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Food & Consumer Packaged Goods Litigation

# Court Dismisses Equitable Relief Claims in Octopus False Ad Case

*Fonseca v. Goya Foods, Inc.*, No. 5:16-cv-02559 (N.D. Cal.): The Court entered an order granting in part Defendant's motion to dismiss this putative class action for breach of express and implied warranties, breach of the implied warranty of fitness, unjust enrichment, and violations of California's CLRA, UCL, FAL, negligent misrepresentation, and fraud, which alleged that Defendants falsely advertised and marketed its products as containing octopus, when they in fact, contained squid. The Court held that Plaintiff—who sought only equitable relief under the CLRA, UCL, FAL, and doctrine of unjust enrichment—had an adequate remedy at law and dismissed those claims with leave to amend. With respect to Plaintiff's fraud and negligent misrepresentation claims, the Court held that Plaintiff failed to allege facts necessary to satisfy the heightened pleading standard. The Court left intact the warranty claims, which Defendant did not move to dismiss. [Order.](#)

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