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Food & Consumer Packaged Goods Litigation

# Court Asks the FDA If It Will Provide Guidance on Evaporated Cane Juice

*Swearingen v. Healthy Beverage*, No. 13-cv-4385 (N.D. Cal.); *Swearingen v. Late July Snacks LLC*, No.13-cv-04324 (N.D. Cal.): As we previously reported [here](#), several courts in the Northern District of California have invoked the primary jurisdiction doctrine to dismiss or stay evaporated cane juice cases pending FDA action. Recently, the Court requested that the Commissioner of the FDA inform the Court whether a final determination regarding ECJ "is feasible within agency priorities and resources" and whether "the FDA is likely to issue any further guidance regarding ECJ within the next 180 days." [Healthy Beverage Order](#); [Late July Snacks Order](#).

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