

1 GERALD B. MALANGA, ESQ. (SBN 167065)
2 **LATTIE | MALANGA | LIBERTINO, LLP**
3 3731 Wilshire Boulevard, Suite 860
4 Los Angeles, California 90010
(323) 938-3102 Telephone
(323) 938-0110 Facsimile

5 Attorneys for Plaintiff Michael Horton,
6 Individually and on behalf of classes of
7 similarly situated individuals

8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

11 MICHAEL HORTON, individually and on
12 behalf of a class of similarly situated individuals,

13 Plaintiff,

14 v.

15 B&G FOODS, INC., a Delaware Corporation;
16 B&G FOODS NORTH AMERICA, INC., a
17 Delaware Corporation;

18 Defendants.

Case No.:

CLASS ACTION COMPLAINT FOR:

- 1. **Fraudulent Inducement**
- 2. **Cal. Comm. Code §2313**
- 3. **Cal. Civil Code §1750**
- 4. **Cal. Bus. & Profs. Code §17500**
and
- 5. **Cal. Bus. & Profs. Code §17200**

DEMAND FOR JURY TRIAL

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20 Plaintiff Michael Horton brings this action on his own behalf and on behalf of the Class he
21 seeks to represent, based upon his own personal knowledge as to himself and his own acts and upon
22 information and belief and the investigation of his counsel as to all other matters, and alleges as
23 follows:

24 **NATURE OF THE CASE**

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26 1. Defendants B&G Foods, Inc. and B&G Food North America, Inc. manufactures,
27 markets, and distributes Cream of Wheat Instant Hot Cereal. The company mislabels and falsely
28 advertises this product as containing maple when this product does not contain any maple.

1 Defendants when their true names and capacities have been ascertained. Plaintiff is informed and
2 believes and based thereon alleges that each of the fictitiously named Doe Defendants is legally
3 responsible in some manner for the events and occurrences alleged herein, and for the damages
4 suffered by Plaintiff.

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6 8. All Defendants, including Does 1 through 5, are collectively referred to as
7 “Defendants.”

8 9. Whenever this complaint refers to any act of Defendants, the allegations shall be
9 deemed to mean the act of those defendants named in the particular cause of action, and each of
10 them, acting individually, jointly and severally, unless otherwise alleged.

11 JURISDICTION & VENUE

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13 10. The Court has original jurisdiction over this action pursuant to 28 U.S.C. 1332(d),
14 because (a) at least one member of the putative class is a citizen of a state different from
15 Defendants, (b) the amount in controversy exceeds \$5,000,000, exclusive of interest and costs, and
16 (c) none of the exceptions under that subsection apply to this action.

17 11. This Court has personal jurisdiction over Defendants because they conduct
18 operations, sales, and distribution of their products in California, and the acts alleged herein
19 originated in this District.

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21 12. Venue is proper in this District under 28 U.S.C. 1391(b)(2), because a substantial
22 part of the events giving rise to the claim occurred in this District.

23 COMMON ALLEGATIONS OF FACT

24 Consumer Preferences and Expectations

25 Regarding Products Containing Maple

26 13. Maple syrup and maple sugar are premium ingredients that companies add to
27 sweeten food products.
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1 14. They are preferred over the other sweeteners for a variety of reasons relating to taste,
2 quality, origin, and other reasons.

3 15. Maple sugar is made when all of the water in maple syrup is boiled away. It is then
4 stirred while very hot allowing any water that is left to evaporate as steam. The result is a dry pure
5 granular maple sugar that can be substituted for white processed granulated sugar. See
6 <http://vermontmaple.org/maple-products/maple-sugar/> (last visited August 23, 2016)
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8 16. Defendants claim to use maple syrup and maple brown sugar in Cream of Wheat
9 Instant Hot Cereal Maple Brown Sugar. The front packaging of this product prominently displays
10 the words “Maple Brown Sugar” along with an image of a syrup bottle filled with maple syrup.

11 17. Consumers reasonably rely on the product’s name along with these images and
12 statements to indicate that the product contains maple syrup and/or maple brown sugar.
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14 18. Food products that are represented as containing maple syrup or maple sugar
15 command a premium in the marketplace. In addition, companies increase sales when they represent
16 that a product contains these ingredients.

17 **Defendants Mislabeled Cream of Wheat Instant Hot Cereal Maple Brown Sugar**
18 **As Containing Maple Syrup and/or Maple Brown Sugar**

19 19. Defendants manufacture, promote, and distribute Cream of Wheat Instant Hot Cereal
20 Maple Brown Sugar.
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22 20. On the front packaging of this product, Defendants place a prominent image of a
23 glass pitcher of maple syrup and the words “Maple Brown Sugar” appear in large, bold font in the
24 name of the product. The front packaging of the product is the same or substantially similar to the
25 below image:
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21. However, this product does not contain any maple syrup or maple brown sugar, and is therefore misbranded under state and federal laws.

22. In making their purchasing decisions, consumers, including Plaintiff and Class Members, rely on the labeling (such as the name of these products, images of maple syrup, and the declaration of maple brown sugar on the front packaging) to inform them of whether products contain maple syrup and/or maple sugar.

23. The presence of maple, a premium ingredient, in this product has a material bearing on consumers' (including Plaintiff and Class Members) decision to purchase.

24. According to the Vermont Maple Sugar Makers' Association and over ten maple industry groups, this business practice injures consumers and maple syrup manufacturers:

This unchecked misbranding has an adverse impact on manufacturers of products containing real maple syrup, as it allows cheaper products not containing premium ingredients to complete with those actually containing maple syrup. Further, it deceives consumers into

1 believing they are purchasing a premium product, when, in fact, they have a product of
2 substantially lower quality.

3 *See* Feb. 15, 2016 Letter from Vermont Maple Sugar Makers' Association to the Food and Drug
4 Administration available at <http://consumermediallc.files.wordpress.com/2016/02/fdamaple.pdf>
5 (last visited August 23, 2016)

6 25. Accordingly, Plaintiff and Members of the Class have been harmed because they
7 overpaid for the product (or would have not purchased the product) had they known that the product
8 did not contain any maple syrup or maple sugar.

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10 **PLAINTIFF'S INDIVIDUAL ALLEGATIONS**

11 26. In August 2016, Plaintiff purchased Cream of Wheat Instant Hot Cereal Maple
12 Brown Sugar at a Ralph's store located in Los Angeles County, California.

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14 27. Plaintiff viewed and relied upon the product name indicating that the Cream of
15 Wheat Instant Hot Cereal had "maple brown sugar" and/or maple syrup and a prominent image of
16 pitcher of maple syrup on the product packaging. These images and statements were in the same as
17 or substantially similar to the representations depicted in image in paragraph 20.

18 28. Because he was purchasing a product that was labeled as containing maple, he
19 reasonably believed that it, in fact, contained maple.

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21 29. Plaintiff relied on these representations when forming his purchasing decision.

22 30. Had Plaintiff known that the product did not contain maple syrup or maple brown
23 sugar as an ingredient, he would not have purchased it or he would have not paid as much for the
24 product. As a direct result, Plaintiff was harmed by Defendants' conduct.

25 31. Plaintiff, on behalf of himself and all others similarly situated, seeks monetary
26 damages as well as injunctive relief to stop Defendants from mislabeling the product.
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CLASS ACTION ALLEGATIONS

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2 32. Plaintiff brings this action pursuant to Federal Rule of Civil Procedure 23(b)(2) and
3 Rule 23(b)(3) on behalf of himself and as a class defined below:
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6 **Nationwide Class:** All individuals nationwide who, from four years prior to filing of
7 this Complaint through to date of certification purchased Cream of Wheat Instant
8 Hot Cereal Maple Brown Sugar.

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10 **California Subclass:** All individuals who, from four years prior to filing of this
11 Complaint through to date of certification purchased Cream of Wheat Instant
12 Hot Cereal Maple Brown Sugar in California.
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15 33. Excluded from the Classes are Defendants, any entity in which Defendants have a
16 controlling interest in Defendants, and Defendants' agents, legal representatives, predecessors,
17 successors, assigns, and employees. Also excluded from the Classes are the judge and staff to whom
18 this case is assigned, and any member of the judge's immediate family.

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20 34. Plaintiff reserves the right to revise the definition of the Classes based on facts
21 learned during discovery.

22 35. The exact number of persons in the Classes, as herein identified and described, is
23 unknown but is estimated to number in the thousands. The Classes are so numerous that joinder of
24 individual members herein is impracticable.

25 36. Plaintiff will fairly and adequately represent and protect the interests of the other
26 members of each Class. Plaintiff has retained counsel with substantial experience in prosecuting
27 complex litigation and class actions. Plaintiff and his counsel are committed to vigorously
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1 prosecuting this action on behalf of the members of the Classes, and have the financial resources to
2 do so. Neither Plaintiff nor her counsel has any interest adverse to those of the other members of the
3 Classes.

4 37. Absent a class action, most members of each Class would find the cost of litigating
5 their claims to be prohibitive, and will have no effective remedy. The class treatment of common
6 questions of law and fact is also superior to multiple individual actions or piecemeal litigation in
7 that it conserves the resources of the courts and the litigants, and promotes consistency and
8 efficiency of adjudication.

9 38. Defendants have acted and failed to act on ground generally applicable to the
10 Plaintiff and the other members of the Class in falsely advertising and mislabeling its products as
11 containing maple, requiring the Court's imposition of uniform relief to ensure compatible standards
12 of conduct toward members of the Classes.

13 39. The factual and legal basis of Defendants' liability to Plaintiff and to Class members
14 are the same, resulting in injury to the Plaintiff and to all of the other Class members as a result of
15 the Defendants' conduct of falsely advertising and mislabeling its products as containing maple.
16 Plaintiff and Class members have suffered harm and damages a result of Defendants' unlawful and
17 wrongful conduct.

18 40. There are many questions of law and fact common to the claims of Plaintiff and the
19 Class members, and those questions predominate over any questions that may affect individual
20 members of each Class. Common questions for the Classes include but are not limited to the
21 following:

- 22 a) Whether Defendants' name of the product and use of images of maple syrup constitute an
23 express warranty that the product contains maple syrup and/or maple sugar;
24 b) Whether Defendants breached their express warranties with Plaintiff and class members;

- 1 c) Whether Defendants' labeling is unlawful, unfair, deceptive, or misleading to reasonable
2 consumers under UCL;
- 3 d) Whether Defendants' conduct violates Cal. Bus. & Profs. Code §17200, Cal. Civil Code
4 §1750, and the Cal. Bus. & Profs. Code §17500.
- 5 e) Whether Defendants' product contain maple syrup or maple sugar;
- 6 f) Whether a reasonable consumer would expect that products labeled with an image of a jar of
7 maple syrup and "maple brown sugar" in the name of the product would in fact contain
8 maple syrup or maple sugar as an ingredient;
- 9 g) Whether, as a result of Defendants' conduct, Plaintiff and the class members are entitled to
10 equitable relief and/or other relief, and, if so, the nature of such relief; and
- 11 h) The method of calculation and extent of damages for Plaintiff and members of the Classes.
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14 **FIRST CLAIM FOR RELIEF**

15 **Fraudulent Inducement**

16 **(On behalf of Plaintiff and the Nationwide Class)**

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18 41. Plaintiff repeats and re-alleges the allegations of the proceeding paragraphs as if
19 fully set forth herein.

20 42. As described with particularity above, Defendants have used and continue to use,
21 marketing tactics they know or reasonably should know are false and misleading.

22 43. To induce Plaintiff and the Nationwide Class into purchasing their products,
23 Defendants affirmatively represented that their products contain maple syrup and/or maple sugar.

24 44. Defendants' affirmative representations are, in fact, false. In particular, Defendants
25 products do not contain maple sugar or maple syrup.
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1 45. The representations made by Defendants were material terms in their transactions
2 with Plaintiff and the Nationwide Class because they directly affected their choices to purchase
3 Defendants' products.

4 46. Defendants, as the manufacturers and designers of the food and its packaging, knew
5 or should have know, with the exercise of reasonable care, that the products they were offering to
6 consumers do not contain any maple syrup or maple sugar and that consumers would be misled into
7 believing that the products contained those ingredients.

8 47. Defendants knew or should have known that a number of groups in the maple sugar
9 and syrup industry have jointly complained about this issue as negatively affecting consumers'
10 ability to make informed decisions and causing unfair competition.

11 48. Therefore, Defendants intentionally designed their public representations to mislead
12 consumers about the ingredients and quality of their products.

13 49. Defendants made these representations with the intent to induce Plaintiff and
14 members of the Nationwide Class to rely upon them by purchasing the product.

15 50. Plaintiff and members of the Nationwide Class were misled by these representations.
16 They would not have purchased (or would have paid less) for Defendants' product but for the
17 misrepresentations alleged herein.

18 51. As a result of their reasonable reliance on Defendants' misrepresentations, Plaintiff
19 and members of the Nationwide Class have suffered actual monetary damages in the form of the
20 price paid for Defendants' product.

21 52. Plaintiff therefore prays for relief in the amount of the price paid for Defendants'
22 products.

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SECOND CLAIM FOR RELIEF
Violation of the California Commercial Code, Section 2313,
Breach of Express Warranty
(On behalf of Plaintiff and the California Subclass)

53. Plaintiff repeats and re-alleges the allegations of the preceding paragraphs as if fully set forth herein.

54. Defendants produced, advertised, marketed, and distributed products with the affirmation of fact, promise, and description on the packaging that the product contained maple syrup or maple sugar.

55. Plaintiff and members of the California Subclass relied on these affirmations of fact, promises, and descriptions in that they were part of the basis of the bargain under which Plaintiff and members of the California subclass purchased Defendants' products.

56. Defendants breached these express warranties by producing, distributing, and marketing products to Plaintiff and California Subclass members that did not conform to the affirmations of fact, promises, and/or descriptions made on the packaging (i.e., that the product contained maple syrup or maple sugar).

57. Defendants have been on notice of their breach of these express warranties as they manufacture red the product and designed the labeling. Further, they knew or should have known that a number of groups in the maple sugar and syrup industry have jointly complained about this issue as negatively affecting consumers and the industry alike.

58. As a proximate result of Defendants' breach of its express warranty, Plaintiff and members of the California Subclass sustained damages, including but not limited to the purchase price of the product and/or the premium paid for the product.

1 59. Plaintiff, on behalf of himself and the California Subclass, is entitled to damages and
2 other legal and equitable relief, including, a right of reimbursement, as well as costs, expenses and
3 attorneys' fees.

4 60. Plaintiff brings this action as a private attorney general, and to vindicate and enforce
5 an important right affecting the public interest. Plaintiff and the California Subclass are therefore
6 entitled to an award of attorneys' fees under Code of Civil Procedure section 1021.5 for bringing
7 this action.
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9 **THIRD CLAIM FOR RELIEF**

10 **Violations of the Consumers Legal Remedies Act,**

11 **California Civil Code Section 1750, *et seq.***

12 **(On behalf of Plaintiff and the California Subclass)**
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14 61. Plaintiff repeats and re-alleges the allegations of the preceding paragraphs as if fully
15 set forth herein.

16 62. The California Consumer Legal Remedies Act, Section 1750 of the California Civil
17 Code, protects consumers against fraud, unlawful practices, and unconscionable commercial
18 practices in connection with the sale of any merchandise.
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20 63. Plaintiff and members of the California Subclass are "consumers" as defined by
21 Section 1761(d) of California Code because they sought or acquired Defendants' good for personal,
22 family, or household purposes.
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24 64. Defendants' products are "goods" within the meaning of Section 1761(a) of the
25 California Civil Code as they are tangible chattels bought for personal, family, or household
26 purposes.
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1 65. Defendants manufactured, licensed, distributed, and marketed products containing
2 maple syrup or maple sugar when, in fact, they do not. Such conduct constitutes a violation of the
3 California Consumer Legal Remedies Act as specified below.

4 66. Defendants' conduct violated and continues to violate the Consumer Legal Remedies
5 Act by engaging in the following practices proscribed by section 1770(a), subsections (2), (5), (7),
6 and (9) of the California Civil Code, respectively, in transactions with Plaintiff and members of the
7 Class, which were intended to result in, and did result in, the sale of the products in that Defendants:
8 misrepresenting the source, sponsorship, approval, or certification of goods or services;
9 misrepresenting that goods or services have sponsorship, approval, characteristics, ingredients, uses,
10 benefits, or quantities which they do not have; representing that goods or services are of a particular
11 standard, quality, or grade ... if they are of another; and advertising goods or services with intent not
12 to sell them as advertised.
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15 67. Plaintiff and other members of the California Subclass reasonably relied upon and
16 were deceived by Defendants' representations that its products contain maple syrup or maple sugar.

17 68. Pursuant to section 1782(d) of the California Civil Code, Plaintiff, on behalf of
18 himself and the California Subclass seeks a Court order enjoining Defendants from such future
19 conduct and any other such orders that may be necessary to rectify the fraudulent, unlawful,
20 unconscionable commercial practices, and fraudulent business practices of Defendants, including
21 requiring Defendants to cease mislabeling of its products as containing maple syrup or maple
22 sugars.
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FOURTH CLAIM FOR RELIEF
Violations of the False Advertising Act,
California Business & Professions Code Section 17500, *et seq.*,
(On behalf of Plaintiff and the California Subclass)

69. Plaintiff repeats and re-alleges the allegations of the preceding paragraphs as if fully set forth herein.

70. Section 17500 of the California False Advertising Act prohibits the dissemination of statements that are untrue, misleading, and which are known, or which by the exercise of reasonable care should be known, to be untrue or misleading.

71. Defendants' acts and practices violated Section 17500 of the California False Advertising Act. Defendants disseminated untrue and misleading statements to Plaintiffs and members of the California Subclass by mislabeling its products as containing maple syrup or maple sugars.

72. Defendants' statements were untrue and misleading in material respects because Plaintiff and members of the California Subclass would not have purchased, or would not have paid as much for, the product had they known that did not contain any maple syrup or maple sugars.

73. Defendants' use of statements and imagery on the product packaging and name had the capacity, likelihood and tendency to deceive and confuse consumers into believing that the product contained maple syrup and/or maple sugar.

74. Defendants, as the manufacturers and designers of the food and its packaging, knew or should have known, with the exercise of reasonable care, that the products they were offering to consumers do not contain any maple syrup or maple sugar and that consumers would be misled into believing that the products contained those ingredients. Therefore, Defendants knew or should have known that their statements were untrue and misleading.

1 practices within the meaning of California Business & Professions Code, section 17200, *et seq.*
2 Defendants need only violate one of the three prongs to be held strictly liable.

3 82. Defendants have engaged in "unlawful" business acts and practices by
4 manufacturing, promoting, and distributing products as containing maple syrup or maple sugars,
5 when, in fact, none of those ingredients are in the product. Defendants' business acts and practices
6 violate the California Business and Professions Code, section 17500, *et seq.* and the California
7 Consumer Legal Remedies Act, California Civil Code, Section 1750, *et seq.*, as alleged herein.

9 83. Defendants' acts and practices are further "unlawful" because it violates the Federal
10 Food, Drug, and Cosmetic Act ("FDCA"). The FDCA states that a food product is misbranded if:
11 "its labeling is false or misleading in any particular;" or "if it is an imitation of another food, unless
12 its label bears, in type of uniform size and prominence, the word 'imitation' and immediately
13 thereafter, the name of the food imitated." 28 U.S.C. § 343(a) and (c).

15 84. Defendants declare "maple" on their packaging as a characterizing ingredient even
16 where maple syrup (as defined in 21 CFR § 168.140(a)) is not actually present in the product.
17 Maple is a substance derived from the heat treatment of sap from the maple tree. None of the ten
18 ingredients in Defendants' products qualify as maple under this definition.

19 85. The product is therefore misbranded under § 343(a) because the packaging is false
20 and misleading in that it conveys the message that maple syrup or maple sugar is contained in the
21 product.

23 86. The product is also misbranded under § 343(c) because it is "an imitation of another
24 food," i.e., a food containing maple sugar or maple, but does not contain the word "imitation" on its
25 labeling.

26 87. In addition, Defendants' mislabeling violates the following implementing FDCA
27 regulations: 21 C.F.R. § 101.14 requiring claims to be "complete, truthful, and not misleading," and
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1 which "enables the public to comprehend the information and 21 CFR § 102.5, which governs
2 "characterizing properties or ingredients," and requires that "the common or usual name of a food
3 shall include the percentage(s) of any characterizing ingredient(s) or component(s) when the
4 proportion of such ingredient(s) or component(s) in the food has a material bearing on price or
5 consumer acceptance or when the labeling or the appearance of the food may otherwise create an
6 erroneous impression that such ingredient(s) or component(s) is present in an amount greater than is
7 actually the case."
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9 88. Maple, a premium ingredient, has a material bearing on the price and/or consumer
10 acceptance of food products that contain it, which is why it is frequently an ingredient named in the
11 title of foods or displayed on its packaging. Thus, if a product name includes "maple," or its
12 packaging emphasizes the presence of maple (e.g., through images of maple syrup), but the product
13 does not actually contain any maple, it is unlawfully misbranded under the FDA's regulations.
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15 89. Defendant's conduct further violates the California Sherman Food, Drug, and
16 Cosmetic Law ("Sherman Law"), Cal. Health & Safety Code § II 0660, which deems food products
17 "misbranded" if their labeling is "false or misleading in any particular," and Health & Safety Code
18 22 § 110395, which adopts all FDA food labeling regulations as state regulations.
19

20 90. All of the challenged advertisements and statements made by Defendants thus
21 constitute violations of the Sherman Law and the FDCA, and as such, violate the "unlawful" prong
22 of the UCL.
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24 91. Plaintiff reserves the right to identify additional provisions of the law violated by
25 Defendants as further investigation and discovery warrants.
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27 92. Defendants' failure to comply with the above statutes and regulations constitute an
28 unlawful business act or practice.

1 93. Section 17200 of the California Business & Professional Code also prohibits any
2 "unfair business act or practice." As described above, Defendants have engaged in "unfair" business
3 acts or practices in that they falsely labeled products as containing maple syrup or maple sugar,
4 when, in fact, those products do not contain any of those ingredients.

5 94. The gravity of the harm to Plaintiff and members of the California Subclass
6 outweighs any arguable utility of Defendants' conduct. Plaintiff's injury is substantial, is not
7 outweighed by any countervailing benefit to consumers or competition, and is not one that
8 consumers could have reasonably avoided.

9 95. Defendants' conduct offends California public policy tethered to the California
10 Consumer Legal Remedies Act, the California False Advertising Law, the California Sherman Law,
11 and the FDCA, which are intended to preserve fair competition, to protect consumers from market
12 distortions, and to allow consumers to make informed choices in their purchasing food products.

13 96. Defendants' actions are immoral, unethical, unscrupulous, and offend established
14 public policy, and have injured Plaintiff and other members of the California Subclass.

15 97. Section 17200 also prohibits any "fraudulent business act or practice." Defendants'
16 conduct constituted "fraudulent" business acts or practices in that their conduct had a tendency and
17 likelihood to deceive persons to whom such conduct was and is targeted by falsely labeling products
18 as containing maple syrup or maple sugar, when, in fact, they do not.

19 98. Plaintiff and members of the California Subclass were deceived by Defendants'
20 representations as to whether the products contained maple syrup or maple sugar.

21 99. Plaintiff and members of the Class reasonably relied on Defendants' representations.
22 As the California Supreme Court has explained, "Simply stated: labels matter. The marketing
23 industry is based on the premise that labels matter, that consumers will choose one product over
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1 another similar product based on its label and various tangible and intangible qualities they may
2 come to associate with a particular source." *Kwikset Corp. v. Superior Court*, 51 Cal. 4th 310, 328
3 2 (2011).

4 100. Plaintiff and members of the California Subclass have suffered injuries as a direct
5 and proximate result of the unlawful, unfair, and fraudulent business practices of Defendants in that
6 they purchased products that they would not have purchased, or they would have paid less for the
7 products, had they known that the products did not contain any maple syrup or maple sugars.

9 101. Pursuant to section 17203 of the California Business and Professions Code, Plaintiff,
10 on his own behalf and on behalf of the California Subclass, seeks restitution and a Court order
11 enjoining Defendants from such future conduct and any other such orders that may be necessary to
12 rectify the unlawful, unfair, and fraudulent business practices of Defendants, including requiring
13 Defendants to cease mislabeling its products as containing maple syrup and maple sugars.

15 102. Plaintiff brings this action as a private attorney general, and to vindicate and enforce
16 an important right affecting the public interest. Plaintiff and members of the California Subclass are
17 therefore entitled to an award of attorneys' fees under Code of Civil Procedure section 1021.5 for
18 bringing this action.

19 WHEREFORE, Plaintiff Michael Horton, on behalf of himself and members of the Classes,
20 prays for the following relief:

- 22 a) An order certifying each Class as defined above;
- 23 b) An award of actual damages;
- 24 c) An injunction requiring Defendants to cease misrepresenting that their products
25 contain maple syrup and/or maple sugar and requiring Defendants to provide a notice
26 to consumers who already purchased the product;
- 27 d) For any and all other relief available under Business and Professions Code sections
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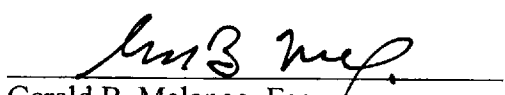
- 17200, *et. seq.*, including but not limited to disgorgement of profits received through Defendants' unfair business practices and restitution;
- e) An award of reasonable attorneys' fees and costs;
 - f) For pre-judgment interest on the sums owing; and
 - g) For such other and further relief as the Court deems just and proper.

JURY DEMAND

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

Dated: 9/2/16

LATTIE | MALANGA | LIBERTINO, LLP

By: 
Gerald B. Malanga, Esq.
Attorneys for Plaintiff