

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ILLINOIS

Vineyard v. La Terra Fina USA, LLC

Vineyard · No. 3:24-CV-00704-NJR · Decided February 27, 2026

SUMMARY

The United States District Court for the Southern District of Illinois granted La Terra Fina USA, LLC’s motion to dismiss Tricia Vineyard’s amended putative class action concerning “no artificial preservatives” labeling on dip products containing citric acid. The court held that Vineyard failed to plausibly connect La Terra’s products to artificially produced citric acid and therefore failed to satisfy Federal Rule of Civil Procedure 9(b) for her Illinois Consumer Fraud and Deceptive Business Practices Act claims. The court dismissed all claims but granted Vineyard a second and final opportunity to amend by March 30, 2026.

CASE DETAILS

COURT	United States District Court for the Southern District of Illinois
WRITING FOR THE COURT	Nancy J. Rosenstengel
JURISDICTION	United States District Court for the Southern District of Illinois
DECIDED	February 27, 2026
DOCKET	3:24-CV-00704-NJR
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss Plaintiff's amended putative class action complaint. The court granted the motion, dismissed all four counts, and granted Plaintiff a second and final opportunity to amend.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and draws reasonable inferences in the plaintiff's favor, but the complaint must contain enough facts to state a facially plausible claim. Fraud-based ICFA allegations must satisfy Rule 9(b)'s particularity requirement.
PRECEDENTIAL VALUE	unpublished
PARTIES	Tricia Vineyard v. La Terra Fina USA, LLC

TOPICS

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QUESTIONS PRESENTED

1. Whether the amended complaint plausibly alleged that La Terra used artificially produced citric acid in its dips so as to support deceptive or unfair-practices claims under the Illinois Consumer Fraud and Deceptive Business Practices Act.
2. Whether the fraud-based ICFA claim pleaded the circumstances of the alleged deception with particularity under Federal Rule of Civil Procedure 9(b).
3. Whether the failure to plausibly allege the presence of artificial citric acid also required dismissal of the express-warranty and unjust-enrichment claims.

HOLDINGS

1. The amended complaint failed to state a plausible fraud or deception claim because it did not allege facts connecting La Terra's products to artificially produced citric acid; general industry statistics and probability-based assumptions were insufficient under Rule 9(b).
2. The unfair-practices claim failed because the amended complaint did not allege specific facts connecting La Terra to the use of artificial citric acid.
3. The express-warranty and unjust-enrichment claims failed because they depended on the same unsupported allegation that the citric acid in La Terra's dips was artificial.
4. Despite granting the motion to dismiss, the court allowed Vineyard one second and final opportunity to amend under Rule 15(a)(2).

KEY QUOTATIONS

“Her allegations of fraud, however, fail for a simple reason: the lack of a discernible nexus between the “industrial” fermenting process she describes generally and the citric acid production practices of La Terra.”
(Discussion, section A.a)

“Vineyard and the Tarzian plaintiffs assign liability to a specific defendant based on industry practice and nothing more.” (Discussion, section A.b)

“For these reasons, La Terra’s Motion to Dismiss Vineyard’s Amended Complaint (Doc. 43) is GRANTED.”
(Conclusion, Page 16)

FACTUAL BACKGROUND

Tricia Vineyard purchased La Terra's Everything But The Bagel Dip & Spread in Illinois for \$3.99 after seeing packaging stating that the product contained no artificial flavors, colors, or preservatives. She alleged that the

product contained citric acid that was artificially produced through industrial fermentation and therefore made the label misleading. Her allegations concerning La Terra's use of artificially produced citric acid rested on general industry statistics, economic assumptions, and information and belief rather than product-specific testing or information about La Terra's manufacturing practices.

PROCEDURAL HISTORY

The court dismissed Vineyard's original complaint on March 31, 2025, while granting leave to amend. Vineyard filed an amended complaint alleging violations of the Illinois Consumer Fraud and Deceptive Business Practices Act, breach of express warranty, and unjust enrichment. La Terra moved to dismiss the amended complaint, and the court granted the motion but allowed a second and final amendment by March 30, 2026.

DISPOSITION

other

CASES CITED

- *Levenstein v. Salafsky*, 164 F.3d 345, 347 (7th Cir. 1998)
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 557, 570 (2007)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678-79 (2009)
- *Bilek v. Federal Insurance Co.*, 8 F.4th 581, 586 (7th Cir. 2021)
- *McAuley v. City of Chicago*, 671 F.3d 611, 616 (7th Cir. 2011)
- *Burke v. 401 N. Wabash Venture, LLC*, 714 F.3d 501, 504 (7th Cir. 2013)
- *Kahn v. Walmart Inc.*, 107 F.4th 585, 598 (7th Cir. 2024)
- *Benson v. Fannie May Confections Brands, Inc.*, 944 F.3d 639, 646 (7th Cir. 2019)
- *Bell v. Publix Super Markets, Inc.*, 982 F.3d 468, 474-75 (7th Cir. 2020)
- *Siegel v. Shell Oil Co.*, 612 F.3d 932, 935 (7th Cir. 2010)
- *Vanzant v. Hill's Pet Nutrition, Inc.*, 934 F.3d 730, 738-39 (7th Cir. 2019)
- *Batson v. Live Nation Entertainment, Inc.*, 746 F.3d 827, 830 (7th Cir. 2014)
- *Pirelli Armstrong Tire Corp. Retiree Medical Benefit Trust v. Walgreen Co.*, 631 F.3d 436, 439, 441, 446-47 (7th Cir. 2011)
- *Camasta v. Jos. A. Bank Clothiers, Inc.*, 761 F.3d 732, 738-39 (7th Cir. 2014)
- *United States ex rel. Lusby v. Rolls-Royce Corp.*, 570 F.3d 849, 850, 853-55 (7th Cir. 2009)
- *Barreto v. Westbrae Natural, Inc.*, 518 F. Supp. 3d 795, 800-01, 808 (S.D.N.Y. 2021)
- *Hawkins v. Coca-Cola Co.*, 654 F. Supp. 3d 290, 309 (S.D.N.Y. 2023)
- *Floyd v. Pepperidge Farm, Inc.*, 581 F. Supp. 3d 1101, 1112 (S.D. Ill. 2022)
- *Tarzian v. Kraft Heinz Foods Co.*, No. 18 C 7148, 2019 WL 5064732, at *1, *4 (N.D. Ill. Oct. 9, 2019)
- *Valencia v. Snapple Beverage Corp.*, No. 23-CV-1399, 2024 WL 1158476, at *5 (S.D.N.Y. Mar. 18, 2024)
- *Hickey v. O'Bannon*, 287 F.3d 656, 657-58 (7th Cir. 2002)
- *Zablocki v. Merchants Credit Guide Co.*, 968 F.3d 620, 623 (7th Cir. 2020)

- *Midwest Orthodontic Associates, Ltd. v. Cincinnati Casualty Co.*, 564 F. Supp. 3d 663, 668 (S.D. Ill. 2021)
- *Global Technology & Trading, Inc. v. Tech Mahindra Ltd.*, 789 F.3d 730, 733 (7th Cir. 2015)

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