

GARDY & NOTIS, LLP

Mark C. Gardy
James S. Notis
Charles A. Germershausen
560 Sylvan Avenue
Englewood Cliffs, New Jersey 07632
Tel: 201-567-7377
Fax: 201-567-7337

Counsel for Plaintiffs

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

WENDY PEREL and LESLIE SARA KIN,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

KASHI COMPANY,

Defendant.

Civil Action No:

CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

Plaintiffs Wendy Perel (“Perel”) and Leslie Sarakin (“Sarkin”) (collectively, “Plaintiffs”), by and through their attorneys, bring this lawsuit against defendant Kashi Company (“Kashi” or “Defendant”) on their own behalf and on behalf of all others similarly situated, to obtain damages, costs of suit and attorneys’ fees. Plaintiffs complain and allege upon knowledge as to themselves and their own acts, and upon information and belief as to all other matters, as follows:

NATURE OF THE ACTION

1. Plaintiffs bring this action on behalf of themselves and a nationwide class of consumers (and, in the alternative, a statewide class of New Jersey consumers) who purchased

Kashi products either (a) labeled with the ingredient “evaporated cane juice”; or (b) labeled with the ingredient “evaporated cane juice syrup” from October 1, 2009 to the present (the “Class”). Products in either category (a) or (b) are referred to herein as Kashi “Misbranded Products.”

2. According to a 2010 U.S. Food and Drug Administration (“FDA”) survey (the “2010 FDA survey”) on health and diet, Americans are growing more health-conscious in reading food labels and selecting foods to eat. U.S. consumers bought \$12.9 billion worth of natural food and beverages in 2008, the most recent year for which figures are available, according to Nutrition Business Journal, a trade publication. So-called natural foods are generally minimally processed and exclude preservatives and artificial ingredients. The 2010 FDA survey also showed that consumers have become more conscious of food labels and claims made on food packaging.

3. Kashi, a subsidiary of Kellogg Company, Inc. (“Kellogg”), is aware of consumers’ demand for natural, healthy and nutritious foods, and has utilized improper marketing strategies and ingredient mislabeling practices to capitalize on that demand. In an investor call concerning Kellogg’s fourth quarter 2011 earnings results, John A. Bryant, Kellogg’s chief executive officer and president reported that “the natural food channel has posted strong growth over the years and our Kashi brand is well positioned to capitalize on this.”¹

4. Kashi produces and markets whole grain products, including: crackers, snack bars, pizzas, cereals, cookies, pilafs, sandwiches, waffles, frozen entrees and steam meals. Kashi products are sold to consumers throughout the U.S. Kashi claims on its website and other forms

¹ Kellogg Company, Inc. (K-NYSE) Q4 2012 Earnings Call Transcript, Feb. 5, 2013, *available at* <http://seekingalpha.com/article/1158351-kellogg-management-discusses-q4-2012-results-earnings-call-transcript>.

of advertisement that it produces healthy nutritional products; but, in some instances, Kashi merely uses uncommon, healthy-sounding names for unhealthy ingredients, such as sugar.

5. Defendant's product labeling fails to accurately identify the ingredients in its products. "Sugar" is clearly disguised in many of Kashi's products as "evaporated cane juice" or "evaporated cane juice crystals." Evaporated cane juice is misleading because (as the FDA made clear) it is not juice and is not a common name for any ingredient under federal or state law.

6. Even on Defendant's website, www.kashi.com, Kashi represents that "evaporated cane juice" is a "natural" sweetener but, in reality, "evaporated cane juice" is not all that different than processed white sugar.

7. In violation of federal and New Jersey law, Kashi fails to disclose that "evaporated cane juice" is not, in fact, juice and, in its commonly understood term, is "sugar," and that the ingredient is still considered to be a processed sugar (though less processed than typical white sugar). Nearly all of Kashi's products labels list "evaporated cane juice" as an ingredient despite the fact that the FDA has specifically warned companies not to use the term because it is "false and misleading," is not "the common or usual name of any type of sweetener," and the ingredient is not, in fact, juice.

8. Food manufacturers, including Kashi, intend consumers to rely upon food labels and advertising, and reasonable consumers do in fact so rely. Reasonable consumers must and do rely on food manufacturers to honestly and accurately report the nature of the product's ingredients.

9. Due in part to their false believe of the natural sweetness of Kashi's products, consumers are willing to pay a premium over other brands. Kashi would not be able to extract a premium for its products without its false and misleading representations.

10. Due to Kashi's misrepresentations, consumers were misled into buying products that were ultimately worth less to the consumer than the product he or she was promised or expected.

11. This action seeks to redress the unfair, deceptive, and otherwise improper business practice that Defendant is employing against unsuspecting consumers. Specifically, Plaintiffs seek relief in this action individually and as a class action on behalf of all purchasers in the United States, or in the alternative all purchasers in the state of New Jersey, of the Misbranded Products (the "Class") at any time from October 1, 2009 to the present (the "Class Period") for fraudulent concealment violation of the New Jersey Consumer Fraud Act, N.J.S.A. 56:8-1 *et seq.*, and the various states' false advertising, consumer fraud or unfair business practice laws and unjust enrichment, as set forth in detail herein.

12. Both federal and New Jersey law specifically prohibit the use of false or misleading labeling. Thus, Defendant's false and misleading representations and omissions violate state and federal law, as detailed herein.

JURISDICTION AND VENUE

13. This Court has jurisdiction over this action under the Class Action Fairness Act, 28 U.S.C. §1332(d). The aggregated claims of the individual Class members exceed the sum or value of \$5,000,000, exclusive of interests and costs, and this is a class action in which more than two-thirds of the proposed plaintiff Class, on the one hand, and Defendant, on the other, are citizens of different states.

14. This Court has jurisdiction over the federal claim alleged herein pursuant to 28 U.S.C. §1331 because it arises under the laws of the United States.

15. This Court has personal jurisdiction over Kashi because a substantial portion of the wrongdoing alleged in this Complaint occurred in New Jersey and foreseeably affects consumers in New Jersey. Moreover, Defendant has sufficient minimum contacts in New Jersey, or otherwise intentionally avails itself of the markets within New Jersey through the promotion, sale, marketing, and distribution of its products to render the exercise of jurisdiction by this Court proper and necessary.

16. Venue is proper in this District under 28 U.S.C. §1391(a) because a substantial part of the events or omissions giving rise to Plaintiffs' claims occurred in this District.

THE PARTIES

17. Plaintiff Wendy Perel ("Perel") is a citizen of the State of New Jersey. Ms. Perel purchased several Kashi Misbranded Products, including Kashi Steam Meals Italian Vegetable Medley Pasta, Chicken Enchilada Frozen Entrée, Spicy Black Bean Enchilada Frozen Entrée, Strawberry Fields Cereal, GoLean Crunch! Honey Almond Flax, Heart to Heart Cereal Honey Toasted Oat, 7 Whole Grains Cereal Honey Puffs, 7 Whole Grain Cereal Flakes, Original 7 Grain with Sea Salt Pita Crisps, Oatmeal Dark Chocolate Cookies, Blueberry Waffles, 7 Grain Waffles, Chocolate Soft-Baked Squares, Trail Mix Chewy Granola Bars, Peanut Butter Chewy Granola Bars, Cherry Dark Chocolate Chewy Granola Bars and Roasted Almond Crunch Crunchy Granola Bars, at one of the following grocery stores: A&P in Montvale, New Jersey, Whole Foods Market in Ridgewood, New Jersey, ShopRite in Ramsey, New Jersey or Pathmark in Ramsey, New Jersey. Like all members of the Class, Ms. Perel was not aware, based on the list of ingredients on the Mislabeled Products, that the Kashi products she purchased contained ordinary sugar. Had Ms. Perel known that Kashi's products included an ingredient that is a

processed sugar, she would not have purchased Kashi's products and would have purchased another brand of food products.

18. Plaintiff Leslie Sarakin ("Sarakin") is a citizen of the State of New Jersey. Ms. Sarakin purchased several Kashi Misbranded Products, including certain cereals, such as Whole Wheat Biscuits Island Vanilla and GoLean Crisp Cinnamon Crumble, and certain granola bars at either ShopRite in Englewood, New Jersey or Kings Grocery Store in Garwood, New Jersey. Like all members of the Class, Ms. Sarakin was not aware, based on the list of ingredients on the Mislabeled Products, that the Kashi products she purchased contained ordinary sugar. Had Ms. Sarakin known that Kashi's products included an ingredient that is a processed sugar, she would not have purchased Kashi's products and would have purchased another brand of food products.

19. Kashi is a California corporation that was founded in 1984. In 1999, Kashi launched its GoLean² line of products, which includes many of the food products at issue in this Complaint. Kashi was bought by Kellogg in June 2000 for \$32 million and became a wholly-owned subsidiary of Kellogg. Although Kellogg is headquartered in Battle Creek, Michigan, the Kashi subsidiary is incorporated in California and operates its headquarters at 4275 Executive Square, La Jolla, California 92073. In 2009, Kashi posted revenue of more than \$600 million. In 2010, Kellogg's unit general manager announced that Kashi was expected to increase sales of more than \$1 billion by 2015.

² Although GoLean and certain other Kashi products identified herein may be registered trademarks of Kashi, this Complaint refrains from including such marks for the sake of convenience.

PLAINTIFFS' CLASS ALLEGATIONS

20. Plaintiffs seek to bring this case as a nationwide class action on behalf of themselves and all others similarly situated in the United States as members of the proposed Class, defined, in the alternative, as follows:

All persons and entities in the United States who purchased Kashi Misbranded Products October 1, 2009 to the present;

or

All persons and entities in the United States who purchased Kashi Misbranded Products in the State of New Jersey from October 1, 2009 to the present.

21. Excluded from the Class is (a) Kashi, any entity in which Kashi has a controlling interest, and its legal representatives, heirs, and successors; and (b) Kellogg, any entity in which Kellogg has a controlling interest, and its legal representatives, heirs and successors.

Numerosity

22. The Class is so numerous that joinder of all of its members is impractical. Upon information and belief, based on Kellogg's publicly available sales data, it is estimated that each Class numbers in the thousands, or more.

23. Although the precise number of Class members and their addresses are unknown to Plaintiffs, that information is readily ascertainable from Defendant's records. Class members may be notified on the pendency of this action by mail, supplemented (if deemed necessary or appropriate by the Court) by published notice.

Common Questions of Law and Fact

24. Common questions of law and fact exist as to all Class members. These questions predominate over questions affecting only individual Class members. These common legal and factual questions include, but are not limited to, the following:

- a. Whether Defendant engaged in unlawful, unfair or deceptive business practices by failing to properly label its food products sold to consumers;
- b. Whether Defendant engaged in unlawful, unfair or deceptive business practices by making improper and misleading claims in its advertising, marketing and other promotional materials in violation of the various state's consumer fraud laws;
- c. Whether Defendant violated New Jersey Consumer Fraud Act, N.J. Stat. Ann. §§56:8-1, *et seq.*, and other states' fraud laws;
- d. Whether Defendant used misleading information on the labels of its Misbranded Products sold to consumers;
- e. Whether Plaintiffs and the Class are entitled to equitable and/or injunctive relief;
- f. Whether Defendant's unlawful, unfair and/or deceptive practices harmed Plaintiffs and the Class; and
- g. Whether Defendant was unjustly enriched by its deceptive practices.

Typicality

25. Plaintiffs' claims are typical of the claims of the Class. Plaintiffs and each member of the proposed Class purchased Kashi Misbranded Products during the Class Period. Defendant's unlawful, unfair or fraudulent actions concern the same business practices described herein regardless of where they occurred or were experienced. Plaintiffs' claims arise from the same practices and course of conduct that give rise to the claims of each Class member and are based on the same legal theories. Similarly, Plaintiffs and all Class members sustained similar

injuries arising out of Defendant's conduct in violation of New Jersey and federal laws. The injuries of each Class member were directly caused by Defendant's actions as alleged herein.

Adequacy of Representation

26. Plaintiffs can and will fairly and adequately represent and protect the interests of the Class and have no interests that conflict with or are antagonistic to the interests of the Class. Plaintiffs have retained attorneys competent and experienced in class action litigation.

Superiority

27. A class action is superior to any other available method for the fair and efficient adjudication of this controversy, since, as demonstrated above, common questions of law and fact overwhelmingly predominate over any individual questions that may arise.

28. The prosecution of separate actions by individual members of the Class would create a risk of inconsistent or varying adjudications with respect to individual members of the Class, which would establish incompatible standards of conduct for Kashi, or adjudication with respect to individual members of the Class which would, as a practical matter, be dispositive of other members not parties to the adjudications or substantially impair or impede their ability to protect their interests.

29. Defendant has acted or refused to act on grounds generally applicable to all Class members, thereby making appropriate any final judgment with respect to the Class as a whole.

SUBSTANTIVE ALLEGATIONS

Evaporated Cane Juice is Not Juice, But Sugar

30. Sugar cane products exist in many forms, ranging from raw sugars and syrups to refined sugar and molasses. These products are differentiated by their moisture, molasses and sucrose content, as well as by crystal size and any special treatments (*e.g.*, treatment with sulfur).

Sugar cane products with common or usual names defined as sugar (21 C.F.R. §101.4(b)(20)) and cane sirup (alternatively spelled syrup) (21 C.F.R. §168.130). Other sugar cane products have common or usual names established by common usage (*e.g.*, molasses, raw sugar, brown sugar, turbinado sugar, muscovado sugar and demarar sugar).

31. Under 21 C.F.R. §101.9, sugars are defined as “the sum of all free mono- and disaccharides (such as glucose, fructose, lactose, and sucrose.)”

32. In recent years, certain food products have begun listing “evaporated cane juice” as an ingredient.

33. In reality, “evaporated cane juice” is not all that different than processed white sugar. “Evaporated cane juice” is a moderately processed sweetener that comes from sugar cane juice that has been evaporated. In many people’s minds, it is nutritionally superior to white sugar because white sugar goes through one additional step of processing which strips it of all traces of molasses and color. The miniscule difference between the two is that “evaporated cane juice” has a trace more vitamin A, C and calcium than white sugar. However, the evaporated cane juice one finds on food labels has been refined almost as much as white sugar.

34. United States Sugar Corporation (“U.S. Sugar Corp.”), one of the nation’s largest producers of cane sugar, claims that evaporate cane juice is just another name for sugar. Judy Sanchez, a spokesperson for the U.S. Sugar Corp., says “[a]ll sugar is evaporated cane juice. . . . They just use that for a natural sounding name for a product.” *See* David Schultz, *Evaporated Cane Juice: Sugar in Disguise?*, NPR (Oct. 18, 2012), *available at* <http://www.npr.org/blogs/thesalt/2012/10/18/163098211/evaporated-cane-juice-sugar-in-disguise>. Sanchez explained that the only difference between evaporated cane juice and common

white sugar is that the white sugar is stripped of all traces of molasses, while evaporated cane juice still has some little flecks of molasses that give it a darker caramel color.

35. According to the chief executive officer of ASSURKKAR Sugar Company in Costa Rica, which provides raw sugar to U.S. Companies, the term “evaporated cane juice” is wrongly used in the food industry: “Nowadays the food companies are trying to sell more ‘natural’ products, so they use the most impressive or high impact wording to call the customer’s attention.” Dee McCaffrey, *The Truth About Evaporated Cane Juice*, PROCESSED FREE AMERICA (Nov. 1, 2010), available at <http://www.processedfreeamerica.org/resources/health-news/405-the-truth-about-evaporated-cane-juice>.

36. Defendant knows that “evaporated cane juice” is simply sugar.

Federal and State Laws Regulations Govern the Labeling of Food Products

37. Food manufacturers are required to comply with state and federal laws and regulations that govern the labeling of food products. Food Drug and Cosmetic Act (the “FDCA”), 21 U.S.C. §301, *et seq.* and federal regulations, namely 21 C.F.R. §101, govern the content and labels of packaged foods. Food labeling is required for most prepared foods such as breads, cereals, canned and frozen foods, snacks, desserts and drinks, among other things.

38. Federal law requires that food manufacturers include on food labels each of the ingredients used in the food. 21 C.F.R. §§101 and 130.

39. The FDA is responsible for assuring that foods sold in the U. S. are safe, wholesome and properly labeled. The FDCA and the Fair Packaging and Labeling Act are the federal laws governing food products under FDA’s jurisdiction.

40. In recent years, the FDA has addressed food labeling regulations. In October 2009, the FDA issued a Draft Guidance (“2009 FDA Guidance”) to the food industry that provided, in relevant part:

[T]he term “evaporated cane juice” is not the common or usual name of any type of sweetener, including dried cane syrup.

Over the past few years the term “evaporated cane juice” has started to appear as an ingredient on food labels, most commonly to declare the presence of sweeteners derived from sugar cane syrup. However, FDA’s current policy is that sweeteners derived from sugar can syrup should not be declared as “evaporated can juice” because the term falsely suggests that sweeteners are juice.

Sweeteners derived from sugar cane syrup should not be listed in the ingredient declaration by names which suggest that the ingredients are juice, such as “evaporated cane juice.” FDA considers such representations to be false and misleading under section 403(a)(1) of the Act (21 U.S.C. 343(a)(1)) because they fail to reveal the basic nature of the food and its characterizing properties (i.e., that the ingredients are sugars or syrups) as required by 21 CFR 102.5.

FDA, *Guidance for Industry: Ingredients Declared as Evaporated Cane Juice; Draft Guidance* (Oct. 2009), available at

<http://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/Labeling/Nutrition/ucm181491.htm>.

41. Defendant has made, and continues to make, false and deceptive claims on the labels of the Misbranded Products in violation of federal and New Jersey laws. Specifically, Kashi has violated federal and New Jersey labeling regulations by listing sugar cane derived sweeteners as “evaporated cane juice.” The FDA has made clear that the term “evaporated cane juice” is not the common or usual name of any type of sweetener, including dried cane syrup. The common or usual name for the dried form of cane syrup is “dried cane syrup.” 21 C.F.R.

§168.130. The FDA considers the ingredient “evaporated cane juice” to be “false and misleading” under Section 403(a)(1) of the FDCA because the ingredient falsely indicates that it is a juice and fails to reveal the basic nature of the food and its characterizing properties as required by 21 C.F.R. §102.5.

42. Defendant’s violations and misrepresentations have resulted in violations of law and express FDA guidance.

Kashi’s Representations

43. Kashi promotes natural products and realizes that consumers are increasingly aware of the natural products that are minimally processed. Kashi historically advertises that its products are natural and healthy, but such claims violate state and federal law.

44. Kashi represents and advertises on its Misbranded Products labels that the products contain evaporated cane juice despite the fact that the FDA has specifically warned companies not to use the term because (a) evaporated cane juice is not juice; (b) it violates state and federal labeling regulations designed to ensure that manufacturers label their products with the common or usual name for any ingredient they use; and (c) the term is false and misleading.

45. Kashi currently markets approximately 75 different products, which list “evaporated cane juice” or “evaporated cane juice crystals” as an ingredient, all of which are misleading and misbranded for reasons stated herein. These products include, but are not limited to: (a) Cinnamon Harvest Cereal; (b) Simply Maize Cereal; (c) Whole Wheat Biscuits Berry Fruitful; (d) Blackberry Hills Cereal; (e) Kashi Steam Meals Italian Vegetable Medley Pasta; (f) Black Bean Mango Frozen Entrée; (g) Kashi Steam Meals Sesame Chicken; (h) Kashi Steam Meals Chicken Fettuccine; (i) Chicken Enchilada Frozen Entrée; (j) Spicy Black Bean Enchilada Frozen Entrée; (k) Mayan Harvest Bake Frozen Entrée; (l) Chicken Pasta Pomodoro Frozen

Entrée; (m) Chicken Florentine Frozen Entrée; (n) Lemongrass Coconut Chicken Frozen Entrée; (o) Sweet & Sour Chicken Frozen Entrée; (p) GoLean Instant Hot Cereal Truly Vanilla; (q) GoLean Instant Hot Cereal Honey & Cinnamon; (r) GoLean Instant Hot Cereal; (s) GoLean Crisp Cinnamon Crumble; (t) Kashi Squares Berry Blossoms; (u) GoLean Cereal Crisp! Toasted Berry Crumble; (v) Heart to Heart Cereal Warm Cinnamon Oat; (w) Strawberry Fields Cereal; (x) Whole Wheat Biscuits Island Vanilla; (y) Black Currant Walnut Cereal; (z) Blackberry Hills Cereal; (aa) Honey Sunshine Cereal; (bb) GoLean Crunch!; (cc) GoLean Crunch! Honey Almond Flax; (dd) GoLean Cereal Original; (ee) Good Friends Cereal Original; (ff) Whole Wheat Biscuits Almond Wheat; (gg) Whole Wheat Biscuits Cinnamon Harvest; (hh) Heart to Heart Cereal Honey Toasted Oat; (ii) Heart to Heart Oat Flakes and Blueberry Clusters; (jj) 7 Whole Grains Cereal Honey Puffs; (kk) 7 Whole Grains Cereal Puffs; (ll) 7 Whole Grain Cereal Flakes; (mm) Garlic Pesto Pita Crisps; (nn) Original 7 Grain with Sea Salt Pita Crisps; (oo) Toasted Asiago Snack Crackers; (pp) Fire Roasted Veggie Snack Crackers; (qq) Original 7 Grain Snack Crackers; (rr) Honey Sesame Snack Crackers; (ss) Chocolate Almond Butter Cookies; (tt) Oatmeal Dark Chocolate Cookies; (uu) Oatmeal Raisin Flax Cookies; (vv) Blueberry Waffles; (ww) 7 Grain Waffles; (xx) Apple Cobbler Soft n' Chewy Bars; (yy) Berry Muffin Soft n' Chewy Bars; (zz) Almond Soft-Baked Squares; (aaa) Chocolate Soft-Baked Squares; (bbb) Banana Chocolate Chip Soft n' Chewy Bars; (ccc) Peanuttty Dark Chocolate Layered Granola Bars; (ddd) Cherry Vanilla Soft-Baked Cereal Bar; (eee) Peanut Butter & Chocolate GoLean Dipped Bars; (fff) Chocolate Malted Crisp GoLean Dipped Bars; (ggg) Dark Mocha Almond Chewy Granola Bars; (hhh) Dark Chocolate Coconut Layered Granola Bars; (iii) Ripe Strawberry Cereal Bars; (jjj) Blackberry Graham Cereal Bars; (kkk) Cinnamon Coffee Cake GoLean Crisp! Bars; (lll) Chocolate Pretzel CoLean Crisp! Bars; (mmm) Trail Mix Chewy

Granola Bars; (nnn) Honey Almond Flax Chewy Granola Bars; (ooo) Peanut Butter Chewy Granola Bars; (ppp) Cherry Dark Chocolate Chewy Granola Bars; (qqq) Honey Toasted 7 Grain Crunchy Granola Bars; (rrr) Roasted Almond Crunch Crunchy Granola Bars; (sss) Pumpkin Spice Flax Crunchy Granola Bars; (ttt) Chocolate Caramel GoLean Crisp! Bars; (uuu) Chocolate Almond GoLean Crisp! Bars; (vvv) Chocolate Peanut GoLean Crisp! Bars; (www) Chocolate Turtle GoLean Roll! Bars; and (xxx) Caramel Peanut GoLean Roll! Bars.

46. Kashi promotes natural products and realizes that consumers are increasingly aware of natural products that are minimally processed.

47. Kashi is aware that its consumers are health conscious consumers.

48. Kashi understands the importance and value of descriptors and labels to consumers when considering whether to buy food products.

49. Kashi unscrupulously capitalizes on consumers' heightened demand for natural and healthful products by deceptively marketing its Misbranded Products and claiming that such products are sweetened with "juice," disguising that the product includes sugar.

50. Kashi's representations were uniform and have been communicated to Plaintiffs and to each member of the Class at every point of purchase and consumption.

Kashi's Evaporated Cane Juice Claims Violate Federal and New Jersey Law Because the Term is Not a Common or Usual Name for Any Type of Sweetener

51. Federal and New Jersey law prohibits manufacturers from referring to foods by anything other than their common and usual names. Kashi has used the misleading term "evaporated cane juice" on its food products in violation of numerous labeling regulations designed to protect consumers from misleading labeling practices.

52. Under 21 U.S.C. §343(i), a food is misbranded unless the label bears “the common or usual name of the food, if there be any.” 21 C.F.R. §§101.3(b) and 102.5 prohibit manufacturers from referring to foods by anything other than their common and usual names. 21 C.F.R. §101.4(a)(1) also requires food labels to include ingredients listed by their common and usual names: “Ingredients required to be declared on the label or labeling of a food ... shall be listed by common or usual name....”

53. The “common or usual name of a food, which may be a coined term, shall accurately identify or describe, in as simple or direct terms as possible, the basic nature of the food or its characterizing properties or ingredients.” 21 C.F.R. §102.5. Further, the ingredient term may not be “confusingly similar to the name of any other food that is not reasonably encompassed within the same name.” 21 C.F.R. §102.5(a).

54. Sugar cane products with common or usual names defined by regulation are sugar (21 C.F.R. §101.4(b)(20)) and cane sirup or cane syrup (21 C.F.R. §168.130).

55. According to the FDA, the term “evaporated cane juice” is not the common or usual name of any type of sweetener, including dried cane syrup. Because cane syrup has a standard of identity defined by 21 C.F.R. §168.130, the common or usual name for the solid or dried form of cane syrup is dried cane syrup.

56. As detailed above, the 2009 FDA Guidance specifically clarified that the term “evaporated cane juice” did not represent “the common or usual name of any type of sweetener, including dried cane syrup.” Specifically, in 2009 FDA Guidance provided in relevant part:

The intent of this draft guidance is to advise the regulated industry of FDA’s view that the term “evaporated cane juice” is not the common or usual name of any type of sweetener, including dried cane syrup. Because cane has a standard of identity defined by regulation in 21 CFR 168.130, the common or usual name for the solid or dried form of cane syrup is “dried cane syrup.”

57. New Jersey has adopted similar statutes which require food labels to bear “the common or usual name of the food, if any there be” (N.J.S.A. 24:5-17(f)), and to include “terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use” (N.J.S.A. 24:5-17(i)). For the same reasons, Defendant’s use of “evaporated cane juice” on its labels violates New Jersey labeling laws because the ingredient is not the common and usual name and thus renders the products misbranded.

58. Despite clear FDA guidance, Kashi continues to use the term “evaporated cane juice” on the labels of its Misbranded Products even though the term is not the common or usual name of any type of sweetener.

59. The FDA has made it clear that the use of the terms evaporated cane juice is unlawful because the term does not represent the common or usual name of any ingredient. Foods that bear labels containing the term evaporated cane juice are misbranded.

60. Kashi’s misrepresentations mislead consumers into buying products that were ultimately worth less to the consumer than the product he or she was promised or expected.

61. The Misbranded Products mislead consumers into paying a premium price for inferior or undesirable ingredients or for ingredients that are misleadingly listed on the label.

62. Defendant has also made the same misleading claims on its websites and advertising in violation of federal and New Jersey law.

Kashi’s Misbranded Products are Misleading

63. Because the FDA has specifically identified “evaporated cane juice” as false and misleading, Kashi’s use of the ingredient also violates federal and New Jersey law because the products identified herein are misbranded.

64. Under the FDCA, food is “misbranded” if “the package or label of which shall bear any statement or design regarding such article or the ingredients or substances contained therein, which shall be false or misleading in any particular.” 21 U.S.C. §343(a). Because the 2009 FDA Guidance has specifically identified the use of “evaporated cane juice” to be misleading under this very statute, Defendant’s products identified herein are misbranded and Defendant’s labeling practices are in violation of the statute.

65. New Jersey has also adopted a substantially similar labeling requirement, codified in N.J.S.A. 24:5-16 – 24:5-17. Under N.J.S.A. 24:5-17 (a), a food is misbranded if “its labeling is false or misleading in any particular.” *See also* N.J.S.A. 24:5-16. Because the 2009 FDA Guidance has specifically identified the use of “evaporated cane juice” to be misleading under 21 U.S.C. §343(a), a nearly identical statute, Defendant’s products identified herein are misbranded and in violation of New Jersey law.

66. The FDA has made it clear that it considers the term “evaporated cane juice” used on food labels to be a false and misleading representation. The FDA has further advised that sweeteners derived from sugar cane syrup, such as evaporated cane juice” should not be listed in the ingredient declaration by names that suggest that the ingredients are juice.

67. Kashi’s “evaporated cane juice” representations on the labels of its Misbranded Products are thus misleading and, as a result, the products are misbranded.

68. Defendant’s improper labeling, advertising and marketing described herein are false and misleading and used for the purpose of increasing sales of the products at issue.

69. The Misbranded Products mislead consumers into paying a premium price for inferior or undesirable ingredients or for ingredients that are misleadingly listed on the label.

70. Kashi's misrepresentations mislead consumers into buying products that were ultimately worth less to the consumer than the product he or she was promised or expected.

71. Defendant has also made the same misleading claims on its websites and advertising in violation of federal and New Jersey law.

Kashi Consumer Complaints Confirm that the Misbranded Products Labels are Misleading

72. Kashi maintains a website that allows consumers throughout the United States, including New Jersey, to view marketing, advertising, promotional information and nutritional information pertaining to Kashi products.

73. Recent consumer complaints and comments found on Kashi's website, www.kashi.com, demonstrate that Kashi's food labels identifying evaporated cane juice as an ingredient are misleading. Indeed, certain consumers' comments demonstrate that they are, in fact, misled about the sugar contained in certain of Kashi's Misbranded Products.

Tonyapf writes: Excellent taste without adding sugar, berries were good, but should have been more plentiful [commenting on Kashi's Heart to Heart Cereal Oat Flakes & Blueberry Clusters, which includes "evaporated cane juice"].

Spea327 writes: ...There is no sugar in the bars.... [commenting on Kashi Soft-Baked Squares Chocolate, which includes "evaporated cane juice medium invert syrup"]

LadymillionM writes: Gosh!! I can feel the flavor of all of my fav grains...whole grains... NO ADDED SUGAR (not artificially tastes sweet!!) tastes so PURE & NATURAL!! My dream-come-true cereals. :D. [commenting on Kashi 7 Whole Grain Cereals Flakes, which includes "organic evaporated cane juice"].

patnb writes: Sorry, but I'm very disappointed with this product because it's just too sweet. Gave it to a friend who agreed with me. Also, just because there's a lot of fibre doesn't make it all that healthy. I'm so tired of labels that say "100% fibre" but don't consider the sugar content. **Also, honey really doesn't make it any better than sugar.** Also, "organic" really has no meaning unless it's true... [commenting on Kashi Squares Honey Sunshine, including "organic evaporated cane juice," which Kashi advertises on its website as being sweetened with honey,

without mentioning that the cereal is also sweetened with evaporated cane juice (emphasis added)]

74. The comments demonstrate the concerns of the type common between Plaintiffs and other Class members. Because the above-comments are on Kashi's own website, and the 2009 FDA Guidance is publicly available information, Defendant is aware that its use of "evaporated cane juice" is misleading and confusing to consumers. Thus, Defendant's misrepresentations were deliberate.

75. Notwithstanding Defendant's knowledge of its deceptive practices, Defendant failed and continues to fail to properly identify on its Misbranded Products labels the ingredient that is "evaporated cane juice." Instead, Kashi has engaged in a calculated pattern and practice to hide the true nature of the ingredient.

Plaintiff Perel Purchased Defendant's Misbranded Products

76. Plaintiff Perel cares about the nutritional content of food, particularly the sugar content, and seeks to maintain a healthy diet.

77. Ms. Perel purchased several of Kashi's Misbranded Products, including Kashi Steam Meals Italian Vegetable Medley Pasta, Chicken Enchilada Frozen Entrée, Spicy Black Bean Enchilada Frozen Entrée, Strawberry Fields Cereal, GoLean Crunch! Honey Almond Flax, Heart to Heart Cereal Honey Toasted Oat, 7 Whole Grains Cereal Honey Puffs, 7 Whole Grain Cereal Flakes, Original 7 Grain with Sea Salt Pita Crisps, Oatmeal Dark Chocolate Cookies, Blueberry Waffles, 7 Grain Waffles, Chocolate Soft-Baked Squares, Trail Mix Chewy Granola Bars, Peanut Butter Chewy Granola Bars, Cherry Dark Chocolate Chewy Granola Bars and Roasted Almond Crunch Crunchy Granola Bars, with the listed ingredient "evaporated cane juice" on various occasions during the Class Period.

78. Ms. Perel read the labels on Kashi's Misbranded Products, including the ingredient, "evaporated cane juice," before purchasing them.

79. Ms. Perel relied on Defendant's package labeling, including the ingredient "evaporated cane juice," and based and justified her decision to purchase Kashi's products in substantial part on Defendant's package labeling. Defendant's failure to adhere to the FDA standards of identity for its products and use common and usual names to refer to its product ingredients, misled Plaintiff with respect to the nature of the products she was purchasing.

80. At the time she purchased the Kashi products identified herein, Ms. Perel did not know, and had no reason to know, that Defendant's products were misbranded as set forth herein, and would not have bought the products had she known the truth about them.

81. Kashi's misrepresentations misled Ms. Perel into buying products that were ultimately worth less to her than the product she was promised or expected.

82. The Misbranded Products misled Ms. Perel into paying a premium price for inferior or undesirable ingredients or for ingredients that are misleadingly listed on the label.

83. As a result of Kashi's improper use of "evaporated cane juice" as an ingredient, Ms. Perel and thousands of others in New Jersey and throughout the United States purchased the Misbranded Products identified herein.

84. Defendant's improper labeling, advertising and marketing described herein are false and misleading and used for the purpose of increasing sales of the products at issue.

85. A reasonable person would attach importance to Defendant's misrepresentations in determining whether to purchase the products detailed herein.

***Plaintiff Sarakin Purchased Defendant's
Misbranded Products***

86. Plaintiff Sarakin cares about the nutritional content of food, particularly the sugar content, and seeks to maintain a healthy diet.

87. Ms. Sarakin purchased several of Kashi's Misbranded Products, including certain cereals, such as Whole Wheat Biscuits Island Vanilla and GoLean Crisp Cinnamon Crumble, and certain granola bars, which the listed ingredient "evaporated cane juice" on various occasions during the Class Period.

88. Ms. Sarakin read the labels on Kashi's Misbranded Products, including the ingredient, "evaporated cane juice," before purchasing them.

89. Ms. Sarakin relied on Defendant's package labeling, including the ingredient "evaporated cane juice," and based and justified her decision to purchase Kashi's products in substantial part on Defendant's package labeling. Defendant's failure to adhere to the FDA standards of identity for its products and use common and usual names to refer to its product ingredients, misled Plaintiff with respect to the nature of the products she was purchasing.

90. At the time she purchased the Kashi products identified herein, Ms. Sarakin did not know, and had no reason to know, that Defendant's products were misbranded as set forth herein, and would not have bought the products had she known the truth about them.

91. Kashi's misrepresentations misled Ms. Sarakin into buying products that were ultimately worth less to her than the product she was promised or expected.

92. The Misbranded Products misled Ms. Sarakin into paying a premium price for inferior or undesirable ingredients or for ingredients that are misleadingly listed on the label.

93. As a result of Kashi's improper use of "evaporated cane juice" as an ingredient, Ms. Sarakin and thousands of others in New Jersey and throughout the United States purchased the Misbranded Products identified herein.

94. Defendant's improper labeling, advertising and marketing described herein are false and misleading and used for the purpose of increasing sales of the products at issue.

95. A reasonable person would attach importance to Defendant's misrepresentations in determining whether to purchase the products detailed herein.

COUNT I

(Violation of the New Jersey Consumer Fraud Act)

96. Plaintiffs reallege and incorporate by reference each and every allegation set forth above as though fully set forth herein.

97. Plaintiffs and the Class members are consumers who purchased Kashi Misbranded Products in the State of New Jersey.

98. Defendant used, by means of an affirmative act, an unconscionable commercial practice, deception, fraud, false pretense, false promise, or misrepresentation, in connection with the advertisement or sale of its Misbranded Products with the capacity and/or intent to mislead or deceive Plaintiffs and the Class in violation of N.J.S.A. 56:8-1 *et seq.*

99. In marketing, advertising and promoting its products, Defendant made the material misrepresentations and omissions set forth in this Complaint in New Jersey and elsewhere.

100. Defendant's unconscionable commercial practices, false promises and misrepresentations and omissions set forth in this Complaint are material in that they relate to

matters which reasonable persons, including Plaintiffs and members of the Class, would attach importance to in their purchasing decisions or conduct regarding the purchase of Kashi products.

101. As a result of Defendant's practices described herein, Plaintiffs and members of the Class have been damaged.

COUNT II

(Violation of the Consumer Fraud Laws of the Various States)

102. Plaintiffs reallege and incorporate by reference each and every allegation set forth above as though fully set forth herein.

103. In addition to and/or in the alternative to the foregoing cause of action, Plaintiffs bring this cause of action on behalf of all other persons who purchased Misbranded Products in States with similar consumer protection laws.

104. Plaintiffs and each member of the Class is a consumer, purchaser, or other person entitled to the protection of the consumer protection laws of the State in which he or she purchased the Misbranded Products.

105. The consumer protection laws of the State in which each member of the Class purchased the Misbranded Products declares that unfair or deceptive acts or practices, in the conduct of trade or commerce are unlawful.

106. Forty states and the District of Columbia have enacted statutes designed to protect consumers against unfair, deceptive, fraudulent and unconscionable trade and business practices and false advertising and that allow consumers to bring private and/or class actions. These statutes are found at:

- a. Alabama Deceptive Trade Practices Act, Ala. Code §8-19-1, *et seq.*;
- b. Alaska Unfair Trade Practices and Consumer Protection Act, Ak. Code §45.50.471, *et seq.*;

- c. Arkansas Deceptive Trade Practices Act, Ark. Code §4-88-101, *et seq.*;
- d. California Consumer Legal Remedies Act, Cal. Civ. Code §1750, *et seq.*, and California's Unfair Competition Law, Cal. Bus. & Prof Code §17200, *et seq.*;
- e. Colorado Consumer Protection Act, Colo. Rev. Stat. §6-1-101, *et seq.*;
- f. Connecticut Unfair Trade Practices Act, Conn. Gen. Stat §42-110a, *et seq.*;
- g. Delaware Deceptive Trade Practices Act, 6 Del. Code §2511, *et seq.*;
- h. District of Columbia Consumer Protection Procedures Act, D.C. Code §§28 3901, *et seq.*;
- i. Florida Deceptive and Unfair Trade Practices Act, Fla. Stat. Ann. §501.201, *et seq.*;
- j. Georgia Fair Business Practices Act, §10-1-390 *et seq.*;
- k. Hawaii Unfair and Deceptive Practices Act, Hawaii Revised Statutes §480 1, *et. seq.*, and Hawaii Uniform Deceptive Trade Practices Act, Hawaii Revised Statutes §481A-1, *et seq.*;
- l. Idaho Consumer Protection Act, Idaho Code §48-601, *et seq.*;
- m. Illinois Consumer Fraud and Deceptive Business Practices Act, 815 ILCS 505/1, *et seq.*;
- n. Kansas Consumer Protection Act, Kan. Stat. Ann §§50 626, *et seq.*;
- o. Kentucky Consumer Protection Act, Ky. Rev. Stat. Ann. §§367.110, *et seq.*, and the Kentucky Unfair Trade Practices Act, Ky. Rev. Stat. Ann §§365.020, *et seq.*;
- p. Louisiana Unfair Trade Practices and Consumer Protection Law, La. Rev. Stat. Ann. §§51:1401, *et seq.*;
- q. Maine Unfair Trade Practices Act, 5 Me. Rev. Stat. §205A, *et seq.*, and Maine Uniform Deceptive Trade Practices Act, Me. Rev. Stat. Ann. 10, §1211, *et seq.*,

- r. Massachusetts Unfair and Deceptive Practices Act, Mass. Gen. Laws ch. 93A;
- s. Michigan Consumer Protection Act, §§445.901, *et seq.*;
- t. Minnesota Prevention of Consumer Fraud Act, Minn. Stat §§325F.68, *et seq.*; and Minnesota Uniform Deceptive Trade Practices Act, Minn. Stat. §325D.43, *et seq.*;
- u. Mississippi Consumer Protection Act, Miss. Code Ann. §§75-24-1, *et seq.*;
- v. Missouri Merchandising Practices Act, Mo. Rev. Stat. §407.010, *et seq.*;
- w. Montana Unfair Trade Practices and Consumer Protection Act, Mont. Code §30-14-101, *et seq.*;
- x. Nebraska Consumer Protection Act, Neb. Rev. Stat. §59 1601, *et seq.*, and the Nebraska Uniform Deceptive Trade Practices Act, Neb. Rev. Stat. §87-301, *et seq.*;
- y. Nevada Trade Regulation and Practices Act, Nev. Rev. Stat. §§598.0903, *et seq.*;
- z. New Hampshire Consumer Protection Act, N.H. Rev. Stat. §358-A:1, *et seq.*;
- aa. New Mexico Unfair Practices Act, N.M. Stat. Ann. §§57 12 1, *et seq.*;
- bb. New York Deceptive Acts and Practices Act, N.Y. Gen. Bus. Law §§349, *et seq.*;
- cc. North Dakota Consumer Fraud Act, N.D. Cent. Code §§51 15 01, *et seq.*;
- dd. Ohio Rev. Code Ann. §§1345.02 and 1345.03; Ohio Admin. Code §§109:4-3-02, 109:4-3-03, and 109:4-3-10;
- ee. Oklahoma Consumer Protection Act, Okla. Stat. 15 §751, *et seq.*;
- ff. Oregon Unfair Trade Practices Act, Ore. Rev. Stat §646.608(e) & (g);
- gg. Rhode Island Unfair Trade Practices And Consumer Protection Act, R.I. Gen. Laws §6-13.1-1, *et seq.*;

- hh. South Carolina Unfair Trade Practices Act, S.C. Code Laws §39-5-10, *et seq.*;
- ii. South Dakota's Deceptive Trade Practices and Consumer Protection Law, S.D. Codified Laws §§37 24 1, *et seq.*;
- jj. Tennessee Consumer Protection Act, Tenn. Code Ann. §47-18-101 *et seq.*;
- kk. Vermont Consumer Fraud Act, Vt. Stat. Ann. tit.9, §2451, *et seq.*;
- ll. Washington Consumer Fraud Act, Wash. Rev. Code §19.86.010, *et seq.*;
- mm. West Virginia Consumer Credit and Protection Act, West Virginia Code §46A-6-101, *et seq.*;
- nn. Wisconsin Deceptive Trade Practices Act, Wis. Stat. §§100.18, *et seq.*

107. Kashi's Misbranded Products constitute products to which these consumer protection laws apply.

108. In the conduct of trade or commerce regarding their production, marketing, and sale of the Misbranded Products, Defendant engaged in one or more unfair or deceptive acts or practices as described herein.

109. Defendant's representations and omissions were false, untrue, misleading, deceptive, and/or likely to deceive.

110. Defendant knew, or should have known, that its representations and omissions were false, untrue, misleading, deceptive and/or likely to deceive.

111. Defendant used or employed such deceptive and unlawful acts or practices with the intent that Plaintiff and members of the Class rely thereon.

112. Plaintiffs and the other members of the Class did so rely.

113. Plaintiffs and each member of the Class purchased the Misbranded Products produced by Defendant, which misleadingly included "evaporated cane juice" on the labels.

Plaintiffs and members of the Class would not have purchased the Misbranded Products but for the deceptive and unlawful acts of Defendant.

114. As a result of Defendant's conduct, Plaintiffs and members of the Class have been damaged.

COUNT III

(Unjust Enrichment and Common Law Restitution)

115. Plaintiffs reallege and incorporate by reference each and every allegation set forth above as though fully set forth herein.

116. As a result of Defendant's wrongful and deceptive conduct and deliberate misrepresentations, Plaintiffs and members of the Class have suffered a detriment while Defendant has received a benefit.

117. Defendant should not be allowed to retain the enormous profits generated from the sale of products that were unlawfully marketed, advertised and promoted.

118. Allowing Defendant to retain these unjust profits would offend traditional notions of justice, fair play and induce companies to misrepresent key characteristics of their products in order to increase sales.

119. Thus Defendant is in possession of funds which were wrongfully retained from consumers and which should be disgorged as illegally gotten gains.

120. As a result, Plaintiffs and the Class members are entitled to restitution in an amount to be proven at trial. The amount of restitution to which Plaintiffs and the Class are entitled should be measured by the extent of Kashi's unjust enrichment, including its unjustly acquired profits and other monetary benefits resulting from its deliberate wrongful conduct.

WHEREFORE, Plaintiffs pray the Court to enter judgment against Defendant and in favor of Plaintiffs, on behalf of themselves and the Class members, to award the following relief:

A. Certifying this action as a nationwide class action (or in the alternative as a New Jersey class action), certifying Plaintiffs as representatives of the Class, and designating their counsel as counsel for the Class;

B. Awarding Plaintiffs and each Class member compensatory damages for the acts complained of herein;

C. Awarding Plaintiffs and each Class member statutory, treble and punitive damages for the acts complained of herein in amounts to be determined by the Court;

D. Awarding Plaintiffs and each Class member costs and attorneys' fees, as allowed by law, and/or awarding counsel for the Class attorneys' fees;

E. Granting injunctive relief as pleaded or as the Court may deem just and proper; and

F. Granting such other or further relief as may be appropriate under the circumstances.

DEMAND FOR JURY TRIAL

Plaintiffs demand a trial by jury as to all issues so triable.

Dated: April 12, 2013

GARDY & NOTIS, LLP

By: s/ Charles A. Germershausen
Mark C. Gardy
James S. Notis
Charles A. Germershausen
560 Sylvan Avenue, Suite 3085
Englewood Cliffs, New Jersey 07632
Tel: 201-567-7377
Fax: 201-567-7337

GARDY & NOTIS, LLP

Meagan A. Farmer
501 Fifth Avenue
New York, New York 10017
Tel: 212-905-0509
Fax: 212-905-0508

Counsel for Plaintiffs

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
WENDY PEREL and LESLIE SARA KIN, individually and on behalf of all others similarly situated,

DEFENDANTS
KASHI COMPANY,

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

County of Residence of First Listed Defendant San Diego (California)
(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, Email and Telephone Number)
Gardy & Notis, LLP
560 Sylvan Avenue
Englewood Cliffs, New Jersey 07632

Attorneys (If Known)

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)

- Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
PTF DEF
1 1 Incorporated or Principal Place of Business In This State
2 2 Incorporated and Principal Place of Business In Another State
3 3 Foreign Nation
4 4
5 5
6 6

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

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Contains various legal categories and checkboxes.

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).
Brief description of cause:
Consumer Fraud Action

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$
CHECK YES only if demanded in complaint:
JURY DEMAND: X Yes [] No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 04/12/2013 SIGNATURE OF ATTORNEY OF RECORD /s/ Charles A. Germershausen

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE