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20 *Attorneys for Plaintiffs and the Putative Classes*

21 UNITED STATES DISTRICT COURT  
22 SOUTHERN DISTRICT OF CALIFORNIA

23 BIANCA JOHNSTON, AND  
24 ANATASIA CHERNOV,  
25 individually and on behalf of all  
26 others similarly situated,

27 Plaintiffs,

28 vs.

COSTCO WHOLESALE,  
CORPORATION, and DOES 1-10.

Defendant.

Case No. **'26CV0403 AJB AHG**

**CLASS ACTION COMPLAINT**

Jury Trial Demanded

**INTRODUCTION**

1. Costco Wholesale Corporation (“Costco” or “Defendant”) has systemically cheated customers out of tens—if not hundreds—of millions of dollars by falsely advertising its Kirkland Signature Seasoned Rotisserie Chicken (“Rotisserie Chicken”) as containing “no preservatives.”





**FACTUAL ALLEGATIONS**

**A. Costco Advertises Its Rotisserie Chicken as Preservative Free.**

15. Costco markets, advertises, and sells its Rotisserie Chicken in its warehouse stores nationwide and through its website, <https://sameday.costco.com> (“Website”).

16. Costco makes various representations in-store and online that its Rotisserie Chickens have “no preservatives” (“No Preservatives’ Representations”).

17. Within its stores, Costco makes “No Preservatives” Representations on large signs:



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1 18. These signs are positioned at or near the Rotisserie Chicken display in  
2 Costco's stores and are prominently displayed so that consumers see Costco's  
3 message that its Rotisserie Chicken is free of any preservatives when deciding  
4 whether to purchase the product:



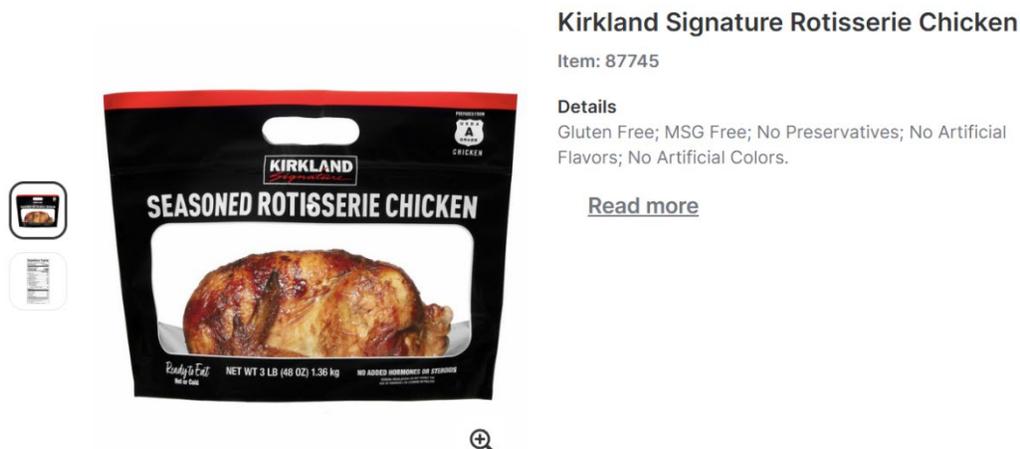
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27 ///

28

19. Costco also makes “No Preservatives” Representations on its Website:



20. The online product listing conveys to consumers that the Rotisserie Chicken has “No Preservatives” when consumers are deciding whether to add the product to their online shopping cart.

21. Through the “No Preservatives” Representations, Costco ensures that consumers understand and believe that the Rotisserie Chicken does not contain preservatives.

22. Costco makes the “No Preservatives” Representations without any qualifying language.

**B. Consumers Rely on Costco’s “No Preservatives” Representations.**

23. “No preservatives,” “preservative free,” and similar representations about a food product concern the nature and composition of the product.

24. Because consumers, including Plaintiffs, want to know what is in their food, and relatedly what goes into their bodies, they consider the presence or absence of preservatives when purchasing food products.<sup>1</sup>

<sup>1</sup> See Gary Drenik, *Beyond The Label – Consumers Want The Truth About Product Ingredients*, Forbes (July 18, 2024), <https://www.forbes.com/sites/garydrenik/2024/07/18/beyond-the-label--consumers-want-the-truth-about-product-ingredients/> (last visited Jan. 22, 2026) (“[C]onsumers

1 25. No-preservatives, “preservative free,” and similar representations signal  
 2 to consumers that a product does not include ingredients that function to prevent or  
 3 retard spoilage, oxidation, discoloration, microbial growth, or other forms of  
 4 deterioration.<sup>2</sup>

5 26. Many consumers prefer products advertised as free of preservatives and  
 6 reasonably rely on prominent front-of-label and point-of-sale representations when  
 7 making purchase decisions.<sup>3</sup>

8 27. Consumers reasonably place greater weight on clear, conspicuous  
 9 statements like “No Preservatives” than on smaller print disclosures elsewhere on a  
 10 product’s packaging, such as a “back of the label” ingredients list.<sup>4</sup>

11 28. Consumers do not expect a product advertised as “preservative free” to  
 12 contain added ingredients that act as preservatives.

13 \_\_\_\_\_  
 14 are increasingly demanding products free from potentially harmful additives and  
 15 preservatives and using their spending power to influence companies.”); Anna  
 16 Kinder, *Coming Clean: Consumers Prioritize Ingredient Transparency*, The Food  
 17 Inst. (Mar. 6, 2025), [https://foodinstitute.com/focus/coming-clean-consumers-](https://foodinstitute.com/focus/coming-clean-consumers-prioritize-ingredient-transparency/)  
 18 [prioritize-ingredient-transparency/](https://foodinstitute.com/focus/coming-clean-consumers-prioritize-ingredient-transparency/) (last visited Jan. 22, 2026) (explaining  
 19 “[h]eightedened awareness of the health risks of artificial preservatives has fueled” the  
 20 “clean-label ingredients market” and “demand for minimally processed foods”).

21 <sup>2</sup> A preservative is an ingredient that “that, when added to food tends to prevent or  
 22 retard deterioration thereof,” according to the FDA. *See* 21 C.F.R. § 101.22(a)(5).

23 <sup>3</sup> *See* Drenik, *supra* note 18; NDTV Food Desk, *Why Consumers Are Saying No To*  
 24 *Artificial Ingredients And Yes To Clean Label Products*, NDTV Food (June 16,  
 25 2025), [https://food.ndtv.com/food-drinks/why-consumers-are-saying-no-to-](https://food.ndtv.com/food-drinks/why-consumers-are-saying-no-to-artificial-ingredients-and-yes-to-clean-label-products-8659304)  
 26 [artificial-ingredients-and-yes-to-clean-label-products-8659304](https://food.ndtv.com/food-drinks/why-consumers-are-saying-no-to-artificial-ingredients-and-yes-to-clean-label-products-8659304) (last visited Jan. 22,  
 27 2026) (“[C]onsumers actively prefer foods that contain simple, natural ingredients.”).

28 <sup>4</sup> *Cf.* Aviva A. Musicus et al., *The Relationship Between Fruit Drink Front-of-*  
*Package Claims, Fruit Imagery, and Ingredient Disclosures and Consumer*  
*Perceptions, Intentions, and Behavior: A Systematic Review*, J. Acad. Nutrition &  
 Dietetics (Oct. 2025), [https://www.jandonline.org/article/S2212-2672\(25\)00038-](https://www.jandonline.org/article/S2212-2672(25)00038-3/abstract)  
[3/abstract](https://www.jandonline.org/article/S2212-2672(25)00038-3/abstract) (last visited Jan. 22, 2026) (explaining in context of fruit drinks, front-of-  
 package claims “are associated with increased selection [and] purchase intentions”).

1 **C. Costco’s “No Preservatives” Representations Are False.**

2 29. Despite Costco’s “No Preservatives” Representations, Costco uses the  
3 additives sodium phosphate and carrageenan in its Rotisserie Chicken.

4 30. Sodium phosphate functions as a chemical preservative in foods because  
5 it buffers and controls pH, chelates metal ions, and reduces fat oxidation, which  
6 collectively inhibit or retard microbial growth and spoilage.<sup>5</sup>

7 31. Sodium phosphate also stabilizes proteins and emulsions, helping  
8 maintain texture and quality over time and thereby extending shelf stability—i.e.,  
9 performing a preservative function.<sup>6</sup>

10 32. Similarly, carrageenan is used to preserve food texture and extend shelf  
11 life.<sup>7</sup>

12 33. Because sodium phosphate and carrageenan perform preservative  
13 functions in the Rotisserie Chicken, the Rotisserie Chicken in fact contains added  
14 preservatives.

15 34. Costco’s “No Preservatives” Representations are false and misleading,  
16 as they are inconsistent with the product’s actual added ingredients, namely sodium  
17 phosphate and carrageenan.

18 35. This inconsistency is not apparent to consumers at the time of purchase  
19 because, compared to the “No Preservatives” Representations, the “back of the label”  
20

21  
22 <sup>5</sup> See Katarzyna Kimel, *Properties and applications of sodium phosphate*, Natural  
23 Poland (May 26, 2022), [https://naturalpoland.com/en/artykuly/food-  
24 additives/properties-and-applications-of-sodium-phosphate/](https://naturalpoland.com/en/artykuly/food-additives/properties-and-applications-of-sodium-phosphate/) (last visited Jan. 22,  
2026).

25 <sup>6</sup> See *id.*

26  
27 <sup>7</sup> See *Carrageenan: Enhancing Texture and Improving Shelf-Life in Processed*  
28 *Foods*, EasyBuy Ingredients, [https://easybuyingredients.com/blog/carrageenan-  
product-improvement/](https://easybuyingredients.com/blog/carrageenan-product-improvement/) (last visited Jan. 22, 2026).

1 ingredient list is less prominent, appearing in smaller print on the Rotisserie  
2 Chicken’s packaging.

3 36. Moreover, the “No Preservatives” Representations, which appear on  
4 prominent, in-store signs and Costco’s Website create an overall net impression that  
5 the Rotisserie Chicken does not contain added preservatives.

6 37. The presence of sodium phosphate and carrageenan, added  
7 preservatives which function as such in the Rotisserie Chicken, contradict the overall  
8 net impression that Costco’s “No Preservatives” Representations and advertising  
9 create.

10 38. Consumers, including Plaintiffs, make purchasing decisions based on  
11 whether a food product is “preservative free,” but they are unable to determine prior  
12 to purchase that the Rotisserie Chicken contains added preservatives because they  
13 reasonably rely on Costco’s prominent “No Preservatives” Representations and the  
14 net impression they create.

15 **D. Plaintiffs’ Experiences.**

16 **1. Bianca Johnston.**

17 39. Plaintiff Bianca Johnston is a citizen of California and has been  
18 subjected to Costco’s false and misleading Rotisserie Chicken advertising practices.

19 40. Ms. Johnston prefers to purchase foods that are preservative free when  
20 possible and representations about the presence of preservatives are material to her  
21 decision to purchase products.

22 41. On or about December 9, 2024, Ms. Johnston visited a Costco store in  
23 Victorville, California.

24 42. While in the store, Ms. Johnston observed an in-store sign above the  
25 Rotisserie Chicken display that stated that Costco’s Rotisserie Chicken had “no  
26 preservatives.”

27 43. Relying on Costco’s “No Preservatives” Representations, Ms. Johnston  
28 decided to purchase a Rotisserie Chicken for personal and household consumption.

1 44. At the time of purchase, Ms. Johnston did not know that the Rotisserie  
2 Chicken contained sodium phosphate and carrageenan and that these added  
3 ingredients acted as preservatives in the product.

4 45. Based on Costco’s “No Preservatives” Representations, Ms. Johnston  
5 reasonably believed that the Rotisserie Chicken did not contain added preservatives.

6 46. After purchasing the Rotisserie Chicken, Ms. Johnston later learned that  
7 the ingredients include the two added preservatives, sodium phosphate and  
8 carrageenan, contrary to Costco’s “No Preservatives” Representations.

9 47. Had Ms. Johnston known before purchasing that the Rotisserie Chicken  
10 contained the preservatives sodium phosphate and carrageenan, Ms. Johnston would  
11 not have purchased the Rotisserie Chicken.

12 48. Ms. Johnston intends to purchase the Rotisserie Chicken in the future  
13 but cannot rely on Costco’s preservative-related representations for the product  
14 unless those representations are accurate and consistent with the product’s  
15 ingredients.

16 49. So long as the Rotisserie Chicken is advertised as containing no  
17 preservatives—when it contains added ingredients that act as preservatives—Ms.  
18 Johnston will be unable to make informed decisions about whether to purchase the  
19 Rotisserie Chicken in the future and will be unable to evaluate the different prices  
20 between Costco’s Rotisserie Chicken and competitors’ products.

21 **2. Anatasia Chernov.**

22 50. Plaintiff Anatasia Chernov is a citizen of California and has been  
23 subjected to Costco’s false and misleading Rotisserie Chicken advertising practices.

24 51. Ms. Chernov prefers to purchase foods that are preservative free when  
25 possible and representations about the presence of preservatives are material to her  
26 decision to purchase products.

27 52. On or about February 17, 2025, Ms. Chernov visited a Costco store in  
28 San Marcos, California.

1 53. While in the store, Ms. Chernov observed an in-store sign above the  
2 Rotisserie Chicken display that stated that Costco’s Rotisserie Chicken had “no  
3 preservatives.”

4 54. Relying on Costco’s “No Preservatives” Representations, Ms. Chernov  
5 decided to purchase two Rotisserie Chickens for personal and household  
6 consumption.

7 55. At the time of purchase, Ms. Chernov did not know that the Rotisserie  
8 Chicken contained the added preservatives sodium phosphate and carrageenan.

9 56. Based on Costco’s “No Preservatives” Representations, Ms. Chernov  
10 reasonably believed that the Rotisserie Chicken did not contain added preservatives.

11 57. After purchasing the two Rotisserie Chickens, Ms. Chernov later  
12 learned that the ingredients include the two added preservatives, sodium phosphate  
13 and carrageenan, contrary to Costco’s “No Preservatives” Representations.

14 58. Had Ms. Chernov known before purchasing that the Rotisserie Chicken  
15 contained sodium phosphate and carrageenan and that these ingredients acted as  
16 preservatives, Ms. Chernov would not have purchased the two Rotisserie Chickens.

17 59. Ms. Chernov intends to purchase the Rotisserie Chicken in the future  
18 but cannot rely on Costco’s preservative-related representations for the product  
19 unless those representations are accurate and consistent with the product’s  
20 ingredients.

21 60. So long as the Rotisserie Chicken is advertised as containing no  
22 preservatives—when it contains added ingredients that act as preservatives—Ms.  
23 Chernov will be unable to make informed decisions about whether to purchase the  
24 Rotisserie Chicken in the future and will be unable to evaluate the different prices  
25 between Costco’s Rotisserie Chicken and competitors’ products.

26 **FED. R. CIV. P. 9(B) ALLEGATIONS**

27 61. Although Defendant is best situated to know the composition of its  
28 Rotisserie Chicken, to the extent necessary, as detailed in this Complaint, Plaintiffs

1 have satisfied the requirements of Rule 9(b) by establishing the following elements  
2 with sufficient particularity.

3 62. **Who:** Costco, Plaintiffs, and the Classes (as defined below).

4 63. **What:** Costco’s conduct, as described herein, was and continues to be  
5 deceptive because it omitted and concealed that its Rotisserie Chicken contains two  
6 preservatives, sodium phosphate and carrageenan, despite affirmatively representing  
7 through its “No Preservatives” Representations that the Rotisserie Chicken contains  
8 no preservatives. This false and misleading representation was material to Plaintiffs  
9 and the Classes because Plaintiffs and members of the Classes would not have  
10 purchased Rotisserie Chickens at all had they known the Products contained the  
11 added preservatives sodium phosphate and carrageenan. Costco knew or should have  
12 known that this information is material to reasonable consumers, including Plaintiff  
13 and members of the Classes, in making their purchasing decisions, given Costco’s  
14 industry expertise and offering of products and consumer trends within the industry,  
15 as described above, yet it continues to pervasively advertise the Rotisserie Chicken  
16 in the alleged manner.

17 64. **When:** Costco made material misrepresentations and omissions to  
18 Plaintiffs and members of the Classes during the putative class period, including prior  
19 to and at the time of purchase, despite its knowledge that the Rotisserie Chicken did,  
20 in fact, contain added preservatives. Plaintiff and Class Members viewed the “No  
21 Preservatives” Representations made by Costco on in-store signs and Costco’s  
22 Website when purchasing and understood them to mean that the Product did not  
23 contain any preservatives.

24 65. **Where:** Costco made material misrepresentations and omissions on the  
25 Rotisserie Chicken’s in its stores and on its Website.

26 66. **How:** Costco made material false misrepresentations and omissions of  
27 fact regarding the Rotisserie Chicken by making the “No Preservatives”  
28 Representations, representing that the Rotisserie Chicken contained no added

1 preservatives. Costco omitted material disclosures to consumers about the true  
2 contents of the Rotisserie Chicken. Reasonable consumers would understand  
3 Costco’s “No Preservatives” Representations to mean that the Rotisserie Chicken did  
4 not contain any added ingredients that function as preservatives and would not expect  
5 that the Rotisserie Chicken in fact contained added preservatives.

6 67. **Injury:** Plaintiff and members of the Classes would not have purchased  
7 the Rotisserie Chicken at all, absent Costco’s misrepresentations or omissions.

8 **TOLLING ALLEGATIONS**

9 68. Plaintiffs and members of the Classes did not discover, and could not  
10 reasonably have discovered, the facts constituting Costco’s misconduct until shortly  
11 before filing this action.

12 69. Costco concealed the true nature of the Rotisserie Chicken by  
13 prominently representing it as having “no preservatives,” without qualification, while  
14 formulating it with ingredients that act as preservatives.

15 70. Costco’s concealment included affirmative misstatements and  
16 omissions on in-store signs and Costco’s Website, none of which disclosed the added  
17 preservatives sodium phosphate and carrageenan.

18 71. Any disclosure of these added ingredients appeared, if at all, only in  
19 small print on the “back of the label” ingredient list and without any explanation of  
20 their preservative roles, rendering any such disclosures insufficient to alert a  
21 reasonable consumer to the falsity of Costco’s prominent “No Preservatives”  
22 Representations.

23 72. Costco possessed superior knowledge regarding the formulation and  
24 preservative functions of the Rotisserie Chicken’s ingredients and failed to disclose  
25 this material information to consumers.

26 73. Plaintiffs and Class Members acted with reasonable diligence, as they  
27 reviewed Costco’s prominent “No Preservatives” Representations and had no reason  
28

1 to suspect that these representations were false or that further investigation was  
2 necessary.

3 74. As a result of Costco’s concealment and omissions, the applicable  
4 statutes of limitations are tolled until the time Plaintiffs and members of the Classes  
5 discovered, or reasonably could have discovered, the truth.

6 75. Plaintiffs discovered the false nature of Costco’s misrepresentations in  
7 January 2026 and promptly filed this lawsuit.

8 **CLASS ALLEGATIONS**

9 76. This action is brought and may properly proceed as a class action  
10 pursuant to Federal Rule of Civil Procedure 23 (“Rule 23”), including, without  
11 limitation, Sections (b)(2) and (b)(3) of Rule 23.

12 77. Plaintiffs seek certification of the following Classes:

13 *Nationwide Class*: All persons in the United States who  
14 purchased Costco’s Rotisserie Chicken (the “Nationwide  
Class”).

15 *California Subclass*: All persons in California who  
16 purchased Costco’s Rotisserie Chicken (the “California  
Subclass”).

17 78. Plaintiffs explicitly reserve their right to amend, add to, modify, and/or  
18 otherwise change the proposed class definitions as discovery in this action  
19 progresses.

20 79. The following people are excluded from the Classes: (1) any Judge or  
21 Magistrate presiding over this action, members of their staffs (including judicial  
22 clerks), and members of their families; (2) Defendant, Defendant’s subsidiaries,  
23 parents, successors, predecessors, and any entity in which Defendant or its parents  
24 have a controlling interest, and their current or former employees, officers and  
25 directors; (3) persons who properly execute and file a timely request for exclusion  
26 from the Class; (4) persons whose claims in this matter have been finally adjudicated  
27 on the merits or otherwise released; (5) Plaintiffs’ counsel and Defendants’ counsel,  
28

1 and non-attorney employees of their firms; and (6) the legal representatives,  
2 successors, and assigns of any such excluded persons.

3 80. **Numerosity.** Plaintiffs are informed and believe that there are hundreds  
4 of thousands, if not millions, of members of the Classes. The Classes are so large that  
5 the joinder of all of the members in each of the Classes is impracticable. The exact  
6 number of members of each Class can be determined from information in the  
7 possession and control of Costco.

8 81. **Commonality.** Costco has acted or refused to act on grounds that apply  
9 generally to the Classes. Absent certification of the Classes, the relief sought herein  
10 creates the possibility of inconsistent judgments and/or obligations imposed on  
11 Costco. Numerous common issues of fact and law exist, including, without  
12 limitation:

- 13 a. Whether Defendant's Rotisserie Chicken was free of  
14 preservatives.
- 15 b. Whether Defendant's Rotisserie Chicken contained preservatives  
16 and additives contrary to a reasonable consumer's understanding  
17 of Defendant's "No Preservatives" Representations.
- 18 c. Whether reasonable consumers would understand Defendant's  
19 "No Preservatives" Representations to be false and misleading.
- 20 d. Whether Defendant's "No Preservatives" Representations were  
21 material.
- 22 e. Whether Defendant knew that its "No Preservatives"  
23 Representations were false and misleading.
- 24 f. Whether Defendant violated Washington's Consumer Protection  
25 Act ("WCPA"), RCW 19.86.010 *et seq.*
- 26 g. Whether Defendant was unjustly enriched as a result of its  
27 unlawful conduct alleged in this Complaint.

- 1 h. Whether Defendant violated California’s Consumers Legal
- 2 Remedies Act, (“CLRA”), Cal. Civ. Code §§ 1750, *et seq.*
- 3 i. Whether Defendant violated California’s Unfair Competition
- 4 Law (“UCL”), Cal. Bus. & Prof. Code §§ 17200, *et seq.*
- 5 j. Whether Defendant violated California’s False Advertising Law
- 6 (“FAL”), Cal. Bus. & Prof. Code §§ 17500, *et seq.*

7 82. **Predominance.** These common issues predominate over individualized  
8 inquiries in this action because Costco’s liability can be established as to all members  
9 of the Classes as discussed herein.

10 83. **Typicality.** Plaintiffs’ claims against Costco and experiences with  
11 Costco are typical, if not identical, to the claims and experiences of members of the  
12 Classes in that, among other reasons, Plaintiffs’ claims arise from their exposure to  
13 and reliance on Costco’s standardized false and misleading “No Preservatives”  
14 Representations when purchasing the Rotisserie Chicken and their losses suffered as  
15 a result of their purchases.

16 84. **Adequacy.** Plaintiffs will fairly and adequately represent and protect the  
17 interests of the Classes and have retained counsel competent and experienced in  
18 complex litigation and class actions. Plaintiffs’ claims are representative of the  
19 claims of the other members of the Classes, as Plaintiffs and each member of the  
20 Classes lost money by relying on Costco’s false and misleading “No Preservatives”  
21 Representations when purchasing Rotisserie Chickens. Plaintiffs also have no  
22 interests antagonistic to those of the Classes, and Costco has no defenses unique to  
23 Plaintiffs. Plaintiffs and their counsel are committed to vigorously prosecuting this  
24 action on behalf of the Classes and have the financial resources to do so. Neither  
25 Plaintiffs nor their counsel have any interest adverse to the Classes.

26 85. **Superiority.** There are substantial benefits to proceeding as a class  
27 action that render proceeding as a class action superior to any alternatives, including  
28 that it will provide a realistic means for members of the Classes to recover damages;

1 the damages suffered by members of the Classes may be relatively small; it would be  
2 substantially less burdensome on the courts and the parties than numerous individual  
3 proceedings; many members of the Classes may be unaware that they have legal  
4 recourse for the conduct alleged herein; and because issues common to members of  
5 the Classes can be effectively managed in a single proceeding. Plaintiffs and their  
6 counsel know of no difficulty that could be encountered in the management of this  
7 litigation that would preclude its maintenance as a class action.

8 86. Plaintiffs reserve the right to revise each of the foregoing allegations  
9 based on facts learned through additional investigation and in discovery.

10 **CAUSES OF ACTION**

11 **A. First Cause of Action: Violation of Washington’s Consumer Protection**  
12 **Act (“WCPA”), Rev. Code Wash. §§ 19.86.010 *et seq.*, on Behalf of**  
13 **Plaintiffs and the Nationwide Class.**

14 87. Plaintiffs incorporate by reference the allegations contained in  
15 Paragraphs 1 through 86, inclusive, of this Complaint.

16 88. The WCPA makes it unlawful to commit “[u]nfair methods of  
17 competition and unfair or deceptive acts or practices in the conduct of any trade or  
18 commerce.” Rev. Code Wash. § 19.86.020; *see also id.* § 19.86.090 (providing  
19 private right of action for “[a]ny person who is injured” by violations of the Act).

20 89. In the course of Costco’s business, through its “No Preservatives”  
21 Representations and advertising, it deceptively advertised that the Rotisserie Chicken  
22 contains no preservatives, when, in fact, the Rotisserie Chicken contains additives  
23 that function as preservatives in the product.

24 90. Costco’s misrepresentations and omissions occurred in the conduct of  
25 trade or commerce, as it marketed, advertised, sold, and distributed the Rotisserie  
26 Chicken to consumers throughout Washington and the United States.

27 91. Costco’s acts affect the public interest because Costco’s false and  
28 misleading “No Preservatives” Representations were made to the general public at

1 large, that practice is capable of repetition and has the capacity to deceive a  
2 substantial portion of the public; and consumers, including Plaintiffs and the  
3 Nationwide Class, reasonably relied on Costco’s “No Preservatives” Representations  
4 in making purchasing decisions.

5 92. Costco’s unfair and deceptive acts caused Plaintiffs and the Nationwide  
6 Class to suffer an injury to their business or property, including but not limited to the  
7 purchase price paid for the Rotisserie Chicken or, alternatively, the premium  
8 attributable to Costco’s misleading “No Preservatives” Representations.

9 93. Plaintiffs and the Nationwide Class would not have purchased the  
10 Rotisserie Chicken, or would have paid significantly less for it, had they known the  
11 truth about the presence and preservative function of certain of its added ingredients,  
12 namely sodium phosphate and carrageenan.

13 94. Plaintiffs and the Nationwide Class were injured as a result of Costco’s  
14 conduct and suffered ascertainable monetary loss.

15 95. Plaintiffs, on behalf of themselves and the Nationwide Class, seek an  
16 award of actual damages, treble damages, injunctive relief, restitution, disgorgement  
17 of the funds by which Costco was unjustly enriched, and attorney’s fees and costs as  
18 permitted by the WCPA. Rev. Code Wash. § 19.86.090.

19 96. Pursuant to Revised Code of Washington § 19.86.095, Plaintiffs will  
20 serve the Washington Attorney General with a copy of this Complaint, as Plaintiffs  
21 seek injunctive relief.

22 **B. Second Cause of Action: Violation of California’s Consumer Legal**  
23 **Remedies Act, California Civil Code §§ 1750 *et seq.*, on Behalf of Plaintiffs**  
24 **and the California Subclass.**

25 97. Plaintiffs incorporate by reference the allegations contained in  
26 Paragraphs 1 through 86, inclusive, of this Complaint.

27 98. At all relevant times, Plaintiffs and California Subclass members were  
28 “consumers” within the meaning of the CLRA, as they were individuals seeking or

1 acquiring, by purchase or lease, goods or services for personal, family, or household  
2 purposes.

3 99. Costco’s actions and conduct constituted transactions for the sale or  
4 lease of goods or services to consumers under the terms of the CLRA, namely the  
5 selling of Rotisserie Chicken through “No Preservatives” Representations when the  
6 Rotisserie Chicken actually contained added preservatives.

7 100. Costco violated the CLRA by, among other things, making materially  
8 false “No Preservatives” Representations and omitting truthful information about the  
9 Rotisserie Chicken from Plaintiffs and the California Subclass.

10 101. Specifically, Costco violated Section 1770(a)(9), which prohibits  
11 “[a]dvertising goods or services with intent not to sell them as advertised.”

12 102. Additionally, Costco violated the CLRA by:

- 13 a. “Representing that goods or services have . . . characteristics,  
14 ingredients, . . . which they do not have” (a)(5); and
- 15 b. “Representing that goods or services are of a particular standard,  
16 quality, or grade, or that goods are of a particular style or model,  
17 if they are of another” (a)(7).

18 103. Costco’s misrepresentations and omissions were material, and its  
19 violations of the CLRA were a substantial factor in causing Plaintiffs and the  
20 California Subclass to suffer loss as a result of purchasing Rotisserie Chicken in  
21 reliance on Costco’s “No Preservatives” Representations when the Rotisserie  
22 Chicken has added preservatives.

23 104. Costco’s unlawful actions constituted, and still constitute, a continuing  
24 course of conduct in violation of the CLRA.

25 105. As a direct and proximate consequence of these actions, Plaintiffs and  
26 the California Subclass suffered injury.

27 106. Costco’s conduct was malicious, fraudulent, and wanton in that it  
28 intentionally and knowingly provided false and misleading information to Plaintiffs

1 and the California Subclass for Costco’s own benefit to the detriment of Plaintiffs  
2 and the California Subclass.

3 107. At this time, Plaintiffs and the California Subclass only seek injunctive  
4 and declaratory relief and attorney’s fees and costs for this cause of action.<sup>8</sup>

5 **C. Third Cause of Action: Violation of California’s Unfair Competition Law,**  
6 **Cal. Bus. & Prof. Code §§ 17200 *et seq.*, on Behalf of Plaintiffs and the**  
7 **California Subclass.**

8 108. Plaintiffs incorporate by reference the allegations contained in  
9 Paragraphs 1 through 86, inclusive, of this Complaint.

10 109. Costco, Plaintiffs, and California Subclass members are “persons”  
11 within the meaning of the UCL.

12 110. The UCL prohibits any “unlawful, unfair or fraudulent business act or  
13 practice,” each of which is separately actionable.

14 111. Costco’s advertising practices with respect to its Rotisserie Chicken are  
15 “unlawful” within the meaning of the UCL because, among other things, those  
16 practices violate the CLRA, with Section 1770(a)(9) prohibiting “[a]dvertising goods  
17 or services with intent not to sell them as advertised.”

18 112. Costco’s advertising practices with respect to its Rotisserie Chicken  
19 were also unlawful within the meaning of the UCL because they violated the WCPA  
20 (as detailed in the First Cause of Action above) and the FAL (as detailed in the Fourth  
21 Cause of Action below).

22 113. The acts and practices of Costco as alleged herein also constituted  
23 “unfair” business acts and practices under the UCL because Costco’s conduct was  
24 unconscionable, immoral, deceptive, unfair, illegal, unethical, oppressive, and/or  
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26 <sup>8</sup> Pursuant to Section 1782(d) of the CLRA, Plaintiffs expressly reserve their right to  
27 amend their CLRA cause of action to add claims for monetary relief, including,  
28 without limitation, for actual, punitive, statutory, and restitutionary damages, at least  
30 days after providing the Costco the notice contemplated by Section 1782(a).

1 unscrupulous. Further, the gravity of Costco’s conduct outweighed any conceivable  
2 benefit of such conduct.

3 114. Costco has, in the course of business and in the course of trade or  
4 commerce, undertaken and engaged in unfair business acts and practices by tricking  
5 Plaintiffs and members of the California Subclass into purchasing or alternatively  
6 paying a premium for its Rotisserie Chicken by advertising the product with “No  
7 Preservatives” Representations and failing to clearly disclose that it has added  
8 preservatives.

9 115. Plaintiffs and the California Subclass have suffered injury in fact and  
10 have lost money as a result of Costco’s unlawful business acts and practices.

11 116. Plaintiffs and the California Subclass could not have reasonably avoided  
12 their injury or known that the prominent “No Preservatives” Representations and  
13 advertising for the Rotisserie Chicken were in fact inaccurate and contradicted by  
14 any fine-print, inconspicuous disclosures. As such, they could not have reasonably  
15 avoided the injury they suffered. Further, even if consumers, including Plaintiffs and  
16 California Subclass members, read the fine-print ingredient list, they would have no  
17 reason to believe that the added sodium phosphate and carrageenan in the Rotisserie  
18 Chicken functioned as preservatives in the Rotisserie Chicken given the “No  
19 Preservatives” Representations.

20 117. Plaintiffs and the California Subclass seek an order providing  
21 restitution and disgorgement of the entire purchase price or, alternatively, the price  
22 premium paid to Costco.

23 118. Plaintiffs and the California Subclass further seek their attorney’s fees  
24 and costs pursuant to California Code of Civil Procedure Section 1021.5 because  
25 Plaintiffs and the California Subclass seek to enforce “an important right affecting  
26 the public interest” in bringing this cause of action.

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1 **D. Fourth Cause of Action: Violation of California’s False Advertising Law,**  
2 **Cal. Civ. Code §§ 17500 *et seq.*, on Behalf of Plaintiffs and the California**  
3 **Subclass.**

4 119. Plaintiffs incorporate by reference the allegations contained in  
5 Paragraphs 1 through 86, inclusive, of this Complaint.

6 120. In violation of California’s False Advertising Law, Cal. Bus. & Prof.  
7 Code §§ 17500 *et seq.*, Costco’s advertisements, acts, and practices described in this  
8 Complaint were designed to deceive Plaintiffs and the California Subclass into  
9 buying and/or paying a premium for the Rotisserie Chicken in reliance on Costco’s  
10 “No Preservatives” Representations—and they did in fact result in Plaintiffs and the  
11 California Subclass buying and/or paying a premium to Costco for the Rotisserie  
12 Chicken in such reliance.

13 121. Costco knew or reasonably should have known that the “No  
14 Preservatives” Representations were false and deceptive.

15 122. Specifically, as alleged in this Complaint, Costco’s unfair,  
16 unconscionable, deceptive acts, practices, omissions, and/or affirmative  
17 misstatements include, but are not limited to, its “No Preservatives” Representations  
18 and the overall net impression of those representations.

19 123. As a result, Plaintiffs and the California Subclass are entitled to  
20 injunctive and equitable relief, restitution, and an order for the disgorgement of the  
21 funds by which Costco was unjustly enriched.

22 124. Plaintiffs and the California Subclass further seek their attorney’s fees  
23 and costs pursuant to California Code of Civil Procedure Section 1021.5 because  
24 Plaintiffs and the California Subclass seek to enforce “an important right affecting  
25 the public interest” in bringing this cause of action.

**PRAYER FOR RELIEF**

- 125. WHEREFORE, Plaintiffs and members of the Classes seek an Order:
  - a. Certifying the proposed Classes pursuant to Rule 23, appointing Plaintiffs as Class Representatives in the Classes, and appointing Plaintiffs’ counsel as Counsel for the Classes;
  - b. Declaring that Costco is financially responsible for notifying members of the Classes of the pendency of this suit;
  - c. Declaring that Costco has committed the violations of law alleged herein;
  - d. Providing for any and all injunctive relief the Court deems appropriate;
  - e. Awarding statutory damages in the maximum amount for which the law provides;
  - f. Awarding monetary damages, including but not limited to any compensatory, incidental, or consequential damages in an amount that the Court or jury will determine, in accordance with applicable law;
  - g. Providing for any and all equitable monetary relief, including, without limitation, restitution, the Court deems appropriate;
  - h. Awarding punitive or exemplary damages in accordance with proof and in an amount consistent with applicable precedent;
  - i. Awarding Plaintiffs their reasonable costs and expenses of suit, including attorney’s fees;

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- j. Awarding pre- and post-judgment interest to extent the law allows; and
- k. Providing such further relief as this Court may deem just and proper.

Respectfully submitted,

Dated: January 22, 2026

/s/ Wesley M. Griffith  
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\*Pro hac vice applications to be filed

*Attorneys for Plaintiffs and the Putative Class*

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**DEMAND FOR TRIAL BY JURY**

Plaintiffs, on behalf of themselves and the putative classes, hereby respectfully demand a trial by jury on all claims for which a jury trial is available.

Dated: January 22, 2026

*/s/ Wesley M. Griffith*  
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*\*Pro hac vice applications to be filed*

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