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December 16, 2024

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.

***Robert Greer, et al. v. Strange Honey Farm, LLC, et al.***, No. 23-5589 (6th Cir. 2024): The U.S. Court of Appeals for the Sixth Circuit affirmed the dismissal of a putative class action challenging the labeling of certain **honey** as “100% raw Tennessee honey.” Plaintiff-Appellant asserted the honey is allegedly sourced from Vietnam and is cooked during processing. The Sixth Circuit held that the underlying complaint had failed to adequately allege why the challenged claims on the labels were false. The appellate panel concluded the complaint contained “sparse” allegations about why the statements on the labeling were false or misleading. The panel concluded the complaint did not do enough to explain the details of Plaintiff-Appellant’s purported testing and also failed to sufficiently describe the time period in which the challenged statements were allegedly made. [Opinion available here.](#)

***Mark Trammell v. KLN Enterprises, Inc.***, No. 3:23-cv-01884-H-JLB (S.D. Cal. 2024): The U.S. District Court for the Southern District of California dismissed a putative class action challenging the labeling of **licorice products** as “naturally flavored,” and free of “artificial colors & flavors,” when the products contain dl-malic acid. The Court first concluded that the complaint failed to meet the heightened pleading standards required for claims of fraud. The Court further determined that the suit’s claims failed the reasonable consumer standard, which required Plaintiff to show more than a mere possibility that a reasonable consumer would likely be misled by the product’s labeling. Finally, the Court held that Plaintiff lacked standing to pursue injunctive relief as he did not demonstrate a real and immediate threat of future harm. [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](mailto:khale@perkinscoie.com).

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