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Notable Ruling Roundup



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

- ***Anne de Lacour, et al. v. Colgate-Palmolive Co. and Tom's of Maine Inc.***, No. 1:16-cv-08364-KMW (S.D.N.Y. – January 3, 2024): The Southern District of New York granted defendants' summary judgment and motion for class de-certification in a class action challenging the use of the word "natural" by defendants on the labels of their ***toothpaste and deodorant products*** because the products allegedly contain artificial and/or chemically processed ingredients. The court concluded that the evidence the plaintiffs offered to support their theory of deception was either inadmissible or insufficient to establish a reasonable consumer's understanding of the term "natural." The court reasoned that the words "natural" and "artificial" were ambiguous with several possible interpretations, and that plaintiffs failed "to produce evidence that a reasonable consumer interprets 'natural' in the manner plaintiffs allege, therefore, there is no triable issue of fact as to deception." Opinion available [here](#).
- ***Erin Edwards v. Johnsonville LLC***, No. 1:23-cv-01107 (N.D. Ill. – February 1, 2024): The Northern District of Illinois dismissed a complaint in putative class action alleging the labeling of defendant's ***bratwurst products*** misleads consumers with representations that the products are "Made with 100% Premium Pork", when they are encased in beef collagen. The court found that plaintiff's claims of deception and misrepresentation are preempted because the products' labeling passed the USDA's pre-approval process and were preempted under the Federal Meat Inspection Act ("FMIA"). Opinion available [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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