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April 01, 2014

Food & Consumer Packaged Goods Litigation

## Claims That Buying Grape Juice Made Plaintiffs Criminals Allowed to Proceed

*Park v. Welch Foods*, No. 5:12-cv-06449 (N.D. Cal.): In a very brief opinion, the court denied a limited motion to strike and to dismiss putative class action claims based on defendant's alleged misrepresentation of its products as "Natural" and "No sugar added." Plaintiffs charge that under California law, they could have been subject to criminal penalty for merely possessing defendant's allegedly mislabeled products. The court refused to strike allegations that plaintiffs' purchase of the allegedly misbranded products could subject them to criminal liability. The court reasoned that the allegations were relevant to plaintiffs' UCL claims to the extent they may have acted differently in purchasing the products had they been aware of the potential criminal liability. The court denied the motion to dismiss plaintiffs' claim for breach of the implied warranty of merchantability reasoning that plaintiffs could potentially prove that the products did not conform to promises and affirmations of fact made on the label. [Order](#).

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