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December 10, 2015

Food & Consumer Packaged Goods Litigation

## New Filings for December 10, 2015

*Minker et al. v. Ricola USA, Inc.*, No. 1:15-cv-9014 (S.D.N.Y.): Putative class action alleging claims of negligent misrepresentation, breach of express warranty, and unjust enrichment on behalf of a nationwide class, violations of California's CLRA, UCL, and FAL on behalf of a California subclass, and violations of New York's Deceptive and Unfair Trade Practices Act on behalf of a New York subclass. Plaintiffs alleged that Defendant's cough drops are presented as "naturally soothing," when in fact they contain synthetic ingredients such as ascorbic acid, citric acid, and malic acid. [Complaint](#). *Tsvettsikh v. Goya Foods Inc.*, No. 1:15-cv-6556 (E.D.N.Y.): Putative class action brought on behalf of a nationwide class and New York subclass, alleging claims for breach of express warranty, negligent misrepresentation, unjust enrichment, and violation of New York's Deceptive and Unfair Trade Practices Act. Plaintiff alleges that Defendant's "Salsa Picante Hot Sauce" is advertised as "all natural" when it contains xanthan gum, a chemically processed ingredient. [Complaint](#). *Errant et al. v. Guittard Chocolate Co.*, No. 1:15-cv-9013 (S.D.N.Y.): Putative class action alleging violations of New York's Deceptive and Unfair Trade Practices Act on behalf of a New York subclass, and claims of negligent misrepresentation, unjust enrichment, and common law fraud on behalf a national class. Plaintiffs claim that Defendant's "Grand Cacao Drinking Chocolate" product is misleadingly packaged in containers with 46 percent non-functional slack-fill. [Complaint](#). *Envtl. Research Ctr., Inc. v. Immunotec, Inc. et al.*, No. RG15-793605 (Cal. Sup. Ct. – Alameda Cnty.): Proposition 65 action alleging that Defendants' nutritional supplement products contain lead. [Complaint](#). *Pedro et al. v. Millennium Products, Inc. et al.*, No. 3:15-cv-5253 (N.D. Cal.): Putative class action alleging violations of California's CLRA, UCL, and Consumer Warranty Act. Plaintiffs claim that Defendants failed to disclose defects in their kombucha products, including the risk of bottles "exploding." Plaintiffs also allege that some of Defendants' beverages contain more than 0.5 percent alcohol and are improperly labeled. [Complaint](#). *Thornton v. McCormick & Co., Inc.*, No. 3:15-cv-566 (D.N.V.): Copycat putative class action alleging an unjust enrichment claim, and violation of Maryland's Consumer Protection Act and Nevada's Deceptive Trade Practices Act. Plaintiff claims that Defendant has been using the same container when producing and selling ground pepper but has been engaged in non-functional slack-filling by using 25 percent less product. [Complaint](#).

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Blog series

## Food & Consumer Packaged Goods Litigation

Food & Consumer Packaged Goods Litigation shares timely insights into litigation developments, emerging arguments and challenges facing food and consumer packaged goods manufacturers and related industries.

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