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22 UNITED STATES DISTRICT COURT  
 23 SOUTHERN DISTRICT OF CALIFORNIA

24 Ramiz Naoum, an individual; Dunia Polis,  
 25 an individual on behalf of themselves and  
 26 all others similarly situated,

27 Plaintiff,

28 vs.

SMART FOODS, LLC,

Defendant.

CASE NO. **'26CV1942 CAB SBC**  
**CLASS ACTION COMPLAINT**  
**JURY TRIAL DEMANDED**

1 Plaintiff RAMIZ NAOUM and Plaintiff DUNIA POLIS ("Plaintiffs"), by and  
2 through their attorneys, bring this class action on behalf of themselves and the Classes,  
3 as defined below, against Defendant SMART FOODS, LLC ("Defendant"). The  
4 following allegations are based upon information and belief, including the investigation  
5 of Plaintiffs' counsel and laboratory testing conducted as of January, 2026 and are as  
6 follows:

7 **INTRODUCTION**

8 1. This class action addresses a profound breach of consumer trust by Defendant,  
9 which has misled thousands, if not millions, through its product branded LOMBARDI  
10 and labeled "**CANOLA OIL & EXTRA VIRGIN OLIVE OIL BLEND**" (the  
11 "Mislabelled Product"). Laboratory testing reveals a troubling reality – the Mislabelled  
12 Product contains no detectable olive oil and consists entirely of canola oil, despite the  
13 "**CANOLA OIL & EXTRA VIRGIN OLIVE OIL BLEND**" labeling, prominent  
14 depiction of a cluster of olives, and small-font label on the bottle listing "Mediterranean  
15 Blend" and "A Healthy Blend of Canola & Olive Oil". This uniform mislabeling  
16 scheme was developed, approved, and disseminated from Defendant's headquarters in  
17 California and has deceived consumers nationwide through both online and retail sales  
18 channels. This misconduct violates California law in three critical ways: (1) the failure  
19 to label the product as "mixed vegetable oil" as required; (2) the omission of accurate  
20 blend proportions; and (3) the complete absence of olive oil. These violations demand  
21 accountability for a company that has prioritized profit over people.

22 2. In addition to violating California Health & Safety Code § 112895(b),  
23 Defendant's conduct constitutes false advertising, unfair competition, and deceptive  
24 business practices in violation of California Business & Professions Code § 17200 and  
25 § 17500, common-law fraud and deceit, breach of the implied warranty of  
26 merchantability, and unjust enrichment. These interrelated violations form a single,  
27 uniform course of deceptive conduct affecting consumers nationwide.

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1 3. Consumers, drawn to olive oil for its recognized health and culinary value – a  
2 preference supported by the guidance of doctors and nutrition experts – were deceived  
3 into purchasing a product they believed was a genuine olive oil blend. Laboratory  
4 testing confirms it is entirely canola oil, a stark departure from their expectations. This  
5 serious misrepresentation has caused significant financial harm to Plaintiffs and other  
6 nationwide purchasers who paid a premium for a product that was neither what it  
7 claimed to be nor fit for its advertised use. Many consumers would not have purchased  
8 or consumed it at all had they known the truth. Comparable cases like *Koller v. Deoleo*  
9 *USA, Inc.* (N.D. Cal 2018), which reportedly resulted in a \$7 million settlement, and  
10 *Kumar v. SALOV North America Corp.* (N.D. Cal 2017), which reportedly obtained  
11 approximately \$5 million in relief, involved products that allegedly misstated the  
12 olives’ country of origin; Defendant’s complete substitution of canola oil for olive oil  
13 is a far more egregious deception, warranting substantial redress.

14 4. Defendant’s actions reflect a troubling disregard for consumer protection and  
15 public health, exploiting trust in olive oil’s reputation to boost profits. The triple  
16 violation of California Health and Safety Code Section 112895(b) – failing to use the  
17 required “mixed vegetable oil” label, withholding accurate blend proportions, and  
18 delivering a product with no olive oil – underscores a dangerous pattern of product  
19 deceit that must be stopped.

20 5. Plaintiffs bring this action individually and on behalf of all others similarly  
21 situated to hold Defendant accountable for its unlawful, unfair, and fraudulent labeling,  
22 advertising, and sale of the LOMBARDI “**CANOLA OIL & EXTRA VIRGIN**  
23 **OLIVE OIL BLEND**”, and to obtain restitution, damages, and injunctive relief  
24 necessary to prevent ongoing deception.

25 6. Defendant continues to label, market, and sell this product, using the same  
26 misrepresentations, thereby threatening continued harm to consumers absent judicial  
27 intervention. Plaintiffs therefore bring this action on behalf of themselves and a class  
28 of similarly situated consumers nationwide and in California for: (1) Violation of

1 California Health & Safety Code § 112895(b); (2) Violation of California Business &  
2 Professions Code §§ 17500 et seq.; (3) Violation of California Business &  
3 Professions Code §§ 17200 et seq.; (4) Fraud and Deceit under California common  
4 law; (5) Breach of the Implied Warranty of Merchantability, California Commercial  
5 Code § 2314; and, (6) Unjust Enrichment / Restitution under the common law of  
6 California and the United States.

7 **PARTIES**

8 7. Plaintiff Ramiz Naoum is over the age of 18 years old, and at all times relevant  
9 herein was a resident of Spring Valley, in the State of California.

10 8. Plaintiff Dunia Polis is over the age of 18 years old, and at all times relevant  
11 herein was a resident of Phoenix, in the State of Arizona.

12 9. Defendant Smart Foods, LLC (“Defendant”) is a corporation organized under  
13 the laws of the State of California, with its principal place of business in Los Angeles,  
14 California. Defendant manufactures, distributes, and sells food products, including the  
15 Mislabeled Product, both directly through its website (<https://avocadooilusa.com/>) and  
16 through third-party distributors, wholesalers, and retailers throughout the United  
17 States.

18 **JURISDICTION AND VENUE**

19 10. This Court has subject matter jurisdiction under the Class Action Fairness Act  
20 (“CAFA”), 28 U.S.C. § 1332(d), because this is a class action in which the aggregate  
21 amount in controversy exceeds \$5,000,000, exclusive of interest and costs, the  
22 proposed Classes consist of more than 100 members, and minimal diversity exists.  
23 Plaintiffs Ramiz Naoum is a citizen of the State of California and Plaintiff Dunia Polis  
24 is a citizen of the State of Arizona, while Defendant Smart Foods, LLC is registered to  
25 do business in the State of California. Accordingly, at least one member of the proposed  
26 Classes is a citizen of a state different from Defendant, satisfying the minimal diversity  
27 requirement of CAFA.

28 11. This Court has supplemental jurisdiction over Plaintiffs’ state law claims

1 pursuant to 28 U.S.C. § 1367(a), because those claims are so related to the federal  
2 claims in this action that they form part of the same case or controversy under Article  
3 III of the United States Constitution.

4 12. This Court has personal jurisdiction over Defendant because it is registered to  
5 do business in California, conducts and continues to conduct substantial business  
6 within the state, employs numerous individuals in California, and has intentionally  
7 availed itself of the privileges and benefits of California law by operating its business  
8 and selling its products in this state.

9 13. Venue is proper in this District pursuant to 28 U.S.C. § 1391 because (i)  
10 Plaintiff Ramiz Naoum resides within this judicial district; (ii) a substantial part of the  
11 events or omissions giving rise to the claims occurred within this judicial district; and  
12 (iii) Defendant conducts business in this district and derives substantial revenue from  
13 its activities here.

14 **FACTUAL ALLEGATIONS**

15 14. Defendant manufactures, distributes, and sells the Mislabeled Product labeled  
16 **LOMBARDI “CANOLA OIL & EXTRA VIRGIN OLIVE OIL BLEND,”** which  
17 is marketed as a cooking oil suitable for various culinary uses, including frying, baking,  
18 and salad dressings.

19 15. The Mislabeled Product’s label prominently displays **“CANOLA OIL &**  
20 **EXTRA VIRGIN OLIVE OIL BLEND,”** and features an image of olives, suggesting  
21 a genuine olive oil product. However, a small-font ingredient list – “Mediterranean  
22 Blend” and “A Healthy Blend of Canola & Olive Oil”. – masks the truth, as laboratory  
23 testing conducted as of January, 2026 confirms the product contains no detectable olive  
24 oil, consisting entirely of canola oil.

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1 16. California Health and Safety Code Section 112895(b) requires that blends of  
2 olive oil with other oils be labeled as “mixed vegetable oil” and include prominent  
3 disclosure of contents and proportions. The Mislabeled Product violates this law in  
4 three serious ways: (1) it fails to label the product as “mixed vegetable oil”; (2) it omits  
5 disclosure of accurate blend proportions; and (3) it contains no “extra virgin olive oil,”  
6 and consists entirely of canola oil, a clear departure from the label’s implication.

7 17. This misrepresentation preys on consumers who value olive oil for its recognized  
8 worth – a preference supported by the counsel of doctors and health providers – leading  
9 them to choose it over alternatives like pure canola oil for reasons they hold important.  
10 Defendant’s failure to disclose the true composition undermines this trust.

11 18. Consumers, including Plaintiffs, relied on the labeling, believing they were  
12 purchasing a true olive oil blend, only to receive a product consisting entirely of canola  
13 oil, as confirmed by laboratory testing conducted as of January 2026.

14 19. The Mislabeled Product is marketed as “A HEALTHY BLEND OF CANOLA  
15 & OLIVE OIL,” fostering a false impression of its composition.

16 20. Plaintiffs purchased the Mislabeled Product, trusting the labeling, and would not  
17 have purchased it or used it if they had known its true composition.

18 21. Plaintiffs have suffered financial harm, having paid for a product they believed  
19 was a true olive oil blend, only to discover it is entirely canola oil.

20 22. Defendant’s misleading labeling reflects a pattern of conduct that prioritizes  
21 profit over consumer trust, with decisions made in California, its principal place of  
22 business.

23 23. Defendants’ actions deceive the public, as reasonable consumers expect a  
24 product labeled “**CANOLA OIL & EXTRA VIRGIN OLIVE OIL BLEND**” with a  
25 graphic of olives (and the absence of other oil graphics, e.g., rapeseed and/or canola)  
26 to contain olive oil, not solely canola oil.

27 24. These practices, undertaken for Defendant’s financial benefit, create an unfair  
28 advantage over competitors and cause significant harm to the public.

1        **A. Scientific Testing Demonstrates that Defendant’s Product Does Not**  
2        **Contain Olive Oil**

3        25. To verify the accuracy of Defendant’s labeling and representations, Plaintiffs  
4 submitted the Mislabeled Product for independent laboratory testing. The analysis  
5 was conducted by Process NMR Associates, LLC (“PNA”), located in Poughkeepsie,  
6 New York, an analytical chemistry laboratory specializing in nuclear magnetic  
7 resonance (NMR) spectroscopy for compositional and structural analysis of industrial  
8 and food products.

9        26. Process NMR Associates was founded in 1997 by John Edwards, Ph.D., a  
10 physical chemist with more than 25 years of experience in industrial NMR  
11 spectroscopy and one of the leading experts in the field. Dr. Edwards personally  
12 conducted the analysis of the Mislabeled Product. His laboratory provides analytical  
13 NMR testing services to hundreds of corporate clients across the oil, nutraceutical,  
14 pharmaceutical, and food industries and is recognized for its expertise in detecting  
15 adulteration of edible oils.

16        27. The Mislabeled Product was analyzed using <sup>1</sup>H NMR (proton nuclear magnetic  
17 resonance) spectroscopy, a scientifically validated method for determining the  
18 chemical composition of organic materials. The test was performed using a Varian  
19 Mercury 300 MHz NMR spectrometer in deuterated chloroform (CDCl<sub>3</sub>), a neutral  
20 solvent that enables clear hydrogen signal detection. This analysis produces a unique  
21 molecular “fingerprint” that allows scientists to identify the type and proportion of  
22 oils present in a product.

23        28. The resulting <sup>1</sup>H NMR spectrum revealed a complete spectral overlap with  
24 pure canola oil and lacked any resonance peaks characteristic of olive oil.

25        29. These findings demonstrate that the product marketed as a “**CANOLA OIL &**  
26 **EXTRA VIRGIN OLIVE OIL BLEND**” was devoid of olive oil, consisting instead  
27 of canola oil. The laboratory’s analysis provides objective, chemical proof that  
28 Defendant’s labeling and ingredient representations including the claim that the

1 product contains “extra virgin olive oil,” are false and misleading to reasonable  
2 consumers.

3 30. The testing conducted by Process NMR Associates followed established,  
4 industry-standard scientific protocols and conforms to quantitative NMR (qNMR)  
5 methods recognized by international standards organizations for authenticity testing.  
6 <sup>1</sup>H NMR spectroscopy is a validated and widely accepted analytical method for  
7 verifying the composition of edible oils and detecting adulteration. The results here  
8 provide reliable, reproducible, and scientifically sound evidence that Defendant’s  
9 product was deceptively mislabeled.

10 **B. Plaintiffs’ Experience**

11 31. Plaintiff Ramiz Naoum is a resident of Spring Valley, California.

12 32. On July 16, 2025 Plaintiff Naoum purchased a 16.9 oz bottle of the Mislabeled  
13 Product from “Lulu’s International Market” grocery store located at 678 Jamacha Rd,  
14 El Cajon, CA 92019 for approximately \$4.99, drawn by the label’s suggestion of a  
15 **“CANOLA OIL & EXTRA VIRGIN OLIVE OIL BLEND”** and its marketing for  
16 culinary use.

17 33. Plaintiff values olive oil for its recognized worth, a choice informed by the  
18 guidance of doctors and health providers and prefers it over pure canola oil for reasons  
19 they holds significant, willing to pay a premium for authenticity.

20 34. Plaintiff regularly used and the Mislabeled product in cooking, and consumed it  
21 with salad and bread, reasonably believing it to be an olive oil product based on its  
22 labeling and presentation. Plaintiff later learned that the product was not olive oil as  
23 represented, but instead consisted entirely of canola oil.

24 35. Plaintiff Dunia Polia is a resident of Phoenix, Arizona.

25 36. On December 14, 2025, Plaintiff Butcher purchased, among other items, a 97.38  
26 oz bottle of the Mislabeled Product from “Babel Mediterranean Market, ”a grocery  
27 store located at 18425 N 19th Ave, Phoenix, AZ 85023 for approximately \$24.99,  
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1 drawn by the label’s suggestion of a “**CANOLA OIL & EXTRA VIRGIN OLIVE**  
2 **OIL BLEND**” and its marketing for culinary use.

3 37.Plaintiff Polia regularly used and the Mislabeled product in cooking, and  
4 consumed it with salad and bread, reasonably believing it to be an olive oil product  
5 based on its labeling and presentation. Plaintiff later learned that the product was not  
6 olive oil as represented, but instead consisted entirely of canola oil.

7 38.Plaintiffs, through their counsel, submitted the Mislabeled Product for  
8 independent laboratory testing at Process NMR Associates, LLC (“PNA”), located in  
9 Poughkeepsie, New York.

10 39.The test revealed that the “**CANOLA OIL & EXTRA VIRGIN OLIVE OIL**  
11 **BLEND**” they had purchased was a complete spectral overlap with pure canola oil  
12 and lacked any resonance peaks characteristic of olive oil.

13 40.Plaintiffs felt deeply misled by the Mislabeled Product’s labeling, which used  
14 “**CANOLA OIL & EXTRA VIRGIN OLIVE OIL BLEND**” and imagery featuring  
15 a cluster of olives displayed prominently on the product’s face to suggest a genuine  
16 product comprised of olive oil.

17 41. Had Plaintiffs known the true composition of the Mislabeled Product, they  
18 would not have purchased it or consumed it.

19 42. Plaintiffs’ experience is typical of the class members, who were similarly  
20 deceived by Defendant’s labeling practices and relied on the misleading label to their  
21 detriment.

### 22 **CLASS DEFINITIONS AND ALLEGATIONS**

23 43.Plaintiffs bring this action individually and on behalf of all others similarly  
24 situated pursuant to Rules 23(b)(2) and 23(b)(3) of the Federal Rules of Civil  
25 Procedure. Plaintiffs seek certification of the following Classes:

26 **Nationwide Class:** All persons in the United States who, within the four  
27 (4) years preceding the filing of this Complaint (or within the applicable  
28 shorter limitations period for any claim asserted herein), purchased the

1 product labeled “Lombardi Canola Oil and Extra Virgin Olive Oil” for  
2 personal, household, or consumer use, and not for resale.

3 **California Subclass:** All persons who, within the four (4) years preceding  
4 the filing of this Complaint (or within the applicable shorter limitations  
5 period for any claim asserted herein), purchased the product labeled  
6 “Lombardi Canola Oil and Extra Virgin Olive Oil” for personal,  
household, or consumer use, and not for resale.

7 44.Excluded from the Class are Defendant, its officers and directors, families and  
8 legal representatives, heirs, successors, or assigns and any entity in which Defendant  
9 has a controlling interest, and any Judge assigned to this case and their immediate  
10 families.

11 45.Plaintiffs reserve the right to amend or otherwise alter the class definition  
12 presented to the Court at the appropriate time, or to propose or eliminate sub-classes,  
13 in response to facts learned through discovery, legal arguments advanced by  
14 Defendants, or otherwise.

15 46.This action is properly maintainable as a class action pursuant to Federal Rule  
16 of Civil Procedure 23 for the reasons set forth below.

17 47.**Numerosity:** Members of the Classes are so numerous that joinder of all  
18 Members is impracticable. Although the exact number of Class Members is unknown  
19 to Plaintiffs at this time, Plaintiffs are informed and believe that the number is in the  
20 thousands, if not millions, based on the widespread availability of the Mislabeled  
21 Product in retail outlets throughout California and the United States, including through  
22 online platforms.

23 48.**Common Questions Predominate:** There are questions of law and fact  
24 common to the classes that predominate over any individual issues including but not  
25 limited to:

26 a. Whether Defendant ’s labeling of the Mislabeled Product as “**CANOLA**  
27 **OIL & EXTRA VIRGIN OLIVE OIL BLEND**” violates California  
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- 1 Health and Safety Code Section 112895(b) by failing to label it as  
2 “blended vegetable oil” and omitting accurate blend proportions;
- 3 b. Whether Defendant ’s labeling of the Mislabeled Product as “**CANOLA**  
4 **OIL & EXTRA VIRGIN OLIVE OIL BLEND**” violates California  
5 Health and Safety Code Section 112895(b) by misrepresenting a product  
6 that laboratory testing conducted as of January 2026 confirms contains no  
7 olive oil and consists entirely of canola oil.
- 8 c. Whether Defendant’s failure to label the product as “mixed vegetable oil,”  
9 or to disclose accurate blend proportions, violated California Health and  
10 Safety Code § 112895(b) and other labeling regulations;
- 11 d. Whether Defendant’s representations regarding the composition, source,  
12 and quality of the “Mediterranean Blend,” including claims that it is “A  
13 Healthy Blend of Canola & Olive Oil”. were false, misleading, or likely  
14 to deceive reasonable consumers;
- 15 e. Whether Defendant knew or should have known that the “Mediterranean  
16 Blend” contained no olive oil prior to or during the period it was labeled,  
17 marketed, and sold to consumers;
- 18 f. Whether Defendants’ advertising, marketing, and sales practices were  
19 false, misleading, or deceptive;
- 20 g. Whether Defendants’ practices violate California Business and  
21 Professions Code Sections 17200, et seq., and 17500, et seq.;
- 22 h. Whether Defendants’ practices constitute fraud and deceit;
- 23 i. Whether Defendants breached the implied warranty of merchantability;
- 24 j. Whether Defendants were unjustly enriched by their practices;
- 25 k. Whether Plaintiff and class members suffered injury in fact and lost  
26 money or property as a result of Defendants’ practices;
- 27  
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- 1           1. Whether Defendant has been unjustly enriched by the sale of the
- 2           Mislabeled Product and the appropriate measure of restitution,
- 3           disgorgement, and damages;
- 4           m. Whether Defendant’s misrepresentations and omissions caused
- 5           consumers to pay more for the product than it was worth and whether
- 6           Plaintiff and Class Members suffered ascertainable loss or injury in fact
- 7           as a result;
- 8           n. Whether Defendant’s deceptive labeling, advertising, and marketing
- 9           practices are ongoing and generally applicable to all Class Members;
- 10          o. Whether injunctive and declaratory relief are necessary to prevent
- 11          Defendant from continuing to mislabel, advertise, or sell the product as
- 12          “Mediterranean Blend”;
- 13          p. The appropriate corrective labeling, disclosure, or reformulation required
- 14          to bring the product into compliance with California Health and Safety
- 15          Code § 112895(b) and to prevent future consumer deception; and,
- 16          q. The appropriate measure of restitution, damages, and injunctive relief.

17          **49. Typicality:** Plaintiffs’ claims are typical of the claims of the class members they  
18 seek to represent, because Plaintiffs, like Class members purchased Defendant’s  
19 product believing it to be a true olive oil blend when it was not. Defendant’s unlawful,  
20 unfair, and/ or fraudulent actions concern the same business practices described herein  
21 irrespective of where they occurred or were experienced. Plaintiffs and the Class  
22 sustained similar injuries, including financial harm, arising out of Defendant’s conduct.  
23 Plaintiffs’ and Class members’ claims arise from the same practices and course of  
24 conduct and are based on the same legal theories.

25          **50. Adequacy:** Plaintiffs are adequate representatives of the Classes they seek to  
26 represent because they are committed to seeking justice for those affected and their  
27 interests do not conflict with the interests of the members of the Classes. Plaintiffs will  
28 fairly and adequately protect the interests of the Classes and have retained counsel

1 experienced and competent in prosecution of complex class actions, including complex  
2 questions that arise in consumer protection litigation.

3 **51. Superiority:** A class action is superior to other available methods for the fair  
4 and efficient adjudication of this controversy because:

- 5 a. Class-wide damages are essential to induce Defendant to comply with  
6 California and Federal Law.
- 7 b. Individual lawsuits would be impractical given the number of class  
8 members and the relatively small individual damages, while a class action  
9 ensures centralized accountability for Defendant 's actions and provides  
10 relief to those it has wronged.
- 11 c. Because of the relatively small size of Class Members' claims, it is likely  
12 that only a few Class Members could afford to seek legal redress for  
13 Defendant's misconduct
- 14 d. Class action treatment is manageable because it will permit a large  
15 number of similarly situated persons to prosecute their common claims  
16 in a single forum simultaneously, efficiently, and without the  
17 unnecessary duplication of effort and expense that numerous individual  
18 actions would endanger.

19 **FIRST CAUSE OF ACTION**  
20 **(Violation of California Health and Safety Code § 112895(b))**  
21 **(On Behalf of Themselves and the California Subclass)**

22 52. Plaintiffs reallege and incorporate by reference the allegations contained in the  
23 preceding paragraphs of this complaint as if fully set forth herein.

24 53. Beginning at an exact date unknown to Plaintiffs, but within four (4) years  
25 preceding the filing of this Class Action Complaint, Defendant made untrue, false,  
26 deceptive, and/or misleading statements in connection with the labeling and marketing  
27 of the Mislabeled Product.

28 54. Defendant made representations and statements (by omission and commission)  
that led reasonable customers to believe that they were purchasing a true olive oil blend.

1 Defendant deceptively failed to inform Plaintiffs, and those similarly situated, that the  
2 Mislabeled Product contained no olive oil, consisting entirely of canola oil, and  
3 committed a triple violation of California Health and Safety Code Section 112895(b)  
4 by (1) failing to label it as “mixed vegetable oil,” (2) omitting accurate blend  
5 proportions, and (3) misrepresenting a product with no detectable olive oil.

6 55.Plaintiffs and those similarly situated relied to their detriment on Defendant’s  
7 false, misleading, and deceptive labeling and marketing practices. Had they been  
8 informed of the truth and not deceived, they would not have purchased or consumed  
9 the Mislabeled Product.

10 56.Defendant’s actions are likely to mislead the public, reflecting a serious lapse in  
11 responsibility.

12 57.Defendant engaged in these deceptive labeling, marketing, and sales practices to  
13 increase its profits, making decisions in California, its principal place of business. This  
14 conduct violates California Health and Safety Code Section 112895(b).

15 58.These practices, undertaken for Defendant’s financial benefit, create an unfair  
16 advantage over competitors and cause harm to the public, a matter that requires  
17 resolution.

18 59.Plaintiffs seek, on behalf of those similarly situated, full restitution of monies to  
19 recover losses incurred due to Defendant’s actions, plus interest.

20 60.Plaintiffs seek an injunction to prevent Defendant from continuing these  
21 deceptive labeling, marketing, and sales practices, with the misconduct occurring  
22 within four (4) years preceding this filing.

23 61.Plaintiffs and those similarly situated seek a declaration that these practices  
24 violate the law and injunctive relief to stop Defendant’s ongoing deception. Without  
25 this, Defendant will continue to cause injury and loss, necessitating repeated legal  
26 action by affected consumers who deserve better protection under California Health  
27 and Safety Code Section 112895(b).

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1 62.As a direct result, Plaintiff and the Class have suffered injury and lost money  
2 due to Defendant’s misleading labeling, in an amount to be proven at trial, exceeding  
3 the jurisdictional minimum.

4 **SECOND CAUSE OF ACTION**  
5 **(False Advertising in Violation of California Business & Professions Code §**  
6 **17500 et seq.)**

7 (On Behalf of Themselves and the California Subclass)

8 63.Plaintiffs reallege and incorporate by reference all preceding paragraphs as  
9 though fully set forth herein.

10 64.Beginning at an exact date unknown to Plaintiffs, but within four (4) years  
11 preceding the filing of this Class Action Complaint, Defendant made untrue, false,  
12 deceptive, and/or misleading statements in connection with the advertising and  
13 marketing of the Mislabeled Product.

14 65.Defendant made representations that led reasonable customers to believe they  
15 were purchasing a true olive oil blend. It failed to disclose that the Mislabeled Product  
16 contained no olive oil, consisting entirely of canola oil, violating California Health and  
17 Safety Code Section 112895(b) by (1) not labeling it as “mixed vegetable oil,” (2)  
18 omitting accurate blend proportions, and (3) misrepresenting the absence of olive oil.

19 66.Plaintiffs and those similarly situated relied on Defendant’s deceptive  
20 advertising, and had they known the truth, they would not have purchased or consumed  
21 the Mislabeled Product.

22 67.Defendant’s actions are likely to mislead the public, indicating a serious breach  
23 of duty.

24 68.Defendant engaged in these deceptive advertising practices to boost its profits,  
25 with decisions made in California, violating California Business and Professions Code  
26 Section 17500, et seq.

27 69.These practices, driven by Defendant’s financial interests, create an unfair  
28 advantage and harm the public, necessitating action.

1 70.Plaintiffs seek full restitution on behalf of those similarly situated to recover  
2 losses from Defendant’s deception, plus interest.

3 71.Plaintiffs seek an injunction to stop Defendant’s ongoing deceptive advertising  
4 practices, with the misconduct occurring within four (4) years preceding this filing.

5 72.Plaintiffs and the Class seek a declaration that these practices violate the law and  
6 injunctive relief to prevent future deception by Defendant. Without this, ongoing harm  
7 will continue, requiring repeated legal recourse by affected consumers under California  
8 Business and Professions Code Section 17500, et seq.

9 73.As a result, Plaintiffs and the Class have suffered injury and lost money due to  
10 Defendant ’s misleading advertising, in an amount to be proven at trial, exceeding the  
11 jurisdictional minimum.

12 **PLAINTIFF’S THIRD CAUSE OF ACTION**  
13 **(Unfair Competition in Violation of California Business & Professions Code**  
14 **Section 17200 et seq.)**

14 (On Behalf of Themselves and the California Subclass)

15 74.Plaintiffs reallege and incorporate by reference all preceding paragraphs as  
16 though fully set forth herein.

17 75.Defendant ’s misleading labeling, advertising, marketing, and sales practices  
18 constitute unfair, unlawful, and fraudulent business practices under California Business  
19 and Professions Code Section 17200, et seq.

20 76.Defendant ’s actions in designing deceptive labeling and marketing, have injured  
21 Plaintiffs and class members by overcharging for a product believed to be a true olive  
22 oil blend, confirmed by laboratory testing as of January 2026 to contain no olive oil.

23 77.Plaintiffs seek full restitution on behalf of those similarly situated to recover  
24 losses from Defendant’s unfair practices, plus interest.

25 78.Plaintiffs seek an injunction to prevent Defendant from continuing these unfair,  
26 unlawful, and fraudulent business practices, with the misconduct occurring within four  
27 (4) years preceding this filing.

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1 79.Plaintiffs and the Class seek a declaration that these practices violate the law and  
2 injunctive relief to stop Defendant’s ongoing deception. Without this, continued harm  
3 will persist, requiring repeated legal action by affected consumers under California  
4 Business and Professions Code Section 17200, et seq.

5 80.As a result, Plaintiffs and the Class have suffered injury and lost money due to  
6 Defendant’s unfair practices, in an amount to be proven at trial, exceeding the  
7 jurisdictional minimum.

8 **PLAINTIFF’S FOURTH CAUSE OF ACTION**  
9 **(Fraud and Deceit)**

(On Behalf of Themsevles and the Nationwide Class)

10 81.Plaintiffs reallege and incorporate by reference all preceding paragraphs as  
11 though fully set forth herein.

12 82.Defendant knowingly and intentionally misrepresented the Mislabeled Product  
13 by labeling it as “Mediterranean Blend,” when laboratory testing conducted as of  
14 January 2026 confirms it contains no olive oil and consists entirely of canola oil, in  
15 violation of California Health and Safety Code § 112895(b).

16 83.Defendant made these misrepresentations on the front and back labels of the  
17 product packaging where it advertised the product as a “Mediterranean Blend” of  
18 canola oil and olive oil. These statements were made to consumers, including  
19 Plaintiffs, at the point of sale and in online product listings throughout the applicable  
20 class period. Plaintiffs purchased the product in reliance on these representations  
21 within the four years preceding the filing of this Complaint.

22 84.Plaintiffs and Class members reasonably relied on Defendant’s  
23 misrepresentations and omissions, believing the product contained olive oil, and  
24 suffered economic injury as a result.

25 85.Defendant’s fraudulent conduct was willful, knowing, and intentional.  
26 Defendant was aware that the product contained no olive oil at the time it labeled and  
27 sold it as an “A Healthy Blend of Canola & Olive Oil” and nevertheless continued to  
28 market and distribute it with the intent to deceive consumers and increase profits.

1 Defendant's actions were undertaken with conscious disregard for consumer rights  
2 and safety, warranting punitive and exemplary damages.

3 86.As a result, Plaintiffs and the Class have suffered injury and lost money due to  
4 Defendant's fraud, in an amount to be proven at trial, exceeding the jurisdictional  
5 minimum.

6 87.As a direct and proximate result of Defendant's fraudulent misrepresentations  
7 and omissions, Plaintiffs and the Class paid more for the product than it was worth,  
8 were deprived of the benefit of their bargain, and suffered measurable economic  
9 damages.

10 88.Defendant continues to label, market, and sell the same or substantially similar  
11 product with the same false representations. Absent injunctive relief, Plaintiff and the  
12 Class will continue to face the risk of future deception and harm.

13 **PLAINTIFF'S FIFTH CAUSE OF ACTION**  
14 **Breach of Implied Warranty of Merchantability (California Commercial Code**  
15 **Section 2314)**

16 (On Behalf of Themselves and the Nationwide Class)

17 89.Plaintiffs reallege and incorporate by reference all preceding paragraphs as  
18 though fully set forth herein.

19 90.Defendant, as manufacturer, distributor, and retailer, impliedly warranted that  
20 the Mislabeled Product was merchantable and fit as a true olive oil blend for culinary  
21 use.

22 91.The Mislabeled Product was not merchantable, as laboratory testing conducted  
23 as of January 2026 confirms it contains no olive oil, consisting entirely of canola oil,  
24 failing to meet consumer expectations and causing financial harm.

25 92.Plaintiffs and class members relied on the implied warranty of a true olive oil  
26 blend, but the product's canola oil composition, confirmed by testing, renders it unfit,  
27 resulting in economic loss.  
28

1 93.As a result of Defendant’s breach, Plaintiffs and the Class have suffered injury  
2 and lost money, in an amount to be proven at trial, exceeding the jurisdictional  
3 minimum.

4 **PLAINTIFF’S SIXTH CAUSE OF ACTION**  
5 **Unjust Enrichment**

(On Behalf of Themselves and the Nationwide Class)

6 94.Plaintiffs reallege and incorporate by reference all preceding paragraphs as  
7 though fully set forth herein.

8 95.Defendant has been unjustly enriched by selling the Mislabeled Product, which  
9 consumers overpaid for believing it was a true olive oil blend, when laboratory testing  
10 conducted as of January 2026 confirms it contains no olive oil.

11 96.Defendant has no right to retain these profits, and it would be unjust to allow it  
12 to benefit from this deception.

13 97.Plaintiffs and the Class are entitled to restitution of the amounts paid, less the  
14 fair market value if properly labeled as canola oil, in an amount to be proven at trial,  
15 exceeding the jurisdictional minimum.

16 **PRAYER FOR RELIEF**

17 WHEREFORE, Plaintiffs pray for judgment against Defendants as follows:

- 18 1. For an order certifying this action as a class action pursuant to
- 19 Federal Rules of Civil Procedure 23(b)(2) and 23(b)(3)
- 20 2. For an order appointing Plaintiffs as representatives of the Classes
- 21 and appointing their counsel as class counsel;
- 22 3. For full restitution of all monies acquired by Defendants from
- 23 Plaintiffs and class members through the sale of the Mislabeled
- 24 Product, in an amount to be determined at trial;
- 25 4. For disgorgement of all profits obtained by Defendants from the
- 26 sale of the Mislabeled Product, in an amount to be determined at
- 27 trial;
- 28

- 1 5. For compensatory damages, including damages for breach of
- 2 implied warranty of merchantability, in an amount to be determined
- 3 at trial;
- 4 6. For punitive damages against Defendant for its willful, malicious,
- 5 and oppressive conduct, in an amount to be determined at trial;
- 6 7. For prejudgment interest on all monetary awards at the legal rate
- 7 pursuant to California Civil Code Section 3287(a);
- 8 8. For declaratory relief, declaring that Defendants’ labeling,
- 9 marketing, and sales practices violate California law;
- 10 9. For injunctive relief, including an order enjoining Defendants from
- 11 continuing to label, market, or sell the Mislabeled Product as
- 12 “**CANOLA OIL & EXTRA VIRGIN OLIVE OIL BLEND**” and
- 13 requiring Defendant to reformulate the product label to “blended
- 14 vegetable oil” with the contents and proportions prominently
- 15 displayed, in compliance with California Health and Safety Code
- 16 Section 112895(b);
- 17 10. For reasonable attorneys’ fees according to proof, pursuant to
- 18 California Code of Civil Procedure Section 1021.5, California Civil
- 19 Code § 1780(e), and other applicable law;
- 20 11. For restitution and disgorgement pursuant to Business and
- 21 Professions Code §§ 17203 and 17535;
- 22 12. For costs of suit incurred; and
- 23 13. For such further relief as this Court may deem just and proper.

24 **JURY TRIAL DEMANDED**

25 Plaintiff hereby demands a trial by jury.

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Dated: March 27, 2026

Respectfully submitted,

SWIGART LAW GROUP, APC

/s/ Joshua B. Swigart

Joshua B. Swigart

Katherine A. Tuohy

THE LAW OFFICES OF QUINTIN SHAMMAM

/s/ Quintin G. Shammam

Quintin G. Shammam

THE LAW OFFICE OF JOSEPH M. ATTIQ

/s/ Joseph M. Attiq

Joseph M. Attiq

Attorney for Plaintiffs

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Ramiz Naoum, an individual; Dunia Polis, an individual on behalf of themselves and all others similarly situated,

(b) County of Residence of First Listed Plaintiff San Diego  
 (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)  
 Joshua Swigart, Swigart Law Group, APC  
 2221 Camino del Rio South, Ste. 308  
 San Diego, CA 92108, 866-219-3343

**DEFENDANTS**

Smart Foods, LLC

County of Residence of First Listed Defendant Los Angeles  
 (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)  
 Unk

**'26CV1942 CAB SBC**

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                                       |                            |   |                            |                                       |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
|   | <b>PTF</b>                            | <b>DEF</b>                 |   | <b>PTF</b>                 | <b>DEF</b>                            |
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State                | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5            |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input checked="" type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation - Transfer
- 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 U.S.C. § 1332(d)

Brief description of cause:  
Product mislabeled as Olive-Oil

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ 10,000,000.00 CHECK YES only if demanded in complaint: JURY DEMAND:  Yes  No

**VIII. RELATED CASE(S) IF ANY**

(See instructions): JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE 03/27/2026 SIGNATURE OF ATTORNEY OF RECORD /s/ Joshua B. Swigart

**FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_