

[Blogs](#)

August 01, 2016

Food & Consumer Packaged Goods Litigation

Partial Dismissal of Tuna Suit

Soto v. Safeway Inc., No. 3:15-cv-05078 (N.D. Cal.): In this putative class action alleging Defendant's five-ounce canned tuna products are under-filled and substantially underweight, the Court granted in part and denied in part Defendant's motion to dismiss claims for breach of warranty, unjust enrichment, negligent misrepresentation, fraud, and violations of California's consumer protection statutes. The Court rejected Defendant's argument that unjust enrichment is not a cognizable cause of action in California, concluding Plaintiff's claim was quasi-contractual in nature. The Court dismissed Plaintiff's negligent misrepresentation claim on the grounds it was barred by the "economic loss rule." [Order](#).

Explore more in

[Food & Consumer Packaged Goods Litigation](#) [Food & Beverage](#)

Blog series

Food & Consumer Packaged Goods Litigation

Food & Consumer Packaged Goods Litigation shares timely insights into litigation developments, emerging arguments and challenges facing food and consumer packaged goods manufacturers and related industries.

[Subscribe ?](#)

[View the blog](#)