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## \$1.5M Deal Approved To End Welch's Grape Juice Ad Suit

By **Mike Curley**

Law360 (April 18, 2022, 1:11 PM EDT) -- A California federal judge has approved a \$1.5 million settlement to end claims that Welch's grape juices mislead consumers into thinking they support heart health, with class counsel receiving \$375,000 of the settlement fund.

In an **order** filed Friday, U.S. Magistrate Judge Joseph C. Spero granted final approval to the deal, including certification of the class led by named plaintiff Curtis Hanson.

Of the \$1.5 million fund, administrative costs are set at \$324,657, and class counsel will receive \$375,000 or 25% of the settlement fund in fees and \$24,196 in costs. Hanson will receive a service award of \$5,000, according to the order.

The settlement class consists of all people in the U.S. who bought one of the products for home consumption between March 2016 and Oct. 1, 2021. According to the motion for final approval, the 3.2 million class members can receive a cash refund of between \$0.55 and \$54.47, with an average of \$4.94 per claimant.

Class members without proof of purchase can make up to 12 claims, while those with proof of purchase will not have their claims capped, according to the motion, and the payments will be adjusted based on whether the approved claims are more or less than the amount available.

As part of the deal, Welch has also agreed to remove the claims that its juice "helps support a healthy heart" and "helps promote a healthy heart" and similar language from the three products in question for a period of two years, starting, at the latest, one year after judgment is entered in the case.

According to the order, while seven class members submitted requests for exclusion, none filed timely objections to the agreement itself.

Hanson filed the suit in March 2020, alleging labels on Welch's 100% Grape Juice Concord Grape, 100% Juice Red Sangria and 100% Black Cherry Concord Grape Juice claim to promote and support heart health, but instead the juices are associated with increased risk of cardiovascular disease and type 2 diabetes.

Hanson asked the court for preliminary approval of the deal in **October**, and sought final approval in March.

An attorney for Hanson declined to comment Monday.

Representatives for Welch Foods could not immediately be reached for comment Monday.

Hanson is represented by Jack Fitzgerald, Trevor M. Flynn and Melanie Persinger of Fitzgerald Joseph LLP.

Welch is represented by Bart H. Williams, Jennifer L. Roche Baldassare Vinti and Qian Jennifer Yang of Proskauer Rose LLP.

The case is Hanson v. Welch Foods Inc., case number 3:20-cv-02011, in the U.S. District Court for

the Northern District of California.

--Editing by Alex Hubbard.

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