



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

John Wertymer v. Walmart, Inc., No. 1:23-cv-14700 (N.D. Ill. – February 22, 2024): The Northern District of Illinois dismissed a putative class action lawsuit challenging defendant's ***honey*** labeled "Organic Raw Honey" and "Raw Honey" as deceptively marketed. Plaintiff claimed that the products are not "Organic," "Raw," or "Honey" based on chemical analysis, overheating during processing, and the addition of other sugars. The court found that plaintiff failed to establish what a reasonable consumer would believe about honey and the processing of honey and thus failed to allege how consumers were potentially misled. Opinion available [here](#).

Camila Cabrera v. Bayer Healthcare LLC, et al., No. 2:17-cv-08525-JAK-JPR (C.D. Cal. – February 23,

2024): The Central District of California denied a motion for class certification in a case alleging that the marketing and labeling of defendants' *children's multivitamin products* are false and misleading because the products are labeled as "complete" when they lack vitamin K, vitamin B1, vitamin B2, and vitamin B3. The court found that plaintiff's deposition testimony is sufficient to show that she is "so uniquely vulnerable" to specific defenses that "it is predictable that this litigation will focus on arguments and facts unique to [her]," so plaintiff is not a typical member of the putative classes and therefore is an inadequate representative. The court also concluded that plaintiff can independently verify the vitamins contained in the products by reviewing the list of ingredients on the labels, so she is unlikely to suffer the same injury again and therefore lacks standing to pursue injunctive relief on behalf of the putative classes. Finally, the court reasoned that because the claims of the proposed classes otherwise clear the requirements for class certification, the court would entertain a motion to amend the operative complaint to change the named plaintiff. Opinion available [here](#).

If you are a food or CPG company contact interested in receiving our daily email update on filings and notable rulings, please reach out to Kellie Hale with your request to be added: khale@perkinscoie.com.

Authors



[David T. Biderman](#)

Partner

DBiderman@perkinscoie.com [310.788.3220](tel:310.788.3220)

Explore more in

[Food & Consumer Packaged Goods Litigation](#) [Food & Beverage](#)

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.

[Subscribe ?](#)

[View the blog](#)