

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
PEORIA DIVISION**

Rebecca Read, individually and on behalf of
all others similarly situated,

Plaintiff,

- against -

Anheuser-Busch Inbev Worldwide Inc.,

Defendant

1:21-cv-01261

Class Action Complaint

Jury Trial Demanded

Plaintiff alleges upon information and belief, except for allegations pertaining to plaintiff, which are based on personal knowledge:

1. Anheuser-Busch Inbev Worldwide Inc. (“defendant”) manufactures, labels, markets, and sells “Agave Spiked Seltzer,” under the Cacti brand (“Product”), purporting to be “Made with 100% Premium Blue Agave from Mexico and Natural Flavors for a Refreshing and Bold Taste.”



2. The labeling and marketing of the Product emphasize the agave plant, through words and pictures, including on the front of the cans.

3. Retail displays for the Product include images of the agave plant with the statement, “Made With 100% Blue Agave From Mexico,” a field of agaves and cans of the Product.



4. In digital and print media, the Product is advertised alongside a field of agave plants, with the statement, “Down to Earth Ingredients. Out of this World Flavor. Cacti.”



5. Elsewhere in its marketing and advertising, the Product is described as “Made With 100% Blue Agave” and “Made with 100% Premium Blue Agave from Mexico and Natural Flavors for a Refreshing and Bold Taste.”



6. The representations are misleading because they give consumers the impression it

contains a more valued type of agave ingredients than it does.

I. AGAVE

7. Agave is a “perennial succulent often mistaken for cactus.”
8. The Aztecs considered agave sacred and used all parts of this plant.
9. Its uses included food and shelter, “its flesh eaten and leaves dried and woven into clothing, floor mats, and thatch roofs.”
10. Before it was distilled into tequila, “it was fermented into a kind of beer imbibed during religious ceremonies as a way to communicate with the gods.”
11. Agave refers to the family *Asparagaceae*, native to arid and semiarid regions of the Americas, particularly Mexico.



12. The genus contains a number of economically important species, especially those required for the production of mezcal liquors.
13. Most producers are small family operations distilling the agave that grows wild in

their part of the country and distributing it to their local community.

14. Distillation of agave dates to the 17th century.

15. Tequila is traditionally made by steaming agave in brick ovens and crushing it using a mechanical shredder.

16. The juices are then collected and fermented naturally in open wooden tanks, then distilled twice in copper pot stills.

17. All 100% blue agave tequila must be made from the *A. tequilana* 'Weber's Blue' agave plant, to rigorous specifications and only in certain Mexican states

18. The price of blue Weber agave fluctuates dramatically.

19. It is costly and time-consuming to farm, taking seven years to reach maturity.

20. Agave crops can also be negatively impacted by bad weather, which has increased due to global warming.

21. Agave-specific diseases can also decimate an agave crop.

22. In 2001, the Mexican government and European Union agreed upon the classification of tequila and its categories.

II. TEQUILA PREMIUMIZATION

23. Numerous tequila brands started or associated with celebrities has been a big factor in growth of tequila.

24. Their vast social media networks allow them to be real-time influencers for the brand, while allowing them to interact with their consumers and followers.”

25. US consumption of tequila alone has risen by more than 30% between 2015 and 2020, with premium-and-above products up by over 60%.

26. Most brands have focused on premiumization, through age statements, a second

filtration through the cristalino process, single barrel, bourbon barrel aging, 100% organic offerings, single-estate products, and 110-proof offerings.

III. POPULARITY OF TEQUILA INCREASES DEMAND FOR ALL THINGS AGAVE

27. The increase in awareness and knowledge of tequila has led to a greater focus and demand for other agave spirits.

28. “Over the past five years, 100% blue agave products have exploded as the dominant product attribute consumers seek. Tequila production is regulated, however, so there are limitations.

29. In 2020 in the US, agave-based spirits surpassed both the rum category by volume, as well US whiskey’s largest subcategory, bourbon.

30. Agave-based spirits grew faster than any other spirit, close to +20% in 2020, twice as much as bourbon, the second highest.

31. As of 2021, agave-based spirits are the third largest spirits category in the US, behind vodka and whisky.

32. Agave spirits are in demand across age groups and genders.

33. The consumer appeal of agave spirits is based on several factors.

34. First, it is overtly plant-based, and seen as being a “clean” and “light” spirit, creating a “better for me” perception among consumers.

35. Second, agave spirits appeal to consumers because of their Mexican origin and the absence of industrial farming methods used in production of this crop.

36. This taps into consumer desire for authenticity and promotes premiumization of the category.



37. Third, the association of tequila with many celebrities has spilled over into other agave spirits.

IV. STATE AND FEDERAL REGULATIONS REQUIRE FRONT LABEL TO IDENTIFY PRODUCT AS SOMETHING OTHER THAN “AGAVE SPIKED SELTZER”

38. Illinois has incorporated all federal labeling regulations for spirits which are adopted by The Alcohol and Tobacco Tax and Trade Bureau (“TTB”).

39. Federal regulations define “Agave spirits” as “distilled from a fermented mash, of which at least 51 percent is derived from plant species in the genus *Agave* and up to 49 percent is derived from other sugars.” 27 C.F.R. § 5.22(g) (“Class 7; Agave Spirits.”).

40. Agave spirits “must be distilled at less than 95 percent alcohol by volume (190° proof) and bottled at or above 40 percent alcohol by volume (80° proof).”

41. Agave spirits “may be stored in wood barrels” and “contain added flavoring or coloring materials as authorized by § 5.23.”

42. Only agave spirits that “meet the standard of identity for “Tequila” or “Mezcal” may

be designated as “agave spirits” or as “Tequila” or “Mezcal” as applicable.”

43. Federal (and thus, state) regulations for spirits prohibit “Any statement that is false or untrue in any particular, or that, irrespective of falsity, directly, or by ambiguity, omission, or inference, or by the addition of irrelevant, scientific or technical matter, tends to create a misleading impression.” 27 C.F.R. § 5.42(a)(1)

44. The Illinois Consumer Fraud and Deceptive Business Practices Act provides protection for consumers purchasing items like the Product, and states:

Unfair methods of competition and unfair or deceptive acts or practices, including but not limited to the use or employment of any deception, fraud, false pretense, false promise, misrepresentation or the concealment, suppression or omission of any material fact, with intent that others rely upon the concealment, suppression or omission of such material fact . . . are hereby declared unlawful

815 ILCS 505/2.

45. Whether a product contains agave spirits is basic front label information consumers rely on when making quick decisions at the store.

46. The Product lacks any agave spirits, and instead, uses “Agave Syrup,” a sweetener derived from the Agave plant, as shown in the fine print ingredient list on the back of the Product.



INGREDIENTS: Water, Cold Fermented Cane Sugar,
Natural Flavors, Lime Juice From Concentrate,
Agave Syrup, Citric Acid, Malted Rice.

INGREDIENTS: Water, Cold Fermented Cane Sugar,
Natural Flavors, Lime Juice From Concentrate, Agave
Syrup, Citric Acid, Malted Rice.

47. Reasonable consumers are misled by the description of the Product as “Agave Spiked Seltzer,” being “Made With 100% Premium Blue Agave From Mexico,” and the pictures of the agave plant.

48. Agave syrup also known as maguey syrup or agave nectar, is a sweetener commercially produced from several species of agave, including Agave tequilana (blue agave).

49. Blue-agave syrup contains 56% fructose as a sugar, providing sweetening properties.

50. Numerous spirit-industry publications have emphasized that the popularity of agave spirits has resulted in its addition to ready-to-drink (RTD) products.

51. In the context of an alcoholic beverage, consumers will expect that “Agave Spiked Seltzer” means the seltzer is “spiked” with agave spirits.

52. Consumers buying alcoholic beverages are more aware of agave spirits than agave sweetener and are not looking for alternatives to sugar.

V. CONCLUSION

53. Reasonable consumers must and do rely on a company to honestly identify and describe the components, attributes, and features of the Product, relative to itself and other comparable products or alternatives.

54. The value of the Product that plaintiff purchased was materially less than its value as represented by defendant.

55. Defendant sold more of the Product and at higher prices than it would have in the absence of this misconduct, resulting in additional profits at the expense of consumers.

56. Had Plaintiff and proposed class members known the truth, they would not have bought the Product or would have paid less for it.

57. The Product is sold for a price premium compared to other similar products, no less

than \$4.25 for a 25 oz. can, a higher price than it would otherwise be sold for, absent the misleading representations and omissions.

Jurisdiction and Venue

58. Jurisdiction is proper pursuant to Class Action Fairness Act of 2005 (“CAFA”). 28 U.S.C. § 1332(d)(2).

59. The aggregate amount in controversy exceeds \$5 million, including any statutory damages, exclusive of interest and costs.

60. Plaintiff Rebecca Read is a citizen of Illinois.

61. Defendant Anheuser-Busch Inbev Worldwide Inc. is a Delaware corporation with a principal place of business in Saint Louis, Saint Louis City County, Missouri

62. Plaintiff and defendant are citizens of different states.

63. Venue is in this district because plaintiff resides in this district and the actions giving rise to the claims occurred within this district.

64. Venue is in the Peoria Division because plaintiff resides in Livingston County, which is where the events giving rise to the present claims occurred.

Parties

65. Plaintiff Rebecca Read is a citizen of Cullom, Livingston County, Illinois.

66. Defendant Anheuser-Busch Inbev Worldwide Inc., is a Delaware corporation with a principal place of business in Saint Louis, Missouri, Saint Louis City County.

67. Defendant is part of the largest alcoholic beverage company in the world, Anheuser-Busch InBev.

68. Defendant owns and controls the Cacti brand of spiked seltzers.

69. Defendant has sought to capitalize on consumer demand for spiked or “hard” seltzer

and agave spirits.

70. The Product is sold at thousands of retail locations – grocery stores, drug stores, big box stores, convenience stores, etc. – and online.

71. The Product is sold individually and in packs of nine.

72. Plaintiff bought the Product on one or more occasions within the statute of limitations for each cause of action alleged, at stores including Casey's General Store, 100 Watters Dr, Dwight, IL 60420, between June and July 2021, among other times.

73. Plaintiff bought the Product because she expected it would contain agave spirits.

74. Plaintiff did not expect "Agave Spiked Seltzer" to contain agave sweetener, because the Product was not labeled, "Agave Sweetened Spiked Seltzer."

75. Plaintiff bought the Product at or exceeding the above-referenced price.

76. Plaintiff relied on the representations identified here.

77. Plaintiff would not have purchased the Product if she knew the representations were false and misleading.

78. Plaintiff chose between Defendant's Product and other similar products which were represented similarly, but which did not misrepresent their attributes and/or lower-priced products which did not make the claims made by Defendant.

79. The Product was worth less than what Plaintiff paid and she would not have paid as much absent Defendant's false and misleading statements and omissions.

80. Plaintiff intends to, seeks to, and will purchase the Product again when she can do so with the assurance that Product's representations are consistent with its composition.

Class Allegations

81. Plaintiff seeks certification under Fed. R. Civ. P. 23(b)(2) and (b)(3) of the following

classes:

Illinois Class: All persons in the State of Illinois who purchased the Product during the statutes of limitations for each cause of action alleged.

Consumer Fraud Multi-State Class: All persons in the States of Iowa and Arkansas who purchased the Product during the statutes of limitations for each cause of action alleged.¹

82. Common questions of law or fact predominate and include whether defendant's representations were and are misleading and if plaintiff and class members are entitled to damages.

83. Plaintiff's claims and basis for relief are typical to other members because all were subjected to the same unfair and deceptive representations and actions.

84. Plaintiff is an adequate representative because her interests do not conflict with other members.

85. No individual inquiry is necessary since the focus is only on defendant's practices and the class is definable and ascertainable.

86. Individual actions would risk inconsistent results, be repetitive and are impractical to justify, as the claims are modest relative to the scope of the harm.

87. Plaintiff's counsel is competent and experienced in complex class action litigation and intends to protect class members' interests adequately and fairly.

88. Plaintiff seeks class-wide injunctive relief because the practices continue.

¹ The States in the Consumer Fraud Multi-State Class are limited to those States with similar consumer fraud laws under the facts of this case: Iowa (Consumer Fraud and Private Right of Action for Consumer Frauds Act, Iowa Code Ann. § 714.16 et seq.); Arkansas (Arkansas Deceptive Trade Practices Act, Ark. Code § 4-88-101, et. seq.).

Illinois Consumer Fraud and Deceptive Business Practices Act
("ICFA"), 815 ILCS 505/1, et seq.

(Consumer Protection Statute)

89. Plaintiff incorporates by reference all preceding paragraphs.

90. Plaintiff and class members desired to purchase a product that contained agave spirits, not agave sweetener.

91. Defendant's false and deceptive representations and omissions are material in that they are likely to influence consumer purchasing decisions.

92. Defendant misrepresented the Product through statements, omissions, ambiguities, half-truths and/or actions.

93. Plaintiff relied on the representations.

94. Plaintiff and class members would not have purchased the Product or paid as much if the true facts had been known, suffering damages.

Violation of State Consumer Fraud Acts

(On Behalf of the Consumer Fraud Multi-State Class)

95. The Consumer Fraud Acts of the States in the Consumer Fraud Multi-State Class prohibit the use of unfair or deceptive business practices in the conduct of trade or commerce.

96. Defendant intended that plaintiff and each of the other members of the Consumer Fraud Multi-State Class would rely upon its deceptive conduct, and a reasonable person would in fact be misled by this deceptive conduct.

97. As a result of defendant's use or employment of artifice, unfair or deceptive acts or business practices, plaintiff, and each of the other members of the Consumer Fraud Multi-State Class, have sustained damages in an amount to be proven at trial.

98. In addition, defendant's conduct showed malice, motive, and the reckless disregard of the truth such that an award of punitive damages is appropriate.

Breaches of Express Warranty,
Implied Warranty of Merchantability and
Magnuson Moss Warranty Act, 15 U.S.C. §§ 2301, *et seq.*

99. The Product was manufactured, labeled, and sold by defendant and expressly and impliedly warranted to plaintiff and class members that it contained agave spirits, not agave sweetener.

100. Defendant had a duty to disclose and/or provide non-deceptive descriptions and marketing of the Product.

101. This duty is based on Defendant's outsized role in the market for this type of Product.

102. Plaintiff provided or will provide notice to defendant, its agents, representatives, retailers, and their employees.

103. Defendant received notice and should have been aware of these issues due to complaints by regulators, competitors, and consumers, to its main offices.

104. The Product did not conform to its affirmations of fact and promises due to defendant's actions and were not merchantable because they were not fit to pass in the trade as advertised.

105. Plaintiff and class members would not have purchased the Product or paid as much if the true facts had been known, suffering damages.

Negligent Misrepresentation

106. Defendant had a duty to truthfully represent the Product, which it breached.

107. This duty is based on defendant's position, holding itself out as having special knowledge and experience this area, as the brand is promoted by Travis Scott, a celebrity musician, with knowledge of alcoholic beverages.

108. The representations took advantage of consumers' cognitive shortcuts made at the point-of-sale and their trust in defendant, a nationally recognized and trusted brand.

109. Plaintiff and class members reasonably and justifiably relied on these negligent misrepresentations and omissions, which served to induce and did induce, their purchase of the Product.

110. Plaintiff and class members would not have purchased the Product or paid as much if the true facts had been known, suffering damages.

Fraud

111. Defendant misrepresented and/or omitted the attributes and qualities of the Product, that it contained agave spirits, not agave sweetener

112. Defendant's fraudulent intent is evinced by its knowledge that the Product was not consistent with its representations.

Unjust Enrichment

113. Defendant obtained benefits and monies because the Product was not as represented and expected, to the detriment and impoverishment of plaintiff and class members, who seek restitution and disgorgement of inequitably obtained profits.

Jury Demand and Prayer for Relief

Plaintiff demands a jury trial on all issues.

WHEREFORE, Plaintiff prays for judgment:

1. Declaring this a proper class action, certifying plaintiff as representative and the undersigned as counsel for the class;
2. Entering preliminary and permanent injunctive relief by directing defendant to correct the challenged practices to comply with the law;
3. Injunctive relief to remove, correct and/or refrain from the challenged practices and

representations, and restitution and disgorgement for members of the class pursuant to the applicable laws;

4. Awarding monetary damages, statutory and/or punitive damages pursuant to any statutory claims and interest pursuant to the common law and other statutory claims;
5. Awarding costs and expenses, including reasonable fees for plaintiff's attorneys and experts; and
6. Other and further relief as the Court deems just and proper.

Dated: September 11, 2021

Respectfully submitted,

Sheehan & Associates, P.C.

/s/Spencer Sheehan

60 Cuttermill Rd Ste 409

Great Neck NY 11021

Tel: (516) 268-7080

spencer@spencersheehan.com

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

Saturday, 11 September 2021 06:24:24 PM
Clerk, U.S. District Court, ILCD

I. (a) PLAINTIFFS

Rebecca Read, individually and on behalf of all others similarly situated

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

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

Sheehan & Associates, P.C., 60 Cuttermill Rd Ste 409 Great Neck NY 11021-3104 (516) 268-7080

DEFENDANTS

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

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

Click here for: Nature of Suit Code Descriptions .

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice 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 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent-Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 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 (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <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	CIVIL RIGHTS	PRISONER PETITIONS		
<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	<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	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:
false advertising

VII. REQUESTED IN COMPLAINT:

☒ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.
DEMAND \$ 5,000,000
CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE

September 11, 2021

SIGNATURE OF ATTORNEY OF RECORD

/s/Spencer Sheehan

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

UNITED STATES DISTRICT COURT

for the
Central District of Illinois

Rebecca Read, individually and on behalf of all
others similarly situated,

Plaintiff(s)

v.

Anheuser-Busch Inbev Worldwide Inc.,

Defendant(s)

Civil Action No. 1:21-cv-01261

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Anheuser-Busch Inbev Worldwide Inc.
c/o The Corporation Trust Company
1209 N Orange St
Wilmington DE 19801-1120

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Sheehan & Associates, P.C., 60 Cuttermill Rd Ste 409 Great Neck NY 11021-3104 (516) 268-7080

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. 1:21-cv-01261

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
PEORIA DIVISION**

Rebecca Read, individually and on behalf of
all others similarly situated,

Plaintiff,

- against -

Anheuser-Busch Inbev Worldwide Inc.,

Defendant

1:21-cv-01261

Certificate of Interest

The undersigned, counsel of record for Rebecca Read, furnishes the following in compliance with Rule 11.3 of this Court.

1. The full name of every party or amicus the attorney represents in the case: Rebecca Read, Plaintiff.

2. If such party or amicus is a corporation: (a) its parent corporation, if any; and (b) a list of corporate stockholders which are publicly held companies owning 10 percent or more of the stock of the party or amicus if it is a publicly held company: N/A.

3. The name of all law firms whose partners or associates appear for or are expected to appear for Rebecca Read: Sheehan & Associates, P.C.

Dated: September 11, 2021

Respectfully submitted,

Sheehan & Associates, P.C.

/s/Spencer Sheehan

60 Cuttermill Rd Ste 409

Great Neck NY 11021

Tel: (516) 268-7080

spencer@spencersheehan.com