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Food & Consumer Packaged Goods Litigation

Court Dismisses in Part “Natural” Claims

Barron v. Snyder's-Lance, Inc., No. 0:13-cv-62496 (S.D. Fla.): In a putative class action complaint alleging numerous claims under various states' consumer protection statutes, based on the allegation that Defendant's products were misrepresented as "natural" when they contain GMOs and other artificial and synthetic ingredients, the Court granted in part and denied in part Defendant's motion to dismiss. Previously in the litigation, nine of the thirteen party Plaintiffs filed notices of voluntary dismissal without prejudice. In light of that, the Court dismissed without prejudice the claims brought under the laws of those states for lack of standing. Similarly, there were two claims brought under the laws of North Carolina that the court dismissed because no named Plaintiff resides in or purchased Defendant's products there. Finally, the Court dismissed without prejudice a claim for breach of express warranty under Missouri law, finding that proper notice of the breach was not given. The Court found that Plaintiffs lacked standing to pursue injunctive relief as they had not established a real and immediate threat of future injury because they had not alleged that they intended to purchase the allegedly mislabeled products again. The Court also found that Plaintiffs lacked standing to assert claims regarding products they did not purchase, though noted the split in authority on the topic outside of the Eleventh Circuit. As a result of the ruling, the Plaintiffs are limited to state claims for which there is a named Plaintiff in that state and for claims against products that a named Plaintiff actually purchased. [Order](#).

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