



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

- ***Judah Rosenwald, et al. v. Kimberly Clark Corp.***, No. 3:22-cv-04993-LB (N.D. Cal. – August 14, 2023): The Northern District of California dismissed class action allegations that the defendant's marketing of its ***germ removal wet wipes*** falsely suggests that the product is a germicide. Specifically, plaintiffs challenged representations that the product "wipes away 99% of germs from skin" and has "no harsh chemicals," when the product's ingredients do not contain any germicides. The court first dismissed claims brought by consumers outside of California on personal jurisdiction grounds, reasoning that the non-California plaintiffs did not establish general personal jurisdiction over the defendant, a Delaware corporation headquartered in Texas, for their claims related to products that they bought in their states of residence.

Next, the court held that the California plaintiffs' claims did not pass the reasonable consumer test because the challenged representations would not plausibly lead a reasonable consumer to believe the product is actually a "germicide." Opinion linked [here](#).

- ***Gracemarie Venticinque v. Back to Nature Foods Co., LLC***, No. 1:22-cv-07497-VEC (S.D.N.Y. – August 8, 2023): The Southern District of New York dismissed a putative class action alleging defendants misleadingly labeled its ***Stoneground Wheat Crackers*** in a way that made consumers believe the product was made with "organic whole wheat flour," when its main source of flour is "organic unbleached enriched wheat flour." The court held that plaintiff did not alleged facts from which the court could infer that the label in question is materially misleading because any ambiguity could easily be resolved by viewing the ingredient label, so that a reasonable consumer would not have been misled. Plaintiff was denied leave to amend the complaint. Opinion linked [here](#).

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