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Food & Consumer Packaged Goods Litigation

Court Grants in Part Motion to Dismiss EJC Soda Case

Swearingen v. Santa Cruz Natural, Inc., No. 3:13-cv-04291 (N.D. Cal.): The Court issued an order granting in part and denying in part Defendant's motion to dismiss. The order dismissed with prejudice Plaintiff's claims asserting violations of California's CLRA, FAL, and UCL, as well as its claims for breach of express warranty, breach of implied warranty, and unjust enrichment. The Court also dismissed, but with leave to amend, Plaintiff's claims for negligent misrepresentation, negligence, and declaratory relief, and denied the motion to dismiss the claim for recovery in assumpsit. The action was based on Plaintiff's allegation that Defendant has misleadingly used the term "organic evaporated cane juice" on the label of various products, including its Lemonade Soda, Orange Mango Soda, Raspberry Lemonade Soda, and Ginger Ale Soda. [Order.](#)

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