

Law360 Reports Kelley Drye's Win in Dismissal of False Advertising Case Against Challenge Dairy and Kroger

May 15, 2012

A *Law360* article reported Los Angeles Superior Court Judge Barbara M. Scheper's dismissal of a class action against Challenge Dairy Products Inc. and Ralphs Grocery Co., a subsidiary of grocery giant The Kroger Corp. The action claimed that the grocery chain violated California state product naming requirements by mislabeling a canola oil-laced butter spread. The Kelley Drye attorneys representing the chain—associate Donnelly McDowell—convinced the Superior Court Judge to dismiss the action on the grounds that the labeling complied with California's Milk and Milk Products Act (MMPA) requirements and that the plaintiff's interpretation of the MMPA would put the law in conflict with the federal Food, Drug & Cosmetic Act.