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County of San Diego

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Clerk of the Superior Court
By Jonathan Renteria, Deputy Clerk

FITZGERALD MONROE FLYNN PC

JACK FITZGERALD (SBN 257370)

jfitzgerald@fmfpc.com

MELANIE R. MONROE (SBN 275423)

mmonroe@fmfpc.com

TREVOR FLYNN (SBN 253362)

tflynn@fmfpc.com

PETER GRAZUL (SBN 342735)

pgrazul@fmfpc.com

2341 Jefferson Street, Suite 200

San Diego, California 92110

Phone: (619) 215-1741

Counsel for Plaintiff

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO – CENTRAL DIVISION**

LAURA WILLIS ALBRIGO, on behalf of
herself, all others similarly situated, and the
general public,

Plaintiff,

v.

CHOBANI, LLC

Defendant.

Case No: 37-2024-00031263-CU-NP-CTL

CLASS ACTION

**COMPLAINT FOR VIOLATIONS OF
CAL. BUS. & PROF. CODE §§ 17200
ET SEQ.; CAL. BUS. & PROF. CODE
§§ 17500 ET SEQ.; AND UNJUST
ENRICHMENT**

DEMAND FOR JURY TRIAL

1 Plaintiff Laura Willis Albrigo, on behalf of herself, all others similarly situated, and
2 the general public, by and through her undersigned counsel, brings this action against
3 Chobani, LLC (“Chobani” or “Defendant”), and alleges the following upon her own
4 knowledge, or where she lacks personal knowledge, upon information and belief, including
5 the investigation of her counsel.

6 **INTRODUCTION**

7 1. Chobani sells a line of zero-sugar yogurts called Chobani Zero Sugar that it
8 represents is made with “Only Natural Ingredients” (the “Yogurts”).¹ These are sold as
9 multipacks and in individual yogurt cups.

10 2. Plaintiff and other consumers purchased the Yogurts believing they were made
11 with only natural ingredients. Chobani’s “Only Natural Ingredients” claim, however, is false
12 and misleading because the Yogurts contain artificial, synthetic ingredients, including stevia
13 leaf extract, monk fruit extract and—in all varieties except vanilla and toasted coconut
14 vanilla—additional ingredients as coloring agents. Moreover, for a substantial part of the last
15 four years, the Yogurts also contained manufactured citric acid.

16 3. Plaintiff brings this action on behalf of herself, similarly-situated Class
17 Members, and the general public, to recover compensation for injured Class Members.

18 **JURISDICTION & VENUE**

19 4. The California Superior Court has jurisdiction over this matter as a result of
20 defendant’s violations of the California Business and Professions Codes and California
21 common law principles.

22 5. This Court has jurisdiction pursuant to Article VI, Section 10 of the California
23 Constitution, because this case is not a cause given by statute to other trial courts.

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26 ¹ During the relevant time period, the Yogurts were sold in the following flavors or varieties:
27 Vanilla, Strawberry, Toasted Coconut Vanilla, Mixed Berry, Strawberry Cheesecake,
28 Blueberry, Milk & Cookies, Key Lime Pie, Peach, Black Cherry, Raspberry, Rainbow
Sherbet, and Lemon Meringue Pie. To the extent any additional flavors were sold during the
Class Period, the complaint should be read to include rather than exclude such flavors.

1 6. The aggregate restitution sought herein exceeds the minimum jurisdictional
 2 limits for the Superior Court and will be established at trial, according to proof.

3 7. The California Superior Court also has jurisdiction in this matter because there
 4 is no federal question at issue, as the issues herein are based solely on California statutes and
 5 law.

6 8. The Court has personal jurisdiction over Chobani as a result of its substantial,
 7 continuous and systematic contacts with the State, and because Chobani has purposely
 8 availed itself of the benefits and privileges of conducting business activities within the State,
 9 including by marketing, distributing, and selling the Yogurts in California.

10 9. Venue is proper in San Diego County because a substantial part of the events or
 11 omissions giving rise to the class claims occurred in San Diego County.

12 **PARTIES**

13 10. Plaintiff Laura Willis Albrigo presently resides and intends to continue to reside
 14 in San Diego County, California. Accordingly, she is a citizen of the State of California.

15 11. Defendant Chobani, Inc., is incorporated in Delaware and has its principal place
 16 of business in New York.

17 **FACTS**

18 **I. CHOBANI FALSELY ADVERTISES THE YOGURTS AS MADE WITH**
 19 **“ONLY NATURAL INGREDIENTS”**

20 12. As Chobani knows, many consumers prefer and are willing to pay more for, and
 21 purchase more often foods made only with natural ingredients.

22 13. During at least the four years preceding the filing of this Complaint and
 23 continuing today, Chobani has leveraged this preference by prominently labeling the Yogurts
 24 as being made with “Only Natural Ingredients.” This is true of each variety of Yogurt
 25 complained of herein. Depictions of the packaging of a multipack and a single cup appear
 26 below, with the challenged labeling claim indicated.



14. Reasonable consumers, including Plaintiff, interpret “Only Natural Ingredients” to mean the Yogurts are not made with, and do not contain, any artificial or synthetic ingredients.

15. However, contrary to the label claim, the Yogurts are made with stevia leaf extract, monk fruit extract and—in all varieties except vanilla and toasted coconut vanilla—additional ingredients as coloring agents. Moreover, until recently, the Yogurts also contained manufactured citric acid. Below are exemplars of the current ingredient list for the Mixed

1 Berry flavor, and the ingredient list for Mixed Berry when it was manufactured with citric
2 acid.

Ingredients

Ultra-filtered nonfat milk**, water, skim milk†, allulose†, contains 2% or less of: tapioca flour, natural flavors, citrus fiber, vegetable juice concentrate (for color)†, sea salt, guar gum, stevia leaf extract (reb m), monk fruit extract, cultures. **Ingredient not found in regular yogurt. †Includes a dietarily insignificant amount of sugar.

Ingredients: Ultra-filtered nonfat milk, water, skim milk†, allulose†, contains 2% or less of: natural flavors, tapioca flour, citrus fiber, vegetable juice concentrate (for color)†, guar gum, sea salt, stevia leaf extract (reb m), monk fruit extract, citric acid, cultures. **Ingredient not found in regular yogurt. †Includes a dietarily insignificant amount of sugar.

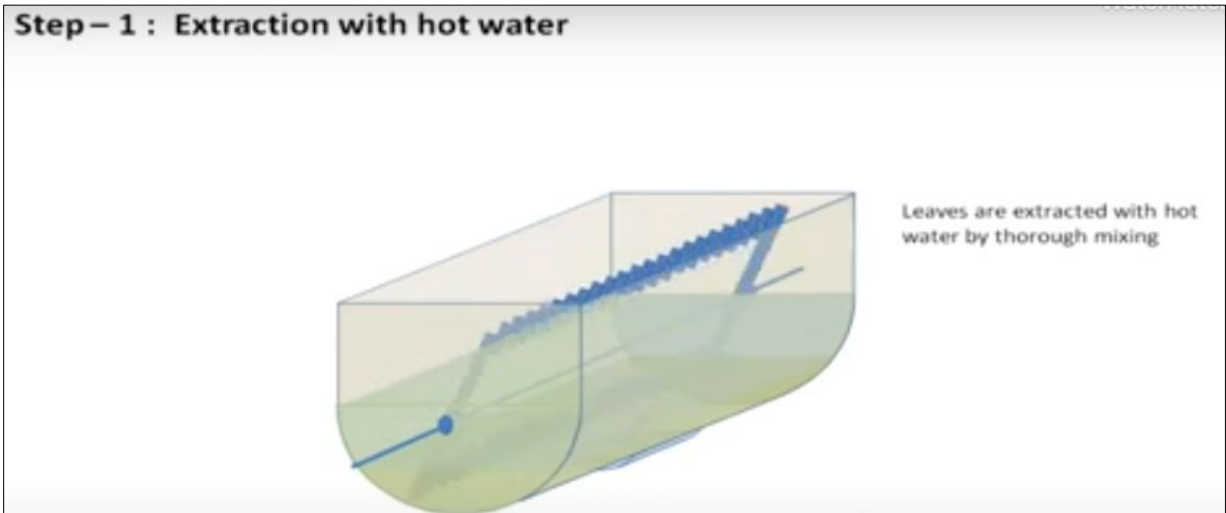
6 live and active cultures:

S. Thermophilus, L. Bulgaricus,
L. Acidophilus, Bifidus,
L. Casei, and L. Rhamnosus.

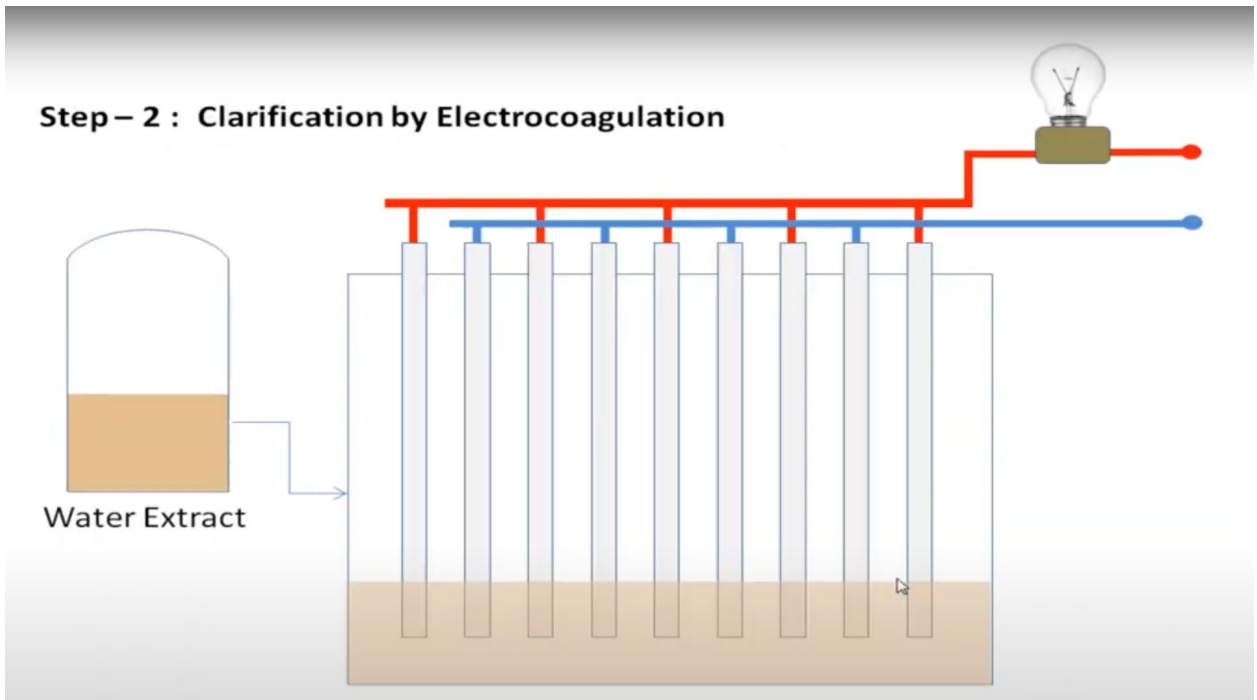
A. Stevia Leaf Extract is an Artificial Ingredient

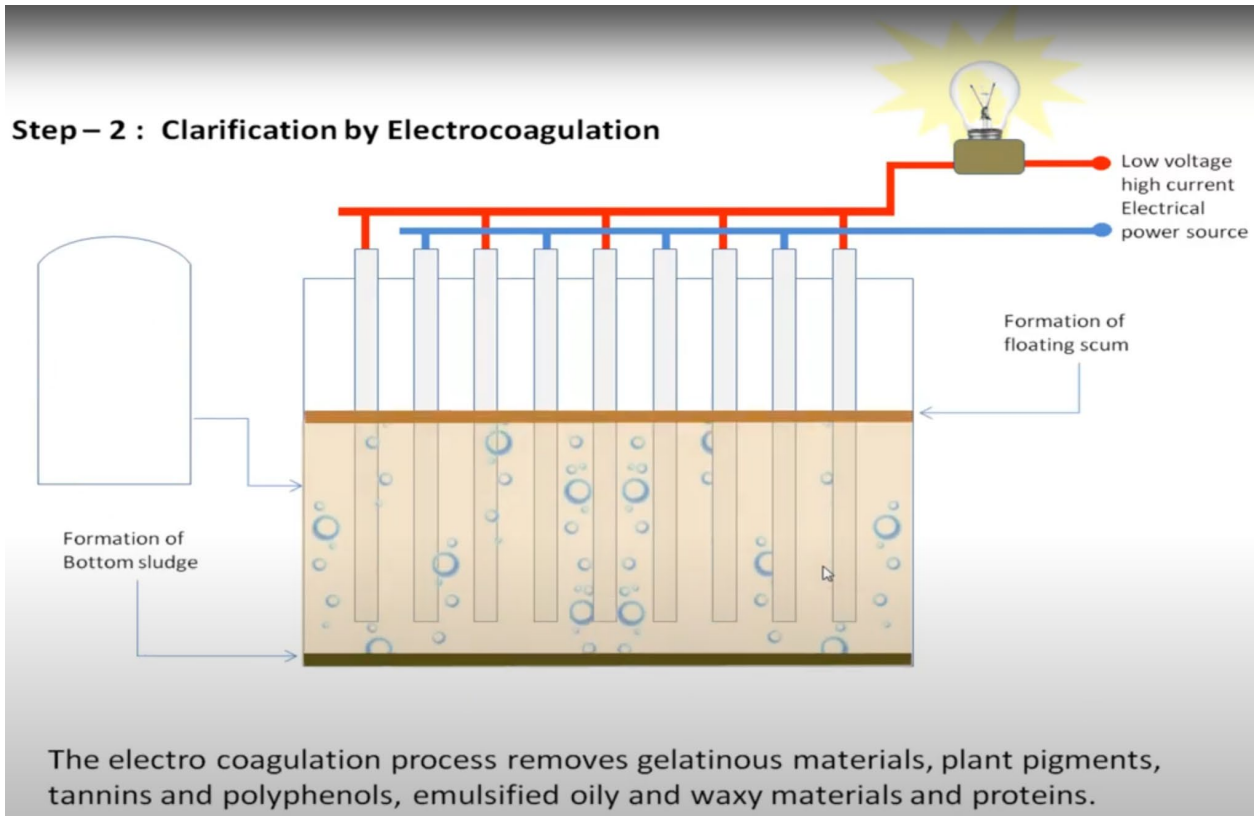
16. To make Stevia Leaf Extract, dried stevia leaves are steeped in hot water to extract glycosides, the sweet-tasting parts of the leaf. The water is then filtered so the remaining material can be isolated and purified. The process, and processing aids, produce a crystalized sweet extract of the leaf.

17. The industrial process of extracting steviol glycoside from the stevia plant begins with extraction with hot water. Dry leaves are loaded into a trough, like the one depicted below, hot water from a boiler is added, and leaves are extracted with hot water by thorough mixing. The water extract is then discharged into a holding tank.

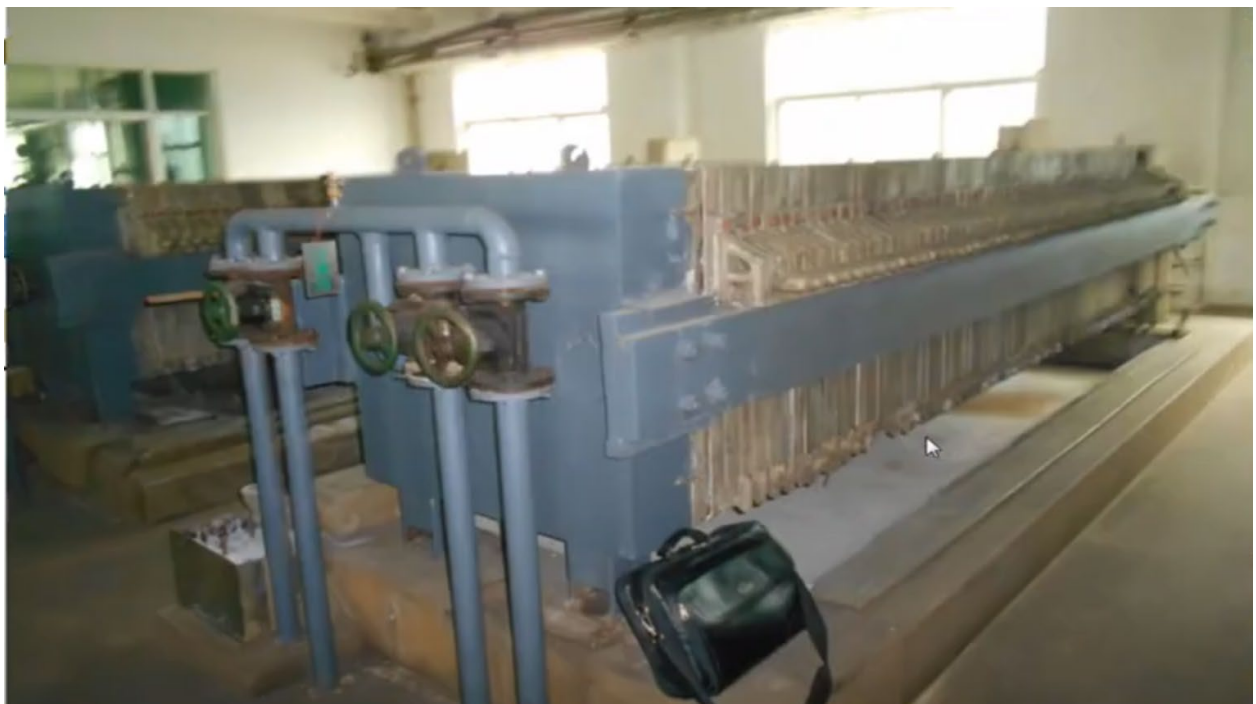


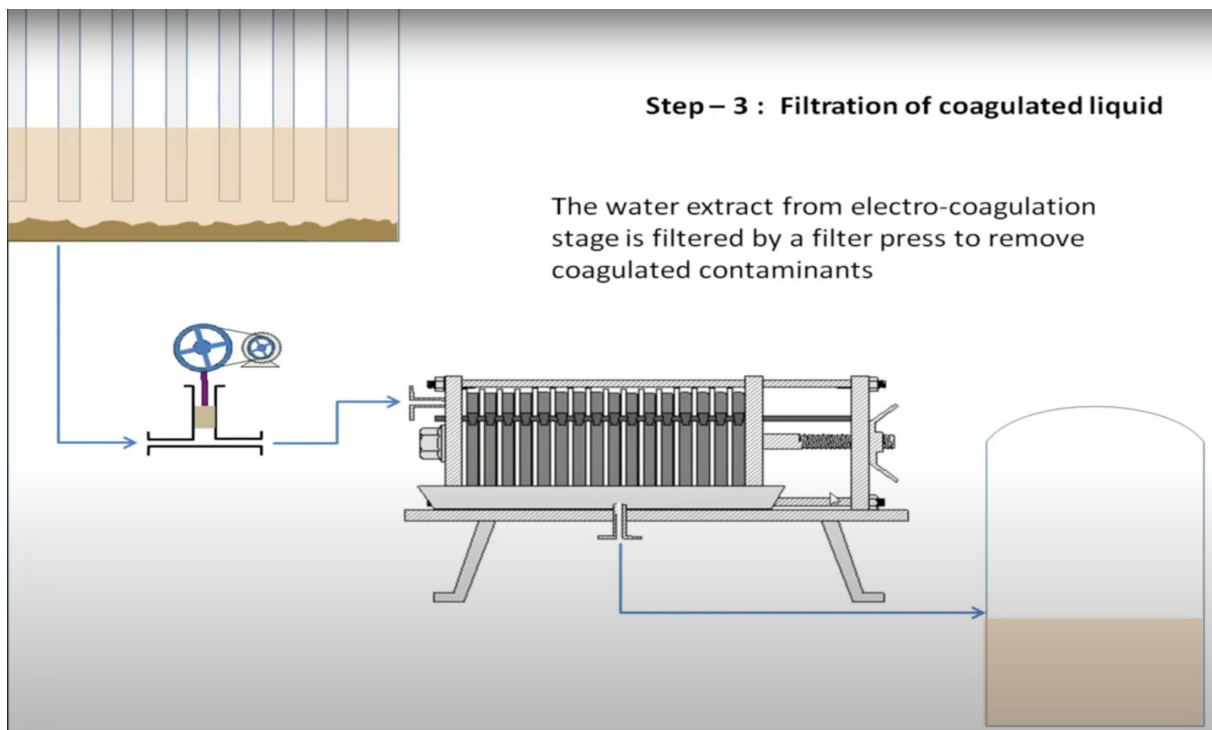
1 18. The liquid extract is then clarified by either chemical- or electro-coagulation and
2 filtering in an industrial tank like the one depicted below.





15 19. The water extract from the electro-coagulation stage is then filtered by an
16 industrial filter press, like the one depicted below, to remove coagulated contaminants.

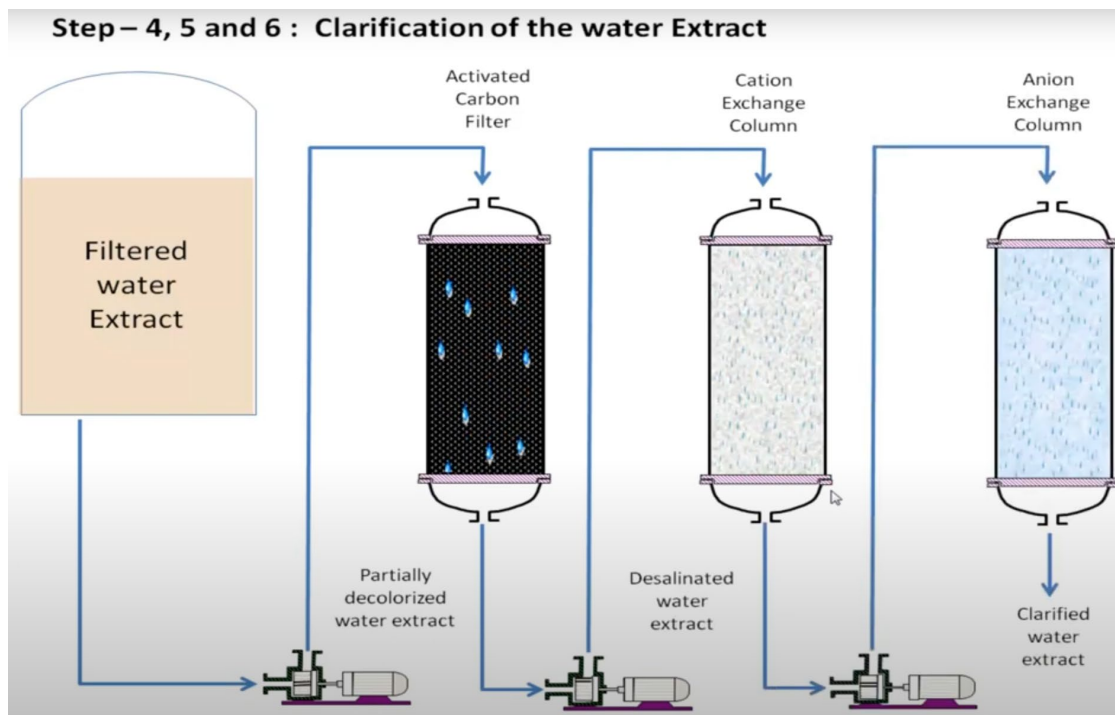




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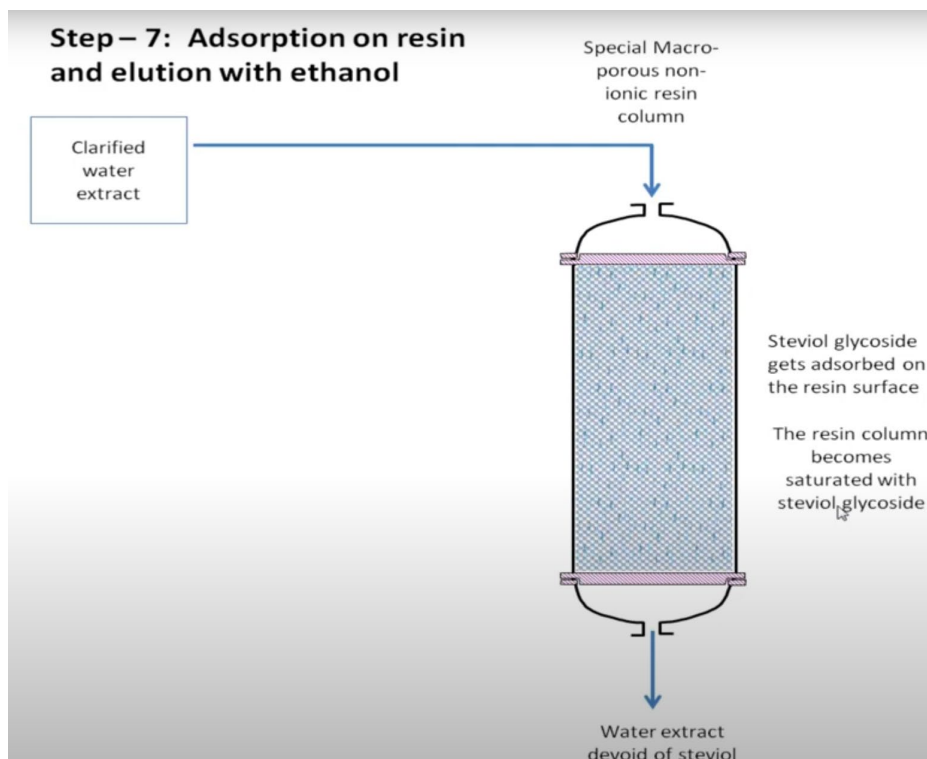
20. Next, the filtered water extract is clarified through (i) an activated carbon filter, (ii) a cation exchange column, then (iii) an anion exchange column. The equipment and processes are depicted below.



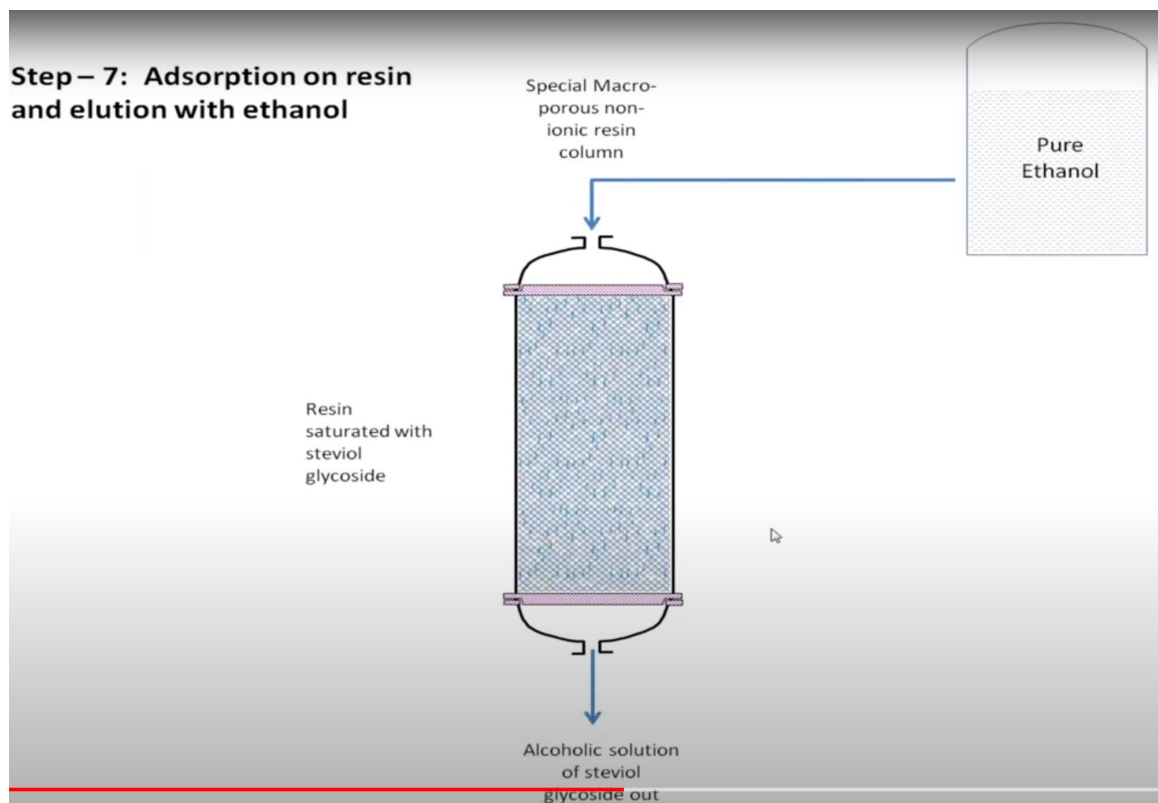


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21. Next, the clarified water extract is passed through a special macro-porous non-ionic resin column, during which time the steviol glycoside in the water gets adsorbed on the resin surface, which becomes saturated with steviol glycoside.



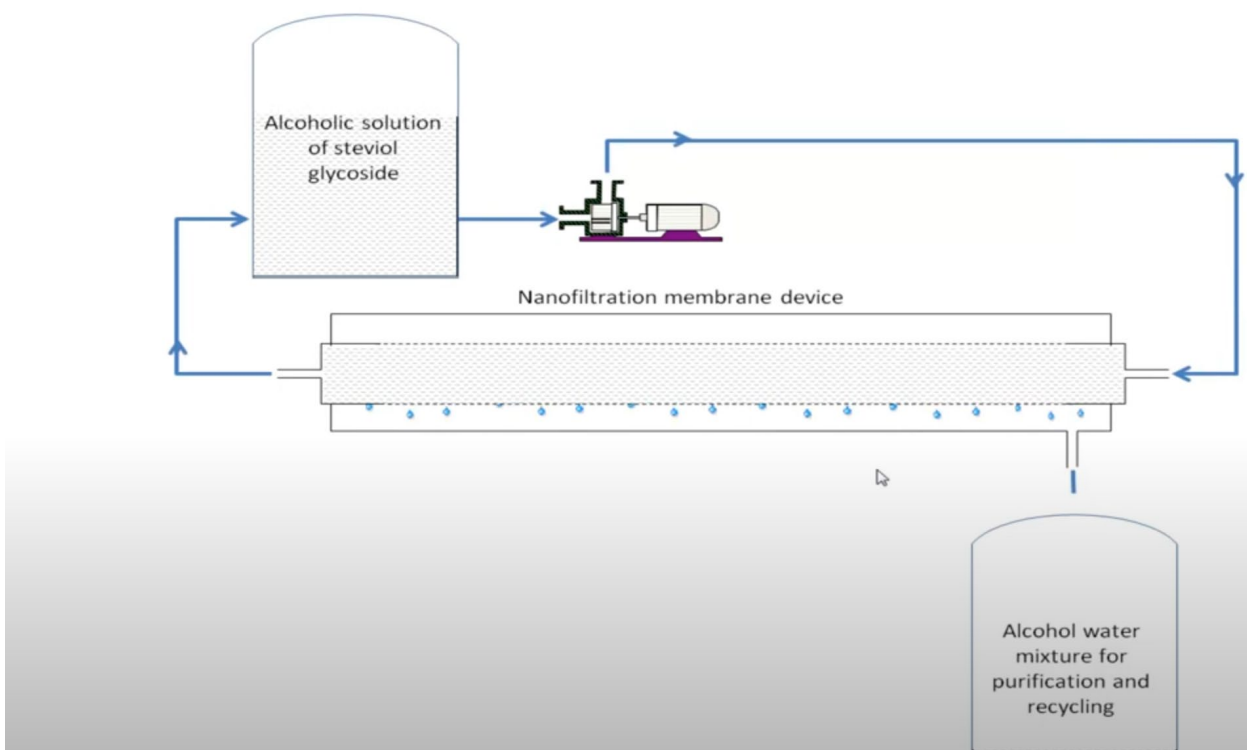
1 22. As depicted below, a water-immiscible solvent, such as pure ethanol, is then
2 passed through the column. The solvent takes up the steviol glycoside from resin.



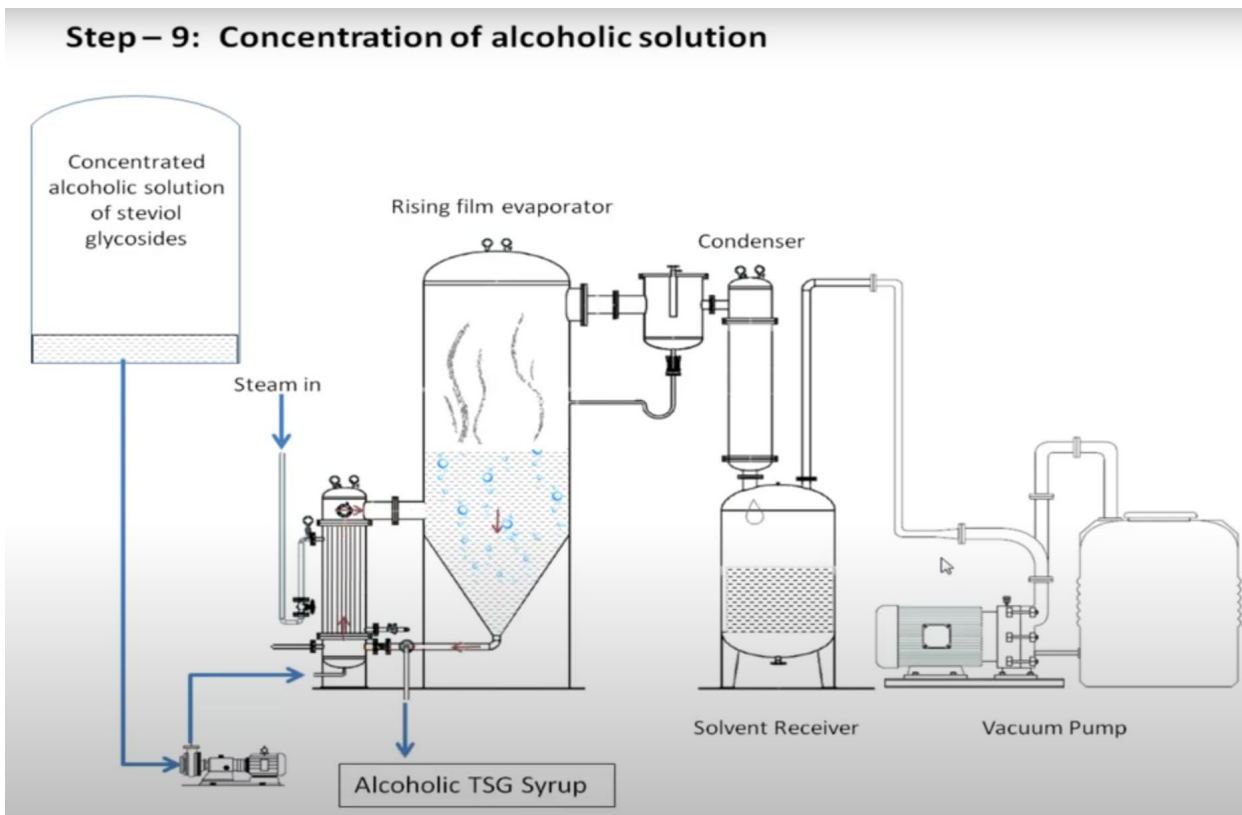
1 23. The resulting alcoholic solution of steviol glycoside is then concentrated with a
2 nanofiltration membrane device, as depicted below.



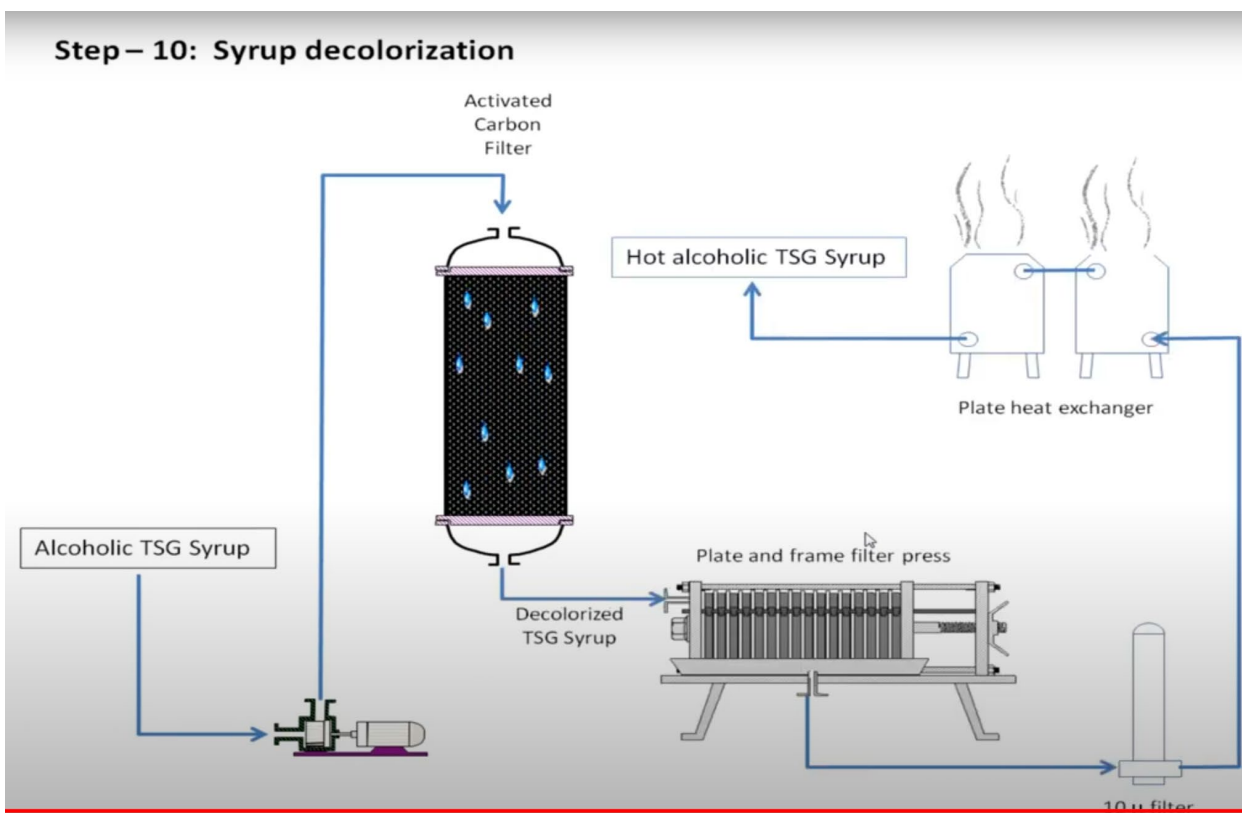
14
15 **Step – 8 : Concentration of alcoholic solution**



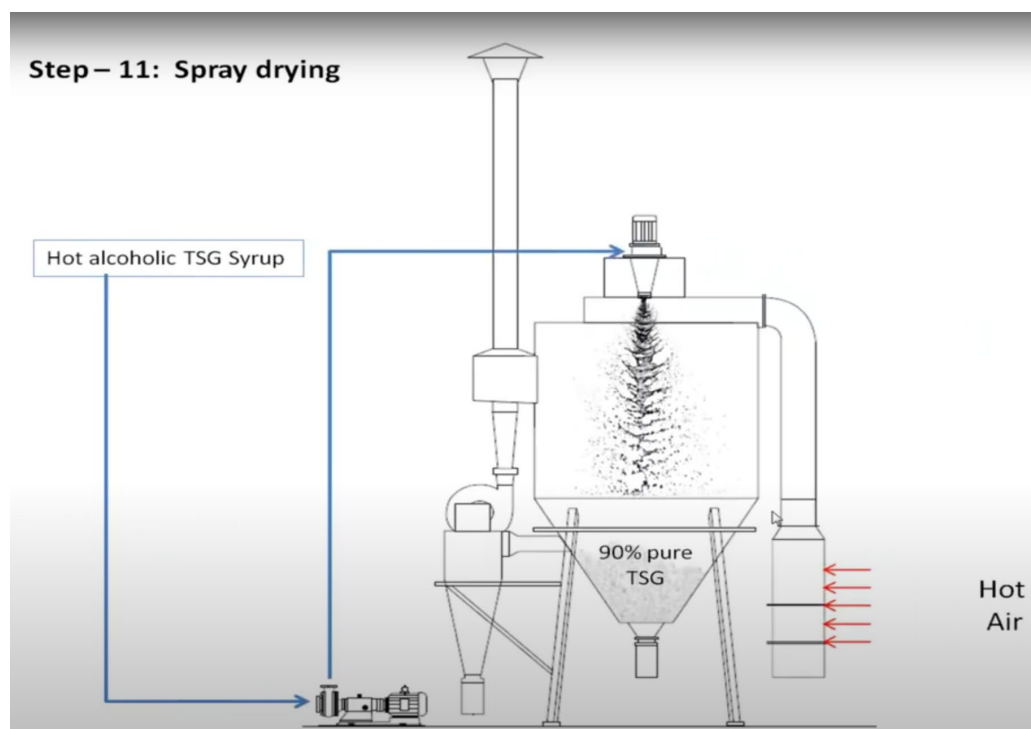
1 24. The resulting mixture is then further purified through a series of industrial
2 processes depicted below.



1 25. A byproduct of this process, alcoholic TSG syrup, is then decolorized, using the
2 equipment and process depicted below.



1 26. Finally, hot, decolorized alcoholic TSG syrup is spray dried in industrial
2 equipment as depicted below.



1 **B. Monk Fruit Extract is an Artificial Ingredients**

2 27. Monk fruit is an herbaceous plant of the gourd family. The plant is cultivated for
3 its fruit extract, which creates a sweetness sensation 250 times stronger than sucrose. Monk
4 Fruit Extract is highly processed in order to get it from the whole small melon to the
5 concentrated powder or liquid used in foods.

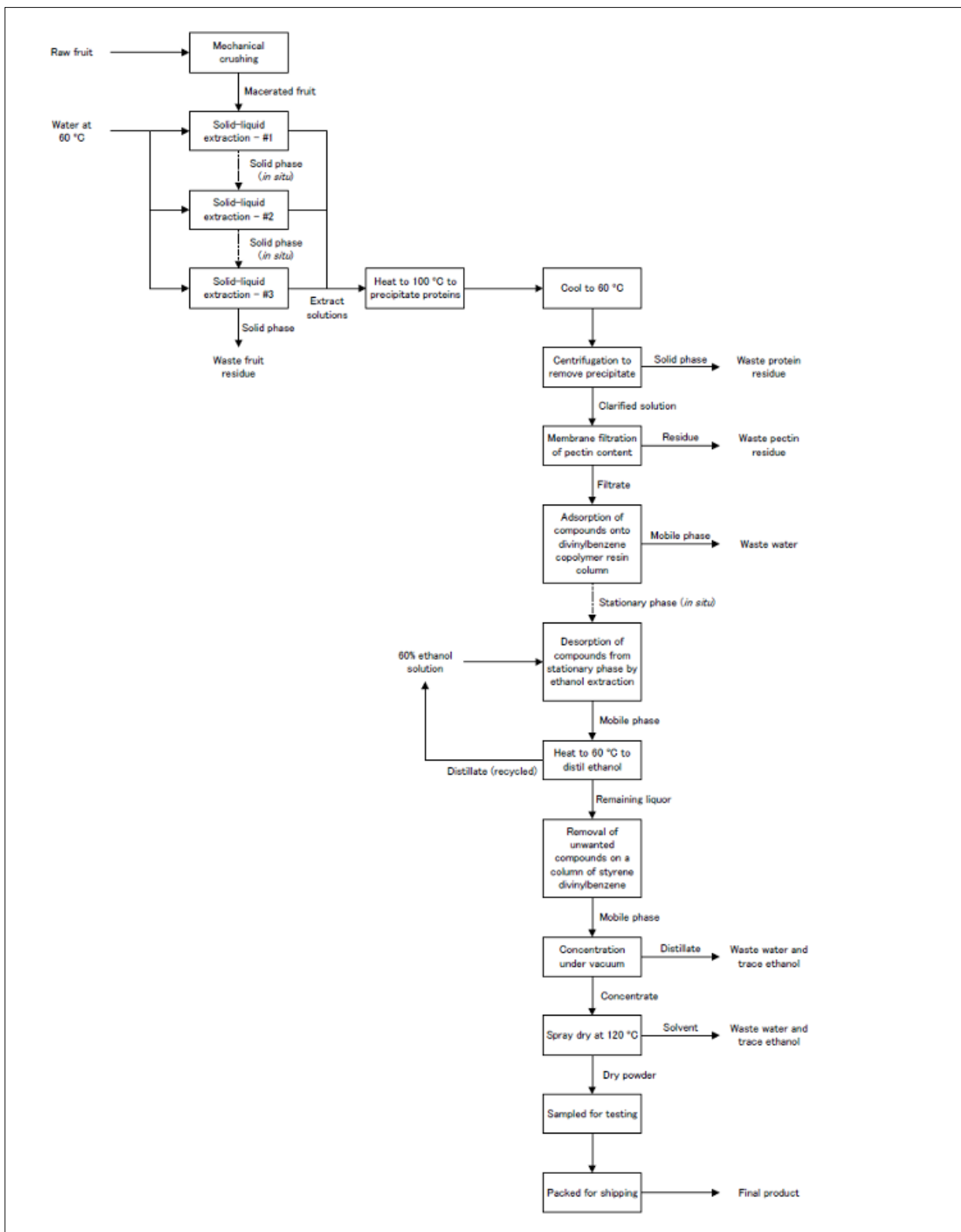
6 28. The first step in the production of Monk Fruit Extract is the harvesting and
7 extraction of the fruit. Mature fruits are harvested, sorted, washed, then crushed to extract the
8 juice, which is filtered to remove solid particles. The filtered juice is then heated to deactivate
9 its enzymes.

10 29. Next, reverse osmosis is used to remove water molecules, leaving behind a more
11 concentrated juice, which is further purified through chromatography techniques such as ion-
12 exchange and size-exclusion chromatography. These processes separate compounds based on
13 their individual properties.

14 30. Activated carbon and/or adsorption/separation polymer resin columns are then
15 used to further purify the concentrate by absorbing glycosides. The desired components are
16 then washed from the resin with ethanol, which is subsequently removed by evaporation. If
17 a powder is desired, the resulting liquid is then spray-dried to create the final powder product.
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31. A flow chart of the manufacturing process appears below.



1 **C. Coloring Agents are Artificial Ingredient**

2 32. The FDA has “a longstanding policy concerning the use of ‘natural’ in human
3 food labeling” and “consider[s] the term ‘natural’ to mean that nothing artificial or synthetic
4 (*including all color additives regardless of source*) has been included in, or has been added
5 to, a food that would not normally be expected to be in that food.”²

6 33. FDA has been consistent that “[c]olor additives include both synthetic
7 substances and substances derived from natural sources.”³

8 34. One of the reasons this longstanding policy exists is that “natural color,” or
9 similar terms containing “natural” are erroneously interpreted by reasonable consumers to
10 mean the color is a naturally-occurring constituent in the food. However, “any ingredient
11 added for color is not naturally occurring to the product,”⁴ and thus, per FDA, “all natural”
12 claims, when made on foods with ingredients added for color, are misleading.

13 35. Relatedly, according to the USDA, for the foods it regulates, “natural” means:
14 (1) the product does not contain any artificial flavor or flavoring, *coloring ingredient*, or
15 chemical preservative . . . or any other artificial or synthetic ingredient; and (2) the product
16 and its ingredients are not more than minimally processed.”⁵ Notably, citric acid is a chemical
17 preservative.

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20 ² *Use of the Term Natural on Food Labeling*, U.S. Food & Drug Administration, at
21 <https://www.fda.gov/food/food-labeling-nutrition/use-term-natural-food-labeling> (emphasis
added).

22 ³ *See* [https://www.fda.gov/food/color-additives-information-consumers/color-additives-](https://www.fda.gov/food/color-additives-information-consumers/color-additives-questions-and-answers-consumers)
23 [questions-and-answers-consumers](https://www.fda.gov/food/color-additives-information-consumers/color-additives-questions-and-answers-consumers) (“Although exempt color additives are not subject to batch
24 certification requirements, they are still color additives and FDA must approve them before
they can be used in foods.”).

25 ⁴ *See a Sip: A Basic Guide To Color Additives*, Flavorman (June 16, 2021), available at
26 <https://www.flavorman.com/media/see-a-sip-natural-and-artificial-colors>.

27 ⁵ FDA Proposed Rule, “Use of the Term ‘Natural’ in the Labeling of Human Food Products;
28 Request for Information and Comments,” (Nov. 12, 2015) available at
<https://tinyurl.com/5ha5xfnr>

1 36. Each variety of Yogurt, with the exception of vanilla and toasted coconut vanilla,
2 contain ingredients used to artificially color them.

3 37. Because most of the Yogurts contain ingredients that artificially color them, the
4 use of the term “Only Natural Ingredients” on those Yogurt varieties is false and misleading.

5 **D. Manufactured Citric Acid is an Artificial Ingredient**

6 38. Although at some point during the last four years Chobani ceased using it in the
7 Yogurts, they used to contain manufactured citric acid (“MCA”).

8 39. While citric acid can be both a natural and a synthetic ingredient, depending on
9 how it is sourced or produced, the citric acid utilized by Chobani in the Yogurts was
10 industrially manufactured, and not the kind found in nature. That is, up until recently, each
11 Yogurt contained MCA, an industrial chemical derived, not from fruit or vegetables, but from
12 the fermentation of crude sugars (e.g., molasses and corn starch) by the mold, *Aspergillus*
13 *niger*.”

14 40. The manufacturing process for food-grade citric acid, like in the Yogurts,
15 utilizes synthetic industrial chemicals to render the ingredient from mold (*Aspergillus niger*),
16 including n- octyl alcohol and isoparaffinic petroleum hydrocarbons. See 21 C.F.R. §
17 173.280(a) (describing the “[s]olvent extraction process for citric acid”). But while, with good
18 manufacturing practices, “[r]esidues of n- octyl alcohol and synthetic isoparaffinic petroleum
19 hydrocarbons are removed,” some chemical residues will inevitably remain. *See id.* §
20 173.280(d) (“Current good manufacturing practice results in residues not exceeding 16 parts
21 per million (ppm) n- octyl alcohol and 0.47 ppm synthetic isoparaffinic petroleum
22 hydrocarbons in citric acid.”). These trace synthetic chemical remain in the MCA and, as a
23 result, end up in the finished Yogurts consumed by consumers, including Plaintiff.

24 41. Because the large-scale production of processed, packaged foods requires a
25 reliable and economical source of citric acid, virtually all commercial citric acid is produced
26 synthetically through a fermentation process using *Aspergillus niger* mold, which ferments
27 sugars to produce citric acid. This method is more cost-effective and efficient than extracting
28 citric acid from citrus fruits.

1 42. Manufactured citric acid, like that used in the Yogurts, is “a major industrial
2 chemical, produced at >2 million t/year worldwide.”⁶ In industry and domestic applications,
3 MCA is a chelating and buffering agent in many cleaning products and a starting material for
4 synthesizing citrate esters, itaconic acid, acetonedicarboxylic acid, and other compounds.”⁷

5 **II. THE YOGURTS’ LABELING VIOLATES CALIFORNIA LAW**

6 43. The Yogurts’ labeling violates California Health and Safety Code § 110670,
7 which states, “[a]ny food is misbranded if its labeling does not conform with the requirements
8 for nutrient content or health claims as set forth in Section 403(r) (21 U.S.C. Sec. 343(r)) of
9 the federal act and the regulations adopted pursuant thereto.”

10 44. Under 21 U.S.C. § 343(a), any food is misbranded where its “label is false or
11 misleading in any particular.”

12 45. The Yogurts’ “Only Natural Ingredients” label claim is false or misleading in
13 that the Yogurts contain artificial and synthetic ingredients.

14 **III. PLAINTIFF’S PURCHASE, RELIANCE, AND INJURY**

15 46. As best as she can recall, Plaintiff Laura Willis Albrigo purchased the Yogurts
16 in many varieties starting approximately three years ago. She would occasionally buy them
17 from Ralph’s and Vons supermarkets in San Diego, and she would also purchase them online
18 through Amazon Fresh. She started purchasing from Amazon Fresh on or before June 26,
19 2023, and through that online service, for which she has digital confirmation, she purchased
20 Black Cherry, Toasted Coconut, Peach, Blueberry, Key Lime Pie, Mixed Berry, and
21 Strawberry Cheesecake. She may have purchased other flavors over the years from the brick-
22 and-mortar Ralph’s and Vons where she shops.

23 47. When purchasing the Yogurts, Ms. Willis Albrigo was looking for foods that
24 contain only natural ingredients. Whether the Yogurts she purchased were made with, and
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26 ⁶ *Citric Acid*, ACS Chemistry for Life (April 4, 2022), available at
27 <https://www.acs.org/molecule-of-the-week/archive/c/citric-acid.html>.

28 ⁷ *Id.*

1 contained only natural ingredients was material to her purchase decision because she
2 considers such foods to be healthier alternatives than foods made with and containing
3 artificial and synthetic ingredients. In purchasing the Yogurts, Ms. Willis Albrigo was
4 exposed to, read, and relied on the label claim, “Only Natural Ingredients.”

5 48. The “Only Natural Ingredients” representation was and is deceptive because the
6 Yogurts contain artificial and synthetic ingredients, as described herein.

7 49. Ms. Willis Albrigo is a lay consumer, like other reasonable consumers, who did
8 not have the specialized knowledge that Chobani had regarding the ingredients, or the nature
9 of the ingredients, of the Yogurts. At the time of purchase, Ms. Willis Albrigo was unaware
10 that the ingredients in the Chobani Yogurts were artificial or synthetic.

11 50. Ms. Willis Albrigo acted reasonably in relying on the Yogurts’ labels, which
12 Chobani intentionally placed on the Yogurts with the intent to induce average consumers into
13 believing they were made with only natural ingredients.

14 51. Ms. Willis Albrigo paid more for the Yogurts and would not have purchased, or
15 would not have been willing to pay as much for the Yogurts if she knew they contained
16 artificial or synthetic ingredients.

17 52. The Yogurts cost more than similar products without misleading labeling and
18 would have cost less absent Chobani’s false and misleading statements.

19 53. Through the misleading “Only Natural Ingredients” labeling claim, Chobani was
20 able to gain a greater share of the market than it would have otherwise and was able to
21 increase the size of the market.

22 54. For these reasons, the Yogurts were worth less than what Ms. Willis Albrigo and
23 the Class paid for them.

24 55. Ms. Willis Albrigo and the Class lost money because of Chobani’s deceptive
25 claims and practices in that they did not receive what they paid for when purchasing the
26 Yogurts.

CLASS ACTION ALLEGATIONS

1
2 56. California Code of Civil Procedure section 382 provides that “when the question
3 is one of a common or general interest, of many persons, or when the parties are numerous,
4 and it is impracticable to bring them all before the court, one or more may sue or defend for
5 the benefit of all.”

6 57. Pursuant to Code Civ. Proc. § 382, Plaintiff seeks certification of a class defined
7 as:

8 All persons who, at any time from four years preceding the date of the filing
9 of this Complaint to the time a class is notified (the “Class Period”), purchased
10 within the State of California, for personal or household use, and not for resale
11 or distribution, Chobani Zero Sugar Yogurts.

12 58. Excluded from the Class are: (a) Defendant, its officers, directors, and
13 employees; affiliates and affiliates’ officers, directors, and employees; (b) Plaintiff’s
14 Counsel; (c) judicial officers and their immediate family members and associated court staff
15 assigned to this case; and (d) persons or entities who or which timely and properly exclude
16 themselves from the Class.

17 59. Certification of Plaintiff’s claims for classwide treatment is appropriate because
18 Plaintiff can prove the elements of her claims on a classwide basis using the same evidence
19 as would be used to prove those elements in individual actions alleging the same claims.

20 60. The Members in the proposed Class are so numerous that individual joinder of
21 all members is impracticable, and the disposition of the claims of all Class Members in a
22 single action will provide substantial benefits to the parties and Court. The Class includes at
23 least thousands of Members.

24 61. There is a well-defined community of interest in the common questions of law
25 and fact affecting Class Members. The questions of law and fact common to Class Members
26 predominate over questions affecting only individual Class Members, and include without
27 limitation:
28

1 a. whether Chobani communicated a message through its packaging and
2 advertising that the Yogurts were made with, and contained, “Only Natural
3 Ingredients”;

4 b. whether that message was material, or likely to be material, to a
5 reasonable consumer;

6 c. whether the ingredients in the Yogurts are artificial and/or synthetic;

7 d. whether the challenged “Only Natural Ingredients” claim is false,
8 misleading, or reasonably likely to deceive a reasonable consumer;

9 e. whether Chobani’s conduct violates public policy;

10 f. whether Chobani’s conduct violates California statutes or regulations;

11 g. the proper amount of restitution; and

12 h. the proper amount of attorneys’ fees.

13 62. These common questions of law and fact predominate over questions that affect
14 only individual Class Members.

15 63. Plaintiff’s claims are typical of Class Members’ claims because they are based
16 on the same underlying facts, events, and circumstances relating to Defendant’s substantially
17 uniform misconduct. Specifically, all Class Members, including Plaintiff, were subjected to
18 the same misleading and deceptive conduct when they purchased the Yogurts and suffered
19 economic injury because the Yogurts are misrepresented. Absent Defendant’s business
20 practice of deceptively and unlawfully labeling the Yogurts, Plaintiff and Class Members
21 would not have purchased them. Thus, Plaintiff advances the same claims and legal theories
22 on behalf of herself and all other Class Members, and no defense is available to Defendant
23 that is unique to Plaintiff.

24 64. Plaintiff will fairly and adequately represent and protect the interests of the
25 Class, has no interests incompatible with the interests of the Class, and has retained counsel
26 competent and experienced in class action litigation, and specifically in litigation involving
27 false and misleading advertising.
28

1 65. A class action is superior to any other available means for the fair and efficient
2 adjudication of this controversy, and no unusual difficulties are likely to be encountered in
3 the management of this matter as a class action. The harm, including the financial detriment
4 suffered individually by Plaintiff and the other Class Members, are relatively small compared
5 to the burden and expense that would be required to litigate their claims on an individual basis
6 against Defendant, making it impracticable for Class Members to individually seek redress
7 for Defendant’s wrongful conduct. Even if Class Members could afford individual litigation,
8 the court system should not be forced to shoulder such inefficiency. Individualized litigation
9 would create a potential for inconsistent or contradictory judgments and increase the delay
10 and expense to all parties and the court system. By contrast, the class action device presents
11 far fewer management difficulties, providing the benefits of single adjudication, economies
12 of scale, and comprehensive supervision by a single court.

13 66. Chobani has acted on grounds applicable to the Class, thereby making
14 appropriate declaratory relief concerning the Class as a whole.

15 67. As a result of the foregoing, class treatment is appropriate under California Code
16 of Civil Procedure section 382.

17 **CAUSES OF ACTION**

18 **FIRST CAUSE OF ACTION**

19 **Violations of the Unfair Competition Law, Cal. Bus. & Prof. Code §§ 17200 *et seq.***

20 68. Plaintiff realleges and incorporates the allegations elsewhere in the Complaint
21 as if set forth in full herein.

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

24 70. The acts, omissions, misrepresentations, practices, and non-disclosures of
25 Defendant as alleged herein constitute business acts and practices.

26 **Fraudulent**

27 71. A statement or practice is fraudulent under the UCL if it is likely to deceive a
28 significant portion of the public, applying an objective reasonable consumer test.

1 72. As set forth herein, Chobani’s “Only Natural Ingredients” labeling claim for the
2 Yogurts is likely to deceive reasonable consumers and the public.

3 **Unlawful**

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

- 6 • The False Advertising Law, Cal. Bus. & Prof. Code §§ 17500 *et seq.*;
- 7 • The Federal Food, Drug, and Cosmetic Act, 21 U.S.C. §§ 301 *et seq.*; and
- 8 • The California Sherman Food, Drug, and Cosmetic Law, Cal. Health &
9 Safety Code §§ 110100 *et seq.*

10 74. By violating these laws, Chobani has engaged in unlawful business acts and
11 practices, which constitute unfair competition within the meaning of Business & Professions
12 Code § 17200.

13 **Unfair**

14 75. Chobani’s conduct with respect to the labeling, advertising, and sale of the
15 Yogurts was unfair because its conduct was immoral, unethical, unscrupulous, or
16 substantially injurious to consumers, and the utility of its conduct, if any, did and does not
17 outweigh the gravity of the harm to its victims.

18 76. Chobani’s conduct with respect to the labeling, advertising, and sale of the
19 Yogurts was and is also unfair because it violates public policy as declared by specific
20 constitutional, statutory or regulatory provisions, including but not necessarily limited to the
21 False Advertising Law, portions of the Federal Food, Drug, and Cosmetic Act, and portions
22 of the California Sherman Food, Drug, and Cosmetic Law.

23 77. Chobani’s conduct with respect to the labeling, advertising, and sale of the
24 Yogurts was and is also unfair because the consumer injury was substantial, not outweighed
25 by benefits to consumers or competition, and not one consumers themselves could reasonably
26 have avoided. Specifically, the increase in profits obtained by Chobani through the
27 misleading labeling does not outweigh the harm to Class Members who were deceived into
28 purchasing the Yogurts believing they contained only natural ingredients.

1 78. Chobani profited from the sale of the falsely, deceptively, and unlawfully
2 advertised Yogurts to unwary consumers.

3 79. Chobani's conduct caused and continues to cause substantial injury to Plaintiff
4 and other Class Members. Plaintiff has suffered injury in fact as a result of Chobani's
5 unlawful conduct.

6 80. Plaintiff and the Class also seek an order for the restitution of all monies from
7 the sale of the Yogurts, which were unjustly acquired through acts of unlawful competition.

8 SECOND CAUSE OF ACTION

9 Violations of the False Advertising Law, Cal. Bus. & Prof. Code §§ 17500 *et seq.*

10 81. Plaintiff realleges and incorporates the allegations elsewhere in the Complaint
11 as if set forth in full herein.

12 82. The FAL provides that “[i]t is unlawful for any person, firm, corporation or
13 association, or any employee thereof with intent directly or indirectly to dispose of real or
14 personal property or to perform services” to disseminate any statement “which is untrue or
15 misleading, and which is known, or which by the exercise of reasonable care should be
16 known, to be untrue or misleading.” Cal. Bus. & Prof. Code § 17500.

17 83. It is also unlawful under the FAL to disseminate statements concerning property
18 or services that are “untrue or misleading, and which is known, or which by the exercise of
19 reasonable care should be known, to be untrue or misleading.” *Id.*

20 84. As alleged herein, the advertisements, labeling, policies, acts, and practices of
21 Chobani relating to the Yogurts misled consumers acting reasonably as to whether the
22 Yogurts are made with “Only Natural Ingredients.”

23 85. Plaintiff suffered injury in fact as a result of Chobani's actions as set forth herein
24 because Plaintiff purchased the Yogurts in reliance on Chobani's false and misleading
25 marketing claims stating the Yogurts were made with “Only Natural Ingredients.”

26 86. Chobani's business practices as alleged herein constitute unfair, deceptive,
27 untrue, and misleading advertising pursuant to the FAL because Chobani has advertised the
28

1 Yogurts in a manner that is untrue and misleading, which Chobani knew or reasonably
2 should have known, and omitted material information from the Yogurts' labeling.

3 87. Chobani profited from the sale of the falsely and deceptively advertised Yogurts
4 to unwary consumers.

5 88. As a result, Plaintiff, the Class, and the general public are entitled to equitable
6 relief, restitution, and an order for the disgorgement of the funds by which Chobani was
7 unjustly enriched.

8 **THIRD CAUSE OF ACTION**

9 **Unjust Enrichment**

10 89. Plaintiff realleges and incorporates the allegations elsewhere in the Complaint
11 as if fully set forth herein.

12 90. Plaintiff and Class Members conferred upon Chobani an economic benefit, in
13 the form of profits resulting from the purchase and sale of the Yogurts.

14 91. Chobani's financial benefits resulting from its unlawful and inequitable conduct
15 are economically traceable to Plaintiff's and Class Members' purchases of the Yogurts, and
16 the economic benefits conferred on Chobani are a direct and proximate result of its unlawful
17 and inequitable conduct.

18 92. It would be inequitable, unconscionable, and unjust for Chobani to be permitted
19 to retain these economic benefits because the benefits were procured as a direct and proximate
20 result of its wrongful conduct.

21 93. As a result, Plaintiff and Class Members are entitled to equitable relief including
22 restitution and/or disgorgement of all revenues, earnings, profits, compensation and benefits
23 which may have been obtained by Chobani as a result of such business practices.

24 **PRAYER FOR RELIEF**

25 94. Wherefore, Plaintiff, on behalf of herself, all others similarly situated, and the
26 general public, prays for judgment against Chobani as to each and every cause of action, and
27 the following remedies:
28

- 1 a. An Order declaring this action to be a proper class action, appointing
2 Plaintiff as Class Representative, and appointing Plaintiff’s undersigned counsel as
3 Class Counsel;
- 4 b. An Order requiring Chobani to bear the cost of Class Notice;
- 5 c. An Order compelling Chobani to destroy all misleading and deceptive
6 advertising materials and product labels, and to recall all offending Yogurts;
- 7 d. An Order compelling Chobani to cease its unfair business practices;
- 8 e. An Order requiring Chobani to disgorge all monies, revenues, and profits
9 obtained by means of any wrongful act or practice;
- 10 f. An Order requiring Chobani to pay restitution to restore all funds
11 acquired by means of any act or practice declared by this Court to be an unlawful,
12 unfair, or fraudulent business act or practice, or untrue or misleading advertising, plus
13 pre-and post-judgment interest thereon;
- 14 g. An award of attorneys’ fees and costs; and
- 15 h. Any other and further relief that the Court deems necessary, just, or
16 proper.

17 **JURY DEMAND**

18 95. Plaintiff hereby demands a trial by jury on all issues so triable.

19 Dated: July 3, 2024

20 /s/ Trevor Flynn
21 **FITZGERALD MONROE FLYNN PC**
22 JACK FITZGERALD
23 *jfitzgerald@fmfpc.com*
24 MELANIE R. MONROE
25 *mmonroe@fmfpc.com*
26 TREVOR FLYNN
27 *tflynn@fmfpc.com*
28 PETER GRAZUL
pgrazul@fmfpc.com
2341 Jefferson Street, Suite 200
San Diego, California 92110
Phone: (619) 215-1741

Counsel for Plaintiff