

1 Pomegranate product was, although literally true, nevertheless deceptive or had
2 a tendency to deceive a substantial number of actual consumers?

3
4 Yes: X No: _____

5 (If "Yes," please proceed to Question No. 2; if "No," please sign and date this
6 form and inform the Court Clerk that you have completed your deliberations.)
7

8 **Question 2:**

9
10 Did Plaintiff prove by a preponderance of the evidence that Defendant
11 intended the name, label, packaging or advertising to deceive consumers?

12
13 Yes: X No: _____

14 (If "Yes," please skip Question 3 and answer question 4; If "No," please
15 proceed to Question No. 3)
16

17 **Question 3:**

18
19 Did Plaintiff prove by a preponderance of the evidence that even if Welch
20 Foods did not act with the intent to deceive, a substantial segment of consumers
21 were in fact deceived by the name, packaging or advertising of the White Grape
22 Pomegranate product?
23

24
25 Yes: _____ No: _____

26 (If "Yes," please proceed to Question No. 4; if "No," please sign and date this
27 form and inform the Court Clerk that you have completed deliberations.)
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Question 4:

Did Plaintiff prove by a preponderance of the evidence that it suffered injury, consisting of lost sales or lessening of goodwill as a result of Defendant's conduct?

Yes: _____ No: X

(If "Yes," please proceed to Question No. 5; if "No," please sign and date this form and inform the Court Clerk that you have completed your deliberations.)

Question 5: (See Instruction No. 4)

Did Defendant prove by clear and convincing evidence that Plaintiff engaged in inequitable conduct such that it had "unclean hands"?

Yes: _____ No: _____

(Please sign and date this form and inform the Court Clerk that you have completed your deliberations.)

Dated: 9-13-10

By: Jury Foreperson