



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

Carol Whyble, et al. v. The Nature's Bounty Co., No. 7:20-cv-03257-NSR (S.D.N.Y.—October 31, 2023): The U.S. District Court for the Southern District of New York dismissed a putative class action challenging the labeling and marketing of the defendant's *joint health dietary supplement products containing glucosamine hydrochloride*. Specifically, the plaintiffs challenged the products' joint health representations, arguing that clinical studies have "found no causal relationship between ingesting glucosamine and joint health." The court found that the plaintiffs did not plausibly allege the products are "deceptive," as the scientific studies cited demonstrate the effectiveness of at least one of the products' ingredients for a few categories of individuals. Therefore, the plaintiffs could not plausibly allege that the claims related to the products' joint health benefits are

false, misleading, or deceptive. Opinion linked [here](#).

Alexis Slaten v. Christian Dior Perfumes, LLC, No. 3:23-cv-00409-JSC (N.D. Cal.—October 19, 2023): The U.S. District Court for the Northern District of California dismissed a putative class action challenging the labeling and marketing of *certain cosmetic products*. Specifically, the plaintiff alleged that the representation of "24H" applied to the products' sunscreen benefits. The court held that the plaintiff failed to plausibly plead the labeling was false or misleading to reasonable consumers when reading the product labeling as a whole. Specifically, the court concluded that no reasonable consumer could interpret the front labels' "24H" representation as applying to the products' sunscreen benefits because the products' packaging provided directions to "reapply at least every 2 hours" on the back panel. Opinion linked [here](#).

If you are a food or CPG company contact interested in receiving our daily email update on filings and notable rulings, please reach out to Kellie Hale with your request to be added: khale@perkinscoie.com.

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