1442 (C.D. Cal.): Putative class action alleging violations of California's CLRA, FAL, and UCL, as well as claims of fraudulent inducement and breach of express warranty, based on the allegation that Defendant misleadingly represents its Maple & Brown Sugar Instant Oatmeal as containing maple syrup or maple sugar, when the product does not contain any maple syrup or maple sugar. [Complaint](#). *Perieff et al v. Clif Bar & Co.*, No. CGC-16-550801 (Cal. Super. Ct. – San Francisco Cnty.): putative class action asserting violations of California's UCL, FAL, and CLRA, as well as a claim for unjust enrichment, based on the allegation that Defendant's Clif and Luna brand protein and energy bars are misleadingly labeled as healthy, when in fact, the bars contain more fat than federal and state law permit for products making healthy nutrient content claims. [Complaint](#).

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