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Food & Consumer Packaged Goods Litigation

Court Denies Motion to Dismiss in Part Food Labeling Class Action Involving Heart Health and “Fresh” Claims

Ang v. Bimbo's Bakeries, Inc., No. 13cv1196 (N.D. Cal.): In a case involving the labeling of Thomas' English Muffins, Sara Lee bread, and various Entenmann products, the court denied the majority of defendant's motion to dismiss. According to the court, the complaint adequately alleged particularity under Rule 9 and satisfied pleading requirements for injury and reliance. In addition, the court held that claims that the American Heart Association's Heart Check mark is a "paid endorsement" must be disclosed as such, but is not. The court also allowed the complaint to move forward on products the plaintiffs did not purchase, although it made clear that the products must be substantially similar to the products plaintiff did purchase. [Order](#).

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