

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

ANIMAL LEGAL DEFENSE FUND,

Plaintiff,

v.

HORMEL FOODS CORPORATION,

Defendant.

Case No. 2016 CA 004744

Judge Neal E. Kravitz

Next Court Date: September 22, 2017

Event: Scheduling Conference

NOTICE OF SUPPLEMENTAL AUTHORITY

Plaintiff Animal Legal Defense Fund (ALDF) file this Notice of Supplemental Authority in support of its Opposition to Defendant Hormel Foods Corporation's Motion to Dismiss. The attached decision, *Walters v. Vitamin Shoppe Industries, Inc.*, __ Fed. App'x __, 2017 WL 3264035 (9th Cir. Aug. 1, 2017), was decided after briefing on Hormel's Motion to Dismiss was completed.

Walters involved a consumer claim that a product was misrepresented. *Id.* at *2. The defendant contended that the plaintiff's misrepresentation claim could be defeated because reviewing the fine print on the back of the product package would have dispelled any misunderstanding. *Id.*; compare *id.* with Hormel's Reply Brief in Support of Its Contested Motion to Dismiss Plaintiff's Complaint, at 14 (July 27, 2017). The U.S. Court of Appeals for the Ninth Circuit rejected that argument outright, explaining that "[c]onsumers review small print on a product's label to learn additional details about a product, not to correct potentially misleading representations on the front," and holding that the plaintiff "did not have a duty to validate claims on the front of a product's label by cross-checking them against information contain in small print

on the back.” *Walters*, 2017 WL 3264035, at *2 (following *Williams v. Gerber Prods. Co.*, 552 F.3d 934, 939-40 (9th Cir. 2008)).

Respectfully submitted,

August 14, 2017

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CERTIFICATE OF SERVICE

I hereby certify that on August 14, 2017, the attached was served on all counsel of record through the Court’s CFX system.

/s/ Tracy D. Rezvani