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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

BEVERLY TRUXEL and STEPHEN
HADLEY, on behalf of themselves, all
others similarly situated, and the general
public,

Plaintiffs,

v.

GENERAL MILLS SALES, INC.,

Defendant.

Case No.:

CLASS ACTION

**COMPLAINT FOR VIOLATIONS OF
CALIFORNIA'S FALSE ADVERTISING
LAW, CONSUMERS LEGAL
REMEDIES ACT, AND UNFAIR
COMPETITION LAW**

DEMAND FOR JURY TRIAL

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1 Plaintiffs Bev Truxel and Stephen Hadley, on behalf of themselves, all others similarly
2 situated, and the general public, by and through their undersigned counsel, hereby bring this
3 action against General Mills Sales, Inc. (“General Mills”), and allege the following upon their
4 own knowledge, or where they lack personal knowledge, upon information and belief
5 including the investigation of their counsel.

6 **INTRODUCTION**

7 1. The scientific evidence is compelling: Excessive consumption of added sugar is
8 toxic to the human body. Experimentally sound, peer-reviewed studies and meta-analyses
9 convincingly show that consuming excessive added sugar—any amount above approximately
10 5% of daily caloric intake—greatly increases the risk of heart disease, diabetes, liver disease,
11 and a wide variety of other chronic morbidity.

12 2. Despite the compelling evidence that sugar acts as a chronic liver toxin,
13 detrimentally affecting health, to increase the price and sales of its products, General Mills
14 leverages a policy and practice of marketing high-sugar cereals, bars, other foods with health
15 and wellness claims. These claims, however, are deceptive because they are incompatible
16 with the significant dangers of the excessive added sugar consumption to which these foods
17 contribute.

18 3. Plaintiffs bring this action against General Mills on behalf of themselves, other
19 General Mills consumers, and the general public, primarily to enjoin General Mills from
20 continuing to engage in its practice of using deceptive health and wellness claims to market
21 high-sugar foods.

22 **THE PARTIES**

23 4. Plaintiff Beverly Truxel is a resident of San Juan Bautista, California.

24 5. Plaintiff Stephen Hadley is a resident of Monterey, California.

25 6. Defendant General Mills Sales, Inc. is a Delaware corporation with its principal
26 place of business at 1 General Mills Boulevard, Golden Valley, Minnesota 55426.

27 **JURISDICTION AND VENUE**

28 7. This Court has jurisdiction over this action pursuant to 28 U.S.C. §

1332(d)(2)(A), the Class Action Fairness Act, because the matter in controversy exceeds the sum or value of \$5,000,000 exclusive of interest and costs, at least one member of the class of plaintiffs is a citizen of a state different from General Mills. In addition, more than two-thirds of the members of the class reside in states other than the state in which General Mills is a citizen and in which this case is filed, and therefore any exceptions to jurisdiction under 28 U.S.C. § 1332(d) do not apply.

8. The Court has personal jurisdiction over General Mills pursuant to Cal. Code Civ. P. § 410.10, as a result of General Mills' substantial, continuous and systematic contacts with the state, and because General Mills has purposely availed itself of the benefits and privileges of conducting business activities within the state.

9. Venue is proper in the Northern District of California pursuant to 28 U.S.C. § 1391(b) and (c), because General Mills resides (*i.e.*, is subject to personal jurisdiction) in this district, and a substantial part of the events or omissions giving rise to the claims occurred in this district.

INTRADISTRICT ASSIGNMENT

10. Pursuant to N.D. Cal. Civ. L.R. 3-2(c), (d) & 3-5(b), this action is properly assigned to the San Jose Division because the action arises in San Benito County, in that a substantial part of the events or omissions that give rise to plaintiffs' claims occurred in San Benito County.

FACTS

A. There Has Been a Recent Rise in Human Sugar Consumption

11. Sugars are sweet, short-chain, soluble carbohydrates. Simple sugars are called monosaccharides, while disaccharides are formed when two monosaccharides undergo a condensation reaction. The three most common sugars in our diets are fructose, glucose, and sucrose. Other sugars, like lactose, found in milk, and maltose, formed during the germination of grains like barley, are not generally consumed in large amounts. Glucose is a monosaccharide that occurs naturally in fruits and plant juices and is the primary product of photosynthesis. Most ingested carbohydrates (like bread and pasta) are converted into glucose

1 during digestion, and glucose is the form of sugar transported around the body in the
2 bloodstream, and used by the cells for energy. Fructose is a monosaccharide that occurs
3 naturally in fruits and honey. It is the sweetest of the sugars. Sucrose is a disaccharide
4 comprised of one molecule of glucose chemically linked to one molecule of fructose. It is
5 found in sugar cane and beets. Common table sugar is sucrose. During digestion and prior to
6 blood absorption, enzymes called sucrases cleave a sucrose molecule into its constituent parts,
7 glucose and fructose.

8 12. Humans' consumption of sugar has shifted dramatically over time. Cro-Magnon
9 men during the Paleolithic age were hunters and gatherers, with a diet mainly comprised of
10 meat, high in protein, moderate in fat, and low in carbohydrates. Fruits and berries were the
11 major source of carbohydrates, and starch consumption was low.¹ In 1200 B.C., a process
12 was developed in India for extracting sugar in the form of cane juice called khanda, which is
13 where the word "candy" comes from. For nearly 3,000 years, sugar was rare, reserved for
14 nobility. The invention of the pot still in 1700 A.D., however, allowed mass production of
15 refined sugar. But it was still extraordinarily expensive until the middle of the 18th century,
16 when there was a worldwide growth in sugar production, including in America. Thus, humans
17 have been consuming sugar in substantial amounts for less than 300 years.

18 13. For most of that time, Americans' sugar consumption was almost exclusively
19 table sugar, with only small amounts of glucose and fructose ingested from fruit.² And sugar
20 was a condiment, added to coffee or tea, with control over the amount eaten.

21 14. In the 1960s, the food industry developed technologies to extract starch from
22 corn, then convert it to glucose, some of which could then be converted to fructose, leading
23 to the development of corn-derived sweeteners, most notably high-fructose corn syrup
24

25 ¹ Tappy, L., et al., "Metabolic Effects of Fructose in the Worldwide Increase in Obesity,"
26 *Physiology Review*, Vol. 90, 23-46, at 24 (2010) [hereinafter "Tappy, Metabolic Effects of
27 Fructose"].

28 ² *Id.*

(HFCS).³ Although HFCS is comprised of both fructose and glucose, unlike with sucrose, the fructose is not chemically bound to the glucose in a new molecule. Thus the fructose in HFCS is referred to as “free” fructose. HFCS can be produced with different fructose-to-glucose ratios. The most common are HFCS-42 and HFCS-55, containing 42% and 55% fructose. Some HFCS, however, can be as much as 90% fructose, *i.e.*, HFCS-90. Food manufacturers have recently begun referring to HFCS-90 on food label ingredients statements as simply “fructose.”

15. Fructose is sweeter than either glucose or sucrose. In fruit, it serves as a marker for foods that are nutritionally rich. Before the development of the worldwide sugar industry, fructose in the human diet was limited to items like honey, dates, raisins, molasses, figs, grapes, raw apples, apple juice, persimmons, and blueberries (which contain approximately 10-15% fructose). Food staples like milk, vegetables, and meat have essentially no fructose. Thus, until relatively recently, human beings have had little dietary exposure to fructose.⁴

16. But the low cost and long shelf-life of HFCS has contributed to a rapid increase in its consumption over the last 45 years, and thus the consumption of fructose. Between 1970 and 2000, the United States’ yearly per capita HFCS consumption went from 0.292 kg per person, to 33.4 kg per person, a greater than 100-fold increase.⁵

17. Today, the majority of sugars in typical American diets are added to foods during processing, preparation, or at the table.⁶ The two primary sources of added sugar in processed

³ *Id.* (citation omitted).

⁴ Bray, G., “How bad is fructose?,” *American Journal of Clinical Nutrition*, Vol. 86, 895-96 (2007) [hereinafter, “Bray, How Bad is Fructose?”].

⁵ Bray, G.A., et al., “Consumption of high-fructose corn syrup in beverages may play a role in the epidemic of obesity,” *American Journal of Clinical Nutrition*, Vol. 79, 537-43, at 537, 540 (2004) [hereinafter “Bray, HFCS Role in Obesity Epidemic”].

⁶ U.S. Dep’t of Agric. & U.S. Dep’t of Health & Human Servs., “Dietary Guidelines for Americans, 2010,” at 27 (2010) available at <http://www.health.gov/dietaryguidelines/dga2010/DietaryGuidelines2010.pdf>.

food are HFCS and sucrose (*i.e.*, granulated sugar used, for example, in baked goods). Added sugar is in more than 74% of processed foods,⁷ under more than 60 different names.⁸ Although the tendency is to associate sugar with sweets, added sugar is found in many savory processed foods, like bread, soup, and pasta sauce.

18. There has been a rise over the past 45 years in Americans' consumption of added sugars. From 1970 to 2000, there was a 25% increase in available added sugars in the U.S.⁹ The American Heart Association found that between 1970 and 2005, sugars available for consumption increased by an average of 76 calories per day, from 25 teaspoons (400 calories) to 29.8 teaspoons (476 calories), a 19% increase.¹⁰ The Continuing Survey of Food Intake by

⁷ Ng, S.W., et al., "Use of caloric and non-caloric sweeteners in US consumer packaged foods, 2005-9, *Journal of the Academy of Nutrition and Dietetics*, Vol. 112, No. 11, 1828-34 (2012).

⁸ Some examples: Agave nectar, Barbados sugar, Barley malt, Barley malt syrup, Beet sugar, Brown sugar, Buttered syrup, Cane juice, Cane juice crystals, Cane sugar, Caramel, Carob syrup, Castor sugar, coconut palm sugar, Coconut sugar, Confectioner's sugar, Corn sweetener, Corn syrup, Corn syrup solids, Date sugar, Dehydrated case juice, Demerara sugar, Dextrin, Dextrose, Evaporated cane juice, Free-flowing brown sugars, Fructose, Fruit juice, Fruit juice concentrate, Glucose, Glucose solids, Golden sugar, Golden syrup, Grape sugar, High-Fructose Corn Syrup (HFCS), Honey, Icing sugar, Invert sugar, Malt syrup, Maltodextrin, Maltol, Maltose, Mannose, Maple syrup, Molasses, Muscovado, Palm sugar, Panocha, Powdered sugar, Raw sugar, Refiner's syrup, Rice syrup, Saccharose, Sorghum Syrup, Sucrose, Sugar (granulated), Sweet Sorghum, Syrup, Treacle, Turbinado sugar, and Yellow sugar.

⁹ Bray, How Bad is Fructose?, *supra* n.4, at 895 (citing Havel, P.J., "Dietary fructose: implications for dysregulation of energy homeostasis and lipid/carbohydrate metabolism, *Nutrition Reviews*, Vol. 63, 133-57 (2005) [hereinafter, "Havel, Dietary Fructose"]).

¹⁰ Johnson, R.K., et al., on behalf of the American Heart Association Nutrition Committee of the Council on Nutrition, Physical Activity, and Metabolism and Council on Epidemiology and Prevention, "Dietary Sugars Intake and Cardiovascular Health: A Scientific Statement From the American Heart Association," *Circulation*, Vol. 120, 1011-20, at 1016-17 (2009) [hereinafter "AHA Scientific Statement"]. *See also* World Health Organization, Sugars intake for adult and children: Guideline" (March 4, 2014) *available at* http://www.who.int/nutrition/publications/guidelines/sugars_intake/en (Based on scientific evidence, recommending adults and children reduce daily intake of free sugars to less than

1 Individuals from 1994 to 1996 showed that the average person had a daily added sugars intake
 2 of 79 grams, equal to 316 calories and about 15% of energy intake. Those in the top one-third
 3 of fructose consumption ingested 137 grams of added sugars per day (548 calories, about
 4 26% of energy per day), and those in the top 10% of fructose consumption ingested 178 grams
 5 of fructose per day (712 calories, about 34% of energy).¹¹

6 19. In 2014, researchers analyzing data obtained from National Health and Nutrition
 7 Examination Survey (NHANES) showed that during the most recent period of 2005-2010,
 8 the mean percent of calories from added sugar in the American diet was 14.9%. Most adults,
 9 71.4%, consumed 10% or more of their calories from added sugar, while about 10% of adults
 10 consumed 25% or more of their calories from added sugar.¹²

11 20. Today, “the vast majority of the U.S. population exceeds recommended intakes
 12 of . . . added sugars.”¹³ Despite some reduction in added sugar intake recently, “intakes of
 13 added sugars are still very high . . . and are well above recommended limits”¹⁴
 14 Approximately 90% of the population exceeds recommended daily limits.¹⁵

15
 16
 17
 18 10% of total energy intake and noting that “[a] further reduction to below 5% or roughly 25
 19 grams (6 teaspoons) per say would provide additional health benefits.”).

20 ¹¹ Bray, How Bad is Fructose?, *supra* n.4, at 895.

21 ¹² Yang, Quanhe, et al., “Added Sugar Intake and Cardiovascular Diseases Mortality Among
 22 US Adults,” *Journal of the American Medical Association*, at E4-5 (published online Feb. 3,
 2014) [hereinafter, “Yang, NHANES Analysis”].

23 ¹³ U.S. Dep’t of Agric. & U.S. Dep’t of Health & Human Servs., “Scientific Report of the
 24 2015 Dietary Guidelines Advisory Committee: Advisory Report to the Secretary of Health
 25 and Human Services and the Secretary of Agriculture,” at 26 (February 2015), *available at*
 26 <http://www.health.gov/dietaryguidelines/2015-scientific-report/PDFs/Scientific-Report-of-the-2015-Dietary-Guidelines-Advisory-Committee.pdf>.

27 ¹⁴ *Id.* at 38.

28 ¹⁵ *Id.* at 35.

B. The Body's Physiological Response to Excess Sugar Consumption

1. The Body's Response to Glucose

21. The body needs some glucose, largely to meet the brain's metabolic demands, but also because all living cells use glucose for energy. Blood glucose levels below 25mg/dL may result in coma, seizure, or death, while levels consistently exceeding 180 mg/dL can cause long-term damage, including renal failure and atherosclerosis.

22. For these reasons, blood glucose concentration is tightly-regulated by homeostatic regulatory systems. When blood glucose rises after a meal, beta cells in the pancreas secrete insulin into the blood, which helps muscle, fat, and liver cells absorb the glucose for energy, lowering the blood sugar. Too little blood sugar stimulates the secretion of hormones that counteract the insulin and thus restore normal blood sugar.¹⁶

23. During certain steps in processing glucose, the body forms fructose. However, unlike with glucose, there is no biological need for dietary fructose, *i.e.*, fructose consumed from food, whether fruit, honey, HFCS, or some other form. Moreover, unlike glucose, fructose does not directly stimulate insulin secretion.

24. The body processes glucose and fructose differently. With little processing, fructose passes through the small intestine, into blood bound for the liver, so that it is taken up nearly 100% for processing in the liver (a characteristic shared by substances commonly referred to as poisons). By contrast, glucose is both "burned up" by cells directly, and processed elsewhere outside the liver, so that the liver must process only 20% of glucose consumed.

25. So much glucose is burned up prior to liver processing, because all the body's cells contain a transporter that, when stimulated by insulin, takes in glucose from the blood. By contrast, fructose can only be absorbed by cells that contain a different transporter, which most cells lack.

¹⁶ Ludwig, David S., "The Glycemic Index: Physiological Mechanisms Relating to Obesity, Diabetes, and Cardiovascular Disease," *Journal of the American Medical Association*, Vol. 287, No. 18, 2414-23, at 2415 (May 8, 2002) (citation omitted).

26. The liver is capable of processing relatively small amounts of sugar, meted out slowly. This is one of the reasons that eating the fructose in fruit is not problematic: the fiber slows the sugar's uptake, and some sugars encased in fiber may not even be released, and thus fruit consumption does not overwhelm the liver. Fruit also comes packaged with nutrients, like vitamins, that are beneficial for health, and sends satiation signals to the brain, telling it that the body is full.

27. Because the liver has some capacity to process sugar, there does appear to be a "safe" threshold of daily added sugar consumption, small enough not to overload the liver: approximately 5% of calories, or about 38 grams (9 teaspoons, 150 calories) per day for men, 25 grams (6 teaspoons, 100 calories) per day for women,¹⁷ and 12-15 grams (3-6 teaspoons, 50-60 calories) for children depending on age and caloric needs.¹⁸

28. But the long-term consumption of excess sugar can have dire physiological consequences, acting as a chronic, dose-dependent liver toxin, overloading the liver and causing chronic metabolic disease, also sometimes called metabolic syndrome, a cluster of symptoms that, when present together, increase a person's risk of chronic disease like cardiovascular disease and type 2 diabetes.

29. When excess sugar consumption overloads the liver, the glucose increases insulin secretion, while the fructose gets turned into liver fat, causing insulin resistance. The combination over time results in rapid and dramatic increases in blood glucose and insulin concentrations.¹⁹ Over time, individuals with frequent insulin secretion may develop insulin

¹⁷ AHA Scientific Statement, *supra* n.10. Similarly, the World Health Organization recommends that no more than 10% of an adult's calories—and ideally less than 5%—should come from added sugar or from natural sugars in honey, syrups, and fruit juice.

¹⁸ See "How Much Is Too Much?," at <http://www.sugarscience.org/the-growing-concern-of-overconsumption>.

¹⁹ Janssens, J.P., et al., "Effects of soft drink and table beer consumption on insulin response in normal teenagers and carbohydrate drink in youngsters," *European Journal of Cancer Prevention*, Vol. 8, 289-95 (1999) ("In contrast to table beer, consumption of regular soft

1 resistance, where the body produces insulin but does not use it effectively, so that glucose
 2 builds up in the blood instead of being absorbed by the cells. Because the muscle, fat, and
 3 liver cells do not respond properly to insulin and thus cannot easily absorb glucose from the
 4 bloodstream, the body needs higher levels of insulin. Eventually the pancreas' beta cells
 5 cannot keep up with this increasing demand, and over time can no longer produce enough
 6 insulin to overcome insulin resistance, so blood glucose levels remain high.

7 30. Currently, about two-thirds of the American population is overweight, about
 8 one-quarter to one-third is diabetic or pre-diabetic, and another one-quarter is hypertensive.
 9 Many Americans also have high serum triglycerides. Insulin resistance is a component of all
 10 of these health issues.

11 31. Energy deposition into fat cells by insulin stimulate them to secrete a hormone
 12 called leptin, which is a natural appetite suppressant that tells the brain the body is full and
 13 can stop eating. Generally, glucose suppresses the hunger hormone, ghrelin, and stimulates
 14 leptin. But high insulin levels brought on by excess sugar consumption have been linked to
 15 leptin resistance, where the brain is desensitized to the hormone and so no longer "hears" the
 16 message to stop eating.²⁰ Because increased insulin makes the body feel hungry, excess sugar
 17 consumption can create a vicious cycle in which the more sugar one eats, the hungrier one
 18 feels.

19 2. The Body's Response to Fructose

20 32. But it is the fructose, found in most processed foods, that appears to cause the
 21 greatest harm in the shortest amount of time. Nearly all added sugars contain significant
 22 amounts of fructose. For example, HFCS typically contains nearly 42% or 55% fructose,
 23 while table sugar and other sweeteners, like cane sugar, contain 50% fructose.

24 _____
 25 drinks induced a fast and dramatic increase in both glucose and insulin concentration within
 26 a maximum 1 hour after consumption.").

27 ²⁰ Shapiro, A., et al., "Fructose-induced leptin resistance exacerbates weight gain in response
 28 to subsequent high-fat feeding," *American Journal of Physiology, Regulatory, Integrative
 and Comparative Physiology*, Vol. 295, No. 5, R1370-75 (2008).

33. Fructose is the most lipophilic carbohydrate, meaning it easily converts to a form, glycerol, that supports conversion to fats, including free fatty acids, a damaging form of cholesterol called very low-density lipoprotein (VLDL), and triglycerides, which get stored as fat. Studies in humans and animals have shown that fructose is preferentially metabolized to lipid (fat) in the liver, leading to increased triglyceride levels, which are associated with insulin resistance and cardiovascular disease.²¹ Fatty acids created during fructose metabolism accumulate as fat droplets in the liver, also causing insulin resistance, as well as non-alcoholic fatty liver disease. In addition, when the liver turns excess sugar into liver fat and becomes insulin resistant, that generates hyperinsulinemia, which drives energy storage into body fat.

34. Glucose does not do this. Following consumption of 120 calories of glucose, less than 1 calorie should be stored as fat, while 120 calories of fructose should result in 40 calories being stored as fat.

35. The metabolism of fructose also creates several waste products and toxins, including uric acid, which drives up blood pressure, causes gout, and is a risk factor for cardiovascular disease because the production of uric acid utilizes nitric oxide, a key modulator of vascular function, and causes inflammation. Experimental human studies confirm that fructose feeding raises serum uric acid levels.²²

36. Moreover, fructose interferes with the brain's communication with leptin, which

²¹ Elliot, S.S., et al., "Fructose, weight gain, and the insulin resistance syndrome," *American Journal of Clinical Nutrition*, Vol. 76, 911-22 (2002) [hereinafter, "Elliot, Fructose & Insulin Resistance"]; Bray, How Bad is Fructose?, *supra* n.4; Havel, Dietary Fructose, *supra* n.9.

²² Nguyen, S., et al., "Sugar Sweetened Beverages, Serum Uric Acid, and Blood Pressure in Adolescents," *Journal of Pediatrics*, Vol. 154, No. 6, 807-13 (June 2009) (citations omitted) [hereinafter, "Nguyen, Serum Uric Acid"]; Johnson, R.J., "Potential role of sugar (fructose) in the epidemic of hypertension, obesity and the metabolic syndrome, diabetes, kidney disease, and cardiovascular disease," *American Journal of Clinical Nutrition*, Vol. 86, 899-906 (2007); Nakagawa, T., et al., "A causal role for uric acid in fructose-induced metabolic syndrome," *American Journal of Physiology*, Vol. 290, F625-31 (2006).

may result in overeating. And while glucose suppresses ghrelin, thus reducing hunger, fructose has no effect on ghrelin.

3. The Addiction Response

37. Research shows that, for some people, eating sugar produces characteristics of craving and withdrawal, along with chemical changes in the brain's reward center, the limbic region, which can be similar to those of people addicted to drugs like cocaine and alcohol.²³ These changes are linked to a heightened craving for more sugar.²⁴ This can create a vicious cycle leading to chronic illness.

C. There Has Been a Dramatic Rise in Obesity & Chronic Disease That Parallels the Rise in Human Sugar Consumption

38. As noted above, there was a dramatic rise in Americans' use of sugar, first in the mid-18th century, then again starting in the United States in about 1970, with the introduction into the market of HFCS. Concurrently with these changes in the diet have been alarming rises in obesity and chronic disease.

39. In 1924, New York City health commissioner Haven Emerson noted a seven-fold increase in diabetes rate in the city. In 1931, Dr. Paul Dudley White, a cardiologist at Massachusetts General Hospital, warned of an epidemic of heart disease. And in 1988, scientists learned about the advent of adolescent type 2 diabetes.

40. In 2004, researchers reported their analysis of food consumption patterns from 1967 to 2000. Noting that HFCS consumption increased more than 1,000% from 1970 to 1990, "far exceeding the changes in intake of any other food or food group," researchers found this "mirrors the rapid increase in obesity" seen during the same period, as

²³ Volkow, N.D., et al., "Drug addiction: the neurobiology of behavior gone awry," *Nature Reviews Neuroscience*, Vol. 5, No. 12, 963-70 (2004); Brownell, K.D., et al., "Food and addiction: A comprehensive handbook," *Oxford University Press* (2012).

²⁴ Avena, N., "Evidence for sugar addiction: behavioral and neurochemical effects of intermittent, excessive sugar intake," *Neuroscience Behavior Review*, Vol. 52, No. 1, 20-39 (2008).

demonstrated in the below graphic.²⁵

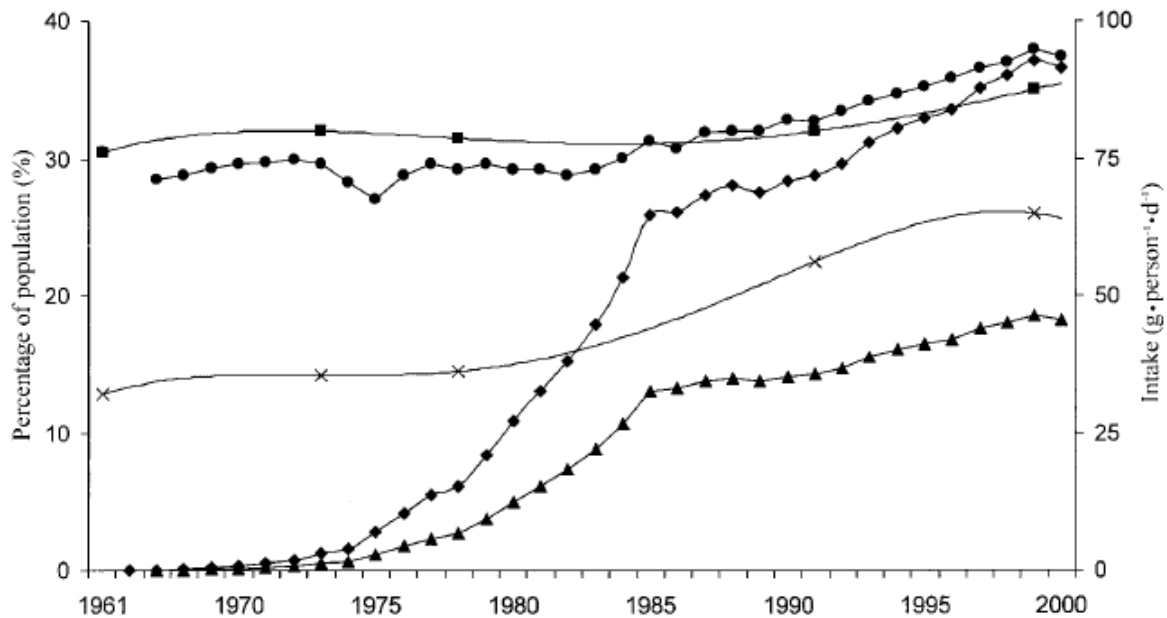


FIGURE 1. Estimated intakes of total fructose (●), free fructose (▲), and high-fructose corn syrup (HFCS, ◆) in relation to trends in the prevalence of overweight (■) and obesity (x) in the United States. Data from references 7 and 35.

41. Besides the compelling circumstantial evidence that increased sugar consumption has led to chronic disease, there is substantial research showing the causal mechanisms of disease and demonstrating substantial increased risk of chronic disease with excess sugar consumption.

D. There is Substantial Scientific Evidence That Excess Sugar Consumption Causes Metabolic Syndrome, Cardiovascular Disease, Type 2 Diabetes, and Other Morbidity

42. Research shows that overloading the mitochondria—the energy-burning factories within the cells—in any given organ will manifest various forms of chronic metabolic disease. Whatever organ becomes insulin resistant manifests its own chronic metabolic disease. For example, insulin resistance of the liver leads to type 2 diabetes. Insulin

²⁵ Bray, *HFCS Role in Obesity Epidemic*, *supra* n.5, at 537, 540-41 & Table 2; see also Flegal, K.M., et al., “Prevalence and trends in obesity among US adults, 1999-2000,” *Journal of the American Medical Association*, Vol. 288, 1723-27 (2002); Putnam, J.J., et al., “Food consumption, prices and expenditures, 1970-97,” *U.S. Department of Agriculture Economic Research Service statistical bulletin no. 695* (April 1999).

1 resistance of the brain causes Alzheimer's disease. Insulin resistance of the kidney leads to
2 chronic renal disease.

3 43. After artificial trans fat, the chemical that most overloads mitochondria is sugar.

4 **1. Excess Sugar Consumption Causes Metabolic Syndrome**

5 44. Excess consumption of added sugar leads to metabolic syndrome by stressing
6 and damaging crucial organs, including the pancreas and liver. When the pancreas, which
7 produces insulin, becomes overworked, it can fail to regulate blood sugar properly. Large
8 doses of fructose can overwhelm the liver, which metabolizes fructose. In the process, the
9 liver will convert excess fructose to fat, which is stored in the liver and released into the
10 bloodstream. This process contributes to key elements of metabolic syndrome, including high
11 blood fats and triglycerides, high cholesterol, high blood pressure, and extra body fat,
12 especially in the belly.²⁶

13 45. Metabolic disease has been linked to type 2 diabetes, cardiovascular disease,
14 obesity, polycystic ovary syndrome, nonalcoholic fatty liver disease, and chronic kidney
15 disease, and is defined as the presence of any three of the following:

- 16 a. Large Waist Size (35" or more for women, 40" or more for men);
- 17 b. High triglycerides (150mg/dL or higher, or use of cholesterol
- 18 medication);
- 19 c. High total cholesterol, or HDL levels under 50mg/dL for women,
- 20 and 40 mg for men;
- 21 d. High blood pressure (135/85 mm or higher); or
- 22 e. High blood sugar (100mg/dL or higher).

23 46. More generally, "metabolic abnormalities that are typical of the so-called
24 metabolic syndrome . . . includ[e] insulin resistance, impaired glucose tolerance, high
25 concentrations of circulating triacylglycerols, low concentrations of HDLs, and high
26

27 ²⁶ Te Morenga, L., et al., "Dietary sugars and body weight: systematic review and meta-
28 analyses of randomized controlled trials and cohort studies," *BJM* (January 2013)
[hereinafter, "Te Morenga, Dietary Sugars & Body Weight"].

1 concentrations of small, dense LDLs.”²⁷

2 47. 56 million Americans have metabolic syndrome, or about 22.9% over the age of
3 20, placing them at higher risk for chronic disease.

4 48. In 2010, Harvard researchers published a meta-analysis of three studies,
5 involving 19,431 participants, concerning the effect of consuming sugar-sweetened
6 beverages on risk for metabolic syndrome. They found participants in the highest quantile of
7 1-2 servings per day²⁸ had an average 20% greater risk of developing metabolic syndrome
8 than did those in the lowest quantile of less than 1 serving per day, showing “a clear link
9 between SSB consumption and risk of metabolic syndrome”²⁹

10 49. Researchers who studied the incidence of metabolic syndrome and its
11 components in relation to soft drink consumption in more than 6,000 participants in the
12 Framingham Heart Study found that individuals who consumed 1 or more soft drinks per day
13 (*i.e.*, 140-150 calories and 35-37.5 grams of sugar or more) had a 48% higher prevalence of
14 metabolic syndrome than infrequent consumers, those who drank less than 1 soft drink per
15 day. In addition, the frequent-consumer group had a 44% higher risk of developing metabolic
16 syndrome.³⁰

17 50. Recently, researchers concluded a study to determine whether the detrimental
18

19 ²⁷ Fried, S.K., “Sugars, hypertriglyceridemia, and cardiovascular disease,” *American Journal*
20 *of Clinical Nutrition*, Vol. 78 (suppl.), 873S-80S, at 873S (2003) [hereinafter, “Fried,
21 Hypertriglyceridemia”].

22 ²⁸ Because 1 sugar-sweetened beverage typically has 140-150 calories and 35-37.5 grams of
23 sugar per 12-ounce serving, this is equivalent to between 140 and 300 calories per day, and
35 to 75 grams of sugar per day.

24 ²⁹ Malik, Vasanti S., et al., “Sugar-Sweetened Beverages and Risk of Metabolic Syndrome
25 and Type 2 Diabetes,” *Diabetes Care*, Vol. 33, No. 11, 2477-83, at 2477, 2480-81 (November
26 2010) [hereinafter “Malik, 2010 Meta-Analysis”].

27 ³⁰ Dhingra, R., et al., “Soft Drink Consumption and Risk of Developing Cardiometabolic Risk
28 Factors and the Metabolic Syndrome in Middle-Aged Adults in the Community,”
Circulation, Vol. 116, 480-88 (2007) [hereinafter “Dhingra, Cardiometabolic Risk”].

1 effects of dietary sugar were due to extremely high dosing, excess calories, or because of its
2 effects on weight gain, rather than caused by sugar consumption directly.³¹ In other words,
3 the researchers dissociated the metabolic effects of dietary sugar from its calories and effects
4 on weight gain.

5 51. Because the researchers did not want to *give* subjects sugar to see if they got
6 sick, they instead took sugar away from people who were already sick to see if they got well.
7 But if subjects lost weight, critics would argue that the drop in calories or weight loss was the
8 reason for the clinical improvement. Therefore, the researchers designed the study to be
9 isocaloric, by giving back to subjects the same number of calories in starch that were taken
10 away in sugar. The study involved 43 children, ages 8 to 19, each obese with at least one
11 other co-morbidity demonstrating metabolic problems. All were high consumers of added
12 sugar in their diets.³²

13 52. To perform the study, researchers assessed subjects' home diets by two
14 questionnaires to determine how many calories, and how much fat, protein, and carbohydrate
15 they were eating. Subjects were then tested at a hospital based on their home diets. Then, for
16 the next 9 days, researchers catered the subjects' meals. The macronutrient percentages of
17 fat, protein, and carbohydrate were not changed. Subjects were fed them the same calories
18 and percent of each macronutrient as their home diet; but within the carbohydrate fraction,
19 researchers took the added sugar out, and substituted starch. For example, researchers took
20 pastries out, and put bagels in; took yogurt out, and put baked potato chips in; took chicken
21 teriyaki out, and put turkey hot dogs in (although subjects were still given whole fruit).
22 Researchers reduced subjects' dietary sugar consumption from 28% to 10% of calories.
23 Researchers also gave subjects a scale to take home, and each day they would weigh
24

25 ³¹ Robert H. Lustig, et al., "Isocaloric Fructose Restriction and Metabolic Improvement in
26 Children with Obesity and Metabolic Syndrome," *Pediatric Obesity*, Vol. 24, No. 2, 453-60
27 (Feb. 2016).

28 ³² *See id.* at 453-54.

themselves. If they were losing weight, they were instructed to eat more. The goal was for subjects to remain weight-stable over the 10 days of study. On the final day, subjects came back to the hospital for testing on their experimental low-added sugar diet. The study team analyzed the pre- and post-data in a blinded fashion so as not to introduce bias.³³

53. Researchers analyzed three types of data. First, diastolic blood pressure decreased by 5 points. Second, baseline blood levels of analytes associated with metabolic disease, such as lipids, liver function tests, and lactate (a measure of metabolic performance) all improved significantly. Third, fasting glucose decreased by 5 points. Glucose tolerance improved markedly, and fasting insulin levels fell by 50%. Each of these results was highly-statistically-significant.³⁴

54. In sum, the study indicated that subjects improved their metabolic status in just 10 days, even while eating processed food, by just removing added sugar and substituting starch. The metabolic improvement, moreover, was unrelated to changes in weight or body fat.

2. Excess Sugar Consumption Causes Type 2 Diabetes

55. Diabetes affects 25.8 million Americans, and can cause kidney failure, lower-limb amputation, and blindness. In addition, diabetes doubles the risk of colon and pancreatic cancers and is strongly associated with coronary artery disease and Alzheimer's disease.³⁵

56. In 2010, Harvard researchers also performed a meta-analysis of 8 studies concerning sugar-sweetened beverage consumption and risk of type 2 diabetes, involving a

³³ See *id.* at 454-55.

³⁴ See *id.* at 455-56.

³⁵ Aranceta Bartrina, J. et al., "Association between sucrose intake and cancer: a review of the evidence," *Nutrición Hospitalaria*, Vol. 28 (Suppl. 4), 95-105 (2013); Garcia-Jimenez, C., "A new link between diabetes and cancer: enhanced WNT/beta-catenin signaling by high glucose," *Journal of Molecular Endocrinology*, Vol. 52, No. 1 (2014); Linden, G.J., "All-cause mortality and periodontitis in 60-70-year-old men: a prospective cohort study," *Journal of Clinical Periodontal*, Vol. 39, No. 1, 940-46 (October 2012).

total of 310,819 participants. They concluded that individuals in the highest quantile of SSB intake had an average 26% greater risk of developing type 2 diabetes than those in the lowest quantile.³⁶ Moreover, “larger studies with longer durations of follow-up tended to show stronger associations.”³⁷ Thus, the meta-analysis showed “a clear link between SSB consumption and risk of . . . type 2 diabetes.”³⁸

57. An analysis of data for more than 50,000 women from the Nurses’ Health Study,³⁹ during two 4-year periods (1991-1995, and 1995-1999), showed, after adjusting for confounding factors, that women who consumed 1 or more sugar-sweetened soft drink per day (*i.e.*, 140-150 calories and 35-37.5 grams of sugar), had an 83% greater relative risk of type 2 diabetes compared with those who consumed less than 1 such beverage per month, and women who consumed 1 or more fruit punch drinks per day had a 100% greater relative risk of type 2 diabetes.⁴⁰

58. The result of this analysis shows a statistically significant linear trend with increasing sugar consumption.⁴¹

³⁶ Malik, 2010 Meta-Analysis, *supra* n.29 at 2477, 2480.

³⁷ *Id.* at 2481.

³⁸ *Id.*

³⁹ The Nurses’ Health Study was established at Harvard in 1976, and the Nurses’ Health Study II, in 1989. Both are long-term epidemiological studies conducted on women’s health. The study followed 121,700 women registered nurses since 1976, and 116,000 female nurses since 1989, to assess risk factors for cancer, diabetes, and cardiovascular disease. The Nurses’ Health Studies are among the largest investigations into risk factors for major chronic disease in women ever conducted. *See generally* “The Nurses’ Health Study,” at <http://www.channing.harvard.edu/nhs>.

⁴⁰ Schulze, M.B., et al., “Sugar-Sweetened Beverages, Weight Gain, and Incidence of Type 2 Diabetes in Young and Middle-Aged Women,” *Journal of the American Medical Association*, Vol. 292, No. 8, 927-34 (Aug. 25, 2004) [hereinafter “Schulze, Diabetes in Young & Middle-Aged Women”].

⁴¹ Hu, F.B., et al., “Sugar-sweetened beverages and risk of obesity and type 2 diabetes: Epidemiologic evidence,” *Physiology & Behavior*, Vol. 100, 47-54 (2010).

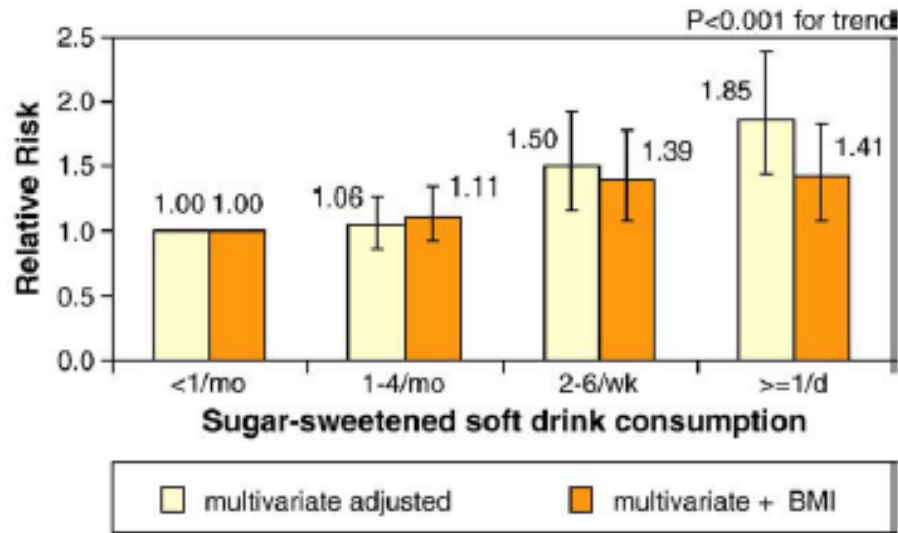


Fig. 4. Multivariate relative risks (RRs) of type 2 diabetes according to sugar-sweetened soft drink consumption in the Nurses' Health Study II 1991–1999 (Multivariate RRs were adjusted for age, alcohol (0, 0.1–4.9, 5.0–9.9, 10+ g/d), physical activity (quintiles), family history of diabetes, smoking (never, past, current), postmenopausal hormone use (never, ever), oral contraceptive use (never, past, current), intake (quintiles) of cereal fiber, magnesium, trans fat, polyunsaturated:saturated fat, and consumption of sugar-sweetened soft drinks, diet soft drinks, fruit juice, and fruit punch (other than the main exposure, depending on model). The data were based on Ref. [50]).

59. A prospective cohort study of more than 43,000 African American women between 1995 and 2001 showed that the incidence of type 2 diabetes was higher with higher intake of both sugar-sweetened soft drinks and fruit drinks. After adjusting for confounding variables, those who drank 2 or more soft drinks per day (*i.e.*, 140–300 calories and 35–75 grams of sugar) showed a 24% greater risk of type 2 diabetes, and those who drank 2 or more fruit drinks per day showed a 31% greater risk of type 2 diabetes, than those who drank 1 or less such drinks per month.⁴²

60. A large cohort study of more than 70,000 women from the Nurses' Health Study followed for 18 years showed that those who consumed 2 to 3 apple, grapefruit, and orange juices per day (280–450 calories and 75–112.5 grams of sugar) had an 18% greater risk of type 2 diabetes than women who consumed less than 1 sugar-sweetened beverage per month.

⁴² Palmer, J.R., et al., "Sugar-Sweetened Beverages and Incidence of Type 2 Diabetes Mellitus in African American Women," *Archive of internal Medicine*, Vol. 168, No. 14, 1487–82 (July 28, 2008) [hereinafter "Palmer, Diabetes in African American Women"].

The data also showed a linear trend with increased consumption, as demonstrated below.⁴³

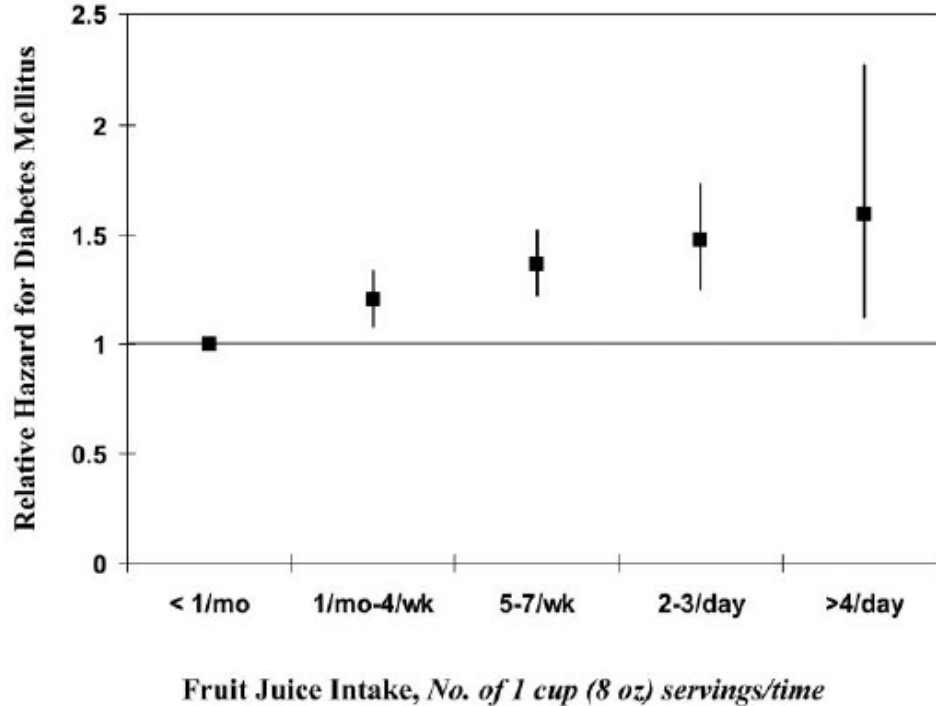


Figure 1—Multivariate-adjusted relative hazard of diabetes by category of cumulatively updated fruit juice intake. Values were adjusted for cumulatively updated BMI, physical activity, family history of diabetes, postmenopausal hormone use, alcohol use, smoking, and total energy intake. For an increase of 1 serving/day of fruit juice, the multivariate-adjusted relative risk was 1.18 (95% CI 1.10–1.26; $P < 0.0001$).

61. An analysis of more than 40,000 men from the Health Professionals Follow-Up Study, a prospective cohort study conducted over a 20-year period, found that, after adjusting for age and a wide variety of other confounders, those in the top quartile of sugar-sweetened beverage intake had a 24% greater risk of type 2 diabetes than those in the bottom quartile, while consumption of artificially-sweetened beverages, after adjustment, showed no association.⁴⁴

62. Most convincingly, an econometric analysis of repeated cross-sectional data published in 2013 established a causal relationship between sugar availability and type 2

⁴³ Bazzano, L.A., et al., “Intake of fruit, vegetables, and fruit juices and risk of diabetes in women,” *Diabetes Care*, Vol. 31, 1311-17 (2008).

⁴⁴ de Konig, L., et al., “Sugar-sweetened and artificially sweetened beverage consumption and risk of type 2 diabetes in men,” *American Journal of Clinical Nutrition*, Vol. 93, 1321-27 (2011).

diabetes. After adjusting for a wide range of confounding factors, researchers found that an increase of 150 calories per day related to an insignificant 0.1% rise in diabetes prevalence by country, while an increase of 150 calories per day in sugar related to a 1.1% rise in diabetes prevalence by country, a statically-significant 11-fold difference.⁴⁵

3. Excess Sugar Consumption Causes Cardiovascular Disease

63. Sixteen million Americans have heart disease, which is the number one killer in the United States.⁴⁶

64. Data obtained from NHANES surveys during the periods of 1988-1994, 1999-2004, and 2005-2010, after adjusting for a wide variety of other factors, demonstrate that those who consumed between 10% - 24.9% of their calories from added sugars had a 30% greater risk of cardiovascular disease (CVD) mortality than those who consumed 5% or less of their calories from added sugar. In addition, those who consumed 25% or more of their calories from added sugars had an average 275% greater risk of CVD mortality than those who consumed less than 5% of calories from added sugar.⁴⁷

65. Similarly, when compared to those who consumed approximately 8% of calories from added sugar, participants who consumed approximately 17% - 21% (the 4th quintile) of calories from added sugar had a 38% higher risk of CVD mortality, while the relative risk was more than double for those who consumed 21% or more of calories from added sugar (the 5th quintile). Thus, “[t]he risk of CVD mortality increased exponentially with increasing usual percentage of calories from added sugar,”⁴⁸ as demonstrated in the chart below.

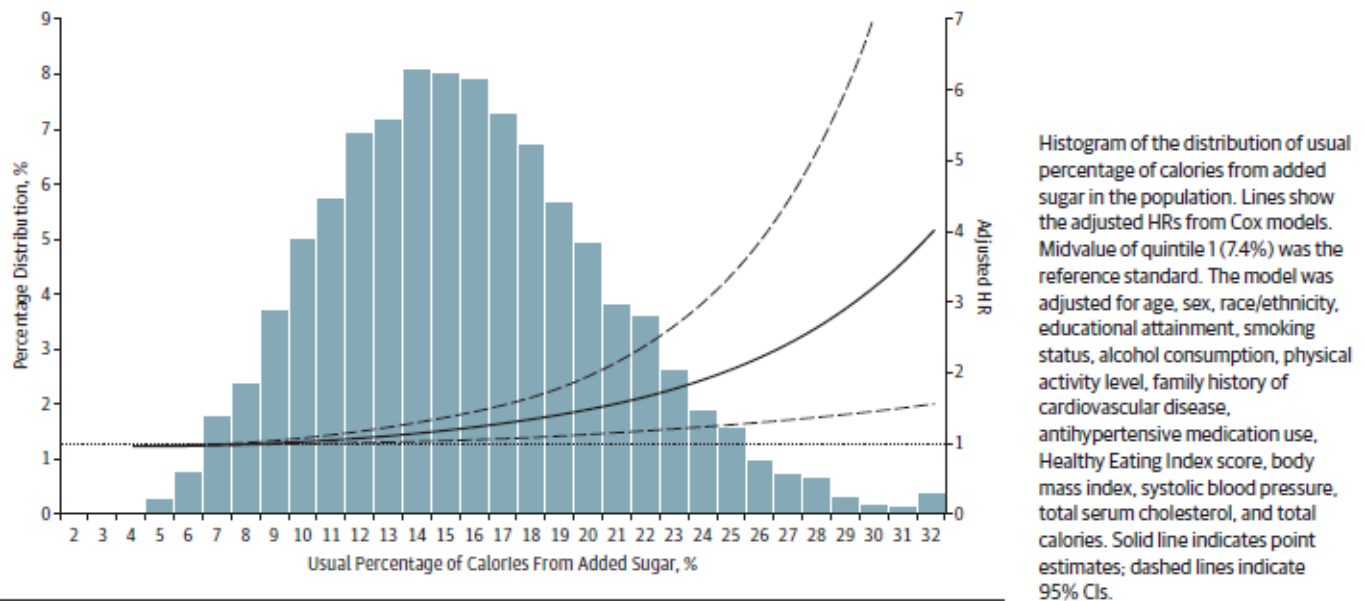
⁴⁵ Basu, S., et al., “The Relationship of Sugar to Population-Level Diabetes Prevalence: An Econometric Analysis of Repeated Cross-Sectional Data,” *PLOS Online*, Vol. 8, Issue 2 (February 27, 2013).

⁴⁶ Gaddam, K.K., et al., “Metabolic syndrome and heart failure—the risk, paradox, and treatment,” *Current Hypertension Reports*, Vol. 13, No. 2, 142-48 (2011).

⁴⁷ Yang, NHANES Analysis, *supra* n.12 at E4-5.

⁴⁸ *Id.*

Figure 1. Adjusted Hazard Ratio (HR) of the Usual Percentage of Calories From Added Sugar for Cardiovascular Disease Mortality Among US Adults 20 Years or Older: National Health and Nutrition Examination Survey Linked Mortality Files, 1988-2006



66. The NHANES analysis also found “a significant association between sugar-sweetened beverage consumption and risk of CVD mortality,” with an average 29% greater risk of CVD mortality “when comparing participants who consumed 7 or more servings/wk (360 mL per serving) with those who consumed 1 serving/wk or less”⁴⁹ The study concluded that “most US adults consume more added sugar than is recommended for a healthy diet. A higher percentage of calories from added sugar is associated with significantly increased risk of CVD mortality. In addition, regular consumption of sugar-sweetened beverages is associated with elevated CVD mortality.”⁵⁰

67. The Nurses’ Health Study found that, after adjusting for other unhealthy lifestyle factors, those who consumed two or more sugar-sweetened beverages per day (280 calories and 70 grams of sugar or more) had a 35% greater risk of coronary heart disease compared

⁴⁹ *Id.* at E6.

⁵⁰ *Id.* at E8.

with infrequent consumers.⁵¹

4. Excess Sugar Consumption Causes Liver Disease

68. Fructose consumption causes serious liver disease, including non-alcoholic fatty liver disease (NAFLD), characterized by excess fat build-up in the liver. Five percent of these cases develop into non-alcoholic steatohepatitis (NASH), scarring as the liver tries to heal its injuries, which gradually cuts off vital blood flow to the liver. About 25% of NASH patients progress to non-alcoholic liver cirrhosis, which requires a liver transplant or can lead to death.⁵²

69. Since 1980, the incidence of NAFLD and NASH has doubled, along with the rise of fructose consumption, with approximately 6 million Americans estimated to have progressed to NASH and 600,000 to Nash-related cirrhosis. Most people with NASH also have type 2 diabetes. NASH is now the third-leading reason for liver transplant in America.⁵³

70. Moreover, because the liver metabolizes sugar virtually identically to alcohol, the U.S. is now seeing for the first time alcohol-related diseases in children. Conservative estimates are that 31% of American adults, and 13% of American children suffer from NAFLD.⁵⁴

⁵¹ Fung T.T., et al., “Sweetened beverage consumption and risk of coronary heart disease in women,” *American Journal of Clinical Nutrition*, Vol. 89 at 1037-42 (February 2009).

⁵² Farrell, G.C., et al., “Nonalcoholic fatty liver disease: from steatosis to cirrhosis,” *Hepatology*, Vol. 433, No. 2 (Suppl. 1), S99-S112 (February 2006); Powell, E.E., et al., “The Natural History of Nonalcoholic Steatohepatitis: A Follow-up Study of Forty-two Patients for Up to 21 Years,” *Hepatology*, Vol. 11, No. 1 (1990).

⁵³ Charlton, M.R., et al., “Frequency and outcomes of liver transplantation for nonalcoholic steatohepatitis in the United States,” *Gastroenterology*, Vol. 141, No. 4, 1249-53 (October 2011).

⁵⁴ Lindback, S.M., et al., “Pediatric Nonalcoholic Fatty Liver Disease: A Comprehensive Review,” *Advances in Pediatrics*, Vol. 57, No. 1, 85-140 (2010); Lazo, M. et al., “The Epidemiology of Nonalcoholic Fatty Liver Disease: A Global Perspective,” *Seminars in Liver Disease*, Vol. 28, No. 4, 339-50 (2008); Schwimmer, J.B., et al., “Prevalence of Fatty Liver in Children and Adolescents,” *Pediatrics*, Vol. 118, No. 4, 1388-93 (2006); Browning, J.D.,

5. Excess Sugar Consumption Causes Obesity

71. Excess sugar consumption also leads to weight gain and obesity because insulin secreted in response to sugar intake instructs the cells to store excess energy as fat. This excess weight can then exacerbate the problems of excess sugar consumption, because excess fat, particularly around the waist, is in itself a primary cause of insulin resistance, another vicious cycle. Studies have shown that belly fat produces hormones and other substances that can cause insulin resistance, high blood pressure, abnormal cholesterol levels, and cardiovascular disease. And belly fat plays a part in the development of chronic inflammation in the body, which can cause damage over time without any signs or symptoms. Complex interactions in fat tissue draw immune cells to the area, which triggers low-level chronic inflammation. This in turn contributes even more to insulin resistance, type 2 diabetes, and cardiovascular disease.

72. Based on a meta-analysis of 30 studies between 1966 and 2005, Harvard researchers found “strong evidence for the independent role of the intake of sugar-sweetened beverages, particularly soda, in the promotion of weight gain and obesity in children and adolescents. Findings from prospective cohort studies conducted in adults, taken in conjunction with results from short-term feeding trials, also support a positive association between soda consumption and weight gain, obesity, or both.”⁵⁵

73. A recent meta-analysis by Harvard researchers evaluating change in Body Mass Index per increase in 1 serving of sugar-sweetened beverages per day found a significant positive association between beverage intake and weight gain.⁵⁶

et al., “Prevalence of hepatic steatosis in an urban population in the United States: Impact of ethnicity,” *Hepatology*, Vol. 40, No. 6, 1387-95 (2004).

⁵⁵ Malik, V.S., et al., “Intake of sugar-sweetened beverages and weight gain: a systematic review,” *American Journal of Clinical Nutrition*, Vol. 84, 274-88 (2006).

⁵⁶ Malik, V.S., et al., “Sugar-sweetened beverages and BMI in children and adolescents: reanalyses of a meta-analysis,” *American Journal of Clinical Nutrition*, Vol. 29, 438-39 (2009).

1 74. One study of more than 2,000 2.5-year-old children followed for 3 years found
2 that those who regularly consumed sugar-sweetened beverages between meals had a 240%
3 better chance of being overweight than non-consumers.⁵⁷

4 75. An analysis of data for more than 50,000 women from the Nurses' Health Study
5 during two 4-year periods showed that weight gain over a 4-year period was highest among
6 women who increased their sugar-sweetened beverage consumption from 1 or fewer drinks
7 per week, to 1 or more drinks per day (8.0 kg gain during the 2 periods), and smallest among
8 women who decreased their consumption or maintained a low intake level (2.8 kg gain).⁵⁸

9 76. A study of more than 40,000 African American women over 10 years had similar
10 results. After adjusting for confounding factors, those who increased sugar-sweetened
11 beverage intake from less than 1 serving per week, to more than 1 serving per day, gained the
12 most weight (6.8 kg), while women who decreased their intake gained the least (4.1 kg).⁵⁹

13 77. A study of more than 6,000 participants in the Framingham Heart Study found
14 those who consumed more than 1 soft drink per day had a 31% greater risk of obesity than
15 those who consumed less than 1 soft drink per day.⁶⁰

16 78. The link between sugar intake and weight gain was also demonstrated in a
17 randomized, controlled intervention study, where "[a] simple 12 month school based
18 intervention focused on reducing consumption of carbonated drinks resulted in significant
19 differences in the proportion of overweight children in the control and intervention groups,"
20 as demonstrated in the chart below.

23 ⁵⁷ Dubois, L., et al., "Regular sugar-sweetened beverage consumption between meals
24 increases risk of overweight among preschool-aged children," *Journal of the American*
25 *Dietetic Association*, Vol. 107, Issue 6, 924-34 (2007).

26 ⁵⁸ Schulze, Diabetes in Young & Middle-Aged Women, *supra* n.40.

27 ⁵⁹ Palmer, Diabetes in African American Women, *supra* n.42.

28 ⁶⁰ Dhingra, Cardiometabolic Risk, *supra* n.30.

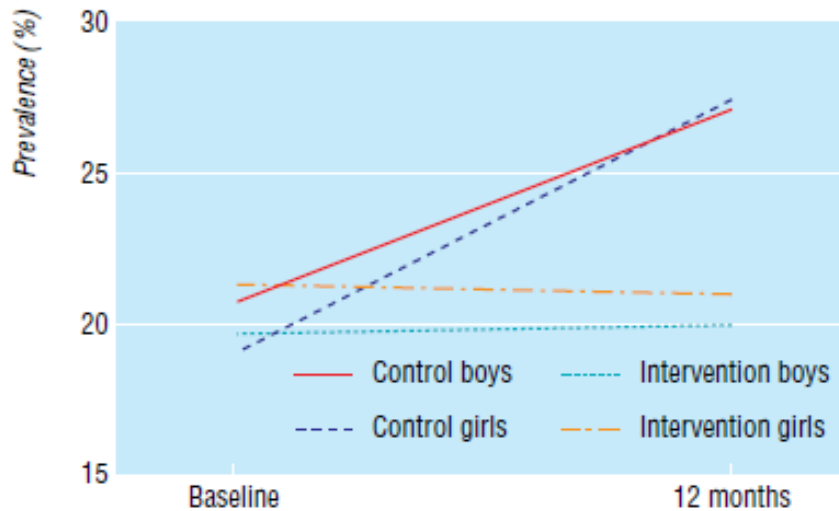


Fig 2 Mean change in prevalence of overweight and obese children from baseline to follow up at 12 months according to clusters

At a three-year follow-up, however, the significant difference seen between the groups after a year of focused education was no longer evident, with overweight more prevalent in both groups, providing further support for the link between sugar and weight gain.⁶¹

79. Similarly, experimental short-term feeding studies comparing sugar-sweetened beverages to artificially-sweetened beverages have illustrated that consumption of the former leads to greater weight gain. As demonstrated in the chart below, one 10-week trial involving more than 40 men and women demonstrated that the group that consumed daily supplements of sucrose (for 28% of total energy) increased body weight and fat mass, by 1.6 kg for men and 1.3 kg for women, while the group that was supplemented with artificial sweeteners lost weight—1.0 kg for men and 0.3 kg for women.⁶²

⁶¹ James, J. et al., “Preventing childhood obesity: two year follow-up results from the Christchurch obesity prevention programme in schools (CHOPPS),” *BJM*, Vol. 335, 762 (2007) (discussing James, J., et al., “Preventing childhood obesity by reducing consumption of carbonated drinks: cluster randomized controlled trial,” *BJM*, Vol. 328, 1237 (April 27, 2004)).

⁶² Raben, A., et al., “Sucrose compared with artificial sweeteners: different effects on ad libitum food intake and body weight after 10 wk of supplementation in overweight subjects,” *American Journal of Clinical Nutrition*, Vol. 76, 721-29 (2002) [hereinafter, “Raben, Sucrose vs. Artificial Sweeteners”].

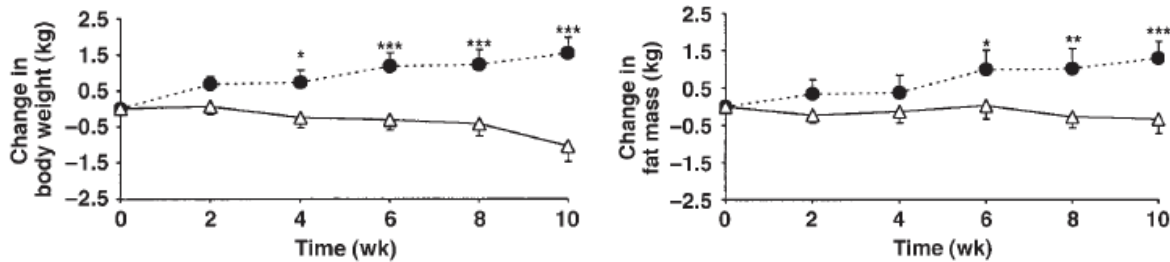


FIGURE 2. Mean (\pm SEM) changes in body weight, fat mass, and fat-free mass during an intervention in which overweight subjects consumed supplements containing either sucrose (\bullet ; $n = 21$) or artificial sweeteners (Δ ; $n = 20$) daily for 10 wk. The diet \times time interactions were significant for changes in body weight ($P < 0.0001$) and fat mass ($P < 0.05$) by analysis of variance with Tukey's post hoc tests. At specific time points for changes in body weight and fat mass, there were significant differences between the sucrose and sweetener groups: * $P < 0.05$, ** $P < 0.001$, and *** $P < 0.0001$ (general linear model with least squares means and adjustment for multiple comparisons).

80. In another, 3-week study, researchers gave normal-weight subjects 1150 grams of soda per day, sweetened with either aspartame or HFCS. The experiment found that drinking artificially-sweetened soda reduced calorie intake and body weight of men, while drinking HFCS-sweetened soda significantly increased calorie intake and body weight of both sexes, as demonstrated in the chart below.⁶³

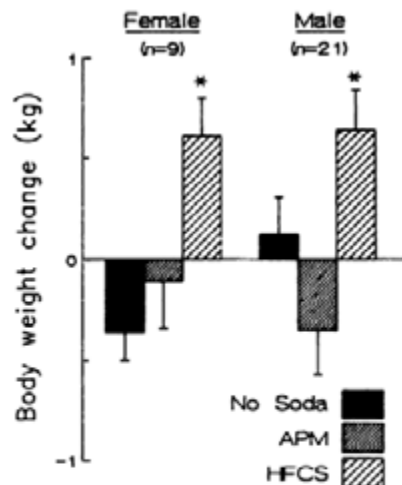


FIG 1. Changes in body weight during 3-wk periods when subjects drank 1150 g/d of soda sweetened with aspartame (APM), an equal weight of soda sweetened with high-fructose corn syrup (HFCS), or had no experimental manipulation (no soda). * $p < 0.05$ relative to weight gain in no-soda period.

⁶³ Tordoff, M.G., et al., "Effect of drinking soda sweetened with aspartame or high-fructose corn syrup on food intake and body weight," *American Journal of Clinical Nutrition*, Vol. 51, 963-69 (1990).

6. Excess Sugar Consumption Causes Inflammation

81. Inflammation has been associated with type 2 diabetes, myocardial infarction, and stroke, as well as weight gain and obesity.⁶⁴

82. A 10-week study comparing a group whose sucrose intake was increased by 151% to a group whose intake was decreased by 42% showed the former's blood concentration of the biological markers for inflammation, haptoglobin, transferrin, and C-reactive protein, increased by 13%, 5%, and 6%, respectively, while the later group's concentrations decreased by 16%, 2%, and 26% respectively.⁶⁵

83. In a prospective, randomized, controlled crossover trial, 29 subjects were studied over six 3-week interventions in which they either consumed various amounts of fructose, glucose, or sucrose, or received dietary advice to consume low amounts of fructose. The study showed LDL particle size reducing (associated with atherosclerosis) by 0.51 nm after high-fructose intake (80 grams per day), and by 0.43 nm after high-sucrose intake (also 80 grams per day). It also found significant increases in fasting glucose and C-reactive protein, leading the authors to conclude that the "data show potentially harmful effects of low to moderate consumption of SSBs on markers of cardiovascular risk such as LDL particles, fasting glucose, and [C-reactive protein] within just 3 wk in healthy young men, which is of particular significance for young consumers."⁶⁶

84. In a nested case-control study of 656 cases of type 2 diabetes and 694 controls

⁶⁴ Sorensen, L.B., et al., "Effect of sucrose on inflammatory markers in overweight humans," *American Journal of Clinical Nutrition*, Vol. 82, 421-27 (2005) (citations omitted) [hereinafter, "Sorensen, Inflammatory Markers"]; see also Pearson, T.A., et al., "Markers of Inflammation and Cardiovascular Disease: Application to Clinical and Public Health Practice, A Statement for Healthcare Professionals From the Centers for Disease Control and Prevention and the American Heart Association," *Circulation*, Vol. 107, 499-511 (2003).

⁶⁵ Sorensen, Inflammatory Markers, *supra* n.64.

⁶⁶ Aeberli, I., et al., "Low to moderate sugar-sweetened beverage consumption impairs glucose and lipid metabolism and promotes inflammation in healthy young men: a randomized controlled trial," *American Journal of Clinical Nutrition*, Vol. 94, 479-85 (2011).

from the Nurses Study, researchers identified a dietary pattern strongly related to inflammatory markers, which was high in sugar-sweetened soft drinks, showing linear trends across quintiles of dietary pattern for six inflammation markers.

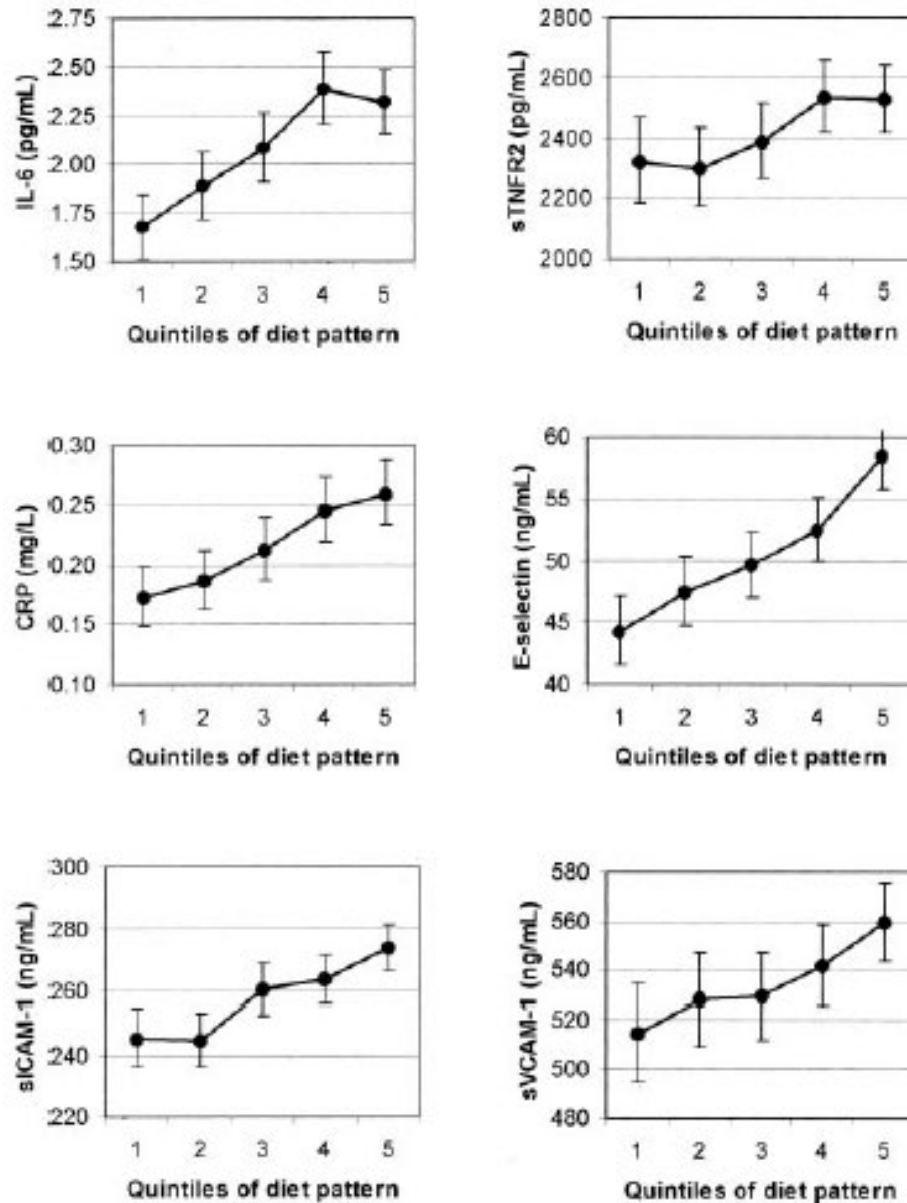


FIGURE 1. Geometric mean concentrations and 95% CIs of interleukin 6 (IL-6), soluble tumor necrosis factor α receptor 2 (sTNFR2), C-reactive protein (CRP), E-selectin, soluble intracellular cell adhesion molecule 1 (sICAM-1), and soluble vascular cell adhesion molecule 1 (sVCAM-1) by quintiles of diet pattern score adjusted for age, BMI (9 categories), physical activity (quintiles), family history of diabetes, smoking (never, past, current, or missing), postmenopausal hormone use (never, ever, or missing), energy intake (quintiles), and fasting status. The comparison between quintile 5 and quintile 1 was significant for all biomarkers, $P < 0.05$. Quintile cutoffs were based on distributions in controls.

7. Excess Sugar Consumption Causes High Blood Triglycerides and Abnormal Cholesterol Levels

85. Fructose facilitates the biochemical formation of triacylglycerols more efficiently than does glucose.⁶⁷ This is because fructose metabolism in the liver converts the fructose to fructose-1-phosphate, which readily becomes a substrate for the backbone of the triglyceride molecule.⁶⁸ As compared to starches, sugars—particularly sucrose and fructose—tend to increase serum triacylglycerol concentrations by about 60%.⁶⁹

86. Cholesterol is a waxy, fat-like substance found in the body's cells, used to make hormones, bile acids, vitamin D, and other substances. The human body manufactures all the cholesterol it requires, which circulates in the bloodstream in packages called lipoproteins. Excess cholesterol in the bloodstream can become trapped in artery walls, building into plaque and narrowing blood vessels, making them less flexible, a condition called atherosclerosis. When this happens in the coronary arteries, it restricts oxygen and nutrients to the heart, causing chest pain or angina. When cholesterol-rich plaques in these arteries burst, a clot can form, blocking blood flow and causing a heart attack.

87. Most blood cholesterol is low-density lipoprotein, or LDL cholesterol, which is sometimes called “bad” cholesterol because it carries cholesterol *to* the body's tissues and arteries, increasing the risk of heart disease. High-density lipoprotein, or HDL cholesterol, is sometimes called “good” cholesterol because it removes excess cholesterol from the cardiovascular system, bringing it to the liver for removal. Thus, a *low* level of HDL cholesterol increases the risk of heart disease.

88. Diet affects blood cholesterol. For example, the body reacts to saturated fat by producing LDL cholesterol.

⁶⁷ Elliot, Fructose & Insulin Resistance, *supra* n.21.

⁶⁸ Bray, G.A., “Soft Drinks and Obesity: The Evidence,” *CMR e-Journal*, Vol. 2, Issue, 2, 10-14, at 13 (Oct. 2009).

⁶⁹ Fried, Hypertriglyceridemia, *supra* n.27, at 873S.

89. When the liver is overwhelmed by large doses of fructose, it will convert excess to fat, which is stored in the liver and then released into the bloodstream, contributing to key elements of metabolic syndrome, like high blood fat and triglycerides, high total cholesterol, and low HDL “good” cholesterol.⁷⁰

90. A study of more than 6,000 participants in the Framingham Heart Study found those who consumed more than 1 soft drink per day had a 25% greater risk of hypertriglyceridemia, and 32% greater risk of low HDL cholesterol than those who consumed less than 1 soft drink per day.⁷¹

91. A systematic review and meta-analysis of 37 randomized controlled trials concerning the link between sugar intake and blood pressure and lipids found that higher sugar intakes, compared to lower sugar intakes, significantly raised triglyceride concentrations, total cholesterol, and low density lipoprotein cholesterol.⁷²

92. A cross-sectional study among more than 6,100 U.S. adults from the NHANES 1999-2006 data were grouped into quintiles for sugar intake as follows: (1) less than 5% of calories consumed from sugar, (2) 5% to less than 10%, (3) 10% to less than 17.5%, (4) 17.5% to less than 25%, and (5) 25% or more. These groups had the following adjusted mean HDL levels (because HDL is the “good” cholesterol, higher levels are better): 58.7 mg/dL, 57.5, 53.7, 51.0, and 47.7. Mean triglyceride levels were 105 mg/dL, 102, 111, 113, and 114. Mean LDL levels were 116 mg/dL, 115, 118, 121, and 123 among women, with no significant trend among men. Consumers whose sugar intake accounted for more than 10% of calories had a 50% - 300% higher risk of low HDL levels compared to those who consumed less than 5% of calories from sugar. Likewise, high-sugar consumers had greater risk of high triglycerides.

⁷⁰ Te Morenga, Dietary Sugars & Body Weight, *supra* n.26.

⁷¹ Dhingra, Cardiometabolic Risk, *supra* n.30.

⁷² Te Morenga, L., et al., “Dietary sugars and cardiometabolic risk: systematic review and meta-analyses of randomized controlled trials on the effects on blood pressure and lipids,” *American Journal of Clinical Nutrition*, Vol. 100, No. 1, 65-79 (May 7, 2014).

All relationships were linear as demonstrated in the charts below.⁷³

Figure 1. Multivariable-Adjusted Mean HDL-C Levels by Level of Added Sugar Intake Among US Adults, NHANES 1999-2006

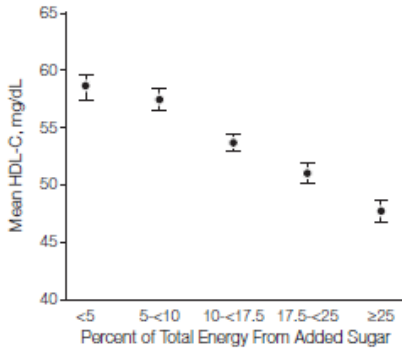


Figure 2. Multivariable-Adjusted Geometric Mean Triglyceride Levels by Level of Added Sugar Intake Among US Adults, NHANES 1999-2006

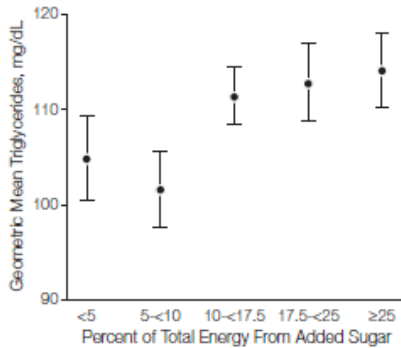
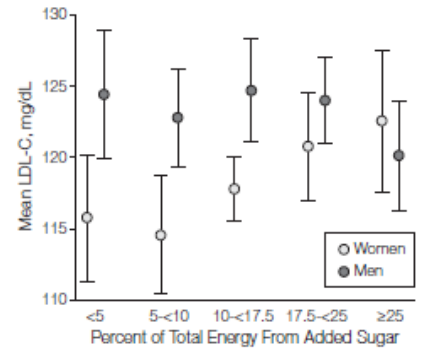


Figure 3. Multivariable-Adjusted Mean LDL-C Levels by Level of Added Sugar Intake Among US Men and Women, NHANES 1999-2006



93. One experimental study showed that, when a 17% fructose diet was provided to healthy men, they showed an increase in plasma triacylglycerol concentrations of 32%.⁷⁴

94. Another 10-week experimental feeding study showed that those who were fed 25% of their energy requirements as fructose experienced increases in LDL cholesterol, small dense LDL cholesterol, and oxidized LDL cholesterol, as well as increased concentrations of triglycerides and total cholesterol, while those fed a 25% diet of glucose did not experience the same adverse effects.⁷⁵

95. In a cross-sectional study of normal weight and overweight children aged 6-14, researchers found that “the only dietary factor that was a significant predictor of LDL particle size was total fructose intake.”⁷⁶

⁷³ Welsh, J.A., et al., “Caloric Sweetener Consumption and Dyslipidemia Among US Adults,” *Journal of the American Medical Association*, Vol. 303, No. 15, 1490-97 (April 21, 2010).

⁷⁴ Bantle, J.P., et al., “Effects of dietary fructose on plasma lipids in healthy subjects,” *American Journal of Clinical Nutrition*, Vol. 72, 1128-34 (2000).

⁷⁵ Stanhope, K.L., et al., “Consuming fructose-sweetened, not glucose-sweetened, beverages increases visceral adiposity and lipids and decreases insulin sensitivity in overweight/obese humans,” *The Journal of Clinical Investigation*, Vol. 119, No. 5, 1322-34 (May 2009).

⁷⁶ Aeberli, I., et al., “Fructose intake is a predictor of LDL particle size in overweight schoolchildren,” *American Journal of Clinical Nutrition*, Vol. 86, 1174-78 (2007).

8. Excess Sugar Consumption is Associated with Hypertension

96. A study of more than 6,000 participants in the Framingham Heart Study found those who consumed more than 1 soft drink per day had a 22% greater incidence, and an 18% greater risk of high blood pressure than those who consumed less than 1 soft drink per day.⁷⁷

97. An analysis of the NHANES data for more than 4,800 adolescents also showed a positive, linear association between sugar-sweetened beverages and higher systolic blood pressure, as well as corresponding increases in serum uric acid levels.⁷⁸

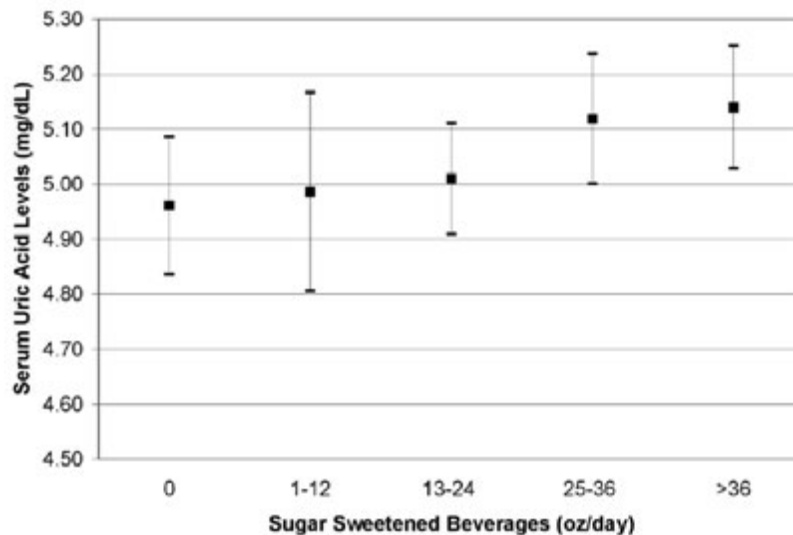


Figure 1.
Sample mean of serum uric acid with 95% confidence intervals by categories of sugar sweetened beverage consumption adjusted for age, race/ethnicity, sex, total calories, BMI z-score, alcohol, smoking, dietary fiber intake, diet beverage consumption, and milk consumption. *P* for trend = 0.01

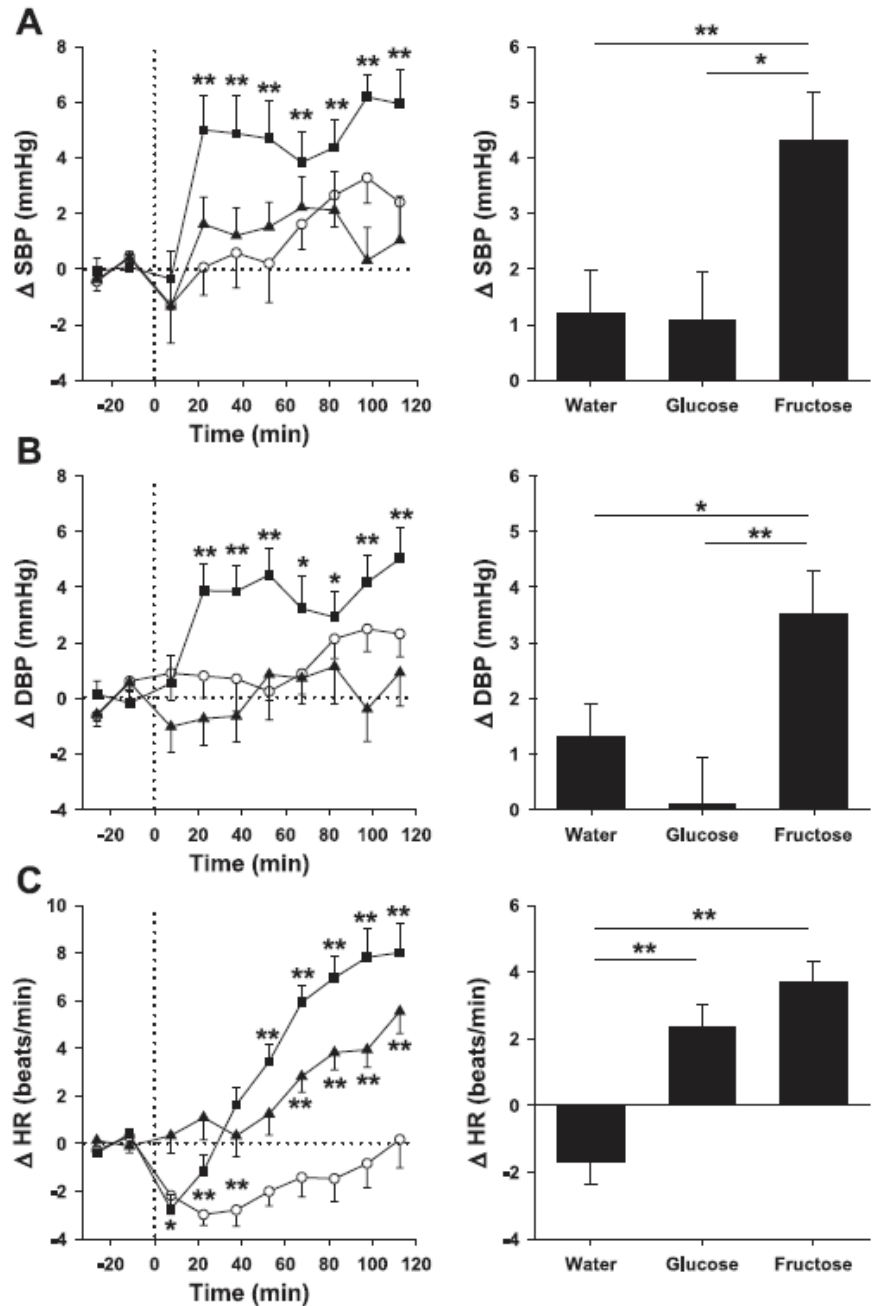
98. In one study, 15 healthy men drank 500 ml water containing either no sugar, 60 grams of fructose, or 60 grams of glucose. Blood pressure, metabolic rate, and autonomic nervous system activity were measured for 2 hours. While the administration of fructose was associated with an increase in both systolic and diastolic blood pressure, blood pressure did not rise in response to either water or glucose ingestion, as demonstrated in the chart below.⁷⁹

⁷⁷ Dhingra, Cardiometabolic Risk, *supra* n.30.

⁷⁸ Nguyen, Serum Uric Acid, *supra* n.22.

⁷⁹ Brown, C.M., et al., "Fructose ingestion acutely elevates blood pressure in healthy young humans," *Am. J. Physiol. Regul. Integr. Compl. Physiol.*, Vol. 294, R730-37 (2008).

Fig. 1. Time course of the systolic blood pressure (SBP; A), diastolic blood pressure (DBP; B), and heart rate (HR; C) changes (left) and mean responses (right) to drinking water (○), glucose (▲), and fructose (■). * $p < 0.05$ and ** $p < 0.01$, statistically significant differences over time from baseline values (left) and differences between responses to the drinks (right).



99. In another study, more than 40 overweight men and women were supplemented for 10 weeks with either sucrose or artificial sweeteners. The sucrose group saw an increase in systolic and diastolic blood pressure, of 3.8 and 4.1 mm Hg, respectively, while the artificial sweetener group saw a decrease in systolic and diastolic blood pressure, of 3.1 and 1.2 mm Hg, respectively.⁸⁰

⁸⁰ Raben, *Sucrose vs. Artificial Sweeteners*, *supra* n.62.

100. Another study took a variety of approaches to measuring the association between sugar intake and blood pressure, concluding that an increase of 1 serving of sugar-sweetened beverages per day (*i.e.*, 140-150 calories, and 35-37.5 grams of sugar) was associated with systolic/diastolic blood pressure differences of +1.6 and +0.8 mm Hg (and +1.1/+0.4 mm Hg with adjustment for height and weight), while an increase of 2 servings results in systolic/diastolic blood pressure differences of +3.4/+2.2, demonstrating that the relationship is direct and linear.⁸¹

9. Excess Sugar Consumption is Associated with Alzheimer's Disease, Dementia, and Cognitive Decline

101. In a study of over 2,000 participants over 6.8 years, researchers found that higher average glucose levels within the preceding 5 years (115 mg/dL compared to 100 mg/dL) were related to an 18% increased risk of dementia among those without diabetes. For those with diabetes, higher average glucose levels (190 mg/dL compared to 160 mg/dL) were related to a 40% increased risk of dementia.⁸²

102. "To evaluate a possible association between fructose mediated metabolic changes and cognitive behaviour," researchers "assessed the correlation of serum triglyceride and insulin resistance levels with memory," and "found a positive correlation between serum triglyceride levels and insulin resistance index . . . , which indicates that increased serum triglyceride levels may contribute to increase[d] insulin resistance" And researchers "found that the latency time varied in proportion to the insulin resistance . . . , which suggests that memory performance may rely on levels of insulin resistance"⁸³

⁸¹ Brown, I.J., et al., "Sugar-Sweetened Beverage, Sugar Intake of Individuals, and Their Blood Pressure: International Study of Macro/Micronutrients and Blood Pressure," *Hypertension*, Vol. 57, 695-701 (2011).

⁸² Crane, P.K., et al., "Glucose Levels and Risk of Dementia," *New England Journal of Medicine*, Vol. 369, No. 6, 540-48 (2013).

⁸³ Agrawal, R., et al., "'Metabolic syndrome' in the brain: deficiency in omega-3 fatty acid exacerbates dysfunctions in insulin receptor signaling and cognition," *Journal of Physiology*, Vol. 590, No. 10, 2485-99, at 2489 (2012).

10. Excess Sugar Consumption is Linked to Some Cancers

103. In a population-based case-control study involving 424 cases and 398 controls, women in the highest quartile of added sugar intake had an 84% greater risk of endometrial cancer.⁸⁴ Similarly, in a study of patients with stage 3 colon cancer, those in the highest quintile of glycemic load experienced worsening in disease-free survival of approximately 80% compared to those in the lowest quintile.⁸⁵

104. A population based case-control study on Malaysian women found a significant, two-fold increased risk of breast cancer among premenopausal and postmenopausal women in the highest quartile of sugar intake.⁸⁶

105. A prospective epidemiological study of nearly 45,000 cancer cases among 436,000 participants aged 50-71, found added sugars were positively associated with risk of esophageal adenocarcinoma; added fructose was associated with risk of small intestine cancer; and all investigated sugars were associated with increased risk of pleural cancer.⁸⁷

GENERAL MILLS' MARKETING & SALE OF HIGH-SUGAR FOODS

106. General Mills is the world's sixth-largest food company, with a wide range of highly-recognizable brands.

107. Among General Mills' largest brands are its cereals, including mega-brand Cheerios. In fact, General Mills' Honey Nut Cheerios was the best-selling cereal in the U.S.

⁸⁴ King, M.G., et al., "Consumption of Sugary Foods and Drinks and Risk of Endometrial Cancer," *Cancer Causes Control*, Vol. 24, No. 7, 1427-36 (July 2013).

⁸⁵ Meyerhardt, J.A., et al. "Association of dietary patterns with cancer recurrence and survival in patients with stage III colon cancer," *Journal of the American Medical Association*, Vol. 298, 754-64 (2007).

⁸⁶ Sulaiman, S., et al., "Dietary carbohydrate, fiber and sugar and risk of breast cancer according to menopausal status in Malaysia," *Asian Pacific Journal of Cancer Prevention*, Vol. 15, 5959 (2014)

⁸⁷ Tasevska, N., et al., "Sugars in diet and risk of cancer in the NIH-AARP Diet and Health Study," *International Journal of Cancer*, Vol. 130, No. 1, 159-69 (Jan. 1, 2012)

1 in 2015, with sales of \$502.2 million, representing a 5.6% share of the \$8.9 billion U.S. cereal
2 market. General Mills also had the fourth-best selling cereal in 2015, Cinnamon Toast
3 Crunch, with \$359.4 million in sales representing a 4.0% share of the market.

4 108. In 2014, the cereal industry used 816 million pounds of sugar, or about 2.5 lbs.
5 for each of the 318.9 million people in the U.S. in 2014. That is 1,134 grams per person, or 3
6 grams per person, per day, for every man, woman, and child in the U.S. That totals more than
7 **361 billion** grams of sugar in one year.

8 109. In addition to cereals, General Mills manufactures, markets, and sells other foods
9 including, relevant here, granolas and breakfast bars under its popular brand, Nature Valley.

10 110. During the last decade, as consumer interest in healthy eating has grown, and
11 based on sophisticated consumer research, General Mills has intentionally positioned itself in
12 the market as a manufacturer of purportedly “healthy” cereals and other processed foods, by
13 using various labeling statements to suggest its foods are healthy choices.

14 111. Many of General Mills’ cereals and bars, however, contain high amounts of
15 sugar, such that their regular consumption is likely to contribute to excess added sugar
16 consumption and, thereby, increased risk for and contraction of chronic disease.

17 112. As with any company of General Mills’ size, and with as many products, General
18 Mills makes occasional changes in product offerings (for example, discontinuing or
19 introducing new products or varieties), product formulations, and product labeling and
20 packaging.

21 113. Regardless of such changes, however, during the previous four years and dating
22 back even further, General Mills has maintained, and to this day actively maintains a policy
23 and practice of labeling high-sugar foods—those that contribute significantly more than 5%
24 of calories from sugar, and thus whose regular consumption is likely to contribute to increased
25 risk for, and contraction of chronic disease—with various health and wellness claims that
26 suggest its foods are healthy, when they are not.

27 114. General Mills bolsters this practice with websites dedicated to the products that
28 repeat and in some instances state even more aggressive health and wellness claims.

115. This policy and practice is apparent in General Mills’ consistent use of certain words and phrases across many products, flavors, varieties, and labels. For example, this Complaint details a *non-exclusive* set of misleading statements made in the labeling of 52 different General Mills food products. Among those statements:

- a. The phrase “whole grain” appears more than 300 times.
- b. The word “fiber” appear more than 75 times.
- c. The word “protein” appears at least 50 times.
- d. The word “nourish” or “nourishing” appears at least 60 times.
- e. The word “goodness” appears at least 35 times.
- f. The phrase “no high fructose corn syrup” appears more than 25 times.
- g. Statements suggesting the products provide “sustained” or “long-lasting” “energy” appear more than 20 times.
- h. Phrases incorporating the use of the word “start” appear more than 20 times (such as “Start their day on an upnote,” “A GREAT START TO YOUR DAY!,” “kick-starting the day with long-lasting energy,” etc.).
- i. The word “healthy” appears at least 20 times.
- j. The word “nutritious” or “nutrition” appears more than 15 times.
- k. Statements conveying the concept of “feeling full” appear at least 15 times.
- l. Statements addressing body weight appear at least 10 times.
- m. The word “simple” appears more than 10 times.
- n. The phrase “lightly sweetened” appears at least 10 times.
- o. The word “wholesome” appears more than 10 times.
- p. The phrase “wholesome goodness” appears at least 5 times.
- q. The word “grow” or “growing” us used in connection with children more than 5 times.
- r. The phrase “touch of” is used at least 5 times in connection with sweeteners.

116. Although plaintiffs were victims of General Mills’ longtime and general policy and practice with respect to the foods they purchased and labels they saw, this Complaint and their claims are not so limited; rather, plaintiffs seek through this lawsuit to enjoin General Mills’ *policy and practice generally*, including but not necessarily limited to the products, labels, and label claims challenged herein.

117. In fact, plaintiffs have enjoyed General Mills’ products in the past. If they could be assured through prospective injunctive relief that, if a General Mills food label sets forth health and wellness claims, the product does *not* contain excess sugar, they would consider purchasing General Mills products bearing such claims in the future.

118. Further, if plaintiffs could be assured that *unhealthy* General Mills foods—those high in added sugar—are appropriately priced, rather than artificially inflated in price due to General Mills’ use of false or misleading health and wellness claims, plaintiffs might, under certain circumstances, consider purchasing such General Mills foods in the future, “eyes wide open,” for example to consume in careful moderation as a reward or treat, to accommodate food allergies or preferences for guests, or due to cost, convenience, or circumstances beyond control, such as when only certain food is available.

119. The products that are the subject of this Complaint and examples of General Mills’ policy and practice of marketing high-sugar foods with misleading health and wellness claims, are the following:

a. General Mills Cheerios

- (i.) *Honey Nut*
- (ii.) *Apple Cinnamon*
- (iii.) *Frosted*
- (iv.) *Yogurt Burst Strawberry Flavored*
- (v.) *Fruity*
- (vi.) *Banana Nut*
- (vii.) *Multi-Grain*
- (viii.) *Chocolate*
- (ix.) *Cinnamon Burst*
- (x.) *Dulce de Leche*
- (xi.) *Multi-Grain Peanut Butter*
- (xii.) *Multi-Grain Dark Chocolate Crunch*

- (xiii.) *Honey Nut Medley Crunch*
- (xiv.) *Protein - Oats & Honey*
- (xv.) *Protein - Cinnamon Almond*
- (xvi.) *Cheerios + Ancient Grains*

b. General Mills Fiber One

- (i.) *Raisin Bran Clusters*
- (ii.) *Honey Clusters*
- (iii.) *Nutty Clusters & Almonds*
- (iv.) *Protein Maple Brown Sugar*
- (v.) *Protein Cranberry Almond*

c. General Mills Chex Cereal

- (i.) *Chocolate*
- (ii.) *Cinnamon*
- (iii.) *Honey Nut*
- (iv.) *Vanilla*
- (v.) *Apple Cinnamon*

d. Single- or Limited- Variety General Mills Cereals

- (i.) *Basic 4*
- (ii.) *Raisin Nut Bran*
- (iii.) *Oatmeal Crisp - Crunchy Almond & Hearty Raisin*

e. Children's Cereals

- (i.) *Honey Kix*
- (ii.) *Tiny Toast – Strawberry & Blueberry*
- (iii.) *Cinnamon Toast Crunch*
- (iv.) *Cocoa Puffs*
- (v.) *Lucky Charms*
- (vi.) *Trix*
- (vii.) *Reese's Puffs*

f. Nature Valley Breakfast Biscuits

- (i.) *Blueberry*
- (ii.) *Honey*
- (iii.) *Lemon Poppy Seed*
- (iv.) *With Peanut Butter*
- (v.) *With Almond Butter*

g. Nature Valley Soft-Baked Oatmeal Squares

- (i.) *Blueberry*
- (ii.) *Cinnamon Brown Sugar*
- (iii.) *Peanut Butter*
- (iv.) *Banana Bread Dark Chocolate*

h. Nature Valley Crunchy Granola Protein

- (i.) *Oats 'N Dark Chocolate*
- (ii.) *Oats 'N Honey*
- (iii.) *Cranberry Almond*
- (iv.) *Peanut Butter*
- (v.) *Peanut Butter 'N Dark Chocolate*

120. Although discussed more specifically below, annexed to this Complaint as **Appendix 1** is a table setting forth for each challenged product:

- a. the health and wellness labeling claims plaintiffs challenge as misleading;
- b. the forms of sweeteners (added sugars) used;
- c. the amount of sugar in each serving;
- d. the proportion of sugar by weight in each serving;
- e. the proportion of the product's calories from that sugar; and
- f. the contribution of the product's sugar to the AHA's maximum recommended daily added sugar intake for men (M), women (W), and children (C).

121. The information set forth in Appendix 1 is made on the best information available at the time of filing. However, in certain cases some aspects of the table in Appendix 1 may be incomplete or inaccurate. Plaintiffs expressly reserve the right to amend their specific challenges, following discovery, based on information currently exclusively in General Mills' possession, custody, and control.

A. Cheerios

122. General Mills introduced Cheerios cereal on May 1, 1941 as CheeriOats, changing the name in 1945. In 1976, General Mills expanded the line for the first time by adding Cinnamon Nut Cheerios, then introduced a second spin-off in 1979, Honey Nut Cheerios. Since then, General Mills has added more than 20 different varieties to its Cheerios

brand, some of which General Mills has discontinued.

1. *Honey Nut*

123. Two recent versions of the packaging of *Honey Nut Cheerios* are pictured below.



124. The packaging of *Honey Nut Cheerios* has made at least the following labeling claims suggesting, both individually and especially in the context of the label as a whole, that the product is healthy:

a. “CAN HELP lower CHOLESTEROL”

b. “what’s your Heart Health I.Q.? / You’re already pretty smart for discovering that great tasting Honey Nut Cheerios cereal can also help take care of your heart. But eating Honey Nut Cheerios is just one part of living a healthy lifestyle. How high is your Heart Health I.Q.? / Take this quiz and find out. / For each question, answer **True** or **False**. / (1) HDL is often called ‘good cholesterol’ / (2) All adults age 20 or older should have their cholesterol levels checked at least once every 5 years. / (3) The soluble fiber in oats can help naturally lower your cholesterol. / (4) If it tastes great, it must be bad for you. / (5) Sore joints are a sign of high cholesterol. / Answer Key: 1T, 2T, 3T, 4F, 5F. / SCORE (number correct): / 1-2 Maybe you should visit

HoneyNutCheerios.com / 3-4 You know how to keep your heart happy / 5 Are you a cardiologist? / **Visit HoneyNutCheerios.com for more information about this quiz and to improve your Heart Health I.Q.”**

- c. Heart vignettes
- d. “Certified by the American Heart Association”
- e. “With Whole Grain First Ingredient”
- f. “More Whole Grain than any other ingredient!”
- g. “first ingredient WHOLE GRAIN OATS”
- h. Whole Grains Council Stamp
- i. “THIS CEREAL CONTAINS 14g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”
- j. “Gluten Free / SIMPLY MADE . . . GROWN MILLED TOASTED”
- k. “Our mission is nourishing lives”

2. *Apple Cinnamon*

125. General Mills first introduced *Apple Cinnamon Cheerios* in 1988. Two recent versions of the packaging are pictured below.



126. The packaging of *Apple Cinnamon Cheerios* has made at least the following claims suggesting, both individually and especially in the context of the label as a whole, that the product is healthy:

- a. “CAN HELP lower CHOLESTEROL”
- b. “Flavors your heart will Love!”
- c. “It’s the sweet combination of baked-in apples and a daring amount of cinnamon that makes Apple Cinnamon Cheerios cereal the easy choice for your happy, healthy family.”
- d. “With Whole Grain First Ingredient”
- e. “first ingredient WHOLE GRAIN OATS”
- f. Whole Grains Council Stamp
- g. “THIS CEREAL CONTAINS 14g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”
- h. “Did you Know? / THE USDA RECOMMENDS looking for products that name whole grain first on the ingredient list. Go to www.choosemyplate.gov for more information. / Now, all General Mills Big G Cereals Have More Whole Grain than any other ingredient. / That’s why it’s first on the ingredient list!”
- i. “It’s easy to get whole grain – all your favorite General Mills Big G cereals have it.”
- j. “Gluten Free / SIMPLY MADE . . . GROWN MILLED TOASTED”
- k. “wholesome GOODNESS”
- l. “12 VITAMINS and MINERALS”
- m. “Our mission is nourishing lives”

3. *Frosted*

127. General Mills introduced *Frosted Cheerios* in 1995. Two recent versions of the packaging are pictured below.



128. The packaging of *Frosted Cheerios* has made at least the following claims suggesting, both individually and especially in the context of the label as a whole, that the product is healthy:

- a. “CAN HELP lower CHOLESTEROL”
- b. “Flavors your heart will love!”
- c. “With Whole Grain First Ingredient”
- d. “first ingredient WHOLE GRAIN OATS”
- e. “More WHOLE GRAIN than any other ingredient!”
- f. Whole Grains Council Stamp
- g. “THIS CEREAL CONTAINS 14g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”
- h. “Gluten Free / SIMPLY MADE . . . GROWN MILLED TOASTED”

- i. “wholesome GOODNESS”
- j. “12 VITAMINS and MINERALS”
- k. “Our mission is nourishing lives”

4. *Yogurt Burst Strawberry Flavor*

129. General Mills introduced *Yogurt Burst Strawberry Flavor Cheerios* in 2005. Recent packaging is pictured below.



130. The packaging of *Yogurt Burst Strawberry Flavor Cheerios* has made at least the following labeling claims suggesting, both individually and especially in the context of the label as a whole, that the product is healthy:

- a. “Whole Grain Guaranteed”
- b. “With Whole Grain First Ingredient”
- c. Whole Grains Council Stamp
- d. “Eat 48g or More of Whole grains Daily”
- e. “Kids Love the Great Taste, Moms Love the Calcium & Vitamin D for Strong Bones.”

f. “Did you know that Vitamin D is necessary to help your body absorb calcium? Help your family build and maintain strong bones while enjoying the delicious taste of Cheerios cereal.”

g. “A whole grain food is made by using all three parts of the grain. General Mills guarantees that every box of Big G cereal has at least 8 grams of whole grain per serving (48 grams recommended daily).”

h. “www.wholegrainnation.com”

i. “Please visit www.generalmills.com/health”⁸⁸

5. Fruity

131. General Mills introduced *Fruity Cheerios* in 2006. Two recent versions of the packaging are pictured below.



⁸⁸ This website is incorporated into General Mills’ labeling of Banana Nut Cheerios, and is discussed further below at ¶¶ 292-297.



132. The packaging of *Fruity Cheerios* has made at least the following labeling claims suggesting, both individually and especially in the context of the label as a whole, that the product is healthy:

- a. “Flavors your heart will Love!”
- b. “With Whole Grain First Ingredient”
- c. “More whole grain than any other ingredient”
- d. Whole Grains Council Stamp
- e. “THIS CEREAL CONTAINS 16g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”
- f. “GENERAL MILLS IS ON A JOURNEY TO ALWAYS MAKE OUR CEREALS BETTER / [. . .] That’s Why / FRUITY CHEERIOS HAS / [. . .] No high fructose corn syrup / whole grain as the first ingredient”
- g. “Treat yourself to a better night time snack.”
- h. “The Simple Joys of Cheerios. It’s the simple things in life that bring us

the most joy. [. . .] Cheerio's is another. It's made with simple ingredients. No artificial flavors, colors from artificial sources or high fructose corn syrup. Just whole grain goodness that's simply delicious spoonful after spoonful. What's also O-so-wonderful is knowing Cheerios comes in a variety of good flavors so everyone is sure to find their happy taste."

i. "we are committed to nourishing lives"

6. *Banana Nut*

133. General Mills introduced *Banana Nut Cheerios* in 2009. Recent packaging is pictured below.



134. The packaging of *Banana Nut Cheerios* has made at least the following claims suggesting, both individually and especially in the context of the label as a whole, that the product is healthy:

- a. "Flavors your heart will Love!"
- b. "Flavored with Real Banana"
- c. "with Whole Grain Guaranteed"
- d. "More WHOLE GRAIN than any other ingredient!"
- e. "THIS CEREAL CONTAINS 17g WHOLE GRAIN PER SERVING / At

1 least 48 grams recommended daily / A whole grain food is made by using all three
 2 parts of the grain. All General Mills Big G cereals contain more whole grain than any
 3 other single ingredient.”

4 f. Whole Grains Council Stamp

5 g. “Did you Know? / THE USDA RECOMMENDS looking for products
 6 that name whole grain first on the ingredient list. Go to www.choosemyplate.gov for
 7 more information. / Now, all General Mills Big G Cereals Have More Whole Grain
 8 than any other ingredient. / That’s why it’s first on the ingredient list!”

9 h. “It’s easy to get whole grain – all your favorite General Mills Big G
 10 cereals have it.”

11 i. “Our mission is nourishing lives”

12 j. “we are committed to nourishing lives”

13 k. “Please visit www.GeneralMills.com/health”

14 7. *Multi-Grain*

15 135. General Mills originally introduced *Multi-Grain Cheerios* in 1992, but later
 16 discontinued it. General Mills, however, relaunched the product in 2009. Recent packaging
 17 is pictured below.



136. The packaging of *Multi-Grain Cheerios* has made at least the following claims suggesting, both individually and especially in the context of the label as a whole, that the product is healthy:

- a. “MAY reduce THE RISK OF HEART DISEASE”
- b. American Heart Association certification
- c. “Be sure to pack plenty of Os as a healthy snack”
- d. “It’s never too early to get them on a healthy diet”
- e. “With Whole Grain First Ingredient”
- f. “First Ingredient Whole Grain”
- g. “5 Whole Grains”
- h. “made with 5 Whole Grains”
- i. “5 Lightly Sweetened Whole Grains in every bowl!”
- j. “THIS CEREAL CONTAINS 20g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”
- k. Whole Grains Council Stamp
- l. “Gluten Free / SIMPLY MADE . . . GROWN MILLED TOASTED”
- m. “Lightly Sweetened”
- n. “Wholesome Goodness”
- o. “12 vitamins and minerals”
- p. “No high fructose corn syrup”
- q. “Watch them grow with the power of 5 whole grains”
- r. “After breakfast, let those whole grains help fuel some family fun”
- s. “Start their day on an upnote”
- t. “I love looking my best. That’s why I lead a healthy lifestyle and make Multi-Grain Cheerios cereal a part of my sensible diet. People who choose more whole grain tend to weigh less than those who don’t. With 20 grams of whole grain and 110

lightly-sweetened calories, Multi-Grain Cheerios is a delicious way to help me look fabulous! More Grains. LESS YOU!”

u. “The Cheerios family of brands helps nourish the lives of young children”

v. “Our mission is Nourishing Lives”

w. “we are committed to nourishing lives”

8. *Chocolate*

137. General Mills introduced *Chocolate Cheerios* in 2010. Recent packaging is pictured below.



138. The packaging of *Chocolate Cheerios* has made at least the following labeling claims suggesting, both individually and especially in the context of the label as a whole, that the product is healthy:

- a. “May Reduce the Risk of Heart Disease”
- b. “Flavors your heart will Love!”
- c. “A Perfect Balance / Whole Grain Goodness & Delicious Chocolate Taste! / Enjoy new Chocolate Cheerios cereal, a perfect balance of whole grain goodness and a delicious touch of chocolate taste in every bite. One delightful serving of Chocolate Cheerios has 9 grams of sugar and is a heart-healthy choice for your whole family. A great combination that will make you and your family smile.”
- d. “Ready to brighten up breakfast? Heart-healthy cheerios cereals deliver nutrition you can trust and whole grain goodness in every serving”
- e. “With Whole Grain Guaranteed”
- f. “THIS CEREAL CONTAINS 15g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”
- g. Whole Grains Council Stamp
- h. “Great Taste Your Family Will Love, with the Goodness of Cheerios!”

9. *Cinnamon Burst*

139. General Mills introduced *Cinnamon Burst Cheerios* in 2011. Recent packaging is pictured below.

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140. The packaging of *Cinnamon Burst Cheerios* has made at least the following labeling claims suggesting, both individually and especially in the context of the label as a whole, that the product is healthy:

- a. “with Whole Grain Guaranteed”
- b. “With Whole Grain First Ingredient”
- c. “20% DAILY VALUE OF FIBER”
- d. “THIS CEREAL CONTAINS 17g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”
- e. Whole Grains Council Stamp
- f. “Treat yourself to a better night time snack.”
- g. “Our mission is nourishing lives.”
- h. “we are committed to nourishing lives”

10. *Dulce de Leche*

141. General Mills introduced *Dulce de Leche Cheerios* in 2012. Recent packaging is pictured below.



142. The packaging of *Dulce de Leche Cheerios* has made at least the following labeling claims suggesting, both individually and especially in the context of the label as a whole, that the product is healthy:

- a. “Dulce de Leche Cheerios delivers nutrition you can trust”
- b. “It’s a deliciously smart choice for everyone at your breakfast table”
- c. “a breakfast that not only tastes good, but is good for you”
- d. “The Goodness of Cheerios”
- e. “Treat yourself to a better night time snack.”
- f. “With Whole Grain First Ingredient”
- g. “THIS CEREAL CONTAINS 17g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any

other single ingredient.”

- h. Whole Grains Council Stamp
- i. “Lightly Sweetened”
- j. “Sweet touch of caramel”
- k. “Our mission is nourishing lives.”
- l. “we are committed to nourishing lives”

11. *Multi-Grain Peanut Butter*

143. General Mills introduced *Multi-Grain Peanut Butter Cheerios* in around 2012. Recent packaging is pictured below.



144. The packaging of *Multi-Grain Peanut Butter Cheerios* has made at least the following labeling claims suggesting, both individually and especially in the context of the label as a whole, that the product is healthy:

- a. “With Whole Grain First Ingredient”
- b. “5 Whole Grains”
- c. “More grains. Less you! / 110 calories and 16 grams of whole grain as part of a sensible diet can help you manage weight.”
- d. “Slimming waist” design
- e. “THIS CEREAL CONTAINS 17g WHOLE GRAIN PER SERVING / At

1 least 48 grams recommended daily / A whole grain food is made by using all three
 2 parts of the grain. All General Mills Big G cereals contain more whole grain than any
 3 other single ingredient.”

4 f. Whole Grains Council Stamp

5 g. “WE BELIEVE IN THE GOODNESS OF WHOLE GRAIN CEREAL.
 6 Cereal is packed with nutrients and contains complete grains, which can help fuel your
 7 morning. That’s why WHOLE GRAIN is the FIRST INGREDIENT in ALL Big G
 8 cereals and why Multi-Grain Cheerios Peanut Butter / Is made with real peanut butter
 9 / Has no high fructose corn syrup / Has 12 vitamins and minerals”

10 h. Another feel good flavor”

11 i. “New! Multi-Grain Cheerios Peanut Butter cereal makes my world feel
 12 like some big wonderful whirl of peanut butter taste. And it offers 16 grams of whole
 13 grain in every 110 calorie bowl. It’s easier than ever to help keep me feeling fit and
 14 fabulous. Whole Grain never felt or tasted this great.”

15 j. “More Grains. LESS YOU! / People who choose more whole grains tend
 16 to weigh less than those who don’t.”

17 k. “Our mission is nourishing lives.”

18 l. “we are committed to nourishing lives”

19 **12. Multi-Grain Dark Chocolate Crunch**

20 145. Recent packaging of *Multi-Grain Dark Chocolate Crunch Cheerios* is pictured
 21 below.

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146. The packaging of *Multi-Grain Dark Chocolate Crunch Cheerios* has made at least the following labeling claims suggesting, both individually and especially in the context of the label as a whole, that the product is healthy:

- a. “With Whole Grain First Ingredient”
- b. “with 5 Whole Grains”
- c. “THIS CEREAL CONTAINS 15g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”
- d. Whole Grains Council Stamp
- e. “Another feel good flavor”
- f. “a world of goodness in every delicious O.”
- g. “Savor every single bite of dark chocolatey, 5 whole grain deliciousness. A spoonful of crunch. A bite of surprise. The perfect amount of sweet. New Multi-Grain Cheerios Dark Chocolate Crunch brings together the just-right O’s to deliver a whole world of goodness.”

- h. “Our mission is nourishing lives.”
- i. “we are committed to nourishing lives”

13. Honey Nut Medley Crunch

147. Recent packaging of *Honey Nut Medley Crunch Cheerios* is pictured below.



148. The packaging of *Honey Nut Medley Crunch Cheerios* has made at least the following labeling claims suggesting, both individually and especially in the context of the label as a whole, that the product is healthy:

- a. “Can Help Lower Cholesterol”
- b. “One spoonful of new Honey Nut Cheerios Medley Crunch cereal will totally make your heart sing. So go ahead and enjoy another heart-healthy way to start your day.”
- c. “With Whole Grain First Ingredient”
- d. “first ingredient WHOLE GRAIN OATS”
- e. “THIS CEREAL CONTAINS 17g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”
- f. “19g WHOLE GRAIN PER SERVING / AT LEAST 48G RECOMMENDED DAILY”
- g. Whole Grains Council Stamp
- h. “with Real Honey”
- i. “Clusters made with Real Almond Slices”
- j. “WE BELIEVE IN THE GOODNESS OF WHOLE GRAIN CEREAL. Cereal is packed with nutrients and contains complete grains, which can help fuel your morning. That’s why WHOLE GRAIN is the FIRST INGREDIENT in ALL Big G cereals and why Honey Nut Medley Crunch Cheerios / Oats are the first ingredient / Is made with real honey / Has NO high fructose corn syrup / Can help lower cholesterol”
- k. “Treat yourself to a better night time snack.”
- l. “get up and go with THE POWER OF OATS”
- m. “Goodness first.”
- n. “Our mission is nourishing lives.”
- o. “we are committed to nourishing lives”

14. Protein – Oats & Honey

149. General Mills introduced Cheerios Protein in 2014. Recent packaging of *Cheerios Protein – Oats & Honey* is pictured below.



150. The packaging of *Cheerios Protein – Oats & Honey* has made at least the following labeling claims suggesting, both individually and especially in the context of the label as a whole, that the product is healthy:

- a. “Real Honey”
- b. “A GREAT START TO YOUR DAY!”
- c. “14 vitamins & minerals”
- d. Whole Grains Council Stamp
- e. “11g protein with milk”
- f. “WE BELIEVE IN THE GOODNESS OF WHOLE GRAIN CEREAL.

Cereal is packed with nutrients and contains complete grains, which can help fuel your morning. That’s why WHOLE GRAIN is the FIRST INGREDIENT in ALL Big G cereals and why Cheerios Protein Oats & Honey / Is a good source of protein: 11g with milk / [. . .] / Made with 100% Whole Grain” / Has 14 vitamins and minerals”

- g. “Our mission is nourishing lives.”
- h. “we are committed to nourishing lives”

15. *Protein – Cinnamon Almond*

151. Recent packaging of *Cheerios Protein – Cinnamon Almond* is pictured below.



152. The packaging of *Cheerios Protein – Cinnamon Almond* has made at least the following labeling claims suggesting, both individually and especially in the context of the label as a whole, that the product is healthy:

- a. "A GREAT START TO YOUR DAY!"
- b. "13 vitamins & minerals"
- c. Whole Grains Council Stamp
- d. "11g protein with milk"
- e. "WE BELIEVE IN THE GOODNESS OF WHOLE GRAIN CEREAL. Cereal is packed with nutrients and contains complete grains, which can help fuel your morning. That's why WHOLE GRAIN is the FIRST INGREDIENT in ALL Big G cereals and why Cheerios Protein Cinnamon Almond / Is a good source of protein: 11g with milk / [. . .] / Has 13 vitamins and minerals"
- f. "Another great way to KICK-START your day!"
- g. "WHAT WOULD YOU DO WITH LONG-LASTING ENERGY? / START YOUR school day right? / go to the BEACH FOR A SPLASH? / GIVE A SPONTANEOUS shoulder ride?"
- h. "LONG-LASTING ENERGY YOUR WHOLE FAMILY WILL LOVE!"
- i. "You can see the energy when you pour a bowl of Cheerios Protein. Our toasted whole grain O's, combined with real cinnamon and crunchy almond granola clusters come together in delicious harmony that will help keep you going. Your whole family will love kick-starting the day with long-lasting energy that is IRRESISTIBLY DELICIOUS."
- j. "Our mission is nourishing lives."
- k. "we are committed to nourishing lives"

16. *Cheerios + Ancient Grains*

153. Recent packaging of *Cheerios + Ancient Grains* is pictured below.

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154. The packaging of *Cheerios Ancient Grains* has made at least the following labeling claims suggesting, both individually and especially in the context of the label as a whole, that the product is healthy:

- a. “may REDUCE THE RISK OF Heart Disease”
- b. “Cheerios + Ancient Grains offers a great deal of health benefits with a taste your whole family will love”
- c. “17g of whole grain”
- d. “oats + quinoa”
- e. “KAMUT wheat”
- f. “spelt”
- g. “Spelt = SWEET, HAZELNUT TASTE”
- h. “Lightly Sweetened”
- i. “Cheerios + Ancient Grains PROVIDES / FIRST INGREDIENT WHOLE GRAIN OATS + 12 VITAMINS & MINERALS + 17g WHOLE GRAIN / AT LEAST 48g RECOMMENDED DAILY”

j. “Our mission is nourishing lives.”

k. “we are committed to nourishing lives”

B. Fiber One

1. Raisin Bran Clusters

155. Two recent versions of the packaging of *Fiber One Raisin Bran Clusters* are depicted below.



156. The packaging of *Fiber One Raisin Bran Clusters* has made at least the following labeling claims suggesting, both individually and especially in the context of the label as a whole, that the product is healthy:

- “With Whole Grain First Ingredient”
- “2x The Fiber of Kellogg’s Raisin Bran Crunch”
- “HELPS KEEP YOU FULL THROUGHOUT THE MORNING!”
- “Whole Grain First Ingredient”
- “THIS CEREAL CONTAINS 26g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”

- f. Whole Grains Council Stamp
- g. “Fiber-licious / Okay, we made it up, but that single sort-of word says it all about Fiber One cereal. Open a box to reveal crunchy deliciousness, along with at least 35% of the Daily Value of fiber per serving for any of our great-tasting cereal products. Plus every one of our Fiber One cereals contains at least 10 grams of whole grain. And with many delightful fiber-packed flavors, your taste buds will never know how well you’re eating.”
- h. “Just the Facts: / Fiber can help satisfy your appetite and manage your weight. Fiber can help keep your digestive system on track. 9 out of 10 Americans aren’t getting the recommended amount of fiber.”
- i. “Research suggests that people who have higher fiber intakes tend to have healthier body weights.”
- j. “Most people know that fiber helps promote a healthy digestive system. But did you know that fiber also helps keep you full? With the high fiber in many Fiber One cereals to help curb your appetite, you’ll be more likely to say ‘no thank-you’ whenever mid-morning temptation strikes.”
- k. “Take the Fiber One challenge. Eat any of the Fiber One cereals with 40% or more of the DV of fiber for a week, and see if you feel the difference that high fiber can make!”
- l. “Try these Onederful flavors to help you feel full.”
- m. “Lightly Sweetened”
- n. “No High Fructose Corn Syrup”
- o. “Our Mission is Nourishing Lives.”
- p. “we are committed to nourishing lives”

2. *Honey Clusters*

157. Two recent versions of the packaging of *Fiber One Honey Clusters* are depicted below.



158. The packaging of *Fiber One Honey Clusters* has made at least the following labeling claims suggesting, both individually and especially in the context of the label as a whole, that the product is healthy:

- a. “With Whole Grain First Ingredient”
- b. “HELPS KEEP YOU FULL THROUGHOUT THE MORNIING!”
- c. “Whole Grain First Ingredient”
- d. “THIS CEREAL CONTAINS 27g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”
- e. Whole Grains Council Stamp
- f. “Fiber-licious / Okay, we made it up, but that single sort-of word says it all about Fiber One cereal. Open a box to reveal crunchy deliciousness, along with at least 35% of the Daily Value of fiber per serving for any of our great-tasting cereal products. Plus every one of our Fiber One cereals contains at least 10 grams of whole grain. And with many delightful fiber-packed flavors, your taste buds will never know how well you’re eating.”
- g. “Just the Facts: / Fiber can help satisfy your appetite and manage your weight. Fiber can help keep your digestive system on track. 9 out of 10 Americans aren’t getting the recommended amount of fiber.”
- h. “Research suggests that people who have higher fiber intakes tend to have healthier body weights.”
- i. “Most people know that fiber helps promote a healthy digestive system. But did you know that fiber also helps keep you full? With the high fiber in many Fiber One cereals to help curb your appetite, you’ll be more likely to say ‘no thank-you’ whenever mid-morning temptation strikes.”
- j. “Take the Fiber One challenge. Eat any of the Fiber One cereals with 40% or more of the DV of fiber for a week, and see if you feel the difference that high fiber

can make!”

k. “Fiber One. Try these Onederful flavors to help you feel full.”

l. “Lightly Sweetened”

m. “Fiber One: One simple weight loss step – that tastes great!”

n. “Eating a breakfast high in fiber helps you to feel full throughout the morning, which may help you stick to your weight loss plan! Fiber One has many delicious cereal varieties that help you get the fiber you need in a flavor you love. Fiber is a ‘Onederful’ thing.”

o. Weight Watchers sponsorship

p. “Our Mission is Nourishing Lives.”

q. “we are committed to nourishing lives”

3. *Nutty Clusters & Almonds*

159. Two recent versions of the packaging of *Fiber One Nutty Clusters & Almonds* are pictured below.





160. The packaging of *Fiber One Nutty Clusters & Almonds* has made at least the following labeling claims suggesting, both individually and especially in the context of the label as a whole, that the product is healthy:

- a. “With Whole Grain First Ingredient”
- b. “HELPS KEEP YOU FULL THROUGHOUT THE MORNING!”
- c. “Whole Grain First Ingredient”
- d. “THIS CEREAL CONTAINS 27g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”
- e. Whole Grains Council Stamp
- f. “Fiber-licious / Okay, we made it up, but that single sort-of word says it all about Fiber One cereal. Open a box to reveal crunchy deliciousness, along with at least 35% of the Daily Value of fiber per serving for any of our great-tasting cereal

1 products. Plus every one of our Fiber One cereals contains at least 10 grams of whole
2 grain. And with many delightful fiber-packed flavors, your taste buds will never know
3 how well you're eating."

4 g. "Just the Facts: / Fiber can help satisfy your appetite and manage your
5 weight. Fiber can help keep your digestive system on track. 9 out of 10 Americans
6 aren't getting the recommended amount of fiber."

7 h. "Research suggests that people who have higher fiber intakes tend to have
8 healthier body weights."

9 i. "Most people know that fiber helps promote a healthy digestive system.
10 But did you know that fiber also helps keep you full? With the high fiber in many Fiber
11 One cereals to help curb your appetite, you'll be more likely to say 'no thank-you'
12 whenever mid-morning temptation strikes."

13 j. "Take the Fiber One challenge. Eat any of the Fiber One cereals with 40%
14 or more of the DV of fiber for a week, and see if you feel the difference that high fiber
15 can make!"

16 k. "Fiber One. Try these Onederful flavors to help you feel full."

17 l. "Lightly Sweetened"

18 m. "No High Fructose Corn Syrup"

19 n. "Our mission is Nourishing Lives."

20 o. "we are committed to nourishing lives"

21 **4. Protein Maple Brown Sugar**

22 161. General Mills introduced *Fiber One Protein* cereals in around January 2014, in
23 two varieties: *Maple Brown Sugar* and *Cranberry Almond*.

24 162. Two recent versions of the packaging of *Fiber One Nutty Protein Maple Brown*
25 *Sugar* are pictured below.



163. The packaging of *Fiber One Protein Maple Brown Sugar* has made at least the following labeling claims suggesting, both individually and especially in the context of the label as a whole, that the product is healthy:

- a. “With Whole Grain First Ingredient”
- b. “10g PROTEIN with milk”
- c. “THIS CEREAL CONTAINS 17g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”
- d. Whole Grains Council Stamp
- e. “Fiber One is powering UP with protein.”
- f. “New Fiber One protein adds the combination of fiber and protein to make one great tasting cereal.”
- g. “It’s a perfect blend of wholesome goodness and our delightfully tasty mix of crunchy almonds, sweetened cranberry pieces and sweetened granola.”
- h. “When protein and fiber can taste this good, every morning is a

great morning!”

i. “Our mission is Nourishing Lives”

j. “we are committed to nourishing lives”

5. *Protein Cranberry Almond*

164. Two recent versions of the packaging of *Fiber One Protein Cranberry Almond* are pictured below.



165. The packaging of *Fiber One Protein Cranberry Almond* has made at least the following labeling claims suggesting, both individually and especially in the context of the label as a whole, that the product is healthy:

a. “With Whole Grain First Ingredient”

b. “10g PROTEIN with milk”

c. “THIS CEREAL CONTAINS 17g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”

d. Whole Grains Council Stamp

- e. “Fiber One is powering UP with protein.”
- f. “New Fiber One protein adds the combination of fiber and protein to make one great tasting cereal.”
- g. “It’s a perfect blend of wholesome goodness and our delightfully tasty mix of crunchy almonds, sweetened cranberry pieces and sweetened granola.”
- h. “When protein and fiber can taste this good, every morning is a great morning!”
- i. “Our mission is Nourishing Lives”
- j. “we are committed to nourishing lives”

C. Chex Cereal

1. Chocolate

166. The packaging of *Chex Chocolate* is pictured below.



167. The packaging of *Chex Chocolate* has made at least the following labeling claims suggesting, both individually and especially in the context of the label as a whole, that the product is healthy:

- a. “Simply Nutritious”
- b. “no high fructose corn syrup”
- c. “Whole Grain First Ingredient”
- d. “THIS CEREAL CONTAINS 10g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”
- e. Whole Grains Council Stamp
- f. “made without artificial flavors, colors or high fructose corn syrup”
- g. “Our mission is Nourishing Lives.”

2. Cinnamon

168. Recent packaging of Chex Cinnamon is depicted below.



169. The packaging of *Chex Cinnamon* has made at least the following labeling claims suggesting, both individually and especially in the context of the label as a whole, that the product is healthy:

- a. “Simply Nutritious”
- b. “no high fructose corn syrup”
- c. “Whole Grain First Ingredient”
- d. “THIS CEREAL CONTAINS 10g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”
- e. Whole Grains Council Stamp
- f. “because we want to share the love with as many of you as we can, all 8 of our great tasting varieties are made with no artificial flavors, colors or high fructose corn syrup”
- g. “Our mission is Nourishing Lives.”

3. *Honey Nut*

170. Two recent versions of the packaging of *Chex Honey Nut* is depicted below.



171. The packaging of *Chex Honey Nut* has made at least the following labeling

claims suggesting, both individually and especially in the context of the label as a whole, that the product is healthy:

- a. “Simply Nutritious”
- b. “WITH A TOUCH OF HONEY”
- c. “with real honey”
- d. “no high fructose corn syrup”
- e. “Whole Grain First Ingredient”
- f. “THIS CEREAL CONTAINS 10g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”
- g. Whole Grains Council Stamp
- h. “without artificial flavors, colors or high fructose corn syrup”
- i. “Our mission is Nourishing Lives.”

4. *Vanilla*

172. Recent packaging of *Chex Vanilla* is depicted below.



173. The packaging of *Chex Vanilla* has made at least the following labeling claims suggesting, both individually and especially in the context of the label as a whole, that the product is healthy:

- a. “Simply Nutritious”
- b. “no high fructose corn syrup”
- c. “Whole Grain First Ingredient”
- d. “THIS CEREAL CONTAINS 10g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”
- e. Whole Grains Council Stamp
- f. “made without artificial flavors, colors or high fructose corn syrup”
- g. “Our mission is Nourishing Lives.”

5. *Apple Cinnamon*

174. Recent packaging of *Chex Apple Cinnamon* is pictured below.



175. The packaging of *Chex Apple Cinnamon* has made at least the following labeling claims suggesting, both individually and especially in the context of the label as a whole, that the product is healthy:

- a. “Simply Nutritious”
- b. “no high fructose corn syrup”
- c. “Whole Grain First Ingredient”
- d. “THIS CEREAL CONTAINS 10g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”
- e. Whole Grains Council Stamp
- f. “made without artificial flavors, colors or high fructose corn syrup”
- g. “we are committed to nourishing lives”
- h. “Our mission is Nourishing Lives.”

D. Single- or Limited-Variety Cereals

1. *Basic 4*

176. General Mills introduced *Basic 4* cereal in 1991. Recent packaging is pictured below.



177. The packaging of *Basic 4* has made at least the following labeling claims suggesting, both individually and especially in the context of the label as a whole, that the product is healthy:

- a. “Great Tasting HEART HEALTH”
- b. “A low fat part of your Heart Healthy Diet”
- c. “FILLS YOU UP & HELPS KEEP YOU FULL!”
- d. “Multigrain Cereal with Fruit & Almonds”
- e. “A Delicious Blend of Sweet and Tangy Fruits, Crunchy almonds and a Wholesome Variety of Grains”
- f. “with Whole Grain Guaranteed”
- g. “With Whole Grain First Ingredient”
- h. “Whole Grain First Ingredient”
- i. “THIS CEREAL CONTAINS 25g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”
- j. Whole Grains Council Stamp
- k. “A harvest of wholesome sweetness, this healthful fruit and nut medley is harmonized with the crunch of whole grain flakes and a touch of brown sugar.”
- l. “The taste you love the sustained energy you need”
- m. “One bowl and you’re ready to take on the morning”
- n. “we are committed to nourishing lives”
- o. “Our mission is Nourishing Lives.”

2. *Raisin Nut Bran*

178. Recent packaging of *Raisin Nut Bran* is depicted below.



179. The packaging of *Raisin Nut Bran* has made at least the following labeling claims suggesting, both individually and especially in the context of the label as a whole, that the product is healthy:

- a. “Great tasting HEART HEALTHY”
- b. “FILLS YOU UP & SATISFIES YOU LONGER!”
- c. “NO high fructose corn syrup”
- d. “WITH ALMONDS AND COVERED RAISINS”
- e. “with Whole Grain Guaranteed”
- f. “Whole Grain Guaranteed”
- g. “THIS CEREAL CONTAINS 28g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”
- h. Whole Grains Council Stamp

i. “Taste the Morning / Jumpstart your morning with the tasty, tempting fruit and whole grain goodness of Raisin Nut Bran cereal. Bursting with rich flavors of crunchy almonds and plump raisins covered in an irresistible nutty blend, these hearty whole grain wheat and bran flakes are a delicious way to delight in breakfast.”

j. “With Whole Grain First Ingredient”

k. “we are committed to nourishing lives”

l. “Our mission is Nourishing Lives.”

3. *Oatmeal Crisp - Crunchy Almond & Hearty Raisin*

180. Recent packaging of *Oatmeal Crisp - Crunchy Almond* is depicted below.



181. The packaging of *Oatmeal Crisp - Crunchy Almond* has made at least the following labeling claims suggesting, both individually and especially in the context of the label as a whole, that the product is healthy:

- “Great Tasting HEART HEALTHY”
- “Great Tasting & Heart Healthy!”
- Heart Vignette under “OATMEAL CRISP”

- d. "FILLS YOU UP & HELPS KEEP YOU FULL!"
- e. "made with whole grain oats"
- f. "WITH CRUNCHY ALMONDS"
- g. "with Whole Grain Guaranteed"
- h. "Whole Grain Guaranteed"
- i. "A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient."
- j. Whole Grains Council Stamp
- k. "WE BELIEVE IN THE GOODNESS OF WHOLE GRAIN CEREAL. Cereal is packed with nutrients and contains complete grains, which can help fuel your morning. That's why WHOLE GRAIN is the FIRST INGREDIENT in ALL Big G cereals and why Crunchy Almond / Provides long-lasting energy / Is an excellent source of iron. / Is great tasting and heart healthy"
- l. "The sustained energy you need."
- m. "It's a brand new day and in order to make the most of it, you need to start out with a good, wholesome breakfast. Good thing you've got Oatmeal Crisp – a complex blend of ingredients like crispy flakes made with whole wheat and oats, crunch clusters, and hearty almonds. . . . What makes it even more satisfying is knowing that all of these ingredients will help you stay full longer."
- n. "One bowl and you're ready to take on the morning!"
- o. "Goodness first."
- p. "we are committed to nourishing lives"
- q. "Our mission is Nourishing Lives"

182. Recent packaging of *Oatmeal Crisp - Hearty Raisin* is depicted below.



183. The packaging of *Oatmeal Crisp – Hearty Raisin* has made at least the following labeling claims suggesting, both individually and especially in the context of the label as a whole, that the product is healthy:

- a. “Great Tasting HEART HEALTHY”
- b. “Great Tasting & Heart Healthy!”
- c. Heart Vignette under “OATMEAL CRISP”
- d. “FILLS YOU UP & HELPS KEEP YOU FULL!”
- e. “made with whole grain oats”
- f. “with Whole Grain First Ingredient”
- g. “Whole Grain First Ingredient”
- h. “THIS CEREAL CONTAINS 40g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”
- i. Whole Grains Council Stamp

j. “Try Both Heart Healthy Flavors of Oatmeal Crisp.”

k. “Irresistible taste that’s heart healthy!”

l. “Are you ready for a cereal that’s so tasty, so deliciously satisfying, that you look forward to eating a nutritious breakfast? With Oatmeal Crisp hearty raisin you can jumpstart your day with the unbeatable crunch of lightly sweetened, whole grain flakes, juicy raisins and hearty oat clusters. It’s a satisfying, nutritious cereal that contains ingredients that can help lower blood pressure and reduce the risk of heart disease.”

m. “Instead of worrying only about foods to avoid, enjoy eating foods that can help lower cholesterol-like foods that contain soluble fiber from whole grain oats.”

n. “Reduce risk of heart disease.”

o. “When you think oats, you think of nutritious whole grains.”

p. “Include Oatmeal Crisp hearty raisin cereal as part of your heart-healthy eating plan.”

q. “For a happier & healthier heart!”

r. “we are committed to nourishing lives”

s. “Our mission is Nourishing Lives”

E. Children’s Cereals

1. *Honey Kix*

184. Recent packaging of *Honey Kix* is depicted below.





185. The packaging of *Honey Kix* has made at least the following labeling claims suggesting, both individually and especially in the context of the label as a whole, that the product is healthy:

- a. “with Whole Grain Guaranteed”
- b. “Whole Grain Guaranteed”
- c. “Whole Grain”
- d. “More WHOLE GRAIN than any other ingredient!”
- e. “LIGHTLY SWEETENED”
- f. “No high fructose corn syrup”
- g. “made with All Natural Corn & Honey”
- h. “Kid Tested, Mother Approved”
- i. “A whole grain food is made by using all three parts of the grain. General Mills guarantees that every box of Big G cereal has at least 8 grams of whole grain per serving (48 grams recommended daily).”
- j. “THIS CEREAL CONTAINS 17g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”

1 k. Whole Grains Council Stamp

2 l. “Did you Know? / THE USDA RECOMMENDS looking for products
3 that name whole grain first on the ingredient list. Go to www.choosemyplate.gov for
4 more information. / Now, all General Mills Big G Cereals Have More Whole Grain
5 than any other ingredient. / That’s why it’s first on the ingredient list!”

6 m. “Message to Moms . . . Since we made our first batch of crisp corn puffs
7 in1937, KIX has been dedicated to helping kids get a bright start to their day. Our
8 promise is simple: we’ll always give you a cereal that provides good nutrition your
9 kids need and great taste your kids love.”

10 n. “KIX Assurance / For over 70 years, moms have trusted our commitment
11 to good nutrition.”

12 o. “Start the morning simply. Start life right.”

13 p. “Made with simple, good-for-you ingredients like whole grain corn, Kix
14 cereal is a tasty way to kick off a great day!”

15 q. “Calcium = an essential mineral that helps build strong bones and teeth.”

16 r. “Fiber = an important part of a balanced diet good for overall health.”

17 s. “Vitamin D = a nutrient that helps growing bodies absorb calcium.”

18 t. “Great Kix taste = happy kids.”

19 u. “we are committed to nourishing lives”

20 v. “Our mission is Nourishing Lives.”

21 **2. *Tiny Toast – Strawberry & Blueberry***

22 186. Recent packaging of *Tiny Toast - Strawberry* is pictured below.

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187. The packaging of *Tiny Toast - Strawberry* has made at least the following labeling claims suggesting, both individually and especially in the context of the label as a whole, that the product is healthy:

- a. “NO HIGH FRUCTOSE CORN SYRUP”
- b. “REAL STRAWBERRIES”
- c. “12g WHOLE GRAIN PER SERVING / AT LEAST 48g RECOMMENDED DAILY”
- d. “GENERAL MILLS IS ON A JOURNEY TO ALWAYS MAKE OUR CEREALS BETTER / [. . .] That’s Why / TINY TOAST HAS / [. . .] No high fructose corn syrup / whole grain as the first ingredient”

188. Recent packaging of *Tiny Toast - Blueberry* is pictured below.



189. The packaging of *Tiny Toast - Blueberry* has made at least the following labeling claims suggesting, both individually and especially in the context of the label as a whole, that the product is healthy:

- a. “NO HIGH FRUCTOSE CORN SYRUP”
- b. “REAL BLUEBERRIES”
- c. “12g WHOLE GRAIN PER SERVING / AT LEAST 48g RECOMMENDED DAILY”
- d. “GENERAL MILLS IS ON A JOURNEY TO ALWAYS MAKE OUR CEREALS BETTER / [. . .] That’s Why / TINY TOAST HAS / [. . .] No high fructose corn syrup / whole grain as the first ingredient”

3. *Cinnamon Toast Crunch*

190. Recent packaging of *Cinnamon Toast Crunch* is depicted below.



191. The packaging of *Cinnamon Toast Crunch* has made at least the following labeling claims suggesting, both individually and especially in the context of the label as a whole, that the product is healthy:

- a. “NO high fructose corn syrup”
- b. “with Whole Grain Guaranteed”
- c. “With Whole Grain First Ingredient”
- d. “More WHOLE GRAIN than any other ingredient!”
- e. “Big G Cereals are America’s #1 Source of Whole Grain at Breakfast”
- f. “THIS CEREAL CONTAINS 11g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”
- g. Whole Grains Council Stamp
- h. “Did you Know? / THE USDA RECOMMENDS looking for products that name whole grain first on the ingredient list. Go to www.choosemyplate.gov for more information. / Now, all General Mills Big G Cereals Have More Whole Grain than any other ingredient. / That’s why it’s first on the ingredient list!”
- i. “GROWING UP STRONG / With Big G Cereals”
- j. “Give your kids more of what they need to be their best. Start the day with Big G kid cereals. Kids love the taste and it’s the only leading line of kid cereals to have at least eight grams of whole grain and a good source of calcium in every serving.”
- k. “we are committed to nourishing lives”
- l. “Our mission is Nourishing Lives.”

4. *Cocoa Puffs*

192. Recent packaging of *Cocoa Puffs* is depicted below.





193. The packaging of *Cocoa Puffs* has made at least the following labeling claims suggesting, both individually and especially in the context of the label as a whole, that the product is healthy:

- a. “with Whole Grain Guaranteed”
- b. “Whole Grain Guaranteed”
- c. “With Whole Grain First Ingredient”
- d. “NO high fructose corn syrup”
- e. “THIS CEREAL CONTAINS 12g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”
- f. Whole Grains Council Stamp
- g. “GROWING UP STRONG / With Big G Cereals”
- h. “Give your kids more of what they need to be their best. Start the

day with Big G kid cereals. Kids love the taste and it's the only leading line of kid cereals to have at least eight grams of whole grain and a good source of calcium in every serving."

i. "Wow / You really CAN have this much deliciousness plus 12 VITAMINS AND MINERALS for 100 CALORIES per serving"

j. "GENERAL MILLS IS ON A JOURNEY TO ALWAYS MAKE OUR CEREALS BETTER / [. . .] That's Why / COCOA PUFFS HAS / [. . .] No high fructose corn syrup / whole grain as the first ingredient"

k. "we are committed to nourishing lives"

l. "Our mission is Nourishing Lives."

5. *Lucky Charms*

194. Recent packaging of *Lucky Charms* is depicted below.





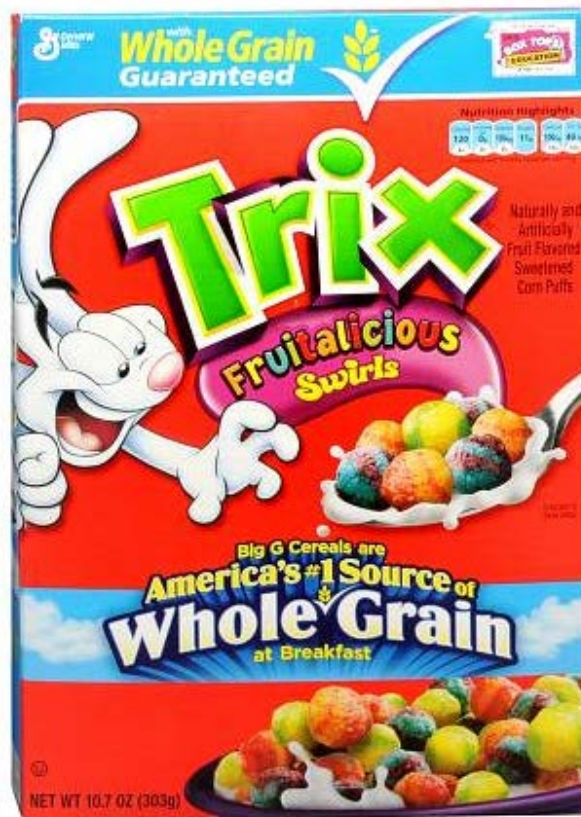
195. The packaging of *Lucky Charms* has made at least the following labeling claims suggesting, both individually and especially in the context of the label as a whole, that the product is healthy:

- a. “Made with 100% whole-grain oats”
- b. “With Whole Grain Guaranteed”
- c. “Whole Grain Guaranteed”
- d. “With Whole Grain First Ingredient”
- e. “Whole Grain First Ingredient”
- f. “THIS CEREAL CONTAINS 12g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”
- g. Whole Grains Council Stamp
- h. “GROWING UP STRONG / With Big G Cereals”
- i. “Give your kids more of what they need to be their best. Start the day with Big G kid cereals. Kids love the taste and it’s the only leading line of kid cereals to have at least eight grams of whole grain and a good source of calcium in every serving.”
- j. “WE BELIEVE IN THE GOODNESS OF WHOLE GRAIN CEREAL. Cereal is packed with nutrients and contains complete grains, which can help fuel your morning. That’s why WHOLE GRAIN is the FIRST INGREDIENT in ALL Big G cereals and why Lucky Charms / Has no high fructose corn syrup / Has 10 grams of sugar per serving”
- k. “Wow / You really CAN have this much deliciousness plus 12 VITAMINS AND MINERALS for 110 CALORIES per serving”
- l. “Goodness First”
- m. “we are committed to nourishing lives”
- n. “Our mission is Nourishing Lives.”

6. *Trix*

196. Recent packaging of *Trix* is depicted below.





197. The packaging of *Trix* has made at least the following labeling claims suggesting, both individually and especially in the context of the label as a whole, that the product is healthy:

- a. “Big G Cereals are America’s #1 Source of Whole Grain at Breakfast”
- b. “with Whole Grain Guaranteed”
- c. “Whole Grain Guaranteed”
- d. “Whole Grain & Calcium Guaranteed”
- e. “More WHOLE GRAIN than any other ingredient!”
- f. “THIS CEREAL CONTAINS 11g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”
- g. Whole Grains Council Stamp
- h. “GROWING UP STRONG / With Big G Cereals”
- i. “Give your kids more of what they need to be their best. Start the day with Big G kid cereals. Kids love the taste and it’s the only leading line of kid cereals to have at least eight grams of whole grain and a good source of calcium in every serving.”
- j. “Did you Know? / THE USDA RECOMMENDS looking for products that name whole grain first on the ingredient list. Go to www.choosemyplate.gov for more information. / Now, all General Mills Big G Cereals Have More Whole Grain than any other ingredient. / That’s why it’s first on the ingredient list!”
- k. “GENERAL MILLS IS ON A JOURNEY TO ALWAYS MAKE OUR CEREALS BETTER / [. . .] That’s Why / TRIX TOAST HAS / [. . .] No high fructose corn syrup / whole grain as the first ingredient”
- l. “we are committed to nourishing lives”
- m. “Our mission is Nourishing Lives.”

7. *Reese’s Puffs*

198. Recent packaging of *Reese’s Puffs* is depicted below.



199. The packaging of *Reese's Puffs* has made at least the following labeling claims suggesting, both individually and especially in the context of the label as a whole, that the product is healthy:

- a. "with Whole Grain Guaranteed"
- b. "Whole Grain Guaranteed"
- c. "With Whole Grain First Ingredient"
- d. "Whole Grain First Ingredient"
- e. "THIS CEREAL CONTAINS 11g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient."
- f. Whole Grains Council Stamp
- g. "WE BELIEVE IN THE GOODNESS OF WHOLE GRAIN CEREAL. Cereal is packed with nutrients and contains complete grains, which can help fuel your morning. That's why WHOLE GRAIN is the FIRST INGREDIENT in ALL Big G cereals and why Reese's Puffs / Has no high fructose corn syrup / Has 10 grams of sugar per serving"
- h. "Goodness first."
- i. "Our mission is Nourishing Lives."

F. Nature Valley Breakfast Biscuits

200. General Mills introduced *Nature Valley Breakfast Biscuits* in around the Fall of 2014, initially in *Blueberry* and *Honey* flavors. In a more recent packaging re-design, General Mills dropped the word "Breakfast" from the product's name.

1. Blueberry

201. Recent packaging of *Nature Valley Biscuits Blueberry* is depicted below.



202. The packaging of *Nature Valley Biscuits Blueberry* has made at least the following labeling claims suggesting, both individually and especially in the context of the label as a whole, that the product is healthy:

- a. “LONG-LASTING ENERGY from 26g of whole grain”
- b. “no high fructose corn syrup”
- c. “The most important meal of the day just got better! We believe a great day starts with a great breakfast, that’s why we are proud to bring you Breakfast

Biscuits by Nature Valley. Each biscuit has a delicious crispy texture and the goodness of 100% natural whole grain oats. With 26g of whole grain per serving they provide nutritious long-lasting energy to help keep you going.”

2. *Honey*

203. Recent packaging of *Nature Valley Biscuits Honey* is depicted below.



204. The packaging of *Nature Valley Biscuits Honey* has made at least the following labeling claims suggesting, both individually and especially in the context of the label as a whole, that the product is healthy:

- a. “LONG-LASTING ENERGY from 28g of whole grain”
- b. “no high fructose corn syrup”
- c. “The most important meal of the day just got better! We believe a great day starts with a great breakfast, that’s why we are proud to bring you Breakfast Biscuits by Nature Valley. Each biscuit has a delicious crispy texture and the goodness of 100% natural whole grain oats. With 28g of whole grain per serving they provide nutritious long-lasting energy to help keep you going.”

3. *Lemon Poppy Seed*

205. General Mills introduced *Lemon Poppy Seed* flavor *Nature Valley Breakfast Biscuits* in around late summer 2015. Recent packaging of *Nature Valley Biscuits Lemon*

Poppy Seed is depicted below.



206. The packaging of *Nature Valley Biscuits Lemon Poppy Seed* has made at least the following labeling claims suggesting, both individually and especially in the context of the label as a whole, that the product is healthy:

- a. “LONG-LASTING ENERGY from 28g of whole grain”
- b. “no high fructose corn syrup”
- c. “The most important meal of the day just got better! We believe a great day starts with a great breakfast, that’s why we are proud to bring you Breakfast Biscuits by Nature Valley. Each biscuit has a delicious crispy texture and the goodness of 100% natural whole grain oats. With 28g of whole grain per serving they provide nutritious long-lasting energy to help keep you going.”

4. *With Almond Butter*

207. Recent packaging of *Nature Valley Biscuits with Almond Butter* is depicted below.



208. The packaging of *Nature Valley Biscuits with Almond Butter* has made at least the following labeling claims suggesting, both individually and especially in the context of the label as a whole, that the product is healthy:

- a. “ENERGY FROM 14G OF WHOLE GRAIN”
- b. “No high fructose corn syrup”
- c. “Each biscuit has a delicious crispy texture and 100% natural whole grain

oats combined with the goodness of almond butter.”

d. “With 14g of whole grain per serving, they provide nutritious energy to help keep you going any time of the day.”

5. *With Peanut Butter*

209. Recent packaging of *Nature Valley Biscuits with Peanut Butter* is depicted below.



210. The packaging of *Nature Valley Biscuits with Peanut Butter* has made at least the following labeling claims suggesting, both individually and especially in the context of the label as a whole, that the product is healthy:

- “ENERGY FROM 14g OF WHOLE GRAIN”
- “No high fructose corn syrup”
- “Each biscuit has a delicious crispy texture and 100% natural whole grain oats combined with the goodness of peanut butter.”
- “With 14g of whole grain per serving, they provide nutritious energy to help keep you going any time of the day.”

G. *Nature Valley Soft-Baked Oatmeal Squares*

1. *Blueberry*

211. Recent packaging of *Nature Valley Soft-Baked Oatmeal Squares – Blueberry* is pictured below.



212. The packaging of *Nature Valley Soft-Baked Oatmeal Squares – Blueberry* has made at least the following labeling claims suggesting, both individually and especially in the context of the label as a whole, that the product is healthy:

- a. “The perfect combination of blueberry and 15g of whole grain”
- b. “Nature Valley Oatmeal Squares have a delicious soft and chewy texture, the goodness of 100% natural whole grain oats and are topped with a light drizzle that makes each square truly delicious.”

2. *Cinnamon Brown Sugar*

213. Recent packaging of *Nature Valley Soft-Baked Oatmeal Squares – Cinnamon Brown Sugar* is pictured below.



214. The packaging of *Nature Valley Soft-Baked Oatmeal Squares – Cinnamon Brown Sugar* has made at least the following labeling claims suggesting, both individually and especially in the context of the label as a whole, that the product is healthy:

a. “The perfect combination of cinnamon, brown sugar and 16g of whole grain”

b. “Nature Valley Oatmeal Squares have a delicious soft and chewy texture, the goodness of 100% natural whole grain oats and are topped with a light drizzle that makes each square truly delicious”

3. *Peanut Butter*

215. Recent packaging of *Nature Valley Soft-Baked Oatmeal Squares – Peanut Butter* is pictured below.



216. The packaging of *Nature Valley Soft-Baked Oatmeal Squares – Peanut Butter* has made at least the following labeling claims suggesting, both individually and especially in the context of the label as a whole, that the product is healthy:

a. “The perfect combination of creamy peanut butter and 12g of whole grain”

b. “Nature Valley Oatmeal Squares have a delicious soft and chewy texture, the goodness of 100% natural whole grain oats and are topped with a light drizzle that makes each square truly delicious”

1 **4. *Banana Bread Dark Chocolate***

2 217. Recent packaging of *Nature Valley Soft-Baked Oatmeal Squares – Banana*
3 *Bread Dark Chocolate* is pictured below.



13 218. The packaging of *Nature Valley Soft-Baked Oatmeal Squares – Banana Bread*
14 *Dark Chocolate* has made at least the following labeling claims suggesting, both individually
15 and especially in the context of the label as a whole, that the product is healthy:

- 16 a. “Made with 100% Natural Whole Grain Oats”
- 17 b. “Nature Valley Oatmeal Squares have a delicious soft and chewy texture,
18 the goodness of 100% natural whole grain oats and are topped with a light drizzle that
19 makes each square truly delicious”
- 20 c. “Nature Valley® Oatmeal Squares Banana Bread & Dark Chocolate offer
21 the goodness of 100% whole grain oats combined with bananas and dark chocolate and
22 baked to perfection, so you can enjoy the softer side of morning.”

23 **H. Nature Valley Crunchy Granola Protein**

24 **1. *Oats ‘N Honey***

25 219. Recent packaging of *Nature Valley Crunchy Granola Protein Oats ‘N Honey* is
26 depicted below.



220. The packaging of *Nature Valley Crunchy Granola Protein Oats 'N Honey* has made at least the following labeling claims suggesting, both individually and especially in the context of the label as a whole, that the product is healthy:

- a. “add PROTEIN to your day!”
- b. “The perfect pair... granola + protein / At Nature Valley, our love of nature inspires us to create wholesome foods that taste great, like our Protein Crunchy Granola. Clusters of whole grain oats and a sweet touch of honey make this a simple way to add protein throughout your day. It’s more than just a cereal! Try it as a topper on yogurt, oatmeal, salads, fruit or just grab a handful anytime.”

2. *Cranberry Almond*

221. Recent packaging of *Nature Valley Crunchy Granola Protein Cranberry Almond* is depicted below.



222. The packaging of *Nature Valley Crunchy Granola Protein Cranberry Almond* has made at least the following labeling claims suggesting, both individually and especially in the context of the label as a whole, that the product is healthy:

- a. “add PROTEIN to your day!”
- b. “The perfect pair... granola + protein / At Nature Valley, our love of nature inspires us to create wholesome foods that taste great. Now we’re introducing Protein Crunchy Granola. Clusters of whole grain oats with sweetened cranberry pieces and almonds make this a simple way to add protein throughout your day. It’s more than just a cereal! Try it as a topper on yogurt, oatmeal, salads, fruit or just grab a handful anytime.”

3. *Protein Peanut Butter*

223. Recent packaging of *Nature Valley Crunchy Granola Protein Peanut Butter* is depicted below.



224. The packaging of *Nature Valley Crunchy Granola Protein Peanut Butter* has made at least the following labeling claims suggesting, both individually and especially in the context of the label as a whole, that the product is healthy:

- a. “add PROTEIN to your day!”
- b. “The perfect pair... granola + protein / At Nature Valley, our love of nature inspires us to create wholesome foods that taste great, like our Protein Crunchy Granola. Clusters of whole grain oats and a touch of peanut butter for a simple way to add protein throughout your day. It’s more than just a cereal! Try it as a topper on yogurt, oatmeal, salads, fruit or just grab a handful anytime.”

4. *Peanut Butter ‘N Dark Chocolate*

225. Recent packaging of *Nature Valley Crunchy Granola Protein Peanut Butter ‘N Dark Chocolate* is depicted below.



226. The packaging of *Nature Valley Crunchy Granola Protein Peanut Butter 'N Dark Chocolate* has made at least the following labeling claims suggesting, both individually and especially in the context of the label as a whole, that the product is healthy:

- a. “add PROTEIN to your day!”
- b. “The perfect pair... granola + protein / At Nature Valley, our love of nature inspires us to create wholesome foods that taste great, like our Protein Crunchy Granola. Nature Valley Peanut Butter ‘n Dark Chocolate Protein Crunchy Granola features clusters of whole grain oats, dark chocolate pieces and a touch of peanut butter for a simple way to add protein throughout your day. It’s more than just a cereal! Try it as a topper on yogurt, oatmeal, salads, fruit or just grab a handful anytime.”

5. *Oats ‘N Dark Chocolate*

227. Recent packaging of *Nature Valley Crunchy Granola Protein Oats ‘N Dark Chocolate* is depicted below.



228. The packaging of *Nature Valley Crunchy Granola Protein Oats 'N Dark Chocolate* has made at least the following labeling claims suggesting, both individually and especially in the context of the label as a whole, that the product is healthy:

- a. “add PROTEIN to your day!”
- b. “The perfect pair... granola + protein / At Nature Valley, our love of nature inspires us to create wholesome foods that taste great, like our Protein Crunchy Granola. Nature Valley Oats ‘n Dark Chocolate Protein Crunchy Granola has clusters of whole grain oats and dark chocolate chunks with 10 grams of protein per serving. It’s a simple and versatile way to add protein throughout your day. It’s more than just a cereal! Try it as a topper on yogurt, oatmeal, salads, fruit or just grab a handful anytime.”

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GENERAL MILLS' UNLAWFUL ACTS AND PRACTICES

A. General Mills Marketed and Continues to Market its Food Products with Health and Wellness Claims that are Deceptive in Light of the their High Sugar Content

1. General Mills Affirmatively Misrepresents that Some High-Sugar Products are “Healthy,” “Nutritious,” or “Wholesome”

229. Consumers interpret the words “nutritious” and “wholesome” to mean the same thing as, or to be euphemisms for, “healthy.”

230. In using these words in the manner described herein, General Mills also intends consumers to interpret “nutritious” and “wholesome” to mean healthy.

231. General Mills directly represents that at least the following high-sugar products are “healthy,” “nutritious,” or “wholesome”:

a. Honey Nut Cheerios

- “eating Honey Nut Cheerios is just one part of living a healthy lifestyle”

b. Apple Cinnamon Cheerios

- “Apple Cinnamon Cheerios cereal [is] the easy choice for your happy, healthy family.”
- “wholesome GOODNESS”

c. Frosted Cheerios

- “wholesome GOODNESS”

d. Multi-Grain Cheerios

- “Be sure to pack plenty of Os as a healthy snack”
- “It’s never too early to get them on a healthy diet”
- “I love looking my best. That’s why I lead a healthy lifestyle and make Multi-Grain Cheerios cereal a part of my sensible diet.”
- “wholesome GOODNESS”

e. Chocolate Cheerios

- “One delightful serving of Chocolate Cheerios has 9 grams of sugar and is a heart-healthy choice for your whole family.”

1 • “Heart-healthy cheerios cereals deliver nutrition you can trust and whole grain goodness in
2 every serving”

3 f. Dulce de Leche Cheerios

4 • “Dulce de Leche Cheerios delivers nutrition you can trust”

5 g. Fiber One Raisin Bran Clusters, Honey Clusters, and Nutty Clusters &
6 Almonds

7 • “Most people know that fiber helps promote a healthy digestive system. But did you know
8 that fiber also helps keep you full?”

9 h. Fiber One Protein – Maple Brown Sugar and Cranberry Almond

10 • “It’s a perfect blend of wholesome goodness and our delightfully tasty mix of crunchy
11 almonds, sweetened cranberry pieces and sweetened granola.”

12 i. Chex – Chocolate, Cinnamon, Honey Nut, Vanilla, and Apple Cinnamon

13 • “Simply Nutritious”

14 j. Basic 4

15 • “A low fat part of your Heart Healthy Diet”

16 • “A Delicious Blend of Sweet and Tangy Fruits, Crunchy almonds and a Wholesome
17 Variety of Grains”

18 • “A harvest of wholesome sweetness, this healthful fruit and nut medley is harmonized with
19 the crunch of whole grain flakes and a touch of brown sugar.”

20 k. Raisin Nut Bran

21 • “Great tasting HEART HEALTHY”

22 l. Oatmeal Crisp Crunchy Almond

23 • “Great tasting HEART HEALTHY”

24 • “Great Tasting & Heart Healthy!”

25 • “Is great tasting and heart healthy”

26 • “It’s a brand new day and in order to make the most of it, you need to start out with a good,
27 wholesome breakfast. Good thing you’ve got Oatmeal Crisp”
28

m. Oatmeal Crisp Hearty Raisin

- “Great tasting HEART HEALTHY”
- “Great Tasting & Heart Healthy!”
- “Try Both Heart Healthy Flavors of Oatmeal Crisp.”
- “Irresistible taste that’s heart healthy!”
- “Include Oatmeal Crisp hearty raisin cereal as part of your heart-healthy eating plan.”
- “Are you ready for a cereal that’s so tasty, so deliciously satisfying, that you look forward to eating a nutritious breakfast?”
- It’s a satisfying, nutritious cereal that contains ingredients that can help lower blood pressure and reduce the risk of heart disease.”
- “When you think oats, you think of nutritious whole grains.”

n. Honey Kix

- “Our promise is simple: we’ll always give you a cereal that provides good nutrition your kids need and great taste your kids love.”
- “KIX Assurance / For over 70 years, moms have trusted our commitment to good nutrition.”

o. Nature Valley Breakfast Biscuits – Blueberry, Honey, Lemon Poppy Seed, with Almond Butter, and with Peanut Butter

- “they provide nutritious long-lasting energy to help keep you going”

p. Nature Valley Crunchy Granola Protein – Oats ‘N Honey, Cranberry Almond, Peanut Butter, Peanut Butter ‘N Dark Chocolate, and Oats ‘N Dark Chocolate

- “At Nature Valley, our love of nature inspires us to create wholesome foods that taste great, like our Protein Crunchy Granola.”

232. The 32 cereal and bar products General Mills advertises in this manner contain 6g - 16g sugar per serving, averaging 11g per serving. That sugar accounts for 16.8% - 36% of the products’ calories, with the average contribution more than 26%. These products thus account for large portions of men’s, women’s, and children’s maximum safe daily sugar intake as demonstrated in the table below.

Product	Sugar Content	% Calories From Sugar	AHA Max. Intake Contribution
Honey Nut Cheerios	9g	32.7%	M: 23.7% W: 36% C: 60-75%
Apple Cinnamon Cheerios	10g	33.3%	M: 26.3% W: 40% C: 66.7-83.3%
Frosted Cheerios	9g	33.3%	M: 23.7% W: 36% C: 60-75%
Multi-Grain Cheerios	6g	21.8%	M: 15.7% W: 24% C: 40-50%
Chocolate Cheerios	9g	36%	M: 23.7% W: 36% C: 60-75%
Dulce de Leche Cheerios	6g	24%	M: 15.7% W: 24% C: 40-50%
Multi-Grain Cheerios Dark Chocolate Crunch	9g	32.7%	M: 23.7% W: 36% C: 60-75%
Fiber One Raisin Bran Clusters	14g	32.9%	M: 36.8% W: 56% C: 93.3-116.7%
Fiber One Honey Clusters	9g	21.2%	M: 23.7% W: 36% C: 60-75%
Fiber One Nutty Clusters & Almonds	12g	25.3%	M: 31.6% W: 48% C: 80-100%
Fiber One Protein - Maple Brown Sugar	15g	27.3%	M: 39.5% W: 60% C: 100-125%

Product	Sugar Content	% Calories From Sugar	AHA Max. Intake Contribution
Fiber One Protein - Cranberry Almond	16g	29.1%	M: 39.5% W: 60% C: 100-125%
Chocolate Chex	8g	24.6%	M: 21.1% W: 32% C: 53.3-66.7%
Cinnamon Chex	8g	26.7%	M: 21.1% W: 32% C: 53.3-66.7%
Honey Nut Chex	9g	30%	M: 23.7% W: 36% C: 60-75%
Vanilla Chex	8g	26.7%	M: 21.1% W: 32% C: 53.3-66.7%
Apple Cinnamon Chex	9g	32.7%	M: 23.7% W: 36% C: 60-75%
Basic 4	13g	26%	M: 34.2% W: 52% C: 86.7-108.3%
Raisin Nut Bran	14g	31.1%	M: 36.8% W: 56% C: 93.3-116.7%
Oatmeal Crisp Crunchy Almond	14g	23.3%	M: 36.8% W: 56% C: 93.3-116.7%
Oatmeal Crisp Hearty Raisin	17g	29.6%	M: 44.7% W: 68% C: 113.3-141.7%
Honey Kix	6g	20%	M: 15.7% W: 24% C: 40-50%

Product	Sugar Content	% Calories From Sugar	AHA Max. Intake Contribution
Nature Valley Breakfast Biscuits – Blueberry	12g	20.9%	M: 31.6% W: 48% C: 80-100%
Nature Valley Breakfast Biscuits – Honey	11g	19.1%	M: 28.9% W: 44% C: 73.3 %
Nature Valley Breakfast Biscuits – Lemon Poppy Seed	10g	17.4%	M: 26.3% W: 40% C: 66.7-83.3%
Nature Valley Breakfast Biscuits – with Almond Butter	11g	23.2%	M: 28.9% W: 44% C: 73.3 %
Nature Valley Breakfast Biscuits – with Peanut Butter	8g	16.8%	M: 21.1% W: 32% C: 53.3-66.7%
Nature Valley Crunchy Protein Granola Oats ‘N Honey	12g	22.9%	M: 31.6% W: 48% C: 80-100%
Nature Valley Crunchy Protein Granola Cranberry Almond	14g	26.7%	M: 36.8% W: 56% C: 93.3-116.7%
Nature Valley Crunchy Protein Granola Peanut Butter	14g	23.3%	M: 36.8% W: 56% C: 93.3-116.7%
Nature Valley Crunchy Protein Granola Peanut Butter ‘N Dark Chocolate	15g	25%	M: 39.5% W: 60% C: 100-125%
Nature Valley Crunchy Protein Granola Oats ‘N Dark Chocolate	14g	26.7%	M: 36.8% W: 56% C: 93.3-116.7%
Averages =	11.0g	26.3%	

233. Statements that these products are “healthy,” “nutritious,” or “wholesome” are false, or at least highly misleading, because, due to their high sugar content, consumption of these products is decidedly *unhealthy*, and the consequences of consuming the products—increased risk for, and in some cases contraction of chronic disease—are incompatible with General Mills’ representations that the products are “healthy,” “nutritious,” and “wholesome.”

2. General Mills Affirmatively Misrepresents that Consuming Some of its High-Sugar Products Will Promote Bodily Health, Prevention of Disease, or Weight Loss

234. In some cases, General Mills falsely represents that its high-sugar products are effective in promoting bodily health, preventing disease, and promoting weight loss.

235. Specifically, General Mills represents that *Chocolate Cheerios*, *Raisin Nut Bran*, *Oatmeal Crisp Crunchy Almond*, and *Oatmeal Crisp Hearty Raisin* cereals are all “heart healthy.”

236. General Mills makes other statements that specifically suggest heart health on products including *Honey Nut Cheerios* (“can also help you take care of your heart”); *Apple Cinnamon*, *Fruity*, and *Banana Nut Cheerios* (“Flavors your heart will Love!”); *Multi-Grain* and *Chocolate Cheerios*, and *Cheerios + Ancient Grains* (“May reduce the risk of heart disease”); *Basic 4* (“Great Tasting Heart Health,” and “A low fat part of your Heart Healthy Diet”); and *Oatmeal Crisp Hearty Raisin* (“Reduce risk of heart disease,” “Include Oatmeal Crisp heart raisin cereal as part of your heart-healthy eating plan,” and “For a happier & healthier heart!”).

237. General Mills further claims that *Honey Nut*, *Apple Cinnamon*, and *Frosted Cheerios*, *Honey Nut Cheerios Medley Crunch*, and *Oatmeal Crisp Hearty Raisin* all “Can Help Lower Cholesterol.” These cereals contain 9g - 17g sugar per serving, generally accounting for about a third of their calories (29.6% - 36%).

238. These statements are false and misleading because, far from promoting heart health, these cereals, because of their high sugar content, contribute to excessive sugar

consumption, which *elevates* cholesterol, and *increases* risk of cardiovascular disease.

239. General Mills also claims its high-sugar cereals promote weight loss or healthy weight management.

240. Specifically, the packaging of *Multi-Grain Cheerios* states:

I love looking my best. That's why I lead a healthy lifestyle and make Multi Grain Cheerios cereal a part of my sensible diet. People who choose more whole grain tend to weigh less than those who don't. With 20 grams of whole grain and 110 lightly-sweetened calories, Multi Grain Cheerios is a delicious way to help me look fabulous! More Grains. LESS YOU!

241. This marketing is false and misleading. Although *Multi-Grain Cheerios* contains "only" 6g of sugar per serving, a serving size is just 29g, so the product is more than 20% sugar by weight, and nearly 22% of its calories come from the sugar. Moreover, the product provides about a quarter of women's daily recommended maximum sugar intake, and up to 50% of children's daily maximum intake recommendation. Because of this sugar content, regular consumption of *Multi-Grain Cheerios* is not likely to result in lower weight, but instead to weight gain and increased risk of morbidity.

242. Incredibly, the packaging of *Multi-Grain Cheerios* even claims "It's never too early to get them on a healthy diet," referring to children, even though a single serving provides as much as 50% of the AHA's maximum daily sugar intake recommendation for children, making this claim especially deceptive.

243. Although it has 50% more sugar at 9g, contributing nearly a third of the product's calories, General Mills uses the same tactic to advertise *Multi-Grain Peanut Butter Cheerios*. Not only is the box designed to look like a slimming waist, but the product's packaging claims, "More grains. Less you! 110 calories and 16 grams of whole grain as part of a sensible diet can help you manage weight." General Mills bolsters this message with the further claim that "People who choose more whole grains tend to weigh less than those who don't." These claims are deceptive for the same reasons stated above.

244. General Mills' *Fiber One* cereals make a similar claim, this time stating "Research suggests that people who have higher fiber intakes tend to have healthier body

weights.” And General Mills claims “Fiber can help satisfy your appetite and manage your weight.” Some cereals also claim “Fiber One: One simple weight loss step – that tastes great!” And some labels state, “Eating a breakfast high in fiber helps you to feel full throughout the morning, which may help you stick to your weight loss plan! Fiber One has many delicious cereal varieties that help you get the fiber you need in a flavor you love. Fiber is a ‘Wonderful’ thing.” General Mills even entered into an association with Weight Watchers to market the cereals. But in making these statements, General Mills intentionally ignores and distracts consumers from the negative impact on body weight of the *Fiber One* cereals’ high sugar content, 9g - 16g per serving, providing up to a third of the products’ calories.

3. Even When Not Stating So Expressly, General Mills Strongly Suggests Its High-Sugar Products are Healthy

245. Besides direct, express claims that some of its products are “healthy,” “nutritious,” and “wholesome,” General Mills also conveys this same idea through suggestion.

a. General Mills Touts Its High-Sugar Products’ Whole Grain, Fiber, Protein, and “Real” Ingredient Content to Distract From their High Amounts of Sugar

246. A major strategy General Mills employs is “calling out” the supposedly beneficial aspects of its cereals, and particularly their whole (or multi) grain, fiber, or “real” ingredient content (such as “naturally flavored,” “real fruit,” “real fruit juice,” and “real almonds”) or indicating that its products are natural because they contain “no artificial flavors” and have “no colors from artificial sources.”

247. In fact, the phrase “whole grain” appears *over 300 times* on the packaging of the 52 products challenged herein, and on every product.

248. Similarly, the word “fiber” appears more than 75 times, and General Mills also frequently touts the “real” ingredient content of its products (i.e., “real honey,” “real banana,” “real almond slices,” etc.).

249. Moreover, based on sophisticated consumer research showing a preference of

the so-called “Millennial” generation for protein, General Mills has begun re-branding or expanding its product lines to accommodate this preference. But its strategy is the same: General Mills touts the products’ protein content, while deceptively omitting information about their dangerous sugar content. This deceptive marketing strategy is apparent in General Mills’ *Cheerios Protein* and *Fiber One Protein* cereals, and its *Nature Valley Protein Granolas*.

250. Other aspects of General Mills’ marketing, such as its online marketing, also focus on fiber, whole grain, and real ingredients, including their supposed contribution to general health and wellness, as well as to the prevention of, or reduction of risk for, chronic disease, including the very diseases caused by consuming the high amounts of sugar in its foods marketed as healthy.

251. In emphasizing the supposedly beneficial ingredients or other aspects of its cereals, in derogation of its duty to consumers, General Mills necessarily and intentionally also minimizes, de-emphasizes, hides, obscures, and otherwise omits contrary and highly-material information regarding the products’ high sugar content, and the detrimental effects of regular excessive added sugar consumption.

b. General Mills Misrepresents that its High-Sugar Products Will Help Consumers “Start” and “Fuel” Their Days, Provide “Long-Lasting Energy,” and Make Them “Feel Full”

252. In several cases, General Mills claims its foods will benefit consumers by helping them “start” their days, providing them “long-lasting energy,” or “fuel,” and making them “feel full.”

253. For example, General Mills tells parents *Multi-Grain Cheerios* will “Start their day on an upnote.” It calls *Cheerios Protein* “A Great Start to Your Day!,” and a “great way to KICK-START your day!”

254. General Mills also encourages consumers to “Jumpstart your morning with the . . . goodness of Raisin Nut Bran cereal.”

255. It conveys a similar idea on the packaging of *Oatmeal Crisp Crunchy Almond*,

1 saying “It’s a brand new day and in order to make the most of it, you need to start out with a
2 good, wholesome breakfast.”

3 256. General Mills claims that “KIX has been dedicated to helping kids get a bright
4 start to their day,” and encourages them to “Start the morning simply. Start life right.”

5 257. And General Mills’ children’s cereals—*Cinnamon Toast Crunch*, *Cocoa Puffs*,
6 *Lucky Charms*, and *Trix*—tell parents, “Give your kids more of what they need to be their
7 best. Start the day with Big G kid cereals.”

8 258. General Mills also emphasizes the energy and feelings of satiety its foods
9 supposedly provide. It says *Cheerios Protein* provides “Long-Lasting Energy Your Whole
10 Family Will Love!,” and repeats, “Your whole family will love kick-starting the day with
11 long-lasting energy that is IRRESISTIBLY DELICIOUS.”

12 259. General Mills also claims that *Basic 4*, *Oatmeal Crisp Crunchy Almond*, provide
13 “long-lasting energy,” or “the sustained energy you need.”

14 260. General Mills similarly claims that *Nature Valley Breakfast Biscuits* provide
15 “long-lasting energy.”

16 261. Using a similar strategy, General Mills claims that several varieties of *Cheerios*
17 will “help fuel your morning.”

18 262. These statements and practices are misleading because General Mills suggests
19 that the “start,” “energy,” or “fuel” its products provide is good, desirable, and beneficial,
20 while “fueling” on added sugars should in fact be zealously avoided to promote
21 cardiovascular, metabolic, and overall bodily health.

22 263. Similarly, high-sugar foods typically provide unhealthy, short and intense bursts
23 of energy (so-called “sugar highs”), not “long-lasting” or “sustained” energy.

24 264. In addition to providing “fuel” and “energy,” General Mills claims its *Fiber One*
25 cereals, *Basic 4*, and *Oatmeal Crisp* cereals “help keep you full throughout the morning,”
26 even stating on the packaging of *Fiber One Honey Clusters* that “you’ll be more likely to say
27 ‘no thank-you’ whenever mid-morning temptation strikes” (failing to explain why temptation
28 would strike mid-morning if a breakfast cereal really was filling), and that this “may help you

1 stick to your weight loss plan!”

2 265. General Mills’ representation that these high-sugar cereals will promote satiety
3 is contradicted by the science demonstrating that sugar consumption may *increase* hunger,
4 and that consumption of sugary foods interferes with the brain’s satiety signals and thus may
5 result in overeating.

6 **c. General Mills Leverages a Deceptive Industry “Certification”**
7 **Program—the Whole Grains Council Stamp—to Make its High-**
8 **Sugar Products Appear Healthy**

9 266. At least 34 of the 52 General Mills products challenged herein bear Whole
10 Grains Council Stamp, as pictured below.



18 267. The Whole Grains Council was formed in 2003 and holds itself out as a
19 purported “nonprofit *consumer advocacy* group.”⁸⁹

20 268. Its membership, however, is comprised not of consumers or their advocates, but
21 primarily of hundreds of food manufacturers, like Cargill, ConAgra, Domino’s Pizza, Frito-
22 Lay, Post, Heinz, Hostess, Kellogg, Kraft, McDonald’s, Nestle, Quaker, Smucker, and of
23 course, General Mills.

24 269. The Whole Grain’s Council stamp is frequently misused by food manufacturer-
25 members—including by General Mills in this case—to bolster claims that foods are
26 supposedly healthy, by suggesting that an independent, perhaps governmental authority has
27

28 ⁸⁹ See <http://wholegrainscouncil.org/about-us>

determined a food is healthy or otherwise sanctioned its health and wellness claims due to its whole grain content.

270. In order to use a Whole Grains Council stamp, though, a food need only contain a minimum of 8g whole grain, and there are no disqualifying criteria. Accordingly, high-sugar foods can, and frequently do, display the Whole Grains Council stamp.

271. This is true of many of General Mills' products, and the use of the stamp is deceptive because it implies independent verification that the products are healthy, despite that the Whole Grains Council is an industry group, and that General Mills' products contain such high amounts of sugar that they remain unhealthy choices notwithstanding their whole grain content.

d. In Representing that Many of Its High-Sugar Products Contain “No High Fructose Corn Syrup,” General Mills Leverages Consumer Confusion to Obscure the Dangers of the Added Sugar in its Products

272. General Mills has capitalized on consumer aversion toward high fructose corn syrup by frequently touting the absence of that ingredient, deceptively suggesting that its products are healthier because HFCS is absent.

273. This strategy leverages consumer confusion over the relative dangers of different forms of sugar, inasmuch as many consumers incorrectly believe that HFCS is a substantially more dangerous form of added sugar than other forms.

274. Some consumers also incorrectly believe there are “healthy” forms of added sugar, for example honey, “cane” sugar, or “natural” sugars. Conversely, many consumers are not even aware that some more obscure ingredients *are* added sugars, such as refiner's syrup, malt syrup, tapioca syrup, glycerin, dextrose, maltodextrin, sucralose, and corn syrup solids. Many consumers also have no idea how dangerous pure fructose is, but it is used to sweeten many General Mills cereals.

275. In reality, added sugar in virtually any form contains toxic fructose, and thus has essentially the same detrimental health effects, with typically only minor differences in the ratio of fructose to glucose in a given form of added sugar. Thus, even if literally true, General

Mills’ “no high fructose corn syrup” representations are highly misleading.

e. General Mills Deceptively Omits, Intentionally Distracts From, and Otherwise Downplays Its Foods’ High Added Sugar Content

276. In marketing its cereals with health and wellness claims, General Mills regularly and intentionally omits information regarding the amount and dangers of the added sugars in its products. General Mills is under a duty to disclose this information to consumers because (a) General Mills is revealing *some* information about its products—enough to suggest they are healthy—without revealing additional material information, (b) General Mills’ deceptive omissions concern human health, and specifically the detrimental consequences to health from consuming its products, (c) General Mills was, and is, in a better position to know of the dangers presented by the sugars in its cereals, as it is a global food company whose business depends upon food science and policy, and (d) General Mills actively concealed material facts not known to plaintiffs and the class.

277. Moreover, in marketing its cereals, General Mills regularly affirmatively uses certain words and phrases to falsely suggest their sugar content is low.

278. Specifically, General Mills represents that *Multi-Grain Cheerios*, *Dulce de Leche Cheerios*, *Cheerios + Ancient Grains*, *Fiber One Raisin Bran Clusters*, *Fiber One Honey Clusters*, *Fiber One Nutty Clusters & Almonds*, *Oatmeal Crisp Hearty Raisin*, and *Honey Kix* are all “lightly sweetened.” Similarly, General Mills represents that *Basic 4* has “a touch of brown sugar,” while *Nature Valley Crunchy Granola Protein – Oats ‘N Honey* has “a sweet touch of honey.”

279. These products, far from having a “touch” of sweetener, or being “lightly sweetened,” contain high amounts of sugar, 5g – 14g per serving, with an average of 9.7g per serving, contributing 18.1% - 32.9% of the products’ calories, with an average of 23.6% of calories. Such statements are likely to confuse even consumers aware of health issues regarding sugar, because they suggest any such health issues, in any event, do not pertain to these only “lightly” sweetened cereals.

Product	Sugar Content	% Calories From Sugar	AHA Max. Intake Contribution
Multi-Grain Cheerios	6g	21.8%	M: 15.7% W: 24% C: 40-50%
Dulce de Leche Cheerios	6g	24%	M: 15.7% W: 24% C: 40-50%
Cheerios + Ancient Grains	5g	18.1%	M: 13.1% W: 20% C: 33.3%-41.6%
Fiber One Raisin Bran Clusters	14g	32.9%	M: 36.8% W: 56% C: 93.3-116.7%
Fiber One Honey Clusters	9g	21.2%	M: 23.7% W: 36% C: 60-75%
Fiber One Nutty Clusters & Almonds	12g	25.3%	M: 31.6% W: 48% C: 80-100%
Basic 4	13g	26%	M: 34.2% W: 52% C: 86.7-108.3%
Oatmeal Crisp Crunchy Almond	14g	23.3%	M: 36.8% W: 56% C: 93.3-116.7%
Honey Kix	6g	20%	M: 15.7% W: 24% C: 40-50%
Nature Valley Crunchy Protein Granola Oats 'N Honey	12g	22.9%	M: 31.6% W: 48% C: 80-100%
Averages =	9.7g	23.6%	

4. General Mills Immorally Markets Some High-Sugar Products to Children, Who Are the Most Vulnerable to the Dangers of Excess Added Sugar Consumption

280. General Mills markets some of its products either directly to children, or to parents, as *for* their children. In some cases, these products are among the highest in sugar that General Mills offers.

281. General Mills' marketing statements aimed at promoting children's consumption of its cereals include:

a. "Kids Love the Great Taste, Moms Love the Calcium & Vitamin D for Strong Bones." (*Yogurt Burst Strawberry Flavor Cheerios* [9g sugar providing 30% of calories])

b. "Kid Tested, Mother Approved" (*Honey Kix*) [6g sugar providing 20% of calories]

c. "Message to Moms . . . Since we made our first batch of crisp corn puffs in 1937, KIX has been dedicated to helping kids get a bright start to their day. Our promise is simple: we'll always give you a cereal that provides good nutrition your kids need and great taste your kids love." (*Honey Kix*)

d. "Great Kix taste = happy kids." (*Honey Kix*)

e. "Give your kids more of what they need to be their best. Start the day with Big G kid cereals. Kids love the taste and it's the only leading line of kid cereals to have at least eight grams of whole grain and a good source of calcium in every serving." (*Cinnamon Toast Crunch* [9g sugar providing 27.7% of calories], *Cocoa Puffs* [10g sugar providing 40% of calories], *Lucky Charms* [10g sugar providing 36.4% of calories], *Trix* [10g sugar providing 30.8% of calories])

282. General Mills also says to parents of *Multi-Grain Cheerios* [6g sugar providing 21.8% of calories], that "it's never too early to get them [children] on a healthy diet."

283. There are currently obesity and type 2 diabetes epidemics among American children, who are thus among the most vulnerable to misleading health and wellness

1 marketing that results in substantially increased added sugar consumption.

2 284. Marketing high-sugar products to children, or for children's consumption, is
3 itself an unfair and immoral business practice, but it is especially harmful when the marketing
4 suggests the high-sugar products are healthy options for children.

5 285. Further, marketing such products by emphasizing their purportedly beneficent
6 contributions to children's health, while intentionally obscuring the detrimental effect of the
7 product's consumption in promoting obesity, metabolic disease, cardiovascular disease, and
8 other morbidity, is immoral, malicious, and oppressive.

9 **5. General Mills Knows or Reasonably Should Know of the Strong Scientific**
10 **Evidence Demonstrating Its High-Sugar Products are Unhealthy to**
11 **Consume But Fails to Warn Consumers of the Known Dangers**

12 286. As a longtime and major national food manufacturer, General Mills is well-
13 positioned to know the most current food science. Moreover, the issue of added sugar has
14 gained increasing prominence over the past decade.

15 287. For example, scientific evidence of the dangers of sugar was available to General
16 Mills as a result of its membership in the Whole Grains Council. For example, the Whole
17 Grains Counsel website notes Harvard research finding that replacing sugar with whole grains
18 lowers heart disease risk.⁹⁰

19 288. Indeed, General Mills maintains on its website a page titled "Reducing Sugar,"⁹¹
20 in which it demonstrates its awareness of concerns regarding sugar, for example stating that
21 "Since 2007, we have lowered sugar levels in our kid cereals by more than 16 percent, on
22 average," and that "In 2009, General Mills pledged to reduce sugar in all of its cereals
23 advertised to children under 12 to single-digit grams of sugar per serving, and we've made
24 significant progress." Any such reduction, however, has been insufficient to render non-
25

26 ⁹⁰ See [http://wholegrainscouncil.org/replacing-butter-sugar-or-refined-grains-with-whole-](http://wholegrainscouncil.org/replacing-butter-sugar-or-refined-grains-with-whole-grains-cuts-heart-disease-risk)
27 [grains-cuts-heart-disease-risk](http://wholegrainscouncil.org/replacing-butter-sugar-or-refined-grains-with-whole-grains-cuts-heart-disease-risk)

28 ⁹¹ At <http://www.generalmills.com/Health/improving-health/reducing-sugar>

misleading its health and wellness marketing strategies for these products.

289. Despite knowing of the dangers of the added sugar in its products, General Mills failed to adequately warn consumers, but instead induced them to consume the General Mills products through affirmative health and wellness misrepresentations that also distracted consumers from the dangers presented by the General Mills products.

6. General Mills Violates FDA Food Labeling Regulations

290. General Mills' health and wellness statements challenged herein were false and misleading for the reasons described herein, in violation of 21 U.S.C. § 343(a), which deems misbranded any food whose "label is false or misleading in any particular." General Mills accordingly also violated California's parallel provision of the Sherman Food, Drug, and Cosmetic Law. *See* Cal. Health & Safety Code § 110660.

291. General Mills' health claims challenged herein also violate 21 C.F.R. §§ 101.14(d)(2)(i) & (e) because they are not "consistent with[] the conclusions set forth in the regulations in subpart E of this part[.]" Specifically, where General Mills uses an implied health claim in proximity to an express health claim regarding the relationship between dietary saturated fat and cholesterol and the risk of heart disease, *see generally id.* § 101.75, the use is inconsistent with FDA's conclusion that "[o]ther risk factors for coronary heart disease include . . . high blood pressure, diabetes, . . . [and] obesity," all conditions caused by the consumption of the high-sugar products bearing these health claims.

292. General Mills' implied and express health claims challenged herein also violate 21 C.F.R. §§ 101.14(d)(2)(iii) & (e) because, for the reasons discussed herein, the claims are not "complete, truthful, and not misleading."

B. General Mills Designed Deceptive Opposition Research to Justify the High Amounts of Sugar in its Cereals

293. Through its "Bell Institute of Health and Nutrition," General Mills designed a methodology, purportedly to investigate the relationship between ready-to-eat cereal consumption and Body Mass Index (BMI) in school-aged children (4 to 12 years). The

1 analysis was published in 2003.⁹²

2 294. The study was based on a 14-day food diary, where foods eaten, as well as
3 physical attributes like height and body weight, were self-reported, and where portion sizes
4 were later just estimated. Such studies are notoriously unreliable. Worse, to be counted in the
5 data, children needed to only report on 7 of the 14 days. Then, the General Mills-sponsored
6 researchers only considered children overweight if they were at or above the 95th percentile
7 of BMI—rather than using an absolute value—which is absurd, as it would be equivalent to
8 saying only 5% of children are overweight. Moreover, the data came from that collected by
9 The NPD Group from February 1998 through January 1999, almost 20 years ago when foods,
10 food labeling, and food policy was all much different than today. And, of the 603 children
11 included, only about half came from households that were employed, suggesting a
12 confounding factor (such children might eat less, accounting for their lower weight). This
13 study has been criticized on a number of bases (other than the obvious criticism: bias), for
14 example that its outcomes were not clearly defined nor its measurements valid and reliable,
15 especially based on data collection techniques.

16 295. Notwithstanding its obvious bias and dubious reliability, both General Mills and
17 other cereal manufacturers, including Kellogg's, have frequently cited this analysis (often
18 without revealing General Mills' role) to justify its sale and marketing of high-sugar cereals,
19 asserting that it supports the proposition that cereal consumption is associated with lower
20 body weight or BMI in children *regardless of the cereal's sugar content*.

21 296. For example, in a 2012 General Mills pamphlet titled, "Benefits of Cereal,"
22 citing its study without revealing its involvement, General Mills states, "Eating cereal,
23 including sweetened cereal, is also associated with improved nutrient intake for children,"
24 and that "regardless of sweetness level, children who eat cereal have healthier body weights
25

26
27 ⁹² Albertson AM, et al., "Ready-to-eat cereal consumption: its relationship with BMI and
28 nutrient intake of children aged 4 to 12 years," *J. Am. Diet. Assoc.*, Vol. 103, 1613-1619
(2003).

than those who don't eat cereal.”⁹³

C. General Mills Used its Website and Other Online Fora—as Referenced on the Products’ Packaging—to Spread Misinformation about the Dangers of Consuming the Added Sugar in its Cereals

297. The packaging of General Mills’ products include frequent references to websites maintained by General Mills and others. These include:

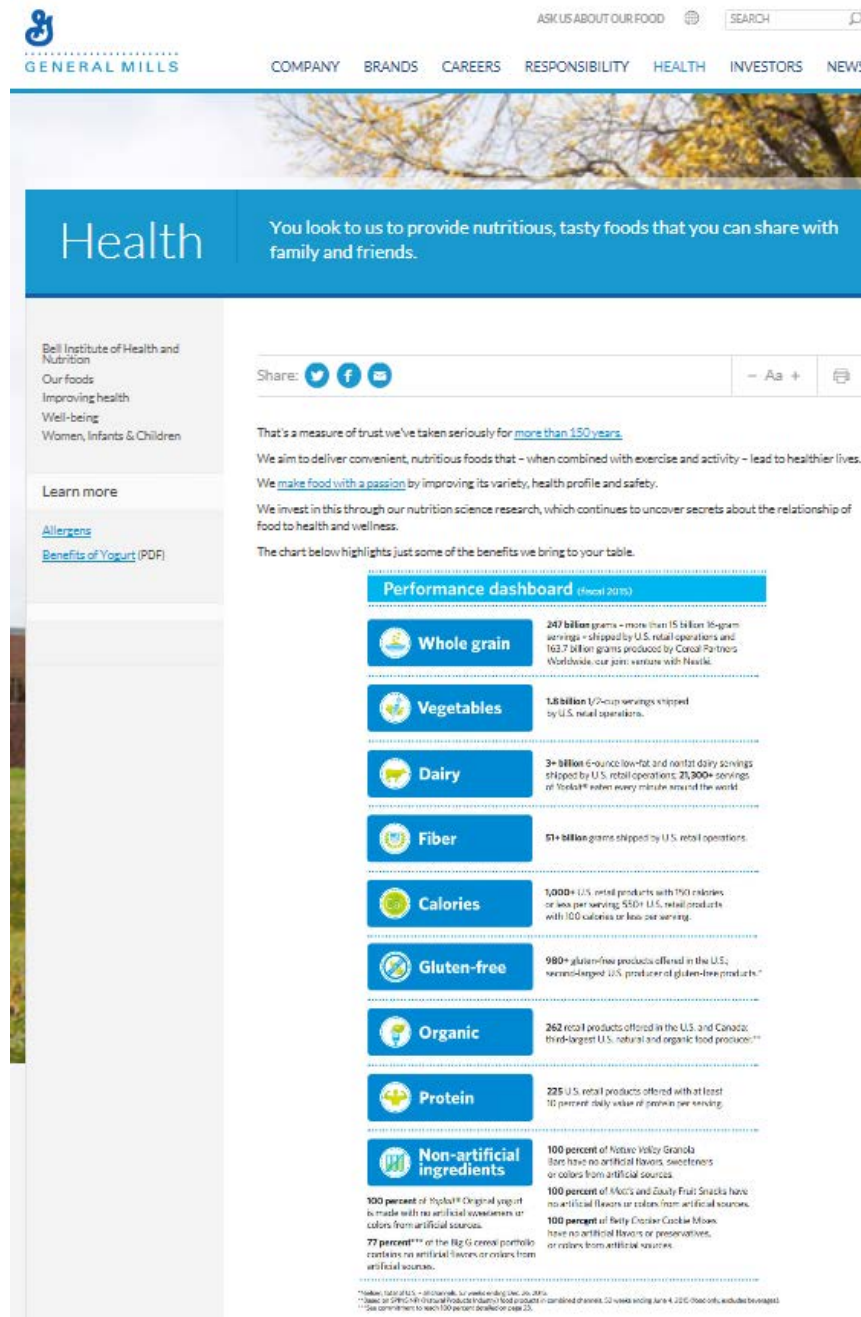
- a. GeneralMills.com and www.generalmills.com/health
- b. www.WholeGrainNation.com
- c. www.FiberOne.com
- d. www.GrowUpStrong.com

298. General Mills maintains a large website, including a page dedicated to “Health.” The page states, “You look to us to provide nutritious, tasty foods that you can share with family and friends. That’s a measure of trust we’ve taken seriously for more than 150 years. We aim to deliver convenient, nutritious foods that—when combined with exercise and activity—lead to healthier lives. We make food with a passion by improving its variety, health profile and safety. We invest in this through our nutrition science research, which continues to uncover secrets about the relationship of food to health and wellness.”

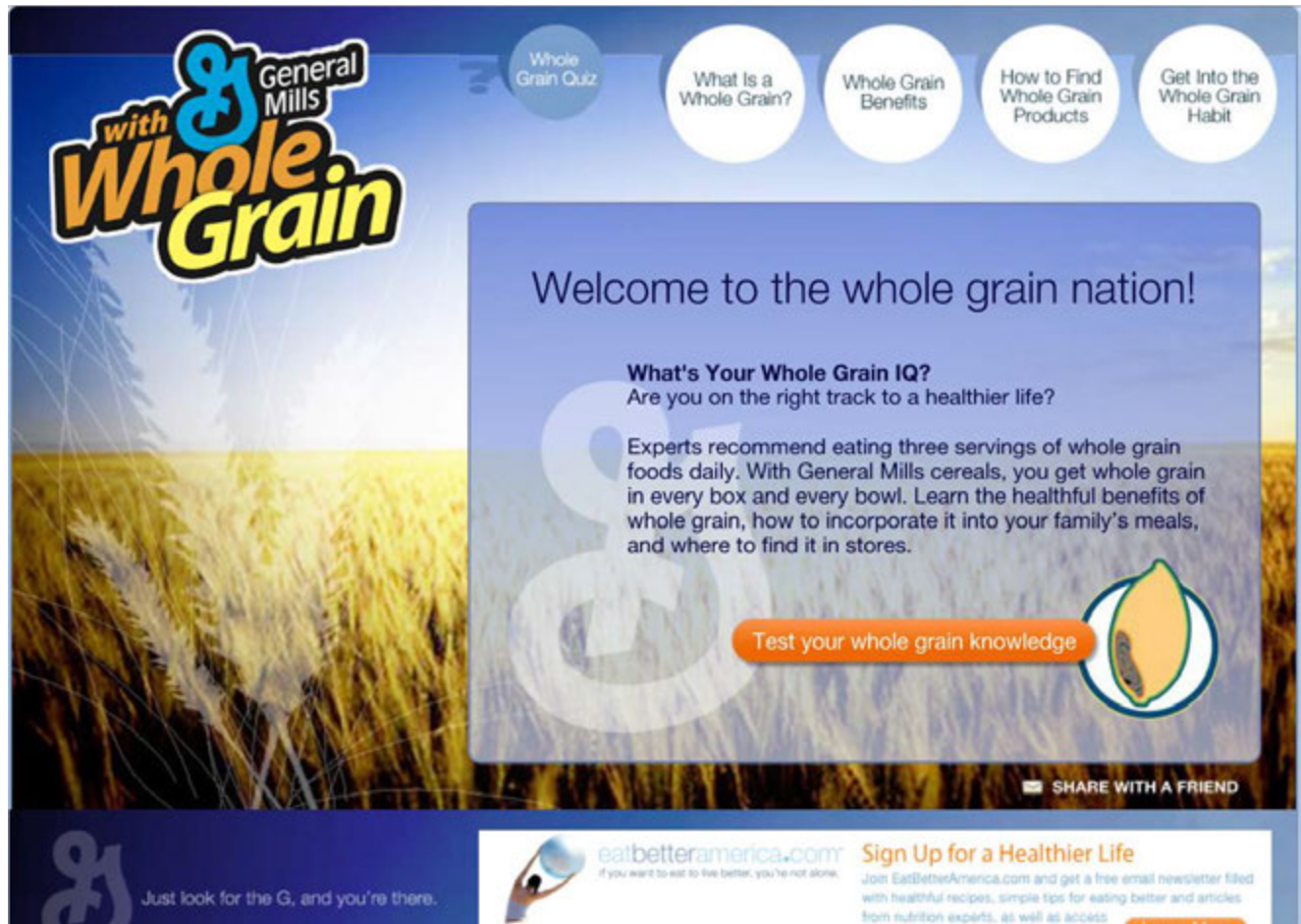
299. General Mills then provides a “Performance dashboard” for “fiscal 2015,” in which it states results relating to eight different aspects of its foods—but none of them their high amounts of sugar. (Instead, the “health” information General Mills provides relates to:

⁹³ General Mills also cites for this proposition, O’Neal, C.E., et al., “Presweetened and Nonpresweetened Ready-to-Eat Cereals at Breakfast Are Associated With Improved Nutrient Intake but Not With Increased Body Weight of Children and Adolescents: NHANES 1999-2002,” *Am. J. Lifestyle Med.*, Vol. 6, No. 1, pp. 63-74 (2012). This is highly misleading. This analysis of NHANES data is not cereal-specific, but rather looked only at whole grain consumption (from all sources). And the analysis has nothing to do with BMI or body weight at all, but rather only asks whether those who consumed the most whole grain also consumed the most other beneficial nutrients (as measured by “Healthy Eating Index” standard). The data actually showed that increased whole grain consumption did *not* decrease sugar consumption.

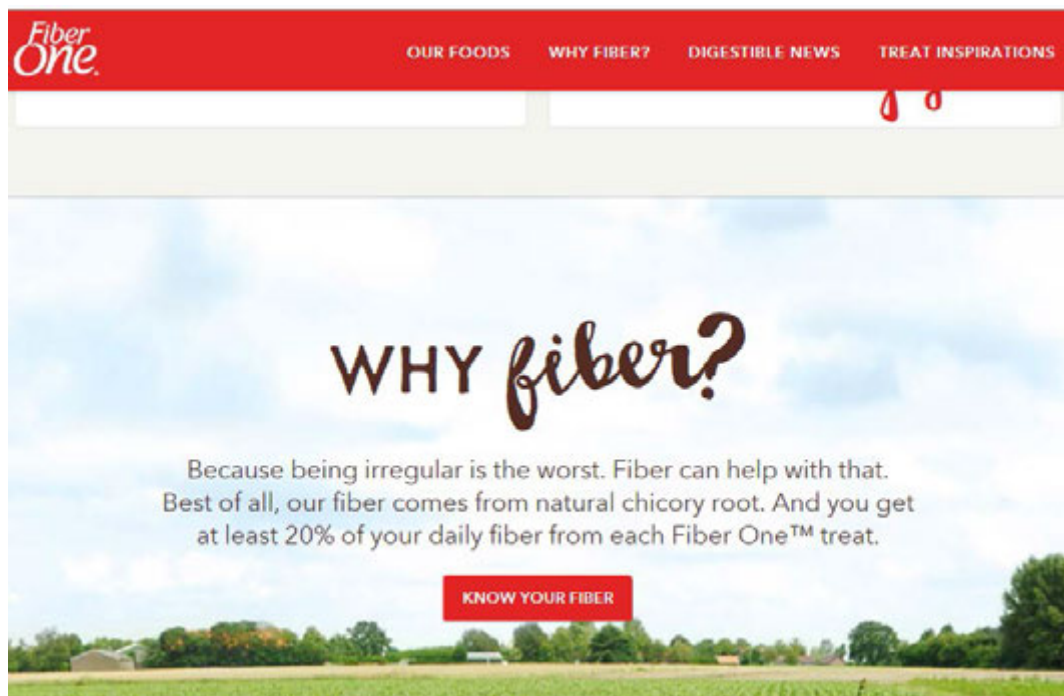
(a) whole grain, (b) vegetables, (c) dairy, (d) fiber, (e) calories, (f) gluten-free, (g) organic, (h) protein, and (i) non-artificial ingredients.



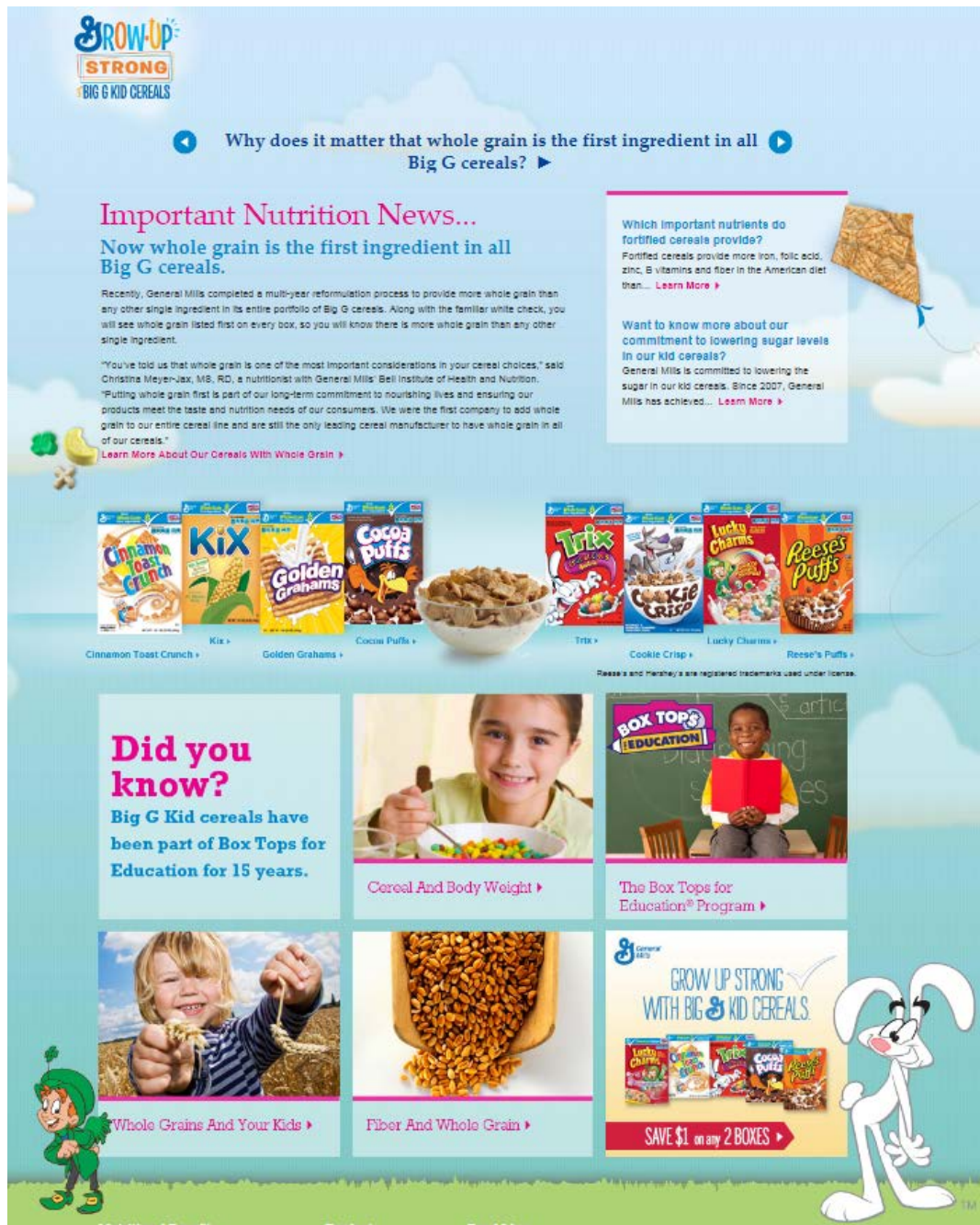
300. The website referenced on nearly all its products, WholeGrainNation.com, is now defunct (the url now redirects to General Mills' Facebook page), but was maintained by General Mills to provide "health" information regarding the whole grain in its foods, but consistent with General Mills' marketing strategy, did not materially address the high amounts of sugar in its foods made with whole grain.



301. General Mills' FiberOne.com website touts the products' fiber content, but does not mention their sugar, instead deceptively omitting material information.



302. General Mills used the “GrowUpStrong” website to promote purported “Important Nutrition News” about its cereals’ supposed contribution to children’s health, including by leveraging its 2003 analysis to suggest that sugar content is immaterial to health, stating “Some cereals are lower in sugar and some are sweetened. Yet both types of cereal are a good breakfast choice.” Consistent with its behavior elsewhere, the site focused on the cereals’ whole grain content and otherwise ignored their dangerous sugar levels. The site is now defunct, instead redirecting to General Mills’ Facebook page.




[Back](#)


Is there a connection between cereal and healthy body weight?

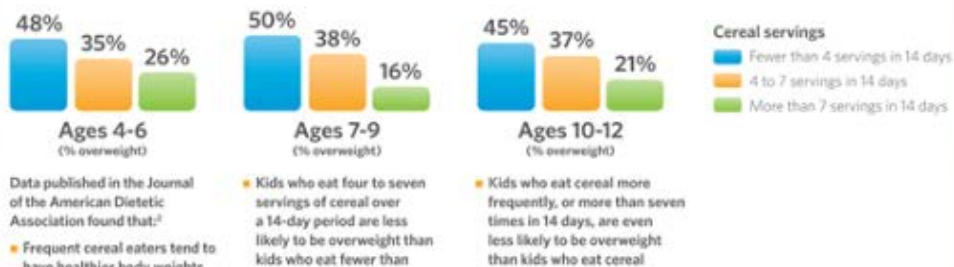
A large study published in the *Journal of the American Dietetic Association* followed 2,000 American girls over a 10-year period. It found that girls who demonstrated a consistent cereal-eating pattern had healthier body weights and lower Body Mass Index (BMI) than those who did not. Frequency of breakfast consumption and cereal consumption declined with age, but girls who continued to eat cereal frequently maintained a healthier body weight through adolescence.

Ready-to-eat cereals, including sweetened cereals, also made significant nutrient contributions in the diets of the girls. Forty-one percent of the cereals consumed in the study were sweetened. Still, the number of days eating cereal — including sweetened cereal — remained predictive of lower BMI and higher nutrient intakes.¹

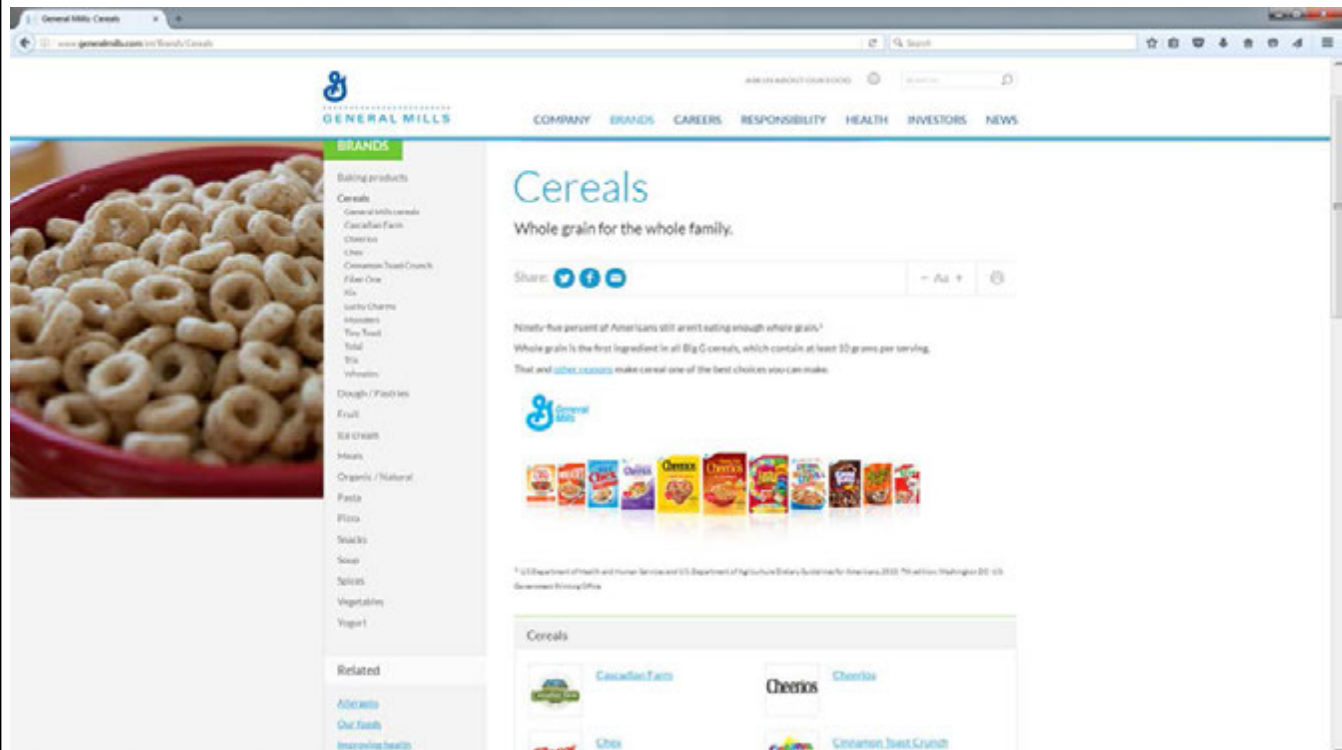
A second study on the connection between eating breakfast and maintaining a healthy weight reported similar results. Cereal consumption was associated with better nutritional status and a lower likelihood of weight gain among adolescents. This study found that although the frequency of breakfast eating declined with age, days on which the girls ate breakfast were associated with higher calcium and higher fiber intake.² Another study found that breakfast consumption is associated with a lower body weight,³ especially when cereals are consumed, while yet another study found that people who reported consuming a breakfast of cereal had healthier body weights than those who consumed higher fat breakfasts.⁴



Cereal eaters have healthier body weights

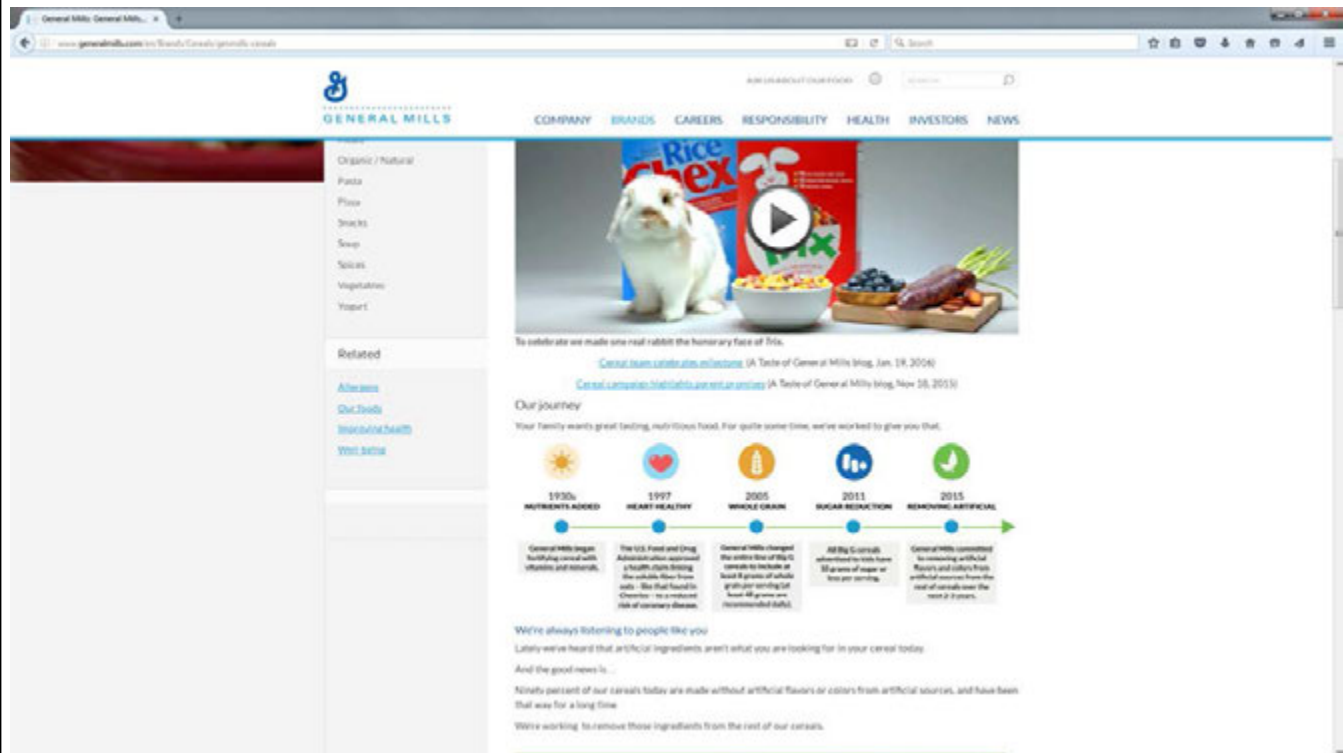


303. General Mills also maintains a webpage for each of its cereals. The main generalmills.com webpage has a link to “Brands,” under which is another link to “Cereals.” The “Cereals” webpage continues General Mills’ deceptive marketing strategy by touting the benefits of whole grain and other ingredients in General Mills’ cereals, while omitting, intentionally distracting from, and otherwise downplaying the high sugar content of its cereals. For General Mills’ “Cereals” page claims its cereals provide “Whole grain for the whole family,” stating, “Ninety-five percent of Americans still aren’t eating enough whole grain. Whole grain is the first ingredients in all Big G cereals, which contain at least 10 grams per serving. That and other reasons make cereal one of the best choices you can make.”



304. The “other reasons” hyperlink leads to a page where General Mills claims “General Mills cereal is on a journey to always be better.” General Mills continues, “Your family wants great tasting, nutritious food. For quite some time, we’ve worked to give you that.” Below is a timeline of General Mills’ supposed efforts to make its cereals “nutritious.” For example, it states that in the 1930s, “General Mills began fortifying with vitamins and minerals,” that in 2005 “General Mills changed the entire line of Big G cereals to include at least 8 grams of whole grain per serving,” and that in 2011, General Mills did a “SUGAR

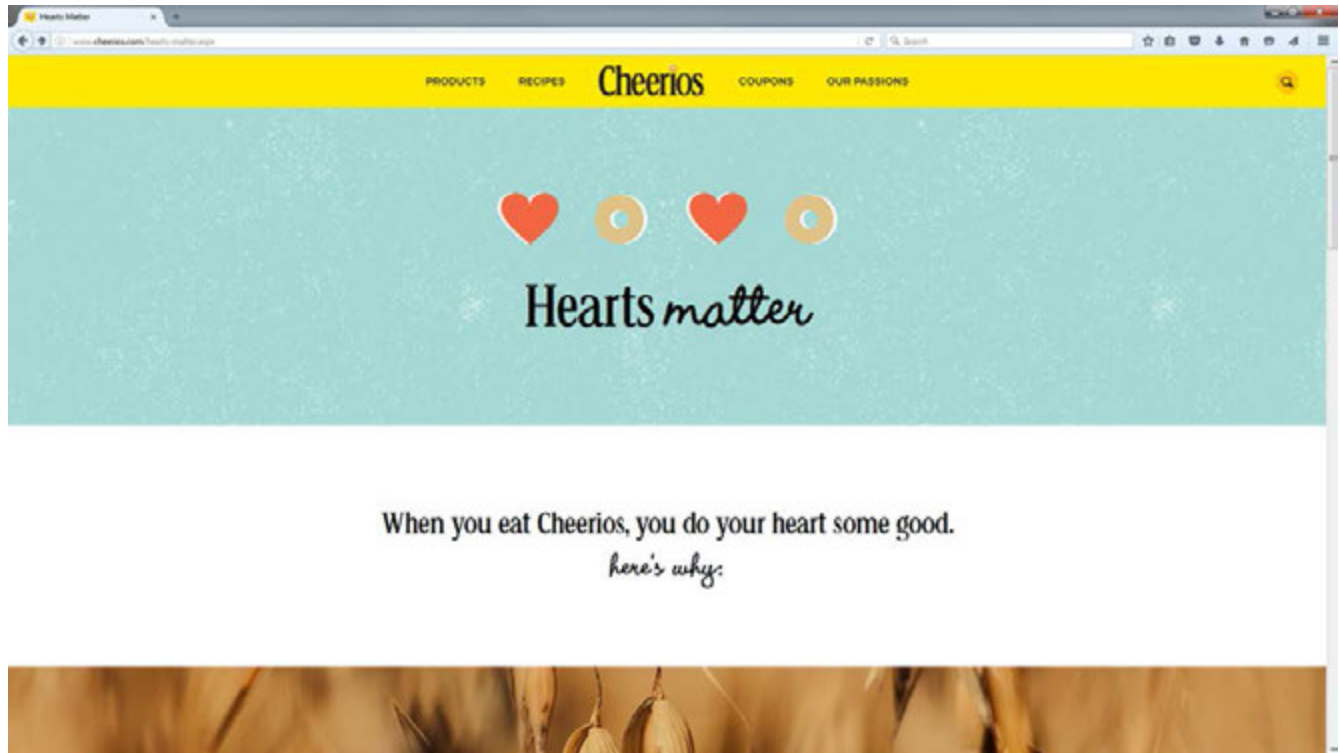
REDUCTION,” meaning “All Big G cereals advertised to kids have 10 grams of sugar or less per serving.” Statements such as this lead consumers to believe that the amount of sugar in General Mills’ cereals is insignificant, despite that sugar at those levels contributes to a variety of diseases. General Mills continues its deception with statements like “We continue to lower sugar in our family favorite cereals.”



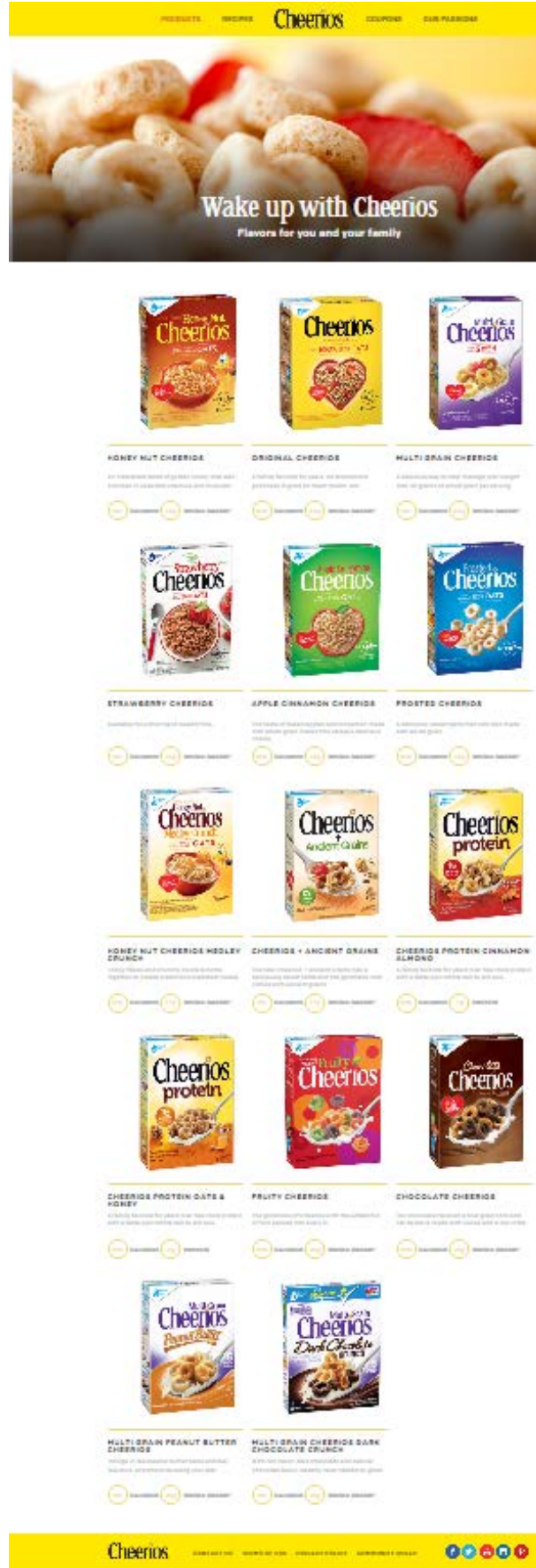
305. The “Cereals” webpage also links to individual webpages for each General Mills cereal, which continue the same marketing strategy. The Cheerios webpage, for example, starts by emphasizing that Cheerios are “Made with 100 percent natural whole grain oats,” and asking “Why does that matter? Oats are the only major breakfast cereal grain proven to help lower cholesterol. But there’s more. Adding protein to your morning routine doesn’t have to mean bacon and eggs. Cheerios Protein can help make your mornings count.”

306. At the bottom of the “Cheerios” webpage there are further links to information about “Whole grain benefits,” where General Mills continues to distract from its cereals’ high-sugar content, and the deleterious health effects it causes, by focusing on the benefits of whole grain, including its claim that “Grains have been an important part of a healthy diet for centuries.”

307. The “Cheerios webpage also links to an entirely separate website, www.cheerios.com, where General Mills claims that “Your heart matters to us. That’s why Cheerios are made with the best oats possible, to provide the best nutrition for your heart,” inviting users to “Learn more about how beta-glucan can help lower cholesterol” and to “Eat Well to live well.”

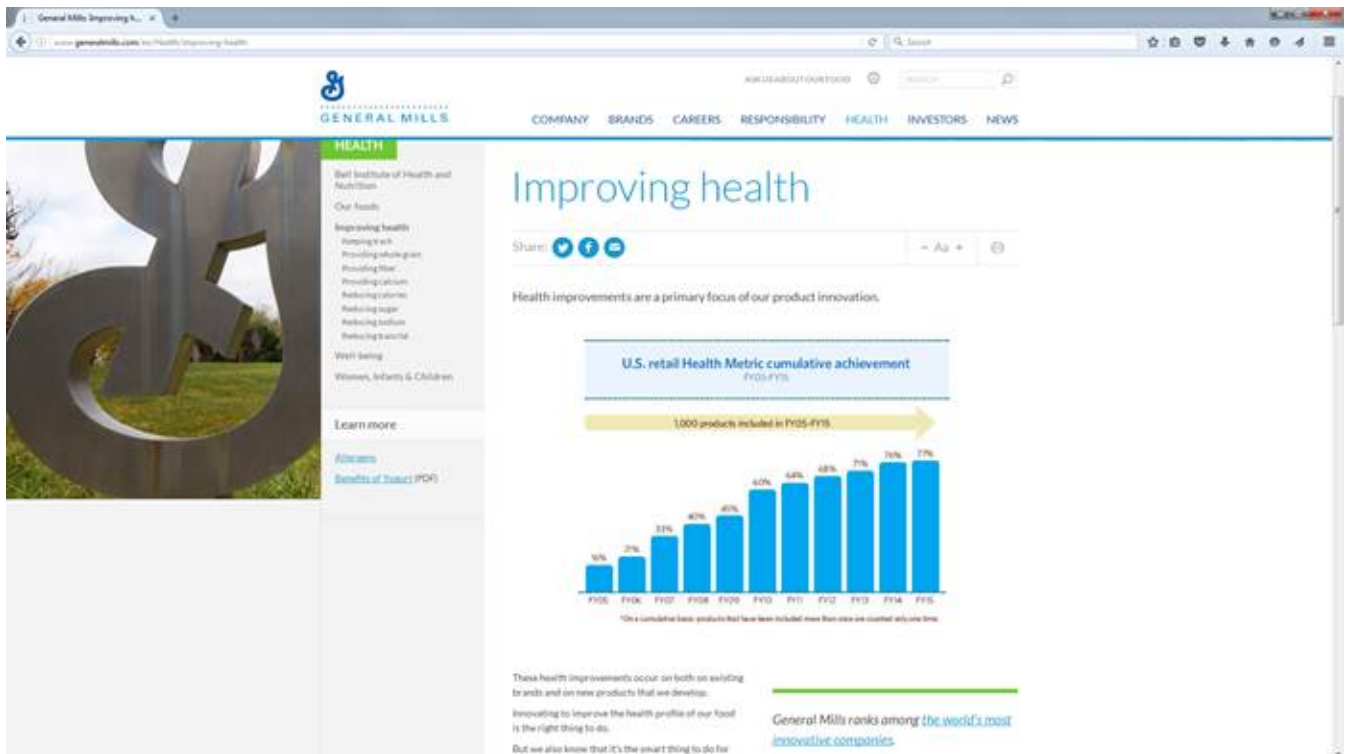


308. The “Hearts Matter” webpage further claims that “When you eat cheerios, you do your heart some good, here’s why: The whole grain oats in Cheerios contain beta-glucan” which General Mills claims is “a soluble fiber proven to help lower cholesterol as part of a heart-healthy diet” by “form[ing] a gel which sticks to some cholesterol and removes it from the body” and that “studies show that three grams of soluble fiber daily from whole grain oat foods – like Cheerios – in a diet low in saturated fat and cholesterol may reduce the risk of heart disease.” While these statements may be supportable and reasonable with respect to *unsweetened* Cheerios, General Mills does not distinguish between that and its sweetened versions challenged herein. In fact, after clicking “Products,” all varieties are displayed.



309. General Mills employs similar deceptive marketing strategies for each of its cereals, on their respective websites.

310. Also on its website, General Mills maintains a page titled “Improving Health” where it claims that “Health improvements are a primary focus of [its] product innovation,” below which is a graph showing the supposed increasing healthfulness of its products. This page includes links for further health claims, such as “providing whole grain,” “providing fiber,” “providing calcium,” and “Reducing sugar,” furthering its deception that the high-sugar content of its cereals is negligible given the other supposed health benefits of consuming whole grains and fiber.



311. General Mills’ presence online is vast. The above are just a few examples of who General Mills uses online fora to perpetuate its strategy of marketing high-sugar foods with health and wellness claims, particularly by focusing on their purportedly beneficial nutrients and aspects while omitting, obscuring, downplaying, and misrepresenting the health risks associated with the added sugars in its sweetened cereals and other food products.

D. The Foregoing Behaviors are Part of General Mills’ Longstanding Policy, Practice, and Strategy of Marketing its High-Sugar Products as Healthy in Order to Increase Sales and Profit

312. The practices complained of herein, while specific to certain product lines, flavors or varieties, and certain claims, are exemplary of, and consistent with, General Mills’ longtime practice of marketing high-sugar products with health and wellness claims that both deceptively suggest the products are healthy, and deceptively omit the dangers of consuming the products.

313. These practices have been consistent notwithstanding General Mills’ occasional discontinuation or introduction of new products or lines of products, reformulation of products, or labeling or packaging changes.

314. This strategy is based on sophisticated consumer marketing research, and has been undertaken by General Mills with the purpose of increasing the prices, sales, and market share of its cereals, bars, and other food products.

315. Unless enjoined from using in the marketing of high-sugar products the health and wellness marketing statements, representations, strategies, and tactics complained of herein, General Mills will continue to employ this strategy, as the consumer preference for healthier-seeming foods is strong.

316. In fact, Nielsen’s 2015 Global Health & Wellness Survey found “88% of those polled are willing to pay more for healthier foods.”⁹⁴

E. General Mills’ Policy and Practice of Marketing High-Sugar Products as Healthy is Especially Harmful Because Consumers Generally Eat More than One Serving of Cereal at a Time, Which General Mills Knows or Reasonably Should Know

317. The serving size for General Mills’ cereals is generally either approximately 30g or 60g.

⁹⁴ Nancy Gagliardi, Forbes, *Consumers Want Healthy Foods--And Will Pay More For Them*, (Feb. 18, 2015) (citing Neilson, *We are what we eat, Healthy eating trends around the world*, at 11 (Jan. 2015)).

318. In 2014, the FDA analyzed food consumption data between 2003 and 2008, from the National Health and Nutrition Examination Survey (NHANES, discussed previously above), finding that at least 10% of Americans eat at one sitting, 2 to 2.6 times the amount of cereal as the labeled serving size.

319. A study conducted by General Mills itself even found that children and adolescents 6 to 18 years old typically eat about twice as much cereal in a single meal compared to the suggested serving size.

320. Another study, by Yale University's Rudd Center for Food Policy and Obesity, found that children 5 to 12 years old ate an average of 35 grams of low-sugar cereals, but an average of 61 grams of high-sugar cereals.⁹⁵

321. As a result of consumers' actual eating habits, General Mills' high-sugar cereals in reality contribute significantly more sugar to their consumers' diets than even the high amount in a single serving. For example, doubling a serving of most General Mills cereals would cause men, women, and children all to exceed their AHA-recommended maximum daily sugar intake in just the single breakfast serving.

PLAINTIFFS' PURCHASES, RELIANCE, AND INJURY

A. Plaintiff Beverly Truxel

322. During the past several years, plaintiff Beverly Truxel purchased several General Mills products including the following.

- a. *Honey Nut Cheerios*
- b. *Apple Cinnamon Cheerios*
- c. *Cinnamon Burst Cheerios*
- d. *Cinnamon Chex*
- e. *Chocolate Chex*
- f. *Fiber One Nutty Clusters & Almonds*

⁹⁵ Jennifer L. Harris, et al., "Effects of Serving High-Sugar Cereals on Children's Breakfast-Eating Behavior," *Pediatrics*, Vol. 127, Issue 1 (Jan. 2011).

g. *Fiber One Protein – Maple Brown Sugar & Cranberry Almond*

h. *Basic 4*

i. *Nature Valley Breakfast Biscuits - Honey*

j. *Nature Valley Crunchy Granola Protein - Oats 'N Honey*

k. *Nature Valley Crunchy Granola Protein - Cranberry Almond*

323. Ms. Truxel typically purchased the foregoing General Mills products at one of the following locations: (a) the Lucky located on Monument Boulevard, in Concord, California (which is no longer there); (b) the Lucky located at 1145 Arnold Drive, in Martinez, California 94553; (c) the Safeway located at 591 Tres Pinos Road in Hollister, California 95023; (d) the Safeway located at 17539 Vierra Canyon Road, in Prunedale, California 93907; (e) the Walmart located at 7150 Camino Arroyo, in Gilroy, California, 95020; and (f) the Nob Hill Foods located at 1320 South Main Street, in Salinas, California 93901.

324. As best she can recall, Ms. Truxel has purchased *Honey Nut Cheerios* many times throughout the last four years, about 10 times per year.

325. As best she can recall, Ms. Truxel purchased *Apple Cinnamon Cheerios* approximately 10 times, approximately three years ago.

326. As best she can recall, Ms. Truxel purchased *Cinnamon Burst Cheerios* approximately 4 times, approximately three years ago.

327. As best she can recall, Ms. Truxel purchased *Cinnamon Chex* approximately 6-7 times, beginning approximately two years ago, with her most recent purchase within the last year.

328. As best she can recall, Ms. Truxel purchased *Chocolate Chex* multiple times, beginning approximately two years ago, with her most recent purchase made within the last year.

329. As best she can recall, Ms. Truxel purchased *Apple Cinnamon Chex* approximately two years ago.

330. As best she can recall, Ms. Truxel purchased *Fiber One Nutty Clusters &*

1 *Almonds* multiple times, with a frequency of approximately 6 times per year beginning
2 approximately three years ago, with her most recent purchase approximately six months ago.

3 331. As best she can recall, Ms. Truxel purchased *Basic 4* approximately 10 times,
4 beginning approximately two years ago, with her most recent purchase approximately six
5 months ago.

6 332. As best she can recall, Ms. Truxel purchased *Nature Valley Breakfast Biscuits -*
7 *Honey* approximately four times, beginning approximately one year ago, with her most recent
8 purchase made approximately 3-4 months ago.

9 333. As best she can recall, Ms. Truxel purchased *Nature Valley Crunchy Granola*
10 *Protein - Oats 'N Honey* and *Cranberry Almond* multiple times beginning when the product
11 was first introduced, with her most recent purchase made within the last month, purchasing
12 one variety or the other approximately once every two months.

13 334. For each General Mills product purchased, Ms. Truxel read and decided to
14 purchase the product in substantial part based upon General Mills' health and wellness
15 labeling statements discussed herein and set forth above with respect to each product and
16 variety, which statements—individually, and especially in the context of the packaging as a
17 whole—made the products seem like healthy food choices to Ms. Truxel.

18 * * *

19 335. When purchasing the General Mills products, Ms. Truxel was seeking products
20 that were healthy to consume, that is, whose consumption would not increase her risk of
21 CHD, stroke, and other morbidity.

22 336. The health and wellness representations on the General Mills products' labeling,
23 however, was misleading, and had the capacity, tendency, and likelihood to confuse or
24 confound Ms. Truxel and other consumers acting reasonably (including the putative Class)
25 because, as described in detail herein, the products are not healthy but instead their
26 consumption increases the risk of CHD, stroke, and other morbidity.

27 337. Ms. Truxel is not a nutritionist or food scientist, but rather a lay consumer who
28 did not have the specialized knowledge that General Mills had regarding the nutrients present

1 in the General Mills products. At the time of purchase, plaintiff was unaware of the extent to
2 which consuming high amounts of added sugar in any form adversely affects blood
3 cholesterol levels and increases risk of CHD, stroke, and other morbidity, or what amount of
4 sugar might have such an effect.

5 338. Ms. Truxel acted reasonably in relying on General Mills' health and wellness
6 marketing, which General Mills intentionally placed on the products' labels with the intent to
7 induce average consumers into purchasing the products.

8 339. Ms. Truxel would not have purchased General Mills products if she knew that
9 their labeling claims were false and misleading in that the products were not as healthy as
10 represented.

11 340. The General Mills products cost more than similar products without misleading
12 labeling, and would have cost less absent the misleading health and wellness claims. If
13 General Mills were enjoined from making the misleading claims, the market demand and
14 price for its products would drop, as it has been artificially and fraudulently inflated due to
15 General Mills' use of deceptive health and wellness labeling.

16 341. Ms. Truxel paid more for the General Mills products, and would only have been
17 willing to pay less, or unwilling to purchase them at all, absent the misleading labeling
18 statements complained of herein.

19 342. For these reasons, the General Mills products were worth less than what Ms.
20 Truxel paid for them, and may have been worth nothing at all.

21 343. Instead of receiving products that had actual healthful qualities, the products Ms.
22 Truxel received were not healthy, but rather their consumption causes increased risk of CHD,
23 stroke, and other morbidity.

24 344. Ms. Truxel lost money as a result of General Mills' deceptive claims and
25 practices in that she did not receive what she paid for when purchasing the General Mills
26 products.

27 345. Ms. Truxel detrimentally altered her position and suffered damages in an amount
28 equal to the amount she paid for the products.

346. As a result of General Mills' practices, Ms. Truxel has suffered bodily injury in the form of increased risk of CHD, stroke, and other morbidity.

B. Plaintiff Stephen Hadley

347. Plaintiff Stephen Hadley has been a frequent cereal eater for many years. Mr. Hadley is relatively health-conscious. During the past several years and prior, in seeking out cereals to eat, Mr. Hadley has generally tried to choose healthy options, and has been willing to pay more for cereals, and other products, he believes are healthy.

348. Over the past several years, Mr. Hadley has purchased General Mills products on multiple occasions, including *Cheerios*, *Chex*, *Fiber One*, other cereals, *Nature Valley Breakfast Biscuits*, *Nature Valley Soft-Baked Oatmeal Squares*, and *Nature Valley Crunchy Granola Protein*.

349. ***Cheerios***. Over the past several years, Mr. Hadley has purchased the following varieties of *Cheerios* cereals:

- a. *Honey Nut*
- b. *Apple Cinnamon*
- c. *Multi-Grain*
- d. *Chocolate*
- e. *Cinnamon Burst*
- f. *Dulce de Leche*
- g. *Multi-Grain Peanut Butter Cheerios*
- h. *Protein Oats & Honey*

350. To the best of his recollection, Mr. Hadley has regularly been purchasing *Cheerios* cereals beginning in early 2012, buying one variety or another approximately twice per month. Plaintiff believes he purchased *Cheerios* products from locations including: (a) the Safeway located at 815 Canyon Del Rey Boulevard, in Del Rey Oaks, California 93940; (b) the Grocery Outlet located at 1523 Fremont Boulevard, in Seaside, California 93955; (c) the Nob Hill Foods located at 900 Lighthouse Avenue, in Monterey, California 93940; (d) the Target located at 2040 California Avenue, in Sand City, California 93955; and (e) the

Wal-Mart located at 150 Beach Road, in Marina, California 93933. Plaintiff believes he last purchased a *Cheerios* cereal in approximately July 2016.

351. For each *Cheerios* cereal purchased, Mr. Hadley read and decided to purchase the product in substantial part based upon General Mills' health and wellness labeling statements discussed herein and set forth above with respect to each variety, which statements—individually, and especially in the context of the packaging as a whole—made the products seem like healthy food choices to Mr. Hadley.

352. ***Fiber One***. Over the past several years, Mr. Hadley has purchased the following varieties of *Fiber One* cereals:

- a. *Raisin Bran Clusters*
- b. *Honey Clusters*
- c. *Nutty Clusters & Almonds*
- d. *Protein Cranberry Almond*

353. To the best of his recollection, Mr. Hadley began purchasing *Fiber One* cereals beginning in spring 2012. Given plaintiff's habits, he believes he purchased at least one variety, and maybe more than one, approximately once every two months. Plaintiff believes he purchased multiple varieties of *Fiber One* from the Safeway located at 815 Canyon Del Rey Boulevard, in Del Rey Oaks, California 93940, and the Nob Hill Foods located at 900 Lighthouse Avenue, in Monterey, California 93940. Plaintiff believes he last purchased a *Fiber One* cereal in approximately March 2016.

354. For each *Fiber One* cereal purchased, Mr. Hadley read and decided to purchase the product in substantial part based upon General Mills' health and wellness labeling statements discussed herein and set forth above with respect to each variety, which statements—individually, and especially in the context of the packaging as a whole—made the products seem like healthy food choices to Mr. Hadley.

355. ***Chex***. Beginning in early 2012, Mr. Hadley purchased *Cinnamon* and *Apple Cinnamon Chex* approximately once per month, with his most recent purchase in approximately March 2016. As best he can recall, Mr. Hadley purchased *Cinnamon Chex* at

1 the Grocery Outlet located at 1523 Freemont Boulevard, in Seaside, California 93955.

2 356. For each *Chex* cereal purchased, Mr. Hadley read and decided to purchase the
3 product in substantial part based upon General Mills' health and wellness labeling statements
4 discussed herein and set forth above with respect to each variety, which statements—
5 individually, and especially in the context of the packaging as a whole—made the products
6 seem like healthy food choices to Mr. Hadley.

7 357. ***Oatmeal Crisp***. Beginning in early 2012 and through approximately spring
8 2014, Mr. Hadley purchased *Oatmeal Crisp Hearty Raisin* cereal a couple times from the
9 Wal-Mart located at 7150 Camino Arroyo, in Gilroy, California 95020.

10 358. Mr. Hadley decided to purchase *Oatmeal Crisp Hearty Raisin* in substantial part
11 based upon General Mills' health and wellness labeling statements discussed herein and set
12 forth above, which statements—individually, and especially in the context of the packaging
13 as a whole—made the product seem like healthy food choices to Mr. Hadley.

14 359. ***Children's Cereals***. Over the past several years, Mr. Hadley has purchased the
15 following varieties of General Mills Brand Cereals:

- 16 a. *Honey Kix*
- 17 b. *Cinnamon Toast Crunch*
- 18 c. *Cocoa Puffs*
- 19 d. *Lucky Charms*
- 20 e. *Trix*
- 21 f. *Reese's Puffs*

22 360. As best he can recall, Mr. Hadley purchased each of the above General Mills
23 children's cereals beginning in the spring of 2012, with his most recent purchase in
24 approximately June 2014. Mr. Hadley believes he purchased each of the products from
25 locations including: (a) the Safeway located at 815 Canyon Del Rey Boulevard, in Del Rey
26 Oaks, California 93940, and (b) the Nob Hill Foods located at 900 Lighthouse Avenue, in
27 Monterey, California 93940.

28 361. For each General Mills children's cereal purchased, Mr. Hadley read and

1 decided to purchase the product in substantial part based upon General Mills' health and
2 wellness labeling statements discussed herein and set forth above with respect to each product
3 variety, which statements—individually, and especially in the context of the packaging as a
4 whole—made the products seem like food choices that were healthier than they really were
5 in light of their high sugar content.

6 362. ***Nature Valley Breakfast Biscuits.*** Over the past several years, Mr. Hadley has
7 purchased the *Blueberry* and *Lemon Poppy Seed* varieties of *Nature Valley Biscuits*.

8 363. To the best of his recollection, Mr. Hadley first started purchasing *Nature Valley*
9 *Breakfast Biscuits* in approximately September 2015. Given plaintiff's habits, he believes he
10 purchased one variety or another approximately every two months. Plaintiff believes he
11 purchased these products at the Safeway located at 815 Canyon Del Rey Boulevard, in Del
12 Rey Oaks, California 93940. Plaintiff believes last purchased a *Nature Valley Breakfast*
13 *Biscuit* product in approximately February 2016.

14 364. For each *Nature Valley Breakfast Biscuits* product purchased, Mr. Hadley read
15 and decided to purchase the product in substantial part based upon General Mills' health and
16 wellness labeling statements discussed herein and set forth above with respect to each variety,
17 which statements—individually, and especially in the context of the packaging as a whole—
18 made the products seem like healthy food choices to Mr. Hadley.

19 365. ***Nature Valley Soft-Baked Oatmeal Squares.*** Over the past several years, Mr.
20 Hadley has purchased the *Blueberry*, *Peanut Butter*, and *Cinnamon Brown Sugar* varieties of
21 *Nature Valley Soft-Baked Oatmeal Squares*.

22 366. To the best of his recollection, Mr. Hadley began purchasing *Nature Valley Soft-*
23 *Baked Oatmeal Squares* in or around the fall of 2014, from the Safeway located at 815
24 Canyon Del Rey Boulevard, in Del Rey Oaks, California 93940. Plaintiff believes he last
25 purchased a *Nature Valley Soft-Baked Oatmeal Squares* product in approximately May 2016.

26 367. For each *Nature Valley Soft-Baked Oatmeal Squares* product purchased, Mr.
27 Hadley read and decided to purchase the product in substantial part based upon General Mills'
28 health and wellness labeling statements discussed herein and set forth above with respect to

each variety, which statements—individually, and especially in the context of the packaging as a whole—made the products seem like healthy food choices to Mr. Hadley.

368. *Nature Valley Crunchy Granola Protein*. Over the past several years, Mr. Hadley has purchased the *Oats 'N Honey* and *Cranberry Almond* varieties of *Nature Valley Crunchy Granola Protein*.

369. To the best of his recollection, Mr. Hadley began purchasing *Nature Valley Crunchy Granola Protein* in or around the fall of 2014, at either the Safeway located at 815 Canyon Del Rey Boulevard, in Del Rey Oaks, California 93940 or at the Grocery Outlet located at 1523 Freemont Boulevard, in Seaside, California 93955. Plaintiff regularly purchased *Nature Valley Crunchy Granola Protein* regularly, approximately once per month, with his last purchase in approximately July 2016.

370. For each *Nature Valley Crunchy Granola Protein* purchased, Mr. Hadley read and decided to purchase the product in substantial part based upon General Mills' health and wellness labeling statements discussed herein and set forth above with respect to each variety, which statements—individually, and especially in the context of the packaging as a whole—made the products seem like healthy food choices to Mr. Hadley.

* * *

371. When purchasing the General Mills products, Mr. Hadley was seeking products that were healthy to consume, that is, whose consumption would not increase his risk of CHD, stroke, and other morbidity.

372. The health and wellness representations on the General Mills products' labeling, however, was misleading, and had the capacity, tendency, and likelihood to confuse or confound Mr. Hadley and other consumers acting reasonably (including the putative Class) because, as described in detail herein, the products are not healthy but instead their consumption increases the risk of CHD, stroke, and other morbidity.

373. Mr. Hadley is not a nutritionist or food scientist, but rather a lay consumer who did not have the specialized knowledge that General Mills had regarding the nutrients present in the General Mills products. At the time of purchase, plaintiff was unaware of the extent to

1 which consuming high amounts of added sugar in any form adversely affects blood
2 cholesterol levels and increases risk of CHD, stroke, and other morbidity, or what amount of
3 sugar might have such an effect.

4 374. Mr. Hadley acted reasonably in relying on General Mills' health and wellness
5 marketing, which General Mills intentionally placed on the products' labels with the intent to
6 induce average consumers into purchasing the products.

7 375. Mr. Hadley would not have purchased General Mills products if he knew that
8 their labeling claims were false and misleading in that the products were not as healthy as
9 represented.

10 376. The General Mills products cost more than similar products without misleading
11 labeling, and would have cost less absent the misleading health and wellness claims. If
12 General Mills were enjoined from making the misleading claims, the market demand and
13 price for its products would drop, as it has been artificially and fraudulently inflated due to
14 General Mills' use of deceptive health and wellness labeling.

15 377. Mr. Hadley paid more for the General Mills products, and would only have been
16 willing to pay less, or unwilling to purchase them at all, absent the misleading labeling
17 statements complained of herein.

18 378. For these reasons, the General Mills products were worth less than what Mr.
19 Hadley paid for them, and may have been worth nothing at all.

20 379. Instead of receiving products that had actual healthful qualities, the products Mr.
21 Hadley received were not healthy, but rather their consumption causes increased risk of CHD,
22 stroke, and other morbidity.

23 380. Mr. Hadley lost money as a result of General Mills' deceptive claims and
24 practices in that he did not receive what he paid for when purchasing the General Mills
25 products.

26 381. Mr. Hadley detrimentally altered his position and suffered damages in an amount
27 equal to the amount he paid for the products.

28 382. As a result of General Mills' practices, Mr. Hadley has suffered bodily injury in

the form of increased risk of CHD, stroke, and other morbidity.

CLASS ACTION ALLEGATIONS

383. Pursuant to Fed. R. Civ. P. 23, plaintiffs seek to represent a class of all persons in California who, at any time from four years preceding the date of this Complaint to the time a class is notified, purchased high-sugar General Mills products bearing health and wellness claims for their own personal, family, or household use and not for resale.

384. Plaintiffs nevertheless reserve the right to divide into subclasses, expand, narrow, more precisely define, or otherwise modify the class definition prior to (or as part of) filing a motion for class certification.

385. The members in the proposed class and subclass are so numerous that individual joinder of all members is impracticable, and the disposition of the claims of all class members in a single action will provide substantial benefits to the parties and Court. Fed. R. Civ. P. 23(a)(1).

386. Questions of law and fact common to plaintiffs and the class (Fed. R. Civ. P. 23(a)(2) include, without limitation:

- a. Whether certain General Mills products contain sufficient added sugar to contribute substantially to the excessive consumption of added sugar;
- b. Whether the excessive consumption of added sugar presents significant health risks;
- c. Whether, if the former questions of fact are answered in the affirmative, this renders misleading to the reasonable consumer General Mills' use of health and wellness claims on the packaging of high-sugar General Mills products;
- d. Whether the challenged General Mills health and wellness claims were material;
- e. Whether General Mills made any statement it knew or should have known was false or misleading;
- f. Whether General Mills maintained a longstanding marketing policy, practice, and strategy of selling high-sugar products with health and wellness claims;

- g. Whether General Mills' practices were immoral, unethical, unscrupulous, or substantially injurious to consumers;
- h. Whether the utility of any of General Mills' practices, if any, outweighed the gravity of the harm to its victims;
- i. Whether General Mills' conduct violated public policy, including as declared by specific constitutional, statutory or regulatory provisions;
- j. Whether the consumer injury caused by General Mills' conduct was substantial, not outweighed by benefits to consumers or competition, and not one consumers themselves could reasonably have avoided;
- k. Whether General Mills' policies, acts, and practices with respect to the General Mills high-sugar products were designed to, and did result in the purchase and use of the products by the class members primarily for personal, family, or household purposes;
- l. Whether General Mills represented that General Mills high-sugar products have characteristics, uses, or benefits which they do not have, within the meaning of Cal. Civ. Code § 1770(a)(5);
- m. Whether General Mills represented General Mills high-sugar products are of a particular standard, quality, or grade, when they were really of another, within the meaning of Cal. Civ. Code § 1770(a)(7);
- n. Whether General Mills advertised General Mills high-sugar products with the intent not to sell them as advertised, within the meaning of Cal. Civ. Code § 1770(a)(9);
- o. Whether General Mills represented that General Mills high-sugar products have been supplied in accordance with previous representations when they have not, within the meaning of Cal. Civ. Code § 1770(a)(16);
- p. Whether General Mills' conduct or any of its acts or practices violated the California False Advertising Law, Cal. Bus. & Prof. Code §§ 17500 *et seq.*, the California Consumers Legal Remedies Act, Cal. Civ. Code §§ 1750 *et seq.*, the Federal Food, Drug, and Cosmetic Act, 28 U.S.C. §§ 301 *et seq.*, and its implementing regulations, 21 C.F.R. §§ 101 *et seq.*, the California Sherman Food, Drug, and Cosmetic Law, Cal. Health & Safety Code §§ 109875, *et seq.*, or any other regulation, statute, or law;
- q. The proper equitable and injunctive relief;
- r. The proper amount of restitution or disgorgement; and

s. The proper amount of reasonable litigation expenses and attorneys' fees.

387. Plaintiffs' claims are typical of class members' claims in that they are based on the same underlying facts, events, and circumstances relating to General Mills' conduct. Fed. R. Civ. P. 23(a)(3).

388. Plaintiffs will fairly and adequately represent and protect the interests of the class, have no interests incompatible with the interests of the class, and have retained counsel competent and experienced in class action, consumer protection, and false advertising litigation, including within the food industry.

389. Class treatment is superior to other options for resolution of the controversy because the relief sought for each class member is small such that, absent representative litigation, it would be infeasible for class members to redress the wrongs done to them.

390. Questions of law and fact common to the class predominate over any questions affecting only individual class members.

391. As a result of the foregoing, class treatment is appropriate under Fed. R. Civ. P. 23(a), (b)(2), and (b)(3), and may be appropriate for certification "with respect to particular issues" under Rule 23(b)(4).

CAUSES OF ACTION

FIRST CAUSE OF ACTION

VIOLATIONS OF THE CALIFORNIA FALSE ADVERTISING LAW,

CAL. BUS. & PROF. CODE §§ 17500 *ET SEQ.*

392. Plaintiffs reallege and incorporate the allegations elsewhere in the Complaint as if fully set forth herein.

393. The FAL prohibits any statement in connection with the sale of goods "which is untrue or misleading," Cal. Bus. & Prof. Code § 17500.

394. General Mills' use of health and wellness advertising for General Mills products that contain substantial amounts of added sugar is deceptive in light of the strong evidence that excessive sugar consumption greatly increases risk of chronic disease.

395. General Mills knew, or reasonably should have known, that the challenged

1 health and wellness claims were untrue or misleading.

2 **SECOND CAUSE OF ACTION**

3 **VIOLATIONS OF THE CALIFORNIA CONSUMERS LEGAL REMEDIES ACT,**
 4 **CAL. CIV. CODE §§ 1750 *ET SEQ.***

5 396. Plaintiffs reallege and incorporate the allegations elsewhere in the Complaint as
 6 if fully set forth herein.

7 397. The CLRA prohibits deceptive practices in connection with the conduct of a
 8 business that provides goods, property, or services primarily for personal, family, or
 9 household purposes.

10 398. General Mills' policies, acts, and practices were designed to, and did, result in
 11 the purchase and use of the products primarily for personal, family, or household purposes,
 12 and violated and continue to violate the following sections of the CLRA:

- 13 a. § 1770(a)(5): representing that goods have characteristics, uses,
 14 or benefits which they do not have;
- 15 b. § 1770(a)(7): representing that goods are of a particular standard,
 16 quality, or grade if they are of another;
- 17 c. § 1770(a)(9): advertising goods with intent not to sell them as
 18 advertised; and
- 19 d. § 1770(a)(16): representing the subject of a transaction has been
 20 supplied in accordance with a previous representation when it
 has not.

21 399. In compliance with Cal. Civ. Code § 1782, plaintiffs sent written notice to
 22 General Mills of their claims. Although plaintiffs do not currently seek damages for their
 23 claims under the CLRA, if General Mills refuses to remedy the violation within 30 days of
 24 receiving the notice letter, plaintiffs may thereafter amend this Complaint to seek damages.

25 400. In compliance with Cal. Civ. Code § 1782(d), an affidavit of venue is filed
 26 concurrently herewith.

THIRD CAUSE OF ACTION

VIOLATIONS OF THE CALIFORNIA UNFAIR COMPETITION LAW,

CAL. BUS. & PROF. CODE §§ 17200 *ET SEQ.*

401. Plaintiffs reallege and incorporate the allegations elsewhere in the Complaint as if fully set forth herein.

402. The UCL prohibits any “unlawful, unfair or fraudulent business act or practice,” Cal. Bus. & Prof. Code § 17200.

Fraudulent

403. General Mills’ use of the challenged health and wellness claims on products containing high amounts of added sugar are likely to deceive reasonable consumers.

Unfair

404. General Mills’ conduct with respect to the labeling, advertising, and sale of General Mills high-sugar products was and is unfair because General Mills’ conduct was and is immoral, unethical, unscrupulous, or substantially injurious to consumers and the utility of its conduct, if any, does not outweigh the gravity of the harm to its victims.

405. General Mills’ conduct with respect to the labeling, advertising, and sale of General Mills high-sugar products was also unfair because it violated public policy as declared by specific constitutional, statutory or regulatory provisions, including the False Advertising Law, the Federal Food, Drug, and Cosmetic Act, and the California Sherman Food, Drug, and Cosmetic Law.

406. General Mills’ conduct with respect to the labeling, advertising, and sale of General Mills high-sugar products was also unfair because the consumer injury was substantial, not outweighed by benefits to consumers or competition, and not one consumers themselves could reasonably have avoided.

Unlawful

407. The acts alleged herein are “unlawful” under the UCL in that they violate at least the following laws:

- a. The False Advertising Law, Cal. Bus. & Prof. Code §§ 17500 *et seq.*;

- b. The Consumers Legal Remedies Act, Cal. Civ. Code §§ 1750 *et seq.*; and
- c. The Federal Food, Drug, and Cosmetic Act, 28 U.S.C. §§ 301 *et seq.*, and its implementing regulations, 21 C.F.R. §§ 101 *et seq.*; and
- d. The California Sherman Food, Drug, and Cosmetic Law, Cal. Health & Safety Code §§ 109875, *et seq.*

PRAYER FOR RELIEF

408. Wherefore, plaintiffs, on behalf of themselves, all others similarly situated, and the general public, pray for judgment against General Mills as to each and every cause of action, and the following remedies:

- a. An Order certifying this as a class action, appointing plaintiffs and their counsel to represent the class, and requiring General Mills to pay the cost of class notice;
- b. An Order enjoining General Mills from labeling, advertising, or packaging the General Mills high-sugar products identified herein with the challenged health and wellness statements identified herein;
- c. An Order compelling General Mills to conduct a corrective advertising campaign to inform the public that General Mills high-sugar products were deceptively marketed;
- d. An Order enjoining General Mills' longstanding policy, practice, and strategy of marketing high-sugar foods with misleading health and wellness claims;
- e. An Order requiring General Mills to pay restitution to restore funds that may have been acquired by means of any act or practice declared by this Court to be an unlawful, unfair, or fraudulent business act or practice, untrue or misleading advertising, or a violation of the UCL, FAL, or CLRA,
- f. Pre- and post-judgment interest;
- g. Costs, expenses, and reasonable attorneys' fees; and
- h. Any other and further relief the Court deems necessary, just, or proper.

JURY DEMAND

409. Plaintiffs hereby demand a trial by jury on all issues so triable.

Dated: August 29, 2016

/s/ Jack Fitzgerald

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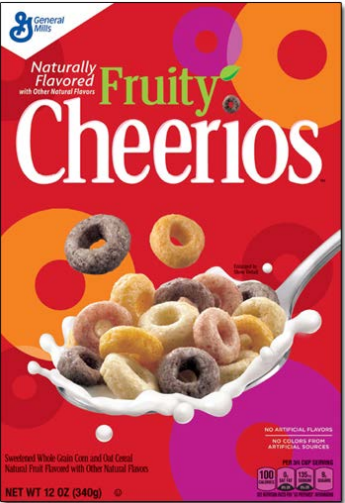
Counsel for Plaintiffs and the Putative Class


APPENDIX 1

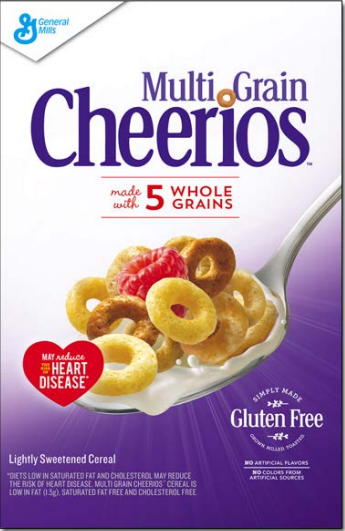
Product	Challenged Health & Wellness Claims	Sweeteners (in Order of Amount)	Serving Size	Calories Per Serving	Grams Sugar Per Serving	% Sugar by Weight	% Calories From Sugar	Contribution of 1 Serving to AHA’s Maximum Recommended Daily Intake
<div>Honey Nut Cheerios</div> <div></div>	<ul style="list-style-type: none">• “CAN HELP lower CHOLESTEROL”• “what’s your Heart Health I.Q.? / You’re already pretty smart for discovering that great tasting Honey Nut Cheerios cereal can also help take care of your heart. But eating Honey Nut Cheerios is just one part of living a healthy lifestyle. How high is your Heart Health I.Q.? / Take this quiz and find out. / For each question, answer True or False. / (1) HDL is often called ‘good cholesterol’ / (2) All adults age 20 or older should have their cholesterol levels checked at least once every 5 years. / (3) The soluble fiber in oats can help naturally lower your cholesterol. / (4) If it tastes great, it must be bad for you. / (5) Sore joints are a sign of high cholesterol. / Answer Key: 1T, 2T, 3T, 4F, 5F. / SCORE (number correct): / 1-2 Maybe you should visit HoneyNutCheerios.com / 3-4 You know how to keep your heart happy / 5 Are you a cardiologist? / Visit HoneyNutCheerios.com for more information about this quiz and to improve your Heart Health I.Q.”• Heart vignettes• “Certified by the American Heart Association”• “With Whole Grain First Ingredient”• “More Whole Grain than any other ingredient!”• “first ingredient WHOLE GRAIN OATS”• Whole Grains Council Stamp• “THIS CEREAL CONTAINS 14g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”• “Gluten Free / SIMPLY MADE . . . GROWN MILLED TOASTED”• “Our mission is nourishing lives”	Sugar, Honey, Brown Sugar Syrup	28g	110	9g	32.1%	32.7%	M: 23.7% W: 36% C: 60-75%


Product	Challenged Health & Wellness Claims	Sweeteners (in Order of Amount)	Serving Size	Calories Per Serving	Grams Sugar Per Serving	% Sugar by Weight	% Calories From Sugar	Contribution of 1 Serving to AHA’s Maximum Recommended Daily Intake
<p>Apple Cinnamon Cheerios</p> 	<ul style="list-style-type: none">• “CAN HELP lower CHOLESTEROL”• “Flavors your heart will Love!”• “It’s the sweet combination of baked-in apples and a daring amount of cinnamon that makes Apple Cinnamon Cheerios cereal the easy choice for your happy, healthy family.”• “With Whole Grain First Ingredient”• “first ingredient WHOLE GRAIN OATS”• Whole Grains Council Stamp• “THIS CEREAL CONTAINS 14g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”• “Did you Know? / THE USDA RECOMMENDS looking for products that name whole grain first on the ingredient list. Go to www.choosemyplate.gov for more information. / Now, all General Mills Big G Cereals Have More Whole Grain than any other ingredient. / That’s why it’s first on the ingredient list!”• “Gluten Free / SIMPLY MADE . . . GROWN MILLED TOASTED”• “wholesome GOODNESS”• “12 VITAMINS and MINERALS”• “Our mission is nourishing lives”	Sugar, Corn Syrup, Refiner’s Syrup	30g	120	10g	33.3%	33.3%	M: 26.3% W: 40% C: 66.7-83.3%


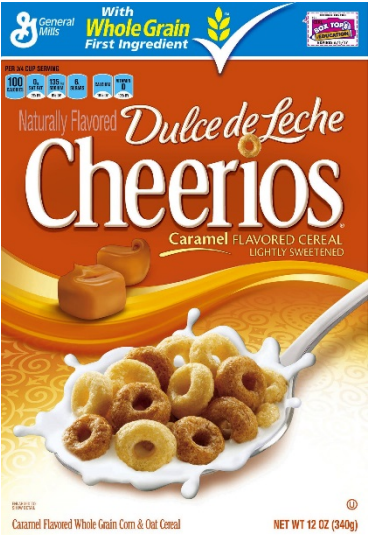
Product	Challenged Health & Wellness Claims	Sweeteners (in Order of Amount)	Serving Size	Calories Per Serving	Grams Sugar Per Serving	% Sugar by Weight	% Calories From Sugar	Contribution of 1 Serving to AHA’s Maximum Recommended Daily Intake
Frosted Cheerios 	<ul style="list-style-type: none">• “CAN HELP lower CHOLESTEROL”• “With Whole Grain First Ingredient”• “first ingredient WHOLE GRAIN OATS”• “More WHOLE GRAIN than any other ingredient!”• Whole Grains Council Stamp• “THIS CEREAL CONTAINS 14g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”• “Gluten Free / SIMPLY MADE . . . GROWN MILLED TOASTED”• “wholesome GOODNESS”• “12 VITAMINS and MINERALS”• “Our mission is nourishing lives”	Sugar, Corn Syrup, Brown Sugar Syrup	27g	100	9g	33.3%	36%	M: 23.7% W: 36% C: 60-75%
Yogurt Burst Strawberry Flavor Cheerios 	<ul style="list-style-type: none">• “Whole Grain Guaranteed”• “With Whole Grain First Ingredient”• Whole Grains Council Stamp• “Eat 48g or More of Whole grains Daily”• “Kids Love the Great Taste, Moms Love the Calcium & Vitamin D for Strong Bones.”• “Did you know that Vitamin D is necessary to help your body absorb calcium? Help your family build and maintain strong bones while enjoying the delicious taste of Cheerios cereal.”• “A whole grain food is made by using all three parts of the grain. General Mills guarantees that every box of Big G cereal has at least 8 grams of whole grain per serving (48 grams recommended daily).”• “www.wholegrainnation.com”• “Please visit www.general Mills.com/health”	Sugar, Dextrose, Corn Syrup, Brown Sugar Syrup	30g	120	9g	30%	30%	M: 23.7% W: 36% C: 60-75%


Product	Challenged Health & Wellness Claims	Sweeteners (in Order of Amount)	Serving Size	Calories Per Serving	Grams Sugar Per Serving	% Sugar by Weight	% Calories From Sugar	Contribution of 1 Serving to AHA’s Maximum Recommended Daily Intake
<p>Fruity Cheerios</p> 	<ul style="list-style-type: none">• “Flavors your heart will Love!”• “With Whole Grain First Ingredient”• “More whole grain than any other ingredient”• Whole Grains Council Stamp• “THIS CEREAL CONTAINS 16g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”• “GENERAL MILLS IS ON A JOURNEY TO ALWAYS MAKE OUR CEREALS BETTER / [. . .] That’s Why / FRUITY CHEERIOS HAS / [. . .] No high fructose corn syrup / whole grain as the first ingredient”• “Treat yourself to a better night time snack.”• “The Simple Joys of Cheerios. It’s the simple things in life that bring us the most joy. [. . .] Cheerio’s is another. It’s made with simple ingredients. No artificial flavors, colors from artificial sources or high fructose corn syrup. Just whole grain goodness that’s simply delicious spoonful after spoonful. What’s also O-so-wonderful is knowing Cheerios comes in a variety of good flavors so everyone is sure to find their happy taste.”• “we are committed to nourishing lives”	Sugar, Corn Syrup	27g	100	9g	33.3%	36%	M: 23.7% W: 36% C: 60-75%


Product	Challenged Health & Wellness Claims	Sweeteners (in Order of Amount)	Serving Size	Calories Per Serving	Grams Sugar Per Serving	% Sugar by Weight	% Calories From Sugar	Contribution of 1 Serving to AHA’s Maximum Recommended Daily Intake
<p>Banana Nut Cheerios</p> 	<ul style="list-style-type: none">• “Flavors your heart will Love!”• “Flavored with Real Banana”• “with Whole Grain Guaranteed”• “More WHOLE GRAIN than any other ingredient!”• Whole Grains Council Stamp• “THIS CEREAL CONTAINS 17g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”• “Did you Know? / THE USDA RECOMMENDS looking for products that name whole grain first on the ingredient list. Go to www.choosemyplate.gov for more information. / Now, all General Mills Big G Cereals Have More Whole Grain than any other ingredient. / That’s why it’s first on the ingredient list!”• “Our mission is nourishing lives”• “we are committed to nourishing lives”• “Please visit www.GeneralMills.com/health”	Sugar, Brown Sugar Syrup, Corn Syrup	28g	100	9g	32.1%	36%	M: 23.7% W: 36% C: 60-75%


Product	Challenged Health & Wellness Claims	Sweeteners (in Order of Amount)	Serving Size	Calories Per Serving	Grams Sugar Per Serving	% Sugar by Weight	% Calories From Sugar	Contribution of 1 Serving to AHA’s Maximum Recommended Daily Intake
<p>Multi Grain Cheerios</p> 	<ul style="list-style-type: none">• “MAY reduce THE RISK OF HEART DISEASE”• American Heart Association certification• “Be sure to pack plenty of Os as a healthy snack”• “It’s never too early to get them on a healthy diet”• “With Whole Grain First Ingredient”• “First Ingredient Whole Grain”• “5 Whole Grains”• “made with 5 Whole Grains”• “5 Lightly Sweetened Whole Grains in every bowl!”• “THIS CEREAL CONTAINS 20g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”• Whole Grains Council Stamp• “Gluten Free / SIMPLY MADE . . . GROWN MILLED TOASTED”• “Lightly Sweetened”• “Wholesome Goodness”• “12 vitamins and minerals”• “No high fructose corn syrup”• “Watch them grow with the power of 5 whole grains”• “After breakfast, let those whole grains help fuel some family fun”• “Start their day on an upnote”• “I love looking my best. That’s why I lead a healthy lifestyle and make Multi Grain Cheerios cereal a part of my sensible diet. People	Sugar, Brown Sugar Syrup	29g	110	6g	20.6%	21.8%	M: 15.7% W: 24% C: 40-50%

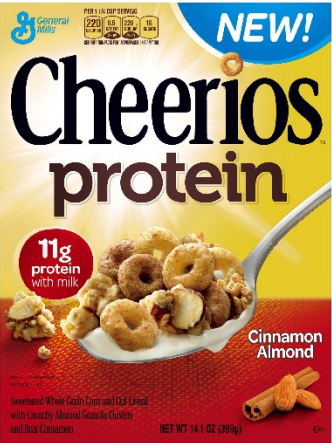
Product	Challenged Health & Wellness Claims	Sweeteners (in Order of Amount)	Serving Size	Calories Per Serving	Grams Sugar Per Serving	% Sugar by Weight	% Calories From Sugar	Contribution of 1 Serving to AHA’s Maximum Recommended Daily Intake
	<p>who choose more whole grain tend to weigh less than those who don’t. With 20 grams of whole grain and 110 lightly-sweetened calories, Multi Grain Cheerios is a delicious way to help me look fabulous! More Grains. LESS YOU!”</p> <ul style="list-style-type: none">• “The Cheerios family of brands helps nourish the lives of young children”• “Our mission is nourishing lives”• “we are committed to nourishing lives”							
<p>Chocolate Cheerios</p> 	<ul style="list-style-type: none">• “May Reduce the Risk of Heart Disease”• “Flavors your heart will Love!”• “A Perfect Balance / Whole Grain Goodness & Delicious Chocolate Taste! / Enjoy new Chocolate Cheerios cereal, a perfect balance of whole grain goodness and a delicious touch of chocolate taste in every bite. One delightful serving of Chocolate Cheerios has 9 grams of sugar and is a heart-healthy choice for your whole family. A great combination that will make you and your family smile.”• “Ready to brighten up breakfast? Heart-healthy cheerios cereals deliver nutrition you can trust and whole grain goodness in every serving”• “With Whole Grain Guaranteed”• “THIS CEREAL CONTAINS 15g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”• Whole Grains Council Stamp• “Great Taste Your Family Will Love, with the Goodness of Cheerios!”	Sugar, Corn Syrup, Dried Molasses	27g	100	9g	33.3%	36%	M: 23.7% W: 36% C: 60-75%

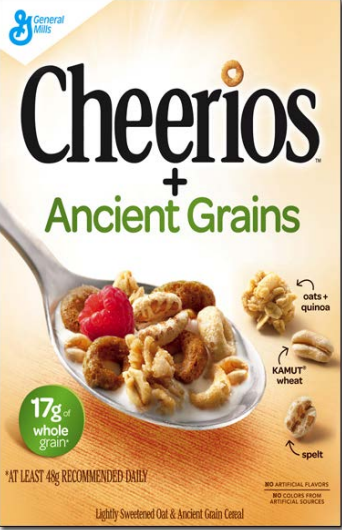
Product	Challenged Health & Wellness Claims	Sweeteners (in Order of Amount)	Serving Size	Calories Per Serving	Grams Sugar Per Serving	% Sugar by Weight	% Calories From Sugar	Contribution of 1 Serving to AHA’s Maximum Recommended Daily Intake
Cinnamon Burst Cheerios 	<ul style="list-style-type: none">• “with Whole Grain Guaranteed”• “With Whole Grain First Ingredient”• “20% DAILY VALUE OF FIBER”• “THIS CEREAL CONTAINS 17g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”• Whole Grains Council Stamp• “Treat yourself to a better night time snack.”• “Our mission is nourishing lives.”• “we are committed to nourishing lives”	Sugar, Brown Sugar Syrup	32g	110	9g	28.1%	32.7%	M: 23.7% W: 36% C: 60-75%
Dulce de Leche Cheerios 	<ul style="list-style-type: none">• “Dulce de Leche Cheerios delivers nutrition you can trust”• “It’s a deliciously smart choice for everyone at your breakfast table”• “a breakfast that not only tastes good, but is good for you”• “The Goodness of Cheerios”• “Treat yourself to a better night time snack.”• “With Whole Grain First Ingredient”• “THIS CEREAL CONTAINS 17g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”	Sugar, Corn Syrup, Caramel Syrup, Brown Sugar Syrup	27g	100	6g	22.2%	24%	M: 15.7% W: 24% C: 40-50%

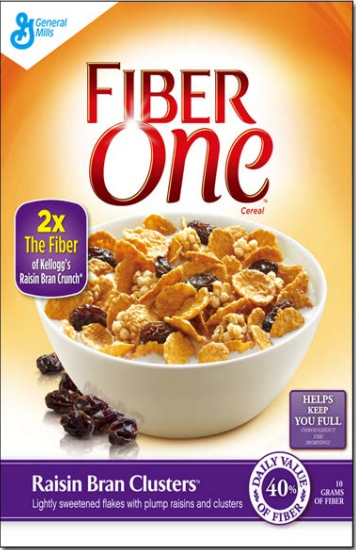
Product	Challenged Health & Wellness Claims	Sweeteners (in Order of Amount)	Serving Size	Calories Per Serving	Grams Sugar Per Serving	% Sugar by Weight	% Calories From Sugar	Contribution of 1 Serving to AHA’s Maximum Recommended Daily Intake
	<ul style="list-style-type: none">• “Lightly Sweetened”• “Sweet touch of caramel”• “Our mission is nourishing lives.”• “we are committed to nourishing lives”							
<p>Multi-Grain Peanut Butter Cheerios</p> 	<ul style="list-style-type: none">• “With Whole Grain First Ingredient”• “5 Whole Grains”• “More grains. Less you! / 110 calories and 16 grams of whole grain as part of a sensible diet can help you manage weight.”• “Slimming waist” design• “THIS CEREAL CONTAINS 17g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”• Whole Grains Council Stamp• “WE BELIEVE IN THE GOODNESS OF WHOLE GRAIN CEREAL. Cereal is packed with nutrients and contains complete grains, which can help fuel your morning. That’s why WHOLE GRAIN is the FIRST INGREDIENT in ALL Big G cereals and why Multi-Grain Cheerios Peanut Butter / Is made with real peanut butter / Has no high fructose corn syrup / Has 12 vitamins and minerals”• “Another feel good flavor”• “New! Multi Grain Cheerios Peanut Butter cereal makes my world feel like some big wonderful whirl of peanut butter taste. And it offers 16 grams of whole grain in every 110 calorie bowl. It’s easier than ever	Sugar, Corn Syrup, Dextrose	28g	110	9g	32.1%	32.7%	M: 23.7% W: 36% C: 60-75%

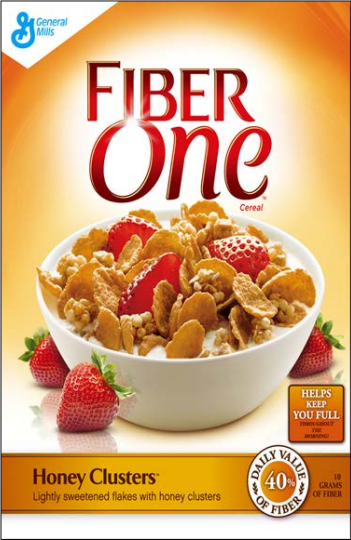
Product	Challenged Health & Wellness Claims	Sweeteners (in Order of Amount)	Serving Size	Calories Per Serving	Grams Sugar Per Serving	% Sugar by Weight	% Calories From Sugar	Contribution of 1 Serving to AHA’s Maximum Recommended Daily Intake
	<p>to help keep me feeling fit and fabulous. Whole Grain never felt or tasted this great.”</p> <ul style="list-style-type: none">• “More Grains. LESS YOU! / People who choose more whole grains tend to weigh less than those who don’t.”• “Our mission is nourishing lives.”• “we are committed to nourishing lives”							
<p>Multi-Grain Cheerios Dark Chocolate Crunch</p> 	<ul style="list-style-type: none">• “With Whole Grain First Ingredient”• “with 5 Whole Grains”• “THIS CEREAL CONTAINS 15g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”• Whole Grains Council Stamp• “Another feel good flavor”• “a world of goodness in every delicious O.”• “Savor every single bite of dark chocolatey, 5 whole grain deliciousness. A spoonful of crunch. A bite of surprise. The perfect amount of sweet. New Multi Grain Cheerios Dark Chocolate Crunch brings together the just-right O’s to deliver a whole world of goodness.”• “Our mission is nourishing lives.”• “we are committed to nourishing lives”	<p>Sugar, Corn Syrup, Fructose, Honey, Maltodextrin, Molasses</p>	<p>28g</p>	<p>110</p>	<p>9g</p>	<p>32.1%</p>	<p>32.7%</p>	<p>M: 23.7% W: 36% C: 60-75%</p>

Product	Challenged Health & Wellness Claims	Sweeteners (in Order of Amount)	Serving Size	Calories Per Serving	Grams Sugar Per Serving	% Sugar by Weight	% Calories From Sugar	Contribution of 1 Serving to AHA’s Maximum Recommended Daily Intake
<div>Cheerios Protein - Oats & Honey</div> <div></div>	<ul style="list-style-type: none">• “Real Honey”• “A GREAT START TO YOUR DAY!”• “14 vitamins & minerals”• Whole Grains Council Stamp• “11g protein with milk”• “100% whole grain”• “WE BELIEVE IN THE GOODNESS OF WHOLE GRAIN CEREAL. Cereal is packed with nutrients and contains complete grains, which can help fuel your morning. That’s why WHOLE GRAIN is the FIRST INGREDIENT in ALL Big G cereals and why Cheerios Protein Oats & Honey / Is a good source of protein: 11g with milk / [. . .] / Made with 100% Whole Grain” / Has 14 vitamins and minerals”• “Another great way to KICK-START your day!”• “WHAT WOULD YOU DO WITH LONG-LASTING ENERGY? / START YOUR school day right? / go to the BEACH FOR A SPLASH? / GIVE A SPONTANEOUS shoulder ride?”• “LONG-LASTING ENERGY YOUR WHOLE FAMILY WILL LOVE!”• “You can see the energy when you pour a bowl of Cheerios Protein.”• “Your whole family will love kick-starting the day with long-lasting energy that is IRRESISTIBLY DELICIOUS.”• “Our mission is nourishing lives.”• “we are committed to nourishing lives”	Sugar, Honey, Refiner’s Syrup, Maltodextrin, Corn Syrup Solids, Brown Sugar	55g	210	17g	30.9%	32.3%	M: 44.7% W: 68% C: 113.3-141.7%

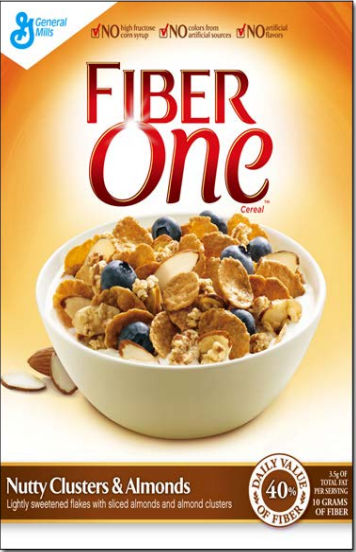
Product	Challenged Health & Wellness Claims	Sweeteners (in Order of Amount)	Serving Size	Calories Per Serving	Grams Sugar Per Serving	% Sugar by Weight	% Calories From Sugar	Contribution of 1 Serving to AHA’s Maximum Recommended Daily Intake
<div>Cheerios Protein - Cinnamon Almond</div> <div></div>	<ul style="list-style-type: none">• “A GREAT START TO YOUR DAY!”• “13 vitamins & minerals”• Whole Grains Council Stamp• “11g protein with milk”• “WE BELIEVE IN THE GOODNESS OF WHOLE GRAIN CEREAL. Cereal is packed with nutrients and contains complete grains, which can help fuel your morning. That’s why WHOLE GRAIN is the FIRST INGREDIENT in ALL Big G cereals and why Cheerios Protein Oats & Honey / Is a good source of protein: 11g with milk / [. . .] / Has 13 vitamins and minerals”• “Another great way to KICK-START your day!”• “WHAT WOULD YOU DO WITH LONG-LASTING ENERGY? / START YOUR school day right? / go to the BEACH FOR A SPLASH? / GIVE A SPONTANEOUS shoulder ride?”• “LONG-LASTING ENERGY YOUR WHOLE FAMILY WILL LOVE!”• “You can see the energy when you pour a bowl of Cheerios Protein. Our toasted whole grain O’s, combined with real cinnamon and crunchy almond granola clusters come together in delicious harmony that will help keep you going. Your whole family will love kick-starting the day with long-lasting energy that is IRRESISTIBLY DELICIOUS.”• “Our mission is nourishing lives.”• “we are committed to nourishing lives”	Sugar, Refiner’s Syrup	55g	220	16g	29.1%	29.1%	M: 42.1% W: 64% C: 106.7-133.3%

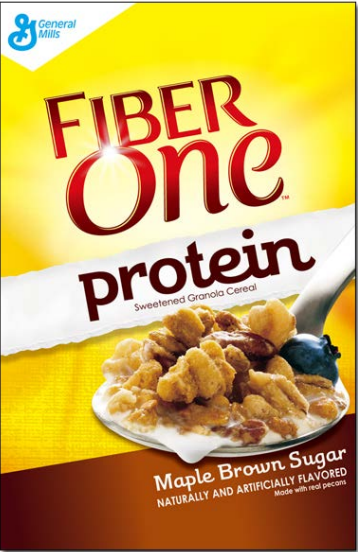
Product	Challenged Health & Wellness Claims	Sweeteners (in Order of Amount)	Serving Size	Calories Per Serving	Grams Sugar Per Serving	% Sugar by Weight	% Calories From Sugar	Contribution of 1 Serving to AHA’s Maximum Recommended Daily Intake
<div>Cheerios + Ancient Grains</div> <div></div>	<ul style="list-style-type: none">• “may REDUCE THE RISK OF Heart Disease”• “Cheerios + Ancient Grains offers a great deal of health benefits with a taste your whole family will love”• “17g of whole grain”• “oats + quinoa”• “KAMUT wheat”• “spelt”• “Spelt = SWEET, HAZELNUT TASTE”• “Lightly Sweetened”• “Cheerios + Ancient Grains PROVIDES / FIRST INGREDIENT WHOLE GRAIN OATS + 12 VITAMINS & MINERALS + 17g WHOLE GRAIN / AT LEAST 48g RECOMMENDED DAILY”• “Our mission is nourishing lives.”• “we are committed to nourishing lives”	Sugar, Corn Syrup, Molasses, Refiner’s Syrup, Maple Syrup	28g	110	5g	17.8%	18.1%	M: 13.1% W: 20% C: 33.3%-41.6%

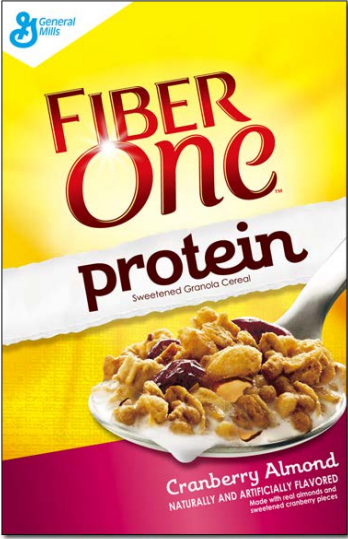
Product	Challenged Health & Wellness Claims	Sweeteners (in Order of Amount)	Serving Size	Calories Per Serving	Grams Sugar Per Serving	% Sugar by Weight	% Calories From Sugar	Contribution of 1 Serving to AHA’s Maximum Recommended Daily Intake
<p>Fiber One Raisin Bran Clusters</p> 	<ul style="list-style-type: none">• “With Whole Grain First Ingredient”• “2x The Fiber of Kellogg’s Raisin Bran Crunch”• “HELPS KEEP YOU FULL THROUGHOUT THE MORNIING!”• “Whole Grain First Ingredient”• “THIS CEREAL CONTAINS 26g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”• Whole Grains Council Stamp• “Fiber-licious / Okay, we made it up, but that single sort-of word says it all about Fiber One cereal. Open a box to reveal crunchy deliciousness, along with at least 35% of the Daily Value of fiber per serving for any of our great-tasting cereal products. Plus every one of our Fiber One cereals contains at least 10 grams of whole grain. And with many delightful fiber-packed flavors, your taste buds will never know how well you’re eating.”• “Just the Facts: / Fiber can help satisfy your appetite and manage your weight. Fiber can help keep your digestive system on track. 9 out of 10 Americans aren’t getting the recommended amount of fiber.”• “Research suggests that people who have higher fiber intakes tend to have healthier body weights.”• “Most people know that fiber helps promote a healthy digestive system. But did you know that fiber also helps keep you full? With the high fiber in many Fiber One cereals to help curb your appetite, you’ll	Sugar, Corn Syrup, Glycerin, Brown Sugar, Brown Sugar Syrup, Honey	55g	170	14g	25.5%	32.9%	M: 36.8% W: 56% C: 93.3-116.7%

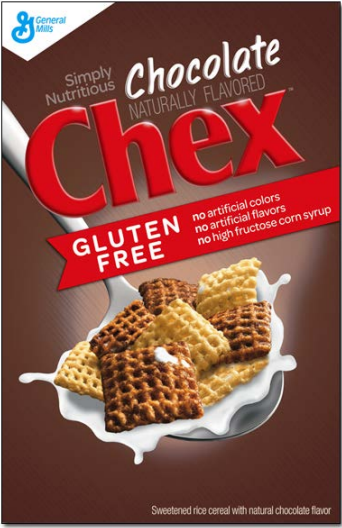
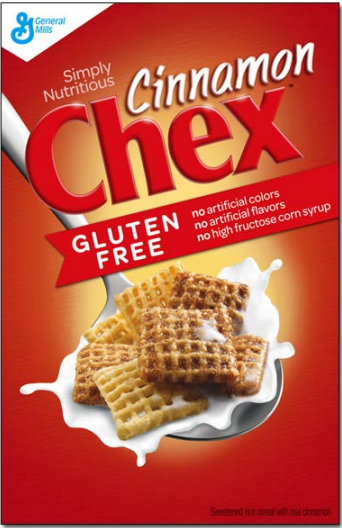
Product	Challenged Health & Wellness Claims	Sweeteners (in Order of Amount)	Serving Size	Calories Per Serving	Grams Sugar Per Serving	% Sugar by Weight	% Calories From Sugar	Contribution of 1 Serving to AHA’s Maximum Recommended Daily Intake
	<p>be more likely to say ‘no thank-you’ whenever mid-morning temptation strikes.”</p> <ul style="list-style-type: none">• “Take the Fiber One challenge. Eat any of the Fiber One cereals with 40% or more of the DV of fiber for a week, and see if you feel the difference that high fiber can make!”• “Try these Onederful flavors to help you feel full.”• “Lightly Sweetened”• “No High Fructose Corn Syrup”• “Our Mission is Nourishing Lives.”• “we are committed to nourishing lives”							
<p>Fiber One Honey Clusters</p> 	<ul style="list-style-type: none">• “With Whole Grain First Ingredient”• “HELPS KEEP YOU FULL THROUGHOUT THE MORNIING!”• “Whole Grain First Ingredient”• “THIS CEREAL CONTAINS 27g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”• Whole Grains Council Stamp• “Fiber-licious / Okay, we made it up, but that single sort-of word says it all about Fiber One cereal. Open a box to reveal crunchy deliciousness, along with at least 35% of the Daily Value of fiber per serving for any of our great-tasting cereal products. Plus every one of our Fiber One cereals contains at least 10 grams of whole grain. And	<p>Sugar, Corn Syrup, Brown Sugar, Honey, Brown Sugar Syrup, Malt Syrup, Sucralose</p>	<p>52g</p>	<p>170</p>	<p>9g</p>	<p>17.3%</p>	<p>21.2%</p>	<p>M: 23.7% W: 36% C: 60-75%</p>



Product	Challenged Health & Wellness Claims	Sweeteners (in Order of Amount)	Serving Size	Calories Per Serving	Grams Sugar Per Serving	% Sugar by Weight	% Calories From Sugar	Contribution of 1 Serving to AHA's Maximum Recommended Daily Intake
	<p>with many delightful fiber-packed flavors, your taste buds will never know how well you're eating."</p> <ul style="list-style-type: none">• "Just the Facts: / Fiber can help satisfy your appetite and manage your weight. Fiber can help keep your digestive system on track. 9 out of 10 Americans aren't getting the recommended amount of fiber."• "Research suggests that people who have higher fiber intakes tend to have healthier body weights."• "Most people know that fiber helps promote a healthy digestive system. But did you know that fiber also helps keep you full? With the high fiber in many Fiber One cereals to help curb your appetite, you'll be more likely to say 'no thank-you' whenever mid-morning temptation strikes."• "Take the Fiber One challenge. Eat any of the Fiber One cereals with 40% or more of the DV of fiber for a week, and see if you feel the difference that high fiber can make!"• "Fiber One. Try these Onederful flavors to help you feel full."• "Lightly Sweetened"• "Fiber One: One simple weight loss step – that tastes great!"• "Eating a breakfast high in fiber helps you to feel full throughout the morning, which may help you stick to your weight loss plan! Fiber One has many delicious cereal varieties that help you get the fiber you need in a flavor you love. Fiber is a 'Onederful' thing."• Weight Watchers sponsorship• "Our Mission is Nourishing Lives."• "we are committed to nourishing lives"							


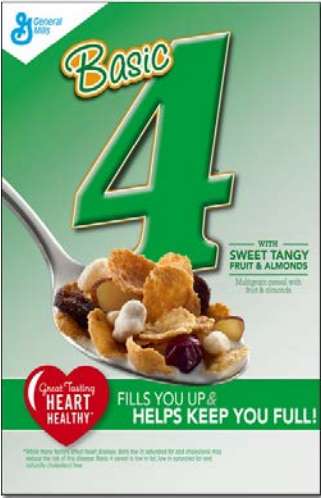
Product	Challenged Health & Wellness Claims	Sweeteners (in Order of Amount)	Serving Size	Calories Per Serving	Grams Sugar Per Serving	% Sugar by Weight	% Calories From Sugar	Contribution of 1 Serving to AHA's Maximum Recommended Daily Intake
<p>Fiber One Nutty Clusters & Almonds</p> 	<ul style="list-style-type: none">• “With Whole Grain First Ingredient”• “HELPS KEEP YOU FULL THROUGHOUT THE MORNIING!”• “Whole Grain First Ingredient”• “THIS CEREAL CONTAINS 27g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”• Whole Grains Council Stamp• “Fiber-licious / Okay, we made it up, but that single sort-of word says it all about Fiber One cereal. Open a box to reveal crunchy deliciousness, along with at least 35% of the Daily Value of fiber per serving for any of our great-tasting cereal products. Plus every one of our Fiber One cereals contains at least 10 grams of whole grain. And with many delightful fiber-packed flavors, your taste buds will never know how well you’re eating.”• “Just the Facts: / Fiber can help satisfy your appetite and manage your weight. Fiber can help keep your digestive system on track. 9 out of 10 Americans aren’t getting the recommended amount of fiber.”• “Research suggests that people who have higher fiber intakes tend to have healthier body weights.”• “Most people know that fiber helps promote a healthy digestive system. But did you know that fiber also helps keep you full? With the high fiber in many Fiber One cereals to help curb your appetite, you’ll be more likely to say ‘no thank-you’ whenever mid-morning temptation strikes.”	Sugar, Corn Syrup, Brown Sugar Syrup, Malt Syrup, Molasses, Honey	55g	190	12g	21.9%	25.3%	M: 31.6% W: 48% C: 80-100%


Product	Challenged Health & Wellness Claims	Sweeteners (in Order of Amount)	Serving Size	Calories Per Serving	Grams Sugar Per Serving	% Sugar by Weight	% Calories From Sugar	Contribution of 1 Serving to AHA’s Maximum Recommended Daily Intake
	<ul style="list-style-type: none">• “Take the Fiber One challenge. Eat any of the Fiber One cereals with 40% or more of the DV of fiber for a week, and see if you feel the difference that high fiber can make!”• “Fiber One. Try these Onederful flavors to help you feel full.”• “Lightly Sweetened”• “No High Fructose Corn Syrup”• “Our mission is Nourishing Lives.”• “we are committed to nourishing lives”							
<div>Fiber One Protein Maple Brown Sugar</div> <div></div>	<ul style="list-style-type: none">• “With Whole Grain First Ingredient”• “10g PROTEIN with milk”• “THIS CEREAL CONTAINS 17g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”• Whole Grains Council Stamp• “Fiber One is powering UP with protein.”• “New Fiber One protein adds the combination of fiber and protein to make one great tasting cereal.”• “It’s a perfect blend of wholesome goodness and our delightfully tasty mix of crunchy almonds, sweetened cranberry pieces and sweetened granola.”• “When protein and fiber can taste this good, every morning is a great morning!”• “Our mission is Nourishing Lives”• “we are committed to nourishing lives”	Sugar, Corn Syrup, Molasses, Fructose	55g	220	15g	27.3%	27.3%	M: 39.5% W: 60% C: 100-125%


Product	Challenged Health & Wellness Claims	Sweeteners (in Order of Amount)	Serving Size	Calories Per Serving	Grams Sugar Per Serving	% Sugar by Weight	% Calories From Sugar	Contribution of 1 Serving to AHA’s Maximum Recommended Daily Intake
<div>Fiber One Protein Cranberry Almond</div> <div></div>	<ul style="list-style-type: none">• “With Whole Grain First Ingredient”• “10g PROTEIN with milk”• “THIS CEREAL CONTAINS 17g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”• Whole Grains Council Stamp• “Fiber One is powering UP with protein.”• “New Fiber One protein adds the combination of fiber and protein to make one great tasting cereal.”• “It’s a perfect blend of wholesome goodness and our delightfully tasty mix of crunchy almonds, sweetened cranberry pieces and sweetened granola.”• “When protein and fiber can taste this good, every morning is a great morning!”• “Our mission is Nourishing Lives”• “we are committed to nourishing lives”	Sugar, Corn Syrup, Refiner’s Syrup, Fructose	55g	220	16g	29.1%	29.1%	M: 39.5% W: 60% C: 100-125%


Product	Challenged Health & Wellness Claims	Sweeteners (in Order of Amount)	Serving Size	Calories Per Serving	Grams Sugar Per Serving	% Sugar by Weight	% Calories From Sugar	Contribution of 1 Serving to AHA’s Maximum Recommended Daily Intake
Chex Chocolate 	<ul style="list-style-type: none">• “Simply Nutritious”• “no high fructose corn syrup”• “Whole Grain First Ingredient”• “THIS CEREAL CONTAINS 10g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”• Whole Grains Council Stamp• “made without artificial flavors, colors or high fructose corn syrup”• “Our mission is Nourishing Lives.”	Sugar, Fructose	32g	130	8g	25%	24.6%	M: 21.1% W: 32% C: 53.3-66.7%
Chex Cinnamon 	<ul style="list-style-type: none">• “Simply Nutritious”• “no high fructose corn syrup”• “Whole Grain First Ingredient”• “THIS CEREAL CONTAINS 10g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”• Whole Grains Council Stamp• “because we want to share the love with as many of you as we can, all 8 of our great tasting varieties are made with no artificial flavors, colors or high fructose corn syrup”• “Our mission is Nourishing Lives.”	Sugar, Fructose, Molasses	30g	120	8g	26.7%	26.7%	M: 21.1% W: 32% C: 53.3-66.7%

Product	Challenged Health & Wellness Claims	Sweeteners (in Order of Amount)	Serving Size	Calories Per Serving	Grams Sugar Per Serving	% Sugar by Weight	% Calories From Sugar	Contribution of 1 Serving to AHA’s Maximum Recommended Daily Intake
Chex Honey Nut 	<ul style="list-style-type: none">• “Simply Nutritious”• “no high fructose corn syrup”• “Whole Grain First Ingredient”• “THIS CEREAL CONTAINS 10g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”• Whole Grains Council Stamp• “without artificial flavors, colors or high fructose corn syrup”• “Our mission is Nourishing Lives.”	Sugar, Honey, Brown Sugar Syrup, Molasses	32g	120	9g	28.1%	30%	M: 23.7% W: 36% C: 60-75%
Chex Vanilla 	<ul style="list-style-type: none">• “Simply Nutritious”• “no high fructose corn syrup”• “Whole Grain First Ingredient”• “THIS CEREAL CONTAINS 10g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”• Whole Grains Council Stamp• “made without artificial flavors, colors or high fructose corn syrup”• “Our mission is Nourishing Lives.”	Sugar, Fructose, Molasses	30g	120	8g	26.7%	26.7%	M: 21.1% W: 32% C: 53.3-66.7%


Product	Challenged Health & Wellness Claims	Sweeteners (in Order of Amount)	Serving Size	Calories Per Serving	Grams Sugar Per Serving	% Sugar by Weight	% Calories From Sugar	Contribution of 1 Serving to AHA’s Maximum Recommended Daily Intake
Chex Apple Cinnamon 	<ul style="list-style-type: none">• “Simply Nutritious”• “no high fructose corn syrup”• “Whole Grain First Ingredient”• “THIS CEREAL CONTAINS 10g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”• Whole Grains Council Stamp• “made without artificial flavors, colors or high fructose corn syrup”• “we are committed to nourishing lives”• “Our mission is Nourishing Lives.”	Sugar, Brown Sugar Syrup	32g	110	9g	28.1%	32.7%	M: 23.7% W: 36% C: 60-75%
Basic 4 	<ul style="list-style-type: none">• “Great Tasting HEART HEALTH”• “A low fat part of your Heart Healthy Diet”• “FILLS YOU UP & HELPS KEEP YOU FULL!”• “Multigrain Cereal with Fruit & Almonds”• “A Delicious Blend of Sweet and Tangy Fruits, Crunchy Almonds and a Wholesome Variety of Grains”• “with Whole Grain Guaranteed”• “With Whole Grain First Ingredient”• “Whole Grain First Ingredient”• “THIS CEREAL CONTAINS 25g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made	Sugar, Brown Sugar Syrup, Corn Syrup, Glycerin, Dextrose, Brown Sugar, Honey	55g	200	13g	23.6%	26%	M: 34.2% W: 52% C: 86.7-108.3%


Product	Challenged Health & Wellness Claims	Sweeteners (in Order of Amount)	Serving Size	Calories Per Serving	Grams Sugar Per Serving	% Sugar by Weight	% Calories From Sugar	Contribution of 1 Serving to AHA's Maximum Recommended Daily Intake
	<p>by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”</p> <ul style="list-style-type: none">• Whole Grains Council Stamp• “A harvest of wholesome sweetness, this healthful fruit and nut medley is harmonized with the crunch of whole grain flakes and a touch of brown sugar.”• “The taste you love the sustained energy you need”• “One bowl and you’re ready to take on the morning”• “we are committed to nourishing lives”• “Our mission is Nourishing Lives.”							
<p>Raisin Nut Bran</p> 	<ul style="list-style-type: none">• “Great tasting HEART HEALTHY”• “FILLS YOU UP & SATISFIES YOU LONGER!”• “NO high fructose corn syrup”• “WITH ALMONDS AND COVERED RAISINS”• “with Whole Grain Guaranteed”• “Whole Grain Guaranteed”• “THIS CEREAL CONTAINS 28g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”• Whole Grains Council Stamp• “Taste the Morning / Jumpstart your morning with the tasty, tempting fruit and whole grain goodness of Raisin Nut Bran cereal. Bursting with rich flavors of crunchy almonds and plump raisins covered in an irresistible nutty blend, these hearty whole grain wheat and bran flakes are a delicious way to delight in breakfast.”	Sugar, Corn Syrup, Brown Sugar Syrup, Glycerin, Molasses	49g	180	14g	28.6%	31.1%	M: 36.8% W: 56% C: 93.3-116.7%



Product	Challenged Health & Wellness Claims	Sweeteners (in Order of Amount)	Serving Size	Calories Per Serving	Grams Sugar Per Serving	% Sugar by Weight	% Calories From Sugar	Contribution of 1 Serving to AHA’s Maximum Recommended Daily Intake
	<ul style="list-style-type: none">• “With Whole Grain First Ingredient”• “we are committed to nourishing lives”• “Our mission is Nourishing Lives.”							
<div>Oatmeal Crisp Crunchy Almond</div> <div></div>	<ul style="list-style-type: none">• “Great Tasting HEART HEALTHY”• “Great Tasting & Heart Healthy!”• Heart Vignette under “OATMEAL CRISP”• “FILLS YOU UP & HELPS KEEP YOU FULL!”• “made with whole grain oats”• “WITH CRUNCHY ALMONDS”• “with Whole Grain Guaranteed”• “Whole Grain Guaranteed”• “A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”• Whole Grains Council Stamp• “WE BELIEVE IN THE GOODNESS OF WHOLE GRAIN CEREAL. Cereal is packed with nutrients and contains complete grains, which can help fuel your morning. That’s why WHOLE GRAIN is the FIRST INGREDIENT in ALL Big G cereals and why Crunchy Almond / Provides long-lasting energy / Is an excellent source of iron. / Is great tasting and heart healthy”• “The sustained energy you need.”	Sugar, Corn Syrup, Brown Sugar Syrup, Brown Sugar, Honey	60g	240	14g	23.3%	23.3%	M: 36.8% W: 56% C: 93.3-116.7%


Product	Challenged Health & Wellness Claims	Sweeteners (in Order of Amount)	Serving Size	Calories Per Serving	Grams Sugar Per Serving	% Sugar by Weight	% Calories From Sugar	Contribution of 1 Serving to AHA’s Maximum Recommended Daily Intake
	<ul style="list-style-type: none">• “It’s a brand new day and in order to make the most of it, you need to start out with a good, wholesome breakfast. Good thing you’ve got Oatmeal Crisp – a complex blend of ingredients like crispy flakes made with whole wheat and oats, crunch clusters, and hearty almonds. . . . What makes it even more satisfying is knowing that all of these ingredients will help you stay full longer.”• “One bowl and you’re ready to take on the morning!”• “Goodness first.”• “we are committed to nourishing lives”• “Our mission is Nourishing Lives”							
<div>Oatmeal Crisp Hearty Raisin</div> <div></div>	<ul style="list-style-type: none">• “Great Tasting HEART HEALTHY”• “Great Tasting & Heart Healthy!”• Heart Vignette under “OATMEAL CRISP”• “FILLS YOU UP & HELPS KEEP YOU FULL!”• “made with whole grain oats”• “with Whole Grain First Ingredient”• “Whole Grain First Ingredient”• “THIS CEREAL CONTAINS 40g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”	Brown Sugar, Sugar, Corn Syrup, Glycerin, Honey	62g	230	17g	27.4%	29.6%	M: 44.7% W: 68% C: 113.3-141.7%

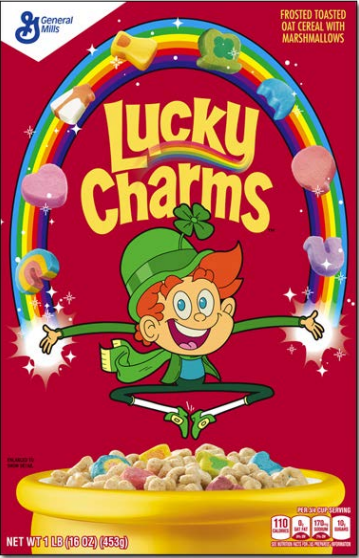
Product	Challenged Health & Wellness Claims	Sweeteners (in Order of Amount)	Serving Size	Calories Per Serving	Grams Sugar Per Serving	% Sugar by Weight	% Calories From Sugar	Contribution of 1 Serving to AHA’s Maximum Recommended Daily Intake
	<ul style="list-style-type: none">• Whole Grains Council Stamp• “Try Both Heart Healthy Flavors of Oatmeal Crisp.”• “Irresistible taste that’s heart healthy!”• “Are you ready for a cereal that’s so tasty, so deliciously satisfying, that you look forward to eating a nutritious breakfast? With Oatmeal Crisp hearty raisin you can jumpstart your day with the unbeatable crunch of lightly sweetened, whole grain flakes, juicy raisins and hearty oat clusters. It’s a satisfying, nutritious cereal that contains ingredients that can help lower blood pressure and reduce the risk of heart disease.”• “Instead of worrying only about foods to avoid, enjoy eating foods that can help lower cholesterol-like foods that contain soluble fiber from whole grain oats.”• “Reduce risk of heart disease.”• “When you think oats, you think of nutritious whole grains.”• “Include Oatmeal Crisp hearty raisin cereal as part of your heart-healthy eating plan.”• “For a happier & healthier heart!”• “we are committed to nourishing lives”• “Our mission is Nourishing Lives”							

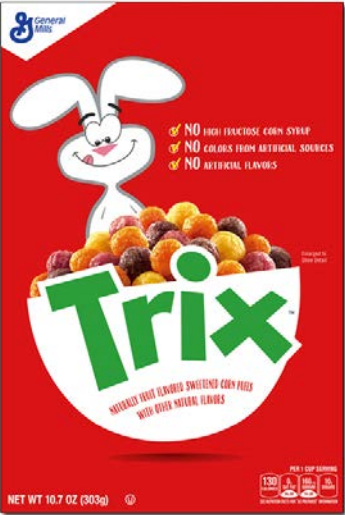
Product	Challenged Health & Wellness Claims	Sweeteners (in Order of Amount)	Serving Size	Calories Per Serving	Grams Sugar Per Serving	% Sugar by Weight	% Calories From Sugar	Contribution of 1 Serving to AHA’s Maximum Recommended Daily Intake
<div>Honey Kix</div> <div></div>	<ul style="list-style-type: none">• “with Whole Grain Guaranteed”• “Whole Grain Guaranteed”• “Whole Grain”• “More WHOLE GRAIN than any other ingredient!”• “LIGHTLY SWEETENED”• “No high fructose corn syrup”• “made with All Natural Corn & Honey”• “Kid Tested, Mother Approved”• “A whole grain food is made by using all three parts of the grain. General Mills guarantees that every box of Big G cereal has at least 8 grams of whole grain per serving (48 grams recommended daily).”• “THIS CEREAL CONTAINS 17g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”• Whole Grains Council Stamp• “Did you Know? / THE USDA RECOMMENDS looking for products that name whole grain first on the ingredient list. Go to www.choosemyplate.gov for more information. / Now, all General Mills Big G Cereals Have More Whole Grain than any other ingredient. / That’s why it’s first on the ingredient list!”• “Message to Moms . . . Since we made our first batch of crisp corn puffs in1937, KIX has been dedicated to helping kids get a bright start to their day. Our promise is simple: we’ll always give you a cereal that provides good nutrition your kids need and great taste your kids love.”	Sugar, Honey, Brown Sugar Syrup	33g	120	6g	18.2%	20%	M: 15.7% W: 24% C: 40-50%


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	<ul style="list-style-type: none">• “KIX Assurance / For over 70 years, moms have trusted our commitment to good nutrition.”• “Start the morning simply. Start life right.”• “Made with simple, good-for-you ingredients like whole grain corn, Kix cereal is a tasty way to kick off a great day!”• “Calcium = an essential mineral that helps build strong bones and teeth.”• “Fiber = an important part of a balanced diet good for overall health.”• “Vitamin D = a nutrient that helps growing bodies absorb calcium.”• “Great Kix taste = happy kids.”• “we are committed to nourishing lives”• “Our mission is Nourishing Lives.”							
<div>Tiny Toast – Strawberry</div> 	<ul style="list-style-type: none">• “NO HIGH FRUCTOSE CORN SYRUP”• “REAL STRAWBERRIES”• “12g WHOLE GRAIN PER SERVING / AT LEAST 48g RECOMMENDED DAILY”• “GENERAL MILLS IS ON A JOURNEY TO ALWAYS MAKE OUR CEREALS BETTER / [. . .] That’s Why / FRUITY CHEERIOS HAS / [. . .] No high fructose corn syrup / whole grain as the first ingredient”	Sugar, Fructose, Corn Syrup, Dextrose	28g	120	9g	32.1%	30%	M: 23.7% W: 36% C: 60-75%



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Tiny Toast – Blueberry 	<ul style="list-style-type: none">• “NO HIGH FRUCTOSE CORN SYRUP”• “REAL STRAWBERRIES”• “12g WHOLE GRAIN PER SERVING / AT LEAST 48g RECOMMENDED DAILY”• “GENERAL MILLS IS ON A JOURNEY TO ALWAYS MAKE OUR CEREALS BETTER / [. . .] That’s Why / FRUITY CHEERIOS HAS / [. . .] No high fructose corn syrup / whole grain as the first ingredient”	Sugar, Fructose, Corn Syrup, Dextrose	28g	120	9g	32.1%	30%	M: 23.7% W: 36% C: 60-75%
Cinnamon Toast Crunch 	<ul style="list-style-type: none">• “NO high fructose corn syrup”• “with Whole Grain Guaranteed”• “With Whole Grain First Ingredient”• “More WHOLE GRAIN than any other ingredient!”• “Big G Cereals are America’s #1 Source of Whole Grain at Breakfast”• “THIS CEREAL CONTAINS 11g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”• Whole Grains Council Stamp• “Did you Know? / THE USDA RECOMMENDS looking for products that name whole grain first on the ingredient list. Go to www.choosemyplate.gov for more information. / Now, all General	Sugar, Fructose, Maltodextrin, Dextrose	31g	130	9g	29%	27.7%	M: 23.7% W: 36% C: 60-75%



Product	Challenged Health & Wellness Claims	Sweeteners (in Order of Amount)	Serving Size	Calories Per Serving	Grams Sugar Per Serving	% Sugar by Weight	% Calories From Sugar	Contribution of 1 Serving to AHA’s Maximum Recommended Daily Intake
	<p>Mills Big G Cereals Have More Whole Grain than any other ingredient. / That’s why it’s first on the ingredient list!”</p> <ul style="list-style-type: none">• “GROWING UP STRONG / With Big G Cereals”• “Give your kids more of what they need to be their best. Start the day with Big G kid cereals. Kids love the taste and it’s the only leading line of kid cereals to have at least eight grams of whole grain and a good source of calcium in every serving.”• “we are committed to nourishing lives”• “Our mission is Nourishing Lives.”							
<p>Cocoa Puffs</p> 	<ul style="list-style-type: none">• “with Whole Grain Guaranteed”• “Whole Grain Guaranteed”• “With Whole Grain First Ingredient”• “NO high fructose corn syrup”• “THIS CEREAL CONTAINS 12g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”• Whole Grains Council Stamp• “GROWING UP STRONG / With Big G Cereals”• “Give your kids more of what they need to be their best. Start the day with Big G kid cereals. Kids love the taste and it’s the only leading line of kid cereals to have at least eight grams of whole grain and a good source of calcium in every serving.”• “Wow / You really CAN have this much deliciousness plus 12 VITAMINS AND MINERALS for 100 CALORIES per serving”• “we are committed to nourishing lives”• “Our mission is Nourishing Lives.”	Sugar, Corn Syrup, Fructose	27g	100	10g	37%	40%	M: 26.3% W: 40% C: 66.7-83.3%

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<p>Lucky Charms</p> 	<ul style="list-style-type: none">• “Made with 100% whole-grain oats”• “With Whole Grain Guaranteed”• “Whole Grain Guaranteed”• “With Whole Grain First Ingredient”• “Whole Grain First Ingredient”• “THIS CEREAL CONTAINS 12g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”• Whole Grains Council Stamp• “GROWING UP STRONG / With Big G Cereals”• “Give your kids more of what they need to be their best. Start the day with Big G kid cereals. Kids love the taste and it’s the only leading line of kid cereals to have at least eight grams of whole grain and a good source of calcium in every serving.”• “WE BELIEVE IN THE GOODNESS OF WHOLE GRAIN CEREAL. Cereal is packed with nutrients and contains complete grains, which can help fuel your morning. That’s why WHOLE GRAIN is the FIRST INGREDIENT in ALL Big G cereals and why Lucky Charms / Has no high fructose corn syrup / Has 10 grams of sugar per serving”• “Wow / You really CAN have this much deliciousness plus 12 VITAMINS AND MINERALS for 110 CALORIES per serving”• “Goodness First”• “we are committed to nourishing lives”• “Our mission is Nourishing Lives.”	Sugar, Corn Syrup, Dextrose	27g	110	10g	37%	36.4%	M: 26.3% W: 40% C: 66.7-83.3%



Product	Challenged Health & Wellness Claims	Sweeteners (in Order of Amount)	Serving Size	Calories Per Serving	Grams Sugar Per Serving	% Sugar by Weight	% Calories From Sugar	Contribution of 1 Serving to AHA's Maximum Recommended Daily Intake
<p>Trix</p> 	<ul style="list-style-type: none">• “Big G Cereals are America’s #1 Source of Whole Grain at Breakfast”• “with Whole Grain Guaranteed”• “Whole Grain Guaranteed”• “Whole Grain & Calcium Guaranteed”• “More WHOLE GRAIN than any other ingredient!”• “THIS CEREAL CONTAINS 11g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”• Whole Grains Council Stamp• “GROWING UP STRONG / With Big G Cereals”• “Give your kids more of what they need to be their best. Start the day with Big G kid cereals. Kids love the taste and it’s the only leading line of kid cereals to have at least eight grams of whole grain and a good source of calcium in every serving.”• “Did you Know? / THE USDA RECOMMENDS looking for products that name whole grain first on the ingredient list. Go to www.choosemyplate.gov for more information. / Now, all General Mills Big G Cereals Have More Whole Grain than any other ingredient. / That’s why it’s first on the ingredient list!”• “GENERAL MILLS IS ON A JOURNEY TO ALWAYS MAKE OUR CEREALS BETTER / [. . .] That’s Why / TRIX TOAST HAS / [. . .] No high fructose corn syrup / whole grain as the first ingredient”• “we are committed to nourishing lives”• “Our mission is Nourishing Lives.”	Sugar, Corn Syrup	32g	130	10g	31.3%	30.8%	M: 26.3% W: 40% C: 66.7-83.3%



Product	Challenged Health & Wellness Claims	Sweeteners (in Order of Amount)	Serving Size	Calories Per Serving	Grams Sugar Per Serving	% Sugar by Weight	% Calories From Sugar	Contribution of 1 Serving to AHA’s Maximum Recommended Daily Intake
<div>Reese’s Puffs</div> <div></div>	<ul style="list-style-type: none">• “with Whole Grain Guaranteed”• “Whole Grain Guaranteed”• “With Whole Grain First Ingredient”• “Whole Grain First Ingredient”• “THIS CEREAL CONTAINS 11g WHOLE GRAIN PER SERVING / At least 48 grams recommended daily / A whole grain food is made by using all three parts of the grain. All General Mills Big G cereals contain more whole grain than any other single ingredient.”• Whole Grains Council Stamp• “WE BELIEVE IN THE GOODNESS OF WHOLE GRAIN CEREAL. Cereal is packed with nutrients and contains complete grains, which can help fuel your morning. That’s why WHOLE GRAIN is the FIRST INGREDIENT in ALL Big G cereals and why Reese’s Puffs / Has no high fructose corn syrup / Has 10 grams of sugar per serving”• “Goodness first.”• “Our mission is Nourishing Lives.”	Sugar, Molasses, Dextrose, Corn Syrup	29g	120	9g	31%	30%	M: 23.7% W: 36% C: 60-75%



Product	Challenged Health & Wellness Claims	Sweeteners (in Order of Amount)	Serving Size	Calories Per Serving	Grams Sugar Per Serving	% Sugar by Weight	% Calories From Sugar	Contribution of 1 Serving to AHA’s Maximum Recommended Daily Intake
<p>Nature Valley Breakfast Biscuits Blueberry</p> 	<ul style="list-style-type: none">• “LONG-LASTING ENERGY from 26g of Whole Grain”• “no high fructose corn syrup”• “The most important meal of the day just got better! We believe a great day starts with a good breakfast, that’s why we are proud to bring you Breakfast Biscuits by Nature Valley. Each biscuit has a delicious crispy texture and the goodness of 100% natural whole grain oats. With 26g of whole grain per serving they provide nutritious long-lasting energy to help keep you going”	Sugar, Honey, Tapioca Syrup	50g	230	12g	24%	20.9%	M: 31.6% W: 48% C: 80-100%
<p>Nature Valley Breakfast Biscuits Honey</p> 	<ul style="list-style-type: none">• “LONG-LASTING ENERGY from 28g of Whole Grain”• “no high fructose corn syrup”• “The most important meal of the day just got better! We believe a great day starts with a good breakfast, that’s why we are proud to bring you Breakfast Biscuits by Nature Valley. Each biscuit has a delicious crispy texture and the goodness of 100% natural whole grain oats. With 28g of whole grain per serving they provide nutritious long-lasting energy to help keep you going”	Sugar, Honey, Tapioca Syrup	50g	230	11g	22%	19.1%	M: 28.9% W: 44% C: 73.3 %



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<div>Nature Valley Biscuits Lemon Poppy Seed</div> <div></div>	<ul style="list-style-type: none">• “LONG-LASTING ENERGY from 28g of Whole Grain”• “no high fructose corn syrup”• “The most important meal of the day just got better! We believe a great day starts with a good breakfast, that’s why we are proud to bring you Breakfast Biscuits by Nature Valley. Each biscuit has a delicious crispy texture and the goodness of 100% natural whole grain oats. With 28g of whole grain per serving they provide nutritious long-lasting energy to help keep you going”	Sugar, Tapioca Syrup, Maltodextrin	50g	230	10g	20%	17.4%	M: 26.3% W: 40% C: 66.7-83.3%
<div>Nature Valley Breakfast Biscuits with Almond Butter</div> <div></div>	<ul style="list-style-type: none">• “ENERGY FROM 14g OF WHOLE GRAIN”• “No high fructose corn syrup”• “Each biscuit has a delicious crispy texture and 100% natural whole grain oats combined with the goodness of almond butter.”• “With 14g of whole grain per serving, they provide nutritious energy to help keep you going any time of the day.”	Sugar, Tapioca Syrup, Honey	38g	190	11g	28.9%	23.2%	M: 28.9% W: 44% C: 73.3 %

Product	Challenged Health & Wellness Claims	Sweeteners (in Order of Amount)	Serving Size	Calories Per Serving	Grams Sugar Per Serving	% Sugar by Weight	% Calories From Sugar	Contribution of 1 Serving to AHA’s Maximum Recommended Daily Intake
<div><div>Nature Valley Biscuits with Peanut Butter</div><div></div></div>	<ul style="list-style-type: none">• “ENERGY FROM 14g OF WHOLE GRAIN”• “No high fructose corn syrup”• “Each biscuit has a delicious crispy texture and 100% natural whole grain oats combined with the goodness of peanut butter.”• “With 14g of whole grain per serving, they provide nutritious energy to help keep you going any time of the day.”	Sugar, Tapioca Syrup, Honey	38g	190	8g	21.1%	16.8%	M: 21.1% W: 32% C: 53.3-66.7%
<div><div>Nature Valley Soft-Baked Oatmeal Squares Blueberry</div><div></div></div>	<ul style="list-style-type: none">• “The perfect combination of blueberry and 15g of whole grain”• “Nature Valley Oatmeal Squares have a delicious soft and chewy texture, the goodness of 100% natural whole grain oats and are topped with a light drizzle that makes each square truly delicious”	Sugar, Tapioca Syrup, Molasses	35g	150	10g	28.6%	26.7%	M: 26.3% W: 40% C: 66.7-83.3%

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Nature Valley Soft-Baked Oatmeal Squares Cinnamon Brown Sugar 	<ul style="list-style-type: none">• “The perfect combination of cinnamon, brown sugar and 16g of whole grain”• “Nature Valley Oatmeal Squares have a delicious soft and chewy texture, the goodness of 100% natural whole grain oats and are topped with a light drizzle that makes each square truly delicious”	Brown Sugar, Tapioca Syrup, Sugar	35g	150	9g	25.7%	24%	M: 23.7% W: 36% C: 60-75%
Nature Valley Soft-Baked Oatmeal Squares Peanut Butter 	<ul style="list-style-type: none">• “The perfect combination of creamy peanut butter and 12g of whole grain”• “Nature Valley Oatmeal Squares have a delicious soft and chewy texture, the goodness of 100% natural whole grain oats and are topped with a light drizzle that makes each square truly delicious”	Sugar, Tapioca Syrup, Molasses, Corn Syrup	35g	160	9g	25.7%	22.5%	M: 23.7% W: 36% C: 60-75%

Product	Challenged Health & Wellness Claims	Sweeteners (in Order of Amount)	Serving Size	Calories Per Serving	Grams Sugar Per Serving	% Sugar by Weight	% Calories From Sugar	Contribution of 1 Serving to AHA’s Maximum Recommended Daily Intake
Nature Valley Soft-Baked Oatmeal Squares Banana Bread Dark Chocolate 	<ul style="list-style-type: none">• “Made with 100% Natural Whole Grain Oats”• “Nature Valley Oatmeal Squares have a delicious soft and chewy texture, the goodness of 100% natural whole grain oats and are topped with a light drizzle that makes each square truly delicious”• “Nature Valley® Oatmeal Squares Banana Bread & Dark Chocolate offer the goodness of 100% whole grain oats combined with bananas and dark chocolate and baked to perfection, so you can enjoy the softer side of morning.”	Sugar, Tapioca Syrup, Molasses	35g	150	10g	28.6%	26.7%	M: 26.3% W: 40% C: 66.7-83.3%
Nature Valley Crunchy Granola Protein - Oats ‘N Honey 	<ul style="list-style-type: none">• “add PROTEIN to your day!”• “The perfect pair... granola + protein / At Nature Valley, our love of nature inspires us to create wholesome foods that taste great, like our Protein Crunchy Granola. Clusters of whole grain oats and a sweet touch of honey make this a simple way to add protein throughout your day. It’s more than just a cereal! Try it as a topper on yogurt, oatmeal, salads, fruit or just grab a handful anytime.”	Sugar, Refiner’s Syrup, Honey	50g	210	12g	24%	22.9%	M: 31.6% W: 48% C: 80-100%

Product	Challenged Health & Wellness Claims	Sweeteners (in Order of Amount)	Serving Size	Calories Per Serving	Grams Sugar Per Serving	% Sugar by Weight	% Calories From Sugar	Contribution of 1 Serving to AHA’s Maximum Recommended Daily Intake
Nature Valley Crunchy Granola Protein - Cranberry Almond 	<ul style="list-style-type: none">• “add PROTEIN to your day!”• “The perfect pair... granola + protein / At Nature Valley, our love of nature inspires us to create wholesome foods that taste great. Now we’re introducing Protein Crunchy Granola. Clusters of whole grain oats with sweetened cranberry pieces and almonds make this a simple way to add protein throughout your day. It’s more than just a cereal! Try it as a topper on yogurt, oatmeal, salads, fruit or just grab a handful anytime.”	Sugar, Refiner’s Syrup, Tapioca Syrup	51g	210	14g	27.5%	26.7%	M: 36.8% W: 56% C: 93.3-116.7%
Nature Valley Crunchy Granola Protein - Peanut Butter 	<ul style="list-style-type: none">• “add PROTEIN to your day!”• “The perfect pair... granola + protein / At Nature Valley, our love of nature inspires us to create wholesome foods that taste great, like our Protein Crunchy Granola. Clusters of whole grain oats and a touch of peanut butter for a simple way to add protein throughout your day. It’s more than just a cereal! Try it as a topper on yogurt, oatmeal, salads, fruit or just grab a handful anytime.”	Sugar, Dextrose, Refiner’s Syrup, Honey	55g	240	14g	25.5%	23.3%	M: 36.8% W: 56% C: 93.3-116.7%

Product	Challenged Health & Wellness Claims	Sweeteners (in Order of Amount)	Serving Size	Calories Per Serving	Grams Sugar Per Serving	% Sugar by Weight	% Calories From Sugar	Contribution of 1 Serving to AHA’s Maximum Recommended Daily Intake
Nature Valley Crunchy Granola Protein - Peanut Butter ‘N Dark Chocolate 	<ul style="list-style-type: none">• “add PROTEIN to your day!”• “The perfect pair... granola + protein / At Nature Valley, our love of nature inspires us to create wholesome foods that taste great, like our Protein Crunchy Granola. Nature Valley Peanut Butter ‘n Dark Chocolate Protein Crunchy Granola features clusters of whole grain oats, dark chocolate pieces and a touch of peanut butter for a simple way to add protein throughout your day. It’s more than just a cereal! Try it as a topper on yogurt, oatmeal, salads, fruit or just grab a handful anytime.”	Sugar, Dextrose, Tapioca Syrup, Refiner’s Syrup	55g	240	15g	27.3%	25%	M: 39.5% W: 60% C: 100-125%
Nature Valley Crunchy Granola Protein - Oats ‘N Dark Chocolate 	<ul style="list-style-type: none">• “add PROTEIN to your day!”• “The perfect pair... granola + protein / At Nature Valley, our love of nature inspires us to create wholesome foods that taste great, like our Protein Crunchy Granola. Nature Valley Oats ‘n Dark Chocolate Protein Crunchy Granola has clusters of whole grain oats and dark chocolate chunks with 10 grams of protein per serving. It’s a simple and versatile way to add protein throughout your day. It’s more than just a cereal! Try it as a topper on yogurt, oatmeal, salads, fruit or just grab a handful anytime.”	Sugar, Refiner’s Syrup	50g	210	14g	28%	26.7%	M: 36.8% W: 56% C: 93.3-116.7%

CIVIL COVER SHEET

The JS-CAND 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 in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Beverly Truxel and Stephen Hadley, on behalf of themselves, all others similarly situated, and the general public

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

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

The Law Office of Jack Fitzgerald, PC; 3636 Fourth Ave., Suite 202, San Diego, CA 92103; 619-692-3840

DEFENDANTS

General Mills Sales, Inc.

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

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

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

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

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment Of Veteran's Benefits <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input checked="" type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC § 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC § 158 <input type="checkbox"/> 423 Withdrawal 28 USC § 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC § 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC § 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities-Employment <input type="checkbox"/> 446 Amer. w/Disabilities-Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee-Conditions of Confinement			

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

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation-Transfer ☐ 8 Multidistrict Litigation-Direct File

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
Brief description of cause:
Diversity Action; Class Action Fairness Act

VII. REQUESTED IN COMPLAINT:

☒ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S),

IF ANY (See instructions):

JUDGE

DOCKET NUMBER

IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)

(Place an "X" in One Box Only)

☐ SAN FRANCISCO/OAKLAND ☒ SAN JOSE ☐ EUREKA-MCKINLEYVILLE

DATE: 08/29/2016

SIGNATURE OF ATTORNEY OF RECORD: /s/ Jack Fitzgerald

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-CAND 44

Authority For Civil Cover Sheet. The JS-CAND 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the “defendant” is the location of the tract of land involved.)
 - c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section “(see attachment).”
- II. Jurisdiction.** The basis of jurisdiction is set forth under Federal Rule of Civil Procedure 8(a), which requires that jurisdictions be shown in pleadings. Place an “X” in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- (1) United States plaintiff. Jurisdiction based on 28 USC §§ 1345 and 1348. Suits by agencies and officers of the United States are included here.
 - (2) United States defendant. When the plaintiff is suing the United States, its officers or agencies, place an “X” in this box.
 - (3) Federal question. This refers to suits under 28 USC § 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 - (4) Diversity of citizenship. This refers to suits under 28 USC § 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS-CAND 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an “X” in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an “X” in one of the six boxes.
- (1) Original Proceedings. Cases originating in the United States district courts.
 - (2) Removed from State Court. Proceedings initiated in state courts may be removed to the district courts under Title 28 USC § 1441. When the petition for removal is granted, check this box.
 - (3) Remanded from Appellate Court. Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 - (4) Reinstated or Reopened. Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 - (5) Transferred from Another District. For cases transferred under Title 28 USC § 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 - (6) Multidistrict Litigation Transfer. Check this box when a multidistrict case is transferred into the district under authority of Title 28 USC § 1407. When this box is checked, do not check (5) above.
 - (8) Multidistrict Litigation Direct File. Check this box when a multidistrict litigation case is filed in the same district as the Master MDL docket.
- Please note that there is no Origin Code 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC § 553. Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an “X” in this box if you are filing a class action under Federal Rule of Civil Procedure 23.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS-CAND 44 is used to identify related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- IX. Divisional Assignment.** If the Nature of Suit is under Property Rights or Prisoner Petitions or the matter is a Securities Class Action, leave this section blank. For all other cases, identify the divisional venue according to Civil Local Rule 3-2: “the county in which a substantial part of the events or omissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated.”

Date and Attorney Signature. Date and sign the civil cover sheet.

THE LAW OFFICE OF JACK FITZGERALD, PC

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San Diego, California 92103

Phone: (619) 692-3840

Fax: (619) 362-9555

Counsel for Plaintiff and the Putative Class

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

BEVERLY TRUXEL and STEPHEN
HADLEY, on behalf of themselves, all
others similarly situated, and the general
public,

Plaintiff,

v.

GENERAL MILLS SALES, INC.,

Defendant.

**CONSUMERS LEGAL REMEDIES ACT
VENUE AFFIDAVIT [CCP § 1780(d)]**

1 I, Beverly Truxel, declare as follows:

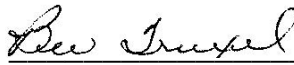
2 1. I am a plaintiff in this action. I make this affidavit as required by California Civil
3 Code § 1780(d).

4 2. The Complaint in this action is filed in a proper place for the trial of this action
5 because defendant is doing business in this county.

6 3. The Complaint in this action is further filed in a proper place for the trial of this
7 action because the transactions that are the subject of the action occurred in this county.

8
9 I declare under penalty of perjury under the laws of the United States that the foregoing
10 is true and correct to the best of my knowledge.

11 Executed this 29th day of August, 2016, in San Juan Bautista, California.

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14 Beverly Truxel
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