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May 24, 2017

Food & Consumer Packaged Goods Litigation

## **New Filings - May 25, 2017**

[Brumfield, et al. v. Trader Joe's Company](#), No. 1:17-cv-03239 (S.D.N.Y.): Putative class action for violation of the Magnuson-Moss Warranty Act, the deceptive acts or practices and false advertising provisions of the GBL, California's CLRA, FAL, and UCL, and raising claims for breach of express and implied warranties, unjust enrichment, negligent misrepresentation, and fraud. Plaintiffs allege that Defendant falsely markets and sells its Trader Joe's Black Truffle Flavored Extra Virgin Olive Oil as being flavored by actual black truffles, when it is flavored by an industrially-produced, chemically-derived perfume known as 2,4-dithiapentane. [Jessani, et al. v. Monini North America, Inc.](#), No. 1:17-cv-03257 (S.D.N.Y.): Putative class action for violation of the Magnuson-Moss Warranty Act, the deceptive acts or practices and false advertising provisions of the GBL, California's CLRA, FAL, and UCL, and raising claims for breach of express and implied warranties, unjust enrichment, negligent misrepresentation, and fraud. Plaintiffs allege that Defendant falsely markets and sells its Monini White Truffle Flavored Extra Virgin Olive Oil and Monini Black Truffle Flavored Extra Virgin Olive Oil as being flavored by actual black truffles, when it is flavored by an industrially-produced, chemically-derived perfume known as 2,4-dithiapentane. [Quiroz, et al. v. Sabatino Truffles New York, LLC, et al.](#), No. 8:17-cv-0783 (C.D. Cal.): Putative class action for violation of California's CLRA, FAL, and UCL, the deceptive acts or practices and false advertising provisions of the GBL, Pennsylvania's Unfair Trade Practices and Consumer Protection Law, Magnuson-Moss Warranty Act, and raising claims for breach of express and implied warranties, unjust enrichment, negligent misrepresentation, and fraud. Plaintiffs allege that Defendants falsely market and sell their Sabatino White Truffle Infused Olive Oil and Sabatino Black Truffle Infused Olive Oil as being flavored by actual black truffles, when it is flavored by an industrially-produced, chemically-derived perfume known as 2,4-dithiapentane. [Schiffman, et al. v. Urbani Truffles USA, Inc.](#), No. 2:17-at-0470 (E.D. Cal.): Putative class action for violation of California's CLRA, FAL, and UCL, the deceptive acts or practices and false advertising provisions of the GBL, Magnuson-Moss Warranty Act, and raising claims for breach of express and implied warranties, unjust enrichment, negligent misrepresentation, and fraud. Plaintiffs allege that Defendant falsely markets and sells its Urbani White Truffle Oil and Urbani Black Truffle Oil as being flavored by actual black truffles, when it is flavored by an industrially-produced, chemically-derived perfume known as 2,4-dithiapentane. Plaintiff is represented by Bursor & Fisher. [Greenwood, et al. v. Amplify Snack Brands, Inc.](#), No. 3:17-cv-0464 (S.D. Ill.): Putative class action for violation of the Illinois Consumer Fraud and Deceptive Business Practices Act, Missouri Merchandising Practices Act, unjust enrichment, and breach of express warranty. Plaintiff alleges that Defendant misleadingly markets and sells its Paqui Roasted Jalapeno Tortilla Chips and Paqui Grilled Habanero Tortilla Chips, as containing zero grams of sugar, when they actually contain sugar, and also lists Evaporated Cane Juice (ECJ) as an ingredient. [Nathan v. Vitamin Shoppe, Inc.](#), No. 3:17-cv-0948 (S.D. Cal.): Putative class action for violation of California's UCL, FAL, CLRA, and raising claims for breach of express and implied warranties. Plaintiff alleges that Defendant deceptively labels and markets its "Garcinia Cambogia Extract," as a dietary supplement that is an effective aid in "weight management" and "appetite control," when the product's only active ingredients, Hydroxycitric Acid and chromium are scientifically proven to be incapable of providing such weight-loss benefits. [Kao, et al. v. Abbott Laboratories, Inc.](#), No. 3:17-cv-2790 (N.D. Cal.): Putative class action asserting violations of the Magnuson-Moss Warranty Act, California's UCL, FAL, and CLRA, Song-Beverly Consumer Warranty Act, and raising claims for breach of express warranty, negligence, negligent misrepresentation, common counts and unjust enrichment, and violation of Tennessee's Consumer Protection Act. Plaintiffs allege that Defendant misleadingly markets and sells its Similac Advanced Non-GMO baby formula baby formula as containing no genetically modified organisms, or GMOs.

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