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Notable Ruling Roundup



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

- ***Montiquento Corbett, et al. v. Pharmicare U.S., Inc.***, No. 3:21-cv-00137-JES-AHG (E.D. Cal. – March 29, 2024): The Southern District of California trimmed proposed classes in a motion for class certification in a suit challenging the marketing and labeling of ***black elderberry products***. Plaintiffs allege the products make unsubstantiated and unapproved disease prevention claims, meaning that the products are not lawfully marketed dietary supplements. After evaluating consumer surveys, the court certified classes of Missouri and California consumers. While the parties disputed the findings of their respective experts, the court ultimately concluded that these disputes were insufficient to preclude class certification for the Missouri and California classes; however, the court did deny certification as to a nationwide class. Opinion can be viewed [here](#).
- ***Brendan Peacock v. Pabst Brewing Co., LLC***, No. 2:18-cv-00568-DJC-CKD (E.D. Cal. – March 15, 2024): The Eastern District of California granted summary judgment in favor of defendant in a case challenging the labeling of ***Olympia Beer***. Plaintiff argued that the marketing and labeling of the beer was false or misleading because it prompted consumers to think it was brewed using naturally filtered, artisan water from the Olympia, Washington, region. The court determined that plaintiff failed to meet his burden to show a reasonable consumer would be deceived because plaintiff offered insufficient evidence beyond the plaintiff's own personal reading of the product's labeling. The court also noted that the results of consumer surveys indicated that most respondents did not mention the water source as a reason for purchasing the beer. Opinion can be viewed [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.

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