

CLIENT SUCCESS

Winston Defeats Series of Consumer False-Advertising Class Actions Alleging Kraft Misled Consumers by Mislabeled Its Bagel Bites Pizza Snacks

AUGUST 3, 2022

We represented **The Kraft Heinz Co.** in false-advertising class actions, in which plaintiffs alleged that Kraft misled consumers about its Bagel Bites Pizza Snacks by failing to include a disclosure on the label that the product is made with supposed imitation mozzarella cheese.

In the *Marcinelli* litigation brought in the Southern District of New York, we filed a pre-motion-to-dismiss letter with the court contending that no reasonable consumer could be misled by the product's label, because the label said the product contained mozzarella cheese and the product did, in fact, contain mozzarella cheese. Plaintiff in that case voluntarily dismissed the complaint on April 26, 2021.

The same counsel then refiled in Wisconsin and Illinois, alleging nearly identical allegations with a different plaintiff. On May 6, 2022, Judge William Conley of the Western District of Wisconsin dismissed the *Lemke* case, with prejudice, for failure to state a claim. On August 3, 2022, Judge Charles Norgle of the Northern District of Illinois dismissed, with prejudice, the *Jackson* suit, saying the complaint did not allege that the products don't contain real cheese or tomato sauce, only that the front label does not also include the additives.

IMPACT

The resolution of these cases at an early stage saved Kraft from extended costly litigation, and vindicated Kraft's product from the untenable allegations. [please feel to expand as to impact on law, industry, company, market, etc.]

Marcinelli v. Kraft Heinz Foods Co. (Case No. 7:21-cv-01075-KMK, U.S. District Court for the Southern District of New York); ***Lemke v. Kraft Heinz Foods Co.*** (Case No. 3:21-cv-00278, U.S. District Court for the Western District of Wisconsin); and ***Jackson v. Kraft Heinz Foods Co.*** (Case No. 1:21-cv-05219, U.S. District Court for the Northern District of Illinois)

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