

Third CBD False Advertising Case Halted this Year Pending FDA Review

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On June 15, the Eastern District of California, Judge Morrison J. England, granted CBD retailer Global Widget, LLC's ("Global Widget") request to stay the case of *Glass v. Global Widget LLC*, Case No. 2:19-cv-01906 (E.D. Cal.) until the U.S. Food and Drug Administration ("FDA") completes its rulemaking regarding the marketing and labelling of CBD ingestible products. This marks the third time this year that a federal court has paused class action litigation over alleged misbranding of products containing CBD.

Judge England's decision relied heavily on the CV Sciences, Inc. decision from Judge Phillips that we covered previously. In both cases, the class action plaintiffs alleged that they would not have purchased the defendants' CBD products if they had known that the products were not legally sold in the United States (as they alleged). Judge England adopted the same analysis from the CV Sciences, Inc. decision and stayed the case pursuant to the primary jurisdiction doctrine. This is another decision in a constantly-growing string of authority pausing false advertising claims over CBD products, and we expect a wave of motion practice, as well as new complaints being filed, once FDA's final guidelines are released.

