



Our weekly roundup aims to keep our readers up to date on recent notable rulings in the food & consumer packaged goods space.

Sean McGinity v. The Procter & Gamble Company, No. 22-15080 (9th Cir. – June 9, 2023): The United States Court of Appeals for the Ninth Circuit affirmed the district court's dismissal of a putative class action alleging the statement "Nature Fusion" on defendant's packaging of its *shampoo* mislead consumers into believing that the products are natural, when in fact, they contain non-natural and synthetic ingredients. The court held that plaintiff's claim failed, reasoning that the statement "Nature Fusion" is not misleading but rather is ambiguous, and that a reasonable consumer would expect that the ingredient list will contain more detailed information about the product that would confirm representations made on the packaging. Plaintiff is represented by Reese LLP. Opinion linked [here](#).

Christine Bischoff v. Albertsons Companies, Inc., et al., No. 7:22-cv-4961 (S.D.N.Y. – June 26, 2023): The Southern District of New York granted dismissal of a putative class action alleging the statement "Rapid Release" on defendant's packaging of its ***over-the-counter acetaminophen gelcaps*** mislead consumers as the product does not work faster than their other lower-cost acetaminophen products. The court found that plaintiff's claims are preempted by federal law. The court agreed with defendant's argument that the products satisfy standards for immediate release acetaminophen tablets incorporated in a monograph and dismissed plaintiff's state law claims for violations of New York's GBL § 349 and § 350 on the same grounds. Opinion linked [here](#).

Authors



[David T. Biderman](#)

Partner

DBiderman@perkinscoie.com [310.788.3220](tel:310.788.3220)

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