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April 10, 2016

Food & Consumer Packaged Goods Litigation

Court Finds Plaintiff Lacks Standing To Bring Labeling Claims Because She Was Too Busy To Inspect The Ingredients Of Her Food Purchases

Hawkins v. The Kroger Co., No. 3:15-cv-02320 (S.D. Cal.): The Court granted Defendant's motion and dismissed (with prejudice) this putative class action asserting violations of California's consumer protection statutes and warranty claims. Plaintiff claimed Defendant's bread crumb products were misbranded because they were labeled "0g Trans Fat" although the products contain partially hydrogenated oil ("PHO"). The Court found Plaintiff failed to sufficiently alleged actual reliance on the allegedly deceptive or misleading statements. Despite having purchased the product at issue for over 15 years, Plaintiff failed to allege when she first learned that the product contained trans fat. The Court declined to excuse Plaintiff from showing actual reliance, despite Plaintiff's claim that she was too busy to reasonably inspect the ingredients of each food product that she purchases. Instead, the Court found she lacked standing, and dismissed Plaintiffs' claims with prejudice. [Order.](#)

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