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Food & Consumer Packaged Goods Litigation

## **Court Stays Evaporated Cane Juice Case on Primary Jurisdiction Grounds**

*Swearingen v. Santa Cruz Natural, Inc.*, 3:13cv04291 (N.D. Cal.): The court dismissed the complaint without prejudice in a putative class action alleging claims under California's UCL, FAL, CLRA, and a number of common law tort claims, alleging that defendant's use of the term "organic evaporated cane juice" on its labels violates the FDCA. The court dismissed based solely on the primary jurisdiction doctrine, holding that primary jurisdiction applied in light of the FDA's recent, March 5, 2014 notice demonstrating that the FDA is actively considering the meaning of the phrase "evaporated cane juice." [Order](#).

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