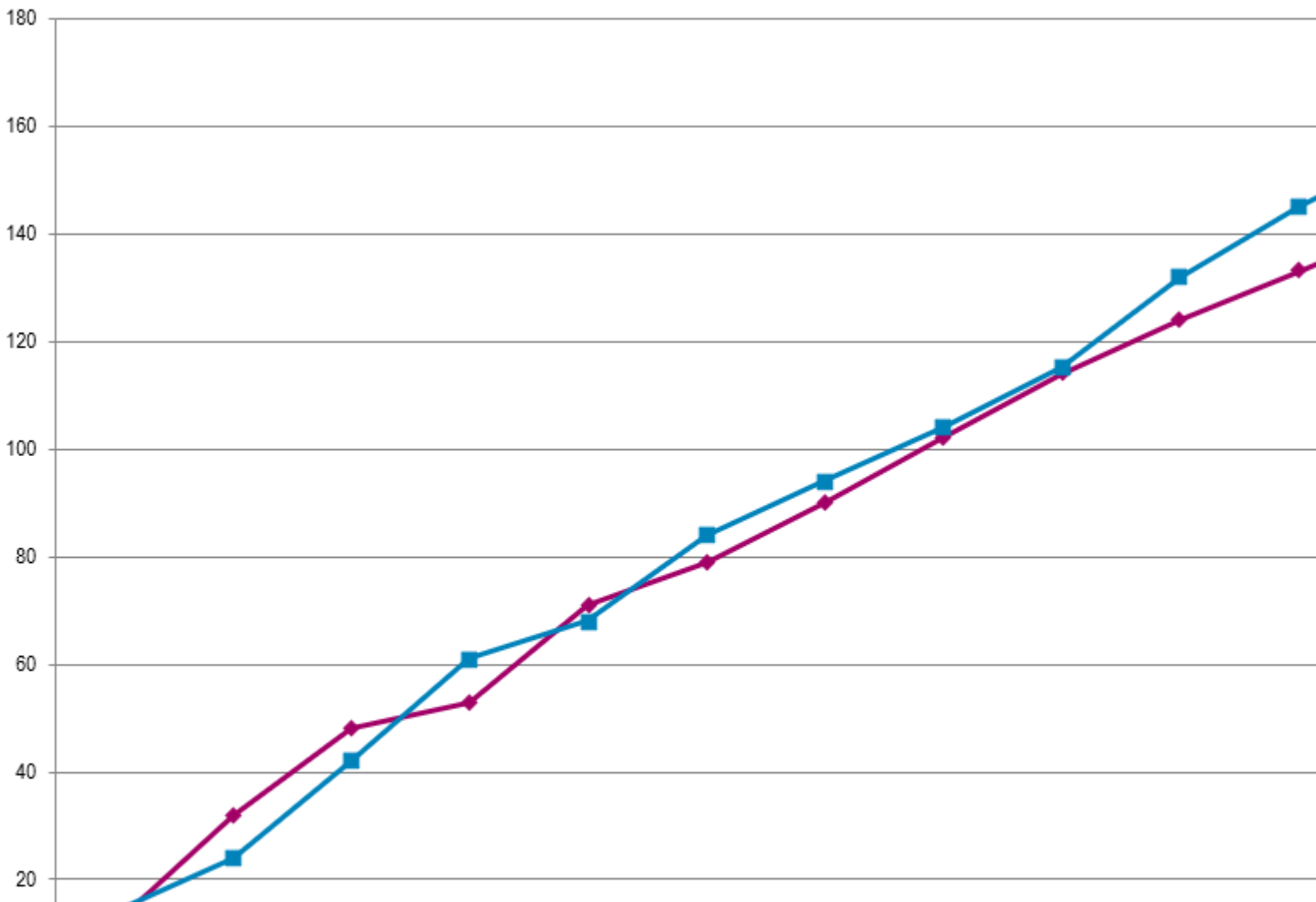


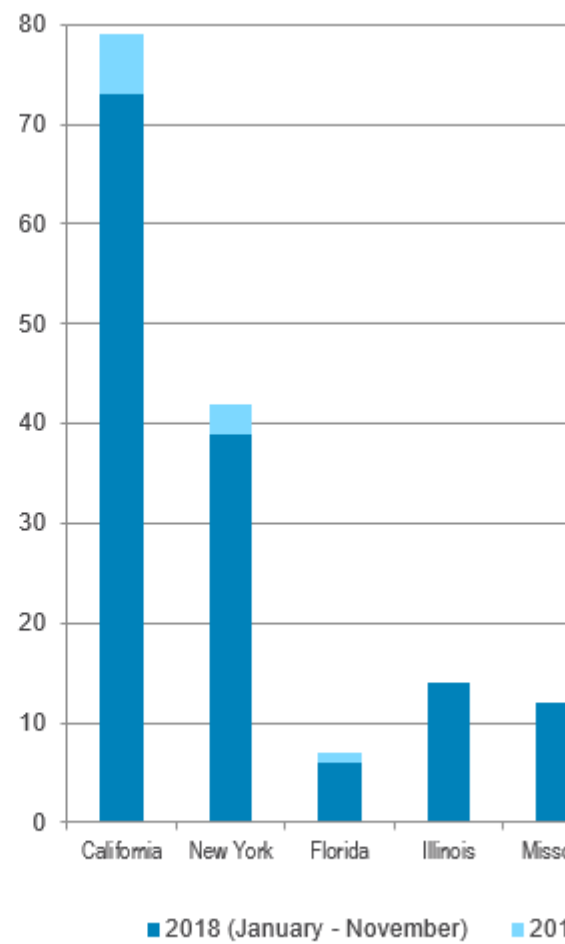
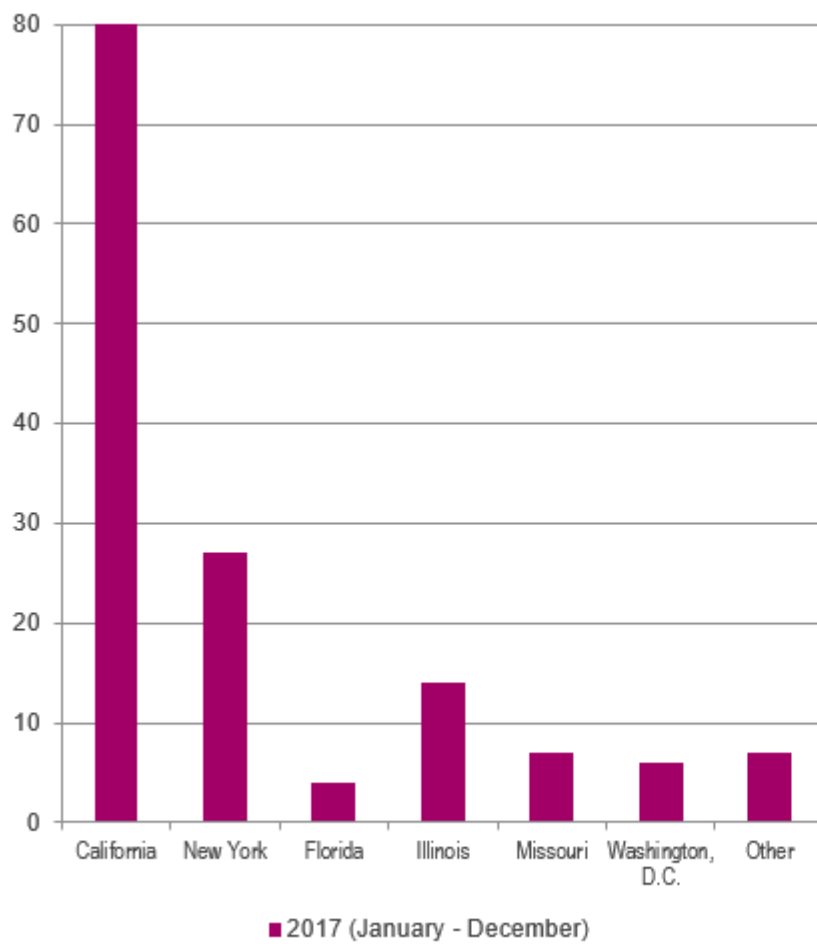
PC Food Litigation Index: December 2018

Consumer class action suits continue to target food products that plaintiffs allege don't actually contain the ingredients highlighted in their labels. For example, in one such false fact case last month, the plaintiff argued that the labels for Panera Bread's blueberry bagels are misleading; allegedly, the bagels do not contain blueberries at all, only pieces of dyed sugar and flour meant to look like blueberries. (Similar past lawsuits have targeted blueberry-labeled products sold at Dunkin Donuts and Krispy Kreme.) Another similar false fact action, *Lima v. Trader Joe's*, alleges that the name of Trader Joe's Honey Nut O's cereal conveys the false impression that the product is primarily sweetened by real honey, even though the plaintiff says it is sweetened mostly by sugar. In *Morrison v. Nuts 'N More*, the plaintiff argued that the defendant's White Chocolate Peanut Spread is unfairly and deceptively marketed, leading consumers to believe that it contains real white chocolate, defined as at least 3.5 percent milk fat. The defendant's product allegedly "uses non-fat dry milk." Labels bearing the term "natural" have consistently been the subject of food class actions and December saw new iterations of the most familiar arguments. Kellogg's breakfast bars and cereals, which carry "natural" labels, came under fire for allegedly containing the chemical, glyphosate. Similarly, in a suit testing the "100% Natural" claim on Sanderson Farms' chicken products, the court concluded that the case should not be dismissed—that a reasonable consumer could believe that the claim cannot attach, for example, to products containing antibiotics. In a health-related labeling suit last month, the plaintiff contended that claims attached to Pom Wonderful's pomegranate juices are false and misleading, suggesting medical benefits without credible scientific evidence. **Annual Filing**

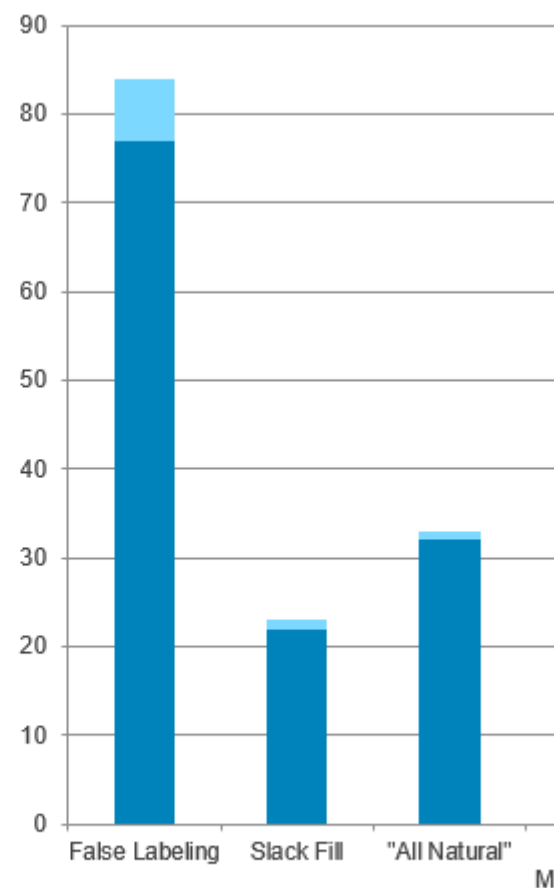
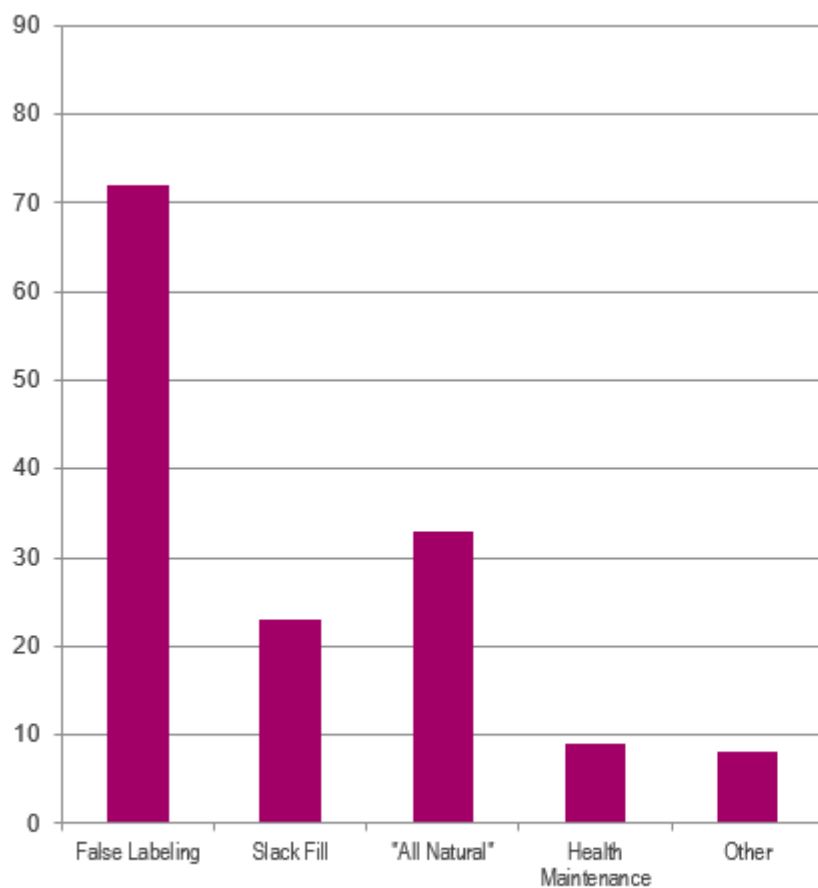
Trends



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