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New Filings - December 15, 2017

[\*Miao v. Iovate Health Sciences U.S.A. Inc.\*](#), No. 1:17-cv-09427 (S.D.N.Y.): Putative slack-fill class action asserting violations of New York's Deceptive and Unfair Trade Practices Act and False Advertising provisions of the GBL, and raising a claim for common law fraud. Plaintiff alleges that Defendant's containers of Herbal Zen Nutrition plant-based protein powder are 40% slack-filled. [\*Embry v. Bauducco Foods, Inc., et al.\*](#), No. RG17-885287 (Cal. Super. Ct. – Alameda Cnty.): Proposition 65 action alleging Defendants fail to warn consumers that their Bauducco® Wafer-Vanillas contains acrylamide. [\*National Consumers League v. Del Monte Foods, Inc.\*](#), No. 17CA8259 (D.C. Super. Ct.): Plaintiff brought this action for the benefit of the public pursuant to District of Columbia Code § 28-3905(k)(1) asserting a sole cause of action for violation of the District of Columbia Consumer Protection Procedures Act. Plaintiff alleges Defendant's labeling of its canned tomato products unlawfully misleads consumers by stating that the products contain "no artificial flavors or preservatives" and/or "no preservatives," when in fact the products contain the chemical ingredients calcium chloride and citric acid.

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