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November 11, 2016

Food & Consumer Packaged Goods Litigation

### **New Filings for November 11, 2016**

***McCartney v. Whole Foods Market California Inc., et al.***, No. CGC-16-555096 (Cal. Super. Ct. – San Francisco Cnty.): Proposition 65 action alleging Defendant failed to warn consumers its Himalayan Bulk Goji Berries contain lead. ***Scholder v. Ebro North America, et al.***, No. 2:16-cv-6002 (E.D.N.Y.): Putative class action alleging Defendant advertises and promotes its wheat pasta products as "all natural," "100% natural," "100% whole grain," and made from a single ingredient, 100% whole wheat," when the products contain the chemical glyphosate. ***Environmental Research Center, Inc. v. Singerman & Braun, LLC***, No. RG16-837062 (Cal. Super. Ct. – Alameda Cnty.): Proposition 65 action alleging Defendant failed to warn consumers its nutritional products contain lead. ***Holve v. McCormick & Co.***, No. 6:16-cv-6702 (W.D.N.Y.): Putative class action alleging several varieties of Defendant's McCormick spice and seasoning products are labeled as "All Natural," when they contain synthetic, artificial, and/or genetically modified ingredients. ***McCartney v. Whitmore Family Enterprises, LLC***, No. CGC-16-555059 (Cal. Super. Ct. – San Francisco Cnty.): Proposition 65 action alleging Defendant failed to warn consumers its Taza Organic Roasted Cacao Nibs contain cadmium. ***Pellitteri v. Publix Super Markets, Inc.***, No. 9:16-cv-81786 and ***Rudder v. Publix Super Markets, Inc.***, No. 9:16-cv-81777 (S.D. Fl.): Putative class actions alleging Defendant falsely advertises its grated parmesan and Romano cheese products as containing "100% cheese," when the products contain significant amounts of adulterants and fillers, including cellulose, a filler and anti-clumping agent derived from wood pulp. ***Consumer Advocacy Group, Inc. v. Island Pacific Distribution, Inc., et al.***, No. BC638152 (Cal. Super. Ct. – Los Angeles Cnty.): Proposition 65 action alleging Defendant failed to warn consumers its turmeric powder contains lead. ***Consumer Advocacy Group, Inc. v. Rom America, Inc., et al.***, No. BC638122 (Cal. Super. Ct. – Los Angeles Cnty.): Proposition 65 action alleging Defendant failed to warn consumers its whole cinnamon contains lead. ***Amaya v. Dole Packaged Foods, LLC***, No. 2:16-cv-7734 (C.D. Cal.): Putative class action alleging Defendant's health and wellness advertising for its Dole Fruit & Oatmeal and Dole Parfait products is deceptive because the products contain substantial amounts of added sugar, which plaintiff claims increases risk of chronic disease.

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## **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.

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