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ON SIGNATURE PAGE]

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Suzanne Alaei

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

**SUZANNE ALAEI, Individually
And On Behalf Of All Others
Similarly Situated,**

Plaintiff,

v.

**THE KRAFT HEINZ FOODS
COMPANY,**

Defendant.

Case No.: 3:15-cv-02961-MMA-DHB

CLASS ACTION

**SECOND AMENDED COMPLAINT
FOR VIOLATIONS OF:**

- 1) BUSINESS & PROFESSIONS
CODE § 17533.7 (CALIFORNIA
FALSE “MADE IN U.S.A.”
CLAIM);**
- 2) BUSINESS & PROFESSIONS
CODE §§ 17200, ET SEQ.
(CALIFORNIA UNFAIR
COMPETITION LAW); AND,**
- 3) CONSUMER LEGAL REMEDIES
ACT, CAL. CIVIL CODE § 1750
ET SEQ.**

JURY TRIAL DEMANDED

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INTRODUCTION

1. SUZANNE ALAEI (hereinafter “Plaintiff”) brings this Class Action Complaint for damages, injunctive relief, and any other available legal or equitable remedies, resulting from the illegal actions of THE KRAFT HEINZ FOODS COMPANY (collectively “Kraft Heinz” and/or “Defendant”) in unlawfully labeling Kraft Heinz’s consumable consumer packaged goods with the false designation and representation that they are “MFD. In U.S.A.” when the products contain ingredients that were produced outside of the United States of America.
2. Plaintiff alleges as follows upon personal knowledge as to herself and her own acts and experiences, and, as to all other matters, upon information and belief, including investigation conducted by her attorneys.
3. Under Cal. Bus. & Prof. Code § 17553.7,¹ it is unlawful for:

any person, firm, corporation, or association to sell or offer for sale in this state any merchandise on which merchandise or on its container there appears the words ‘Made in U.S.A.,’ ‘Made in America,’ ‘U.S.A.,’ or similar words if the merchandise or any article, unit, or part thereof, has been entirely or substantially made, manufactured, or produced outside of the United States.

4. As stated by the California Supreme Court in *Kwikset v. Superior Court* (January 27, 2011) 51 Cal.4th 310, 328-29:

Simply stated: labels matter. The marketing industry is based on the premise that labels matter, that consumers will choose one product over another similar product based on its label and various tangible and intangible qualities that may come to associate with a particular source...In particular, **to some consumers**, the “Made in

¹ Based on the version of the statute that was in effect in the year 2015 when the alleged violation occurred.

1 U.S.A.” label matters. A range of motivations may fuel
 2 this preference, from the desire to support domestic jobs
 3 to beliefs about quality, to concerns about overseas
 4 environmental or labor conditions, to simple patriotism.
 5 The Legislature has recognized the materiality of this
 6 representation by specifically outlawing deceptive and
 7 fraudulent “Made in America” representations. (Cal. Bus.
 8 & Prof. Code section 17533.7; see also Cal. Civ. Code §
 9 1770, subd. (a)(4) (prohibiting deceptive representations
 10 of geographic origin)). The object of section 17533.7 “is
 11 to protect consumers from being misled when they
 12 purchase products in the belief that they are advancing
 13 the interest of the United States and its industries and
 14 workers...” (emphasis added).

- 15 5. Defendant’s “MFD. In U.S.A.” claim is prominently printed on the label of
 16 Defendant’s consumable product purchased by Plaintiff.
- 17 6. Contrary to Defendant’s representation and in violation of Cal. Bus. & Prof.
 18 Code § 17533.7, Defendant’s Heinz 57 Sauce (the “Product”) purchased by
 19 Plaintiff contains ingredients that were produced outside of the United States
 20 of America, including but not limited to the following ingredients: turmeric,
 21 tomato puree and mustard flour.

22 JURISDICTION AND VENUE

- 23 7. This Court has jurisdiction over this matter pursuant to the Class Action
 24 Fairness Act (CAFA) because the amount in controversy in this matter
 25 exceeds \$5,000,000.00 as to all putative Class members, inclusive of
 26 attorneys’ fees and costs, and injunctive relief. 28 U.S.C. Sections 1332(d),
 27 1453, and 1711-1715.
- 28 8. Venue is proper in the United States District Court for the Southern District
 of California pursuant to 28 U.S.C. § 1391 for the following reasons: (i)
 Plaintiff resides in the County of San Diego, State of California, which is
 within this judicial district; (ii) the conduct complained of herein occurred

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1 within this judicial district; and, (iii) many of the acts and transactions giving
2 rise to this action occurred in this district because Kraft Heinz:

- 3 (a) is authorized to conduct business in this district and has
4 intentionally availed itself of the laws and markets within this
5 district and the County of San Diego, California;
- 6 (b) does substantial business within this district and the County of
7 San Diego, California;
- 8 (c) is subject to personal jurisdiction in this district because it has
9 availed itself of the laws and markets within this district; and,
- 10 (d) the harm to Plaintiff occurred within this district and within the
11 County of San Diego, California.

12 **PARTIES**

- 13 9. Plaintiff is an individual residing in the County of San Diego, State of
14 California.
- 15 10. Kraft Heinz is a corporation that is organized and exists under the laws of
16 the State of Pennsylvania, with a principal place of business in the State of
17 Pennsylvania.
- 18 11. Kraft Heinz claims on its website that Kraft Heinz provides high quality,
19 great taste and nutrition for all eating occasions whether at home, in
20 restaurants on the go.
- 21 12. Following a merger in 2015, Kraft Heinz became the world's fifth-largest
22 food company by sales.
- 23 13. Kraft Heinz's annual revenue is in the several billions of dollars.
- 24 14. Kraft Heinz is an American conglomerate that manufactures and/or
25 distributes various products, including several consumable consumer
26 packaged goods such as sauces and condiments. Kraft Heinz conducts
27 business through Internet sales and enjoys wide retail distribution at
28 numerous stores within the United States.

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1 15. On Defendant’s website, located at <http://www.kraftheinzcompany.com/>,
2 accessed on December 23, 2015, Defendant claims: “The Kraft Heinz
3 Company is the third-largest food and beverage company in North America
4 and the fifth-largest food and beverage company in the world, with eight \$1
5 billion+ brands.”

6 16. On Defendant’s website, located at http://www.kraftheinzcompany.com,
7 accessed on April 25, 2016, Defendant claims: “The Kraft Heinz Company
8 has an unparalleled portfolio of more than 200 powerful and iconic brands.”

9 17. One of the consumable products sold by Kraft Heinz is the Product
10 purchased by Plaintiff.

11 18. The mislabeled Product and the two Substantially Similar Products (as
12 identified below in ¶ 53) are available at numerous stores within the United
13 States, including the State of California.

14 **FACTUAL ALLEGATIONS**

15 19. Plaintiff re-alleges and incorporates by reference all of the above paragraphs
16 of this Second Amended Complaint as though fully stated herein.

17 20. Kraft Heinz manufactures, markets and/or sells various consumable
18 consumer packaged goods such as sauces and condiments that have been and
19 are currently still represented as “MFD. In U.S.A. By Heinz North America”
20 Kraft Heinz makes such representation on the consumable products
21 themselves, including the Product purchased by Plaintiff and the two
22 Substantially Similar Products that were not purchased by Plaintiff.²

23 21. Contrary to the representation on the products’ labels, Defendant’s products
24 are wholly and/or substantially manufactured or produced with components
25

26
27 ² Plaintiff seeks to represent a class of persons that purchased Heinz 57 Sauce,
28 Heinz 57 Steak Sauce or Heinz 57 Sauce with Honey.

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1 that are manufactured, grown and/or produced outside of the United States
2 of America.

3 22.The Product purchased by Plaintiff contains the following ingredients
4 according to its product label, listed in order: Tomato Puree (Tomato Paste,
5 Water), High Fructose Corn Syrup, White Distilled Vinegar, Malt Vinegar,
6 Salt, Contains 2% or Less of: Raisin Concentrate, Mustard Flour, Soybean
7 Oil, Turmeric, Spices, Apple Puree, Xanthan Gum, Sodium Benzoate and
8 Potassium Sorbate (Preservatives), Caramel Color, Garlic Power, Onion
9 Power, Natural Flavors.

10 23.Based upon information and belief, the offending Product purchased by
11 Plaintiff contains ingredients foreign to the United States of America,
12 including but not limited to turmeric, tomato puree and mustard flour.

13 24.Based upon information and belief, the offending Product purchased by
14 Plaintiff, and presumably all of Defendant’s products that are substantially
15 similar and contain foreign ingredients, are wholly or partially made of
16 and/or manufactured with foreign materials, contrary to Defendant’s “MFD.
17 In U.S.A.” representations.

18 25.Kraft Heinz marketed, and continue to market, and represent to the general
19 public via its products’ labels that Defendant’s products are “MFD. In
20 U.S.A.” As such, Defendant fraudulently concealed, and continue to
21 conceal, the material facts at issue in this matter by misrepresenting to the
22 general public the true source of the component parts in the offending
23 Product two Substantially Similar Products. Kraft Heinz possesses superior
24 knowledge of the true facts that were not disclosed, thereby tolling the
25 running of any applicable statute of limitations.

26 26.Consumers are particularly vulnerable to these deceptive and fraudulent
27 practices. Most consumers possess limited knowledge of the likelihood that
28 products, including the component products therein, claimed to be made in

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1 the United States are in fact manufactured in foreign countries. This is a
2 material factor in many individuals' purchasing decisions, as they believe
3 they are purchasing superior goods, produced under American standards and
4 laws, while supporting American companies and American jobs.

5 27. Consumers generally believe that "MFD. In U.S.A." products are of higher
6 quality than their foreign-manufactured counterparts and that they are
7 produced under higher standards, including, but not limited to, higher
8 environmental and labor laws. Due to Kraft Heinz's scheme to defraud the
9 market, members of the general public were fraudulently induced to
10 purchase Kraft Heinz's products at inflated prices.

11 28. On information and belief, Defendant charged excess monies for the Product
12 and two Substantially Similar Products, including the Product purchased by
13 Plaintiff, in comparison to Defendant's competitors during the entirety of the
14 relevant four-year statutory time period, based on the false "MFD. In
15 U.S.A." designation (or some derivative thereof). California laws are
16 designed to protect consumers from such false representations and predatory
17 conduct. Defendant's scheme to defraud consumers for its own self-interest
18 and monetary gain is ongoing and will victimize consumers daily for the
19 foreseeable future unless altered by judicial intervention.

20 29. In November of 2015, Plaintiff purchased Defendant's Heinz 57 Sauce from
21 an Albertsons grocery store located on 1133 Mission Road in Fallbrook,
22 California.

23 30. At the time of Plaintiff's purchase of the Product, the Product included on
24 the product label the advertising claim "MFD. In U.S.A.," when the Product
25 actually was made and/or contained ingredients that were produced outside
26
27
28

1 of the United States of America, including but not limited to the ingredients
2 turmeric, tomato puree and mustard flour.³

3 31. Plaintiff paid \$6.29 for the Product.

4 32. In making the decision to purchase Defendant's Product, Plaintiff relied
5 upon the advertising and/or other promotional materials prepared and
6 approved by Kraft Heinz and its agents and disseminated through its Class
7 Products' packaging containing the misrepresentations alleged herein. Had
8 Plaintiff been made aware that the Product contained ingredients that were
9 produced outside of the United States of America, Plaintiff would not have
10 purchased the Product.

11 33. Plaintiff often purchases consumable products, including sauces.

12 34. Plaintiff suffered an "injury in fact" because Kraft Heinz took Plaintiff's
13 money as a result of Kraft Heinz's false "MFD. In U.S.A" designation set
14 forth on the Product, for under Cal. Bus. & Prof. Code § 17533.7, Defendant
15 is not permitted to make the claim "'Made in U.S.A.,' 'Made in America,'
16 'U.S.A.,' or similar words," (Cal. Bus. & Prof. Code § 17533.7), which
17 includes *MFD. In U.S.A.*, if any of the components (or in this case
18 ingredients in the products) have "been entirely or substantially made,
19 manufactured, or produced outside of the United States" (*see id.*).

20 35. In each case when Plaintiff and putative Class members purchased the
21 Product or the Substantially Similar Products, they relied upon Kraft Heinz's
22 "MFD. In U.S.A." representation (or some derivative thereof) in their
23 purchasing decision, which is typical of most U.S. consumers.
24 Consequently, they were deceived as a result of Defendant's actions.
25 Plaintiff believed at the time she purchased the Product that she was
26

27 ³ Thus, Defendant was not entitled to lawfully make representations that the
28 Product was "MFD. In U.S.A."

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1 purchasing a superior quality product, supporting U.S. jobs and the U.S.
2 economy, and also supporting ethical working conditions.

3 36. Component parts made in the U.S.A. are subject to strict regulatory
4 requirements, including but not limited to environmental, labor, and safety
5 standards. Foreign made component parts are not subject to the same U.S.
6 standards and as a result can be potentially much more dangerous to
7 consumers, especially when ingested like Defendant's consumable products.
8 Further, foreign made component parts are also generally of lower quality
9 than their U.S. made counterparts, and routinely less reliable and less
10 durable than their U.S. made counterparts.

11 37. Consequently, Defendant's Product and Substantially Similar Products
12 containing the foreign ingredients (such as but not limited to the ingredients
13 Turmeric and Tomato Puree, which do not come from the United States of
14 America), including the Product purchased by Plaintiff, are of inferior
15 quality, potentially more dangerous and less reliable, as Defendant falsely
16 represented that these products are "MFD. In U.S.A." This results in lower
17 overall customer satisfaction than if the products were truly "MFD. In
18 U.S.A." and/or consisting of ingredients made or produced in the United
19 States of America.

20 38. On information and belief, Defendant's products containing the foreign
21 ingredients, including the Product purchased by Plaintiff, are not worth the
22 purchase price paid by Plaintiff and putative Class members. The precise
23 amount of damages will be proven at the time of trial, in large part, by expert
24 testimony.

25 39. Turmeric is a spice that is native to India and is not produced in the United
26 States of America. Turmeric is also known as "Indian saffron."

27 40. According to the Food and Agricultural Organization of the United Nations,
28 in their report entitled TURMERIC: Post-Production Management, prepared

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1 by Anne Plotto and last reviewed on April 22, 2014 (accessed at
2 <http://www.fao.org/3/a-ax446e.pdf> on April 25, 2016), as it concerns
3 turmeric, “Europe and North America ... are supplied by India and Central
4 and Latin American countries,” and “The United States imports of turmeric
5 come from India at 97%, and the rest is supplied by the islands of the
6 Pacific, and Thailand.”

7 41. Upon information and belief, companies within the United States of
8 America, such as Defendant, often source from other countries some of the
9 tomato puree to be used in consumable products.

10 42. According to Defendant’s own website, located at
11 <http://www.heinz.com/sustainability/supplychain/heinzseed.aspx>, and last
12 accessed on April 25, 2016, Defendant states:

13
14 Our agricultural team has travelled the world to identify
15 and educate qualified growers who want to cultivate
16 Heinz tomatoes in a responsible and profitable manner.
17 Heinz has supplied 4.6 billion hybrid tomato seeds each
18 year to our farmers and processing partners in more than
19 30 countries, including the United States, Canada, China,
20 Southeast Asia, India, Spain, Portugal, the Middle East,
21 Africa, Caribbean nations and Latin America.

22 More than 30% of the world’s processed tomatoes are
23 grown using Heinz® seeds. In developing nations,
24 HeinzSeed has helped farmers to improve their quality of
25 life while conserving water and reducing over-reliance on
26 chemical pesticides and fertilizers. Thanks to HeinzSeed,
27 farmers have produced higher yields of quality tomatoes
28 without genetic modification. Heinz also has systems in
place to trace each tomato that is grown from Heinz seed,
from field to fork.

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1 43. Upon information and belief, at least a portion of the tomato puree used by
2 Defendant in Heinz 57 Sauce was produced outside of the United States of
3 America, including but not limited to Mexico.

4 44. Upon information and belief, companies within the United States of
5 America, such as Defendant, often source from Nepal, Canada or India some
6 of the mustard or mustard flour to be used in consumable products.

7 45. According to the Agricultural Marketing Resource Center, in an article last
8 reviewed in April of 2013 (located at [www.agmrc.org/commodities-
9 products/grains-oilseeds/mustard/](http://www.agmrc.org/commodities-products/grains-oilseeds/mustard/), accessed on April 25, 2016), mustard is
10 native to temperate regions of Europe, and mustard is often supplied to the
11 United States from Europe and Asia. Mustard is also grown within the
12 United States.

13 46. On Defendant's website, located at
14 <http://www.heinz.com/sustainability/supplychain/guiding-principles.aspx>,
15 accessed on April 25, 2016, Defendant acknowledges generally that it works
16 with at least some international suppliers, stating: "One critical strategy to
17 ensure the safety of our products is Heinz's requirement that our domestic
18 and international suppliers, co-packers and joint venture partners agree to
19 comply with our Supplier Guiding Principles. These principles apply to all
20 our suppliers and include complying with local labor and environmental
21 laws to protect the health and safety of workers as well as the Earth. We
22 seek suppliers' compliance with these principles through contractual
23 provisions and track their acceptance in proprietary software."

24 47. On Defendant's website, located at
25 <http://www.heinz.com/sustainability/supplychain/packaging.aspx>, accessed
26 on April 25, 2016, Defendant acknowledges generally that it has facilities
27 worldwide that manufacture and produce some of its products, stating: "Our
28 facilities worldwide have been seeking ways to manufacture and package

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1 products more efficiently, and Heinz has been working with our suppliers to
2 develop packaging solutions that generate less waste.”

3 48.Plaintiff and Class members were injured as a result of Kraft Heinz’s false
4 “MFD. In U.S.A.” representations that are at issue in this matter, for the
5 products at issue contain one or more ingredients that were produced outside
6 of the United States of America.

7 49.As of the filing of this Second Amended Complaint, Defendant has not
8 complied with Plaintiff’s demand letter pursuant to California Civil Code §
9 1782, which demand letter was mailed to Defendant on December 11, 2015
10 via United States Postal Service return receipt requested. This demand letter
11 is attached hereto as **Exhibit A**.

12 **CLASS ACTION ALLEGATIONS**

13 50.Plaintiff re-alleges and incorporates by reference all of the above paragraphs
14 of this Second Amended Complaint as though fully stated herein.

15 51.Plaintiff brings this action individually and on behalf of all others similarly
16 situated against Defendant and each of them, pursuant to Federal Rules of
17 Civil Procedure, Rules 23(a), 23(b)(2) and 23(b)(3).

18 52.Plaintiff represents, and is a member of the California Class (“the Class”)
19 consisting of:

20
21 All persons within California who purchased Heinz 57
22 Sauce, Heinz 57 Steak Sauce or Heinz 57 Sauce with
23 Honey where Defendant advertised on the label of such
24 product/s that the product/s was/were “MFD. In U.S.A.”
25 but contained one or more ingredients produced outside
of the United States of America, within the four years
prior to the filing of the Complaint.

26 53.The “Class Period” means four years prior to the filing of the Complaint in
27 this action.
28

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1 54. Kraft Heinz’s products that are substantially similar to the Product
2 purchased by Plaintiff include Heinz 57 Steak Sauce and Heinz 57 Sauce
3 with Honey (the “Substantially Similar Products”).

4 55. The product labels on both the Heinz 57 Steak Sauce and Heinz 57 Sauce
5 with Honey Sauce is the claim that the products are “MFD. In U.S.A”, yet
6 both products contain Turmeric, which, as alleged above, is an ingredient
7 foreign to the United States of America and is produced outside of the
8 United States of America.

9 56. According to the product label on Heinz 57 Steak Sauce, the sauce contains
10 the following ingredients, listed in order: Tomato Puree, High Fructose Corn
11 Syrup, Malt Vinegar, Lea & Perrins Worcestershire Sauce (Distilled White
12 Vinegar, Molasses, Water, Sugar, Salt, Onions, Anchovies, Garlic, Cloves,
13 Tamarind Extract, Natural Flavorings, Chili Pepper Extract), White Distilled
14 Vinegar, Salt, Contains 2% Or Less Of: Raisin Concentrate, Mustard Flour,
15 Caramel Color, Soybean Oil, Turmeric, Spices, Apple Puree, Xanthan Gum,
16 Sodium Benzoate and Potassium Sorbate (Preservatives), Garlic Power,
17 Onion Power, Natural Flavors, Water. Contains Fish (Anchovies).

18 57. According to the product label on Heinz 57 Sauce with Honey, the sauce
19 contains the following ingredients, listed in order: Tomato Puree (Tomato
20 Paste, Water), Distilled White Vinegar, High Fructose Corn Syrup, Honey,
21 Brown Sugar, Malt Vinegar, Molasses, Salt, Raisin Concentrate, Apple
22 Paste, Spices, Soybean Oil, Mustard Flour, Guar Gum, Garlic Powder,
23 Onion Powder, Turmeric, Potassium Sorbate And Sodium Benzoate As
24 Preservatives, Natural And Artificial Flavors, Citric Acid, Sugar. Contains
25 Soybeans.

26 58. Kraft Heinz is aware that the Product and Substantially Similar Products
27 advertise “MFD. In U.S.A” (or the equivalent) but contain ingredients
28 produced outside of the United States of America.

1 59. **Ascertainability.** Kraft Heinz and its employees and/or agents are excluded
2 from the Class. Plaintiff does not know the number of members in the
3 Class, but Plaintiff currently believes that there are hundreds of thousands, if
4 not more, members of the Class within the State of California. Because of
5 the nature of Defendant's products, Defendant and Defendant's distributors
6 must keep detailed and accurate records of distribution in order to accurately
7 and effectively execute a recall if so ordered by the Food and Drug
8 Administration or any other organization. Therefore, the members of the
9 Class are ascertainable through Defendant's records and/or Defendant's
10 agents' records regarding retail and online sales, as well as through public
11 notice. This matter should therefore be certified as a Class action to assist in
12 the expeditious litigation of this matter.

13 60. **Numerosity.** The numerosity requirement of Fed. R. Civ. P. Rule 23(a)(1) is
14 satisfied for the aforementioned Class because the members of the Class are
15 so numerous and geographically disbursed that joinder of all Class members
16 is impractical and the disposition of their claims in the Class action will
17 provide substantial benefits both to the parties and to the court.

18 61. ***Existence and Predominance of Common Questions of Law and Fact.***

19 There is a well-defined community of interest in the questions of law and
20 fact involved affecting the parties to be represented. Common questions of
21 fact and law exist in this matter that predominate over questions that may
22 affect individual Class members, satisfying the requirement of Fed. R. Civ.
23 P., Rule 23(a)(2), including, but not limited to, the following:

- 24 a. Whether Defendants committed the wrongful conduct alleged herein;
- 25 b. Whether Defendant's acts, transactions, or course of conduct
26 constitute the violations of law alleged herein;
- 27
- 28

- 1 c. Whether the Product and Substantially Similar Products contain
- 2 ingredients that are foreign to the United States of America, such as
- 3 turmeric;
- 4 d. Whether the members of the Class sustained and/or continue to
- 5 sustain damages attributable to Defendant’s conduct, and, if so, the
- 6 proper measure and appropriate formula to be applied in determining
- 7 such damages;
- 8 e. Whether the Class Products contain the same of substantially similar
- 9 false representations and contain ingredients that are foreign to the
- 10 United States of America; and,
- 11 f. Whether the members of the Class are entitled to injunctive and/or
- 12 any other equitable relief.

13 **62. *Typicality.*** Plaintiff’s claims are typical of the claims of all other members
14 of the Class and involve the same violations of law by Defendant as other
15 Class members’ claims. Plaintiff and members of the Class also sustained
16 damages arising out of Defendant’s common course of conduct complained
17 herein. Accordingly, Plaintiff satisfies the “typicality” requirement of Fed.
18 R. Civ. P., Rule 23(a)(3) with respect to the Class.

19 **63. *Adequacy of Representation.*** As a person who purchased one or more of
20 Defendant’s products, that were advertised with “MFD. In U.S.A.” (or some
21 derivative thereof), but contain foreign-made ingredients and/or composed
22 of foreign-made component parts, Plaintiff is asserting claims that are
23 typical of the Class. Plaintiff will fairly and adequately represent and protect
24 the interests of other members of the Class in that Plaintiff has no interests
25 antagonistic to any member of the Class. Further, Plaintiff has retained
26 counsel experienced in handling class action claims and claims involving
27 violations of the consumer laws, and specifically violations of the California
28

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1 Business and Professions Code. Thus, Fed. R. Civ. P., Rule 23(a)(4) is
2 satisfied.

3 64.*Superiority*. A class action is a superior method for the fair and efficient
4 adjudication of this controversy. Class-wide damages are essential to induce
5 Kraft Heinz to comply with California law. The interest of Class members
6 in individually controlling the prosecution of separate claims against Kraft
7 Heinz is small because the damages suffered by individual members of the
8 Class may be minimal. As a result, the expense and burden of litigation
9 would prevent class members from individually redressing the wrongs done
10 to them. A representative class action is both the appropriate vehicle by
11 which to adjudicate these claims and is essential to the interests of justice.
12 Furthermore, a class action regarding the issues presented in this matter
13 creates no significant problems of manageability. Therefore, the superiority
14 and manageability requirements of 23(b)(3) are satisfied.

15 65. This suit seeks only damages and injunctive relief for recovery of economic
16 injury on behalf of the Class, and it expressly is not intended to request any
17 recovery for personal injury and claims related thereto. Plaintiff reserves the
18 right to expand the Class definition to seek recovery on behalf of additional
19 persons as warranted as facts are learned in further investigation and
20 discovery.

21 66. Plaintiff and members of the putative Class have suffered “injury in fact”
22 and have lost money or property as a result of Defendants’ unfair
23 competition, as more fully set forth herein. Plaintiff and members of the
24 putative Class have been injured as they relied on Defendants’ intentional
25 misrepresentation and were induced into purchasing, purchasing more of,
26 and overpaying for the Product and Substantially Similar Products. Plaintiff
27 and members of the Class have been injured, as had they been made aware
28 that the product was not actually “MFD. In U.S.A.,” they would not have

1 purchased the product. In other words, Plaintiff and members of the Class
2 would not have purchased Defendant's Class Products, but for the "MFD. In
3 U.S.A." representations (or some derivative thereof) on Defendant's
4 products' labels.

5 67. Plaintiff and the members of the Class have all suffered irreparable harm as
6 a result of the Defendant's unlawful and wrongful conduct. Absent a
7 representative class action, members of the Class will continue to face the
8 potential for irreparable harm described herein. In addition, these violations
9 of law will be allowed to proceed without remedy and Defendant will likely
10 continue such illegal conduct. Because of the size of the individual Class
11 member's claims, few, if any, Class members could not afford to seek legal
12 redress for the wrongs complained of herein. Furthermore, even if separate
13 actions could be brought by individual purchasers, the resulting multiplicity
14 of lawsuits would cause undue hardship and expense for both the Court and
15 the litigants, as well as create the risk of inconsistent rulings and
16 adjudications that might be dispositive of the interests of similarly situated
17 purchasers, thereby substantially impeding purchasers' ability to protect
18 their interests, while establishing incompatible standards of conduct for
19 Defendant. Thus, the proposed Class satisfy the requirements of Fed. R.
20 Civ. P., Rule 23(b)(1).

21 68. Kraft Heinz has acted and/or refused to act on grounds generally applicable
22 to the Plaintiff and other members of the Class, thereby rendering class
23 certification and final injunctive relief and corresponding declaratory relief
24 with respect to members of the Class as a whole appropriate. Thus,
25 certification is proper under Fed. R. Civ. P. Rule 23(b)(2).

26 69. As discussed above, numerous common questions of fact and law exist in
27 this matter. These questions predominate over the individual questions
28

1 presented in this action. Thus, the predominance requirement of Fed. R.
2 Civ. P. Rule 23(b)(3) is satisfied.

3 70. A class action is a superior method for the fair and efficient adjudication of
4 this controversy. Class-wide damages are essential to induce Kraft Heinz to
5 comply with California law. The interest of Class members in individually
6 controlling the prosecution of separate claims against Kraft Heinz is small
7 because the damages suffered by individual members of the Class may be
8 minimal. As a result, the expense and burden of litigation would prevent
9 class members from individually redressing the wrongs done to them. A
10 representative class action is both the appropriate vehicle by which to
11 adjudicate these claims and is essential to the interests of justice.
12 Furthermore, a class action regarding the issues presented in this matter
13 creates no significant problems of manageability. Therefore, the superiority
14 and manageability requirements of 23(b)(3) are satisfied.

15 **FIRST CAUSE OF ACTION**

16 **VIOLATION OF BUSINESS & PROFESSIONS CODE**

17 **BUS. & PROF. CODE, SECTION 17533.7**

18 71. Plaintiff re-alleges and incorporates by reference all of the above paragraphs
19 of this Second Amended Complaint as though fully stated herein.

20 72. Business & Professions Code § 17533.7 provides:

21
22 It is unlawful for any person, firm, corporation or
23 association to sell or offer for sale in this State any
24 merchandise on which merchandise or on its container
25 there appears the words "Made in U.S.A.," "Made in
26 America, " U.S.A.," or similar words when the
27 merchandise or any article, unit, or part thereof, has been
28 entirely or substantially made, manufactured, or
produced outside of the United States.

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1 73. Kraft Heinz violated Bus. & Prof. Code § 17533.7 by selling and offering to
2 sell products in the State of California with the “MFD. In U.S.A.” claim,
3 such as Heinz 57 Sauce, Heinz 57 Steak Sauce, and Heinz 57 Sauce with
4 Honey. These products at issue in this matter are wholly and/or substantially
5 manufactured outside of the United States and/or contain ingredients that are
6 manufactured outside of the United States in violation of California law.

7 74. On information and belief, Defendant’s violations of Bus. & Prof. Code §
8 17533.7 as set forth herein were done with awareness of the fact that the
9 conduct alleged was wrongful and was motivated solely for Defendant’s
10 self-interest, monetary gain and increased profit. Plaintiff further alleges that
11 Defendant committed these acts knowing the harm that would result to
12 Plaintiff and Defendant engaged in such unfair and deceptive conduct
13 notwithstanding such knowledge.

14 75. Plaintiff suffered an “injury in fact” because Plaintiff’s money was taken by
15 Kraft Heinz as a result of Kraft Heinz’ false “MFD. In U.S.A.”
16 representations set forth on their products, for the ingredient turmeric in the
17 Product and the two Substantially Similar Products is sourced from outside
18 of the United States of America.

19 76. As a direct and proximate result of Defendant’s violations of Bus. & Prof.
20 Code § 17533.7, Plaintiff and the Class are entitled to restitution of excess
21 monies paid to Defendant by Plaintiff and the Class relating to the false
22 “MFD. In U.S.A.” representation set forth on the Product and Substantially
23 Similar Products.

24 77. In prosecuting this action for the enforcement of important rights affecting
25 the public interest, Plaintiff seeks the recovery of attorneys’ fees, which is
26 available to a prevailing plaintiff in class action cases such as this matter.

27 //

28 //

SECOND CAUSE OF ACTION
VIOLATION OF BUSINESS & PROFESSIONS CODE
BUS. & PROF. CODE, SECTION 17200, ET SEQ.

78. Plaintiff re-alleges and incorporates by reference all of the above paragraphs of this Second Amended Complaint as though fully stated herein.

79. Plaintiff and Defendant are each “person[s]” as defined by California Business & Professions Code § 17201. California Business & Professions Code § 17204 authorizes a private right of action on both an individual and representative basis.

80. “Unfair competition” is defined by Business and Professions Code Section § 17200 as encompassing several types of business “wrongs,” including: (1) an “unlawful” business act or practice, (2) an “unfair” business act or practice, (3) a “fraudulent” business act or practice, and (4) “unfair, deceptive, untrue or misleading advertising.” The definitions in § 17200 are drafted in the disjunctive, meaning that each of these “wrongs” operates independently from the others.

81. By and through Defendant’s conduct alleged in further detail above and herein, Defendant engaged in conduct which constitutes unlawful, unfair, and/or fraudulent business practices, and unfair, deceptive, untrue or misleading advertising prohibited by Bus. & Prof. Code § 17200 et seq.

A. “Unlawful” Prong

82. Beginning at a date currently unknown through the time of this Second Amended Complaint, Kraft Heinz has committed acts of unfair competition, including those described above, by engaging in a pattern of “unlawful” business practices, within the meaning of Bus. & Prof. Code § 17200 et seq. by manufacturing, distributing, and/or marketing Kraft Heinz’s products with a false “MFD. In U.S.A.” claims, in violation of Bus. & Prof. Code §

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1 17533.7 and Bus. & Prof. Code § 17500 by falsely representing that the
2 products referenced herein are “MFD. In U.S.A.” when Kraft Heinz’s
3 products are in fact foreign-made and/or composed of component parts
4 manufactured and/or grown outside of the United States, such as turmeric
5 and mustard flour.

6 **B. “Unfair” Prong**

7
8 83. Beginning at a date currently unknown and continuing up through the time
9 of this Second Amended Complaint, Kraft Heinz has committed acts of
10 unfair competition that are prohibited by Bus. & Prof. Code section 17200 et
11 seq. Kraft Heinz engaged in a pattern of “unfair” business practices that
12 violate the wording and intent of the statutes by engaging in conduct and
13 practices that threaten an incipient violation of law/s or violate the policy or
14 spirit of law/s by manufacturing, distributing, and/or marketing Kraft
15 Heinz’s products with a false country of origin designation, in violation of
16 Bus. & Prof. Code § 17533.7 by falsely representing that the products
17 referenced herein are “MFD. In U.S.A.” when Kraft Heinz’s products are in
18 fact foreign-made and/or composed of component parts manufactured and/or
19 grown outside of the United States, such as turmeric and mustard flour.

20 84. Alternatively, Kraft Heinz engaged in a pattern of “unfair” business
21 practices that violate the wording and intent of the abovementioned statute/s
22 by engaging in practices that are immoral, unethical, oppressive or
23 unscrupulous, the utility of such conduct, if any, being far outweighed by the
24 harm done to consumers and against public policy by manufacturing,
25 distributing, and/or marketing Kraft Heinz’s products with a false country of
26 origin designation, in violation of Bus. & Prof. Code § 17533.7 by falsely
27 representing that the products referenced herein are “MFD. In U.S.A.” when
28

1 Kraft Heinz's products are in fact foreign-made and/or composed of
2 component parts manufactured and/or grown outside of the United States.

3 85. Alternatively, Kraft Heinz engaged in a pattern of "unfair" business
4 practices that violate the wording and intent of the abovementioned statute/s
5 by engaging in practices, including manufacturing, distributing, marketing,
6 and/or advertising Kraft Heinz's products with a false country of origin
7 designation, in violation Bus. & Prof. Code § 17533.7 by falsely
8 representing that the products referenced herein are "MFD. In U.S.A.;"
9 wherein when the products contain turmeric from outside of the United
10 States of America: (1) the injury to the consumer was substantial; (2) the
11 injury was not outweighed by any countervailing benefits to consumers or
12 competition; and (3) the injury was not of the kind that consumers
13 themselves could not have reasonably avoided.

14 C. "Fraudulent" Prong

15 86. Beginning at a date currently unknown and continuing up through the time
16 of this Second Amended Complaint, Kraft Heinz engaged in acts of unfair
17 competition, including those described above and herein, prohibited and in
18 violation of Bus. & Prof. Code § 17200 et seq., by engaging in a pattern of
19 "fraudulent" business practices within the meaning of Bus. & Prof. Code §
20 17200 et seq., by manufacturing, distributing, and/or marketing Defendant's
21 products with a false country of origin designation, in violation of Bus. &
22 Prof. Code § 17533.7 by falsely representing that the products referenced
23 herein are "MFD. In U.S.A." when Kraft Heinz's products are in fact
24 foreign-made and/or composed of component parts manufactured and/or
25 grown outside of the United States, such as turmeric and mustard flour.
26
27
28

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1 87.Plaintiff reserves the right to allege further conduct that constitutes other
2 fraudulent business acts or practices. Such conduct is ongoing and continues
3 to this date.

4 **D. “Unfair, Deceptive, Untrue or Misleading Advertising” Prong**

5 88.Defendant’s advertising is unfair, deceptive, untrue or misleading in that
6 consumers are led to believe that Defendant’s products are “MFD. In
7 U.S.A.” and that therefore they are of superior quality and workmanship,
8 and that they were produced according to U.S. standards and laws when in
9 fact they are not entirely “MFD. In U.S.A.”

10 89.Plaintiff, a reasonable consumer, and the public would be likely to be, and,
11 in fact were, deceived and mislead by Defendant’s advertising as they
12 would, and did, interpret the representation in accord with its ordinary usage,
13 that the products were actually entirely manufactured by Defendant in the
14 USA.

15 90.Defendant’s unlawful, unfair, and fraudulent business practices and unfair,
16 deceptive, untrue or misleading advertising presents a continuing threat to
17 the public in that Defendant continues to engage in unlawful conduct
18 resulting in harm to consumers.

19 91.Defendant engaged in these unlawful, unfair, and fraudulent business
20 practices motivated solely by Defendant’s self-interest with the primary
21 purpose of collecting unlawful and unauthorized monies from Plaintiff and
22 all others similarly situated; thereby unjustly enriching Defendant.

23 92.Such acts and omissions by Defendant are unlawful and/or unfair and/or
24 fraudulent and constitute a violation of Business & Professions Code §§
25 17200, *et seq.* Plaintiff reserves the right to identify additional violations by
26 Defendant as may be established through discovery.
27
28

1 93.As a direct and proximate result of the aforementioned acts and
2 representations described above and herein, Defendant received and
3 continues to receive unearned commercial benefits at the expense of their
4 competitors and the public.

5 94.As a direct and proximate result of Defendant’s unlawful, unfair and
6 fraudulent conduct described herein, Defendant has been and will continue
7 to be unjustly enriched by the receipt of ill-gotten gains from customers,
8 including Plaintiff, who unwittingly provided money to Defendant based on
9 Defendant’s fraudulent “MFD. In U.S.A.” representations when Defendant’s
10 Class Products are in fact foreign-made and/or composed of component
11 parts manufactured and/or grown outside of the United States, such as
12 turmeric.

13 95.Plaintiff suffered an “injury in fact” because Plaintiff’s money was taken by
14 Defendant as a result of Defendant’s false “MFD. In U.S.A.” representations
15 set forth on the Defendant’s Product and Substantially Similar Products.

16 96.In prosecuting this action for the enforcement of important rights affecting
17 the public interest, Plaintiff seeks the recovery of attorneys’ fees, which is
18 available to a prevailing plaintiff in class action cases such as this matter.

19 **THIRD CAUSE OF ACTION**

20 **VIOLATION OF CALIFORNIA CONSUMERS LEGAL REMEDIES ACT**

21 **CAL. CIV. CODE SECTION 1750, ET SEQ.**

22 97.Plaintiff re-alleges and incorporates by reference all of the above paragraphs
23 of this Second Amended Complaint as though fully stated herein.

24 98.California Civil Code Section 1750 et seq., entitled the Consumers Legal
25 Remedies Act (hereinafter “CLRA”), provides a list of “unfair or deceptive”
26 practices in a “transaction” relating to the sale of “goods” or “services” to a
27 “consumer.” The Legislature’s intent in promulgating the CLRA is
28

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1 expressed in Civil Code Section 1760, which provides, *inter alia*, that its
2 terms are to be:

3
4 Construed liberally and applied to promote its underlying
5 purposes, which are to protect consumers against unfair
6 and deceptive business practices and to provide efficient
7 and economical procedures to secure such protection.

8 99. Defendant’s products constitute “goods” as defined pursuant to Civil Code
9 Section 1761(a).

10 100. Plaintiff, and the Class members, are each a “consumer” as defined pursuant
11 to Civil Code Section 1761(d).

12 101. Each of Plaintiff’s and the Class members’ purchases of Defendant’s
13 products constituted a “Transaction” as defined pursuant to Civil Code
14 Section 1761(e).

15 102. Civil Code Section 1770(a)(2), (4), (5), (7) and (9) provide that:

16 The following unfair methods of competition and unfair
17 or deceptive acts or practices undertaken by any person
18 in a transaction intended to result or which results in the
19 sale or lease of goods or services to any consumer are
unlawful:

- 20 [m]isrepresenting the source, sponsorship, approval, or
21 certification of goods or services,
- 22 [u]sing deceptive representations or designations of
23 geographic origin in connection with goods or services,
- 24 [r]epresenting that goods or services have sponsorship,
25 approval, characteristics, ingredients, uses, benefits, or
26 quantities which they do not have,
- 27 [r]epresenting that goods or services are of a particular
28 standard, quality, or grade... if they are of another, [and]
- [a]dvertising goods or services with intent not to sell
them as advertised.”

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1 103. Defendant violated Civil Code Section 1770(a)(2), (4), (5), (7) and (9) by
2 marketing and representing that its products are “Made In The USA” (or
3 some derivative thereof) when they actually contain foreign-made or
4 manufactured ingredients, such as turmeric, tomato puree and mustard flour.

5 104. On information and belief, Defendant’s violations of the CLRA set forth
6 herein were done with awareness of the fact that the conduct alleged was
7 wrongful and was motivated solely for Defendant’s self-interest, monetary
8 gain and increased profit.

9 105. On information and belief, Defendant committed these acts knowing the
10 harm that would result to Plaintiff, and Defendant engaged in such unfair
11 and deceptive conduct notwithstanding such knowledge.

12 106. Plaintiff suffered an “injury in fact” because Plaintiff’s money was taken by
13 Defendant as a result of Defendant’s false “MFD. In The USA”
14 representations set forth on Defendant’s actual products.

15 107. As a direct and proximate result of Defendant’s violations of the CLRA,
16 Plaintiff and members of the Class are entitled to a declaration that
17 Defendant violated the Consumer Legal Remedies Act.

18 108. Plaintiff and the Class are also entitled to and seek injunctive relief
19 prohibiting such conduct in the future.

20 109. Plaintiff served a letter pursuant to the Consumers Legal Remedies Act
21 (“CLRA”), California Civil Code § 1782 on Defendant and its agent for
22 service on or about December 11, 2015.

23 110. As of the date of the filing of this Second Amended Complaint, Defendant
24 has not complied with Plaintiff’s demands outlined in the letter to Defendant
25 (*see* ¶ 36 above).

26 111. Attached hereto as **Exhibit B** is a true and correct copy of the Declaration of
27 Suzanne Alaei signed on April 9, 2016, which is submitted pursuant to Cal.
28 Civ. Code §1780(d).

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PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests the Court grant Plaintiff and the Class members the following relief against Defendant:

- That the Court determine that this action may be maintained as a Class Action by certifying this case as a Class Action;
- That the Court certify Plaintiff to serve as the Class representative in this matter;
- That Defendant’s wrongful conduct alleged herein be adjudged and decreed to violate the consumer protection statutory claims asserted herein;
- That Plaintiff and each of the other members of the Class recover the amounts by which Defendant has been unjustly enriched;
- That Defendant be enjoined from continuing the wrongful conduct alleged herein and required to comply with all applicable laws;
- That Plaintiff and each of the other members of the class recover their costs of suit, including reasonable attorneys’ fees and expenses as provided by law;
- Exemplary and/or punitive damages for intentional misrepresentations pursuant to, *inter alia*, Cal. Civ. Code § 1780 and Cal. Civ. Code § 3294; and,
- That Plaintiff and the members of the Class be granted any other relief the Court may deem just and proper.

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TRIAL BY JURY

112. Pursuant to the Seventh Amendment to the Constitution of the United States of America, Plaintiff is entitled, and demands, a trial by jury.

Dated: May 12, 2016

Respectfully submitted,

KAZEROUNI LAW GROUP, APC

By: /s/ ABBAS KAZEROUNIAN
ABBAS KAZEROUNIAN, ESQ.
ATTORNEYS FOR PLAINTIFF

ADDITIONAL PLAINTIFF’S COUNSEL

HYDE & SWIGART

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EXHIBIT A

KAZEROUNI LAW GROUP, APC

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Robert Hyde, Esq. – Of Counsel (CA, MN)
Naomi Spector, Esq. – Of Counsel (CA)

December 11, 2015

VIA CERTIFIED US MAIL

Bernardo Hees
Chief Executive Officer
H.J. Heinz Company, L.P.
One PPG Place
Suite 3200
Pittsburgh, Pennsylvania 15222

Bernardo Hees
Chief Executive Officer
Kraft Heinz Food Company
57 Center
357 Sixth Avenue
Pittsburgh, Pennsylvania 15222

AGENT FOR SERVICE; VIA CERTIFIED US MAIL

For H.J. Heinz Company, L.P.
CT Corporation System
818 West Seventh Street, Suite 930
Los Angeles, California 90017

For Kraft Heinz Food Company
CT Corporation System
818 West Seventh Street, Suite 930
Los Angeles, California 90017

RE: Demand Letter Pursuant to California Civil Code § 1782

Dear Mr. Hees:

This letter serves as notice and demand for corrective action by H.J. Heinz Company, L.P., Kraft Heinz Food Company and any other related entity which distributes products in the United States (collectively "Heinz") pursuant to the Consumers Legal Remedies Act, California Civil Code § 1782 ("CLRA"). This letter is sent on behalf of our client, Suzanne Alaei¹, a purchaser of Heinz 57 Sauce ("Product") in the state of California, and all other persons similarly situated. We

¹ This firm represents Ms. Alaei. Please refrain from contacting Ms. Alaei directly. Please direct any and all communications to this office.

CALIFORNIA – NEVADA – TEXAS – ARIZONA

hereby demand that you take immediate corrective action within thirty (30) days as further described below.

Heinz markets and advertises various products, including the Product purchased by our client, as “MFD. in USA” which is commonly understood to mean “Manufactured in USA.” This representation, which is displayed prominently on the majority, if not all, of Heinz products, including the label of the Product purchased by our client, conveys important information to consumers regarding the quality and characteristics of Heinz products. Specifically, the term “MFD. in USA” conveys to a reasonable consumers that Heinz products, including the Product, are made entirely in the United States and made of ingredients from the United States, and therefore are of superior quality (i.e., more effective and contain better grown/made ingredients than non-US made products or raw materials) and made pursuant to United States labor standards.

Contrary to its “MFD. in USA” representation, many, if not all, products produced and sold by Heinz contain or are made with ingredients that are not “MFD. in USA.” For example, the Product contains turmeric, which in this instance, among other ingredients in the product, is not from the United States, yet its label states “MFD. in USA.” Similarly, Heinz Horseradish Sauce also contains turmeric, which in this instance, among other ingredients in the product, is not from the United States, yet its label also states “MFD. in USA.” Heinz Jalapeno Tomato Ketchup contains jalapenos, which in this instance, among other ingredients in the product, is not from the United States, yet its label states “MFD. in USA.” Additionally, Heinz 57 Steak Sauce Made with Lea & Perrins contains tamarind extract and turmeric, which in this instance, among other ingredients in the product, are not from the United States, yet its label states “MFD. in USA.”

The list of examples of Heinz misrepresented products is simply too long to demonstrate. It is abundantly clear that Heinz pays no attention to applicable laws regarding the labeling of its products with “MFD. in USA” or any derivative thereof. **Therefore, each and every one of Heinz products² regardless of brand, type, configuration or size, including but not limited to the aforementioned brands and products, containing foreign ingredients, components or raw materials and any reference to “Product of USA”, “Made in USA” or “MFD. in USA” or any derivative thereof, is subject to the demand/s made in this letter. Please note that upon filing suit on behalf of our client, we will seek to represent the purchasers of any and all of Heinz misrepresented products.**

The above-described representations are false and misleading and constitute unlawful, unfair, or fraudulent acts, or practices and unfair methods of competition in violation of the CLRA, including but not limited to §§ 1770(a)(2), (4), (5), (7), and (9). The representations also violate California's Unfair Competition Law and False Advertising Law, California Business & Professions Code §§ 17200, *et seq.*, and 17500, *et seq.* Heinz has and continues to mislead consumers into believing that its products containing the aforementioned ingredients, among others, are “MFD. in USA,” when in fact that is not true. These misrepresentations allow Heinz to increase its sales and capture market share from its competitors.

If our client had known the true nature of Heinz products, she would not have purchased the Product. Our client is a citizen of the State of California and is a consumer as defined in California Civil Code § 1761(d) because she purchased the Product for personal, family, or household purposes. Our client saw and read Heinz packaging representations and relied on such

² For a list that includes, but is not limited to, Heinz products subject to this letter see [Exhibit A](#).

false and deceptive marketing in deciding to purchase the Product. As a result, our client suffered loss of money.

We hereby demand on behalf of our client and all other similarly situated that Heinz immediately: (1) cease and desist from continued sale of all its misrepresented products, including the Product; (2) initiate a corrective advertising campaign to inform consumers about the true nature of its products, including the Product; and (3) initiate a full recall with an offer to refund the purchase price of all misrepresented Heinz products, including the Product purchased by our client, plus reimbursement for interest. Please comply with this demand within thirty (30) days from receipt of this letter. Additionally, this letter also serves as notice to Heinz of its duty to preserve and retain all documents, tangible items, and electronically stored information, including but not limited to website or label changes, that are potentially relevant to this matter.

If Heinz wishes to enter into discussions to resolve the demands asserted in this letter, please contact me immediately, as Plaintiff intends to file a complaint for damages and injunctive relief. Your cooperation in this matter would be appreciated.

Yours truly,

/s/ Abbas Kazerounian

Abbas Kazerounian, Esq.
Direct Line: 800-400-6808 Ext: 2
Email: ak@kazlg.com

Copy to: Client's Co-Counsel
Joshua B. Swigart, Esq.
Hyde & Swigart
Via Electronic Mail to Josh@westcoastlitigation.com

Exhibit A

Heinz Brand

All sizes, configurations and/or other variations (including both consumer and food service) of the following:

1. All Heinz 57 Sauces including, but not limited to:
 - a. Heinz 57 Sauce
 - b. Heinz 57 Steak Sauce
 - c. Heinz 57 Sauce with Honey
 - d. Heinz Chili Sauce
 - e. Heinz Original Cocktail Sauce
 - f. Heinz Zesty Cocktail Sauce
 - g. Heinz 57 Sauce with Lea & Perrins Worcestershire Sauce
 - h. Heinz Worcestershire Sauce
 - i. Heinz Traditional Steak Sauce
 - j. Heinz Seafood Cocktail Sauce
 - k. Heinz Tartar Sauce
 - l. Heinz Horseradish Sauce
 - m. Heinz Hickory Smoke Barbecue Sauce
 - n. Heinz Buffalo Wing Sauce
 - o. Heinz Buffalo Sauce
 - p. Heinz Smokey Campside Barbecue Sauce
 - q. Heinz Classic Barbecue Sauce
 - r. Simply Heinz BBQ Sauce
 - s. Heinz Honey Barbecue Sauce
 - t. Heinz Hot Sauce
 - u. Heinz Fully Prepared Pizza Sauce
 - v. Heinz Hot Taco Sauce
 - w. Heinz Mild Taco Sauce
 - x. Heinz Marinara Sauce
 - y. Heinz Teriyaki Sauce
 - z. Heinz Sweet & Sour Sauce
 - aa. Heinz Southwest Style Chipotle Sauce
 - bb. Heinz Honey Chipotle Sauce
 - cc. Heinz Spaghetti Sauce
 - dd. Heinz Tomato Sauce

2. All Heinz condiments, other than mustard, including, but not limited to:
 - A) Heinz Ketchup:
 - a. Heinz Tomato Ketchup 20 oz Upside-Down Bottle
 - b. Heinz Ketchup Blended with Real Jalapeno
 - c. Heinz Tomato Ketchup 14 oz Clear Top Down Bottle
 - d. Heinz Tomato Ketchup 14 oz Glass Bottle
 - e. Heinz Tomato Ketchup 32 oz Upside-Down Bottle
 - f. Heinz Tomato Ketchup 38 oz Bottle
 - g. Heinz Organic Tomato Ketchup
 - h. Heinz Reduced Sugar Tomato Ketchup

- i. Simply Heinz Tomato Ketchup 34 oz Bottle
- j. Heinz Ketchup Blended with Sriracha Flavor
- k. Heinz Tomato Ketchup 14 oz Upside Down Bottle
- l. Heinz Tomato Ketchup Classic Squeeze Bottle
- m. Heinz Tomato Ketchup 12 oz Wide Mouth Glass Bottle
- n. Heinz No Salt Added Tomato Ketchup
- o. Simply Heinz Tomato Ketchup 20 oz Bottle
- p. Heinz Ketchup Blended with Balsamic Vinegar
- q. Heinz Dip & Squeeze Tomato Ketchup
- r. Heinz Ketchup Blended with Sriracha Flavor
- s. Heinz Tomato Ketchup Single-Serve 7g
- t. Heinz Tomato Ketchup Single-Serve 11g
- u. Heinz Tomato Ketchup 1.25 oz Flat Pouch
- v. Heinz Tomato Ketchup 2.25 oz Glass Miniatures
- w. Heinz Ketchup Blended with Real Jalapeno
- x. Heinz Low Sodium Tomato Ketchup
- y. Heinz Tomato Ketchup Single-Serve 9g
- z. Heinz Tomato Ketchup Single-Serve 18g
- aa. Simply Heinz Tomato Ketchup
- bb. Heinz Ketchup 1.5 Gallon Dispenser Pack
- cc. Heinz Ketchup 0.75 Gallon Dispenser Pack
- dd. Simply Heinz Ketchup 1.5 Gallon Dispenser Pack
- ee. Heinz Low Sodium Ketchup #10 Pouch Pack
- ff. Simply Heinz Ketchup #10 Pouch Pack
- gg. Heinz Ketchup #10 Can
- hh. Heinz Ketchup 3 Gallon Vol-Pak
- ii. Simply Heinz Ketchup Vol-Pack
- jj. Heinz Low Sodium Ketchup Dispenser Pack
- kk. Heinz Ketchup #10 Pouch Pack
- ll. Heinz Ketchup Blended with Real Jalapeno #10 Pouch Pack
- mm. Heinz Ketchup Blended with Sriracha Flavor
- nn. Heinz Ketchup Blended with Sriracha Flavor #10 Pouch Pack
- oo. Heinz Ketchup #10 Plastic Jug
- pp. Heinz Organic Ketchup Vol-Pack
- qq. Heinz Ketchup 76 oz Plastic Jug
- rr. Heinz Ketchup 114 oz Jug
- ss. Heinz Hot & Spicy Ketchup

B) Relish:

- a. Heinz Sweet Relish
- b. Heinz Dill Relish

C) Vinegar:

- a. Heinz Gourmet Red Wine Vinegar
- b. Heinz Gourmet Tarragon Vinegar
- c. Heinz Gourmet Malt Vinegar
- d. Heinz Balsamic Vinegar
- e. Heinz Gourmet Garlic Wine Vinegar
- f. Heinz Gourmet Salad Vinegar
- g. Heinz Distilled White Vinegar
- h. Heinz Apple Cider Vinegar

- i. Heinz Unfiltered Apple Cider Vinegar
 - j. Heinz All Natural Cleaning Vinegar
- D) Vinaigrette:
- a. Heinz Red Wine Vinaigrette
 - b. Heinz Chili Lime Cilantro Vinaigrette
- E) Dressings:
- a. Heinz Asian Sesame Dressing
 - b. Heinz Balsamic Vinaigrette
 - c. Heinz Creamy Caesar Dressing
 - d. Heinz Honey Caesar Dressing
 - e. Heinz Ranch Dressing
 - f. Heinz Low Fat Ranch Dressing
 - g. Heinz Light Ranch Dressing
 - h. Heinz Fat Free Ranch Dressing
 - i. Heinz Chipotle Ranch
 - j. Heinz Whipped Dressing
 - k. Heinz Blue Cheese Dressing
 - l. Heinz Golden Italian Dressing
 - m. Heinz Italian Dressing
 - n. Heinz Fat Free Italian Dressing
 - o. Heinz Creamy Italian Dressing
 - p. Heinz Light Italian Dressing
 - q. Heinz Salad Dressing Sandwich Topping
 - r. Heinz Light Honey Dijon Dressing
 - s. Heinz French Dressing
 - t. Heinz Fat Free French Dressing
 - u. Heinz Light French Dressing
 - v. Heinz Thousand Island Dressing
 - w. Heinz Fat Free Thousand Island Dressing
 - x. Heinz Sweet & Tangy Balsamic Vinaigrette Dressing
- F) Mayonnaise:
- a. Heinz Extra Heavy Mayonnaise
 - b. Heinz Real Mayonnaise
 - c. Heinz Extra Heavy Mayonnaise Pouch
 - d. Heinz Light Mayonnaise
- G) Puree/Paste:
- a. Heinz Tomato Paste
 - b. Heinz Organic Tomato Puree
 - c. Heinz Tomato Puree
 - d. Heinz Crushed Tomatoes in Puree
 - e. Heinz Extra Heavy Tomato Puree
- H) Jams/Jellies:
- a. Heinz Grape Jelly
 - b. Heinz Real Sugar Grape Jelly
 - c. Heinz Reduced Sugar Strawberry Spread
 - d. Heinz Reduced Sugar Grape Spread

- e. Heinz Reduced Sugar Blackberry Spread
 - f. Heinz Apple Jelly
 - g. Heinz Strawberry Jam
 - h. Heinz Real Sugar Strawberry Jam
 - i. Heinz Blackberry Jam
 - j. Heinz Orange Marmalade
 - k. Heinz Mixed Fruit Jelly
- I) Heinz HomeStyle Gravy:
- a. Heinz HomeStyle Gravy - Roasted Turkey
 - b. Heniz HomeStyle Gravy – Savory Beef
 - c. Heinz HomeStyle Gravy – Classic Chicken
 - d. Heinz HomeStyle Gravy – Pork
 - e. Heinz HomeStyle Gravy – Bistro Au Jus
 - f. Heinz HomeStyle Gravy – Rich Mushroom
 - g. Heinz HomeStyle Gravy – Brown with Onions
 - h. Heinz HomeStyle Gravy – Fat Free Roasted Turkey
 - i. Heinz HomeStyle Gravy – Fat Free Classic Chicken
 - j. Heinz HomeStyle Gravy – Sausage
- J) Heinz Chopped Onions
- K) Heinz Syrup
- L) Heinz Peanut Butter
- M) Heinz Honey

Classico Brand

All sizes, configurations and/or other variations (including both consumer and food service) of the following:

1. All sauces including, but not limited to:
- a. Creamy Tomato & Roasted Garlic Sauce
 - b. Four Cheese Tomato Cream Sauce
 - c. Spicy Tomato & Parmesan Cream Sauce
 - d. Bolognese Sauce
 - e. Cabernet Marinara with Herbs Sauce
 - f. Caramelized Onion and Roasted Garlic Sauce
 - g. Creamy Spinach & Parmesan Sauce
 - h. Fire-Roasted Tomato and Garlic Sauce
 - i. Florentine Spinach and Cheese Sauce
 - j. Four Cheese (Red) Sauce
 - k. Italian Sausage Sauce
 - l. Marinara with Plum Tomatoes Sauce
 - m. Mushroom and Ripe Olives Sauce
 - n. Organic Tomato Herbs and Spices
 - o. Portobello, Crimini & Champignon Mushroom Sauce
 - p. Roasted Garlic Sauce
 - q. Spicy Red Pepper Sauce

- r. Spicy Tomato and Basil Sauce
- s. Spicy Tomato and Pesto Sauce
- t. Sun-dried Tomato Sauce
- u. Tomato Basil Sauce
- v. Traditional Sweet Basil Sauce
- w. Tuscan Olive and Garlic Sauce
- x. Vodka Sauce
- y. Family Favorites Meat Sauce
- z. Family Favorites Traditional Sauce
- aa. Family Favorites Parmesan & Romano Sauce
- bb. Creamy Alfredo Sauce
- cc. Four Cheese Alfredo Sauce
- dd. Mushroom Alfredo Sauce
- ee. Roasted Garlic Alfredo Sauce
- ff. Roasted Red Pepper Alfredo Sauce
- gg. Sun-dried Tomato Alfredo Sauce
- hh. Light Asiago Romano Alfredo Sauce
- ii. Light Creamy Alfredo Sauce
- jj. Basil and Tomato Bruschetta
- kk. Extra Garlic Bruschetta
- ll. Basil Pesto Sauce
- mm. Sun Dried Tomato Pesto Sauce
- nn. Fire Roasted Pizza Sauce
- oo. Traditional Pizza Sauce
- pp. White Pizza Sauce

Lea & Perrins Brand

All sizes, configurations and/or other variations (including both consumer and food service) of the following:

- 1. All sauces including, but not limited to:
 - a. Lea & Perrins Traditional Steak Sauce
 - b. Lea & Perrins The Original Worcestershire Sauce
 - c. Lea & Perrins Reduced Sodium Worcestershire Sauce
 - d. Lea & Perrins Marinade for Chicken
 - e. Lea & Perrins Bold Steak Sauce
 - f. Lea & Perrins Cracked Peppercorn Marinade In-a-bag
 - g. Lea & Perrins Citrus Garlic & Herb Marinade In-a-bag
 - h. Roasted Garlic Balsamic Marinade In-a-bag

Jack Daniels Brand

All sizes, configurations and/or other variations (including both consumer and food service) of the following”

- 1. All sauces including, but not limited to:
 - a. Jack Daniel’s Original Steak Sauce
 - b. Jack Daniel’s Master Blend Sauce
 - c. Jack Daniel’s Original No. 7 Recipe Sauce
 - d. Jack Daniel’s Honey Smokehouse Sauce

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- e. Jack Daniel's Hickory Brown Sugar Sauce
- f. Jack Daniel's Spicy Original Recipe Sauce
- g. Jack Daniel's Steakhouse Sauce
- h. Jack Daniel's Steakhouse Marinade
- i. Jack Daniel's Mesquite Marinade
- j. Jack Daniel's Honey Teriyaki Sauce
- k. Jack Daniel's Slow Roasted Garlic & Herb Sauce

Ore-Ida and Bagel Bites Brand

All sizes, configurations and/or other variations (including both consumer and food service) of the following:

- 1. All Ore-Ida brand products including, but not limited to:
 - a. Ore-Ida Diced Hashbrown Potatoes
 - b. Ore-Ida Shredded Hash Brown Patties
 - c. Ore-Ida Shredded Hash Brown Potatoes
 - d. Ore-Ida Potatoes O'Brien
 - e. Ore-Ida Golden Patties
 - f. Ore-Ida Crispy Crowns
 - g. Ore-Ida Extra Crispy Easy Tater Tots
 - h. Ore-Ida Tater Tots
 - i. Ore-Ida Mini Tater Tots
 - j. Ore-Ida Onion Tater Tots
 - k. Ore-Ida Tater Tots
 - l. Ore-Ida Country Style French Fries
 - m. Ore-Ida Country Style Steak Fries
 - n. Ore-Ida Crispers!
 - o. Ore-Ida Crispy Crunchies!
 - p. Ore-Ida Golden Twirls
 - q. Ore-Ida Shoestrings
 - r. Ore-Ida Sweet Potato Crinkle Fries
 - s. Ore-Ida Sweet Potato Fries
 - t. Ore-Ida Sweet Potato Steak Fries
 - u. Ore-Ida Texas Crispers!
 - v. Ore-Ida Waffle Fries
 - w. Ore-Ida Extra Crispy Easy Golden Crinkles
 - x. Ore-Ida Extra Crispy Easy Golden Fries
 - y. Ore-Ida Extra Crispy Fast Food Fries
 - z. Ore-Ida Extra Crispy Golden Crinkles
 - aa. Ore-Ida Extra Crispy Seasoned Crinkles
 - bb. Ore-Ida Golden Crinkles
 - cc. Ore-Ida Golden Fries
 - dd. Ore-Ida Steak Fries
 - ee. Ore-Ida Bold & Crispy Chili Cheese Crinkle Fries
 - ff. Ore-Ida Bold & Crispy Garlic & Black Pepper Steakhouse Fries
 - gg. Ore-Ida Bold & Crispy Roasted Garlic & Herbs Wedges
 - hh. Ore-Ida Bold & Crispy Barbecue Oven Chips
 - ii. Ore-Ida Bold & Crispy Zesties! Seasoned Fries
 - jj. Ore-Ida Bold & Crispy Zesty Seasoned Curly Fries
 - kk. Ore-Ida Chopped Onions

- ll. Ore-Ida Gourmet Onion Rings
 - mm. Ore-Ida Onion Ringers
 - nn. Ore-Ida Creative Classics Cheddar Oven Chips
 - oo. Ore-Ida Creative Classics Garlic, Herbs & Parmesan Homestyle Wedges
 - pp. Ore-Ida Creative Classics Sour Cream & Onion Crinkles
 - qq. Ore-Ida Easy Cheddar Crinkle Fries
 - rr. Ore-Ida Easy Sour Cream & Onion Crinkle Fries
 - ss. Ore-Ida Simply Olive Oil and Sea Salt Country Style French Fries
 - tt. Ore-Ida Simply Olive Oil and Sea Salt Homestyle Wedges
 - uu. Ore-Ida Steam n' Mash Cut Russet Potatoes
2. All Bagel Bites brand products including, but not limited to:
- a. Bacon & Cheese Breakfast Bagel Bites
 - b. Bacon, Egg & Cheese Breakfast Bagel Bites
 - c. Bacon, Sausage & Cheese Breakfast Bagel Bites
 - d. Sausage, Egg & Cheese Breakfast Bagel Bites
 - e. Three Cheese Pizza Bagel Bites
 - f. Cheese & Pepperoni Pizza Bagel Bites
 - g. Cheese, Sausage & Pepperoni Pizza Bagel Bites
 - h. Supreme Pizza Bagel Bites
 - i. Mozzarella Pizza Bagel Bites

Mr. Yoshida's Brand

All sizes, configurations and/or other variations (including both consumer and food service) of the following:

1. All products including, but not limited to:
- a. Mr. Yoshida's Original Gourmet Sauce
 - b. Mr. Yoshida's Cracked Pepper & Garlic Sauce
 - c. Mr. Yoshida's Hawaiian Sweet & Sour Sauce

Nancy's Brand

All sizes, configurations and/or other variations (including both consumer and food service) of the following:

1. All products including, but not limited to:
- a. Champagne Collection
 - b. Tomato Provolone Deli Spirals
 - c. Salami and Jack Deli Spirals
 - d. Club Sandwich Deli Spirals
 - e. Turkey Bacon Ranch Deli Spirals
 - f. Petite Quich
 - g. Petite Lorraine Quiche
 - h. Petite Florentine Quiche
 - i. Petite Broccoli Cheddar Quiche
 - j. Seafood Crab Cake
 - k. Mini Cheese Souffle
 - l. Quiche Broccoli Cheddar

- m. Quiche Cheese Trio
- n. Quiche Florentine
- o. Quich Lorraine

Poppers Brand

All sizes, configurations and/or other variations (including both consumer and food service) of the following:

- 1. All products including, but not limited to:
 - a. Cream Cheese Jalapenos Poppers
 - b. Cheddar Cheese Jalapenos Poppers

Smart Ones Brand

All sizes, configurations and/or other variations (including both consumer and food service) of the following:

- 1. All products including, but not limited to:
 - A) Smart Beginnings:
 - a. Apples & Cinnamon Oatmeal
 - b. Breakfast Quesadilla
 - c. Cheesy Scramble with Hash Browns
 - d. Egg, Sausage and Cheese Smart Morning Wrap
 - e. English Muffin Sandwich
 - f. English Muffin Sandwich Canadian Style Turkey Bacon
 - g. English Muffin Sandwich Turkey Sausage
 - h. French Toast with Turkey Sausage
 - i. Ham and Cheese Scramble
 - j. Maple & Brown Sugar Oatmeal
 - k. Pancakes with Turkey Sausage
 - l. Peaches & Cream Oatmeal
 - m. Three Cheese Omelet
 - B) Smart Anytime:
 - a. Brick Oven-Style Pizza Pepperoni
 - b. Cheese Pizza Minis
 - c. Chicken Quesadilla
 - d. Chicken Ranchero Mini Wraps
 - e. Chicken Slider
 - f. Mini Cheeseburgers
 - g. Pepperoni Pizza Minis
 - h. Spicy Chicken Slider
 - C) Classic Favorites:
 - a. Angel Hair Marinara
 - b. Broccoli and Cheddar Roasted Potatoes
 - c. Chicken Enchiladas Suiza
 - d. Chicken Oriental

- e. Creamy Pasta Romano
 - f. Creamy Rigatoni with Broccoli & Chicken
 - g. Fettucini Alfredo
 - h. Lasagna Bake with Meat Sauce
 - i. Lasagna Florentine
 - j. Lemon Herb Chicken Piccata
 - k. Loaded Potato Soup
 - l. Macaroni & Cheese
 - m. Mini Rigatoni with Vodka Cream Sauce
 - n. Pasta Primavera
 - o. Pasta with Ricotta and Spinach
 - p. Pasta with Swedish Meatballs
 - q. Ravioli Florentine
 - r. Santa Fe Rice & Beans
 - s. Sesame Noodles with Vegetables
 - t. Southwest Style Vegetable Soup
 - u. Spaghetti with Meat Sauce
 - v. Spicy Szechuan Style Vegetables
 - w. Thin Crust Cheese Pizza
 - x. Thin Crust Pepperoni Pizza
 - y. Three Cheese Macaroni
 - z. Three Cheese Ziti Marinara
 - aa. Traditional Lasagna with Meat Sauce
 - bb. Tuna Noodle Casserole
 - cc. Vegetable Fried Rice
- D) Smart Creations:
- a. Bacon Macaroni & Cheese
 - b. Chicken Carbonara
 - c. Chicken Fajitas
 - d. Chicken Fettucini
 - e. Chicken Mesquite
 - f. Chicken Parmesan
 - g. Chicken Santa Fe
 - h. Chicken Strips & Fries
 - i. Chicken Strips & Sweet Potato Fries
 - j. Chipotle Lime Chicken
 - k. Creamy Basil Chicken with Broccoli
 - l. Crustless Chicken Pot Pie
 - m. Fish & Chips
 - n. Homestyle Beef Pot Roast
 - o. Homestyle Turkey Breast with Stuffing
 - p. Meatloaf
 - q. Orange Sesame Chicken
 - r. Pulled Pork & Black Beans
 - s. Roast Beef, Mashed Potatoes, and Gravy
 - t. Roasted Chicken with Herb Gravy
 - u. Salisbury Steak
 - v. Slow Roasted Turkey Breast
 - w. Spicy Chicken Strips & Fries
 - x. Steak Fajitas

- y. Teriyaki Chicken & Vegetables
 - z. Thai Style Chicken & Rice Noodles
 - aa. Three Cheese Ziti Marinara with Meatballs
 - bb. Tomato Basil Chicken with Spinach
- E) Smart Delights:
- a. Chocolate Chip Cookie Dough Sundae
 - b. Mixed Berry Smoothie
 - c. Peanut Butter Cup Sundae
 - d. Strawberry Banana Smoothie
 - e. Strawberry Shortcake
 - f. Tropical Fruit Smoothie

TGI Friday's Brand

All sizes, configurations and/or other variations (including both consumer and food service) of the following:

- 1. All products including, but not limited to:
 - a. Loaded Cheddar & Bacon Potato Skins
 - b. Mozzarella Sticks with Marinara Sauce
 - c. Crispy Buffalo-Style Boneless Chicken Bites
 - d. Cream Cheese Stuffed Jalapeno Peppers
 - e. Crispy Buffalo-Style Chicken Wings
 - f. Friday's Cheeseburger Sliders
 - g. Cheese & Bacon Loaded Fries
 - h. Limited Edition Crispy Boneless Chicken
 - i. Spinach & Artichoke Cheese Dip
 - j. Crispy Honey BBQ Boneless Chicken Bites
 - k. Chicken Parmesan Sliders
 - l. Crispy Green Bean Fries
 - m. Cheddar Cheese Stuffed Jalapeno Peppers
 - n. Dill Pickle Chips
 - o. Cheddar & Bacon Potato Skins
 - p. Buffalo-Style Chicken Wings
 - q. Buffalo-Style Popcorn Chicken
 - r. Sweet & Smoky Popcorn Chicken
 - s. Loaded Chicken Quesadilla Rolls
 - t. Honey BBQ Chicken Wings

Wyler's Brand

All sizes, configurations and/or other variations (including both consumer and food service) of the following:

- 1. All Wyler's products including, but not limited to:
 - a. Wyler's Beef Cubes
 - b. Wyler's Beef Powder
 - c. Wyler's Chicken Powder

- d. Wyler's Chicken Cubes
 - e. Wyler's Reduced Sodium Beef Cubes
 - f. Wyler's Reduced Sodium Chicken Cubes
 - g. Wyler's Chicken flavor with Herbs & Spices Cubes
2. All Wyler's Mrs. Grass products including, but not limited to:
- a. Mrs. Grass Homestyle Chicken Noodle Hearty Soup Mix
 - b. Mrs. Grass Homestyle Beef Vegetable Hearty Soup Mix
 - c. Mrs. Grass Homestyle Beef Stew Hearty Mix
 - d. Mrs. Grass Homestyle Creamy Chicken with Wild Rice Hearty Soup Mix
 - e. Mrs. Grass Creamy Potato Hearty Soup Mix
 - f. Mrs. Grass Noodle Soup with real chicken broth Soup Mix
 - g. Mrs. Grass Homestyle Vegetable Noodle with real chicken broth Soup Mix
 - h. Mrs. Grass Extra Noodles with 40% more noodles Soup Mix
 - i. Mrs. Grass Onion Recipe, Soup & Dip Mix
 - j. Mrs. Grass Homestyle Vegetable Recipe, Soup & Dip Mix

Other Brands

*All sizes, configurations and/or other variations (including both consumer and food service) of **all products** from the following brands:*

1. A.1.
2. Athenos
3. Back to Nature Meals
4. Bakers Chocolate
5. Breakstones
6. Caprisun
7. Claussen
8. Cool Whip
9. Corn Nuts
10. Country Time
11. Cracker Barrel Cheese
12. Crystal Light
13. Delimex
14. Gevalia
15. Grey Poupon
16. Jello
17. Jet-Puffed
18. Knudsen
19. Kool-Aid
20. Kraft Barbeque Sauce
21. Kraft Foodservice
22. Kraft Mac and Cheese
23. Kraft Natural Cheese
24. Kraft Salad Dressing
25. Kraft Singles
26. Lunchables
27. Maxwell House

28. Mio
29. Miracle Whip
30. My Heinz
31. Oscar Mayer
32. Philadelphia
33. Planters
34. Shake N Bake
35. Stove Top
36. Sure-Jell
37. Tassimo
38. Velveeta

Also included are any other products sold and/or distributed within the past four years not reflected above.

EXHIBIT B

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DECLARATION OF SUZANNE ALAEI

I, SUZANNE ALAEI, declare:

1. In November of 2015, I purchased a Heinz 57 sauce product from an Albertsons store in Fallbrook, California.
2. I paid over \$6 for this product.
3. I have resided in the County of San Diego, California since before November of 2015.
4. On the label of the Heinz 57 sauce bottle that I purchased is the claim that the product was manufactured in the USA.
5. It is my understanding that Heinz 57 sauce bottles are sold in many stores throughout the County of San Diego, California.

I declare under penalty of perjury under the laws of California and the United States of America that the foregoing is true and correct, and that this declaration was executed on April 9, 2016.

By: 
 Suzanne Alaei

PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is Kazerouni Law Group, APC, 245 Fischer Avenue, Suite D1, Costa Mesa, California 92626. On May 12, 2016, I served the within document(s):

SECOND AMENDED COMPLAINT FOR VIOLATIONS OF:

- 1) BUSINESS & PROFESSIONS CODE § 17533.7 (CALIFORNIA FALSE “MADE IN U.S.A.” CLAIM);**
- 2) BUSINESS & PROFESSIONS CODE §§ 17200, ET SEQ. (CALIFORNIA UNFAIR COMPETITION LAW); AND,**
- 3) CONSUMER LEGAL REMEDIES ACT, CAL. CIVIL CODE § 1750 ET SEQ.**

CM/ECF - by transmitting electronically the document(s) listed above to the electronic case filing system on this date before 11:59 p.m. The Court’s CM/ECF system sends an e-mail notification of the filing to the parties and counsel of record who are registered with the Court’s CM/ECF system.

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on May 12, 2016, at Costa Mesa, California.

/s/ Abbas Kazerounian
ABBAS KAZEROUNIAN

Kazerouni Law Group, APC
Costa Mesa, California

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