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Food & Consumer Packaged Goods Litigation

Notable Ruling: No Jury for False Advertising and UCL Suits, California Supreme Court Rules

California courts remain a top forum for food litigation matters. So many matters are heard in the Northern District of California that it has gained a reputation as the "Food Court." Now, the California Supreme Court has held that two of the state's most widely used consumer protection statutes must be tried by a judge rather than a jury. California's False Advertising Law ("FAL"), codified at Cal. Bus. & Prof. Code § 17500 *et seq.*, and the Unfair Competition Law ("UCL"), codified at Cal. Bus. & Prof. Code § 17200, *et seq.*, represent two of the most common vehicles for plaintiffs to bring suits alleging false product claims or purported misrepresentations on food labels. The Court found that there is no right to jury trial in cases brought under the UCL or FAL seeking injunctive relief or civil penalties. The Court reasoned that the "expansive and broadly worded substantive standards that are to be applied in determining whether a challenged business practice or advertising is properly considered violative of the UCL or FAL call for the exercise of the flexibility and judicial expertise and experience that was traditionally applied by a court of equity," not that of a jury. The case is *Nationwide Biweekly Administration, Inc., v. The Superior Court of Alameda Cty.*, No. S250047, --- P.3d ---, 2020 WL 2107914 (Cal. Apr. 30, 2020), and the Court's opinion is available [here](#).

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