Proposed Class Action Urges Court Not to Dismiss Suit Against Florida CBD Manufacturer

Wednesday, March 4, 2020

A proposed class of consumers is urging a Massachusetts federal judge not to dismiss its suit against a Florida CBD supplement manufacturer over the potency of its products. By way of background, in September 2019, plaintiff Marjorie Ahumada filed suit against Florida-based Global Widget LLC, owner of Hemp Bombs brand, claiming that its products do not contain the advertised dosages. Ahumada claimed to have purchased two packages of Hemp Bombs gummies for about $17 in Massachusetts. The packages were advertised as pure and “high potency,” and that the gummies contained 75 milligrams of CBD, which Ahumada understood to mean 15 milligrams per gummy. According to the plaintiff’s own testing, the gummies contained a much smaller amount of CBD, or even none at all.

In their January motion to dismiss, Global Widget argued that Ahumada’s allegations were futile and that the product testing was insufficient. “Despite such bold claims, the complaint fails to describe the alleged laboratory testing or its methodology or allege that the testing was performed on the actual purchased product.” Now Ahumada and the proposed class are asking that the suit not be dismissed, arguing that the testing the proposed class performed on the products is adequate at this point in the case. Ahumada stated that “[t]he [first amended complaint] sufficiently alleges the claims on the CBD products are false and misleading because the products contain less CBD than advertised as demonstrated by plaintiff’s testing.”

Additionally, in their motion to dismiss, Global Widget further argued that the court
should stay the case pending forthcoming CBD regulations from the FDA. Ahumada, however, argued that any new rules or guidance from the FDA would be forward-looking only and would not impact the lawsuit.

The lawsuit is one of a growing number of private actions filed alleging false and misleading CBD product labeling. We will continue to monitor this case as well as other CBD-related lawsuits and regulatory actions.

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