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11 Attorneys for Plaintiff GLEN DIMINO an individual on behalf of himself and all others similarly
12 situated and the general public

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

14 **COUNTY OF SAN DIEGO**

15 GLEN DIMINO, an individual on behalf)
16 of himself and all others similarly situated)
17 and the general public,)

18 Plaintiff)

19 v.)

20 FOOD 4 LESS OF CALIFORNIA, INC.,)
21 a California Corporation, FOOD 4 LESS)
22 GM, INC., a California Corporation, and)
23 DOES 1-100, inclusive,)

24 Defendants)

CASE NO.: 25CU057649C

(Proposed CLASS ACTION)

**FIRST AMENDED CLASS ACTION
COMPLAINT FOR:**

1. **VIOLATION OF CALIFORNIA
BUSINESS & PROFESSIONS CODE
§17500, et seq.**
2. **VIOLATION OF CALIFORNIA
BUSINESS & PROFESSIONS CODE
§17200, et seq., and**
3. **VIOLATION OF CIVIL CODE §1750,
et seq.**

1 COMES NOW Plaintiff GLEN DIMINO, an individual on behalf of himself and all others
2 similarly situated and the general public and hereby alleges as follows:

3 Plaintiff brings this action on behalf of himself, and all others similarly situated, against
4 Defendants, FOOD 4 LESS OF CALIFORNIA, INC. and FOOD 4 LESS GM, INC. (hereinafter,
5 “Defendants,” or “F4L”). The allegations in this Complaint, stated on information and belief, have
6 evidentiary support, or are likely to have evidentiary support after a reasonable opportunity for
7 further investigation and discovery.
8

9 Specifically, this action involves “Greenwashing,” wherein Defendants falsely advertise their
10 products/packaging as “Recyclable,” a term defined under California law. Defendants’
11 advertisements are false, unfair, deceptive, untrue and/or misleading, as its products/packaging are
12 not presently recyclable, and were not recyclable at any time within the operative Limitations Period.
13

14 Separately, Defendants illegally charge a California Redemption Value (CRV) 10 cent fee
15 on bottled products (*i.e.* Bloody Mary Mix) that are not eligible for the CRV program. This illegal
16 taking results in monetary damage to the Plaintiff and proposed class, and unjust enrichment to the
17 Defendants. Given the illegal, false, deceptive and/or misleading advertising constituting unlawful,
18 unfair and/or fraudulent business acts or practices, and the resultant damage, Defendants are liable,
19 as set forth below.
20

21 **NATURE OF THE ACTION**

22 1. Plaintiff files this class action lawsuit on behalf of himself and all similarly situated
23 California citizens who purchased products manufactured, distributed, marketed and/or sold by F4L,
24 in the State of California, within the operative Limitations Period. The proposed Class does not, and
25 will not, include any individual who is not a citizen of, or a purchase made outside of, the State of
26 California.
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1 8. The F4L products that are the subject of this action include *inter alia*, Simple Truth
2 Coconut Milk, Simple Truth Chicken Broth, Toilet Paper, Plastic Checkout Bags and Zing Zang
3 Cocktail Mix (hereinafter the “F4L” products”). The F4L products are manufactured, packaged,
4 marketed, distributed and/or sold by the Defendants, by and through various methods, including via
5 its supermarket chain stores throughout California.
6

7 9. The true names and capacities, whether individual, corporate, associate or otherwise
8 of each of the Defendants designated herein as a DOE are unknown to Plaintiff at this time, who
9 therefore sue said Defendants by fictitious names, and will ask leave of this Court for permission to
10 amend this Complaint to show their names and capacities when the same have been ascertained.
11 Plaintiff is informed and believes and thereon alleges that each of the Defendants designated as a
12 DOE is legally responsible in some manner for the events and happenings herein referred to, and
13 caused injuries and damages, as alleged herein.
14

15 10. On information and belief, Plaintiff alleges that at all times herein mentioned, each
16 of the Defendants were acting as the agent, servant or employee of the other Defendants and that
17 during the times and places of the incident in question, Defendants and each of their agents, servants,
18 and employees became liable to Plaintiff and class members for the reasons described in the
19 complaint herein, and thereby proximately caused Plaintiff to sustain damages as set forth herein.
20

21 11. On information and belief, Plaintiff alleges that Defendants carried out a joint
22 scheme with a common business plan and policies in all respects pertinent hereto and that all acts
23 and omissions herein complained of were performed in knowing cooperation with each other.
24

25 12. On information and belief, Plaintiff alleges that the shareholders, executive officers,
26 managers, and supervisors of Defendants directed, authorized, ratified and/or participated in the
27 actions, omissions and other conduct that gives rise to the claims asserted herein. Defendants’
28 officers, directors, and high-level employees caused F4L products to be sold with knowledge or

1 reckless disregard that the statements and representations concerning the F4L products were false,
2 unfair, deceptive, untrue and/or misleading. Plaintiff is informed and believes, and thereon alleges,
3 that the Defendants are in some manner intentionally, negligently, or otherwise responsible for the
4 acts, omissions, occurrences, and transactions alleged herein. Given the above, Defendants'
5 advertising constitutes unlawful, unfair and/or fraudulent business acts or practices, and Defendants'
6 are liable as set forth below.
7

8 **JURISDICTION AND VENUE**

9 13. This Court has jurisdiction over this matter in that all parties and/or proposed Class
10 Members are citizens of, or do business and have Headquarters within, the State of California and
11 the amount in controversy exceeds the statutory minimum limit of this Court. The monetary damages
12 and restitution sought by Plaintiff exceeds the minimal jurisdiction limits of the Superior Court and
13 will be established according to proof at trial. Furthermore, there is no federal question at issue as
14 the operative allegations all solely involve state, county and/or city (and not federal) law.
15

16 14. Plaintiff is a citizen of the State of California and subject to the personal jurisdiction
17 of this Superior Court. Further, Plaintiff purchased the F4L goods within San Diego County. As
18 Defendants conduct business in San Diego County, California and otherwise intentionally avail
19 themselves of the markets in San Diego County, the exercise of jurisdiction by this Court is proper.
20

21 **FACTUAL BACKGROUND**

22 15. Plaintiff purchased F4L's goods/products (*i.e.* Plastic Checkout Bags, Coconut Milk,
23 Ultra Soft Toilet Paper and Zing Zang Cocktail Mix) based on his reliance (*prior to* purchase) of
24 false, unfair, deceptive, untrue and/or misleading representations, and thereby adversely altered his
25 position in an amount equal to the amount he paid for the Defendants' goods/products. Plaintiff
26 purchased F4L's goods/ products for personal, family, or household purposes.
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1 16. As more specifically set forth below, F4L recycling claims are widely disseminated
2 on the F4L packaging/labeling, and through other written publications.

3 17. At all relevant times, Plaintiff believed that he was purchasing F4L goods that were
4 made of recyclable materials and/or were eligible for the CRV program, based on his prior reliance
5 on Defendants’ representations. Plaintiff would not have continued to purchase the products, or
6 would have purchased them but at a lesser price, absent the misleading statements and
7 misrepresentations made by F4L. Please see specific examples of Defendants’ false, unfair,
8 deceptive, untrue and/or misleading representations, below.
9

10 18. Defendants advertise that many of its products are “Recyclable,” by and through a
11 variety of ways, including the use of the text “100% recyclable” and/or the “chasing arrows” symbol
12 on its labeling/packaging. For example, Defendants sell “reusable” plastic grocery bags, which
13 contain the text “This bag is 100% recyclable.” Plaintiff’s purchases from Defendants (including
14 Defendants’ plastic bags) contained these recycling representations.
15

16 19. The “chasing arrows” symbol (first introduced in 1970) is statutorily defined to mean
17 than an item is recyclable. Under California law, an item may not be labeled “recyclable” unless
18 percent of consumers or communities have access to recycling facilities that will actually recycle,
19 not simply accept and ultimately discard, the product. The products/packaging at issue do not
20 currently meet this threshold, and have not met the threshold at any time within the operative
21 Limitations Period. Separately, multiple and distinct cities and counties in the state specifically
22 refuse to even “collect” certain packaging, rendering subsequent (and required, per controlling law)
23 “sortation” and “re-use” a legal and practical impossibility.
24

25 20. Defendants sell a “reusable” plastic grocery bag and toilet paper packaged in flexible
26 plastic film with recycling representations. Plastic bags or film of any resin code are not commonly
27 recycled in California, or anywhere else. In fact, such plastics are rejected by the majority of
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1 California counties and Recycling facilities, including San Diego County. Flexible plastic bags, film,
2 wrap, and pouches are a top form of contamination in curbside recycling bins. These materials are
3 not widely accepted in curbside bins in California, as they clog machinery at Material Recovery
4 Facilities (MRFs) and other plastic waste processors. Defendants' plastic bag and plastic film
5 packaging instructs consumers that the bag is recyclable through the use of recycling representations.
6 This is false and/or misleading as there are no facilities in California which can process plastic film
7 waste. There is one recycling facility in Nevada which has the capacity to process about 2% of
8 California's plastic film waste. As a result, 60% of California consumers or communities do not have
9 access to an established recycling program for flexible plastic bags, film, and wrap.
10

11 21. Defendants package several of their food items, including Coconut Milk in multi-
12 layer paperboard, which contains a "chasing arrows" symbol and the text "please recycle." The
13 packaging for these products does not currently meet, and has never met, California's recyclability
14 requirements. Pursuant to California law, "(a) product or package shall not be marketed as recyclable
15 unless it can be collected, separated, or otherwise recovered from the waste stream through an
16 established recycling program for reuse or use in manufacturing or assembling another item." In
17 order to make a recyclable claim, 60 percent of consumers or communities must have access to
18 facilities that will actually recycle the product. Here, 0% of California households have access to an
19 established recycling program which can recycle the packaging at issue.
20

21 22. As a *separate* example, Defendants sell mixer products, meant to be combined with
22 alcohol to produce a cocktail or mixed drink, including Zing Zang Cocktail Mix. Defendants
23 advertise and charge a 10 cent CRV fee for this bottled product despite the fact that this product does
24 not meet the requirements to be a part of the CRV program. By charging the 10 cent CRV fee,
25 Defendants not only falsely advertise the products as recyclable via a specific and established
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1 recycling program, but also give consumers the false impression that they will be reimbursed even
2 though the products cannot, by definition, be accepted at a CRV redemption location.

3 23. F4L has known, or reasonably should have known, that its products are not, and never
4 have been, recyclable. Yet F4L falsely claims that their products are recyclable. Further, F4L engages
5 in marketing campaigns designed to encourage the consumption of F4L's products, by falsely
6 reassuring consumers that recycling is an effective solution. This is false, unfair, deceptive, untrue
7 and/or misleading, because (in part) these products are **not** potentially recyclable, and are not
8 actually recycled in California.
9

10 24. On April 4, 2025, the State of California (by and through CalRecycle, its agency
11 authorized to investigate and conclude on recyclability), filed its Final Report. As CalRecycle
12 acknowledged in their April 4, 2025 Report, CalRecycle did not provide information on whether
13 materials were sent to a reclaimer, and reclaimed consistent with the Basel Convention nor on
14 whether materials meet specific composition and design requirements as required by Cal. Pub. Res.
15 Code § 42355.51 (d). As a result, **CalRecycle states the report “does not contain all the
16 information necessary to determine the recyclability status for any particular product or
17 packaging.”**
18

19 25. The California Legislature has declared “it is the public policy of the state that claims
20 related to the recyclability of a product or packaging be truthful in practice and accurate. Consumers
21 deserve accurate and useful information related to how to properly handle the end of life of a product
22 or packaging.” (California Pub Res Code § 42355.5 (b)). Today's consumers are more thoughtful
23 about the products they purchase. Across all age groups, consumers increasingly favor companies
24 that are sustainable and studies confirm that consumers are willing to pay a premium for products
25 that are more environmentally friendly. Roughly 1 in 5 consumers want more information about what
26 makes products sustainable. Specifically, consumers want to know where products are sourced,
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1 produced, and manufactured; how to re-use, return, or recycle them; their health and wellness
2 benefits; and how their purchase will contribute to social responsibility or environmental
3 sustainability. Studies confirm that brands with a perceived positive impact grow at a faster rate
4 compared with those with low perceived positive impact. F4L’s decision to market its products as
5 recyclable is a marketing strategy designed to influence customer purchasing decisions, as they are
6 aware that consumers pay attention to their sustainable practices.
7

8 26. The “recycling” representations (including the use of the text “100% recyclable” and
9 the “chasing arrows” symbol) on F4L’s products are false, deceptive and/or misleading. F4L’s
10 recyclability representations indicate to consumers that their products are recyclable, via the use of
11 the text “100% recyclable,” the text “please recycle,” and/or the “chasing arrows” symbol placed
12 directly on the product packaging and/or by advertising and charging a 10 cent CRV fee. California
13 law requires that, in order for an item to be recyclable, there must be an established recycling
14 program that will actually recycle the item, there must be market demand for the item, and the item
15 must maintain value. Defendants’ representations are false, unfair, deceptive, untrue and/or
16 misleading, as there is no current established recycling program for reuse or use in manufacturing,
17 or assembling another item. There are no recycling facilities in the State of California for the
18 products in dispute.
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21 27. Given the above, F4L’s products are either sent to a landfill or dumped into
22 California’s landscapes and waterways. In 2022 alone, it is estimated that between 121,324 and
23 179,756 tons of plastic waste were dumped on California lands. Plastic waste that is dumped at
24 landfills contributes to plastic pollution of the environment. Plastic waste that is dumped at landfills
25 contributes to plastic pollution of the environment. As plastic waste degrades in landfills, micro-
26 plastics are released into the surrounding environment, including the air, soil, groundwater, and
27 surface water. Thus, the F4L representations are false, unfair, deceptive, untrue and/or misleading.
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PRIVATE ATTORNEYS GENERAL ALLEGATIONS

28. Plaintiff asserts claims on behalf of class members pursuant to California Business & Professions Code § 17200, et seq. The purpose of such claims is to obtain orders for a public injunction regarding the false labeling, deceptive marketing and consistent pattern and practice of falsely promoting natural claims, and the disgorgement of all profits and/or restoration of monies wrongfully obtained through the Defendants' pattern of unfair and deceptive business practices as alleged herein. This private attorneys general action is necessary and appropriate because Defendants have engaged in wrongful acts described herein as part of the regular practice of its business.

CLASS ACTION ALLEGATIONS

29. Plaintiff brings this class action lawsuit on behalf of himself and all similarly situated California citizens who purchased F4L products that are manufactured, distributed, marketed and/or sold by F4L, in the State of California, within the operative Limitations Period. The proposed Class does not, and will not, include any individual who is not a citizen of, or a purchase made outside of, the State of California.

30. Plaintiff seeks to represent a Class (or Classes) to be specifically identified within a future Motion for Class Certification. Excluded from the Class will be F4L, as well as its officers, employees, agents or affiliates, and any judge who presides over this action, as well as all past and present employees, officers and directors of F4L. Plaintiff reserves the right to expand, limit, modify, or amend his class definition, including the addition of one or more subclasses, in connection with his motion for class certification, or at any other time, based upon, *inter alia*, changing circumstances and/or new facts obtained during discovery.

31. The Class is made up of tens (if not hundreds) of thousands of California citizens who purchased the F4L products in the State of California, the joinder of whom is impracticable, and the disposition of their claims in a Class Action will benefit the parties and the Court. The Class is

1 sufficiently numerous because, based on information and belief, thousands to hundreds of thousands
2 of units of the F4L products have been sold in the State of California, to California citizens, within
3 the operative Limitations Period.

4 32. There is a well-defined community of interest in this litigation and the Class is easily
5 ascertainable:
6

7 a. Numerosity: The members of the Classes are so numerous that any form of
8 joinder of all members would be unfeasible and impractical. On information and
9 belief, Plaintiff believes the size of the Classes exceed One Hundred Thousand
10 (100,000) members.

11 b. Typicality: Plaintiff is qualified to, and will, fairly and adequately protect the
12 interests of each member of the Classes with whom he has a well-defined community
13 of interest and the claims (or defenses, if any), are typical of all members of the
14 Classes.
15

16 c. Adequacy: Plaintiff does not have a conflict with the Classes and is qualified to,
17 and will, fairly and adequately protect the interests of each member of the Classes
18 with whom he has a well-defined community of interest and typicality of claims.
19 Plaintiff acknowledges that he has an obligation to the Court to make known any
20 relationship, conflict, or difference with any putative class member. Plaintiff's
21 attorneys and proposed class counsel are well versed in the rules governing class
22 action and complex litigation regarding discovery, certification, and settlement, and
23 have been previously designated, by California state courts, as "Class Counsel" on
24 at least 60 prior occasions.
25

26 d. Superiority: The nature of this action makes the use of class action adjudication
27 superior to other methods. Class action will achieve economies of time, effort, and
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1 expense as compared with separate lawsuits, and will avoid inconsistent outcomes
2 because the same issues can be adjudicated in the same manner and at the same time
3 for the entire class.

4 33. Common questions of law and fact exist, that predominate over questions that may
5 affect individual class members. Common questions of law and fact include, but are not limited to,
6 the following:
7

- 8 a. Whether Defendants' conduct is a fraudulent business act or practice within
9 the meaning of Business and Professions Code section 17200, et seq.;
- 10 b. Whether Defendants' advertising is untrue or misleading within the meaning
11 of Business and Professions Code section 17500, et seq.;
- 12 c. Whether Defendants made false, unfair, deceptive, untrue and/or misleading
13 representations in the advertising and/or packaging of the F4L Products;
- 14 d. Whether Defendants knew or should have known that the recyclability claims
15 and representations were false, unfair, deceptive, untrue and/or misleading;
- 16 e. Whether Defendants represented that the F4L Products have characteristics,
17 benefits, uses, or quantities which they do not have;
- 18 f. Whether Defendants' representations regarding the F4L Products are false,
19 unfair, deceptive, untrue and/or misleading;
- 20 g. Whether the Defendants breached warranties regarding the F4L Products;
- 21 h. Whether the Defendants committed statutory and common law fraud; and
- 22 i. Whether Defendants' conduct as alleged herein constitutes an unlawful,
23 and/or fraudulent business act or practice within the meaning of Business and
24 Professions Code section 17200, et seq., including with respect to the CRV
25 charge on non-eligible products.
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1 34. Plaintiff’s claims are typical of the claims of the Class, and Plaintiff will fairly and
2 adequately represent and protect the interests of the Class. Plaintiff has retained competent and
3 experienced counsel in class action and other complex litigation.

4 35. Plaintiff and the Class have suffered injury in fact, and have lost money, as a result
5 of Defendants’ misrepresentations. Plaintiff purchased the F4L products with the prior belief that
6 they were manufactured with recyclable materials, and that all products were available for legal sale.
7 Plaintiff relied on Defendants’ labeling and marketing prior to purchasing, and would not have
8 purchased the F4L Products or paid a premium for them if he had known that they did not have the
9 characteristics, benefits, or qualities as represented vis-à-vis the claims.
10

11 36. The Defendants’ misrepresentations regarding the Claims were material insofar as
12 consumers relate to recyclable and sustainability policies, and tend to be willing to pay a price
13 premium for foods that employ such policies and/or practices. Defendants are aware of consumer
14 preference for such products, and have implemented a strategic false and/or misleading advertising
15 and marketing campaign, intended to deceive consumers into thinking that the F4L employs such
16 policies and practices.
17

18 37. A class action is superior to other available methods for fair and efficient adjudication
19 of this controversy. The expense and burden of individual litigation would make it impracticable or
20 impossible for class members to prosecute their claims individually.
21

22 38. The trial and litigation of Plaintiff’s claims are manageable. Individual litigation of
23 the legal and factual issues raised by Defendants’ conduct would increase delay and expense to all
24 parties and the court system. The class action device presents far fewer management difficulties and
25 provides the benefits of a single, uniform adjudication, economies of scale, and comprehensive
26 supervision by a single court.
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1 39. Defendants have acted on grounds generally applicable to the Class as a whole,
2 thereby making final public injunctive relief and/or corresponding declaratory relief appropriate with
3 respect to the Class as a whole. The prosecution of separate actions by individual class members
4 would create the risk of inconsistent or varying adjudications with respect to individual members of
5 the Class that would establish incompatible standards of conduct for the Defendants.
6

7 40. Absent a class action, Defendants are likely to retain the benefits of its wrongdoing.
8 Because of the small size of the individual class members' claims, few, if any, class members could
9 afford to seek legal redress for the wrongs complained of herein. Absent a representative action, the
10 class members will continue to suffer losses and Defendants will be allowed to continue these
11 violations of law and to retain the proceeds of its ill-gotten gains.
12

13 41. Were it not for this class action, most class members would find the cost associated
14 with litigating claims extremely prohibitive, which would result in no remedy.

15 42. This class action would serve to preserve judicial resources, the respective parties'
16 resources, and present fewer issues with the overall management of claims, while at the same time
17 ensuring a consistent result as to each class member.
18

19 **FIRST CAUSE OF ACTION**
20 **Violations of California Business & Professions Code §§17500, et seq.**
21 **by Plaintiff and the Proposed Class against Defendants**

22 43. Plaintiff hereby incorporates by reference the allegations contained in all preceding
23 paragraphs of this complaint.

24 44. Pursuant to California law, it is "unlawful for any person to make or disseminate or
25 cause to be made or disseminated before the public in this state, ... in any advertising device ... or
26 in any other manner or means whatever, including over the Internet, any statement, concerning ...
27 personal property or services, professional or otherwise, or performance or disposition thereof, which
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1 is untrue or misleading and which is known, or which by the exercise of reasonable care should be
2 known, to be untrue or misleading.”

3 45. Defendants committed acts of false, unfair, deceptive, untrue and/or misleading
4 advertising by making the Claims regarding the F4L products, as those claims are false, unfair,
5 deceptive, untrue and/or misleading.
6

7 46. Because Defendants have been made aware of the lack of recyclability aspect to its
8 product packaging/labeling, Defendants knew or should have known through the exercise of
9 reasonable care, that the F4L claims were false, unfair, deceptive, untrue and/or misleading to
10 Plaintiff and the class members.

11 47. Defendants’ actions in violation of § 17500 were false, unfair, deceptive, untrue
12 and/or misleading such that the Plaintiff, the Proposed Class and the general public are and were
13 likely to be deceived by the false, unfair, deceptive, untrue and/or misleading statements.
14

15 48. Plaintiff and the Proposed Class Members lost money or property as a result of
16 Defendants’ false advertising violations, because they would not have purchased, or would not have
17 paid a premium, for the F4L Products if they had not been deceived by the Claims.
18

19 **SECOND CAUSE OF ACTION**
20 **For Violation Cal. Bus. & Prof. Code § 17200, et seq. by Plaintiff**
21 **and Proposed Class against Defendants**

22 49. Plaintiff hereby incorporates by reference the allegations contained in all preceding
23 paragraphs of this complaint.

24 50. Plaintiff is a direct victims of Defendants’ illegal and/or unfair business acts and
25 practices referenced in this complaint, has lost money as a result of such practices, and brings this
26 action both in his individual capacity and on behalf of California citizen consumers who share a
27 common or general interest in the damages as a result of the illegal and/or unfair practices.
28

1 51. The approximately 100,000 member class is ascertainable via their experience as
2 California citizens who purchased F4L products within the State of California at some point within
3 the operative Limitations Period. Class members share a community of interest and an injury-in-fact
4 as Defendants have violated California laws, thereby depriving class members of money earned.
5 Based on the facts set forth above, it would be impracticable to proceed in individual actions.
6

7 52. Plaintiff suffered injuries-in-fact pursuant to Business & Professions Code section
8 17204, and has lost money as a result of Defendants' illegal, unlawful and/or unfair, deceptive,
9 untrue and/or misleading practices.
10

11 53. Plaintiff brings this action on behalf of an ascertainable class who share a community
12 of interest pursuant to Business & Professions Code section 17203 and Code of Civil Procedure
13 section 382 and who share a common or general interest in the damages as a result of the illegal
14 and/or unfair practices, in that those individuals on whose behalf the action is brought have also lost
15 money as a result of Defendants' practices, as set forth above, and that it would be impracticable to
16 proceed as an individual plaintiff action.
17

18 54. Business & Professions Code section 17200 *et seq.* prohibits any unlawful, unfair,
19 or fraudulent business act or practice.

20 55. Plaintiff's allegations herein are based upon Defendants' institutional business acts
21 and practices.

22 56. Defendants' acts and practices, as described herein above, are unlawful and/or unfair
23 and/or fraudulent, in that (among other facts) they violate California law and are unlawful, false,
24 unfair, deceptive, untrue and/or misleading.
25

26 57. As a direct result of Defendants' unlawful and unfair business acts and practices,
27 Plaintiff and all other class members have been damaged in an amount to be proven. Accordingly,
28 Plaintiff prays for restitution and public injunctive damages in an amount to be proven.

1 58. Plaintiff is informed and believes, and on that basis alleges, that Defendants' business
2 practices, alleged above, are continuing in nature and are widespread.

3 59. On behalf of the ascertainable class, Plaintiff respectfully requests a public injunction
4 against Defendants to enjoin them from continuing to engage in the illegal conduct alleged herein.
5 On behalf of the ascertainable class, Plaintiff respectfully requests restitution damages. Separately,
6 Plaintiff has incurred and continue to incur legal expenses and attorneys' fees. Plaintiff is presently
7 unaware of the precise amount of these expenses and fees, and prays for leave of court to amend this
8 complaint when the amounts are more fully known. Finally, Plaintiff also seeks an order requiring
9 Defendants to correct, destroy and/or change all false and/or misleading labeling and website terms
10 relating to the Claims at issue. Plaintiff will pray for leave to amend this complaint when the specific
11 products and mis-representations are particularized following discovery.
12
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14 **THIRD CAUSE OF ACTION**
15 **Violations of California Civil Code § 1750, et seq. By Plaintiff**
16 **and Proposed Class against Defendant**

17 60. Plaintiff hereby incorporates by reference the allegations contained in all preceding
18 paragraphs of this complaint.

19 61. This cause of action is brought pursuant to the Consumer Legal Remedies Act,
20 California Civil Code § 1750 (hereinafter "CLRA"). Plaintiff and each member of the proposed class
21 are "consumers" as defined by California Civil Code §1761(d).

22 62. The F4L sales of products to Plaintiff and other proposed class members were
23 "transactions" within the meaning of California Civil Code §1761(e).

24 63. The F4L products purchased by Plaintiff and members of the proposed class are and
25 were "goods" as defined by California Civil Code §1761(a).

26 64. California Civil Code §1770(a)(5) prohibits "[r]epresenting that goods or services
27 have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities which they do
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1 not have or that a person has a sponsorship, approval, status, affiliation, or connection which he or
2 she does not have.” F4L violated §1770(a)(5) insofar as the representations in their packaging,
3 labeling and advertising materials constitute characteristics and benefits that the F4L goods do not
4 possess (among other acts).

5
6 65. California Civil Code §1770(a) (7) prohibits “[r]epresenting that goods or services
7 are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they
8 are of another.” Defendants violated §1770(a) (7) insofar as they represent their goods are of certain
9 standards, when in truth they are not.

10
11 66. California Civil Code §1770(a)(9) prohibits “[a]dvertising goods or services with
12 intent not to sell them as advertised.” Defendants have violated § 1770(a)(9) insofar as (among other
13 issues) their advertising suggests the packaging, labeling and advertising materials are recyclable,
14 but are not advertised or sold in a manner consistent with those claims.

15
16 67. On or about **October 27, 2025**, Plaintiff served Defendants a notice letter pursuant to
17 California Civil Code §1782(a). This letter served to notify Defendants of their violations of
18 California Civil Code §1770(a)(5), California Civil Code §1770(a)(7), and California Civil Code
19 §1770(a)(9). Plaintiff further demanded that Defendants remediate the issues in the actions described
20 above, and give notice to all affected consumers of Defendants’ of its’ intent to act. A copy of said
21 letter is attached hereto as **Exhibit 1**.

22
23 68. F4L failed to respond to Plaintiff’s letter, failed to remediate the issues detailed above,
24 and failed to give notice to all affected consumers within 30 days of Plaintiff’s written notice.
25 Therefore, along with public injunctive relief, Plaintiff pursues claims for actual and statutory
26 damages appropriate against F4L.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiff, individually and on behalf of all others similarly situated, seeks judgment against Defendant, as follows:

- a. For an order certifying the Class;
- b. For an order certifying Plaintiff as the representative of the Class and Plaintiff's attorneys as Class Counsel;
- c. For an order declaring the Defendants' conduct violates the statutes and laws referenced herein;
- d. For an order to correct, destroy, and change all false, unfair, deceptive, untrue and/or misleading labeling relating to the Claims;
- e. For an order finding in favor of Plaintiff, the Class on all counts asserted herein;
- f. For prejudgment interest on all amounts awarded;
- g. For an order of restitution, disgorgement of profits, and all other forms of equitable monetary relief;
- h. For a public injunction as plead or as the Court may deem proper; and
- i. For an order awarding Plaintiff, and the Class, their reasonable attorneys' fees and expenses and costs of suit.

Dated: December 2, 2025

SULLIVAN & YAECKEL LAW GROUP, APC



Eric K. Yaeckel
Ryan T. Kuhn
Cody D. Archer
Attorneys for Plaintiff GLEN DIMINO, an Individual on behalf of himself and all others similarly situated, and the general public