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 NORTHERN DISTRICT OF CALIFORNIA

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 DIANA PARKER

JCS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
C 13 0690
San Francisco Division

DIANA PARKER, individually and on behalf of all
 others similarly situated,

Case No. _____

CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

Plaintiff,

v.

J. M. SMUCKER CO., an Ohio corporation,

Defendant

1. Violation of California False Advertising Law, California Business & Professions Code § 17500, *et seq.*;
2. Violation of California Unfair Competition Law, California Business & Professions Code § 17200, *et seq.*;
3. Breach of Express Warranty;
4. Violation of Consumer Legal Remedies Act, California Civil Code § 1750, *et seq.*

1 Plaintiff Diana Parker, by and through her counsel, brings this Class Action Complaint against J.
2 M. Smucker Co., on behalf of herself and all others similarly situated, and alleges, upon personal
3 knowledge as to her own actions and her counsel's investigations, and upon information and belief as
4 to all other matters, as follows:

5 **NATURE OF THE CASE**

6 1. In recent years, consumer consciousness regarding foods and beverages that they
7 perceive to be healthy and natural has been heightened, causing consumers to seek out products
8 marketed as such. As a result, the market for natural or organic foods and beverages has grown
9 rapidly, yielding billions of dollars in revenue for food and beverage manufacturers.

10 2. J. M. Smucker Co. ("Smuckers" or "Defendant") is a multi-billion dollar North
11 American food corporation. In 2012, Smuckers reported over \$5.5 billion in annual net sales.

12 3. Defendant manufactures, markets, and sells cooking oils nationwide from its
13 manufacturing plant in Orrville, Ohio, including Crisco Natural Blend Oil, Crisco Pure Corn Oil,
14 Crisco Pure Canola Oil, and Crisco Pure Vegetable Oil (collectively, the "Products").

15 4. In an effort to capture a segment of the lucrative health food market, Defendant has
16 systematically labeled the Products as "all natural" on the product packaging, so that any United States
17 consumer who purchases the Products is exposed to Defendant's "all natural" claim.

18 5. This claim is deceptive and misleading because the Products are made with unnatural
19 ingredients. Specifically, the Products are made with plants whose genes have been altered by
20 scientists in a lab for the express purpose of causing those plants to exhibit traits that are not
21 naturally their own. Genetically modified organisms ("GMOs") are not natural by design.

22 6. Accordingly, Defendant misleads and deceives reasonable consumers, including the
23 named Plaintiff and the other members of the Class, by portraying products made from unnatural
24 ingredients as "All Natural."

25 7. Defendant's conduct harms consumers by inducing them to purchase and consume
26 products with GMOs on the false premise that the products are "all natural."

27 8. Plaintiff brings claims against Defendant individually and on behalf of a California
28 class of all other similarly situated purchasers of the Products for violations of California's False

1 Advertising Law, Cal. Bus & Prof. Code § 17500, *et seq.* ("UCL"), the Unfair Competition Law, Cal.
 2 Bus. & Prof. Code § 17200, *et seq.* ("UCL"), breach of express warranties, and the Consumers Legal
 3 Remedies Act, Cal. Civ. Code § 1750, *et seq.* Plaintiff seeks an order requiring Defendant to, among
 4 other things: (1) cease the unlawful marketing; (2) conduct a corrective advertising campaign; and (3)
 5 pay damages and restitution to Plaintiff and Class members in the amounts paid to purchase the
 6 products at issue.

7 JURISDICTION AND VENUE

8 9. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §
 9 1332(d)(2), because the proposed class has more than 100 members, the class contains at least one
 10 member of diverse citizenship from Defendant, and the amount in controversy exceeds \$5 million.

11 10. The Court has personal jurisdiction over Defendant because Defendant is authorized to,
 12 and conducts, substantial business in California.

13 11. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)(2), because a
 14 substantial part of the events and omissions giving rise to this action occurred in this District as
 15 Defendant distributes the Products for sale within this District.

16 12. Intradistrict Assignment: Pursuant to Civil Local Rules 3-2(c) a substantial part of the
 17 events or omissions which give rise to the claims occurred in San Francisco County, and it is therefore
 18 appropriate to assign this action to the San Francisco Division.

19 PARTIES

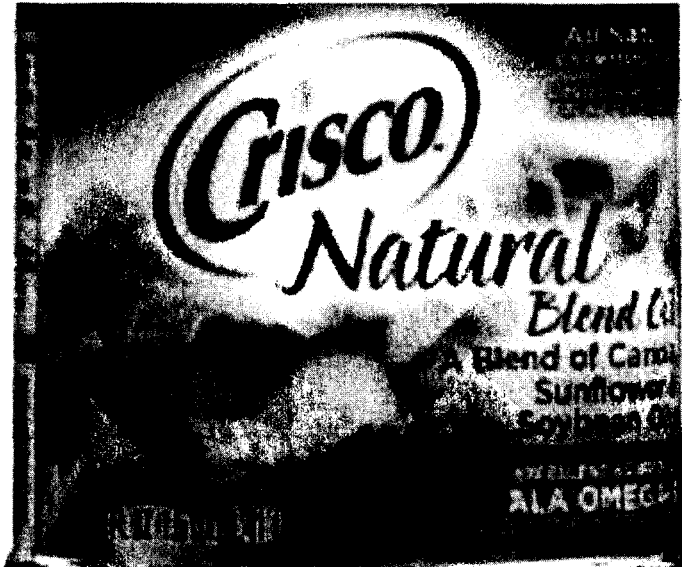
20 13. Plaintiff Diana Parker is a resident of San Francisco, California. Ms. Parker has
 21 purchased several Products in San Francisco, California within the past four years in reliance on
 22 Defendant's representations that the Products were "All Natural." These representations and
 23 omissions were material to Ms. Parker's decision to purchase the Products. Ms. Parker was willing to
 24 pay for the Products because of the representations that they were "all natural" and would not have
 25 purchased the Products, would not have paid as much for the Products, or would have purchased
 26 alternative products in absence of the representations.

1 14. Defendant J. M. Smucker Co. is an Ohio corporation with its principal place of business
2 at 1 Strawberry Lane, Orrville, Ohio 44667. Defendant manufactures and distributes the Products
3 from its manufacturing plant in Ohio to consumers in California and throughout the United States.

4 **SUBSTANTIVE ALLEGATIONS**

5 **Defendant Deceptively Labels The Products As "All Natural"**

6 15. Within the Class Period, Defendant systematically labeled the Products as "all natural".
7 The Product labels appear as follows:





16. By consistently labeling the Products as “all natural” within the Class Period, Defendant ensured that all consumers purchasing the Products would be exposed to its “all natural” claim.

17. A claim that a product is “natural” is material to a reasonable consumer.

Genetically Modified Organisms Are Not Natural

18. The dictionary defines the term “natural” as “existing in or produced by nature: not artificial.” (Webster’s Ninth New Collegiate Dictionary 788 (1990).) This common dictionary definition of the term “natural” is consistent with the expectations of a reasonable consumer.

1 19. GMOs are not natural, let alone “all natural.” Monsanto, one of the companies that
 2 makes GMOs, defines GMOs as “Plants or animals that have had their genetic makeup altered to
 3 exhibit *traits that are not naturally theirs*. In general, genes are taken (copied) from one organism that
 4 shows a desired trait and transferred into the genetic code of another organism.”
 5 (<http://www.monsanto.com/newsviews/Pages/glossary.aspx#g> (last visited February 13, 2013)
 6 (emphasis added).) “Unnatural” is a defining characteristic of genetically modified foods.

7 20. Romer Labs, a company that provides diagnostic solutions to the agricultural industry,
 8 defines GMOs as “[a]griculturally important plants [that] are often genetically modified by the
 9 insertion of DNA material from outside the organism into the plant's DNA sequence, allowing the
 10 plant to *express novel traits that normally would not appear in nature*, such as herbicide or insect
 11 resistance. Seed harvested from GMO plants will also contain these [sic] modification.”
 12 (<http://www.romerlabs.com/en/analytes/genetically-modified-organisms.html> (last visited February
 13 13, 2013) (emphasis added).)

14 21. That GMOs are not natural is further evidenced by the explanations of health and
 15 environmental organizations, such as The World Health Organization, which defines GMOs as
 16 “organisms in which *the genetic material (DNA) has been altered in a way that does not occur*
 17 *naturally*. The technology is often called ‘modern biotechnology’ or ‘gene technology’, sometimes
 18 also ‘recombinant DNA technology’ or ‘genetic engineering’. It allows selected individual genes to
 19 be transferred from one organism into another, also between non-related species. Such methods are
 20 used to create GM plants – which are then used to grow GM food crops.” (World Health
 21 Organization, 20 Questions on Genetically Modified (GM) Foods at
 22 http://www.who.int/foodsafety/publications/biotech/en/20questions_en.pdf (last visited February 13,
 23 2013).)

24 22. The Environmental Protection Agency has distinguished conventional breeding of
 25 plants “through natural methods, such as cross-pollination” from genetic engineering using modern
 26 scientific techniques. (United States Environmental Protection Agency, Prevention, Pesticides and
 27 Toxic Substances, Questions & Answers Biotechnology: Final Plant-Pesticide/Plant Incorporated
 28 Protectants (PIPs) Rules (Jul. 19, 2001) at <http://www.epa.gov/scipoly/biotech/pubs/qanda.pdf>

1 (“*Conventional breeding* is a method in which genes for pesticidal traits are introduced into a plant
 2 *through natural methods*, such as cross-pollination. . . . Genetically engineered plant-incorporated
 3 protectants are created through a process that utilizes several different modern scientific techniques
 4 to introduce a specific pesticide-producing gene into a plant’s DNA genetic material.”) (emphasis of
 5 “through natural methods” added; remaining emphasis in original) (last visited February 13, 2013).)

6 23. As indicated by the definitions above, which come from a wide array of sources,
 7 including industry, government, and health organizations, GMOs are not “all natural.” GMOs are
 8 “created” artificially in a laboratory through genetic engineering. Thus, by claiming that its Products
 9 are “all natural,” Defendant deceives and misleads reasonable consumers.

10 **The Products Are Made From Genetically Modified Organisms**

11 24. Plaintiff is informed and believes that Defendant’s Products are made from GMOs.
 12 Currently, approximately more than 90% of U.S. corn, soy, and canola crops are GMO. In its public
 13 “Statement Regarding Genetic Modification,” Defendant impliedly supports the use of GMO
 14 ingredients by asserting that they are economical, dependable, of higher quality and safe, and
 15 Defendant admits that “Due to expanding use of biotechnology by farmers and commingling of
 16 ingredients in storage and shipment, it is possible that some of our products may contain ingredients
 17 derived from biotechnology.”

18 24. Defendant’s “all natural” representations are false, deceptive, misleading, and unfair
 19 to consumers, who are injured in fact by purchasing products that Defendant claims are “all natural”
 20 when in fact they are not.

21 **CLASS ACTION ALLEGATIONS**

22 25. Plaintiff seeks relief in her individual capacity and seeks to represent a class consisting
 23 of all others who are similarly situated. Pursuant to Fed. R. Civ. P. 23(a) and (b)(2) and/or (b)(3),
 24 Plaintiff seeks certification of a class initially defined as follows:

25 All consumers who from February 15, 2009 until the date notice is disseminated to the
 26 Class (the “Class Period”), purchased the following Crisco Products in California: (1)
 27 Natural Blend Oil, (2) Pure Canola Oil, (3) Pure Corn Oil, and (4) Pure Vegetable Oil.
 28

26. Excluded from the Class are Defendant and its subsidiaries and affiliates, Defendant's executives, board members, legal counsel, the judges and all other court personnel to whom this case is assigned, their immediate families, and those who purchased the Products for the purpose of resale.

27. Plaintiff reserves the right to amend or modify the Class definition with greater specificity or division into subclasses after they have had an opportunity to conduct discovery.

28. Numerosity. Fed. R. Civ. P. 23(a)(1). The potential members of the Class as defined are so numerous that joinder of all members is unfeasible and not practicable. While the precise number of Class members has not been determined at this time, Plaintiff is informed and believes that many thousands or millions of consumers have purchased the Products.

29. Commonality. Fed. R. Civ. P. 23(a)(2) and (b)(3). There are questions of law and fact common to the Class, which predominate over any questions affecting only individual Class members. These common questions of law and fact include, without limitation:

- a. Whether Defendant falsely and/or misleadingly misrepresented the Products as being "All Natural";
- b. Whether Defendant's misrepresentations are likely to deceive reasonable consumers;
- c. Whether Defendant violated California Business and Professions Code § 17500, *et seq.*;
- d. Whether Defendant violated California Business and Professions Code § 17200, *et seq.*;
- e. Whether Defendant breached an express warranty;
- f. Whether Defendant violated California Civil Code § 1750, *et seq.*; and
- g. The nature of the relief, including equitable relief, to which Plaintiff and the Class members are entitled.

30. Typicality. Fed. R. Civ. P. 23(a)(3). Plaintiff's claims are typical of the claims of the Class. Plaintiff and all Class members were exposed to uniform practices and sustained injury arising out of and caused by Defendant's unlawful conduct.

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SECOND CAUSE OF ACTION

(California Unfair Competition Law – Cal. Bus. & Prof. Code § 17200, *et seq.*)

40. Plaintiff incorporates by reference and re-alleges the preceding paragraphs.

41. Defendant engaged in unlawful, unfair, and/or fraudulent conduct under California Business & Professional Code § 17200, *et seq.*, by representing that the Products are “All Natural,” when they are not.

42. Defendant’s conduct is unlawful in that it violates the Consumers Legal Remedies Act, California Civil Code § 1750, *et seq.*, the False Advertising Law, California Business & Professions Code § 17500.

43. Defendant’s conduct is unfair in that it offends established public policy and/or is immoral, unethical, oppressive, unscrupulous and/or substantially injurious to Plaintiff and Class members. The harm to Plaintiff and Class members arising from Defendant’s conduct outweighs any legitimate benefit Defendant derived from the conduct. Defendant’s conduct undermines and violates the stated spirit and policies underlying the Consumers Legal Remedies Act and the False Advertising Law as alleged herein.

44. Defendant’s actions and practices constitute “fraudulent” business practices in violation of the UCL because, among other things, they are likely to deceive reasonable consumers. Plaintiff relied on Defendant’s representations and omissions.

45. As a direct and proximate result of Defendant’s violations, Plaintiff suffered injury in fact and lost money.

46. Plaintiff, on behalf of herself and Class members, seeks equitable relief in the form of an order requiring Defendant to refund Plaintiff and all Class members all monies they paid for the Products, and injunctive relief in the form of an order prohibiting Defendant from engaging in the alleged misconduct and performing a corrective advertising campaign.

THIRD CAUSE OF ACTION

(Breach of Express Warranty)

47. Plaintiff incorporates by reference and re-alleges the preceding paragraphs.

48. Plaintiff brings this claim individually and on behalf of the Class.

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particular standard, quality or grade, or that the Products are of a particular style, or model, when they are of another;

c. in violation of §1770(a)(9), Defendant has advertised the Products with intent not to sell them as advertised; and

d. in violation of §1770(a)(16), Defendant represented that the Products have been supplied in accordance with previous representations, when they were not.

59. Defendant affirmatively represented to consumers that the Products are "all natural."

60. Defendant omitted to state that the Products contain GMOs.

61. This sort of information is relied upon by consumers in making purchasing decisions, and is fundamental to the decision to purchase food products.

62. Plaintiff relied upon Defendant's misrepresentations to her detriment.

63. Defendant's misrepresentations constitute unfair, deceptive, and misleading business practices in violation of Civil Code §1770(a).

64. Defendant's deceptive acts and omissions occurred in the course of selling a consumer product and have occurred continuously through the filing of this Complaint.

65. On February 12, 2013, Plaintiff notified Defendant in writing by certified mail of the violations alleged herein and demanded that Defendant remedy those violations.

66. If Defendant fails to remedy the violations alleged herein within 30 days of receipt of Plaintiff's notice, Plaintiff will amend this Complaint to add claims for actual, punitive, and statutory damages pursuant to the CLRA.

WHEREFORE, Plaintiff, on behalf of herself and Class members, prays for relief as follows:

A. For an order that this action may be maintained as a class action under Rule 23 of the Federal Rules of Civil Procedure, that Plaintiff be appointed Class representative, and that Plaintiff's counsel be appointed as counsel for the Class;

B. For an order requiring Defendant to refund Plaintiff and all Class members for the Products;

D. For an order prohibiting Defendant from engaging in the misconduct described herein;

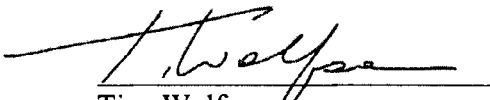
- 1 E. For an award of attorneys' fees;
2 F. For an award of the costs of suit incurred herein, including expert witness fees;
3 G. For an award of interest, including prejudgment interest, at the legal rate; and
4 H. For such other and further relief as this Court deems just and proper.

5 **DEMAND FOR JURY TRIAL**

6 Plaintiff demands trial by jury of all claims so triable.

7
8 Dated: February 15, 2013

Respectfully submitted,
AHDOOT & WOLFSON, PC

9
10 
11 Tina Wolfson
12 Robert Ahdoot
13 Theodore W. Maya
14 10850 Wilshire Blvd., Suite 370
15 Los Angeles, California 90024
16 Tel: 310-474-9111
17 Facsimile: 310-474-8585

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Counsel for Plaintiff,
Diana Parker

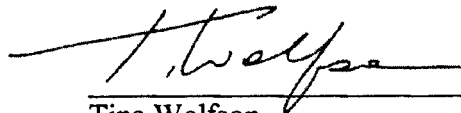
AFFIDAVIT OF TINA WOLFSON

I, Tina Wolfson, declare as follows:

1. I am an attorney with the law firm of Ahdoot & Wolfson, P.C., counsel for Plaintiff Diana Parker ("Plaintiff") in this action. I am admitted to practice law in California and before this Court, and am a member in good standing of the State Bar of California. This declaration is made pursuant to California Civil Code section 1780(d). I make this declaration based on my research of public records and upon personal knowledge and, if called upon to do so, could and would testify competently thereto.

2. Based on my research and personal knowledge, Defendant J. M. Smucker Co. ("Defendant") does business within the County of San Francisco and Plaintiff purchased Defendant's products within the County of San Francisco, as alleged in the Class Action Complaint.

I declare under penalty of perjury under the laws of the United States and the State of California this 15th day of February 2013 in Los Angeles, California that the foregoing is true and correct.


Tina Wolfson

JS 44 (Rev. 12/12) and rev (1/15/13)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

DIANA PARKER, individually and on behalf of all others similarly situated

DEFENDANTS

J. M. SMUCKER CO., and Ohio Corporation

(b) County of Residence of First Listed Plaintiff San Francisco County
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Wayne County, Ohio
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

AHDOOT & WOLFSON, PC, 10850 Wilshire Blvd., Ste. 370, Los Angeles, CA 90024, (310) 474-9111; BLOOD, HURST & O'REARDON, LLP, 701 B St., Ste. 1700, San Diego, CA 92101, (619) 338-1100

Attorneys (If Known)

991 1369018

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1935f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 880 Securities/Commodities Exchange <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 897 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. § 1332(d)(2)

Brief description of cause:

Class action alleging false advertising of cooking oils as "All Natural"

VII. REQUESTED IN COMPLAINT:

☒ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$
5,000,000.00

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions)

JUDGE

DOCKET NUMBER

DATE
02/15/2013

SIGNATURE OF ATTORNEY OF RECORD

IX. DIVISIONAL ASSIGNMENT (Civil L.R. 3-1)

(Place an "X" in One Box Only)

☒ SAN FRANCISCO/OAKLAND ☐ SAN JOSE ☐ FUREKA

FILED BY FAX
PURSUANT TO LOCAL RULES