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Class Certification Granted in Olive Oil Suit

Kumar v. Salov North America Corp., No. 4:14-cv-2411 (N.D. Cal.): The Court granted Plaintiff's motion for class certification in this action alleging Defendant uses inferior bottles for its extra virgin olive oil and falsely markets its oil as "Imported from Italy" when the olives are not grown or pressed in Italy. The Court certified a nationwide and a California class of consumers. Finding the numerosity requirement easily satisfied, the Court concluded Plaintiff was an adequate class representative over Defendant's objections that Plaintiff could not represent the class because she looked at the back of the bottle, where a statement explaining the oil's country of origin was displayed. The Court was persuaded that Plaintiff nevertheless could have been misled by the product label because she testified that she did not see a country of origin statement. The Court also rejected Defendant's other arguments about adequacy, which focused on a DUI conviction and Plaintiff's friendship with one of the lawyers on her case. After concluding Plaintiff's claims were typical of the class and presented a common question of law and fact – whether the claims made on the labels were likely to deceive a reasonable consumer -- the Court turned to the issue of ascertainability, declining to adopt the heightened standard established by the Third Circuit in *Carrera v. Bayer Corp.* because class members could self-identify using affidavits. [Order](#).

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