

# Food for Thought: California Court Grants Summary Judgment in Class Action Aimed at 100 Percent Juice & "No Sugar Added" Labels

February 26, 2015

*Major v. Ocean Spray Cranberries, Inc., No. 5:12-CV-03067, 2015 WL 859491 (N.D. Cal. Feb. 26, 2015)*



Plaintiff filed a putative class action alleging that Ocean Spray Cranberries, Inc.'s 100 percent juice and "No Sugar Added" products were improperly labeled, which amounted to misbranding and deception, in violation of both California and federal law. Plaintiff sought to certify a statewide class action, appointing herself the representative. Ocean Spray moved for partial summary judgment. The Northern District of California granted Ocean Spray's motion for partial summary judgment and thereafter denied plaintiff's motion for class certification as moot. In *Major*, an individual plaintiff, Noelle Major, brought suit against Ocean Spray Cranberries, Inc. ("Ocean Spray") alleging the "Ocean Spray juices and drinks" she purchased were "unlawfully labeled 'No Sugar Added' or bearing improper nutrient content claims, or false representations that the products are free from artificial colors, flavors, or

preservatives.” Plaintiff argued that Ocean Spray’s 100 percent juice labels violate California’s Unfair Competition Law, false advertising laws, and the Consumers Legal Remedies Act because they deceptively contain “No Sugar Added” messaging without a statement that the beverages are not “low calorie” products as required by 21 C.F.R. § 101.60(c)(2). Major claimed she relied on the misbranded labels and was deceived into purchasing 100 percent juice products. As such, Ocean Spray was allegedly enriched at the expense of plaintiff and the putative class. Ms. Major filed a motion for class certification and to be appointed class representative. Ocean Spray moved for partial summary judgment.[1] The *Major* court granted Ocean Spray’s motion for partial summary judgment, reasoning: Plaintiff did not rely on the challenged statements. Plaintiff correctly understood that the products at issue were not low calorie (they were simply 100 percent juice). California law requires plaintiffs to prove reliance, or that the alleged misrepresentations (*i.e.*, consumers were misled because foods not low in calories were falsely represented) motivated their purchasing decision. Here, plaintiff’s own deposition testimony established that she never believed defendant’s products were low calorie. As such, she could not have been deceived or misled by the fact that the “No Sugar Added” messaging was not supplemented by statements that the beverages were not “low calorie” products. The “No Sugar Added” messaging is factually accurate and conformed to plaintiff’s understanding. The court noted the difference between “fruit juice from concentrate” (where the product contains the same ratio of water to sugar solids and other compounds that exist naturally) and “fruit juice concentrate” (which products contain a higher level of sugar than would exist naturally). Here, Ocean Spray’s products contained the former, “fruit juice from concentrate.” As such, no sugar was actually added and the products did not violate § 10160(c)(2)(ii), which prohibits the use of the term “No Sugar Added” only when the products contain an ingredient containing added sugars “such as *concentrated fruit juice*.” Here, the “No Sugar Added” messaging was accurate, and comported with plaintiff’s understanding, as evidenced by her deposition testimony. After granting Ocean Spray’s motion for partial summary judgment, plaintiff’s motion for class certification was denied as moot. *Read more significant court decisions affecting the food industry in [Food for Thought: 2015 Litigation Annual Review](#).* \_\_\_ [1] The District Court for the Northern

District of California decided the motion for summary judgment first, noting that if granted, the certification motion would be rendered moot.

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