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February 07, 2018

Food & Consumer Packaged Goods Litigation

New Filings – February 7, 2018

[Newman v. Dierbergs Markets, Inc.](#), No. 1822-CC00194 (Mo. Cir. Ct. – St. Louis): Putative class action asserting violations of Missouri's Merchandising Practices Act, and raising a claim for unjust enrichment. Plaintiff alleges that the label on Defendant's Extra Crunchy "All Natural" Extra Kettle Cooked Potato Chips is false and misleading, representing the chips as "all natural" despite the fact that they contain xanthan gum, a synthetic ingredient. [Green v. Sweetworks Confections, LLC](#), No. 7:18-cv-00902 (S.D.N.Y.): Putative slack-fill class action asserting violations of New York's Deceptive and Unfair Trade Practices Act and the False Advertising provision of the GBL, and raising a claim for common law fraud. Plaintiff alleges that the packaging for Defendant's Sixlets candy product misleads consumers regarding the amount of the product they are purchasing, as the packaging contains up to 60 percent non-functional empty space. [Skinner, et al. v. Ken's Foods, Inc.](#), No. 2:18-cv-00846 (C.D. Cal.): Putative class action asserting violations of California's CLRA, UCL, and FAL. Plaintiffs allege that Defendant's Ken's Steak House Olive Oil Dressings are falsely and misleadingly labeled, as their primary oil ingredients are soybean and canola oils, which are less expensive than olive oil. [Sanabria v. Simple Mills, Inc.](#), No. 2:18-cv-0809 (E.D.N.Y.): Putative class action asserting violations of New York's Deceptive and Unfair Trade Practices Act and the False Advertising provision of the GBL, and raising claims for fraud, unjust enrichment, and breach of express and implied warranties. Plaintiff alleges that Defendant's Almond Flour Crackers and Sprouted Seed Crackers are falsely and misleadingly labeled, leading consumers to believe that "the exclusive flour ingredients in each would be almonds and sprouted seeds, respectively," when in fact both products contain flours derived from other sources. [Kpakpoe-Awei v. Storck USA, LP](#), No. 7:18-cv-1086 (S.D.N.Y.): Putative slack-fill class action asserting violations of New York's Deceptive and Unfair Trade Practices Act and the False Advertising provision of the GBL, and raising a claim for common law fraud. Plaintiff alleges that the packaging of Defendant's Werther's Original Sugar Free Chew Caramels candy product is deceptive and misleading in that it contains 69 percent non-functional empty space.

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