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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

DARRNELL MCCOY,
Individually and On Behalf of
All Others Similarly Situated,

Plaintiff,

v.

MCCORMICK & COMPANY,
INC.,

Defendant.

Case No.: 1:25-cv-00231-JLT-SAB

CLASS ACTION

**FIRST AMENDED COMPLAINT
FOR VIOLATIONS OF:**

- 1) CALIFORNIA CONSUMER LEGAL REMEDIES ACT (“CLRA”), CAL. CIV. CODE §§ 1750, *ET SEQ.*;
- 2) CALIFORNIA’S UNFAIR COMPETITION LAW (“UCL”), CAL. BUS. & PROF. CODE §§ 17200, *ET SEQ.*;
- 3) CALIFORNIA’S FALSE ADVERTISING LAW (“FAL”), CAL. BUS. & PROF. CODE §§ 17500, *ET SEQ.*;
- 4) BREACH OF EXPRESS WARRANTY;
- 5) UNJUST ENRICHMENT;
- 6) NEGLIGENT MISREPRESENTATION; AND,
- 7) INTENTIONAL MISREPRESENTATION.

JURY TRIAL DEMANDED



INTRODUCTION

1
2 1. Plaintiff DARNELL MCCOY (“Plaintiff”), individually and on behalf of all
3 others similarly situated, brings this First Amended Complaint for damages,
4 injunctive relief, and any other available legal or equitable remedies, resulting from
5 the illegal actions of defendant MCCORMICK & COMPANY, INC. (“Defendant”
6 or “McCormick”) concerning unlawful labeling of Defendant’s mustard products,
7 with the designation and representation that the products are “crafted” in the USA
8 without clear and adequate qualification of the foreign ingredients and components
9 contained therein, as required by federal rules and California laws.

10 2. The unlawfully represented products are sold via third party merchants online
11 (including through Amazon, Walmart, and Instacart) and in brick-and-mortar stores.

12 3. Defendant’s website further provides a product locator
13 (<https://www.mccormick.com/where-to-buy>) to inform consumers of the various
14 locations where the unlawfully represented products can be purchased.

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

17 **Simply stated: labels matter.** The marketing industry is
18 based on the premise that labels matter, that consumers
19 will choose one product over another similar product
20 based on its label and various tangible and intangible
21 qualities that may come to associate with a particular
22 source. . .In particular . . . **the ‘Made in U.S.A.’ label**
23 **matters.** A range of motivations may fuel this preference,
24 from desire to support domestic jobs or labor conditions,
25 to simply patriotism. The Legislature has recognized the
26 materiality of this representation by specifically outlawing
27 deceptive and fraudulent ‘Made in America’
28 representations. (Cal. Bus & Prof. Code section 17533.7;
see also Cal. Civ. Code § 1770, subd. (a)(4) (prohibiting
deceptive representations. Of geographic origin)). The
objective of section 17533.7 ‘is to protect consumers from
being misled when they purchase products in the belief



1 that they are advancing the interest of the United States
2 and the industries and workers. . .’ (emphasis added).

3 5. The “Crafted and Bottled in Springfield, MO, USA” claim is an express,
4 unqualified U.S. origin representation that appears on the label of Defendant’s
5 mustard products, including the products purchased by Plaintiff.

6 6. Contrary to Defendant’s express representations and its failure to clearly and
7 adequately qualify those representations, the products purchased by Plaintiff and
8 similarly situated consumers are substantially and materially composed of
9 indispensable, material foreign ingredients (mustard seed and in some cases turmeric
10 and paprika).

11 7. Plaintiff purchased three varieties of Defendant’s French’s brand products,
12 namely Dijon Mustard Made with Chardonnay, Honey Dijon and Yellow Mustard
13 (the “Class Products” or “Products”),¹ which are advertised and sold to consumers
14 as “Crafted and Bottled in Springfield, MO, USA.” However, Defendant’s Products
15 incorporate foreign-sourced ingredients, including the key ingredient, mustard
16 seeds.

17 8. Defendant’s conduct of advertising and selling deceptively labeled products
18 bearing the representation that such products are “Made in the USA,” without clear
19 and adequate qualification of the foreign ingredients contained therein, violates: (1)
20 California’s Consumer Legal Remedies Act (“CLRA”), Cal. Civ. Code §§ 1750, *et*
21 *seq.*; (2) California’s Unfair Competition Law (“UCL”), Bus. & Prof. Code §§
22 17200, *et seq.*; (3) California’s False Advertising Law (“FAL”), Bus. & Prof. Code
23 § 17500, *et seq.*; and constitutes (4) breach of express warranty; (5) unjust
24 enrichment; (6) negligent misrepresentation; and (7) intentional misrepresentation.

25
26
27 ¹ Included within this definition of “Class Products” or “Products” are all variations,
28 flavors and all sizes of all products under the French’s Mustard product line,
including the products listed in **Exhibit A** attached hereto.

1 9. Such conduct is also in violation of 16 C.F.R. § 323 (Federal Trade
2 Commission 2021) (the “MUSA Rule”).

3 10. This conduct caused Plaintiff, and other similarly situated, damages, and
4 requires restitution and injunctive relief to remedy and prevent future harm.

5 **JURISDICTION AND VENUE**

6 11. This Court has jurisdiction over this matter pursuant to the Class Action
7 Fairness Act (CAFA), 28 U.S.C. § 1332(d), because: (1) there is minimal diversity,
8 including because Plaintiff is a citizen of the State of California and Defendant is a
9 Maryland corporation with its headquarters and principal place of business in
10 Maryland and is therefore a citizen of Maryland; (2) the amount in controversy in
11 this matter exceeds \$5,000,000, exclusive of interest and costs; and (3) there are
12 more than one hundred (100) people in the putative class.

13 12. Venue is proper in the United States District Court for the Eastern District of
14 California pursuant to 28 U.S.C. § 1391 for the following reasons: (i) Plaintiff
15 resides in the County of Tulare, State of California, which is within this judicial
16 district; (ii) the conduct complained of herein occurred within this judicial district;
17 (iii) Defendant conducted business within this judicial district at all times relevant.

18 **PARTIES**

19 13. Plaintiff is, and at all times mentioned herein was, a natural person, an
20 individual citizen and resident of the County of Tulare, State of California, and
21 within this judicial district.

22 14. Upon information and belief, Defendant is a corporation that is organized and
23 exists under the laws of the State of Maryland, with a principal place of business
24 within the State of Maryland located at 24 Schilling Rd, Ste 1, Hunt Valley,
25 Maryland 21031.

26 15. Plaintiff alleges that at all times relevant herein Defendant conducted business
27 within the State of California, in the County of Tulare, and within this judicial
28 district.

1 16. Defendant also represents on its website (www.mccormickcorporation.com)
2 that it has a physical office located at 24 Shillings Road, Hunt Valley, Maryland
3 21031.

4 17. Upon information and belief, Defendant is one of the largest and oldest food
5 companies in the United States, and owns, produces, manufactures, and sells
6 products under numerous brands throughout the United States, including the Class
7 Products under the label “French’s.”

8 18. Unless otherwise indicated, the use of Defendant’s names in this First
9 Amended Complaint includes all agents, employees, officers, members, directors,
10 heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives,
11 and insurers of the Defendant, respectively.

12 **NATURE OF THE CASE**

13 19. Established in 1889, McCormick is one of the largest and oldest food
14 companies in the United States. McCormick is recognized as the global leader in
15 herbs, spices, sauces and related products which it collectively refers to as “flavor.”²

16 20. McCormick owns, produces, manufactures, and sells products under
17 numerous brands throughout the United States, including but not limited to Billy
18 Bee, Cattleman’s BBQ Sauce, Cholula, Club House, Frank’s RedHot, French’s,
19 Lawry’s, McCormick, Old Bay, Simply Asia, Stubb’s, Thai Kitchen, Zatarain’s,
20 and more—many of which have been or are currently labeled with false, unqualified
21 representations of U.S. origin

22 21. At all times relevant, Defendant has made material misrepresentations
23 regarding the Class Products.

24 22. Specifically, Defendant advertised, marketed, promoted and sold the Class
25 Products as “Crafted and Bottled in Springfield, MO, USA,” or some derivative

26 ² See <https://www.mccormickcorporation.com/en/company> (“McCormick &
27 Company, Inc. is a global leader in flavor.”, “McCormick & Company has been
28 recognized as the #1 Herbs & Spices Brand in the World and the #1 Hot Sauce
Company in the World.”) (last accessed August 30, 2025).

1 thereof without qualification of foreign ingredients, when in fact these products
2 contain material ingredients that are obtained from outside the United States.

3 23. Although Defendant represented that its Products are “Crafted and Bottled in
4 [USA]” (or a substantially similar U.S.-origin representation), Defendant’s Class
5 Products are substantially produced with ingredients that are manufactured, grown
6 and/or sourced from outside of the United States.

7 24. Each consumer, including Plaintiff, was exposed to virtually the same
8 material misrepresentations, as the similar labels were prominently placed on all
9 Class Products that were sold, and are currently sold, to consumers within
10 California. All Class Products bear the same false representation that they are
11 “Crafted and bottled in Springfield, MO, USA.”

12 25. Federal law regarding the use of “Made in the United States” claims with
13 respect to products and services is well established and well defined. Specifically,
14 the Made in USA Labeling rule clearly defines the meaning of “Made in the United
15 States”, including synonymous phrases,³ as well as when it can be used without
16 clear and adequate qualification notifying consumers that the good or service in
17 question contains or is made with ingredients or components that are not made or
18 sourced in the United States.⁴

19 _____
20 ³ See 16 C.F.R. § 323.1(a) (“The term *Made in the United States* means **any**
21 **unqualified representation, express or implied**, that a product or service, or a
22 specified component thereof, is of U.S. origin, including, but not limited to, a
23 representation that such product or service is “made,” “manufactured,” “built,”
“produced,” “created,” or **“crafted” in the United States or in America**, or any
other unqualified U.S.-origin claim.”) (emphasis added).

24 ⁴ See 16 C.F.R. § 323.2 Prohibited Acts (“In connection with promoting or offering
25 for sale any good or service, in or affecting commerce as “commerce” is defined in
26 section 4 of the Federal Trade Commission Act, 15 U.S.C. 44, **it is an unfair or**
27 **deceptive act or practice** within the meaning of section 5(a)(1) of the Federal
28 Trade Commission Act, 15 U.S.C. 45(a)(1), **to label any product as Made in the**
United States unless the final assembly or processing of the product occurs in the

1 26. As a consequence of Defendant’s unfair and deceptive practices, Plaintiff and
2 other similarly situated consumers purchased Defendant’s Products under the false
3 impression and in reliance upon Defendant’s express representations that the
4 Products were made in the United States with ingredients and components sourced
5 from within the United States. This is particularly true given the nature of the Class
6 Products, which are different flavors of mustard, yet all contain foreign grown,
7 sourced, and manufactured mustard seeds.

8 27. Given Defendant’s representations that the Class Products are “crafted” in
9 the United States, reasonable consumers would not expect the principal substantive
10 ingredient and defining source of flavor, the mustard seed, to be sourced from
11 outside the United States. Mustard seed is the very essence of the Products: it drives
12 their taste, defines their character, and provides the primary value to consumers.
13 Defendant reinforces this U.S.-origin expectation by marketing the Products as
14 delivering “American Flavor in a Bottle,” a representation that misleads consumers
15 into believing the Products are made with domestically sourced, flavor-providing
16 ingredients.

17 28. As a result, Plaintiff and other similarly situated consumers overpaid for the
18 Defendant’s Products, purchased the Products over the products of competitors,
19 and/or purchased the Products under the belief that the product they purchased was
20 made in the United States and did not contain key ingredients (such as, for instance,
21 mustard seeds and turmeric) from outside the United States.

22 29. Despite the clearly established and well-defined federal rules regarding
23 “Made in the United States” claims, Defendant falsely, unfairly and deceptively
24 advertised, marketed and sold its products, including the Products purchased by
25 Plaintiff, as “Crafted and Bottled in [USA]” without clear and adequate

26 _____
27 United States, all significant processing that goes into the product occurs in the
28 United States, ***and all or virtually all ingredients or components of the product
are made and sourced in the United States.*** (emphasis added).



1 qualification informing consumers of the presence of foreign ingredients as further
2 discussed herein.

3 30. Had Plaintiff and other consumers similarly situated been made aware that
4 Defendant's Products were made with key ingredients sourced from outside of the
5 United States, they would not have purchased the Class Products.

6 31. As a result of Defendant's false or misleading statements and/or failure to
7 disclose the true nature of its Products, as well as Defendant's other conduct
8 described herein, Plaintiff and other similar situated consumers purchased at least
9 tens of thousands of units of Defendant's Products within California and have
10 suffered, and continue to suffer, harm, including the loss of money and/or property.

11 32. Defendant's conduct as alleged herein violates several California laws, as
12 more fully set forth herein.

13 33. This action seeks, among other things equitable and injunctive relief; public
14 injunctive relief; restitution of all amounts illegally retained by Defendant; and
15 disgorgement of all ill-gotten profits from Defendant's wrongdoing alleged herein.
16 Unless enjoined, Defendant's unfair and unlawful conduct will continue into the
17 future, and Plaintiff and class members will continue to suffer harm.

18
19 **FACTUAL ALLEGATIONS**

20 34. Plaintiff re-alleges and incorporates by reference all the above paragraphs of
21 this First Amended Complaint as though fully stated herein.

22 35. The Defendant markets and advertises various products purchased by the
23 Plaintiff as "Crafted and Bottled in [USA]" without clear and adequate
24 qualification.

25 36. Additionally, on the Principal Display Panel ("PDP") of the Products, the
26 Defendant prominently claims that they offer "AMERICAN FLAVOR IN A
27 BOTTLE," further reinforcing its unequivocal U.S. origin claims and intent to
28 convey that both the Products and their ingredients, especially key, flavor providing



1 ingredients such as mustard seeds, are of U.S. origin.

2 37. A product's PDP is the part that faces the consumer when placed on a shelf
3 or displayed on a website, allowing the consumer to view its claims without needing
4 to turn the product around.

5 38. A reasonable consumer reviewing the "American Flavor in a Bottle" on the
6 PDP is led to believe that the Product only contains ingredients sourced
7 domestically.

8 39. Consumer packaged goods companies typically place what they consider to
9 be their most important and highest value selling points on a product's PDP.

10 40. Below are non-exhaustive examples of these representations on the
11 packaging of the Products:



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41. Depicted below are the labels of two of the Products purchased by Plaintiff:



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1 42. These representations (or substantially similar representations) are displayed
2 conspicuously on the packaging of each of Defendant’s Products.

3 43. Defendant also represents on its website as well as third party websites such
4 as Walmart (where Plaintiff purchased some of the Products) and Amazon that the
5 Class Products are a “Product of the USA.”⁵

6 44. Below is an example of this online representation:



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13 45. Additionally, Defendant markets the French’s mustard product line as an
14 “American staple” and “America’s best-loved mustard.”

15 46. By expressly claiming U.S. origin without qualification and invoking themes
16 of national identity and patriotism to market the Products, Defendant leads
17 reasonable consumers to believe the Products are made with domestically sourced
18 ingredients, including their key flavoring components. In truth, Defendant relies on
19 foreign-sourced mustard seed, the principal ingredient and defining source of
20 flavor, rendering its unqualified U.S.-origin representations false and misleading.
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24 ⁵ See <https://www.walmart.com/ip/French-s-No-Artificial-Flavors-Gluten-Free-Chardonnay-Dijon-Mustard-Squeeze-Bottle-12-oz-Bottle/17247766?classType=VARIANT&from=%2Fsearch&sid=a7bd7c61-6b08-4532-b152-fa9cb88cd219>; <https://www.target.com/p/french-s-classic-yellow-mustard-8oz/-/A-13397784#lnk=sametab>;
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26
27 <https://www.mccormick.com/collections/frenchs/products/frenchs-r-chardonnay-dijon-mustard-squeeze-bottle-12-oz> (last accessed August 30, 2025)
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1 Defendant’s misrepresentations are particularly deceptive because all necessary
 2 ingredients to produce the Products, including mustard seed, can be sourced from
 3 within the United States.⁶

4 47. As a result of the unqualified “Made in USA” representation on Defendant’s
 5 product packaging and advertisements, consumers have been misled for years,
 6 resulting in initial and repeat purchase of products they thought were indeed made
 7 in the United States with ingredients and components from the United States.

8 48. Despite the clear representation that the Products were “Crafted and Bottled
 9 in [USA]” upon information and belief, the Products consist of foreign components,
 10 which is not clearly, adequately and properly disclosed on the label and advertising
 11 of the Products as required by the MUSA Rule and California laws.

12 49. The offending Class Products purchased by Plaintiff, and similarly situated
 13 consumers, contain foreign ingredients, contrary to Defendant’s “Crafted and
 14 Bottled in [USA]” representations (and substantially similar U.S.-origin
 15 representations).

16 50. Specifically, Class Products are made with mustard seed, their primary
 17 substantive ingredient and the essence of the finished product, which is sourced
 18 from Canada.⁷

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 20 ⁶ See *infra* notes 21 and 31.

21 ⁷ See
 22 Worldnite Journey, *How French’s Mustard Is Made – Mustard Factory*, YouTube
 23 (October 30, 2024), at 0:48, <https://www.youtube.com/watch?v=qnNiLGBBVjM>
 24 (“...nearly all mustard production comes from Canada’s vast prairies where farmers
 25 cultivate large plots of this valuable crop...”), see **Exhibit B** for full transcript;
 26 Food Network, *How French’s Mustard Is Made (from Unwrapped)*, YouTube (July
 27 20, 2020), at 0:40, https://www.youtube.com/watch?v=__YnRkT1weA (“...what
 28 you’re looking at now is the mustard seed silos where we bring in our number one
 grade mustard seed from Canada...”), see **Exhibit B** for full transcript; Produced
 Planet, *Take a look inside of a mustard factory to see how French's Mustard is
 made*, YouTube (April 18, 2025),

1 51. Canada is, generally, the world’s primary producer and exporter of mustard
2 seeds.⁸ Commercial mustard production, including in the case of the Products,
3 begins in the fields of Canada where the mustard seeds are planted and grown.⁹

4 52. Canadian prairie farmers cultivate massive plots of mustard seeds to be sold
5 for commercial use. Mustard farming has advanced significantly as technology
6 progressed, and farmers use specialized equipment (including mechanical seeders)
7 and machine labor to plant and harvest the mustard seeds *en masse*.¹⁰

8 53. After the mustard seeds are planted, they eventually bloom into yellow
9 flowers, and after several weeks, the flowers dry out and turn into pods. From there,
10 large mechanical machines comb through the rows of pods, crushing them to release
11 the mustard seeds and separating them from the pods.

12 54. After harvest, mustard seeds, like any agricultural crop, must be cleaned,
13 sorted, graded, and subjected to quality assurance protocols to ensure they are safe
14 for use in food products by customers such as Defendant. Because they will be
15 shipped across international borders for human consumption, they must also be

16 <https://www.youtube.com/watch?v=fIyZoEcKjkE>, see **Exhibit B** for full transcript.

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18 ⁸ See <https://www.fao.org/faostat/en/#data/QCL/visualize> (Select Item: Mustard
19 seed. According to data from the Food and Agriculture Organization of the United
20 Nations, the top five global producers of mustard seed between 1994 and 2023 were,
21 in order: Canada, Nepal, Malaysia, Russia, and Myanmar.); see also
22 <https://www.cbc.ca/news/canada/saskatoon/good-question-mustard-1.7181563>
23 (“...50 per cent of the world's mustard seed comes from Saskatchewan.”);
24 <https://www.grainews.ca/columns/mustard-production-in-western-canada/>
25 (“Canada, as it turns out, is one of the world’s biggest producers of three kinds of
26 mustard — yellow, oriental and brown mustard types. The United States is the
27 biggest consumer of Canada’s yellow mustard crops.”) (last accessed August 31,
28 2025)

⁹ *How French’s Mustard Is Made – Mustard Factory*, *supra* note 7; *Take a look
inside of a mustard factory to see how French's Mustard is made*, *supra* note 7.

¹⁰ *Id.*

1 prepared and packaged in compliance with regulatory standards in order to pass
2 border inspections and customs requirements before entering the United States.

3 55. The mustard seeds are then transported by train to Defendant’s facilities in
4 the United States.¹¹

5 56. According to Jennifer Osbourne, then Senior Brand Manager of French’s
6 Mustard, more than ten (10) million Canadian mustard seeds go into a single bottle
7 of French’s mustard.¹²

8 57. To arrive at a marketable product (i.e., a mustard seed that is purchased by
9 Defendant) the mustard plant itself (which starts as a seedling) must be transformed
10 through both human skill and mechanical machinery into a marketable mustard seed
11 with a distinct name from the mustard plant (its original form). The final product,
12 the mustard seed, requires labor and skill to process and manufacture – all of which
13 takes place outside the United States.

14 58. The mustard seed is therefore an article, unit, and/or part of the Class
15 Products that is entirely and substantially made, manufactured, produced and
16 sourced within Canada.

17 59. All the Class Products contain these foreign sourced and manufactured
18 mustard seeds. See **Exhibit A**.

19 60. Once the mustard seeds arrive in the United States, they are simply mixed
20 and ground with a few other ingredients, primarily water¹³ (about 60% of the
21 product), vinegar (about 20% of the product) and salt/spices (about 5% of the
22 product) to arrive at the finished Class Product. Mustard seeds are believed make

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24 ¹¹ *Id.*

25 ¹² *How French’s Mustard Is Made (from Unwrapped)*, *supra* note 7.

26 ¹³ On information and belief, the water content of the Products includes not only the
27 water added directly during mixing, but also the water used to soak the mustard
28 seeds prior to grinding.

1 up at least 15% of the finished Class Products.¹⁴

2 61. Not only is mustard seed an ingredient in the Class Products, but it is also the
3 “very essence” of the Class Products. Without the foreign-sourced mustard seeds,
4 the remaining components, water, vinegar, and salt/spices, would have little to no
5 wholesale value in the final mustard product, and certainly no value to consumers
6 absent the essential mustard seed. *See Exhibit A.*

7 62. Defendant has confirmed that it sources its mustard seeds from Canada.
8 Indeed, in responding to a consumer question online (which is buried within its
9 website such that it is not readily visible to consumers), Defendant confirmed that
10 the #1 grade mustard seeds are sourced from Canada. Additionally, another
11 consumer posted on Facebook that they emailed French’s about the source of the
12 mustard seeds in its products and that French’s confirmed the mustard seeds are
13 imported from Canada.

14 63. Additionally, in Defendant’s Quarterly Report filed on June 26, 2025,
15 Defendant acknowledges that it imports goods from Canada.¹⁵

16 64. Furthermore, at one point, and possibly even today, Defendant’s mustard
17 products labeled for distribution and sale in Canada prominently stated on the PDP
18 that they contained “100% Canadian Grown Mustard Seeds,” while simultaneously
19 representing on the back panel that they were “Imported” – presumably from the
20 United States where Defendant is known to manufacture mustard products.¹⁶ It is
21 implausible that these Canadian-labeled products were imported from any country
22 other than the United States, given the two countries’ close economic and cultural

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24 ¹⁴ *How French’s Mustard Is Made – Mustard Factory, supra* note 7.

25 ¹⁵ *See* McCormick & Co., Inc., Quarterly Report for the period ended May 31,
26 2025 (Form 10-Q) at 24, available at <https://ir.mccormick.com/sec-filings/sec-filing/10-q/0000063754-25-000041>.

27 ¹⁶ *See infra* ¶ 91; *see also* **Exhibit C.**
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1 ties, their geographic proximity, and the fact that they share the longest international
 2 border in the world. It is equally implausible that Defendant would import
 3 Canadian-grown mustard seeds solely for mustard condiments destined for
 4 Canadian consumers. For example, Canada and California have roughly similar
 5 population sizes, yet California's economy is significantly larger than Canada's; it
 6 defies logic that Defendant would maintain separate ingredient sourcing solely for
 7 a smaller Canadian market. Accordingly, upon information and belief, these same
 8 "100% Canadian Grown Mustard Seeds" used in the Canadian products are also
 9 used in the Class Products.

10 65. The Class Products are marketed and sold as mustard (with the only variation
 11 being the flavors and spices added to the mustard).

12 66. Mustard seed is the most essential and material ingredient in the Class
 13 Products, yet it is not sourced from the United States.

14 67. Some varieties of Defendant's products, including French's Yellow Mustard,
 15 contain turmeric, which is also an imported ingredient from outside the United
 16 States. *See* **Exhibit A** for the ingredients in the Class Products.

17 68. Defendant sources its spices and herbs from their native geographic sources
 18 and environments around the world from up to 80 different countries.

19 69. Turmeric is a plant that is grown for commercial use in Asia and India.¹⁷
 20 India is the world's leading exporter of turmeric, while the United States is the
 21 world's leading importer.¹⁸ Defendant is also a 50:50 joint venture partner with an

22 ¹⁷

23 <https://www.nccih.nih.gov/health/turmeric#:~:text=Turmeric%2C%20a%20plant%20in%20the%20ginger%20family%2C,for%20culinary%20and%20cosmetic%20purposes%2C%20among%20others.> (last accessed August 30, 2025)

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27 *See* <https://wits.worldbank.org/trade/comtrade/en/country/ALL/year/2022/tradeflow/Exports/partner/WLD/product/091030;>

28 <https://wits.worldbank.org/trade/comtrade/en/country/ALL/year/2023/tradeflow/I>

1 agricultural company based in Kerala, India, that grows and processes numerous
 2 spices and herbs, including turmeric, for export to leading global food companies
 3 such as Defendant itself, Nestlé, General Mills, Kellogg’s, Campbell’s, Mondelez,
 4 Kraft Heinz, and Starbucks.¹⁹

5 70. Finally, buried within a culinary-based website that is not readily accessible
 6 to consumers or disclosed where the Class Products are sold online, Defendant
 7 identifies its pure turmeric products in its spice business as originating from India.²⁰
 8 These facts make it highly implausible that Defendant sources or uses American-
 9 grown turmeric in the Class Products.

10 71. Both mustard seed and turmeric are crops that are grown within the United
 11 States (but in this case are sourced outside the U.S. by Defendant) as the agricultural
 12 conditions in the United States are suitable for their growth.²¹

13 _____
 14 mports/partner/WLD/product/091030 (According to the latest data available from
 15 the World Bank, the leading exporters of turmeric in 2023 were: India, Netherlands,
 16 Myanmar, Fiji, and Germany. During the same period, the top importers of turmeric
 17 were: United States, European Union, Germany, India, and Malaysia.) (last
 18 accessed August 30, 2025)

19 ¹⁹ See, generally, AVT McCormick Ingredients Pvt Ltd,
 20 <https://www.avtmccormick.com> (last accessed August 30, 2025)

21 ²⁰ See [https://www.mccormickforchefs.com/en-us/our-difference/spice-](https://www.mccormickforchefs.com/en-us/our-difference/spice-stories/pure-turmeric)
 22 [stories/pure-turmeric](https://www.mccormickforchefs.com/en-us/our-difference/spice-stories/pure-turmeric) (“There are many varieties of turmeric. We source Alleppey
 23 turmeric, with high curcumin levels, bright yellow color and deep flavor. *McCormick turmeric hails from India*, where it’s considered a sacred part of Hindu
 24 culture. *Our 20-year-plus partner in India* works to ensure consistent color and
 25 quality in every bottle.”) (emphasis added) (last accessed August 30, 2025)

26 ²¹ See <https://www.agmrc.org/commodities-products/grains-oilseeds/mustard>
 27 (“Total acres of mustard harvested in the United States was 91,400 acres in 2020.
 28 The total production was 81.8 million pounds that was valued at \$22.1 million (NASS).”); <https://www.statpub.com/index.php/gab/article/718545.html>
 (“Mustard seed production for 2024 decreased 31% from the previous year to 102
 million pounds, according to the USDA's final production estimates for 2024.”);

1 72. Moreover, given Defendant’s unparalleled commercial scale and purchasing
 2 power, it could readily contract or partner with American farmers to grow these
 3 ingredients—just as it does with foreign suppliers and partners, such as AVT
 4 McCormick in India

5 73. At least 15% of the Products’ ingredients are sourced outside the U.S. (i.e.,
 6 from Canada in the case of the mustard seeds), and the Products containing turmeric
 7 contain between 15-20% foreign ingredients.²²

8 74. Some varieties of the Products also contain paprika²³, a form of pepper which
 9 is often used as a spice.²⁴ Defendant itself acknowledges the peppers, herbs and
 10 spices used in its business are “generally sourced from countries other than the
 11
 12

13 <https://www.msoilseeds.com/mustard> (describing U.S. production of “#1 Grade
 14 Yellow Mustard Seeds” in Idaho, the same grade Defendant highlights in its Class
 15 Products); <https://www.agmrc.org/value-added-agriculture/case-studies-of-value-added-producer-grant-recipients/the-american-turmeric-company-usa-grown-turmeric-in-georgia-sprouting-year-round-health-benefits> (“Diane said, ‘We chose
 16 to grow turmeric because of the research showing its health benefits.’ Much to their
 17 excitement, the crops flourished in the sandy and humid conditions on their Georgia
 18 land. ‘Turmeric can be harvested year-round, and we produce products year-round,’
 19 Diane added.”); <https://www.organicproducenetwork.com/organic-growers/organic-turmeric-continues-to-be-a-rising-star> (“Consumption of fresh
 20 organic turmeric has been rising in the US, with much of the product coming from
 21 Hawaii.”, “Veritable Vegetable sources its organic turmeric exclusively from
 22 Hawaii...”, “The largest turmeric grower in North America, Whiskey Hill Farms
 23 yields about 150 tons per year and distributes the product as far as the East Coast.”)
 24 (last accessed September 2, 2025).

25 ²² *How French’s Mustard Is Made – Mustard Factory, supra* note 7.

26 ²³ *See Exhibit A.*

27 ²⁴ *See* <https://www.mccormick.com/blogs/how-to/about-smoked-paprika-uses-pairings-and-recipes> (“Think of paprika as the gentler, sweeter cousin of hot chili
 28 peppers.”) (last accessed August 30, 2025)

1 U.S.”²⁵

2 75. Pursuant to federal regulations, Defendant may lawfully label a proprietary
3 blend of certain enumerated ingredients on the Class Product labels under the catch-
4 all term “Spices.”²⁶ Accordingly, Plaintiff cannot fully allege which additional
5 ingredients identified only as “Spices” are of foreign origin without the benefit of
6 discovery, as this information is exclusively within Defendant’s knowledge, control
7 and possession.

8 76. Moreover, other components of the Products, such as vinegar, salt, and
9 spices, may be sourced either domestically or internationally, further supporting the
10 plausible inference that the foreign content exceeds 15–20%. The precise origin of
11 these ingredients cannot be confirmed without the benefit of discovery.

12 _____
13 ²⁵ See McCormick & Co., Inc., Annual Report for the fiscal year ended November
14 30, 2024 (Form 10-K) at 3, available at [https://ir.mccormick.com/static-](https://ir.mccormick.com/static-files/c609840a-07cc-4dab-a41b-a77f297cc05b)
15 [files/c609840a-07cc-4dab-a41b-a77f297cc05b](https://ir.mccormick.com/static-files/c609840a-07cc-4dab-a41b-a77f297cc05b) (“The most significant raw
16 materials used in our business are ... capsicums (red peppers and paprika)... *Pepper*
17 *and other spices and herbs* are generally sourced from countries other than the
18 U.S.”) (emphasis added)

19 ²⁶ See 21 C.F.R. § 101.22(h)(1) (permitting declaration of certain spices, flavorings,
20 and colorings collectively under the terms “spices,” “flavor,” or “natural flavor”
21 without listing each ingredient individually); *see also* 21 C.F.R. § 101.22(a)(2)
22 (“The term *spice* means any aromatic vegetable substance in the whole, broken, or
23 ground form, except for those substances which have been traditionally regarded as
24 foods, such as onions, garlic and celery; whose significant function in food is
25 seasoning rather than nutritional; that is true to name; and from which no portion of
26 any volatile oil or other flavoring principle has been removed. Spices include the
27 spices listed in § 182.10 and part 184 of this chapter, such as the following: Allspice,
28 Anise, Basil, Bay leaves, Caraway seed, Cardamon, Celery seed, Chervil,
Cinnamon, Cloves, Coriander, Cumin seed, Dill seed, Fennel seed, Fenugreek,
Ginger, Horseradish, Mace, Marjoram, Mustard flour, Nutmeg, Oregano, Paprika,
Parsley, Pepper, black; Pepper, white; Pepper, red; Rosemary, Saffron, Sage,
Savory, Star aniseed, Tarragon, Thyme, Turmeric. Paprika, turmeric, and saffron or
other spices which are also colors, shall be declared as “spice and coloring” unless
declared by their common or usual name.”) (numerous of these enumerated spices
are not commercially grown in the United States) (emphasis in original)

1 77. Every Class Product contains mustard seed and in some instances turmeric
2 and paprika—all of which are sourced outside the United States. The only other
3 ingredients and components in the Class Products are water, vinegar, salt, and
4 spices, and in some cases, other components such as, chardonnay wine, honey and
5 sugar. It is implausible that the mustard seeds and, in some cases, turmeric and
6 paprika, make up five (5) percent or less of the final wholesale value of the
7 manufactured product when the other ingredients are primarily water, vinegar, salt,
8 and spices, all of which are inexpensive, readily available commodity ingredients
9 and some of which may themselves be foreign. This is especially true because
10 water,²⁷ and vinegar²⁸ have little to no cost or wholesale value in a mustard product
11 absent the primary namesake ingredient in the Class Products—mustard seeds.

12 78. Salt and spices make up such a minimal portion of the Class Products that
13 they cannot reasonably be considered more than negligible drivers of cost or value.
14 Moreover, because Defendant is the world’s leading spice company, it

15 _____
16 ²⁷ Publicly available data confirms that water supplied by utility services in
17 Springfield, Missouri, where the Class Products are manufactured, is negligible in
18 cost. As of 2025, the highest assumed commercial rate is \$3.10 per CCF (hundred
19 cubic feet, or 748 gallons). Even if a 12-ounce bottle of mustard were assumed to
20 contain a full gallon of water (which is not possible), the cost would still be less
21 than one cent. *See* City Utilities of Springfield, “General Service Water Pricing,”
22 <https://www.cityutilities.net/wp-content/uploads/pricing-water-generalservice.pdf>
23 (last accessed August 30, 2025).

24 ²⁸ While the precise cost at which Defendant procures vinegar is not publicly
25 available, even at *retail* prices, vinegar is immaterial to the value of the Class
26 Products. For example, one gallon (128 ounces) of distilled vinegar sells for \$3.69
27 at Costco, or approximately \$0.03 per ounce – *see*
28 <https://www.costcobusinessdelivery.com/garden-club-crystal-distilled-vinegar-1-gallon.product.2001169540.html> (last accessed August 30, 2025). Assuming
vinegar constitutes 20% of a 12-ounce bottle (i.e., 2.4 ounces), the *retail* cost
contribution would be approximately seven cents. With Defendant’s massive
purchasing power and wholesale sourcing, the actual input cost of vinegar would
be substantially less.

1 presumptively enjoys unparalleled wholesale pricing advantages on salt and spice
2 inputs, further confirming that these ingredients do not meaningfully contribute to
3 the value or cost of the Class Products.

4 79. Additionally, some of the Class Products, such as Organic Yellow Mustard
5 and Dijon Mustard, contain a higher amount of foreign ingredients. Specifically,
6 the PDP of French’s Organic Yellow Mustard is labeled and marketed as containing
7 “Extra Turmeric & Extra Mustard Seed (compared to French’s Classic Yellow).”²⁹
8 Upon information and belief, Dijon varieties of the Class Products contain a higher
9 ratio of mustard seeds than yellow mustard varieties.³⁰

10 80. As a result, the foreign inputs presently known to Plaintiff, constitute more
11 than five (5) percent of the final wholesale value of the Class Products.

12 81. Even if Defendant were to invoke California’s ten (10) percent safe harbor,
13 that provision does not apply because mustard seed, the principal foreign input, can
14 be and is grown domestically in the United States, as are turmeric and paprika.³¹

15 82. The United States possesses the climate, agricultural capacity, processing
16 infrastructure, natural resources, and manufacturing conditions necessary for
17 Defendant to grow, process, manufacture, and source mustard seeds, turmeric,
18 paprika, and other components domestically. As the world’s leading herb and spice
19 company, Defendant could have readily engaged American farmers and

20 _____
21 ²⁹ See **Exhibit C**.

22 ³⁰ See How It’s Made, *How It’s Made Prepared Mustard*, YouTube (November 4,
23 2016), at 2:58, https://youtu.be/ffyoio6f_c?si=C9kjp2P-hLteGLpD (“Dijon is
24 made with twice as many seeds as yellow mustard and 20% less water, which is
25 why it comes out thicker and denser — and needs an occasional stir.”), see **Exhibit**
26 **B** for full transcript.

27 ³¹ See https://pubs.nmsu.edu/_h/H257/ (“New Mexico is the leading state in chile
28 acreage (non-bell pepper, *Capsicum annuum*), and red chile and paprika represent
approximately 40% of the state’s overall production.”) (last accessed August 31,
2025)

1 manufacturers to establish domestic supply chains for each ingredient necessary to
2 produce the Class Products with U.S.-sourced inputs and thereby deliver a truly
3 “American Flavor in a Bottle.” Instead, Defendant chose not to do so presumably
4 in pursuit of greater profits.

5 83. Accordingly, Defendant cannot demonstrate that these foreign components
6 “cannot be produced in the United States” or “obtained from a domestic source,” as
7 required under Cal. Bus. & Prof. Code § 17533.7(c). Nor may Defendant rely on
8 the relative cost of American-grown ingredients as a basis to claim that such
9 ingredients could not be “obtained from a domestic source.”³²

10 84. Other ingredients and components used to produce the Class Products, such
11 as salt, spices, and the Products’ plastic packaging, cannot be definitively traced
12 through publicly available information. Upon information and belief, however, the
13 Class Products contain additional ingredients and components, including custom
14 plastic packaging manufactured for Defendant³³, that are not made in or sourced
15 from the United States. These facts are within the exclusive knowledge, control,
16 and possession of Defendant and its agents, and cannot be fully ascertained without
17 the benefit of discovery.

18 _____
19 ³² See Cal. Bus. & Prof. Code § 17533.7(c)(2) (“The determination that the article,
20 unit, or part of the merchandise cannot be made, manufactured, produced, or
21 obtained within the United States from a domestic source shall not be based on the
22 cost of the article, unit, or part.”)

23 ³³ Based on industry research, the manufacturing of Defendant’s custom-made
24 plastic containers for the Class Products likely occurred overseas, as Asian
25 countries, particularly China, are well established as substantially lower-cost
26 producers of custom-molded plastic packaging. See https://essourcing.com/source-plastic-bottles-china/#11_Why_China_Remains_a_Global_Hub_for_Plastic_Bottle_Manufacturing
27 (“When it comes to packaging, the quest to source plastic bottles often leads
28 directly to China. This isn’t just about cost anymore; it’s about accessing an
unparalleled manufacturing ecosystem... China’s dominance in plastic bottle
manufacturing is undeniable.”) (last accessed August 31, 2025)

1 85. The identities of Defendant’s suppliers and other agents involved in the
2 production of the Class Products are not publicly available and are presently
3 unknown to Plaintiff, making it impossible to plead these details without discovery.
4 Such facts, along with other material information regarding ingredient sourcing and
5 costs, are within Defendant’s exclusive control and can be obtained through
6 discovery.

7 86. Unlike rival condiments such as ketchup (driven primarily by tomatoes),
8 mayonnaise (driven primarily by emulsified oils), or hot sauce (driven primarily by
9 peppers), mustard derives its very name and identity from mustard seed. The Class
10 Products are thus unique in that the principal ingredient does not merely contribute
11 flavor, it defines the entire product category. In both common parlance and
12 marketplace understanding, “mustard” is synonymous with “mustard seed.”
13 Consumers therefore reasonably expect that when a product labeled “mustard” is
14 marketed as “crafted” in the United States or marketed as offering “American
15 Flavor in a Bottle,” the mustard seeds themselves, the ingredient that gives the
16 product its name, taste, flavor and essence, are domestically sourced.

17 87. Defendant’s own marketing makes clear what consumers value in the Class
18 Products: the mustard seeds. In virtually every piece of advertising and labeling,
19 Defendant emphasizes the use of “#1 Grade Mustard Seeds,” while never calling
20 attention to water, distilled vinegar, salt, or spices, the other inputs that, as
21 Defendant well knows, carry little to no consumer significance.³⁴ This consistent
22 messaging amounts to an admission by Defendant that mustard seed is the primary
23 driver of consumer preference and the customer value proposition for the Class
24 Products. In doing so, Defendant confirms that mustard seed is not a minor or *de*
25 *minimis* input, but the essential ingredient consumers care about most.

26 88. Furthermore, no regulation requires Defendant to describe the mustard seeds

27 _____
28 ³⁴ See **Exhibit C**

1 in the Class Products as “#1 Grade.” Yet Defendant does so consistently, not only
2 throughout its marketing, but even in the mandatory ingredient lists required on
3 food products sold in the United States. Defendant’s deliberate decision to highlight
4 mustard seeds in this way further confirms its knowledge that mustard seed is the
5 primary driver of consumer value in the Class Products.

6 89. The central importance of mustard seeds to mustard products is further
7 underscored by the marketing practices of Defendant’s rival condiment companies.
8 For example, Kraft Heinz prominently advertises its mustard products as being
9 made with “#1 Grade Mustard Seeds.”³⁵ Like Defendant, Kraft Heinz does not
10 highlight water, vinegar, or other inputs in its marketing, but instead emphasizes
11 the quality of the mustard seeds themselves. This parallel industry practice
12 reinforces that mustard seed is universally recognized as the defining ingredient and
13 the entire value proposition of mustard products.

14 90. At one point, and possibly even today, Defendant labeled products for
15 Canadian distribution with the prominent front-panel claim “100% Canadian
16 Grown Mustard Seeds,” while the back panel simultaneously identified the products
17 as “Imported” into Canada - presumably from the United States, where Defendant
18 manufactures mustard.³⁶ Upon information and belief, at one point the same labels
19 represented “Made in USA” on the back panel instead of “Imported.” This dual
20 representation illustrates two critical facts: first, Defendant is aware that consumers
21 place particular importance on the origin of mustard seeds; and second, Defendant
22 selectively highlights this fact when advantageous abroad, while concealing it from
23 American consumers. Such conduct underscores both the materiality of ingredient
24

25 ³⁵ *Id.*

26 ³⁶ *Id.*; see also, <https://www.cbc.ca/news/business/mustard-seed-ketchup-canada-1.4737595> (“We [Canada] then buy back the finished product. French's — the top-selling mustard brand in Canada — is manufactured in the U.S., but it's made
27 entirely with Canadian-grown mustard seed.”) (last accessed August 31, 2025)
28

1 origin and Defendant's knowledge of its importance.

2 91. Even the location of Defendant's production facility, 4455 East *Mustard*
3 Way, Springfield, MO, which appears on the label of each Class Product,
4 underscores the central role mustard plays in the identity of the Products. The
5 facility's address itself highlights the importance of mustard seed, reinforcing that
6 mustard, not water or vinegar, is the essence of the Products. While ancillary, this
7 fact reflects the broader cultural and commercial recognition that mustard seed is
8 indispensable to the Products' character and value.

9 92. These facts collectively demonstrate that mustard seed is the essence of the
10 Class Products, the principal driver of consumer value, and the primary ingredient
11 Defendant highlights in its marketing. Because mustard seed, together with other
12 foreign-sourced spices such as turmeric and paprika, constitutes more than five (5)
13 percent of the value of the Products, Defendant cannot plausibly invoke California's
14 safe harbor provisions under Cal. Bus. & Prof. Code § 17533.7. Nor can Defendant
15 plausibly claim that "all or virtually all" ingredients or components of the Products
16 are made and sourced in the United States, as required by 21 C.F.R. § 323.2 to
17 lawfully make an unqualified U.S.-origin claim. Accordingly, Defendant's
18 unqualified representations - "Crafted and Bottled in [USA]," "Product of USA,"
19 "American Flavor in a Bottle," or other synonymous unqualified U.S.-origin
20 representations, fall outside California's statutory safe harbors and violate the
21 federal MUSA Rule, and are therefore unfair, deceptive, false, and misleading.

22 93. Defendant's use of foreign-sourced key ingredients while simultaneously
23 benefiting from unqualified U.S.-origin claims is precisely the type of deceptive
24 conduct that the MUSA Rule and California's Made in USA statute were enacted
25 to prevent. While these provisions apply broadly to all goods, the harm is especially
26 acute when agricultural inputs are involved. Consumers reasonably expect that
27 when a food product is labeled as being of U.S. origin without qualification, the
28 defining crops are sourced domestically. This expectation is even stronger in

1 agriculture-heavy states such as California, which is widely recognized as the
2 agricultural powerhouse of the United States and is home to Plaintiff in the Central
3 Valley.

4 94. Defendant has marketed and represented to the general public via its Class
5 Products’ labels that the Products are “Crafted and Bottled in [USA],” without any
6 qualification of foreign ingredients, when in fact that is not true.

7 95. By failing to disclose the use of foreign ingredients and components, the
8 Defendant has unfairly and deceptively misrepresented the offending Products as
9 being of purely U.S. origin.

10 96. Defendant possesses superior knowledge of the true facts that were not
11 disclosed, thereby tolling the running of any applicable statute of limitations.

12 97. Most consumers have limited awareness that products—along with their
13 ingredients and components—labeled as made in the United States may, in fact,
14 contain ingredients or components sourced, grown, or manufactured in foreign
15 countries. This is a material factor in many purchasing decisions, as consumers
16 believe they are buying superior goods while supporting American companies and
17 jobs.

18 98. Consumers generally believe that “Made in USA” products are of higher
19 quality than their counterparts that are made with foreign components.

20 99. On information and belief, Defendant either charged a premium for its
21 Products compared to its competitors or gained a competitive advantage by having
22 its Products chosen over others based on false “Crafted and Bottled in [USA]”
23 and/or “AMERICAN FLAVOR IN A BOTTLE” representations or similar claims.
24 Federal rules and California laws are designed to protect consumers from such false
25 representations and predatory conduct.

26 **FACTS SPECIFIC TO PLAINTIFF DARNELL MCCOY**

27 100. On or about April 11, 2023, Plaintiff searched Walmart’s mobile application
28 from his smart phone while physically present in his home located in Manteca,

1 California looking to purchase various food products from Walmart.

2 101. While viewing the various options on Walmart’s mobile application, Plaintiff
3 saw French’s Dijon Mustard advertised for sale, with pictures of the front and the
4 back of the product viewable from his mobile device.

5 102. At the time of purchase, the packaging informed Plaintiff that French’s Dijon
6 Mustard was “Crafted and Bottled in Springfield, MO, USA.”

7 103. Additionally, the top part of the principal display panel of the mustard
8 purchased by Mr. McCoy prominently exclaims “AMERICAN FLAVOR IN A
9 BOTTLE.”

10 104. Defendant’s French’s Dijon Mustard contains mustard seeds and turmeric,
11 which in this instance, among other ingredients and components used to produce
12 the Product are not from the United States, yet its packaging states: “Crafted and
13 Bottled in Springfield, MO USA” and its marketing makes claims such as
14 “AMERICAN FLAVOR IN A BOTTLE,” further expressing United States origin
15 for the product.

16 105. Relying on these representations, as any reasonable consumer would, and
17 desiring to purchase a product that was made in the United States with ingredients
18 from the United States, particularly since it is a food product for ingestion, Plaintiff
19 purchased the French’s Dijon Mustard product for his personal use for
20 approximately \$3.42, excluding taxes and delivery fees, through Walmart’s mobile
21 application.

22 106. Plaintiff has previously purchased other French’s products, including, but not
23 limited to, French’s Honey Dijon Mustard and French’s Yellow Mustard, under the
24 belief that they were made in the United States with ingredients sourced
25 domestically. For instance, Plaintiff purchased a two-pack of French’s Yellow
26 Mustard on March 1, 2023 from a Costco physical retail location in Tracy,
27 California for \$5.59.

28 107. Both French’s Honey Dijon and Yellow Mustard also allege they are



1 “Crafted and Bottled in Springfield, MO, USA” and some bottles, depending on the
2 size, also state “AMERICAN FLAVOR IN A BOTTLE.”

3 108. Plaintiff relied on French’s unqualified U.S. origin representations when he
4 purchased the Honey Dijon Mustard and Yellow Mustard Products.

5 109. Plaintiff’s reliance on Defendant’s unqualified U.S. origin representations
6 was reasonable, as consumers are accustomed to seeing disclosures such as “Made
7 in USA with globally sourced ingredients” or similar variations on product
8 packaging—when such claims are made. When consumers encounter an
9 unqualified “Made in USA” claim, they reasonably assume that the product
10 contains no foreign-sourced ingredients or components.

11 110. Each of the three mustard Products purchased by Plaintiff contain mustard
12 seeds, which in this instance, among other ingredients and components to produce
13 these Products, are not from the United States.

14 111. Defendant’s representations concerning the Class Products were untrue
15 and/or deceptive and misleading because the Products actually were made with
16 and/or contained components sourced, grown or made outside of the United States.

17 112. Accordingly, Defendants are not entitled to lawfully make representations
18 that the products were “Crafted and Bottled in [USA].”

19 113. Such representations that the Products were made in the USA were material
20 to Plaintiff in making his decision to purchase the Products.

21 114. Indeed, in making the decision to purchase Defendant’s Products, Plaintiff
22 relied upon the advertising and/or other promotional materials prepared and
23 approved by Defendant and their agents and disseminated through its Products’
24 packaging containing the misrepresentations alleged herein.

25 115. Had Plaintiff been made aware that the Class Products were not actually
26 “Crafted and Bottled in [USA]” he would not have purchased the Products.

27 116. In other words, Plaintiff would not have purchased Defendant’s Products, but
28 for the “Crafted and Bottled in [USA]” designation set forth on Defendant’s

1 Products and elsewhere.

2 117. As a result, Plaintiff was harmed because Plaintiff's money was taken by
3 Defendant as a result of Defendant's false "Crafted and Bottled in [USA]"
4 designation set forth on Defendant's Product and elsewhere.

5 118. In each case when Plaintiff and putative Class members purchased a Class
6 Product, they relied upon Defendant's "Crafted and Bottled in [USA]"
7 representation in their purchasing decision, which is typical of most U.S.
8 consumers.

9 119. Consequently, Plaintiff and other similar situated consumers were deceived
10 as a result of Defendant's actions.

11 120. Plaintiff believed at the time he purchased the Products that they were of
12 superior quality, and that he was supporting U.S. jobs and the U.S. economy,
13 supporting ethical working conditions, and also buying U.S. quality ingredients as
14 opposed to ingredients sourced, grown or made outside of the United States.

15 121. Ingredients and components grown or manufactured in the USA are subject
16 to strict regulatory requirements, including but not limited to agricultural,
17 environmental, labor, safety, ethical and quality standards.

18 122. Foreign sourced, grown, or manufactured ingredients and components are not
19 subject to the same U.S. standards and may pose greater risks to consumers, the
20 environment, and the U.S. economy. This concern is especially significant for
21 products intended for human consumption.

22 123. Additionally, foreign sourced, grown or manufactured ingredients and
23 components are also generally of lower quality than their U.S. origin counterparts,
24 and routinely less reliable and of less quality than their U.S. origin counterparts.

25 124. The false, misleading or deceptive representation that these products are
26 "Crafted and Bottled in [USA]" reduces overall customer satisfaction compared to
27 if they were genuinely crafted and bottled in the U.S. using ingredients and
28 components sourced, grown, or made domestically.

1 125. On information and belief, Defendant’s Products contain foreign ingredients,
2 including the Products purchased by Plaintiff, are not worth the purchase price paid
3 by Plaintiff and putative Class members.

4 126. The precise amount of damages will be proven at the time of trial.

5 127. Plaintiff and Class members were harmed as a result of Defendant’s false, or
6 misleading “Crafted and Bottled in [USA]” representations alleged herein.

7 128. This false and misleading advertising of the Products by Defendant presents
8 a continuing threat to consumers, as Defendant’s conduct is ongoing to this day.

9
10 **CLASS ALLEGATIONS**

11 129. Plaintiff brings this action on behalf of Plaintiff and all others similarly
12 situated.

13 130. Plaintiff is a member of and seeks to represent a Class, pursuant to Federal
14 Rules of Civil Procedure, Rule 23(a), 23(b)(2) and 23(b)(3), defined as:

15 All persons within California who purchased one or more
16 of Defendant’s Class Products that included “Crafted and
17 Bottled in Springfield, MO, USA” (or similar language)
18 on the Product or packaging of the Product and that were
19 made with or contained ingredients or components that
20 were not grown or manufactured in the USA, within the
four-years prior to the filing of this First Amended
Complaint.

21 131. Excluded from the Class are Defendant’s officers, directors, and employees;
22 any entity in which Defendant has a controlling interest; and the affiliates, legal
23 representatives, attorneys, successors, heirs, and assigns of Defendant. Further
24 excluded from the Class are members of the judiciary to whom this case is assigned,
25 their families, and members of their staff.
26
27
28



1 132. Plaintiff reserves the right to modify the proposed Class definition, including
2 but not limited to expanding the Class to protect additional individuals and to assert
3 additional sub-classes as warranted by additional investigation.

4 133. Numerosity: The members of the Class are so numerous that joinder of all of
5 them is impracticable. While the exact number of members of the Class is unknown
6 to Plaintiff at this time, based on information and belief, the Class consists of
7 thousands of individuals within California.

8 134. Commonality: There are questions of law and fact common to the Class,
9 which predominate over any questions affecting only individual members of the
10 Class. These common questions of law and fact include, without limitation:

- 11 • The nature, scope, and operations of the wrongful practices of
12 Defendant;
- 13 • Whether Defendant's Products are or have been represented as
14 "Made in USA" designation (or some derivative thereof);
- 15 • Whether Defendant negligently or intentionally misrepresented
16 and/or omitted the fact that the Products purchased by Plaintiff and
17 members of the Class are illegally sold within California;
- 18 • Whether Defendant knew or should have known that its business
19 practices were unfair and/or unlawful;
- 20 • Whether the conduct of Defendant violated the CLRA;
- 21 • Whether the conduct of Defendant violated the FAL;
- 22 • Whether the conduct of Defendant was "unlawful" as that term
23 is defined in the UCL;
- 24 • Whether the conduct of Defendant was "unfair" as that term is
25 defined in the UCL;
- 26 • Whether Defendant was unjustly enriched by its unlawful and
27 unfair business practices;
- 28

1 • Whether Plaintiff and members of the Class suffered monetary
2 damages as a result of Defendant’s conduct and, if so, the appropriate
3 amount of damages; and

4 • Whether Plaintiff and members of the Class are entitled to
5 injunctive relief, including public injunctive relief.

6 135. Typicality: Plaintiff’s claims are typical of those of the Class. Plaintiff and
7 all members of the Class have been injured by the same wrongful practices of
8 Defendant. Plaintiff’s claims arise from the same course of conduct that gave rise
9 to the claims of the Class and are based on the same legal theories in that Plaintiff
10 purchased one or more Products from Defendant that was represented and/or
11 advertised as being “Crafted and Bottled in Springfield, MO, USA” (or similar
12 language).

13 136. Adequacy of Representation: Plaintiff will fairly and adequately represent
14 and protect the interests of members of the Class. Plaintiff’s Counsel are competent
15 and experienced in litigating consumer class actions. Plaintiff has retained counsel
16 experienced in consumer protection law, including complex class action litigation
17 involving unfair business practices. Plaintiff has no adverse or antagonistic interests
18 to those of the Class and will fairly and adequately protect the interests of the Class.
19 Plaintiff’s attorneys are aware of no interests adverse or antagonistic to those of
20 Plaintiff and the proposed Class.

21 137. Predominance: Defendant has engaged in a common course of conduct
22 toward Plaintiff and members of the Class, in that Plaintiff and members of the
23 Class were induced to purchase the Class Products. The common issues arising from
24 Defendant’s conduct affecting members of the Class set out above predominate over
25 any individual issues. Adjudication of these common issues in a single action has
26 important and desirable advantages of judicial economy.

27 138. Superiority: A class action is superior to other available methods for the fair
28 and efficient adjudication of the controversy. Class treatment of common questions

1 of law and fact is superior to multiple individual actions or piecemeal litigation.
2 Absent a class action, most members of the Class would likely find that the cost of
3 litigating their individual claims is prohibitively high and would therefore have no
4 effective remedy. The prosecution of separate actions by individual members of the
5 Class would create a risk of inconsistent or varying adjudications with respect to
6 individual members of the Class, which would establish incompatible standards of
7 conduct for Defendant. In contrast, the conduct of this action as a class action
8 presents far fewer management difficulties, conserves judicial resources and the
9 parties' resources, and protects the rights of each Class Member.

10 139. Unless the Class is certified, Defendant will retain monies received as a result
11 of Defendant's unlawful and deceptive conduct alleged herein. Unless a class-wide
12 injunction is issued, Defendant will also likely continue to advertise, market,
13 promote and package Defendant's Class Products in an unlawful and misleading
14 manner, and members of the Class will continue to be misled, harmed, and denied
15 their rights under California law.

16 140. Defendant has acted on grounds that apply generally to the Class, so that
17 Class certification is appropriate.

18
19 **NO ADEQUATE REMEDY AT LAW**

20 141. Equitable relief is appropriate because Plaintiff and the Class lack an
21 adequate remedy at law.

22 142. Any potential legal remedies available to Plaintiff and Class members are
23 inadequate because they are not equally prompt, certain, or efficient as equitable
24 relief. Damages are not equally certain as restitution because the standard that
25 governs restitution is different than the standard that governs damages. A court may
26 award restitution even if it determines that Plaintiff fails to sufficiently adduce
27 evidence to support an award of damages.
28

1 143. Damages and restitution are also not the same amount. Unlike damages,
2 restitution is not limited to the amount of money a defendant wrongfully acquired
3 plus the legal rate of interest. Equitable relief, including restitution, entitles a
4 plaintiff to recover all profits from the wrongdoing, even where the original funds
5 taken have grown far greater than the legal rate of interest would recognize. Legal
6 claims for damages are not equally certain as restitution because, for instance,
7 claims under the UCL and FAL entail few elements.

8 144. In short, significant differences in proof and certainty establish that any
9 potential legal claim cannot serve as an adequate remedy at law. To obtain a full
10 refund of the purchase price of the Class Products under a damages claim, Plaintiff
11 must show that the Class Products have no market value, whereas restitution does
12 not require that showing.

13 145. The UCL's coverage is also more sweeping than the CLRA. For instance, the
14 CLRA only protects consumers who purchase or lease goods or services for
15 personal, family, or household purposes, while the UCL has no such limitation.

16 146. Additionally, legal remedies will only compensate Plaintiff and Class
17 members for past harm and conduct that already occurred, but only a prospective
18 injunction (equitable relief) prevents future harm. Monetary damages alone fail to
19 make the Class Products properly labeled and advertised.

20 147. Additionally, public injunctive relief is available under the UCL claim, and
21 damages do not adequately benefit the general public in a way that is equivalent to
22 a public injunction.

23 **CAUSES OF ACTION**

24 **FIRST CAUSE OF ACTION**

25 **VIOLATIONS OF THE CONSUMER LEGAL REMEDIES ACT ("CLRA")**
26 **(Cal. Civ. Code § 1750, *et seq.*)**

27 148. Plaintiff re-alleges and incorporates herein by reference the allegations
28 contained in all preceding paragraphs, and further allege as follows:

1 149. California Civil Code Section 1750, *et seq.*, entitled the Consumers Legal
2 Remedies Act (“CLRA”), provides a list of “unfair or deceptive” practices in a
3 “transaction” relating to the sale of “goods” or “services” to a “consumer.”

4 150. The Legislature’s intent in promulgating the CLRA is expressed in Civil Code
5 Section 1760, which provides, *inter alia*, that its terms are to be:

6
7 Construed liberally and applied to promote its underlying
8 purposes, which are to protect consumers against unfair
9 and deceptive business practices and to provide efficient
10 and economical procedures to secure such protections.

11 151. Defendant’s actions, representations, and conduct have violated, and continue
12 to violate the CLRA because they extend to transactions that intended to result, or
13 which have resulted in the sale of foods to consumers.

14 152. Plaintiff and the Class Members are not sophisticated experts with
15 independent knowledge of ingredient sourcing, product labeling and marketing
16 practices.

17 153. Plaintiff and the Class Members are California consumers who purchased
18 Class Products for personal, family or household purposes.

19 154. Defendant is a “person” as defined by Cal. Civ. Code § 1761(c).

20 155. The Class Products that Plaintiff and other Class Members purchased from
21 Defendants constitute “goods” as defined pursuant to Civil Code Section 1761(a).

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

24 157. Each of Plaintiff’s and the Class members’ purchases of Defendant’s products
25 constituted a “transaction” as defined pursuant to Civil Code Section 1761(e).

26 158. Civil Code Section 1770(a)(2), (4), (5), (7) and (9) of the CLRA provides
27 that:

28 The following unfair methods of competition and unfair or
 deceptive acts or practices undertaken by any person in a

1 transaction intended to result or which results in the sale
2 or lease of goods or services to any consumer are
unlawful:

3 (2) [m]isrepresenting the source, sponsorship, approval, or
certification of goods or services;

4 (4) [u]sing deceptive representations or designations of
5 geographic origin in connection with goods or services;

6 (5) [r]epresenting that goods or services have sponsorship,
7 approval, characteristics, ingredients, uses, benefits, or
8 quantities which they do not have or that a person has a
sponsorship, approval, status, affiliation, or connection
which he or she does not have;

9 (7) [r]epresenting that goods or services are of a particular
standard, quality, or grade...; [and]

10 (9) [a]dvertising goods or services with intent not to sell
11 them as advertised.

12 159. Defendant failed to comply with Civil Code Section 1770(a)(2), (4), (5), (7)
13 and (9) by marketing and representing that its Class Products are “Crafted and
14 Bottled in [USA]” when in fact they actually contain foreign sourced, grown or
15 made ingredients and/or components.

16 160. Plaintiff further alleges that Defendant committed these acts knowing the
17 harm that would result to Plaintiff and Defendant engaged in such unfair and
18 deceptive conduct notwithstanding such knowledge.

19 161. Defendant knew or should have known that its representations about the Class
20 Products as described herein violated federal rules and state laws, including
21 consumer protection laws, and that these statements would be relied upon by
22 Plaintiff and Class members.

23 162. As a direct and proximate result of Defendant’s violations of Cal. Civ. Code
24 §§ 1750, *et seq.*, Plaintiff and each Class member have suffered harm by paying
25 money to Defendant for the Class Products, which they would not have
26 purchased had they known the products were illegally, unfairly, and deceptively
27 labeled and contained foreign ingredients.
28

1 163. Plaintiff and the Class suffered monetary harm caused by Defendant because
2 (a) they would not have purchased the Class Products on the same terms absent
3 Defendant’s illegal, unfair and deceptive conduct as set forth herein; (b) they paid
4 a price premium for the Class Products or chose them over competing products
5 due to Defendant’s misrepresentations and deceptive packaging, which falsely
6 claimed the products were “Crafted and Bottled in [USA]”; and (c) the Class
7 Products contained foreign ingredients that were not properly disclosed.

8 164. Plaintiff was therefore harmed because Plaintiff’s money was taken by
9 Defendant as a result of Defendant’s false “Crafted and Bottled in [USA]”
10 representations set forth on online and on the labels of the Class Products.

11 165. Plaintiff and Class members reasonably relied upon Defendant’s
12 representations regarding the Class Products, and Plaintiff and the Class
13 reasonably expected that the Class Products would not be illegally labeled in a
14 unfair, deceptive and misleading manner.

15 166. Thus, Plaintiff and the Class reasonably relied to their detriment on
16 Defendant’s misleading representations.

17 167. Pursuant to California Civil Code § 1782(a), on or about April 17, 2024,
18 Plaintiff sent Defendant a notice and demand for corrective action (“CLRA
19 Demand”), via Certified Mail, advising McCormick of its violations of the CLRA
20 and demanding that it cease and desist from such violations and make full
21 restitution by refunding the monies received therefrom.

22 168. As the alleged violations were not cured by McCormick within 30 days of the
23 CLRA Demand, Plaintiff, on behalf of himself and the Class, also seeks damages
24 and attorneys’ fees pursuant to California Civil Code § 1782(d).

25 169. As a direct and proximate result of Defendant’s violations of the CLRA,
26 Plaintiff and members of the Class are entitled to a declaration that Defendant
27 violated the Consumer Legal Remedies Act.
28



1 170. Under Cal. Civ. Code § 1780(a) and (b), Plaintiff and the putative Class are
2 entitled to, and seek injunctive relief prohibiting such conduct in the future as
3 well as damages.

4 171. Attached hereto as **Exhibit D** is a sworn declaration from Plaintiff pursuant
5 to Cal. Civ. Code § 1780(d).

6
7 **SECOND CAUSE OF ACTION**
8 **VIOLATIONS CALIFORNIA’S UNFAIR COMPETITION LAW (“UCL”)**
9 **(Cal. Bus. & Prof. Code §§ 17200, *et seq.*)**

10 172. Plaintiff re-alleges and incorporates by reference all of the above paragraphs
11 of this First Amended Complaint as though fully stated herein.

12 173. Plaintiff brings this claim individually and on behalf of the Class for
13 Defendants’ violations of California’s Unfair Competition Law, Cal. Bus. &
14 Prof. Code §§ 17200, *et seq.*

15 174. Plaintiff and Defendant are each “person[s]” as defined by California
16 Business & Professions Code § 17201.

17 175. California Business & Professions Code § 17204 authorizes a private right of
18 action on both an individual and representative basis.

19 176. “Unfair competition” is defined by Business and Professions Code Section §
20 17200 as encompassing several types of business “wrongs,” four of which are at
21 issue here: (1) an “unlawful” business act or practice, (2) an “unfair” business act
22 or practice, (3) a “fraudulent” business act or practice, and (4) “unfair, deceptive,
23 untrue or misleading advertising.”

24 177. The definitions in § 17200 are drafted in the disjunctive, meaning that each of
25 these “wrongs” operates independently from the others.

26 178. By and through Defendant’s conduct alleged in further detail above and
27 herein, Defendants engaged in conduct which constitutes unlawful, unfair, and/or
28 fraudulent business practices prohibited by Bus. & Prof. Code § 17200, *et seq.*

A. “Unlawful” Prong

179. Beginning at a date currently unknown through the time of this First Amended Complaint, Defendant has committed acts of unfair competition, including those described above, by engaging in a pattern of “unlawful” business practices, within the meaning of Bus. & Prof. Code § 17200 *et seq.*

180. Defendant is alleged to have violated California law because the Class Products are advertised and labeled as being “Crafted and Bottled in [USA],” when in fact they contain foreign ingredients.

181. Specifically, by manufacturing, distributing, and/or marketing Defendant’s Class Products with unfair and deceptive U.S. origin claims, Defendant violates, at a minimum, the CLRA, FAL, California’s Made in the USA Statute, Bus. & Prof. Code §§ 17533.7; and/or the federal Made in USA Labeling Rule, 16 C.F.R. Part 323. Defendant falsely represents that Class Products are “Crafted and Bottled in [USA]” without clear and adequate qualification, despite the fact that they contain foreign sourced, grown or manufactured ingredients and/or components.

182. Defendant has other reasonably available alternatives to further its business interests, other than the unlawful conduct described herein, such as appropriately labeling its Class Products.

183. Instead, Defendant deliberately and illegally misled consumers for Defendant’s own economic gain.

184. Plaintiff and Class members reserve the right to allege other violations of law, which constitute other unlawful business practices or acts, as such conduct is ongoing and continues to this date.

B. “Unfair” Prong

185. Beginning at a date currently unknown and continuing up through the time of this First Amended Complaint, Defendant has committed acts of unfair competition that are prohibited by Bus. & Prof. Code section 17200, *et seq.*



1 186. Defendant engaged in a pattern of “unfair” business practices that violate the
2 wording and intent of the statutes by engaging conduct and practices that threaten
3 an incipient violation of law/s or violate the policy or spirit of law/s by
4 manufacturing, distributing, and/or marketing Defendant’s products with unfair
5 and deceptive U.S. origin claims, in violation of the CLRA and federal and state
6 Made in the USA Statutes.

7 187. Additionally, Defendant engaged in a pattern of “unfair” business practices
8 that violate the wording and intent of the abovementioned statute/s by engaging
9 in practices that are immoral, unethical, or unscrupulous, the utility of such
10 conduct, if any, being outweighed by the alleged harm done to consumers and
11 against public policy by manufacturing, distributing, and/or marketing
12 Defendant’s Class Products with unfair and deceptive U.S. origin claims.

13 188. Defendant also engaged in a pattern of “unfair” business practices that violate
14 the wording and intent of the above mentioned statute/s by engaging in practices,
15 including manufacturing, distributing, marketing, and/or advertising Defendant’s
16 products with unfair and deceptive U.S. origin claims, wherein: (1) the injury to
17 the consumer was substantial; (2) the injury was not outweighed by any
18 countervailing benefits to consumers or competition; and (3) the injury was not
19 one that consumers could have reasonably avoided themselves.

20 189. Without limitation, Defendant’s knowing mislabeling of the Class Products
21 constitutes an unfair and deceptive business act or practice, leading consumers to
22 believe they are purchasing a product made in the United States without foreign
23 ingredients. Plaintiff could not have reasonably avoided the resulting injury.

24 190. Plaintiff reserves the right to allege further conduct that constitutes other
25 unfair business acts or practices.

26 //

27 //

28 //



1 **C. “Fraudulent” Prong**

2 191. Defendant violated the “fraudulent” prong of the UCL by misleading Plaintiff
3 and the Class to believe that the Class Products and/or all its ingredients were made
4 in the United States.

5 192. Particularly, the Class Products, including the Product Plaintiff purchased on
6 April 11, 2023 from the Walmart mobile application, state the product is “Crafted
7 and Bottled in [USA]” or similar claims synonymous with “Made in USA,” without
8 clear and adequate qualification. Additionally, on the PDP of the Products, the
9 Defendant prominently claims that they offer “AMERICAN FLAVOR IN A
10 BOTTLE,” further reinforcing its unequivocal U.S. origin claims and intent to
11 convey that both the Products and their ingredients are of U.S. origin, when in fact
12 this is not true.

13 193. Relying on the unqualified “Crafted and Bottled in [USA]” language found
14 on the Product’s label and the “AMERICAN FLAVOR IN A BOTTLE” found on
15 the PDP, Plaintiff purchased the Products.

16 194. Like Plaintiff, Class members purchased the Class Products in reliance on the
17 unqualified “Crafted and Bottled in [USA]” and “AMERICAN FLAVOR IN A
18 BOTTLE” or similar language found on the Class Products’ labels.

19 195. Plaintiff and the Class are not sophisticated experts in ingredient sourcing,
20 product labeling, or marketing practices of the Class Products.

21 196. They acted reasonably in purchasing the Class Products based on their belief
22 that Defendant’s unqualified representations were truthful and lawful.

23 197. Plaintiff reserves the right to allege additional conduct that constitutes further
24 fraudulent business acts or practices.

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

26 198. In addition, Defendant’s advertising is unfair, deceptive, untrue or misleading
27 in that consumers are led to believe that Defendant’s Class Products are “Crafted
28 and Bottled in [USA],” without clear and adequate qualification, despite the fact



1 that they contain foreign sourced, grown or manufactured ingredients and/or
2 components.

3 199. Plaintiff, a reasonable consumer, and the public would likely be, and, in fact
4 were, deceived and misled by Defendant’s advertising as they would, and did,
5 interpret the representation in accord with its ordinary usage, that the products
6 are actually made in the USA.

7 200. Additionally, Defendant’s advertising is unfair, deceptive, and misleading, as
8 it leads consumers to believe that the Class Products are “Made in the USA”, despite
9 containing foreign-sourced, grown, and/or manufactured ingredients and/or
10 components.

11 201. Plaintiff, as a reasonable consumer, and the public would likely be, and in
12 fact were, deceived and misled by Defendant’s labeling and marketing. They would,
13 and did, interpret Defendant’s unqualified representations according to their
14 ordinary meaning—that the products are made in the USA without foreign foreign-
15 sourced, grown, and/or manufactured ingredients and/or components.

16 202. Plaintiff reserves the right to allege additional conduct that constitutes further
17 unfair, deceptive, untrue or misleading advertising.

18 203. Plaintiff and the Class lost money or property as a result of Defendant’s UCL
19 violations because, at a minimum: (a) they would not have purchased the Class
20 Products on the same terms absent Defendant’s illegal conduct as set forth herein,
21 or if the true facts were known concerning Defendant’s representations; (b) they
22 paid a price premium for the Class Products due to Defendant’s alleged
23 misrepresentations; and (c) the Class Products did not have the U.S. sourced
24 ingredients and components as represented.

25 204. Defendant’s alleged unlawful and unfair business practices and unfair,
26 deceptive, untrue or misleading advertising presents a continuing threat to the
27 Plaintiff, the Class, and the public in that Defendant continues to engage in unlawful
28 conduct resulting in harm to consumers.

1 205. Such acts and omissions by Defendant are unlawful and/or unfair and
2 constitute a violation of Business & Professions Code §§ 17200, *et seq.* Plaintiff
3 reserves the right to identify additional violations by Defendant as may be
4 established through discovery.

5 206. As a direct and proximate result of the aforementioned acts and
6 representations described above and herein, Defendant received and continues to
7 receive unearned commercial benefits at the expense of their competitors and the
8 public.

9 207. As a direct and proximate result of Defendant's unlawful, unfair and
10 fraudulent conduct described herein, Defendant has been and will continue to be
11 enriched by the receipt of ill-gotten gains from customers, including Plaintiff, who
12 unwittingly provided money to Defendant based on their representations.

13 208. Plaintiff was harmed because Plaintiff's money was taken by Defendant as a
14 result of Defendant's misleading representations set forth on the Defendant's
15 Products.

16 209. The conduct of Defendant as set forth above demonstrates the necessity for
17 granting injunctive relief restraining such and similar acts of unfair competition
18 pursuant to California Business and Professions Code.

19 210. Unless enjoined and restrained by order of the court, Defendant will retain
20 the ability to, and may engage in, said acts of unfair competition, and misleading
21 advertising. As a result, Plaintiff and the Class are entitled to injunctive and
22 monetary relief.

23 211. Plaintiff wants to purchase the Class Products again but cannot be certain that
24 he would not be misled again in the future unless and until Defendant makes
25 appropriate changes to its Class Products' labeling and marketing as is requested
26 herein.

1 212. Pursuant to Bus. and Prof. Code § 17203, Plaintiff and the proposed Class
2 are entitled to, and hereby seek, injunctive relief to prevent Defendant from
3 continuing the conduct in question.

4 213. Additionally, Plaintiff seeks public injunctive relief regarding Defendant’s
5 marketing and sale of Class Products represented as “Crafted and Bottled in
6 [USA],” without clear and proper qualification.

7 214. In prosecuting this action for the enforcement of important rights affecting
8 the public interest, Plaintiff seeks the recovery of attorneys’ fees and costs pursuant
9 to, *inter alia*, Cal. Civ. Proc. Code § 1021.5.

10
11 **THIRD CAUSE OF ACTION**
12 **VIOLATIONS OF CALIFORNIA’S FALSE ADVERTISING LAW (“FAL”)**
13 **(Cal. Bus. & Prof. Code §§ 17500, *et seq.*)**

14 215. Plaintiff realleges and incorporates herein by reference the allegations
15 contained in all preceding paragraphs.

16 216. California’s False Advertising Law (“FAL”), Cal. Bus. & Prof. Code § 17500,
17 states that “[i]t is unlawful for any ... corporation ... with intent ... to dispose of
18 ... personal property ... to induce the public to enter into any obligation relating
19 thereto, to make or disseminate or cause to be made or disseminated ... from this
20 state before the public in any state, in any newspaper or other publication, or any
21 advertising device, or by public outcry or proclamation, or in any other manner
22 or means whatever, including over the Internet, any statement...which is untrue
23 or misleading and which is known, or which by the exercise of reasonable care
24 should be known, to be untrue or misleading....”

25 217. Defendant’s material misrepresentations and omissions alleged herein violate
26 Bus. & Prof. Code § 17500, *et seq.* Defendant knew or should have known that
27 its misrepresentations and omissions were false, deceptive, and misleading,
28 including that its Products contained ingredients and components that were not
grown or made in the United States.



1 218. Plaintiff and the Class suffered tangible, concrete injuries in fact as a result of
2 Defendant's actions as set forth herein because they purchased the Products in
3 reliance on Defendant's representations that the Class Products are made in the
4 USA with domestic ingredients and components.

5 219. As a result, pursuant to Cal. Bus. & Prof. Code § 17535, Plaintiff and members
6 of the Class are entitled to injunctive and equitable relief and restitution.

7 220. Further, Plaintiff and the members of the Class seek an order requiring
8 Defendant to disclose such misrepresentations and additionally request an order
9 awarding Plaintiff restitution of the money wrongfully acquired by Defendant by
10 means of said misrepresentations.

11 221. Additionally, Plaintiff seeks an order requiring Defendant to pay attorneys'
12 fees pursuant to, *inter alia*, Cal. Civ. Proc. Code § 1021.5.

13
14 **FOURTH CAUSE OF ACTION**
15 **Breach of Express Warranty**

16 222. Plaintiff realleges and incorporates herein by reference the allegations
17 contained in all preceding paragraphs, and further allege as follows:

18 223. From an unknown date until the filing of this First Amended Complaint,
19 Defendant represented to Plaintiff and similarly situated individuals, through
20 product packaging and marketing materials, that the Class Products were
21 "Crafted and Bottled in [USA]" without any qualification.

22 224. Defendant's representations regarding the Class Products' unqualified U.S.
23 origin constitute affirmations of fact.

24 225. Defendant's explicit claim that the Class Products are "Crafted and Bottled in
25 [USA]" pertains directly to the nature, ingredients and composition of the
26 products, forming a fundamental part of the bargain between Defendant and
27 purchasers.
28



1 226. Defendant’s statements—featured prominently on the Class Products’ labels
2 and in marketing materials—constitute an express warranty regarding the
3 products’ U.S. origin, including their ingredients.

4 227. Relying on these express warranties, Plaintiff and Class members purchased
5 the Class Products, believing they were entirely grown and made in the United
6 States without foreign sourced, grown or made ingredients and/or components.

7 228. Defendant breached its express warranties because the Class Products
8 contained foreign sourced, grown or made ingredients and/or components, which
9 were not disclosed with any qualification, contradicting Defendant’s
10 representations of an unqualified U.S. origin.

11 229. Plaintiff alerted Defendant of the breach of its express warranties within a
12 reasonable amount of time of their discovery via a written communication on or
13 about April 17, 2024.

14 230. As a result of Defendant’s breach, Plaintiff and Class members suffered harm
15 and are entitled to recover either the full purchase price of the Class Products or
16 the difference between their actual value and the value they would have held if
17 entirely made in the United States with domestic ingredients and components.

18 231. Plaintiff and Class members did not receive the benefit of their bargain and
19 sustained additional injuries as alleged herein.

20 232. Had Plaintiff and Class members known that the Class Products were not
21 genuinely “Made in the USA” with domestic ingredients and components, they
22 either would not have purchased the products or would not have paid the price
23 Defendant charged.

24 233. Defendant’s misrepresentation was a substantial factor in causing Plaintiff and
25 the Class economic harm.

26 //

27 //

28 //



FIFTH CAUSE OF ACTION
Unjust Enrichment

1
2 234. Plaintiff pleads this unjust enrichment cause of action in the alternative to
3 any contract-based claims.

4 235. Plaintiff realleges and incorporates herein by reference the allegations
5 contained in all preceding paragraphs, and further allege as follows:

6 236. Under California law, the elements of unjust enrichment are receipt of a
7 benefit and unjust retention of the benefit at the expense of another.

8 237. Plaintiff and members of the Class conferred non-gratuitous benefits upon
9 Defendant by exchanging payment for a Product that Defendant represented as
10 made in the United States without qualification of the foreign ingredients
11 contained therein.

12 238. Plaintiff and members of the Class allege that Defendant owes them money
13 for the conduct alleged herein that was unjustly obtained.

14 239. An undue advantage was taken from Plaintiff's and members of the Class's
15 lack of knowledge of the deception, whereby money was extracted to which
16 Defendant had no legal right.

17 240. Defendant is therefore indebted to Plaintiff and members of the Class in a sum
18 certain, specifically the amount of money each of them paid for the Class
19 Products, which Defendant in equity and good conscience should not retain.

20 241. Defendant is therefore liable to Plaintiff and members of the Class in the
21 amount unjustly enriched.

22 242. Defendant's retention of any benefit collected directly and indirectly from
23 Plaintiff and members of the Class violates principles of justice, equity, and good
24 conscience.

25 243. As a result, Defendant has been and continues to be unjustly enriched.

26 244. Plaintiff and the Class are entitled to recover from Defendant all amounts that
27 Defendant has wrongfully and improperly obtained, and Defendant should be
28

1 required to disgorge to Plaintiff and members of the Class the benefits it has
2 unjustly obtained.

3 245. Defendant accepted or retained such benefits with knowledge that the rights
4 of Plaintiff and members of the Class were being violated for financial gain.
5 Defendant has been unjustly enriched in retaining the revenues and profits from
6 Plaintiff and members of the Class, which retention under these circumstances is
7 unjust and inequitable.

8 246. As a direct and proximate result of Defendant's unlawful practices and
9 retention of the monies paid by Plaintiff and members of the Class, Plaintiff and
10 the Class have all suffered concrete harm and injury.

11 247. Defendant's retention of the non-gratuitous benefits on them by Plaintiff and
12 members of the Class would be unjust and inequitable.

13 248. Plaintiff and members of the Class are entitled to seek disgorgement and
14 restitution of wrongful profits, revenue, and benefits conferred upon Defendant
15 in a manner established by this Court.

16
17 **SIXTH CAUSE OF ACTION**
18 **Negligent Misrepresentation**

19 249. Plaintiff re-alleges and incorporates by reference all of the above paragraphs
20 of this First Amended Complaint as though fully stated herein.

21 250. Defendant has represented to the public, including Plaintiff and the Class,
22 through its marketing, advertising, labeling and by other means, that Defendant's
23 Products are "Crafted and Bottled in [USA]", without qualification, or a
24 derivative thereof, which is misleading when a substantial portion of the
25 ingredients are sourced from outside of the United States.

26 251. Plaintiff alleges that Defendant made those representations herein with the
27 intent to induce the public, including Plaintiffs and the putative class members,
28 to purchase Defendant's Products.



1 252. Plaintiffs and other similarly situated persons, saw, believed, and relied upon
2 Defendant’s advertising representations, and purchased Defendant’s Products as
3 a result of such reliance.

4 253. At all times relevant, Defendant made such representations alleged herein
5 when Defendant knew or should have known such representations were
6 inaccurate and misleading.

7 254. As a direct and proximate result of Defendant’s negligent misrepresentations,
8 Plaintiff and similarly situated consumers were induced to purchase Defendant’s
9 Products, purchase more of them, pay a higher price, or choose them over
10 competitors’ products.

11 255. These unlawful, unfair, and deceptive acts caused damages in an amount to
12 be determined at trial during the Class Period.

13
14 **SEVENTH CAUSE OF ACTION**
15 **Intentional Misrepresentation**

16 256. Plaintiff repeats, re-alleges, and incorporates herein by reference the above
17 allegations as if fully stated herein.

18 257. Beginning at a date currently unknown and continuing to the time of the filing
19 of this First Amended Complaint, Defendant knowingly represented to Plaintiff
20 and others similarly situated, through product labeling and marketing practices,
21 that Defendant’s Products were Made in USA, or a derivative thereof, without
22 qualification of foreign ingredients.

23 258. Defendant acted intentionally by willfully and purposefully printing
24 advertisements on its labels of the products, including for sales of the Products
25 on Walmart.com and Walmart’s mobile application.

26 259. However, as described above, the representations of “Crafted and Bottled in
27 [USA]” are false or misleading.
28



1 260. Defendant knew such representations were false and continued over a period
2 of years to label its Products as Made in USA, or a derivative thereof, without
3 qualification of foreign ingredients.

4 261. Defendant further knew that retailers were advertising its Product as in false
5 or misleading ways, because Defendant designed, manufactured, and affixed the
6 product labeling to its Products before supplying the Products to the retailers.

7 262. Plaintiff and the putative Class members saw, believed, and relied upon
8 Defendant's representations in making the decision to purchase Defendant's
9 Product.

10 263. As a proximate result of Defendant's intentional misrepresentations, Plaintiff
11 and the putative Class members were damaged in an amount to be determined at
12 trial.

13 264. By engaging in the acts described above, Plaintiff and the putative Class are
14 therefore entitled to recover exemplary or punitive damages.

15
16 **PRAYER FOR RELIEF**

17 WHEREFORE, Plaintiff prays for relief and judgment against Defendant as
18 follows, seeking equitable relief in the alternative to legal relief:

- 19 • Certification of this action as a class action;
- 20 • Appointment of Plaintiff as Class Representative;
- 21 • Appointment of Plaintiff's attorneys as Class Counsel;
- 22 • That Defendant's wrongful conduct alleged herein be adjudged and decreed
23 to violate the consumer protection statutory claims asserted herein;
- 24 • An Order declaring that Defendant's conduct violated the CLRA, California
25 Civil Code §§ 1750, *et seq.*, and awarding injunctive relief pursuant to Cal.
26 Civ. Code § 1780(a) and (b);
- 27
28

- 1 • An Order declaring that Defendant’s conduct violated California’s Unfair
2 Competition Law, California Business & Professions Code §§ 17200, *et seq.*;
- 3 and awarding injunctive relief pursuant to Bus. & Prof. Code § 17203;
- 4 • An Order requiring Defendant to disgorge all monies, revenues, and profits
5 obtained by means of any wrongful act or practice;
- 6 • An Order requiring the imposition of a constructive trust and/or disgorgement
7 of Defendant’s ill-gotten gains, compelling Defendant to pay restitution to
8 Plaintiff and all members of the Class, and to restore to Plaintiff and Class
9 members all funds acquired through any act or practice declared by this Court
10 to be unlawful, fraudulent, unfair, or deceptive; in violation of laws, statutes,
11 or regulations; or constituting unfair competition, along with pre- and post-
12 judgment interest thereon;
- 13 • For pre and post-judgment interest on all amounts awarded;
- 14 • For an order of restitution and all other forms of equitable monetary relief, as
15 pleaded, including awarding such relief pursuant to Bus. & Prof. Code §
16 17535; and/or Bus. & Prof. Code § 17203;
- 17 • Actual damages under California Civil Code § 1780(a);
- 18 • For public injunctive relief as pleaded or as the Court may deem proper;
- 19 • That Defendant be enjoined from continuing the wrongful conduct alleged
20 herein and required to comply with all applicable laws;
- 21 • Punitive damages including under California Civil Code § 1780(a) and/or Cal.
22 Civ. Code § 3294;
- 23 • General and compensatory damages in an amount to be determined at trial;
- 24 • That Plaintiff and each of the other members of the class recover their costs
25 of suit, including reasonable attorneys’ fees and expenses pursuant to, *inter*
26 *alia*, California Code of Civil Procedure § 1021.5 and California Civil Code
27 § 1780; and
28



- That Plaintiff and the members of the Class be granted any other relief the Court may deem just and proper.

DEMAND FOR TRIAL BY JURY

265. Plaintiff, individually and on behalf of all others similarly situated, hereby demands a jury trial on all claims so triable.

Dated: September 2, 2025

Respectfully submitted,

KAZEROUNI LAW GROUP, APC

By: /s/ Abbas Kazerounian, Esq.
Abbas Kazerounian, Esq.
ATTORNEYS FOR PLAINTIFF



EXHIBIT A

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CLASS PRODUCTS

1. Classic Yellow Mustard
2. Dijon Mustard Made with Chardonnay
3. Spicy Brown Mustard
4. Stone Ground Dijon Mustard
5. Honey Mustard
6. Honey Dijon Mustard
7. Organic Yellow Mustard
8. Maple Mustard
9. Honey Mustard Dipping Sauce
10. Creamy Yellow Mustard Spread
11. Creamy Roasted Garlic Mustard
12. Creamy Honey Chipotle Mustard Spread
13. Creamy Dill Pickle Mustard Spread

All products sold during the Class Period that have since been discontinued or renamed, and are therefore not specifically identified herein, are nonetheless subject to this First Amended Complaint and shall be deemed Class Products.

CLASS PRODUCTS AND CORRESPONDING INGREDIENTS

This list of Defendant’s Class Products and their corresponding ingredients identifies foreign ingredients in **bold**. The absence of bold emphasis does not constitute a concession that an ingredient is of domestic origin.

Classic Yellow Mustard

Distilled Vinegar, Water, #1 **Grade Mustard Seed**, Salt, **Turmeric**, **Paprika**, Spice, Natural Flavor, Garlic Powder.

Dijon Mustard Made with Chardonnay

Distilled Vinegar, Water, #1 **Grade Mustard Seed**, Salt, Chardonnay Wine, Spices & **Turmeric**.

Spicy Brown Mustard

Distilled Vinegar, #1 **Grade Mustard Seed**, Water, Salt, Spices, **Turmeric** and Natural Flavors.

Stone Ground Dijon Mustard

Distilled Vinegar, #1 **Grade Mustard Seed**, Water, Salt, Chardonnay Wine, Spices and Natural Smoke Flavor.

1 **Honey Mustard**

2 Distilled Vinegar, Water, Sugar, # 1 Grade Mustard Seed, Honey, Salt, Spices, Garlic
3 Powder, Carrot Oleoresin (Color) & Natural Flavor.

4 **Honey Dijon Mustard**

5 Distilled Vinegar, Water, # 1 Grade Mustard Seed, Sugar, Honey, Salt & Spices.

6 **Organic Yellow Mustard**

7 Organic Vinegar, Water, **Organic Mustard Seed**, Salt, **Organic Turmeric**, **Organic**
8 **Paprika**, Organic Spice, Organic Natural Flavor, Organic Garlic Powder.

9 **Maple Mustard**

10 Distilled Vinegar, Water, Sugar, Spices (including **Mustard Seed**, **Turmeric**), Brown Sugar,
11 Maple Syrup, Salt, Onion Powder & Natural Flavor.

12 **Honey Mustard Dipping Sauce**

13 Distilled Vinegar, Water, Sugar, Honey, Modified Corn Starch, Spices (Including **Mustard**
14 **Seed**, **Turmeric**, **Paprika**), Salt, Sodium Benzoate (to Protect Quality), Onion, Natural
15 Flavor & Garlic.

16 **Creamy Yellow Mustard Spread**

17 Distilled Vinegar, Water, Canola Oil, #1 Grade Mustard Seed, Salt, **Turmeric**, **Paprika**,
18 Spice, Garlic Powder & Natural Flavor.

19 **Creamy Roasted Garlic Mustard**

20 Distilled Vinegar, Water, Canola Oil, #1 Grade Mustard Seed, Sugar, Salt, Roasted Garlic
21 Powder, Garlic Powder, Onion Powder, Spices (Including **Turmeric**) & Natural Flavor

22 **Creamy Honey Chipotle Mustard Spread**

23 Distilled Vinegar, Water, # 1 Grade Mustard Seed, Canola Oil, Sugar, Honey, Brown Sugar,
24 Salt, Chipotle Pepper, Onion Powder, Natural Flavor (Including Smoke), Garlic Powder,
25 **Smoked Paprika & Turmeric**.

26 **Creamy Dill Pickle Mustard Spread**

27 Distilled Vinegar, Canola Oil, Water, Dill Relish [Cucumber, Distilled Vinegar, Salt, Capers,
28 Xanthan Gum (Thickener), Calcium Chloride, Potassium Sorbate (to Protect Quality)], #1
Grade Mustard Seed, Pickle Brine (Water, Distilled Vinegar, Salt, Lactic Acid, Natural
Flavor, **Turmeric**), Salt, **Turmeric**, Dill Weed Oil, Natural Flavor & **Extractives of**
Turmeric.

EXHIBIT B

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1 **Transcripts of YouTube Videos Cited in the First Amended Complaint¹**

2 **How French's Mustard Is Made - Mustard Factory**

3 Worldnite Journey

4 October 30, 2024

5 <https://youtu.be/qnNiLGBBVjM?feature=shared>

6 [00:00] Every year, over 500,000 tons of mustard are produced worldwide. Its delicious flavor
7 makes hot dogs taste even better. It's made from a seed — but how is industrial mustard
8 produced? In this video, you'll discover the fascinating process behind one of the world's
9 oldest and most popular condiments. [Music]

10 [00:23] The production of mustard starts in the fields where mustard seeds are grown. Despite
11 being the smallest of all seeds, mustard has astonishing power. When it sprouts, it becomes
12 the largest plant in the garden, growing tall enough to reach the height of a tree.

13 [00:40] Its tiny size hides immense potential. A small amount of seeds can cover vast
14 expanses of land. Nearly all mustard production comes from Canada's vast prairies, where
15 farmers cultivate large plots of this valuable crop. Canada is one of the world's leading
16 producers and exporters of mustard seeds, thanks to its favorable climate and fertile soil.

17 [00:57] Over the last century, the use of modern agricultural techniques has transformed
18 mustard cultivation. Farmers use specialized machinery to efficiently plant and harvest the
19 seeds, ensuring the quality needed to meet the growing global demand for this essential
20 condiment.

21 [01:13] Each year, up to 200,000 hectares of mustard are cultivated in Canada's western
22 provinces, known for their premium-quality mustard seeds. Mechanical seeders distribute the
23 seeds at the correct depth and in rows. The planting process is meticulously designed.
24 Mustard seeds, along with dry fertilizer, are stored in separate compartments in a cart pulled
25 by a tractor.

26 [01:32] The seeds and fertilizer are precisely measured and transported to the soil through a
27 controlled airflow. The tiny seeds must be planted at a shallow depth in a firm seedbed to
28 ensuring optimal growth.

[01:51] Within days after planting, the crop emerges and quickly covers the soil. By early
July, mustard reaches its flowering stage, transforming the fields into an endless ocean of
yellow flowers.

[02:11] After a few weeks, the flowers turn into pods that slowly mature towards late summer,
usually in early August. This is when the harvest begins. The pods, filled with mature seeds,
are cut and transported to large harvesters where they are crushed to release the precious
seeds.

¹ Transcriptions were generated using <https://www.youtube-transcript.io/> and then manually checked for accuracy.

1 [02:30] The seeds accumulate in the harvester's hopper, while the remaining stems and pods
2 are crushed and spread over the field, decomposing to enrich the soil for future crops. When
3 the harvester's hopper is full, the mustard seeds are transferred to grain trucks and taken to
4 farm warehouses, where producers market them for processing.

4 [02:46] The seeds are transported by train to French's Mustard factory. Upon arrival at the
5 silos, each one can hold more than a train car full of seeds, which equals an impressive 90,000
6 kilos of yellow mustard. Over 10 million of these seeds are used to make a single bottle of the
7 famous French's mustard.

7 [03:03] Before starting the fascinating production process, the mustard seeds are carefully
8 cleaned to remove any impurities like dirt, stones, and unwanted debris. This first step is
9 essential to ensure the quality of the final product.

9 [03:22] Next, the seeds are mixed with a series of selected ingredients that give depth and
10 character to the mustard. These include white vinegar and turmeric — the latter responsible
11 for its characteristic bright yellow color. Spices like paprika and salt are also added,
12 enhancing the unique and delicious flavor of yellow mustard.

12 [03:40] Then, the powder mixture flows smoothly through a conduit into a mixing tank,
13 where vinegar and water are added. This meticulous process results in a balanced composition
14 of approximately 60% water, 20% vinegar, 15% mustard seeds, and 5% salt and spices. This
15 careful proportion not only guarantees the perfect texture but also creates the burst of flavor
16 that has made yellow mustard a favorite on tables worldwide.

15 [04:01] Next, the tank's rotating paddle mixes the ingredients at astonishing speed —
16 reaching up to 265 km/h for an hour. This powerful action ensures that every component
17 blends perfectly, creating a homogenous and flavorful base.

17 [04:20] Once the mixing is complete, the tank's contents are carefully poured into several
18 stainless-steel mills. Inside each mill, a pair of synthetic stones perform a traditional process
19 known as stone grinding — this method which has remained practically unchanged for over a
20 century, respects the essence of mustard making as it was in the beginning.

20 [04:38] During the grinding process, the mixture is heated to a temperature of 60°C which not
21 only transforms the texture of the ingredients but also brings to life a creamy mustard with a
22 vibrant yellow color. This careful balance between tradition and modernity ensures that each
23 batch of mustard retains its distinctive and delicious character.

23 [04:56] Before bottling, a rigorous fineness test is conducted. This process determines if the
24 product has reached the desired smoothness. If the particles exceed 1/4 millimeter, experts
25 meticulously adjust the millstones to achieve finer grinding.

25 [05:14] In the plant, master millers play a fundamental role in creating a smooth and
26 homogeneous texture — perfect for satisfying all palates, especially those of young children
27 who enjoy their hot dogs without the nuisance of lumps.

28

1 [05:32] Over 30 mills work tirelessly each day, processing around 90 tons of seeds to produce
2 this iconic mustard. In fact, more than 380,000 liters of mustard are produced each day — an
impressive amount that could fill an entire municipal pool.

3 [05:53] Once it has reached the perfect texture, it is transferred to a stainless steel tanks where
4 it is ready for its journey for homes and tables worldwide. A low-speed mixer removes air
5 from the mixture, preventing the mustard from taking on a brownish tone and losing its
exquisite flavor. This process also ensures the condiment remains integrated and homogenous.

6 [06:08] Despite the plant's state-of-the-art technology, the production process honors the rich
7 tradition behind this iconic condiment. Each tank in the plant holds approximately 38,000
8 liters of Classic Yellow Mustard — whose recipe that has remained practically unchanged for
over a century preserving its essence and quality.

9 [06:33] Before bottling, the mustard must cool overnight, a process that ensures its freshness
10 and ideal texture. In total, it takes around 20 hours to produce this yellow mustard.

11 [06:42] Next, the mustard is distributed to the filling machine. More than 300 bottles per
12 minute pass along the production line. The iconic yellow bottles, arriving empty, are quickly
13 filled and sealed thanks to a highly precise automated system that ensures efficiency at every
stage of the process.

14 [07:01] Each container in the plant holds approximately 1,200 bottles. And with the filling
15 speed, numerous containers are used during each shift. An automated vision system carefully
inspects each bottle, ensuring it meets the highest quality standards before leaving the plant.

16 [07:20] In a single shift, a worker can oversee the production of up to 112,000 bottles of
17 mustard. Once inspected, the mustard bottles are ready to leave the factory and be distributed
to supermarkets.

18 [07:38] If you'd like to learn how Jack Daniel's whiskey is made, the link is in the
19 description. Like this video if you enjoyed it, and share it with someone who might be
20 interested. Subscribe to the channel and activate notifications to keep learning.

21 **Speaker:**

- 22 • Narrator - Main voice providing background and story.
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1 **How French's Mustard Is Made (from Unwrapped)**

2 Food Network

3 July 20, 2020

4 https://youtu.be/_YnRkTlweA?feature=shared

5 [00:00] [Music] The name is French's, but the memories are all American. The bright yellow color makes it fun, and it evokes memories of summers at the ballpark and summers with family and friends in their backyards.

6 Hi, gorgeous — it's hot dog! Want to meet up? But before any hot dogs can be
7 condimented...

8 [00:28] Before any bright yellow bottles can be filled, French's Classic Yellow Mustard starts
9 as seed — actually, millions of seeds. What you're looking at now is the mustard seed silos,
10 where we bring in our number one grade mustard seed from Canada. Each silo holds over one
11 rail car.

12 [00:51] The rail cars hold about 200,000 pounds of mustard seed. These are yellow mustard
13 seeds. Over 10 million of these seeds go into making one bottle of French's mustard. The
14 mustard seed is combined with the other ingredients: vinegar, turmeric — which gives it the
15 bright yellow color — and other spices.

16 [01:15] The mustard is ground up between two stone mills, which is pretty much the way
17 mustard has been made for over a hundred years.

18 I'm a mustard miller here in White Mill, and my job is to make sure that I have smooth
19 mustard so that kids like it — so it doesn't show up lumpy on their hot dogs.

20 [01:33] More than 30 mustard mills process 200,000 pounds of yellow seed every day to
21 make the yellow flavor favorite. We make well over a hundred thousand gallons of mustard
22 here each and every day. That's more than enough to fill a city swimming pool.

23 [01:51] While the maze of machinery is now state-of-the-art, and the volume is almost
24 unfathomable — each one of these tanks holds 10,000 gallons of French's Classic Yellow
25 Mustard — the recipe has not changed much in over 100 years.

26 [02:09] Two all-American foods, French's Classic Yellow Mustard and the hot dog, were
27 both introduced in 1904 at the St. Louis World's Fair. Today's French's Classic Yellow
28 Mustard is the same recipe introduced over 100 years ago by the brothers French. They
wanted to develop a lighter and creamier version than was available at the time. It was an
instant success.

[02:30] So successful, that a 450,000-square-foot factory was built in Springfield, Missouri.
When we produce the mustard, over 300 bottles of mustard go down the line every minute.
The famous yellow bottles come in empty, but they don't sit around for long. Each of these
totes has 1,200 bottles in them.

[02:51] And since we are filling bottles at 300 bottles a minute, we go through quite a number
of these totes every shift. The first step gets the bottles moving on the production line. The



1 second step is really to fill the bottles and cap them, and that's done in one piece of equipment
2 on our floor.

3 [03:10] It then goes through what we call our vision system, which really makes sure that
4 every visual characteristic of that bottle matches the standard. Today, I will produce 112,000
bottles of mustard in one shift — by myself.

5 [03:28] With so many bottles, so many gallons, so many packages produced every day, the
6 folks at French's still remember the most important feature: how people feel when they taste
it.

7 If I screw up, I'll have all the kids in the United States mad at me — because they'll have bad
8 mustard, or won't have any mustard left to put on their hot dogs.

9 **Speakers (in order of appearance):**

- 10 • Narrator - Main voice providing background and story.
- 11 • Jennifer Osbourne, Senior Brand Manager, French's Mustard - Gives background story,
12 history, product uses, ingredients, product recipe and general manufacturing of product.
- 13 • Unnamed French's Employee - Describes the receipt, and storage of Canadian mustard
14 seeds.
- 15 • Gary Lockhart, Mustard Miller, French's Mustard - Describes the milling process,
16 production output and keeping mustard smooth.
- 17 • Unnamed Employee, production line - Talks about tank capacity.
- 18 • Unnamed Employee, production line - Talks about totes, and workflow
- 19 • Harry Bradley, Operations Manager, French's Mustard - Talks about filling and capping
20 bottles, and vision system.
- 21 • Unnamed Employee, production line - Talks about production line output.
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1 **Take a look inside of a mustard factory to see how French's Mustard is made**

2 Produced Planet

3 April 18, 2025

4 <https://youtu.be/flyZoEcKjkE?feature=shared>

5 [00:00] It's tangy, it's smooth, and it's got that iconic zip that brings the flavor home — on hot dogs, burgers, sandwiches, you name it. But have you ever wondered how this bright golden condiment actually comes to life? We took a trip inside the factory to find out.

6 [00:17] Every minute, over 380,000 bottles of French's mustard are made. Keep watching to find out how. Believe it or not, this classic American favorite started over a hundred years ago at a World's Fair. In 1904, brothers George and Francis French introduced their new "cream salad mustard" at the St. Louis World's Fair.

7 [00:35] It was lighter, smoother, and creamier than anything people had tried before. By 1921, French's had adopted the red pennant logo and quickly became a household name across the U.S. Over the years, the brand kept growing — adding new flavors, appearing in cookbooks and ads, and becoming a go-to condiment for everything from sandwiches to summer barbecues.

8 [00:53] Ownership changed a few times along the way, and in 2017, French's became part of McCormick & Company. But even after more than a century, the original recipe is still going strong. That same smooth, tangy flavor people loved in 1904 is the exact one you're squeezing onto your hot dog today.

9 [01:12] Before any bottle hits store shelves, the journey begins in the fields — fields that stretch across the vast prairies of Canada. In fact, Canada doesn't just grow mustard, it dominates the global mustard market, producing over 85% of the world's supply. The country's cool climate, fertile soil, and expansive farmland make it the perfect place to grow this spicy little crop.

10 [01:30] Every year, Canadian farmers cultivate nearly 200,000 hectares of mustard across provinces like Alberta, Saskatchewan, and Manitoba. That's a lot of yellow. But this isn't just any plant. The mustard plant is a bit of a miracle in the world of agriculture. The seeds are among the tiniest you'll find — but once planted, they explode into towering stalks, sometimes reaching the height of a small tree.

11 [01:48] From seed to stalk, they grow fast. And depending on the variety, each seed brings something unique to the table. Yellow mustard seeds are the mildest and most common, known for their bright color and tangy taste. Brown seeds bring a punchier, spicier flavor. Black seeds are bold, intense, and traditionally used in stronger European-style mustards.

12 [02:23] But when it comes to French's Classic Yellow Mustard — the kind you squeeze on a hot dog at a summer barbecue — it all starts with the yellow ones. In early spring, those seeds are loaded into mechanical seeders, massive machines that look like a cross between a tractor and a spaceship. Each seeder is carefully calibrated to deposit seeds at the perfect depth, usually just a few millimeters below the surface.



1 [02:57] They're too small to go much deeper — otherwise, they wouldn't get the warmth and
2 light they need to sprout. Dry fertilizer is added too, stored in a separate compartment in the
3 cart and delivered alongside the seeds using a precisely controlled airflow system. The entire
4 operation is hands-free and GPS-guided, ensuring uniform spacing and coverage across acres
5 of farmland.

6 [03:12] And then, nature takes over. Within days, tiny shoots break through the soil. Soon, the
7 fields are covered in vibrant green. By early July, those green shoots transform into thousands
8 of blooming mustard plants, each topped with clusters of brilliant yellow flowers.

9 [03:30] It's not just a stunning sight — it's essential for pollination. Bees and other insects
10 flock to the fields, helping the plants grow pods. These pods, which look like tiny green
11 beans, are the real goal. Each one is packed with dozens of mustard seeds. By the time August
12 rolls around, the flowers have faded, the pods being to dry out, and they turn from green to
13 crisp golden brown. That's when harvest season begins.

14 [04:02] Massive combine harvesters drive through the fields, slicing the tops off the plants
15 and breaking open the pods in one smooth pass. As the seeds drop into the harvester's hopper,
16 the leftover stems and chaff are mulched and scattered back onto the field, naturally enriching
17 the soil for next year's crop. It's farming efficiency at its finest. Nothing is wasted.

18 [04:19] Once the harvesters are full, the seeds are transferred to grain trucks and hauled to on-
19 site farm silos. From there, they begin their journey south by rail to Springfield, Missouri,
20 where French's world-class mustard facility awaits. This 450,000-square-foot plant is the
21 heart of the operation, producing over 100,000 gallons of mustard every single day — that's
22 enough to fill an Olympic-size swimming pool in just over a week.

23 [04:56] As the seeds arrive at the factory, they're offloaded into towering silos, each one
24 capable of holding more than 200,000 pounds of seeds. To put that in perspective, a single rail
25 car holds about the same amount. And it takes over 10 million mustard seeds just to make one
26 bottle of French's Classic Yellow. Yeah they're going to need a lot of storage.

27 [05:14] But before these seeds can become mustard, they need to be spotless. Fresh from the
28 farm, they're coated in dust, dirt, twigs, and even the occasional rock. Cleaning is a multi-step
process involving air blowers, vibrating screens, sieves, magnets, and high-speed sorters.
Each machine filters out different impurities: organic matter, stones, metal shavings, even
seeds that don't meet size standards. Only the highest-quality seeds make it through.

[05:32] This is more than just about cleanliness. A speck of dirt or a poorly crushed seed can
throw off the texture or flavor of an entire batch — and French's isn't taking any chances.
Once cleaned, the seeds move to the blending stage, where they're combined with a handful
of key ingredients. First up: white vinegar, which adds tang and activates seed enzymes. Then
turmeric, for that unmistakable yellow hue. Paprika for warmth and color depth. And salt, to
round it all out.

[06:07] The dry blend of seeds and spices is funneled through a chute into a massive stainless-
steel mixing tank. Now its time to add the liquids: more vinegar and plenty of water. The ratio
here is precise — about 60% water, 20% vinegar, 15% mustard seeds, and 5% spices and



1 flavorings. This careful balance is what gives French’s mustard its silky texture, bright color,
2 and zingy flavor.

3 [06:25] Inside the tank, a rotating paddle begins to spin fast — we’re talking speeds up to 165
4 mph. For more than an hour, the paddle works through the mix, blending every ingredient into
a uniform, perfectly smooth paste. But this is just the beginning of the transformation.

5 [06:50] Once the mixture is fully combined, its pumped into a series of stainless-steel mills,
6 each one fitted with synthetic stone wheels. Stone milling is a technique that’s been around
7 since the 17th century, and for good reason – it works. As the stones spin, they crush the
8 seeds, breaking them open and releasing oils, enzymes, and pungent flavor compounds. The
friction also generates heat — just enough to warm the mixture to about 60°C.

9 [07:26] That’s the sweet spot: its hot enough to activate flavors, but not so hot that it cooks
10 the mustard or kills the natural aromas. The result - a thick, creamy mustard base with a
smooth texture and vibrant yellow color. But French’s doesn’t just hope for the best — they
test every single batch.

11 [07:45] Before moving onto bottling, the mustard is run through a particle-size test. If even a
12 few granules are too big, larger than 0.25 millimeters, the millstones are adjusted and the
mixture is re-ground. Its that level of precision that keeps every squeeze of mustard perfectly
13 smooth.

14 [08:05] From here, the finished mustard is transferred into massive holding tanks, each
15 capable of storing up to 38,000 liters of product. Inside these tanks, a slow-speed mixer stirs
gently — not to blend, but to eliminate air pockets. It’s called deaeration, and its key to
16 maintaining flavor and color. Air exposure can oxidize the mustard, turning it brown and
dulling the flavor. So this final mixing step ensure the mustard stays vibrant and fresh until
17 the moment its bottled.

18 [08:40] After nearly 20 hours of careful processing, it’s finally time for bottling. This is where
19 things go from slow and steady to lightning fast. Bright yellow squeeze bottles arrive empty
and are quickly lined up on conveyors. A high-speed filling system injects just the right
20 amount of mustard into each bottle. Nozzles snap on the caps in one seamless motion.

21 [08:57] But before any bottle leaves the factory, it has to pass inspection. The sophisticated
22 vision system checks every single unit for consistency: Is the fill level correct? Is the label
straight? Is the cap secure? If anything’s off, the bottle is automatically removed from the
23 line. A single worker can monitor the production of up to 112,000 bottles in just one shift.

24 [09:31] Once approved, the bottles are boxed, palletized, and shipped out to grocery stores
25 around the world. From ballpark hot dogs in Chicago to backyard burgers in Biscayne, its
likely your bottle of French’s mustard came from the very same factory in Missouri.

26 [09:47] So what makes this process so special? It’s not just the technology or the volume. It’s
27 the balance. French’s mustard still honors the methods that made it famous in 1904, when it
debuted at the St. Louis World’s Fair: stone grinding, real mustard seeds, and natural
28 ingredients. Today, those traditions are backed by cutting-edge systems that keep the
production clean, efficient, and consistent.



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[10:04] And even though French’s is now part of a global brand owned by McCormick & Company, the spirit of the original R.T. French Company lives on. From its early days in Rochester, New York to its expansion into Springfield, Missouri, the goal has always been the same: make mustard people love.

[10:23] So the next time you reach for that bright yellow bottle, remember you’re holding the result of a 100-year legacy — powered by nature, perfected by science, and bottled with precision. What’s your favorite way to eat mustard? On a pretzel? In a sandwich? Or are you more of a dip-the-fries kind of person?

[10:41] Let us know in the comments. And if you enjoyed this behind-the-scenes look inside the world of mustard, don’t forget to like, subscribe, and stay tuned. Because here at Produced Planet, we’re just getting started.

Speaker:

- Narrator - Main voice providing background and story.



1 **How It's Made Prepared Mustard**

2 How It's Made (A documentary series on the Discovery Channel)

3 November 4, 2016

4 https://youtu.be/ffyoio6f_c?feature=shared

5 [00:01] We eat it on hot dogs and hamburgers, on sausages and sandwiches. No condiment
6 cuts the mustard quite like mustard. The ancient Romans took the mustard seed to what is
7 now France, and by the 9th century, big-time mustard production was underway. Yellow
8 mustard and Dijon mustard have a

9 [00:24] few ingredients in common, but that's where the similarity ends. Not only are they
10 prepared quite differently, they're derived from different varieties of mustard seed. Yellow
11 mustard is made from the seeds of the white mustard plant. Turmeric and paprika provide the
12 yellow

13 [00:45] color and sharp flavor. The other ingredients are salt, water, and white vinegar. The
14 powdered ingredients go down a shaft to a mixing tank containing the water and vinegar.
15 Yellow mustard proportions are roughly sixty percent water, twenty percent vinegar, fifteen
16 percent seeds,

17 [01:05] and five percent salt and spices. The last ingredient to go in is the mustard seed—
18 whole bran and all. The tank's rotating mixer blends the ingredients for about an hour, at seed-
19 crushing speeds reaching 265 km/h. The tank's contents empty into several stainless steel
20 mills. Inside each one, a

21 [01:40] pair of synthetic stones grinds the seeds—a process known as stone milling. That
22 grinding action heats the mixture to about 60 degrees Celsius. The liquid thickens into
23 creamy, bright yellow mustard. Before bottling, they perform what's called a finesse test. This
24 ensures the

25 [02:02] mustard is smooth enough. If its particles are more than a quarter of a millimeter big,
26 the factory adjusts the milling stones closer together to produce a finer grind. They make
27 Dijon mustard from brown mustard seeds, sometimes mixed with other varieties, and they
28 usually use two types

[02:24] of vinegar: cider and white. The ingredients ferment in the tank for 12 hours before
mixing. That's what gives Dijon mustard its strong flavor. After mixing, it's the same stone
milling process we saw before. Here's what the inside of those mills looks like—a rotating
stone rubbing seeds against a

[02:48] stationary stone, the same principle as an old-fashioned mortar and pestle. Dijon is
made with twice as many seeds as yellow mustard, and twenty percent less water, which is
why it comes out thicker and denser, and needs the occasional stir. Filters screen out any
particles larger

[03:17] than a quarter of a millimeter. The factory saves these coarse pieces to put into
specialty mustards. [Music] Now the creamy, smooth Dijon mustard goes into a stainless steel
tank. A slow-speed revolving mixer removes the air, which would otherwise turn it brown and
dull



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[03:49] its flavor. The yellow mustard tanks also have mixers to remove air and to keep the condiment well-blended. [Music] Both Dijon and yellow mustard have to cool overnight before bottling. From start to finish, it takes about 20 hours to produce yellow mustard, about 32 hours

[04:12] for Dijon—the extra time due to the fermentation period. Yellow mustard has a 15-month shelf life, while Dijon stays fresh for a year. Both should be refrigerated after opening to preserve their flavor. Mustard is a condiment that even health-conscious eaters can enjoy. It

[04:34] packs a lot of flavor in just a few calories. It contains just a small amount of fat—somewhat more if the manufacturer uses oil in the recipe—but it's still a cholesterol-free food.

Speaker:

- Narrator - Main voice providing background and story.



EXHIBIT C

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1 **Non-Exhaustive Examples of Defendant's Labeling and Advertising of Organic Yellow**
2 **Mustard Highlighting Increased Mustard Seed and Turmeric Content¹**



28 ¹ See <https://www.walmart.com/ip/French-s-True-Organics-Classic-Yellow-Mustard-12-oz/51006096>; <https://www.instacart.com/products/2598290-french-s-true-organics-classic-yellow-mustard-60-oz>; <https://www.kroger.com/p/french-s-true-organics-classic-yellow-mustard/0004150095403>; <https://a.co/d/5fwToWb> (last accessed September 1, 2025)

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Product details

Meet French's® True Organic's Classic Yellow Mustard. It's still loaded with the authentic, tangy taste (and ingredients!) you know and love. But we've upped the game with extra turmeric and mustard seeds. That means a bolder taste than ever before. Smear it onto sandwiches. Dip it with pretzels. Or squeeze it onto hot dogs. One thing's for sure - you're going to love it. More turmeric. More mustard seeds. None of the junk. This beloved organic mustard is made with quality ingredients - no artificial flavors, colorants, dyes, gluten or high-fructose corn syrup. This French's® True Organics Classic Yellow Mustard is in a bottle that is 12 ounces. Store this shelf-stable item at an ambient temperature.

- America's best-loved mustard with extra turmeric and mustard seeds
- Stone ground, #1 grade mustard seeds; kosher certified and gluten-free
- Only quality ingredients
- No artificial flavors, colorants, dyes or high-fructose corn syrup
- Try it in salad dressings and dips for bold, rich, mustard taste

Ingredients

Organic Vinegar, Water, Organic Mustard Seed, Salt, Organic Turmeric, Organic Paprika, Organic Spice, Organic Natural Flavor, Organic Garlic Powder.

Active Ingredient Name

Organic Vinegar, Water, Organic Mustard Seed, Salt, Organic Turmeric, Organic Paprika, Organic Spice, Organic Natural Flavor & Organic Garlic Powder.

Price: \$4.95 (41.3¢/oz)

Shipping: Arrives Sep 6 \$5.95

Pickup: Not available

Delivery: Not available

\$0 delivery fee on first 3 orders. Terms apply.

French's® True Organics Classic Yellow Mustard
30 oz

Buy now at Instacart

About

Details

Organic Mustard Blended with Extra Turmeric & Extra Mustard Seed. Organic Satisfaction guaranteed. www.frenchs.com 1-800-841-1256 French's stands by its products. We promise quality ingredients, great taste and a commitment to the community. It's that simple. Our French's True Organics Classic Yellow® mustard is made with stone ground mustard seeds and has no artificial flavors or colors from artificial sources. Thanks to the delicious flavor crafted by our master grinders, you can feel confident about giving your family the taste they love.

Ingredients

Organic Vinegar, Water, Organic Mustard Seed, Salt, Organic Turmeric, Organic Paprika, Organic Spice, Organic Natural Flavor, Organic Garlic Powder.

Directions

Shake well before using. To open, unscrew cap and peel off inner freshness seal. For best flavor, refrigerate after opening.

Nutrition

Nutrition Facts

Serving Size 1.00 tsp
Servings Per Container 170

Amount Per Serving	
Calories 0	
	% Daily Value
Total Fat 0g	0%
Saturated Fat 0g	0%
Trans Fat 0g	
Cholesterol 0mg	0%
Sodium 60mg	3%
Total Carbohydrate 0g	0%
Protein 0g	

Percent Daily Values are based on a 2,000 calorie diet.

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French's True Organics Classic Yellow Mustard

12 oz UPC: 0004150095403

Prices May Vary
SNAP EBT Eligible

Purchase Options:

Pickup Delivery

Sign In to Add

Product Information

Product Details

Meet French's® True Organic's Classic Yellow Mustard. It's still loaded with the authentic, tangy taste (and ingredients!) you know and love. But we've upped the game with extra turmeric and mustard seeds. That means a bolder taste than ever before. No artificial flavors, colorants, dyes or high-fructose corn syrup

- America's best-loved mustard with extra turmeric and mustard seeds
- Stone ground, #1 grade mustard seeds; kosher certified and gluten-free
- Only quality ingredients; product of the USA

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amazon.com

Delivering to Woodland ... 91367
Update location

All true organic yellow mustard

Medical Care - Luxury Stores - Best Sellers - Amazon Basics - New Releases - Groceries - Prime - Today's Deals - Registry - Customer Service - Gift Cards - Smart Home

Grocery - Deals - Snacks - Breakfast - Warm Beverages - Cold Beverages - Cooking Staples - Baby Food - Candy & Chocolate - Subscribe & Save - International Foods - SNAP-eligible Groceries

Put More Flavor on the Grill

Grocery & Gourmet Food > Pantry Staples > Condiments & Salad Dressings > Mustard > Yellow Mustard

French's True Organics Classic Yellow Mustard, 12 oz (Pack of 2)

Visit the French's Store
4.8 ★★★★★ 1,850 ratings
Amazon's Choice

1 sustainability feature

Bundle Was Price: ~~\$8.82~~ Details
Bundle Price: **\$7.48** (\$0.31 / ounce) **Get Fast, Free Shipping with Amazon Prime**
You Save: **\$1.34** (15%)

Get \$80 off instantly: Pay \$0.00 upon approval for the Amazon Store Card.

Size: 12 Ounce (Pack of 2)

12 Ounce (Pack of 1) \$3.74 (\$0.31 / ounce) \$4.44	12 Ounce (Pack of 2) \$7.48 (\$0.31 / ounce) \$8.82	12 Ounce (Pack of 12) \$39.53 (\$0.27 / fluid ounce)
--	---	---

Diet type
✓ USDA Organic ✓ Kosher

Ingredients

About this item

- Flavor Mustard
- Item Weight 1.6 Pounds
- Brand French's
- Package Information Jar
- Allergen Information Non-GMO

- The information below is per-pack only
- Americas best-loved mustard with extra turmeric and mustard seeds**
- Stone ground, #1 grade mustard seeds; kosher certified and gluten-free
- Only quality ingredients; product of the USA
- No artificial flavors, colorants, dyes or high-fructose corn syrup
- Try it in salad dressings and dips for bold, rich, mustard taste

prime
Enjoy fast, free delivery, exclusive deals, and award-winning movies & TV shows.
Join Prime

\$7.48 (\$0.31 / ounce)
Get Fast, Free Shipping with Amazon Prime

FREE delivery **Saturday, September 6** on orders shipped by Amazon over \$35

Or **Prime members** get **FREE delivery Tomorrow, September 2**. Order within 7 hrs 50 mins.
[Join Prime](#)

Delivering to Woodland Hills 91367 - Update location

In Stock

Quantity: 1

Add to Cart
Buy Now

SNAP EBT eligible

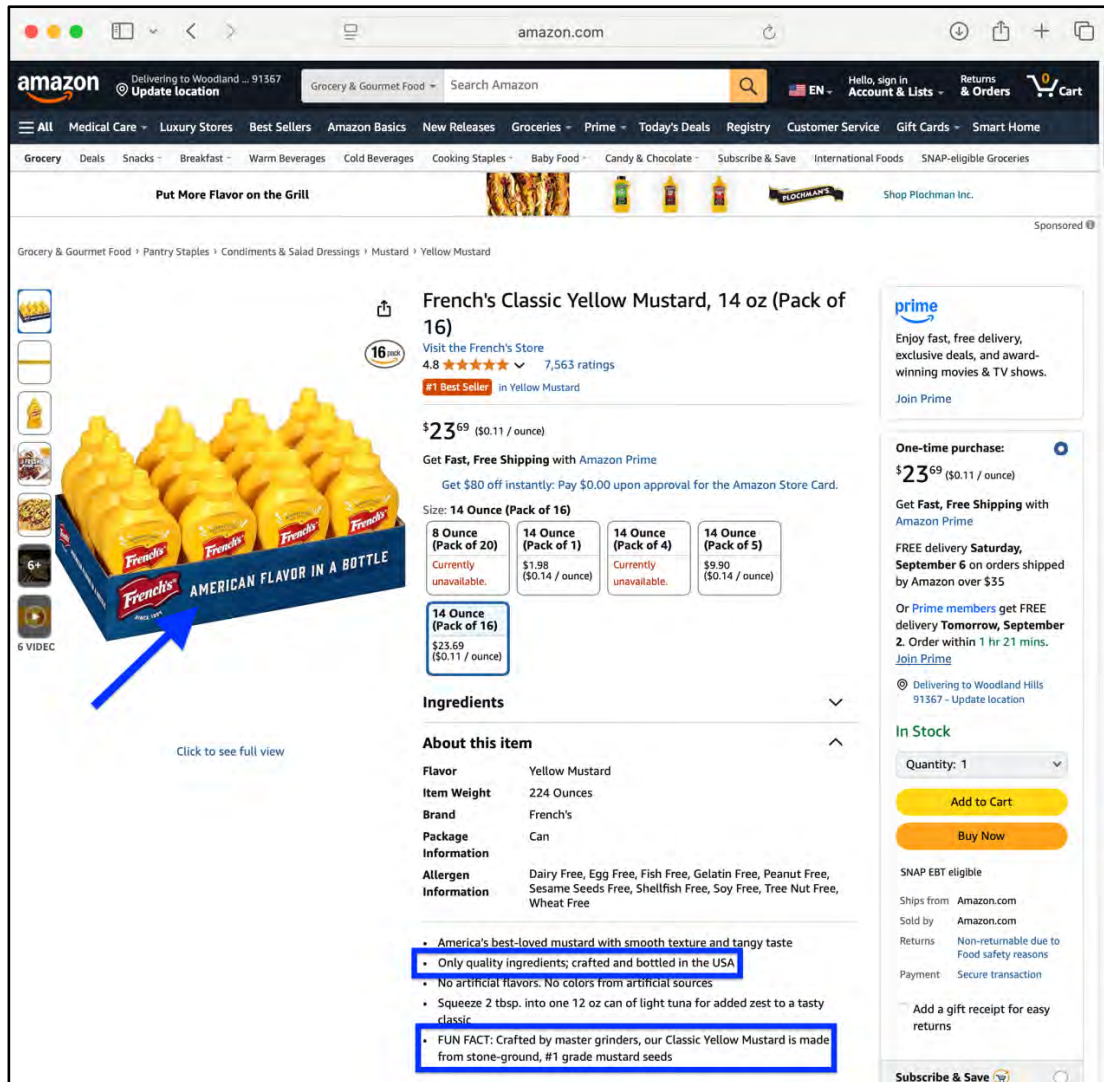
Ships from Amazon.com
Sold by Amazon.com
Returns Non-returnable due to Food safety reasons
Payment Secure transaction

Add a gift receipt for easy returns

Add to List

Click to see full view

Non-Exhaustive Examples of Defendant's Labeling and Advertising Promoting Mustard Seed as a Key Ingredient²



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² See <https://a.co/d/g3PODIL>;

<https://www.mccormick.com/products/frenchs-r-spicy-brown-mustard-12-oz/>;

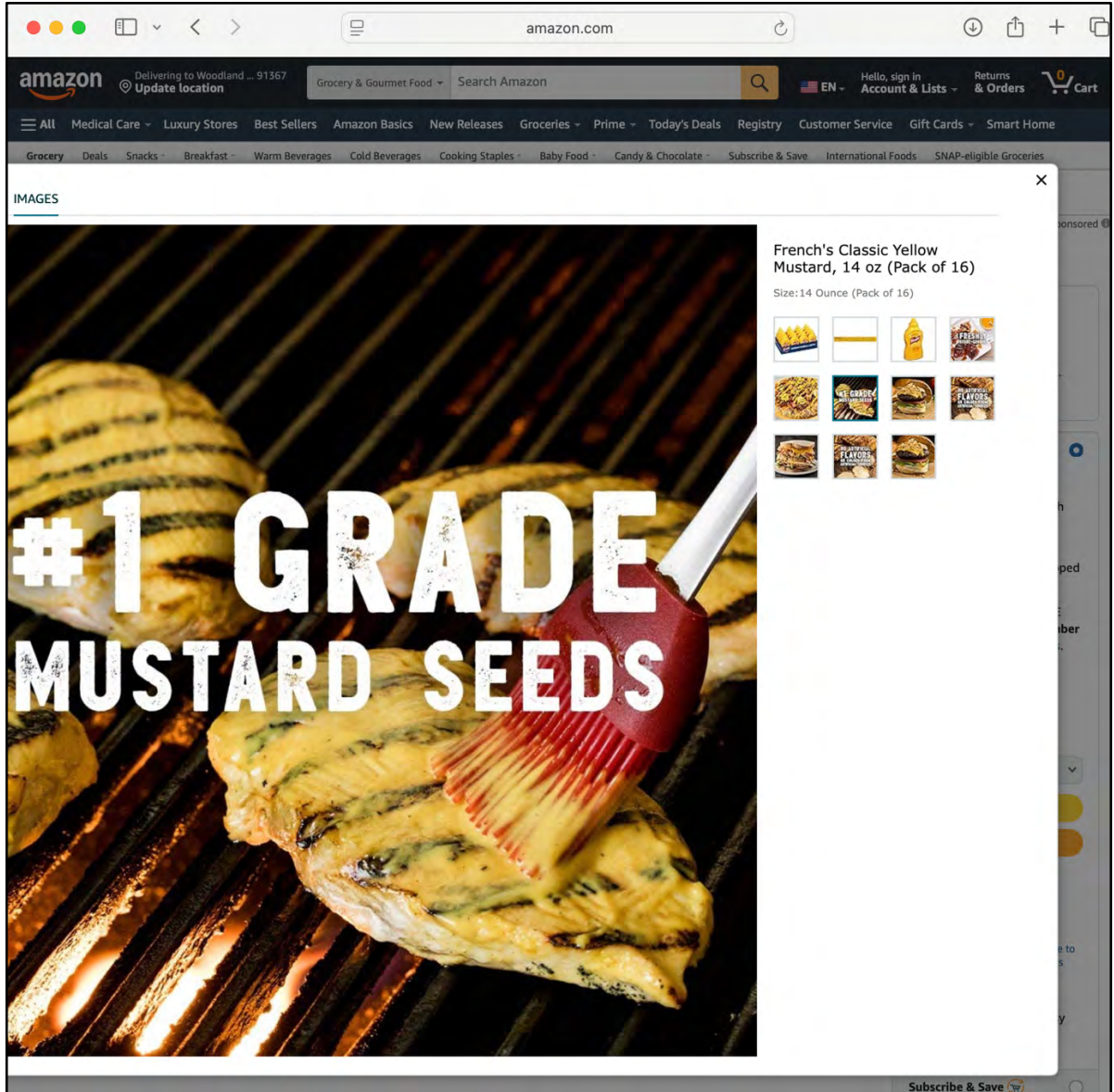
<https://www.mccormick.com/products/frenchs-classic-yellow-mustard-8-oz/>;

<https://www.target.com/p/french-s-spicy-brown-mustard-12oz/-/A-13127554#lnk=sametab>;

https://www.walmart.com/ip/French-s-No-Artificial-Flavors-Gluten-Free-Chardonnay-Dijon-Mustard-Squeeze-Bottle-12-oz-Bottle/17247766?athcpid=17247766&athpgid=AthenaBrandPage&athcgid=null&athznid=ItemCarouse1_13e47733-5bc0-32bc-bf6d-0d9d0b75ada3_items&athieid=v0&athstid=CS020&athguid=5cDwoo7YPxkblQkKyT1-UU-YJM2OLUQU8AAf&athancid=null&athena=true&selectedSellerId=F55CDC31AB754BB68FE0B39041159D63&sid=de5ee841-2082-4748-a024-67818148c402 or

<https://shorturl.at/eiijG>

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mccormick.com

BRANDS French's

Search

PRODUCTS EXPLORE RECIPES FRENCH'S STORY

BROWSE RECIPES FOR THIS PRODUCT EXPLORE

PRODUCT DETAILS

- #1 grade mustard seeds; 100% natural, kosher certified
- Only real, recognizable ingredients; product of the USA
- No artificial flavors, colorants, dyes or high-fructose corn syrup
- Adds a zippy kick to everything from hot dogs to sandwiches and burgers
- Keep on hand for deli sandwiches, grilled red meats and tailgating favorites

INGREDIENTS

smartlabel Explore smartlabel

INGREDIENTS: Distilled Vinegar, Number 1 Grade Mustard Seed, Water, Salt, Spices, Turmeric and Natural Flavors.

PREP INSTRUCTIONS

Goes Well With

FRENCH'S® CREAMY DILL PICKLE MUSTARD, 12 OZ \$5.49 + ADD Contact

Nutrition Facts
Servings: 68, **Serv. size:**
1 tsp (5g), Amount per serving:
Calories 5, **Total Fat**
0g (0% DV), **Sat. Fat** 0g (0% DV),
Trans Fat 0g, **Cholest.** 0mg (0% DV),
Sodium 80mg (3% DV),
Total Carb. 0g (0% DV), **Fiber**
0g (0% DV), **Total Sugars** 0g
(Incl. 0g Added Sugars, 0% DV),
Protein 0g, **Vit. D** (0% DV),
Calcium (0% DV), **Iron** (10% DV),
Potas. (0% DV).

INGREDIENTS: DISTILLED VINEGAR, #1 GRADE MUSTARD SEED, WATER, SALT, SPICES, TURMERIC AND NATURAL FLAVORS.

https://www.mccormick.com/products/frenchs-classic-ye

BRANDS **French's** Search

PRODUCTS EXPLORE RECIPES FRENCH'S STORY

GLUTEN FREE NO ARTIFICIAL COLORS OR FLAVORS

FRENCH'S® CLASSIC YELLOW MUSTARD, 8 OZ

\$4.49

4.4 414 Reviews [Write a Review](#)

For a brighter bite, reach for French's Classic Yellow Mustard. French's is the #1 Mustard in the world*, and for good reason. No corners cut, no weird stuff, just classic mustard that brings food to life with zero fat, calories, or gluten. Crafted by master grinders, French's mustard delivers smooth and tangy mustard flavor in every bite.

Made with #1 grade mustard seeds, French's Classic Yellow Mustard is a must for backyard cookouts, picnics, ballgames, and tailgates ... anywhere you would enjoy a soft pretzel, hot dog, hamburgers, sandwich, or sausage. Easy to squeeze from the signature yellow bottle, this convenient condiment can be enjoyed as a dip, sandwich spread, or drizzle for your favorite foods. All with zero fat and zero calories.

[Read Less](#)

- 1 + **ADD TO CART**

FIND A RETAILER

GLUTEN FREE CERTIFIED GLUTEN FREE U NO ARTIFICIAL COLORS

STONE-GROUND #1 GRADE MUSTARD

Picnics
BALL GAMES
COOKOUTS
PARTIES

MUSTARD BEER BASTED SAUSAGES & ONIONS

INGREDIENTS
- 1 can (12 ounces) Oskar Blues® Mustard Beer
- 1/2 cup French's® Classic Yellow Mustard
- 2 tbsp honey
- 2 tbsp butter
- 2 cups sweet yellow onions, sliced 1/4-inch thick
- 6 smoked sausages, scored diagonally
- 6 hoagie rolls

INSTRUCTIONS
1. Mix beer, Mustard and honey in medium bowl; set aside. 2. HEAT large cast-iron skillet on grill over medium heat 3 minutes. Melt butter in skillet. Add onions; cook 2 to 3 minutes or until softened and lightly browned. Add sausages to skillet and stir in beer mixture. Cook 10 minutes, stirring occasionally.

FOR FULL PREP INSTRUCTIONS, SEARCH ON MCCORMICK.COM/FRENCHS/RECIPES

10m PREP TIME 20M COOK TIME
500 CALORIES 7 INGREDIENTS

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target.com

spicy mustard

Account

Shop all French's

French's Spicy Brown Mustard - 12oz

★★★★★ 487

\$1.99 (\$0.17/ounce)

Pickup
Ready within 2 hours

Delivery
Check availability

Shipping
Arrives by Thu, Sep 4

Pick up at Costa Mesa [Check other stores](#)

Ready within 2 hours for pickup inside the store

Qty 1 **Add to cart**

Sign in to buy now

Free & easy returns
Return this item by mail or in store within 90 days for a full refund.

Eligible for registries and wish lists **Sign in**

At a glance

GF [Gluten Free](#)

Shop Liquid I.V. Hydration Multiplier Sugar-Free for the semester

target.com

spicy mustard

Account

Shop all French's

French's Spicy Brown Mustard - 12oz

★★★★★ 487

\$1.99 (\$0.17/ounce)

Qty 1 **Add to cart**

Details

Highlights

- #1 grade mustard seeds 100% natural, kosher certified
- Only real, recognizable ingredients **product of the USA**
- No artificial flavors, colorants, dyes or high-fructose corn syrup
- Adds a zippy kick to everything from hot dogs to sandwiches and burgers
- Keep on hand for deli sandwiches, grilled red meats and tailgating favorites

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The screenshot shows the Walmart.com product page for French's No Artificial Flavors Gluten Free Chardonnay Dijon Mustard Squeeze Bottle, 12 oz Bottle. The page features a blue header with the Walmart logo, a search bar, and a shopping cart icon. Below the header, there is a navigation bar with "Pickup or delivery?" and "Santa Ana, CA". A sponsored banner for Oscar Mayer is visible. The main product image is a yellow bottle with "PRODUCT OF THE USA" printed on it. To the right of the image, the price is listed as \$3.24 (27.0 c/oz) with a "27.0 c/oz" label. The product is described as "Popular pick for 'french mustard squeeze bottle'" and has a 4.6 star rating from 1,147 ratings. The "Ingredients" section is expanded, showing a list of ingredients including "#1 grade mustard seeds, kosher certified". The "About this item" section lists several bullet points, including "French's No Artificial Flavors Gluten Free Chardonnay Dijon Mustard Squeeze Bottle, 12 oz Bottle" and "America's best-loved mustard with Dijon flavor and real Chardonnay wine". The "Pack Size" section shows options for "Single" (\$3.24, 27.0 c/oz) and "2 Pack" (\$6.48, 27.0 c/oz). The "Add to cart" button is prominent. A "Subscribe" option is available for \$3.24. A "Your usuals, on your schedule" section is also present. The "How you'll get this item:" section shows a checkbox for "I want delivery savings with Walmart+".

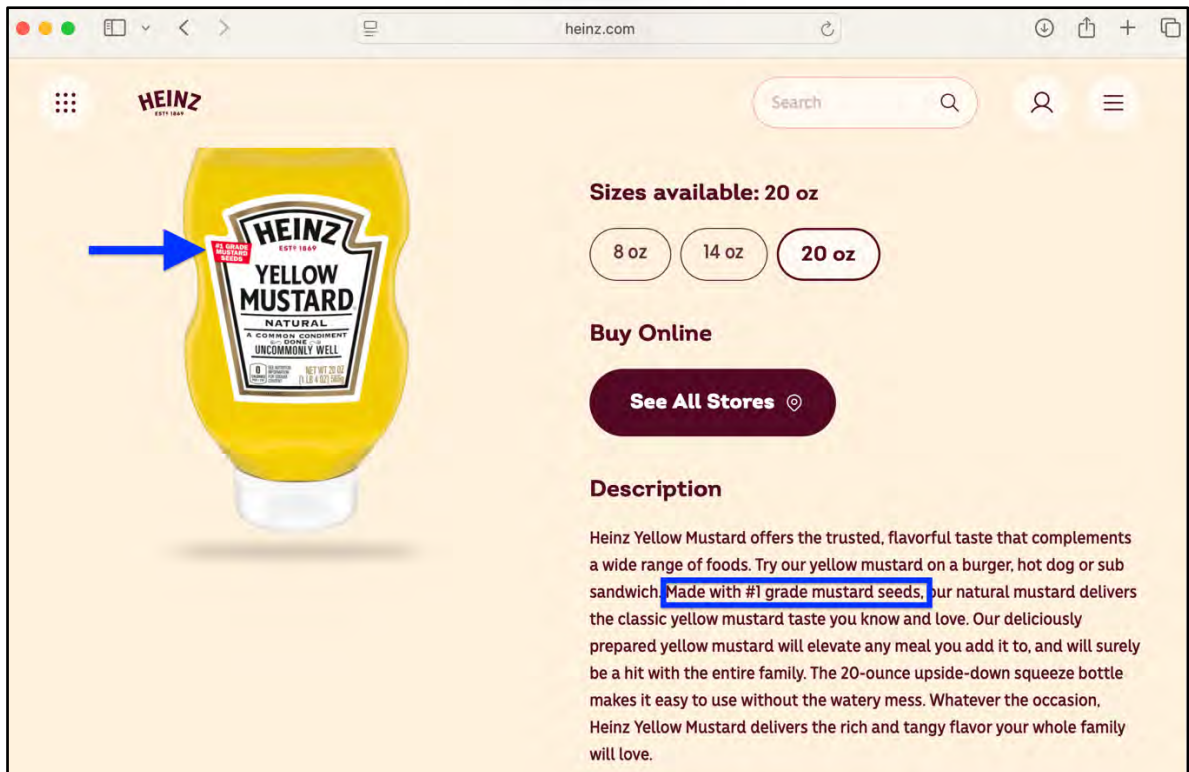
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1 **Non-Exhaustive Examples of Competitors' Advertising and Promotion of Mustard Seed**
2 **as a Key Ingredient**



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The screenshot shows the Amazon product page for Heinz Yellow Mustard, 8 oz Bottle. The product image is a yellow inverted squeeze bottle with the Heinz logo and 'YELLOW MUSTARD NATURAL' printed on it. The page includes a 'Nutrition summary' section with the following data:

Nutrition summary				
45 servings per container 1 tsp (5g)				
0	60mg	0g	0g	0g
Calories	Sodium	Dietary Fiber	Sugars	Protein

The 'Nutrition facts' section is collapsed. The 'Ingredients' section is also collapsed. The 'About this item' section lists the following details:

- Flavor: Mustard
- Item Weight: 8 ounces
- Brand: HEINZ
- Package Information: Bottle
- Allergen Information: Mustard

Below the 'About this item' section, there is a list of bullet points:

- One 8 oz bottle of Heinz Yellow Mustard
- Heinz Yellow Mustard delivers the perfect balance of flavor and tang
- Offers the thick and rich taste you expect from Heinz
- Contains 0 calories per serving
- **Made with #1 grade mustard seeds**
- Add tangy mustard flavor to burgers, hot dogs and sandwiches
- Bottled mustard comes in a convenient and easy-to-use inverted squeeze bottle

On the right side of the page, there are sections for 'Payment', 'Secure transaction', 'Add a gift receipt for easy returns', 'Subscribe & Save' (showing a price of \$1.59), 'FREE delivery Saturday, September 6 on orders shipped by Amazon over \$35', 'Other sellers on Amazon', and a 'New (2) from \$1.67 FREE Shipping on orders over \$35.00' offer.

The screenshot shows a video player on the Amazon product page. The video content displays a large quantity of mustard seeds, with a white graphic overlay in the center that reads '#1 GRADE MUSTARD SEED' in bold, black, sans-serif font. The video player interface includes 'VIDEOS' and 'IMAGES' tabs, and a close button (X) in the top right corner. To the right of the video player, the product title 'Heinz Yellow Mustard, 8 oz Bottle' is visible, along with the flavor name 'Mustard' and the size '8 Ounce (Pack of 1)'. Below this information, there are several small thumbnail images of the product and related items.

1 **Non-Exhaustive Examples of Defendant’s Canadian Labels Promoting Canadian-**
2 **Grown Mustard Seeds While Claiming to be “Imported”**



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Exhibit D

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DECLARATION OF DARRNELL MCCOY

I, DARRNELL MCCOY, DECLARE:

1. On or about April 11, 2023, I purchased French’s Dijon Mustard (the “Product”) for \$3.42, excluding taxes and delivery fees, through Walmart’s online mobile application.
2. At the time of my payment and review of the Product online, I was physically present within San Joaquin County, California, where I resided.
3. Also, it is my understanding that Defendant McCormick & Company, Inc. does business within San Joaquin County, California.

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

02/11/2025

By: 
Darrnell McCoy

