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December 03, 2014

Food & Consumer Packaged Goods Litigation

Damages Class Decertified

Brazil v. Dole Food Company, Inc. et al., No. 5:12-cv-01831(N.D. Cal.): The Court decertified a damages class but declined to certify an injunction class in this action where Plaintiff alleges that Dole's fruit products are misbranded as "all natural." In decertifying the damages class, the Court ruled that the damages report prepared by Plaintiff's expert failed to ascertain the price premium attributable to the "all natural" label by controlling for other variables that could also impact pricing of the products (such as advertising expenditures). Plaintiff's expert also failed to verify whether competing products made "all natural" claims, did not account for the possibility that packaging may make more than one claim (e.g. "all natural" and "sugar free"), and did not account for variations in how different products were packaged. [Order](#).

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