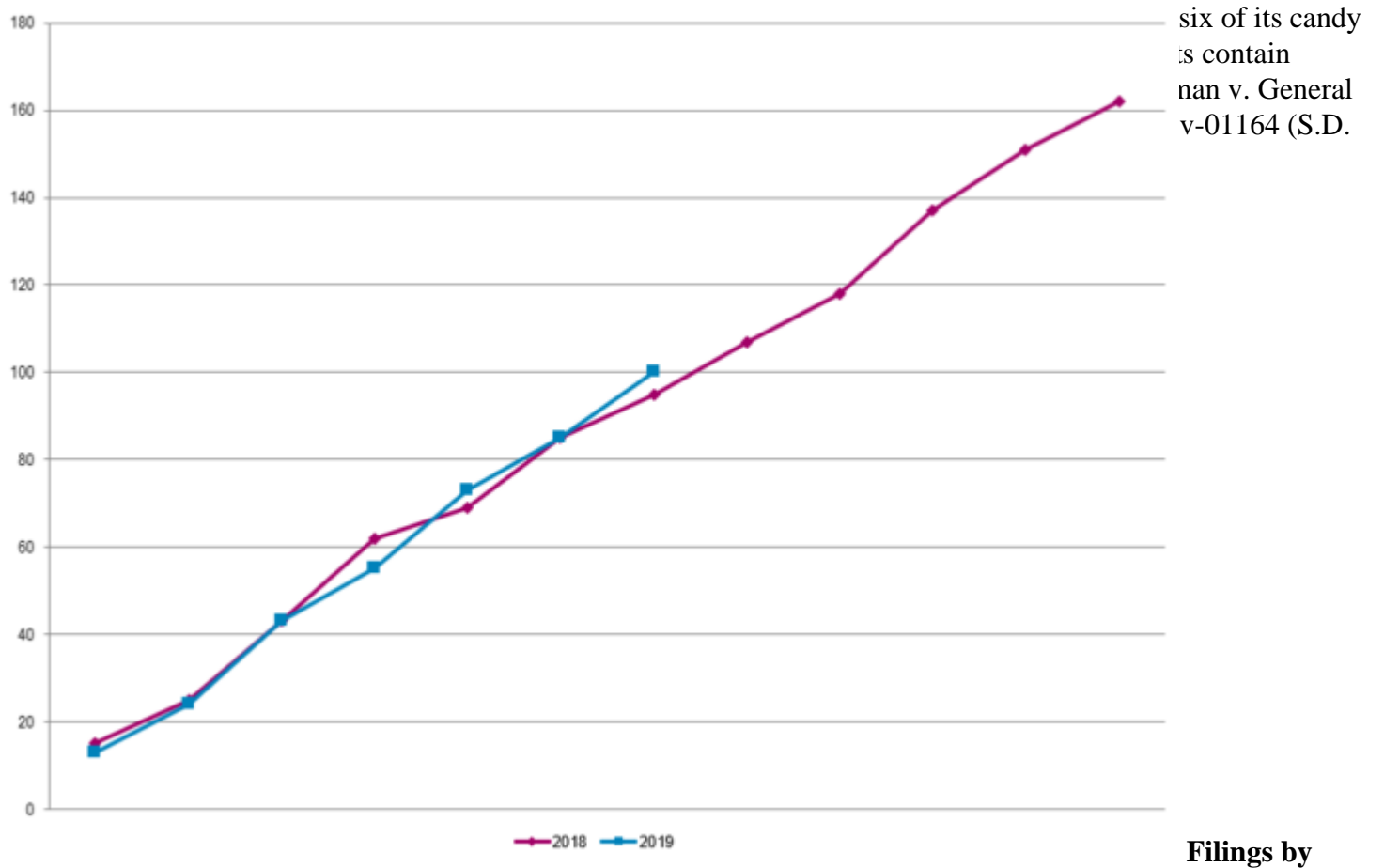


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August 09, 2019

PC Food Litigation Index: July 2019

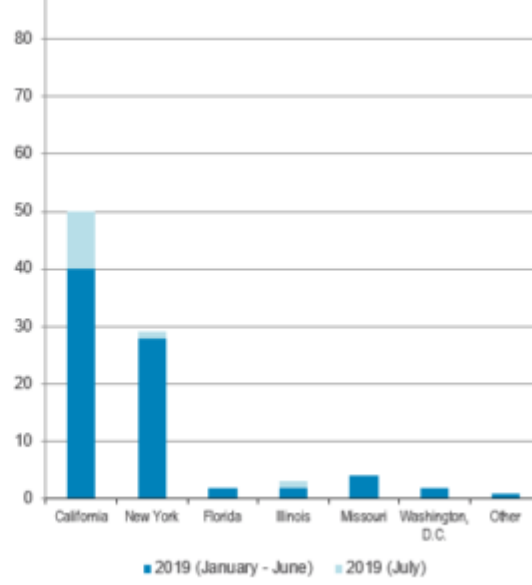
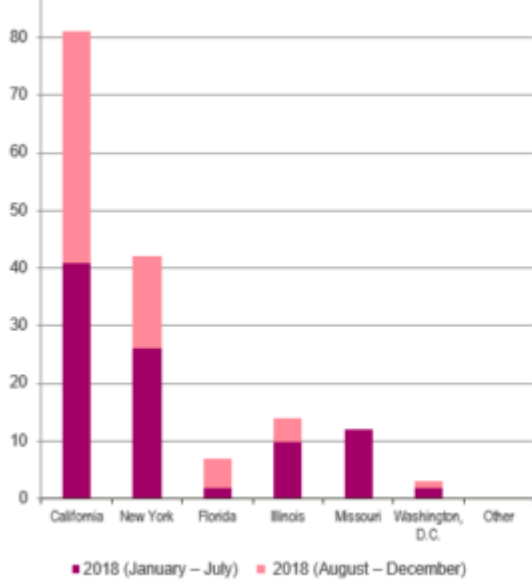
July was a hot month in food litigation. There were twenty-eight new filings, which puts total new food litigation filings at about 100 in 2019. More than half of the new filings were in California state and federal court, with several new filings in D.C. Superior Court and federal court in Illinois and Florida. Plaintiffs in several new cases allege that defendant's foods or beverages contain heavy metals, and defendants had a duty to disclose the presence of those metals to consumers. In *Labajo v. Welch Foods, Inc.*, 5:19-cv-01306 (C.D. Cal.), for example, the plaintiff alleges that Welch Foods fails to warn individuals that Welch's White Grape Juice and Concord Grape Juice products expose consumers to heightened levels of heavy metals. Plaintiffs allege Welch's has a duty to disclose that the products contain metals independent of any duty imposed by Proposition 65. Likewise, in *Arellano v. Mead Johnson Nutrition Co.*, 2:19-cv-06462 (C.D. Cal.), plaintiff alleges that testing has found Mead Johnson's Enfamil Premium infant formula contains high levels of the contaminants arsenic, cadmium, lead and mercury, noting that the levels of lead are above the USFDA Provisional Tolerable Intake Level for children six years and under. July also saw a continuation of the trend of "multi-function-ingredient" cases. Plaintiffs in these cases allege that a multi-function ingredient—such as malic or citric acid—functions as a flavor in the sued-on product, rendering any "naturally flavored" or "no artificial flavors" claims false or misleading. There was one new multi-function-ingredient cases filed this month. In *Gruber v. Ferrara Candy*



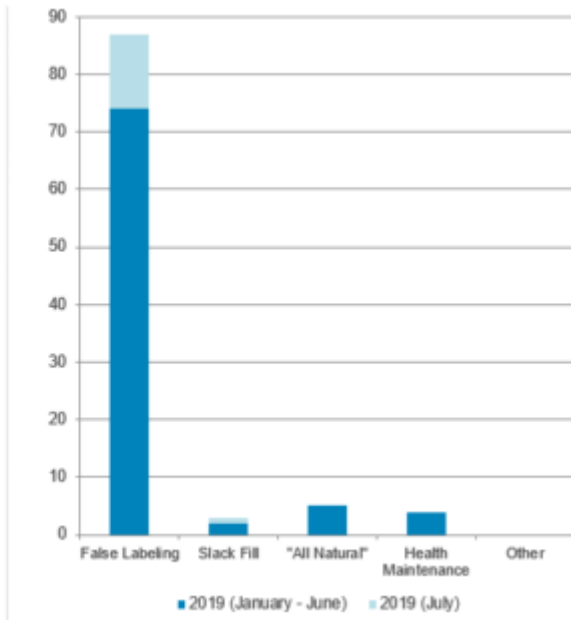
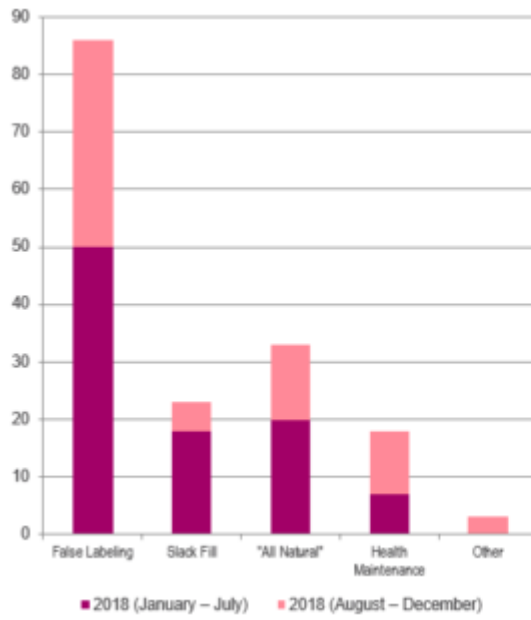
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