



## Del Monte Foods Settles Lawsuit with a Donation to Mercer Street Friends

The Mercer Street Friends Food Bank received a donation of 33,000 pounds of assorted food from Del Monte Foods as the result of the settlement of a law suit brought against the corporation by the plaintiff, Nick DeBenedetto.

Mr. DeBenedetto filed a class action lawsuit against Del Monte last year after he discovered that the nutritional information on the outside plastic wrapping that housed the four-pack StarKist tuna cans he purchased differed from the information printed on the individual can labels.

Discovery revealed that the mislabeling was not intentional and that it occurred in only a small percentage of the Multi-Packs that Del Monte sold in New Jersey. Furthermore, the nutritional information on the shrink-wrapped outer packaging, which was the information seen by consumers at the point of sale, was accurate.

Everyone agreed that it would be impossible to identify which consumers bought the erroneously labeled product. It was also concluded that damages to class members would be minimal, based on the amount of

sales and profit to the Defendant, which was determined to be \$20,000.

So, how does this all get resolved? Mr. DeBenedetto's attorney, Andrew Wolf of Galex Wolf LLC, came up with what we think was a great idea. Del Monte would donate the profit from the sale of the product, in cash or in kind to the Mercer Street Friends Food Bank. Works for us!

In late August a tractor trailer arrived at the food bank carrying 1,970 cases of assorted Del Monte, StarKist and College Inn products: tuna fish in a pouch, tuna to go kits, cut green beans, Italian style stewed tomatoes, corn, diced pears, tropical fruit, chunk pineapple in juice, spaghetti sauce traditional, spaghetti sauce with mushrooms, beef broth, chicken broth, and organic chicken broth.

Not quite the typical way we receive donations, but nonetheless, we are happy that the Plaintiff and his attorney came up with a settlement that benefits people who are poorly nourished and thought of the Mercer Street Friends Food Bank as the right place to make this happen.

## Recent Grants and Awards

### *Church and Dwight Employee Giving Fund:*

\$10,000 to support our Healthy Eating Initiatives and the distribution of wholesome and nutritious foods.

### *The Concordia Foundation:*

\$15,000 to increase access to healthy foods for people at risk for hunger and food security.

### *The Karma Foundation:*

\$25,000 toward the purchase and installation of a walk-in freezer.

### *The Fred C. Rummel Foundation:*

\$15,000 toward the purchase and installation of a walk-in freezer.

## Volunteer Counts

*Thank you to the following groups for helping in the warehouse this summer and fall.*

Number of Volunteers.....**39**  
Number of Hours.....**156**

### GROUPS:

- Church and Dwight
- JusticeworX
- Mercer County Community College Video Production Students
- Princeton University – Community Action 2007

*If you would like to volunteer, please call us at (609) 406-0503.*