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Food & Consumer Packaged Goods Litigation

# Court Denies Motion to Dismiss in Probiotic Beverage False Advertising Suit

*Torrent v. Yakult U.S.A., Inc.*, No. 8:15-cv-00124 (C.D. Cal.): The Court denied Defendant's motion to dismiss in this putative class action where Plaintiff contend that Defendant violated California's UCL by claiming that its probiotic beverages are beneficial to digestive and immune system health, when such claims are contrary to scientific evidence. The Court found that Plaintiff's allegations that Defendant's claims about the health benefits of its products were sufficiently plausible to support a UCL cause of action. The Court also found that allegations regarding how and where the claimed misrepresentations were made met pleading requirements under Fed. R. Civ. P. 9(b). Finally, the Court found Plaintiff had properly alleged Article III standing, when he claimed that Defendant's representations induced him to purchase a product he otherwise would not have. [Order.](#)

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