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May 09, 2016

Food & Consumer Packaged Goods Litigation

## **New Filings For May 9, 2016**

*Bowring v. Sapporo U.S.A., Inc.*, No. 1:16-cv-1858 (E.D.N.Y.): Putative class action asserting violations of New York's consumer protection statutes and claims of negligent misrepresentation, fraud, and unjust enrichment. Plaintiff alleges Defendant has misled consumers into believing its Sapporo brand beer is manufactured in and imported from Japan, when the beverage is brewed in the United States or Canada. [Complaint](#). *Brahler v. Kraft Heinz Foods Co.*, No. 2:16-cv-849 (E.D. Cal.): Copycat putative class action asserting violations of California's consumer protection statutes (CLRA, FAL, UCL) and the Magnuson-Moss Warranty Act, and raising claims for breach of warranty (express and implied), negligent misrepresentation, and unjust enrichment. Plaintiff alleges Defendant falsely advertises its grated parmesan cheese products as containing "100% parmesan cheese," when in fact the product contains between seven to nine percent cellulose, a filler and anti-clumping agent derived from wood pulp. [Complaint](#). *Brower v. Campbell Soup Co.*, No. 3:16-cv-1005 (S.D. Cal.): Putative class action asserting violations of California's UCL, CLRA, and FAL, and raising claims of breach of warranty (express and implied). Plaintiff alleges Defendant misleadingly labels and markets its "Healthy Request Chunky Grilled Chicken & Sausage Gumbo" soup product as being healthy, although the product contains artificial trans fat in the form of partially hydrogenated soybean oil. [Complaint](#). *Burke v. MG Wellington, LLC dba Kidfresh*, No. 1:16-cv-2968 (S.D.N.Y.): Putative class action asserting violations of California and New York's consumer protection statutes on behalf of subclasses in those states, as well as common law claims of unjust enrichment, restitution, intentional and negligent misrepresentation, and breach of express warranty on behalf of a nationwide class. Plaintiff alleges Defendant misleadingly markets "a line of high-fat frozen food products as being healthy" although "the products are classic junk foods that are actually unhealthy." [Complaint](#). *Ferguson v. Campbell Soup Co.*, No. CIVDS1606306 (Cal. Super. Ct. – San Bernardino Cnty.): Copycat putative class action asserting violations of California's UCL, CLRA, and FAL. Plaintiff alleges Defendant misleadingly labels and markets its "Healthy Request Chunky Grilled Chicken & Sausage Gumbo" soup product as being healthy, although the product contains artificial trans fat in the form of partially hydrogenated soybean oil. [Complaint](#). *Hackman v. Save-A-Lot Ltd. dba Mantia's*, No. 2016CA003174B (D.C. Super. Ct.): Copycat putative class action asserting a violation of D.C.'s consumer protection statute and breach of warranty claims (express and implied merchantability). Plaintiff alleges Defendant falsely advertises its grated parmesan cheese products as containing "100% parmesan cheese," when the products contain significant amounts of adulterants and fillers, including cellulose, a filler and anti-clumping agent derived from wood pulp. *Pincus v. Starbucks Corp.*, No. 1:16-cv-4705 (N.D. Ill.): Copycat putative class action asserting violations of Illinois' consumer protection statutes, and raising claims of breach of warranty (express and implied merchantability), negligent misrepresentation, fraud, and unjust enrichment. Plaintiffs accuse Defendant of cheating customers by using excessive ice to uniformly underfill their "tall," "grande," and "venti" sized cold beverages. [Complaint](#). *Rose v. Whole Foods Mkt. Cal., Inc.*, No. BC618027 (Cal. Super. Ct. – Los Angeles Cnty.): Putative class action asserting violations of California's CLRA, UCL, and FAL. Plaintiff accuses Defendant of charging consumers for a heavier amount of produce than they actually intended to purchase. Plaintiff claims that scales operated by cashiers show heavier weights than the scales provided in the produce department of Defendant's stores. [Complaint](#). *Schneider et al v. Chipotle Mexican Grill Inc.*, No. 3:16-cv-2200 (N.D. Cal.): Putative class action asserting violations of multiple states' consumer protection laws (California, Maryland, Florida, and New York) and raising claims for unjust enrichment, misrepresentation, and declaratory judgment. Plaintiffs allege Defendant's "G-M-Over It" advertising campaign misleads consumers into believing Defendant's menu is free of GMOs, although Defendant serves protein products that have been raised on GMO feed and beverages containing corn syrup derived from GMO corn. [Complaint](#). *Shaw v. Trader Joes Co.*, No. 2:16-cv-2686 (C.D. Cal.): Putative class action asserting

violations of California's UCL, FAL, and CLRA, multiple states' consumer protection statutes, and common law claims for fraud, negligent misrepresentation, unjust enrichment, and breach of warranty (express and implied merchantability). Plaintiff alleges Defendant's five-ounce canned tuna products are under filled and substantially underweight. [Complaint.](#)

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