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Food & Consumer Packaged Goods Litigation

Class Certified in “All Natural” Labeling Suit Against Dole

Brazil v. Dole Packaged Foods LLC, No. 5:12-cv-01831 (N.D. Cal.): Judge Koh granted in part and denied in part plaintiff's motion for class certification in a case alleging that Dole misrepresents its various fruit and berry products as "all natural" when they contain synthetic ingredients. Largely tracking her class certification analysis in *Werdebaugh v. Blue Diamond Growers*, Judge Koh certified a California damages class under Rule 23(b)(3) but denied plaintiff's request for a national damages class. Judge Koh also certified a national Rule 23(b)(2) class for injunctive relief, finding that plaintiff's brand loyalty gave him standing to seek injunctive relief. Following the same analysis she did in *Werdebaugh*, Judge Koh rejected the full refund and price premium damages models proposed by plaintiff's expert but concluded that the expert's proposed regression model was sufficient under Comcast to allow class certification. [Order](#).

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