

Food for Thought: Ninth Circuit Reinstates 'Natural' Labeling Class Suit Against Hain Celestial

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Balser v. The Hain Celestial Group, Inc., No. 14-55074 (9th Cir. Feb. 22, 2016)

The Ninth Circuit held that a consumer's definition of "natural" as alleged in the complaint is sufficient for the court's determination of the sufficiency of the pleading with respect to a motion to dismiss. In *Balser*, putative class action plaintiffs filed suit against the Hain Celestial Group, Inc., accusing Hain of deceptive advertising due to the use of the word "natural" on its products. After the lower court granted Hain's motion to dismiss, the Ninth Circuit reversed and remanded with the following notable findings. First, the panel held that the plaintiffs' definition of "natural" as "free of synthetic ingredients" was sufficient to allege a reasonable consumer's understanding of what that word meant, and thus adequate under California law. The Ninth Circuit also found that the plaintiffs sufficiently pled allegations of reliance on the misleading advertising by asserting that they would not have paid the premium price for the products had the products not been advertised as natural. Citing *Williams v. Gerber Prods. Co.*, 552 F.3d 934 (9th Cir. 2008), the panel reversed the dismissal of the complaint on the additional finding that "an ingredient list does not correct, as a matter of law, misrepresentations on the product's label." Thus, whether the ingredient list impacted the putative class is a fact issue to be evaluated by a jury. Finally, the Ninth Circuit remanded the matter for a thorough consideration of whether discovery limited to class certification issues was warranted. The panel noted the recent trend of authority supporting "the need to establish a sufficient factual record at the class certification stage," and found the applicable scheduling order "quite unrealistic."

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