

Courts In 9th Circuit Continue To Split On Ascertainability: “All Natural” Class Action Dies On the Vine But Sexual Energy Supplement Suit Has Staying Power

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On June 13, 2014, U.S. District Judge Charles R. Breyer of the Northern District of California, issued an order denying class certification to a putative class of consumers who had purchased ConAgra food products labeled as “natural,” finding that the putative class was unascertainable due to the lack of purchase records or any other reliable method of identifying class members. The following week, on June 19, 2014, U.S. District Judge Audrey B. Collins of the Central District of California, issued an order granting class certification to a class of consumers who purchased a dietary supplement allegedly deceptively advertised as an aphrodisiac, rejecting similar arguments that the absence of retail purchase records rendered the class unascertainable... [Continue Reading](#)

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