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Food & Consumer Packaged Goods Litigation

Court Grants Defendant's Motion to Dismiss in "All Natural" Action Involving Barbecue Sauce

Demmler v. ACH Food Cos., No. 1:15-cv-13556 (D. Mass.): The Court issued an order closing this case after granting Defendant's motion to dismiss this putative class action asserting a violation of Massachusetts' consumer protection statute and raising a claim for unjust enrichment. Plaintiff alleges Defendant's Weber BBQ Sauce products are misrepresented as being "All Natural" when in fact they contain caramel color. In an opinion that appears to take up an unanswered question in the Supreme Court's recent ruling in [Campbell-Ewald Co. v. Gomez](#), the Court found it lacked subject matter jurisdiction over Plaintiff's individual claims because Defendant's tender of \$75, triple the amount of statutory relief available to Plaintiff, mooted Plaintiff's claims. Because Plaintiff's individual claim was mooted, the Court concluded it lacked subject matter jurisdiction over claims on behalf of the putative class, and dismissed the entire action with prejudice. [Order.](#)

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