



Our weekly roundup aims to keep our readers up to date on recent notable rulings in the food & consumer packaged goods space.

- ***Kristie Brownell v. Starbucks Coffee Co.***, No. 5:22-cv-01199-FJS-ATB (N.D.N.Y. – July 12, 2023): The Northern District of New York granted dismissal of a putative class action alleging defendant marketed and labeled its *coffee beans* as being made entirely with Arabica coffee beans when lab testing revealed elevated potassium levels. The court held that plaintiff's claim failed, stating that a reasonable consumer would not be misled by the challenged labeling statements and would not see "100% Arabica Coffee" and take it to mean that the product was nothing but coffee beans without any vitamins or minerals added. The plaintiff failed to provide any proof that the products had undergone any testing to support the elevated potassium claims. Further, the court found that the descriptor "Arabica" indicates only the plant from

which the coffee was harvested. Opinion linked [here](#).

- *Caryn Ash v. PSP Distribution, LLC, et al.*, No. 2019 CH-13116 (Ill. App. Ct. – June 12, 2023): An Illinois state appeals court affirmed dismissal of a putative class action alleging defendant misled the public by including whole flaxseed in its *canned cat food* when "ground flaxseed" was listed as an ingredient on the product's web page. The panel found that no reasonable consumer would consider the disclosure of "ground flaxseed" to imply the absence of other forms of flaxseed. Indeed, the plaintiff made claims that whole flaxseed was detrimental to the health of cats yet lacked any support or evidence for that statement. Nor did the plaintiff successfully show that the inclusion of one form of flaxseed therefore excluded other forms. The court found that, even under the expanded protection of the Illinois Consumer Fraud Act, plaintiff's allegations failed to support her assertion that the flaxseed distinction would be material to a reasonable consumer's purchasing decision. Opinion linked [here](#).

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