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Electronically FILED by  
Superior Court of California,  
County of Los Angeles  
11/12/2025 10:33 AM  
David W. Slayton,  
Executive Officer/Clerk of Court,  
By J. Covarrubias, Deputy Clerk

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES  
UNLIMITED JURISDICTION**

MICHAEL DOTSON, individually, and on  
behalf of others similarly situated,

Case No. **25STCV33161**

Plaintiff,

**CLASS ACTION COMPLAINT**

vs.

- (1) Violation of False Advertising Law (Cal. Business & Professions Code §§ 17500 *et seq.*) and
- (2) Violation of Unfair Competition Law (Cal. Business & Professions Code §§ 17200 *et seq.*)

POST HOLDINGS, INC., d/b/a BOB  
EVANS FARMS, LLC

Defendant.

**Jury Trial Demanded**

**(Amount to exceed \$35,000)**

1 Now comes the Plaintiff, MICHAEL DOTSON (“Plaintiff”), individually and on behalf  
2 of all others similarly situated, by and through his attorneys, and for his class action Complaint  
3 against the Defendant, POST HOLDINGS, INC., (“Defendant”), Plaintiff alleges and states as  
4 follows:

4 **PRELIMINARY STATEMENTS**

5 1. This is an action for damages, injunctive relief, and any other available legal or  
6 equitable remedies, for violations of Unfair Competition Law (Cal. Business & Professions Code  
7 §§ 17500 *et seq.*, and Unfair Competition Law (Cal. Business & Professions Code §§ 17200 *et*  
8 *seq* resulting from the illegal actions of Defendant, in advertising and labeling its products as  
9 containing “no artificial preservatives” when the products contain sodium phosphate and lactic  
10 acid. Plaintiffs allege as follows upon personal knowledge as to themselves and their own acts  
11 and experiences, and, as to all other matters, upon information and belief, including investigation  
12 conducted by their attorneys.

12 **JURISDICTION AND VENUE**

13 2. This class action is brought pursuant to California Code of Civil Procedure § 382.  
14 All causes of action in the instant complaint arise under California statutes.

15 3. This court has personal jurisdiction over Defendant, because Defendant does  
16 business within the State of California and County of Los Angeles.

17 4. Venue is proper in this Court because Defendant does business *inter alia* in the  
18 county of Los Angeles and a significant portion of the conduct giving rise to Plaintiffs Claims  
19 happened here.

19 **PARTIES**

20 5. Plaintiff Michael Dotson is an individual who was at all relevant times residing in  
21 Los Angeles County, California.

22 6. Defendant is a Missouri corporation headquartered in Saint Louis, Missouri.

23 7. At all times relevant hereto, Defendant was engaged in the manufacturing,  
24 marketing, and sale of macaroni and cheese.

24 **FACTS COMMON TO ALL COUNTS**

25 8. Defendant manufactures, advertises, markets, sells, and distributes products  
26 throughout California and the United States under brand name Bob Evans.

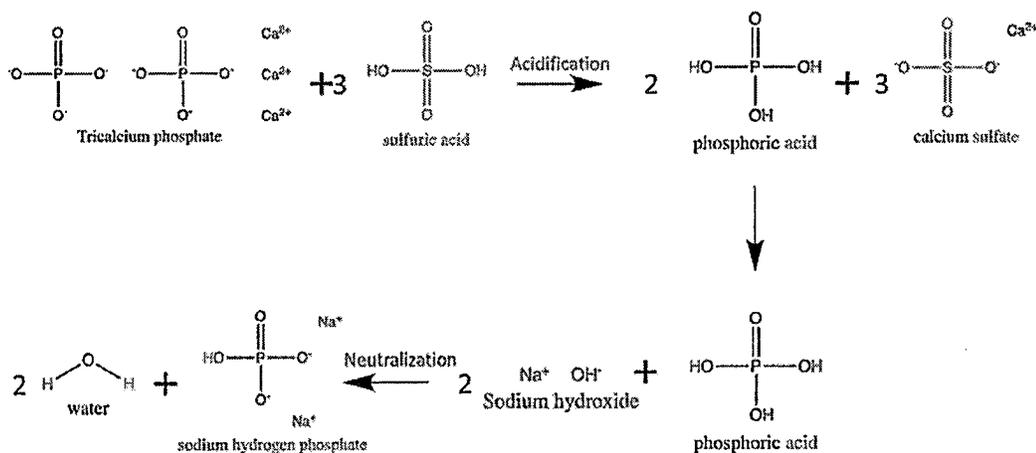
9. During the Class Period Defendant labeled the macaroni and cheese (the “Products”) as containing “no artificial preservatives” when they contain sodium phosphate and lactic acid.

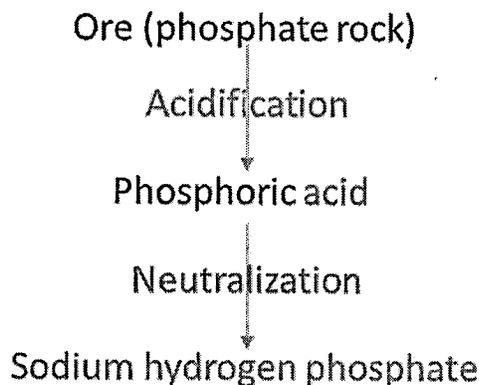
10. The United States Food and Drug Administration (“FDA”) defines the term chemical preservative as: “any chemical that, when added to food, tends to prevent or retard deterioration thereof, but does not include common salt, sugars, vinegars, spices, or oils extracted from spices, substances added to food by direct exposure thereof to wood smoke, or chemicals applied for their insecticidal or herbicidal properties.” 21 C.F.R. § 101.22.

11. Sodium phosphate salts are produced by a variety of synthetic processes including, but not limited to, acid base reactions between phosphoric acid and sodium carbonate.

12. The process to synthesize sodium phosphate includes the following: tricalcium phosphate is purified phosphate rock, which is then reacted with sulfuric acid to form phosphoric acid and calcium sulfate, phosphoric acid is then reacted with sodium hydroxide to create sodium phosphate salts and water.

13. The following figures depicts the synthesis of sodium hydrogen phosphate, one of the regularly used sodium phosphate salts:





10 14. Sodium phosphate salts are highly water-soluble inorganic salts and are added to

11 foods to retard the deterioration thereof by preventing microbial growth and survival, lipid

12 oxidation, and enzymatic browning to extend the shelf life of consumer food products.<sup>1</sup>

13 15. In basic terms, sodium phosphate salts extends the shelf-life of the Products by

14 creating an environment inhospitable to bacteria growth.

15 16. Specifically, as depicted in the chart below, sodium phosphates are used as

16 preservatives in cheese:

17 TABLE 4-1 Common Sodium-Containing Compounds Used for Food Preservation

Compound Name	Food to Which the Compound Is Added
Disodium ethylenediaminetetraacetic acid (EDTA)	Salad dressing, mayonnaise, canned seafood, fruit fillings
Sodium acetate	Baked goods, seafood
Sodium ascorbate	Meat products
Sodium benzoate	Beverages, fermented vegetables, jams, fruit fillings, salad dressings
Sodium dehydroacetate	Squash
Sodium diacetate	Condiments
Sodium erythorbate	Meat, soft drinks
Sodium lactate	Meat products
Sodium nitrate	Cured meats
Sodium nitrite	Cured meats
Sodium phosphates	Meat products, cheese, puddings or custards
Sodium propionate	Cheese, baked goods
Sodium sulfite	Fruit and vegetable products, seafood

18 SOURCE: Doyle et al., 2001.

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20 <sup>1</sup> National Academies of Sciences, Engineering, and Medicine. Strategies to Reduce

21 Sodium Intake in the United States, [https://nap.nationalacademies.org/catalog/12818/strategies-](https://nap.nationalacademies.org/catalog/12818/strategies-to-reduce-sodium-intake-in-the-united-states)

22 [to-reduce-sodium-intake-in-the-united-states](https://nap.nationalacademies.org/catalog/12818/strategies-to-reduce-sodium-intake-in-the-united-states).

23 <sup>2</sup> Doyle, M. P., L. R. Beuchat, and T. J. Montville, eds. 2001. Food microbiology:

24 Fundamentals and frontiers. 2nd ed. Washington, DC: ASM Press

1 17. Defendant uses manufactured, artificial lactic acid in the Products.

2 18. Manufactured lactic acid is produced through genetically engineered bacterial  
3 fermentation and acid base synthesis. Genetically engineered bacteria are fed a carbohydrate  
4 feedstock like glucose or sucrose and excrete lactic acid as a part of their biological metabolic  
5 process. Lactic acid is then collected and refined by removing dead bacteria cells through Rotary  
6 Drum Vacuum Filter.<sup>3</sup> Lactic acid is then purified and extracted by adding a calcium salt like  
7 calcium carbonate  $\text{CaCO}_3$  (lime, chalk) to cause a spontaneous synthetic acid-base reaction  
8 between the calcium carbonate and the lactic acid.<sup>4</sup> The result of that synthetic reaction is the salt  
9 calcium lactate. To purify and successfully convert the calcium lactate to lactic acid an additional  
10 industrial chemical, sulfuric acid is added to produce lactic acid and calcium sulfate (gypsum) the  
11 gypsum is then collected, and the lactic acid can then be further purified with organic solvents.<sup>5</sup>

12 19. Lactic acid is active against microorganisms in its undissociated form. The  
13 concentration of undissociated lactic acid in cheeses increases with the increase in total lactic acid  
14 content and is negatively correlated with pH. The main factors affecting microbial behavior in  
15 cheeses include pH,  $a_w$ , undissociated lactic acid concentration, and temperature.<sup>6</sup>

16 20. Lactic acid when added to food tends to prevent or retard deterioration thereof, but  
17 is not common salt, sugar, vinegar, a spice, an oil extracted from spices, a substance added to food  
18 by direct exposure thereof to wood smoke, or a chemical applied for its insecticidal or herbicidal  
19 properties

20 21. Based on the forgoing allegations, sodium phosphate salts and lactic acid are  
21 artificially produced chemicals that retard the deterioration consumer products. Therefore,  
22 Defendants use sodium phosphate salts and lactic acid that are artificial chemical preservatives in  
23 the Products.

24 22. On September 8, 2025, Plaintiff purchased one of the Products from an Amazon  
25 Fresh store located in Woodland Hills, California.

26 <sup>3</sup> G.K. Chotani et al., in *Handbook of Indus. Chem. & Biotech.*, 1495 (J.A. Kent et al.  
27 eds., Springer 2017).

28 <sup>4</sup> G.K. Chotani et al., in *Handbook of Indus. Chem. & Biotech.*, 1495 (J.A. Kent et al.  
eds., Springer 2017); A.O. Ojo & O. de Smidt, *Processes*, 11, 688 (2023).

<sup>5</sup> *Id.*

<sup>6</sup> Rosshaug P.S., Detmer A., Ingmer H., Larsen M.H. Modeling the growth of *Listeria*  
monocytogenes in soft blue-white cheese. *Appl. Environ. Microbiol.* 2012;78:8508–8514. doi:  
10.1128/AEM.01865-12; Sanaa M., Coroller L., Cerf O. Risk Assessment of Listeriosis Linked  
to the Consumption of Two Soft Cheeses Made from Raw Milk: Camembert of Normandy and  
Brie of Meaux. *Risk Anal.* 2004;24:389–399. doi: 10.1111/j.0272-4332.2004.00440.x.

1           23. When purchasing the Products Plaintiff made his purchasing decision because of  
2 the labeling on the Product that read “no artificial preservatives”.

3           24. Plaintiff, and reasonable consumers, understand the term “artificial” based on  
4 common parlance such that “artificial” means “made, produced, or done by people”.<sup>7</sup>

5           25. Persons, like Plaintiff herein, have an interest in purchasing products that do not  
6 contain false and misleading claims.

7           26. The following photo includes an example of the Products’ packaging including the  
8 relevant labeling:



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<sup>7</sup> Artificial, Merriam-Webster, <https://www.merriam-webster.com/dictionary/artificial> (last visited Mar. 13, 2025).

1           27. Plaintiff has been deprived of his legally-protected interest to obtain true and  
2 accurate information about the consumer products he buys as required by California Law.

3           28. As a result, Plaintiffs and the class members have been misled into purchasing  
4 Products that did not provide them with the benefit of the bargain they paid money for, namely  
5 that the Products would not contain artificial preservatives.

6           29. Plaintiffs and the Class Members expected to receive the benefit of avoiding the  
7 negative potential effects of consuming artificial preservatives, however they have been deprived  
8 of that benefit because the Products contain artificial sodium phosphate.

9           30. Alternatively, Plaintiffs would not have purchased the Products in lieu of other  
10 similar Products without Defendant's misleading "no artificial preservatives" label.

11           31. Plaintiffs and the Class Members paid a price premium to receive premium  
12 products that did not contain artificial preservatives, instead Plaintiffs received non-premium  
13 products containing artificial preservatives.

14           32. Plaintiff did not understand that the Products contained artificial preservatives  
15 when he purchased them.

16           33. Furthermore, due to Defendant's intentional, deceitful practice of labeling the  
17 Products as containing "no artificial preservatives", Plaintiff could not have known that the  
18 Products contained artificial preservatives.

19           34. By making false and misleading claims about the qualities of the Products,  
20 Defendant impaired Plaintiffs' ability to choose the type and quality of the Products they chose  
21 to buy.

22           35. Producers of consumer products, like Defendant, use consumer product labeling  
23 to increase consumer demand for products based on the perceived features or benefits of the  
24 products thereby increasing the price producers can charge for their products and/or the quantity  
25 they can sell.

26           36. Defendant by including "no artificial preservatives" labeling increased consumer  
27 demand for the Products by incentivizing consumers to purchase them to receive desirable product  
28 features.

          37. However, as described above, the "no artificial preservatives" label on Defendant's  
Products is misleading, and consumers have been therefore deprived of that product feature. As a  
result, Defendant has been able to sell the Products at a greater price and/or in greater quantity

1 than if Defendant did not include the challenged labeling, but without providing consumers with  
2 the promised product feature. Stated otherwise, Defendant coerced consumers to base their  
3 purchasing decision in material part on false claims, thereby fraudulently, deceptively, and  
4 unfairly increasing consumer demand for the product. Defendant profited from these acts by  
5 extracting additional funds from consumers than otherwise would not have been paid for Class  
6 Products, and also harmed competitors by luring would-be consumers of competitive products  
away from law-abiding products that were not so falsely advertised

7 38. Defendant, and not Plaintiff, the Class, or Sub-Class, knew or should have known  
8 that the Products included artificial preservatives, and that Plaintiff, the Class, and Sub-Class  
9 members would not be able to tell the Products contained artificial preservatives unless Defendant  
expressly told them, as required by law.

10 39. Plaintiffs regularly visit stores where the Products are sold and will likely be  
11 exposed to Defendant's "no artificial preservatives" labeling in the future. However, unless  
12 Defendant is forced to correct the fraudulent labeling or remove the synthetic preservatives,  
13 Plaintiff will be unable to determine if Defendant's "no artificial preservatives" label accurately  
14 reflects the true contents of the Products.

15 40. Plaintiffs believe that products without artificial flavors or preservatives are  
16 superior in quality to products that contain artificial preservatives, and desires to purchase  
Products that do not contain artificial preservatives as Defendant advertised the Products to be.

17 41. Plaintiff may purchase the Products again in the future, and as a result they will be  
18 harmed if Defendant is not forced to correct the fraudulent labeling or remove the artificial  
19 preservatives.

20 42. As a result of Defendants' acts and omissions outlined above, Plaintiff has suffered  
concrete and particularized injuries and harm, which include, but are not limited to, the following:

- 21 a. Lost money as a result in a shift of the consumer demand curve which  
22 increases consumer demand, the number of units sold, and the price of the  
23 Products;
- 24 b. Wasting Plaintiff's time; and
- 25 c. Stress, aggravation, frustration, loss of trust, loss of serenity, and loss of  
26 confidence in product labeling.

27 **CLASS ALLEGATIONS**

1           43. Plaintiff brings this action on behalf of themselves and all others similarly  
2 situated, as members of the proposed class (the “Class”), defined as follows:

3                   All persons within the United States who purchased the Products  
4 within four years prior to the filing of the original Complaint  
5 through to the date of class certification.

6           44. Plaintiff also brings this action on behalf of himself and all others similarly  
7 situated, as a member of the proposed California sub-class (the “Sub-Class”), defined as follows:

8                   All persons within California who purchased the Products within  
9 four years prior to the filing of the original Complaint through to  
10 the date of class certification.

11           45. Defendant, their employees and agents are excluded from the Class and Sub-Class.  
12 Plaintiff does not know the number of members in the Class and Sub-Class, but believe the  
13 members number in the thousands, if not more. Thus, this matter should be certified as a Class  
14 Action to assist in the expeditious litigation of the matter.

15           46. The Class and Sub-Class are so numerous that the individual joinder of all of their  
16 members is impractical. While the exact number and identities of their members are unknown to  
17 Plaintiff at this time and can only be ascertained through appropriate discovery, Plaintiff is  
18 informed and believes and thereon alleges that the Class and Sub-Class include thousands, if not  
19 millions of members. Plaintiff alleges that the class members may be ascertained by the records  
20 maintained by Defendant.

21           47. This suit is properly maintainable as a class action pursuant to Fed. R. Civ. P. 23(a)  
22 because the Class and Sub-Class are so numerous that joinder of their members is impractical and  
23 the disposition of their claims in the Class Action will provide substantial benefits both to the  
24 parties and the Court.

25           48. There are questions of law and fact common to the Class and Sub-Class affecting  
26 the parties to be represented. The questions of law and fact common to the Class and Sub-Class  
27 predominate over questions which may affect individual class members and include, but are not  
28 necessarily limited to, the following:

          a. Whether the Defendant intentionally, negligently, or recklessly  
disseminated false and misleading information by labeling the Products as  
containing “no artificial preservatives” when the Products contain sodium  
phosphate and lactic acid;

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- b. Whether the Class and Sub-Class members were informed that the Products contained artificial sodium phosphate and lactic acid;
- c. Whether the Products contained artificial sodium phosphate and lactic acid;
- d. Whether Defendant’s conduct was unfair and deceptive;
- e. Whether Defendant unjustly enriched itself as a result of the unlawful conduct alleged above;
- f. Whether the inclusion of artificial sodium phosphate in the Products is a material fact;
- g. Whether there should be a tolling of the statute of limitations; and
- h. Whether the Class and Sub-Class are entitled to restitution, actual damages, punitive damages, and attorney fees and costs.

49. As a resident of the United States and the State of California who purchased the Products, Plaintiff is asserting claims that are typical of the Class and Sub-Class.

50. Plaintiff has no interests adverse or antagonistic to the interests of the other members of the Class and Sub-Class.

51. Plaintiff will fairly and adequately protect the interests of the members of the Class and Sub-Class. Plaintiff has retained attorneys experienced in the prosecution of class actions.

52. A class action is superior to other available methods of fair and efficient adjudication of this controversy, since individual litigation of the claims of all Class and Sub-Class members is impracticable. Even if every Class and Sub-Class member could afford individual litigation, the court system could not. It would be unduly burdensome to the courts in which individual litigation of numerous issues would proceed. Individualized litigation would also present the potential for varying, inconsistent or contradictory judgments and would magnify the delay and expense to all parties, and to the court system, resulting from multiple trials of the same complex factual issues. By contrast, the conduct of this action as a class action presents fewer management difficulties, conserves the resources of the parties and of the court system and protects the rights of each class member. Class treatment will also permit the adjudication of relatively small claims by many class members who could not otherwise afford to seek legal redress for the wrongs complained of herein.

53. The prosecution of separate actions by individual members of the Class and Sub-Class would create a risk of adjudications with respect to them that would, as a practical matter, be dispositive of the interests of the other class members not parties to such adjudications or that

1 would substantially impair or impede the ability of such non-party class members to protect their  
2 interests.

3 54. Defendants have acted or refused to act in respect generally applicable to the Class  
4 and Sub-Class thereby making appropriate final and injunctive relief with regard to the members  
5 of the Class and Sub-Class as a whole.

6 55. The size and definition of the Class and Sub-Class can be identified through  
7 records held by retailers carrying and reselling the Products, and by Defendant’s own records.

8 **COUNT I**  
9 **VIOLATIONS OF THE CALIFORNIA FALSE ADVERTISING ACT**  
10 **(Cal. Bus. & Prof. Code §§ 17500 et seq.)**  
11 **On behalf of the Class and the Sub-Class**

12 56. Plaintiff incorporates by reference each allegation set forth above in paragraphs  
13 1 through 55.

14 57. Pursuant to California Business and Professions Code section 17500, *et seq.*, it  
15 is unlawful to engage in advertising “which is untrue or misleading, and which is known, or  
16 which by the exercise of reasonable care should be known, to be untrue or misleading...or...to  
17 so make or disseminate or cause to be so made or disseminated any such statement as part of a  
18 plan or scheme with the intent not to sell that personal property or those services, professional  
19 or otherwise, so advertised at the price stated therein, or as so advertised.”

20 58. California Business and Professions Code section 17500, *et seq.*’s prohibition  
21 against false advertising extends to the use of false or misleading written statements.

22 59. Defendant misled consumers by making misrepresentations and untrue  
23 statements about the Class Products, namely, Defendant sold the Products with labeling  
24 claiming the Products contained “no artificial preservatives” and made false representations to  
25 Plaintiff and other putative class members in order to solicit these transactions.

26 60. Specifically, Defendant claimed the Products “no artificial preservatives” when  
27 the Products contained artificial sodium phosphate and lactic acid.

28 61. Defendant knew that their representations and omissions were untrue and  
misleading, and deliberately made the aforementioned representations and omissions in order  
to deceive reasonable consumers like Plaintiff and other Class and Sub-Class Members.

62. As a direct and proximate result of Defendant’s misleading and false advertising,  
Plaintiff and the other Class Members have suffered injury in fact and have lost money or  
property. Plaintiff reasonably relied upon Defendant’s fraudulent statements regarding the

1 Products, namely that they did not know the Products contained artificial preservatives. In  
2 reasonable reliance on Defendant's omissions of material fact and false advertisements, Plaintiff  
3 and other Class and Sub-Class Members purchased the Products. In turn Plaintiff and other  
4 Class Members ended up with products that turned out to actually be different than advertised,  
and therefore Plaintiff and other Class Members have suffered injury in fact.

5 63. Plaintiff alleges that these false and misleading written representations made by  
6 Defendant constitute a "scheme with the intent not to sell that personal property or those  
7 services, professional or otherwise, so advertised at the price stated therein, or as so advertised."

8 64. Defendant advertised to Plaintiff and other putative class members, through  
9 written representations and omissions made by Defendant and its employees, that the Class  
Products contain "no artificial preservatives"

10 65. Defendant knew that the Class Products did in fact contain artificial sodium  
11 phosphate and lactic acid.

12 66. Thus, Defendant knowingly sold Class Products to Plaintiff and other putative  
13 class members that contained artificial sodium phosphate and were not as advertised.

14 67. The misleading and false advertising described herein presents a continuing  
15 threat to Plaintiff and the Class and Sub-Class Members in that Defendant persists and continues  
16 to engage in these practices, and will not cease doing so unless and until forced to do so by this  
17 Court. Defendant's conduct will continue to cause irreparable injury to consumers unless  
18 enjoined or restrained. Plaintiff is entitled to preliminary and permanent injunctive relief  
19 ordering Defendant to cease their false advertising, as well as disgorgement and restitution to  
20 Plaintiff and all Class Members Defendant's revenues associated with their false advertising, or  
such portion of those revenues as the Court may find equitable.

21 **COUNT II**  
**VIOLATIONS OF UNFAIR BUSINESS PRACTICES ACT**  
22 **(Cal. Bus. & Prof. Code §§ 17200 et seq.)**  
**On behalf of the Class and Sub-Class**

23 68. Plaintiff incorporates by reference each allegation set forth above in paragraphs  
24 1 through 55.

25 69. Actions for relief under the unfair competition law may be based on any business  
26 act or practice that is within the broad definition of the UCL. Such violations of the UCL occur  
27 as a result of unlawful, unfair or fraudulent business acts and practices. A plaintiff is required  
28 to provide evidence of a causal connection between a defendant's business practices and the

1 alleged harm--that is, evidence that the defendant's conduct caused or was likely to cause  
2 substantial injury. It is insufficient for a plaintiff to show merely that the defendant's conduct  
3 created a risk of harm. Furthermore, the "act or practice" aspect of the statutory definition of  
4 unfair competition covers any single act of misconduct, as well as ongoing misconduct.

#### UNFAIR

5 70. California Business & Professions Code § 17200 prohibits any "unfair ...  
6 business act or practice." Defendant's acts, omissions, misrepresentations, and practices as  
7 alleged herein also constitute "unfair" business acts and practices within the meaning of the  
8 UCL in that its conduct is substantially injurious to consumers, offends public policy, and is  
9 immoral, unethical, oppressive, and unscrupulous as the gravity of the conduct outweighs any  
10 alleged benefits attributable to such conduct. There were reasonably available alternatives to  
11 further Defendant's legitimate business interests, other than the conduct described herein.  
12 Plaintiff reserves the right to allege further conduct which constitutes other unfair business acts  
or practices. Such conduct is ongoing and continues to this date.

13 71. In order to satisfy the "unfair" prong of the UCL, a consumer must show that the  
14 injury: (1) is substantial; (2) is not outweighed by any countervailing benefits to consumers or  
15 competition; and, (3) is not one that consumers themselves could reasonably have avoided.

16 72. Here, Defendant's conduct has caused and continues to cause substantial injury  
17 to Plaintiff and members of the Class. Plaintiff and members of the Class have suffered injury  
18 in fact due to Defendant's decision to sell them fraudulently labeled products (Class Products).  
19 Thus, Defendant's conduct has caused substantial injury to Plaintiff and the members of the  
Class and Sub-Class.

20 73. Moreover, Defendant's conduct as alleged herein solely benefits Defendant  
21 while providing no benefit of any kind to any consumer. Such deception utilized by Defendant  
22 convinced Plaintiff and members of the Class that the Class Products contained "no artificial  
23 preservatives" in order to induce them to spend money on said Class Products. In fact, knowing  
24 that Class Products, by their objective terms contained artificial sodium phosphate and lactic  
25 acid, unfairly profited from their sale, in that Defendant knew that the expected benefit that  
26 Plaintiff would receive from this feature is nonexistent, when this is typically never the case in  
27 situations involving consumer products. Thus, the injury suffered by Plaintiff and the members  
28 of the Class and Sub-Class is not outweighed by any countervailing benefits to consumers.

1 74. Finally, the injury suffered by Plaintiff and members of the Class and California  
2 Sub-Class is not an injury that these consumers could reasonably have avoided. After  
3 Defendant, fraudulently labeled the Class Products as containing “no artificial preservatives”  
4 the Plaintiff, Class members, and Sub-Class Members suffered injury in fact due to Defendant’s  
5 sale of Class Products to them. Defendant failed to take reasonable steps to inform Plaintiff and  
6 Class and Sub-Class members that the Class Products contained artificial sodium phosphate and  
7 are not as advertised as a result. As such, Defendant took advantage of Defendant’s position of  
8 perceived power in order to deceive Plaintiff and the Class members to purchase the products.  
9 Therefore, the injury suffered by Plaintiff and members of the Class is not an injury which these  
10 consumers could reasonably have avoided.

11 75. Thus, Defendant’s conduct has violated the “unfair” prong of California Business  
& Professions Code § 17200.

#### 12 FRAUDULENT

13 76. California Business & Professions Code § 17200 prohibits any “fraudulent ...  
14 business act or practice.” In order to prevail under the “fraudulent” prong of the UCL, a  
15 consumer must allege that the fraudulent business practice was likely to deceive members of  
16 the public.

17 77. The test for “fraud” as contemplated by California Business and Professions  
18 Code § 17200 is whether the public is likely to be deceived. Unlike common law fraud, a §  
19 17200 violation can be established even if no one was actually deceived, relied upon the  
20 fraudulent practice, or sustained any damage.

21 78. Here, not only were Plaintiff and the Class and Sub-Class members likely to be  
22 deceived, but these consumers were actually deceived by Defendant. Such deception is  
23 evidenced by the fact that Plaintiff agreed to purchase Class Products at a price premium even  
24 though the Products contained artificial sodium phosphate and lactic acid. Plaintiff’s reliance  
25 upon Defendant’s deceptive statements is reasonable due to the unequal bargaining powers of  
26 Defendant and Plaintiff. For the same reason, it is likely that Defendant’s fraudulent business  
27 practice would deceive other members of the public.

28 79. As explained above, Defendant deceived Plaintiff and other Class Members by  
labeling the Products containing “no artificial preservatives” when in fact the Products contain  
artificial sodium phosphate and lactic acid.



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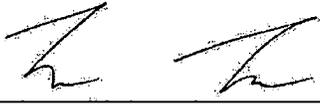
relief:

- (a) An order certifying the Class and Sub-Class and appointing Plaintiff as Representative of the Class and Sub-Class;
- (b) An order certifying the undersigned counsel as Class and Sub-Class Counsel;
- (c) An order requiring Defendant to engage in corrective advertising regarding the conduct discussed above;
- (d) Actual damages suffered by Plaintiff and Class and Sub-Class Members as applicable or full restitution of all funds acquired from Plaintiff and Class and Sub-Class Members from the sale of misbranded Class Products during the relevant class period;
- (e) Punitive damages, as allowable, in an amount determined by the Court or jury;
- (f) Any and all statutory enhanced damages;
- (g) All reasonable and necessary attorneys' fees and costs provided by statute, common law or the Court's inherent power;
- (h) Pre- and post-judgment interest; and
- (i) All other relief, general or special, legal and equitable, to which Plaintiff and Class and Sub-Class Members may be justly entitled as deemed by the Court.

Dated: November 12, 2025

Respectfully submitted,

LAW OFFICES OF TODD M. FRIEDMAN, PC

By:   
 TODD M. FRIEDMAN, Esq.  
 Attorney for Plaintiff