

Snack Company Dismissed from PHVO Ingredient Class Action

DECEMBER 10, 2020

A California Winston team successfully represented Pop Secret Popcorn in a putative consumer fraud, false advertising, and product liability class action wherein the plaintiff alleges a claim under the unfair competition prong of California's Unfair Competition Law, breach of implied warranty of merchantability, and public nuisance related to the inclusion of partially hydrogenated vegetable oil (PHVO) in certain snack products. Significantly, this case is among the first filed after the FDA's determination that trans-fats were no longer Generally Recognized as Safe and its impact on civil claims. On appeal, the Ninth Circuit unanimously affirmed the lower court's decision and upheld the dismissal, securing a decisive victory for our client.

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