

Shawn R. Obi Explores Recent Class Actions Decisions Impacting the Dietary Supplement Industry

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Winston & Strawn class actions and consumer liability partner Shawn R. Obi spoke at [The Food and Drug Law Institute's Food Advertising, Labeling, and Litigation Conference](#) on September 28, 2023, in Washington, D.C. This conference brought together leading practitioners and thought leaders in the food and dietary supplement industries, law firms, consumer protection organizations, and regulatory agencies to discuss the recent updates and the most controversial developments in consumer packaged goods litigation.

Shawn presented "Focus on Dietary Supplements: Supply Chains, Labeling Accuracy, Statutory Damages and More" alongside other experts in the field. Her presentation addressed recent key decisions in the dietary supplement space, including:

- The recent successes of preemption defenses in structure/function claims. These arguments were highlighted in:
 - *Ferrari v. Vitamin Shoppe Industries LLC*, 70 F.4th 64 (1st Cir. 2023)
 - *Hollins v. Walmart Inc.*, 67 F.4th 1011 (9th Cir. 2023)
 - *Baines v. Nature's Bounty (NY) Inc.*, 2023 WL 2185603, at *1 (E.D.N.Y. Jan. 3, 2023)
- The availability of statutory damages under NY GBL §§ 349 and 350 in light of the court's recent decision in *Montera v. Premier Nutrition Corp.* 2022 WL 3348573 (N.D. Cal. Aug. 12, 2022).
- Melatonin overage cases and how courts have ruled on pleadings challenges to date – e.g., *Murphy v. Oily Pub. Benefit Corp.*, 2023 WL 210838, at *16 (N.D. Cal. Jan. 17, 2023).

1 Min Read

Speaker

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