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October 28, 2015

Food & Consumer Packaged Goods Litigation

### **New Filings for October 28, 2015**

*Mullins v. Wal-Mart Stores, Inc.*, No. 15-cv-08946 (N.D. Ill.): Plaintiff claims Defendants' Great Value Pork & Beans in Tomato Sauce product is misrepresented as containing pork when in fact it does not. Plaintiff alleges claims for breach of express warranty, unjust enrichment, violation of the Illinois Consumer Fraud and Deceptive Business Practices Act, and breach of the implied covenant of good faith and fair dealing on behalf of a putative national class and putative Illinois subclass. [Complaint](#).

*Tye v. Wal-Mart Stores, Inc.*, No. 15-cv-01615 (C.D. Cal.): On behalf of a putative national class, as well as putative subclasses of California, New Jersey, and Pennsylvania consumers, Plaintiff alleges that Defendants' Great Value Pork & Beans in Tomato Sauce product is falsely labeled as containing pork when it does not. Plaintiff alleges unjust enrichment, warranty, implied covenant, and consumer protection claims under the laws of California, New Jersey, and Pennsylvania. [Complaint](#).

*Gioia v. GNC Holdings, Inc.*, No. 15-cv-02273-WQHNS (S.D. Cal.): Plaintiff claims Defendant intentionally packages its whey protein productions in large, opaque containers that contain approximately 40% empty space. On behalf of a putative national class and California and New York subclasses, Plaintiff alleges of violations of California and New York consumer protection statutes, as well as negligent misrepresentation. [Complaint](#).

*Demmler v. ACH Food Cos., Inc.*, No. 15-cv-13556-LTS (D. Mass.): Putative class action of Massachusetts consumers alleging violation of the Massachusetts consumer protection statute and unjust enrichment, claiming Defendant's Weber BBQ Sauce products are misrepresented as being "All Natural" when they actually contain caramel color. [Complaint](#).

*Hawkins v. The Kroger Co.*, No. 15-cv-02320-JM-BLM (S.D. Cal.): On behalf of putative national class, Plaintiff claims Defendant's bread crumb products are misbranded as containing "0g Trans Fat" when in fact they contain partially hydrogenated oil ("PHO"), which Plaintiff claims is unfair and unlawful. The Complaint asserts warranty and California consumer protection statutory claims. [Complaint](#).

*Hawkins v. AdvancePierre Foods, Inc.*, No. 15-cv-02309-JAH-BLM (S.D. Cal.): Plaintiff claims Defendant's Fast Bites microwaveable sandwiches contain PHOs, which Plaintiff claims are unsafe and therefore unfair and unlawful. On behalf of a putative national class, Plaintiff alleges claims for violation of the California Unfair Competition Law, nuisance, and breach of the implied warranty of merchantability. [Complaint](#).

*Samet v. Health-Ade LLC*, No. 15CV286907 (Santa Clara Super.): On behalf of a putative California class, Plaintiff claims Defendant misrepresents the amount of sugar in its kombucha products. Plaintiff asserts California consumer protection, warranty, negligent misrepresentation, unjust enrichment/quasi-contract claims. [Complaint](#).

*Samet v. Millennium Prods, Inc.*, No. 15CV286908 (Santa Clara Super.): On behalf of a putative California class, Plaintiff claims Defendant misrepresents the amount of sugar in its kombucha products. Plaintiff asserts California consumer protection, warranty, negligent misrepresentation, unjust enrichment/quasi-contract claims. [Complaint](#).

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