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March 31, 2017

Food & Consumer Packaged Goods Litigation

## **New Filings - March 31, 2017**

[Iglesias v. Ferrara Candy Co., et al.](#), No. 3:17-cv-0849 (N.D. Cal.): Putative non-functional slack-fill class action for violation of California's CLRA, FAL, and UCL. Plaintiff alleges that Defendant misleads consumers about the amount of "Jujufruits" brand candy inside their opaque, cardboard packaging.

[Anestis v. Harvest Beverage Group, LLC, et al.](#), No. 17-52286 (N.Y. Sup. Ct. – Westchester Cnty.): Putative class action for deceptive practices, false advertising, and fraud. Plaintiff alleges that Defendant markets and sells its "Juisi" brand juice products as "raw and cold-pressed," when the products have been processed and heated through a high-pressure treatment.

[Tsuchiyama v. Taste of Nature, Inc.](#), No. BC651252 (Cal. Super. Ct. – Los Angeles Cnty.): Putative non-functional slack-fill class action for violation of California's CLRA, alleging that Defendant misled consumers about the amount of candy inside its packaging.

[Rodriguez v. Se. Mills, Inc.](#), No. RIC1703058 (Cal. Super. Ct. – Riverside Cnty.): Putative nationwide class action, asserting violations of California's CLRA, UCL, and FAL, and a claim of negligent misrepresentation. Plaintiff alleges that Defendant advertises its "Better than Bouillon" products as healthy, but lists "evaporated cane juice" on its ingredient list.

[Karathanos v. Quincy Biosci. Holding Co., Inc., et al.](#), No. 2:17-cv-1091 (E.D.N.Y.): Putative nationwide class action (with a New York subclass) asserting violations of the deceptive acts and practices and false advertising provisions of New York's GBL, and the Racketeer Influenced and Corrupt Organizations Act. Plaintiff alleges that Defendants deceptively label their dietary protein PrevaGen, claiming that on its packaging that it improves memory and stems memory loss for the aged.

[Gomez v. Jelly Belly Candy Co.](#), No. CIVDS1703007 (Cal. Super. Ct. – San Bernardino Cnty.): Putative nationwide class action, asserting violations of California's CLRA, UCL, and FAL, and a claim of negligent misrepresentation. Plaintiff alleges that Defendant misleads consumers by listing "evaporated cane juice" as an ingredient of its "Sport Beans" performance aid, instead of sugar.

[Cowen, et al. v. Lenny & Larry's, Inc.](#), No. 1:17-cv-01530 (N.D. Ill.): Putative class action asserting violations of various states' consumer fraud acts, including the Illinois Consumer Fraud and Deceptive Business Practices Act and Michigan's Consumer Fraud Act, and raising claims for breach of implied warranty and unjust enrichment. Plaintiff alleges that Defendant deceptively markets and sells its "The Complete Cookie" product by making false claims about protein content, including regarding the daily value percentage, sources, and the actual amount of protein.

[Cilloni, et al. v. Craft Brew Alliance, Inc.](#), No. 5:17-cv-1027 (C.D. Cal.): Putative class action for violation of California's CLRA, FAL, and UCL, and raising claims for breach of express warranty, negligent misrepresentation, and unjust enrichment/common law restitution. Plaintiff alleges that Defendant falsely markets and sells its Kona Brewing Company beer as brewed in Hawaii, even though it is actually brewed in Oregon, Washington, Tennessee and New Hampshire.

[Ramseur v. Nature Health Ctr. LLC, et al.](#), No. 1-70-17 (Tenn. Cir. Ct. – Knox Cnty.): Putative class action asserting violations of consumer protection statutes and for fraud. Plaintiff alleges that Defendants misleadingly market and sell their "Nutrimost System" products by claiming the products lead to weight loss.

[Faur v. Laughing Giraffe Organics, LLC](#), No. MSC17-00385 (Cal. Super. Ct. – Contra Costa Cnty.): Putative class action alleging that Defendant deceptively advertises and labels its "Snakaroons" as healthy, high-fiber, and nutrient-rich.

[Terrazzino v. Wal-Mart Stores, Inc.](#), No. 1:17-cv-1731 (N.D. Ill.): Putative class action asserting violation of the Illinois Consumer Fraud and Deceptive Business Practices Act, and raising claims for breach of express warranty and unjust enrichment. Plaintiff alleges that Defendant deceptively markets its "Great Value All Natural Pita Chips" as being "all natural," when they contain synthetic, artificial, and processed ingredients, such as thiamine mononitrate, niacin, folic acid, and silicon dioxide.

[Barrios v. ZICO Beverages, LLC](#), No. 2:17-cv-1712 (C.D. Cal.): Putative class action for violation of California's CLRA, UCL, and FAL. Plaintiff alleges that Defendant falsely markets and advertises its ZICO 100% Coconut Water as having "No Sugar Added," which misleads consumers to believe that the product

contains less sugar than comparable coconut water products.

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