

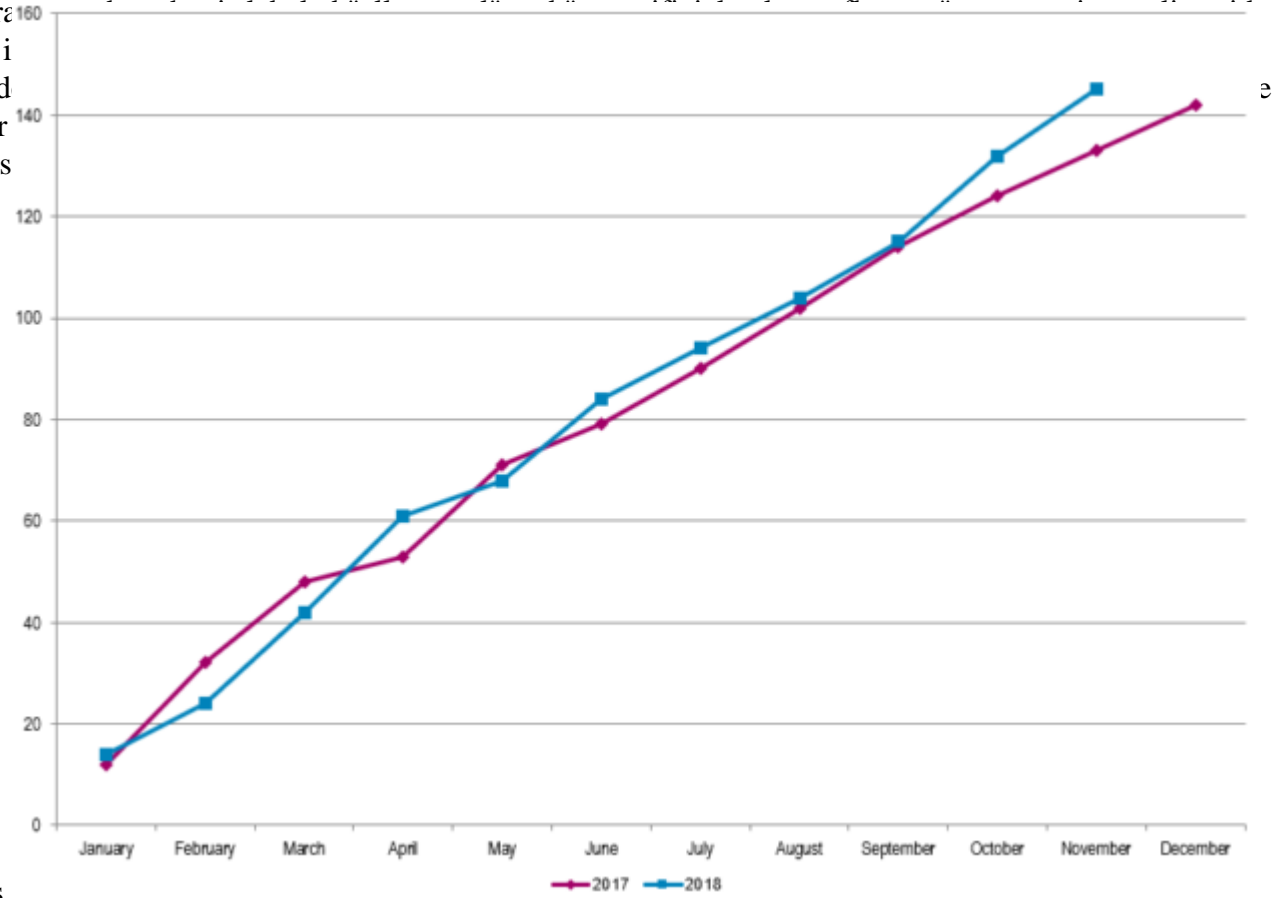
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December 06, 2018

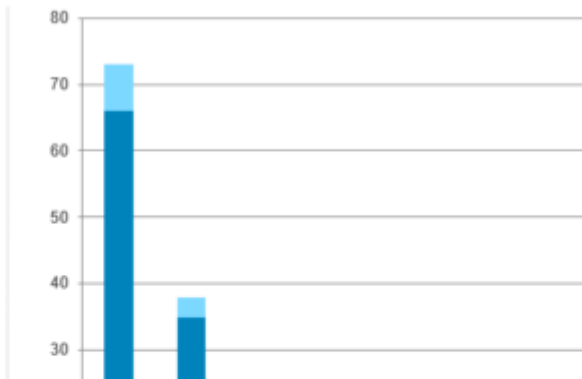
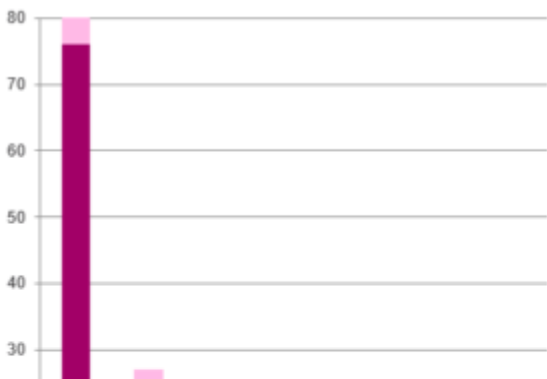
PC Food Litigation Index: November 2018

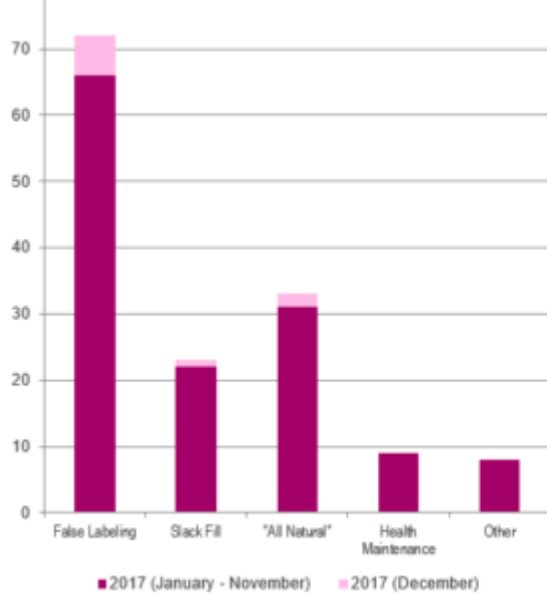
Each month we will be sharing the PC Food Litigation Index, a summary of latest class action filings in the food and beverage industry. This data is compiled by Perkins Coie based on a review of dockets from courts nationwide. November saw a high number of new class action complaints advancing familiar challenges to the "all natural" claims affixed to pasta, ice cream, potato chips and other products. Due to the lack of regulatory guidance around use of the word "natural" on food products, that term continues to be a target for plaintiffs' suits. For example, in *Rodriguez v. Coolhaus, Inc.*, the plaintiff claims that several of the defendant's ice cream products are falsely labeled as "all natural" because they contain allegedly unnatural ingredients like soy lecithin and stabilizers that use dextrose and guar gum. The popular ingredient malic acid remains at the center of many new "natural" cases. In *Lepaine v. UTZ Quality Foods LLC*, the plaintiff argues that the defendant's salt and vinegar potato chips are falsely labeled as flavored only with natural ingredients, because they contain malic acid. Similarly, the plaintiff in *Augustine v. Talking Rain* takes issue with the "natural" labels on juice products that contain the ingredient. Juice and beverage products are often implicated in these malic acid "natural" suits. Another case filed this month, *Anderson v. Outernational Brands Inc.*, contains substantively similar allegations about a beverage.

Plaintiffs are increasingly using scientific evidence coming under the microscope to challenge labels that des

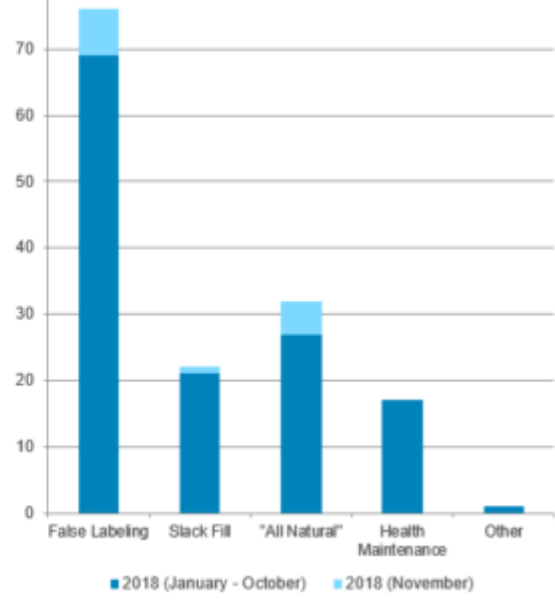


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