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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CAITLIN DARR, *individually and
on behalf of all others similarly
situated,*

Plaintiff,

vs.

UNWELL PRODUCTS LLC,

Defendant.

Case No. 8:26-cv-1961

CLASS ACTION COMPLAINT

1. VIOLATION OF CALIFORNIA'S CONSUMER LEGAL REMEDIES ACT, CIV. CODE § 1750 *et seq.*
2. VIOLATION OF CALIFORNIA'S UNFAIR COMPETITION LAW, CAL. BUS. & PROF. CODE § 17200 *et seq.*
3. VIOLATION OF CALIFORNIA'S FALSE ADVERTISING LAW, BUS. & PROF. CODE §§ 17500 & 17501 *et seq.*
4. FRAUD

DEMAND FOR JURY TRIAL

Plaintiff Caitlin Darr, individually and on behalf of all others similarly situated, brings this class action suit for damages and equitable relief against Unwell Products LLC (“Unwell” or “Defendant”). Plaintiff alleges the following based upon personal information as to allegations regarding themselves and on their own investigation, on the investigation of their counsel, or on information and belief as to all other allegations:

I. INTRODUCTION

1. In December 2024, Defendant announced Unwell Hydration, a line of beverages it billed as delivering “rapid hydration and focus” and containing “flavors and colors from only natural sources.”¹

2. Defendant has since rebranded as Unwell Beverages, with an expanded product offering. Defendant now manufactures, markets, and sells several lines: Hydration Drinks, Protein Drinks, Energy Drinks, and Hydration Sticks (collectively, “the Products,” as shown below).



¹ Saman Shafiq, ‘Call Her Daddy’ Host Alex Cooper Announces New Drink ‘Designed Specifically for Women,’ USA Today (Dec. 5, 2024), <https://www.usatoday.com/story/money/food/2024/12/05/call-her-daddy-alex-cooper-unwell-hydration/76797341007/> (last accessed July 22, 2026).



3. Each Product comes in a variety of flavors—including Mango Citrus, Orange Hibiscus, and Cherry Lime—all of which are fruit-based.

4. Defendant prominently markets the Products as containing “No Artificial Flavors” and being “Flavored with Other Natural Flavors.” These claims appear on the Products’ front and side labels and across channels through which Defendant sells and markets them.

5. These representations are both false and misleading. Today, ninety percent or more of all commercial citric acid is not naturally produced from citrus fruits but, instead, is artificial citric acid that is synthetically derived from a form of black mold, *Aspergillus niger*. Upon information and belief, it is not possible that the Products are made without artificial citric acid. In addition, the Products contain sodium citrate, an artificial ingredient that imparts flavor, specifically tartness. Defendant’s false and misleading statements conceal these facts.

6. Defendant’s false and misleading statements caused Plaintiff and members of the proposed classes to pay a price premium for the Products. Had they

1 known the truth, Plaintiff and members of the proposed classes would not have
2 purchased the Products or would have paid less.

3 7. Plaintiff seeks monetary and injunctive relief against Defendant for
4 violating the California Consumer Legal Remedies Act (“CLRA”), Cal. Civ. Code
5 §§ 1750, *et seq.*; the California Unfair Competition Law (“UCL”), Cal. Bus. & Prof.
6 Code §§ 17200, *et seq.*; California’s False Advertising Law (“FAL”), Cal. Bus. &
7 Prof. Code §§ 17500, *et seq.*; and the common-law prohibition on fraud.

8 **II. PARTIES**

9 8. Plaintiff Caitlin Darr is a California resident. They purchased
10 Defendant’s Strawberry Hydration Focus Drink from Target in or around June 2025.
11 They have also purchased the Strawberry Hydration Focus Sticks and, throughout
12 the past two years, have bought the Products from Target, Amazon, and Ralphs.
13 Plaintiff relied on Defendant’s representations that the Products contained “No
14 Artificial Flavors” and were “Flavored with Other Natural Flavors” and would not
15 have purchased the Products, or would have paid less, had they known the truth.

16 9. Defendant Unwell Products LLC is a Delaware corporation with its
17 principal place of business at Los Angeles, California. Defendant owns,
18 manufactures, and markets the Unwell Beverages brand in partnership with Nestle
19 USA, Inc. At all times relevant herein, Unwell conducted business in California, in
20 the County of Los Angeles, within this judicial district.

21 **III. JURISDICTION AND VENUE**

22 10. This Court has subject matter jurisdiction under the Class Action
23 Fairness Act, 28 U.S.C. § 1332(d) because the aggregate amount in controversy
24 exceeds \$5 million, exclusive of interests and costs; the number of members of the
25 proposed Classes exceeds 100; and many members of the proposed Classes are
26 citizens of different states than Defendant.

11. This Court has personal jurisdiction over Unwell because it is headquartered in Los Angeles, California, and because a substantial portion of the events and conduct giving rise to Plaintiff's claims occurred in California.

12. Venue is proper pursuant to 28 U.S.C. § 1391 for the following reasons: (i) Defendant resides in this district; and (ii) the conduct complained of herein occurred within this judicial district.

IV. FACTUAL ALLEGATIONS

A. Defendant Markets the Products as Naturally Flavored and Free of Artificial Flavors

13. Reasonable consumers understand the phrases "artificial flavor" and "natural flavor" in their ordinary, everyday senses: artificial, meaning something created by humans but "made . . . to seem like something natural;"² natural, meaning "existing in or produced by nature : not artificial," "true to nature," or "having a form or appearance found in nature;"³ and flavor, meaning "affect[ing] the sense of taste."⁴

14. In December 2024, Defendant announced the launch of the Unwell Hydration Products, promoting them as being "made with flavors and colors from only natural sources."⁵

15. On the front packaging, Defendant labels all Products as being "Flavored with Other Natural Flavors."

16. The Hydration Drink Products:

² *Artificial*, MERRIAM-WEBSTER, available at <https://www.merriam-webster.com/dictionary/artificial> (last accessed July 22, 2026).

³ *Natural*, MERRIAM-WEBSTER, available at <https://www.merriam-webster.com/dictionary/natural> (last accessed July 22, 2026).

⁴ *Flavor*, MERRIAM-WEBSTER, available at <https://www.merriam-webster.com/dictionary/flavor> (last accessed July 22, 2026).

⁵ *Call Her Daddy's Alex Cooper Expands Her Empire with Unwell Hydration*, PR Newswire (Dec. 5, 2024), <https://www.prnewswire.com/news-releases/call-her-daddys-alex-cooper-expands-her-empire-with-unwell-hydration-302323287.html> (last accessed July 22, 2026).





17. The Protein Drinks:



18. The Energy Drinks:



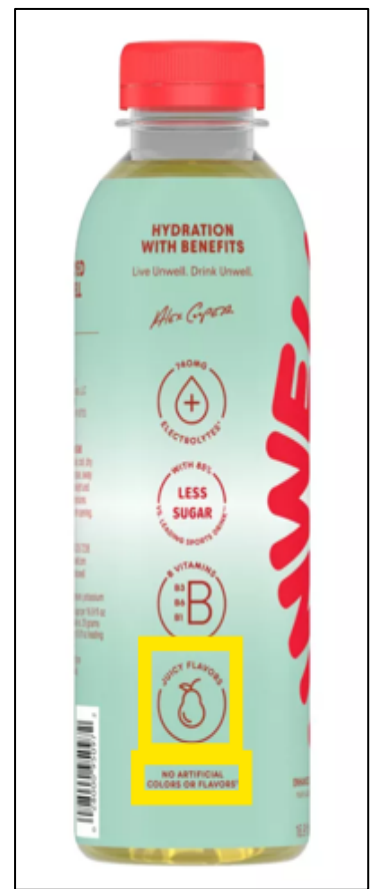
19. The Hydration Sticks:



20. On the Hydration and Protein Drinks, Defendant prefaces the representation with the names of specific fruits, *e.g.*, “Peach Tangerine Flavored with Other Natural Flavors” and “Orange Hibiscus Flavored with Other Natural Flavors.” On the Energy Drinks, Defendant invokes specific fruit juices, *e.g.*, “With a Blend of

Cherry and Lime Juices from Concentrate Flavored with Other Natural Flavors” and “With a Blend of Passion Fruit, Orange, Guava Juices from Concentrate Flavored with Other Natural Flavors.”

21. On the front or side packaging of the Products, Defendant also represents “No Artificial Colors or Flavors.” This is in addition to the label “Juicy Flavors” (on each Product but the Energy Drinks), which circles a drawing of at least one of the fruits after which the beverage is named. Representative images of the Products’ packaging (the Strawberry Focus Hydration Drink, Mango Citrus Hydration Sticks, Juicy Pear Caffeine Free Hydration Drink, Peach Tangerine Protein Drink, and Red, White, and Blueberry Energy Drink, respectively) are reproduced below:





22. Individually and in combination, these representations communicate to reasonable consumers that the Products' flavors come only from natural sources (fruit) and not from artificial flavoring.

23. Defendant repeats these claims on the third-party retail websites where the Products are sold. Across its Amazon product listings, Defendant claims that the Products are "made with flavors and colors from only natural sources" and contain "No Artificial Flavors."⁶

⁶ *Unwell Hydration Electrolyte Drink For Rapid Hydration + Focus – Blackberry Acai, 12 Pack*, Amazon.com, <https://www.amazon.com/Unwell-Hydration-Electrolyte-Drink-Rapid/dp/B0F4BSQBV6> (last accessed July 22, 2026).

Product Description

Unwell Hydration is an enhanced electrolyte drink delivering rapid hydration and focus in every sip. It offers a refreshing blend of juicy blackberries and bright acai flavors to quench your thirst. Each bottle of our new hydration drink contains three types of electrolytes and three B-complex vitamins to kick start your hydration, along with a gentle dose of 75mg of natural caffeine from green coffee extract for focus when you need it most. Made with flavors and colors from only natural sources. Unwell Hydration is here to support all of life's unwell moments.

About this item

- **BETTER HYDRATION THAN WATER ALONE:** Electrolyte drink fueled by over 700mg of essential electrolytes, including sodium, magnesium, and potassium. Unwell Hydration provides electrolyte replenishment with a clean, refreshing taste.
- **FUNCTIONAL BENEFITS:** Beyond electrolytes, Unwell Hydration contains 3 B-complex vitamins and a gentle dose of natural green coffee extract to help you focus.
- **DAILY USE:** Unwell Hydration is formulated to power you through all of life's unwell moments, whether you're powering through an early morning Pilates class or pregameing for a night out.
- **ALL THE FUN, NO BS:** Made with flavors and colors from only natural sources. Unwell Hydration provides liquid hydration that doesn't compromise. Sweetened with just 4g of cane sugar and a small dose of stevia leaf extract for a delicious and refreshing electrolyte drink.
- **FOCUS WITHOUT THE JITTERS:** Unwell Hydration contains a gentle dose of 75mg of natural caffeine from green coffee extract (less than a cup of coffee), offering a boost of focus and electrolyte replenishment.

Specialty

Fat Free, Low Calorie, Low Fat, No Artificial Flavors, No High Fructose

24. On Target's website, Defendant repeatedly makes the same claims. In the item details for the Pineapple Coconut Energy Drink, the "Highlights" section describes the beverage as a "BETTER FOR YOU ENERGY DRINK" made with "natural flavors."⁷ The product description again includes that the beverage has "no artificial sweeteners, colors, or flavors."⁸ In the "Specifications" section of the listing, Defendant repeats this claim twice. In the "Features" category, it describes that the beverage has "No Artificial Flavors." In the "Dietary Needs" category, it claims that the drink is "Naturally Flavored."⁹

⁷ *Unwell Pineapple Coconut Sparkling Energy Drink with Real Fruit Juice - 12 fl oz*, Target, <https://www.target.com/p/unwell-pineapple-coconut-energy-drink-12-fl-oz/-/A-94857216> (last accessed July 22, 2026).

⁸ *Id.*

⁹ *Id.*

About this item

Details

Highlights

- **NATURAL CAFFEINE:** Powered by 150mg of natural caffeine from green coffee extract, Unwell Energy is made for moments when you need to rally most—before your workout, night out, and every deadline in between.
- **BETTER FOR YOU ENERGY DRINK:** Made with real fruit juice, electrolytes, natural flavors, and zero scary sweeteners, this energy drink keeps you hydrated and energized when you need it most.
- **READY-SET-GLOW:** With biotin to support healthy hair and skin, Unwell Energy keeps you fueled, focused, and glowing
- **FRUITY, REFRESHING FLAVOR:** Pineapple and coconut come together in a bold, sparkling blend that's juicy, refreshing, and made for everyday energy.
- **GUILT-FREE ENERGY:** A clean, sparkling finish without the artificial aftertaste – powered by natural caffeine for a smooth energy boost.
- SNAP and EBT item in eligible states

[Show less](#)

Description

Finally, better-for-you energy that doesn't sacrifice on taste. Each can of Unwell Energy is made with real ingredients and bold benefits: 150mg of natural caffeine, only 2g of sugar, real fruit juice, 6 essential B vitamins, and 745mg of electrolytes. No artificial sweeteners, colors, or flavors—just refreshing, juicy fuel. With biotin to support healthy hair and skin, this sparkling energy drink is formulated for a better you. Perfect for busy workdays, weekend plans, sweaty gym sessions, and every Unwell moment in between.

Specifications

Features: No High Fructose Corn Syrup No Artificial Flavors No Artificial Colors, No Artificial Sweeteners

Dietary Needs: Gluten-Free Naturally Flavored Kosher

25. Defendant repeats such claims on Walmart's website as well, stating twice that Orange Hibiscus Hydration Focus Drinks are "made with flavors and colors from only natural sources."¹⁰

Product details

Unwell Hydration is an enhanced electrolyte drink delivering rapid hydration and focus in every sip. It offers a refreshing blend of tangy orange and floral hibiscus flavors to quench your thirst. Each bottle of our new hydration drink contains three types of electrolytes and three B-complex vitamins to kick start your hydration, along with a gentle dose of 75mg of natural caffeine from green coffee extract for focus when you need it most. Made with flavors and colors from only natural sources, Unwell Hydration is here to support all of life's unwell moments.

- **BETTER HYDRATION THAN WATER ALONE:** Electrolyte drink fueled by over 700mg of essential electrolytes, including sodium, magnesium, and potassium. Unwell Hydration provides electrolyte replenishment with a clean, refreshing taste.
- **FUNCTIONAL BENEFITS:** Beyond electrolytes, Unwell Hydration contains 3 B-complex vitamins and a gentle dose of natural green coffee extract to help you focus.
- **DAILY USE:** Unwell Hydration is formulated to power you through all of life's unwell moments, whether you're powering through an early morning Pilates class or pregameing for a night out.
- **ALL THE FUN, NO BS:** Made with flavors and colors from only natural sources, Unwell Hydration provides liquid hydration that doesn't compromise. Sweetened with just 4g of cane sugar and a small dose of stevia leaf extract for a delicious and refreshing electrolyte drink.
- **FOCUS WITHOUT THE JITTERS:** Unwell Hydration contains a gentle dose of 75mg of natural caffeine from green coffee extract (less than a cup of coffee), offering a boost of focus and electrolyte replenishment.
- SNAP and EBT item in eligible states

① **We aim to show you accurate product information.** Manufacturers, suppliers and others provide what you see here, and we have not verified it. [See our disclaimer](#)

¹⁰ *Unwell Hydration Electrolyte Drink for Rapid Hydration + Focus – Orange Hibiscus, 12 pack*, Walmart, <https://www.walmart.com/ip/UNWELL-Hydrate-Focus-Orange-Hibiscus-15-2oz/14841152410> (last accessed July 22, 2026).

26. Defendant extends these claims into social media advertising. In one paid Meta advertisement, Defendant touted the Energy Drinks as made with “zero fake vibes” and “[r]eal juice,” “[d]elivering [n]atural energy[.]”¹¹



27. In a post to Defendant’s Instagram page, Defendant’s founder, Alex Cooper, narrates: “Start with Unwell Energy. **No Artificial Flavors**, No Artificial Sweeteners” (emphasis added.)¹²

28. Across social media posts, Defendant prominently features the “Flavored with Other Natural Flavors” label on the front of the Products. For instance, in an Instagram post on June 2, 2026, Defendant posted a picture of the Pineapple Coconut Energy Drink, which was zoomed in and cropped, so only the top

¹¹ Meta Ad Library, Unwell Beverages advertisement (ad ID 2203832887119849), active on Facebook, Instagram, and Messenger, <https://www.facebook.com/ads/library/?id=2203832887119849> (last accessed July 22, 2026).

¹² Unwell Beverages (@drinkunwell), Instagram Reel (Apr. 3, 2026), <https://www.instagram.com/reel/DWrSYyckc1m/> (last accessed July 22, 2026).

1 half of the beverage was visible. This enlarged the text on the beverage's front cover:
 2 "With Pineapple Juice from Concentrate **Flavored with Other Natural Flavors**"
 3 (emphasis added).¹³ The caption of the post similarly alluded to the quality of the
 4 beverage's contents, stating that "It's what's on the inside that counts, but the
 5 outside's cute too."¹⁴



22 29. In another post on March 26, 2026, Defendant superimposed "No
 23 Artificial Flavors or Colors" in a callout bubble with arrows pointing to two of its
 24 Hydration Drinks.¹⁵

26 ¹³ Unwell Beverages (@drinkunwell), Instagram (June 2, 2026),
<https://www.instagram.com/p/DZF82iJiRfc/> (last accessed July 22, 2026).

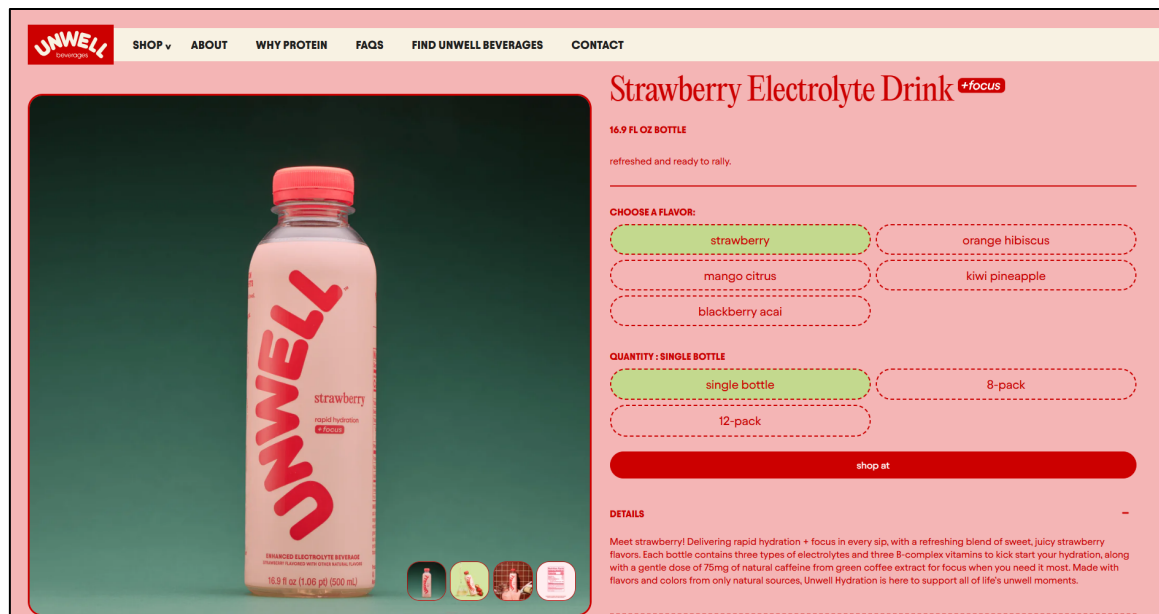
27 ¹⁴ *Id.*

28 ¹⁵ Unwell Beverages (@drinkunwell), Instagram (Mar. 26, 2026),
<https://www.instagram.com/p/DWW3DwwiTOq/> (last accessed July 22, 2026).



30. Defendant makes the same or similar claims on its website. In and around the Products' descriptions, which consumers can view when scrolling further down an item's listing, Defendant promotes the Products as "made with flavors and colors from only natural sources," and having "no artificial flavors." Though the exact presentation of these claims varies among the different lines of beverages, they are always present and are often shown at least twice.¹⁶

¹⁶ *Strawberry Electrolyte Drink*, Unwell Beverages, <https://drinkunwell.com/collections/focus/products/strawberry> (last accessed July 22, 2026); *Peach Sorbet Sparkling Energy Drink*, Unwell Beverages, <https://drinkunwell.com/collections/all/products/peach-sorbet-sparkling-energy-drink> (last accessed July 22, 2026).



+ flavors + colors from natural sources
Brought to you by things that actually grow in nature

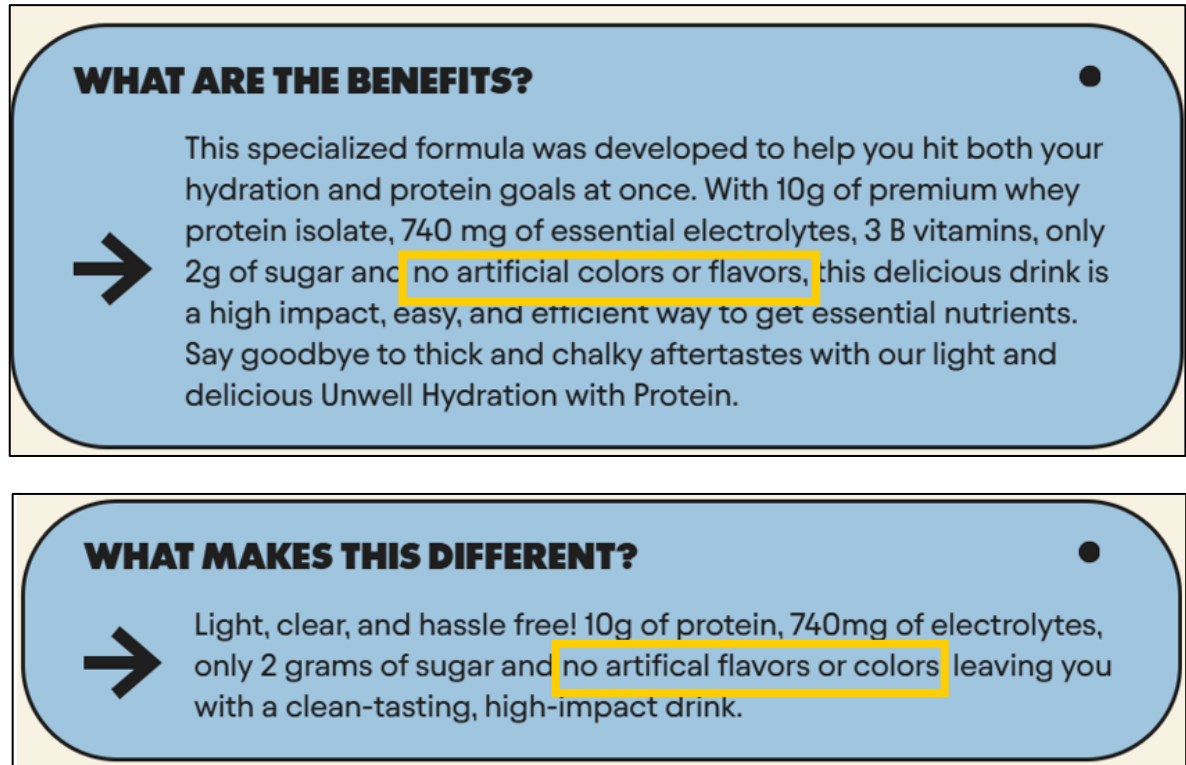
AND NONE OF THE BAD (STUFF)

- no artificial flavors

- No Artificial Sweeteners **-** No Artificial Flavors
- No Artificial Colors

➔ no artificial sweeteners, flavors, or colors! ⁱ

31. On other pages on its website, such as its frequently asked questions, Defendant reaffirms to consumers that the Products contain no artificial flavors. Under the heading “What are the benefits?” for the Protein Drink, Defendant includes the claim “no artificial colors or flavors.” In answering “What makes this different?” for the same beverage, Defendant once again states that it contains “no artificial [sic] flavors.”¹⁷



32. Defendant’s repeated depictions of the Products with images of fruit further aim to convince consumers that the Products are truly all natural. This strategy is consistent across the channels through which Defendant sells and promotes the

¹⁷ Defendant’s website FAQ page, <https://drinkunwell.com/pages/faq> (last accessed July 22, 2026).

Products, including third-party retailers' websites, social media, and Defendant's website. Examples of these depictions are reproduced below.¹⁸



¹⁸ *Unwell Hydration No Caffeine Watermelon Sports Drink - 16.9 fl oz*, Target, <https://www.target.com/p/unwell-hydration-no-caffeine-watermelon-sports-drink-16-9-fl-oz/-/A-94815341> (last accessed July 22, 2026); *Unwell Hydration Electrolyte Drink For Rapid Hydration + Focus – Mango Citrus, 12 Pack*, Amazon.com, <https://www.amazon.com/Unwell-Hydration-Electrolyte-Drink-Rapid/dp/B0DWG4RCLK> (last accessed July 22, 2026); Unwell Beverages (@drinkunwell), Instagram (posted Mar. 3, 2026), <https://www.instagram.com/p/DVbjfrcCV2W/> (last accessed July 22, 2026); Unwell Beverages (@drinkunwell), Instagram (posted Jan. 27, 2026), <https://www.instagram.com/p/DUBYuT8Efmr/> (last accessed July 22, 2026).



33. While consumers cannot purchase the Products on Defendant's website, each Product's page contains a "shop at" button that directs consumers to stores where the selected Product is available.¹⁹

34. Together, these representations constitute a coordinated marketing campaign that is widespread, consistent, and aggressive. It appears at multiple points in consumers' interactions with the Products.

35. This campaign is false and misleading, as demonstrated below.

B. The Citric Acid in the Products Is Manufactured, Not Naturally Derived

36. "Citric acid as a food additive"—like that in the Products—"is not natural citric acid; it is manufactured through fermentation using *Aspergillus niger*."²⁰

¹⁹ *Watermelon Hydration*, Unwell Beverages, <https://drinkunwell.com/collections/all/products/watermelon-hydration> (last accessed July 22, 2026).

²⁰ Iliana E. Sweis & Bryan C. Cressey, *Potential role of the common food additive manufactured citric acid in eliciting significant inflammatory reactions*

37. Citric acid was first isolated in 1784, when Swedish chemist Carl Scheele derived it from lemon juice. Commercial production began in England around 1826 using Italian lemons and continued in that form until the early 20th century, “when the first industrial process using *Aspergillus niger* began in Belgium.”²¹ Production from lemon juice peaked in 1915–1916 at approximately 17,500 tons.²² Today, global production of artificial citric acid exceeds 2 million tons each year.²³

38. Food scientist Mary Mulry, PhD, states, “We would all love to think that citric acid comes from an orange, but it does not. It comes from a chemical process.”²⁴

39. Although citric acid occurs naturally in citrus fruits, commercial extraction from fruit is not feasible at scale. Natural sources such as lime, lemon, and orange cannot produce the quantities demanded by the modern food and beverage industry, rendering extraction from such sources economically inefficient.²⁵ In 1995, the USDA wrote that citric acid in its natural form, *i.e.* as obtained “[t]raditionally by extraction from citrus juice [is] **no longer commercially available**”²⁶ (emphasis

contributing to serious disease states: A series of four case reports, 5 TOXICOLOGY REPORTS (2018), <https://pmc.ncbi.nlm.nih.gov/articles/PMC6097542/>.

²¹ Maria Papagianni, *Advances in citric acid fermentation by Aspergillus niger: Biochemical aspects, membrane transport and modeling*, 25 BIOTECHNOLOGY ADVANCES (2007),

<https://www.sciencedirect.com/science/article/abs/pii/S0734975007000183>.

²² Rosaria Ciriminna et al., *Citric acid: emerging applications of key biotechnology industrial product*, 11 CHEMISTRY CENTRAL JOURNAL 1 (2017), <https://pmc.ncbi.nlm.nih.gov/articles/PMC5342991/>.

²³ Catherine Tubb, *The fermentation-led disruption of citric acid*, RETHINKX (2026), <https://www.rethinkx.com/blog/citric-acid>.

²⁴ Lisa Marshall, *Is citric acid natural?*, NEW HOPE NETWORK (Dec. 19, 2014), <https://www.newhope.com/food-and-beverage/is-citric-acid-natural->.

²⁵ Ambreen Latif et al., *An overview of key industrial product citric acid production by Aspergillus niger and its application*, 52 *Journal of Industrial Microbiology and Biotechnology* 2 (2025), <https://pmc.ncbi.nlm.nih.gov/articles/PMC11956825/>.

²⁶ *Citric Acid Technical Report*, USDA AMS (1995), <https://www.ams.usda.gov/sites/default/files/media/Citric%20Acid%20TR%201995.pdf>.

1 added). In 2015, the USDA reiterated that “[c]itric acid purified from citrus fruits is
2 technically feasible, but whether it is economically possible is unknown.”²⁷

3 40. Microbial fermentation is the only commercially viable method of
4 producing artificial citric acid at scale for the food and beverage industry, and it is
5 now the dominant method of citric acid production. “About 99% of world production
6 of citric acid occurs via microbial processes[.]”²⁸ As a result, today’s “citric acid is a
7 bulk, low-value product,”²⁹ and to meet the “huge demand for citric acid worldwide,”
8 manufacturers are building “[m]ore and more industrial factories.”³⁰

9 41. “Industrially citric acid is currently produced by fermentation,”³¹
10 predominantly using “a mutant strain of the black mold *Aspergillus niger*,”³² which
11 “account[s] for approximately 90%”³³ or “99% of the world’s production of MCA.”³⁴
12 (MCA, an acronym for Manufactured Citric Acid, is a term commonly used to
13 describe artificial citric acid.) This mutant mold strain is “superior” to other
14 microorganisms because of its high yield and easy handling.³⁵

15
16 ²⁷ *Citric Acid Technical Evaluation Report*, USDA AMS (2015),
17 <https://www.ams.usda.gov/sites/default/files/media/Citric%20Acid%20TR%202015.pdf>.

18 ²⁸ Belén Max et al., *Biotechnological production of citric acid*, 41 BRAZILIAN
19 JOURNAL OF MICROBIOLOGY 867 (2010),
20 <https://pmc.ncbi.nlm.nih.gov/articles/PMC3769771/>.

21 ²⁹ *Citric Acid Technical Evaluation Report*, USDA AMS (2015),
22 <https://www.ams.usda.gov/sites/default/files/media/Citric%20Acid%20TR%202015.pdf>.

23 ³⁰ Tong et al., *Whole Maize Flour and Isolated Maize Starch For Production of*
24 *Citric Acid by Aspergillus Niger: A Review*, 75 STARCH – STÄRKE 1 (2023),
25 <https://onlinelibrary.wiley.com/doi/abs/10.1002/star.202000014>.

26 ³¹ *Id.* at 9.

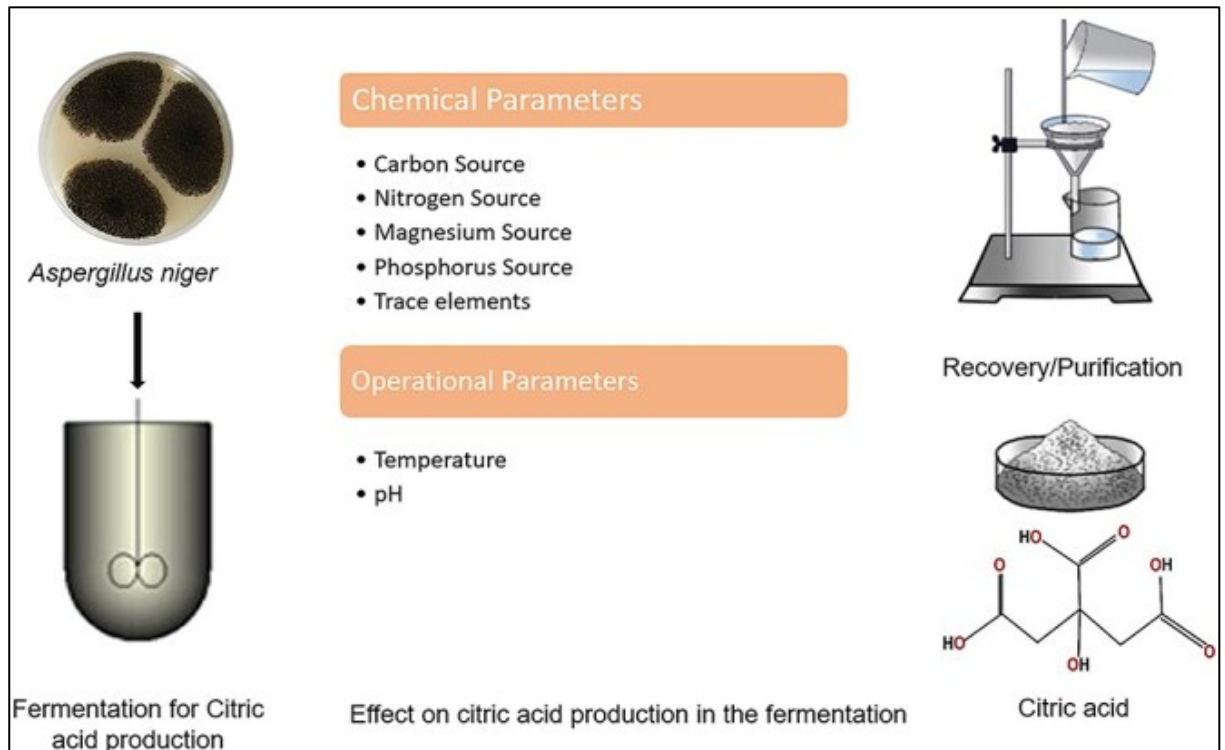
27 ³² Sweis & Cressey at 808.

28 ³³ Khurshid et al., *Enhanced Citric Acid Production through Aspergillus niger: Insights from Fermentation Studies Using Sugarcane Molasses*, 14 LIFE 2 (2024),
<https://pmc.ncbi.nlm.nih.gov/articles/PMC11204724/>.

³⁴ Sweis & Cressey at 808.

³⁵ Lende et al., *Review on production of citric acid by fermentation technology*, 17
GSC BIOLOGICAL AND PHARMACEUTICAL SCIENCES 86 (2021),
<https://gsconlinepress.com/journals/gscbps/sites/default/files/GSCBPS-2021-0313.pdf>.

42. In this process, cheap raw materials³⁶ are fermented using the mutant mold *Aspergillus niger*, which biosynthesizes citric acid through microbial metabolism under tightly controlled industrial conditions.³⁷ This artificial citric acid is not extracted from citrus fruit or any other naturally occurring source, but is created during industrial fermentation as a metabolic product of the microorganism. A graphical abstract of artificial citric acid production by *Aspergillus niger* is below.³⁸



43. Industrial fermentation using *Aspergillus niger* is carried out through two production methods: surface and submerged processes, which “exclusively” account for citric acid production.³⁹

³⁶ *Id.*

³⁷ A.R. Angumeenal & D. Venkappayya, *An overview of citric acid production*, 50 LWT - FOOD SCIENCE AND TECHNOLOGY 367 (2013), <https://www.sciencedirect.com/science/article/pii/S0023643812002332>.

³⁸ *Citric Acid Technical Evaluation Report*, USDA AMS (2015), <https://www.ams.usda.gov/sites/default/files/media/Citric%20Acid%20TR%202015.pdf>.

³⁹ *Citric Acid Technical Evaluation Report*, USDA AMS (2015), <https://www.ams.usda.gov/sites/default/files/media/Citric%20Acid%20TR%202015.pdf>.

1 44. In the surface process for creating artificial citric acid, sterile sugar-
2 containing media (i.e., a nutrient mixture of sugars dissolved in water) are placed in
3 controlled chambers and inoculated with *Aspergillus niger*, where temperature,
4 humidity, airflow, and pH are continuously regulated. The organism forms a mycelial
5 layer (a dense mat of fungal growth) across the surface and converts sugars into
6 artificial citric acid over several days.⁴⁰ This process requires sterilization,
7 environmental control, and continuous monitoring and adjustment of reaction
8 conditions to drive production.

9 45. In the submerged (or deep fermentation) process for creating artificial
10 citric acid, the product is produced in large, aerated fermentors (industrial tanks)
11 containing liquid broth. Inputs are sterilized and chemically adjusted, including the
12 controlled addition and balancing of micronutrients and metals to optimize yield.⁴¹
13 The system operates under carefully regulated temperature, aeration, and, at times,
14 elevated pressure to increase oxygen transfer. Production depends on maintaining
15 precise control over the chemical environment throughout fermentation. Submerged
16 fermentation is the predominant commercial method used to produce artificial citric
17 acid.⁴²

18 46. Artificial citric acid—through surface or submerged fermentation—is
19 generated through a tightly controlled industrial process involving sterilization,
20 chemical manipulation of inputs, and engineered reaction conditions—i.e., it is
21 manufactured and not naturally derived.
22
23
24
25

26 ⁴⁰ *Id.*

27 ⁴¹ *Citric Acid Technical Evaluation Report*, USDA AMS (2015),
<https://www.ams.usda.gov/sites/default/files/media/Citric%20Acid%20TR%202015.pdf>.

28 ⁴² Max et al. at 869.

1 47. Further, “[a]t the end of fermentation, the medium contains citric acid
2 and various undesirable by-products such as mycelium, other organic acids, mineral
3 salts, proteins, etc.”⁴³

4 48. The product therefore must undergo further industrial processing known
5 as “recovery and purification.”⁴⁴ The recovery and purification of artificial citric acid
6 refers to the set of industrial steps used after fermentation in an attempt to separate,
7 purify, and isolate the artificial citric acid from the fermentation mixture so that it
8 can be used as a commercial food ingredient. Describing recovery as part of the
9 “[b]iotechnological production of citric acid,” scientists explain:

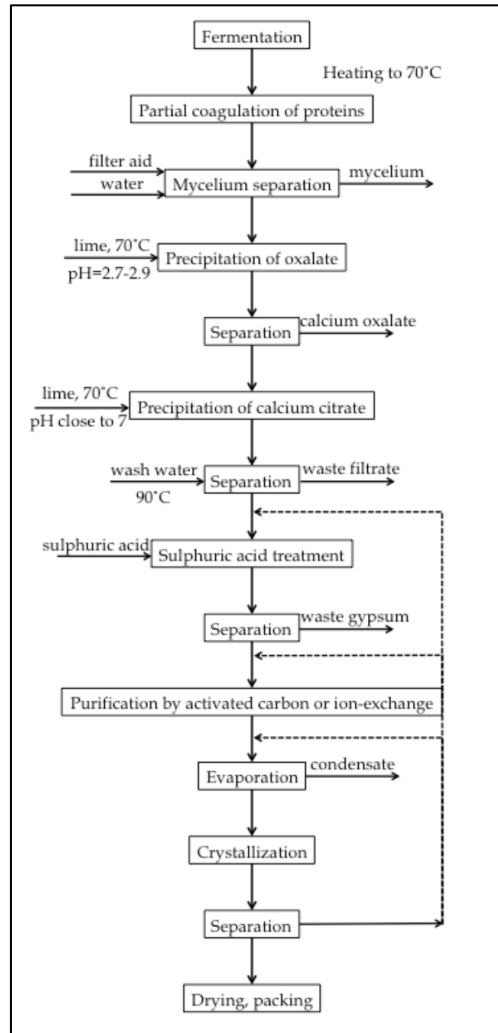
10 The first step of citric acid recovery involves the precipitation of oxalic
11 acid, possibly in the form of calcium oxalate at low pH, and subsequent
12 separation from the medium containing the mycelium through rotating
13 filters or centrifuges. Citric acid is then precipitated at pH 7.2 and 70–
14 90 °C and recovered by filtration and drying. If a purer product were
15 desired, it is dissolved with sulfuric acid, treated with charcoal or ion
16 exchange resins, and again crystallized as anhydrous citric acid (above
17 40 °C) or as a monohydrate (below 36.5 °C).⁴⁵

24 _____
25 ⁴³ *Citric Acid Technical Evaluation Report*, USDA AMS (2015),
26 <https://www.ams.usda.gov/sites/default/files/media/Citric%20Acid%20TR%202015.pdf>.

27 ⁴⁴ *How Citric Acid is Produced: The Process Behind This Common Food Additive?*,
28 ELCHEMY (Dec. 24, 2024), <https://elchemy.com/blogs/food-nutrition/how-citric-acid-is-produced-the-process-behind-this-common-food-additive>.

⁴⁵ Max et al. at 871.

49. A flow chart demonstrating precipitation is below:⁴⁶



50. While precipitation is the most common recovery method at commercial scale due to its cost-effectiveness,⁴⁷ manufacturers of artificial citric acid also recover it through solvent extraction, which separates the artificial citric acid from fermentation liquor by transferring it into a chemical solvent phase and re-isolating it through further processing. As the FDA explains, this process employs a solvent mixture of n-octyl alcohol, synthetic isoparaffinic petroleum hydrocarbons, and tridodecyl amine. 21 C.F.R. § 173.280(a).

⁴⁶ *Citric Acid Technical Evaluation Report*, USDA AMS (2015), <https://www.ams.usda.gov/sites/default/files/media/Citric%20Acid%20TR%202015.pdf>.

⁴⁷ Latif et al. at 10-11.

1 51. Manufacturers may also recover artificial citric acid through adsorption,
2 a process in which citric acid binds to the surface of a solid material and is later
3 released through chemical treatment. In this method, manufacturers use ion-exchange
4 resins and synthetic adsorbents—such as Amberlite, Diaion, and Dowex—to capture
5 artificial citric acid and subsequently desorb it using solvents.⁴⁸

6 52. None of these processes result in any “natural” flavoring products. On
7 the contrary, each of these recovery and purification methods—precipitation, solvent
8 extraction, and adsorption—are industrial chemical processes that convert
9 fermentation broth into a manufactured artificial citric acid ingredient, “a colorless,
10 transparent or translucent crystal, or particle powder that is readily soluble in water
11 and ethanol.”⁴⁹

12 53. The manufacture of artificial citric acid involves multi-step industrial
13 fermentation, chemical processing, and purification, rather than extraction from a
14 naturally occurring food source. Artificial citric acid is “not derived from a spice,
15 fruit or fruit juice, vegetable or vegetable juice, edible yeast, herb, bark, bud, root,
16 leaf or similar plant material, meat, fish, poultry, eggs, dairy products, or
17 fermentation products thereof.” *See* 21 C.F.R. § 101.22(a)(1). Rather, it is produced
18 by a mutant mold and treated with a series of chemicals in a process that no
19 reasonable consumer would ever conclude resulted in a “natural” flavoring additive.

20 54. Seventy percent of all citric acid produced in this way is used as a food
21 or beverage additive,⁵⁰ making artificial citric acid “one of the most common
22 additives in food and beverage products across the world.”⁵¹

23 55. The FDA has, through warning letters, expressly identified the presence
24 of artificial citric acid as incompatible with “natural” labeling claims. For example,

25 ⁴⁸ Latif et al at 11.

26 ⁴⁹ Tong et al. at 1.

27 ⁵⁰ Sweis & Cressey at 808.

28 ⁵¹ *Citric Acid Supply Chain – Full Profile*, EPA 1 (2022),
<https://www.epa.gov/system/files/documents/2023-03/Citric+Acid+Supply+Chain+Profile.pdf>.

1 in a warning letter to Hirzel Canning Company, the FDA stated that products labeled
 2 “All Natural” were misbranded because they contained added citric acid and calcium
 3 chloride, explaining that FDA policy requires that “nothing artificial or synthetic . . .
 4 has been added to, a food that would not normally be expected to be in the food.”

5 56. Similarly, in a warning letter to Oak Tree Farm Dairy, Inc., the FDA
 6 advised that use of the terms “100% NATURAL” and “ALL NATURAL” was
 7 inappropriate where the product “contains citric acid.” In another warning letter to
 8 Chiquita, the FDA characterized artificial citric acid as a “chemical” ingredient.

9 57. Regulatory commentary likewise reflects ongoing recognition that
 10 artificial citric acid is distinct from the citric acid naturally occurring in citrus fruits.
 11 As a reviewer for the USDA wrote, in 1995:

12 It is a natural occurring substance that commercially goes through
 13 numerous chemical processes to get to it’s [sic] final usable form . . .
 14 Unless it is actually derived from a natural source the labeling must not
 indicate that it is a natural compound.⁵²

15 58. The reviewer further distinguished artificial citric acid from “natural
 16 citric acid,” or citric acid isolated from “citrus juices.”⁵³

17 59. “According to 2019 spring public comment . . . [t]wo commenters wrote
 18 that citric acid should be classified as synthetic unless it is possible to define non-
 19 synthetic citric acid by annotation.”⁵⁴

20 60. Further, a 2018 study suggests that unlike natural citric acid, artificial
 21 citric acid may be associated with recurrent inflammatory or allergy-like reactions,
 22 including respiratory, gastrointestinal, and musculoskeletal symptoms in some
 23

24 _____
 25 ⁵² *Citric Acid Technical Report*, USDA AMS (1995),
 26 <https://www.ams.usda.gov/sites/default/files/media/Citric%20Acid%20TR%201995.pdf>.

⁵³ *Id.*

27 ⁵⁴ *Sunset 2021*, NATIONAL ORGANIC PROGRAM 4 (2019)
 28 <https://www.ams.usda.gov/sites/default/files/media/HS2021SunsetRvwFall2019.pdf>.

1 individuals.⁵⁵ As Sweis and Cressey note, “The molecular formula of the natural
 2 citric acid obtained from lemons and limes and that of [artificial citric acid] is the
 3 same, C₆H₈O₇. However, the potential presence of impurities or fragments from the
 4 *Aspergillus niger* in MCA is a significant difference that may trigger deleterious
 5 effects when ingested.”⁵⁶

6 61. Therefore, upon information and belief, artificial citric acid contains
 7 impurities that natural citric acid does not, providing further evidence that artificial
 8 citric acid is unnatural.

9 62. Defendant sells its Products nationwide through some of the largest
 10 American retailers, including Walmart—the largest U.S. supermarket operator—and
 11 other large retailers such as Amazon and Target.⁵⁷

12 63. As a company whose products are sold nationwide at some of the largest
 13 retailers in the United States, it would be commercially infeasible for Defendant to
 14 source citric acid through any method other than microbial fermentation. Defendant
 15 therefore must necessarily use artificial citric acid to flavor the Products.

16 64. Defendant manufactures and distributes the Products using uniform
 17 formulations. Maintaining consistency in taste, acidity, and shelf stability at this scale
 18 requires standardized ingredient sourcing.

19 65. Moreover, Defendant does not disclose any specialty sourcing
 20 production method or other premium or atypical citric acid process for the Products.
 21 Defendant knows how to make such disclosures: on Amazon, it utilized a “Specialty”
 22 field and chose to populate it with “Fat Free, Low Calorie, Low Fat, **No Artificial**
 23 **Flavors**, No High Fructose” (emphasis added).⁵⁸ In the “Special Ingredients” field,
 24 however, it only included “Green Coffee Extract.” If Defendant chose to deviate from

25 ⁵⁵ Sweis & Cressey at 808-809.

26 ⁵⁶ *Id* at 809.

27 ⁵⁷ Julia Tabisz, “The PG 100: The 2026 Ranking of Top Food Retailers,”
Progressive Grocer, May 11, 2026, [https://progressivegrocer.com/pg-100-2026-](https://progressivegrocer.com/pg-100-2026-ranking-top-food-retailers)
 28 [ranking-top-food-retailers](https://progressivegrocer.com/pg-100-2026-ranking-top-food-retailers).

⁵⁸ *Supra* note 13 (Item Details section).

1 industry practice, presumably, it would have disclosed that fact. That is, if the
 2 Products actually contain natural citric acid derived from citrus fruits—unlike
 3 virtually every other commercial food product, which contain artificial citric acid
 4 (because traditional extraction of natural citric acid is “no longer commercially
 5 available”)—one would expect Defendant to highlight that distinction.

6 66. In short, given that 99% of citric acid is chemically and artificially
 7 produced through microbial fermentation, that extraction of natural citric acid from
 8 citrus fruit is no longer commercially viable, and the scale of Defendant’s operations,
 9 the only plausible inference is that the citric acid used in the Products is artificial
 10 citric acid that is industrially manufactured through fermentation.

11 **C. The Products Contain Artificial Flavors Contrary to Defendant’s** 12 **Claims**

13 67. Contrary to Defendant’s claims of “No Artificial Flavors” and being
 14 “Flavored with Other Natural Ingredients,” the Products contain an artificial
 15 flavoring ingredient. Specifically, they incorporate artificial citric acid, a
 16 synthetically produced compound that materially shapes the flavor profile of the
 17 Products.

18 68. Citric acid is widely used in the food and beverage industry, including
 19 as a flavoring agent. It imparts tartness, tanginess, and sourness—sensory attributes
 20 that constitute “flavor” under 21 C.F.R. § 101.22(a)(1) because they directly affect
 21 the taste of a finished food.

22 69. “Major attractions of citric acid as a food and beverage acidulant are
 23 high solubility, extremely low toxicity, and **pleasant sour taste**”⁵⁹ (emphasis added).
 24 In the food and beverage industry, “citric acid [] provides a fruity flavor,” and is
 25 otherwise used to “add sour flavor[.]”⁶⁰

26 ⁵⁹ *Citric Acid Technical Evaluation Report*, USDA AMS (2015),
 27 <https://www.ams.usda.gov/sites/default/files/media/Citric%20Acid%20TR%202015.pdf>, citing Karaffa & Kubicek 2003 and Kristiansen, et al. 1999.

28 ⁶⁰ Tong et al. at 1.

70. “Citric acid can only be detected via sour taste,”⁶¹ and scientific literature demonstrates that citric acid actively shapes overall flavor perception by interacting with sugars to balance sweetness and sourness.⁶²

71. Owing to its distinct and potent taste, citric acid is routinely used to create or enhance tart, tangy, and sour flavors in food and beverage products, and therefore functions to impart flavor.

72. Citric acid is a prominent ingredient in the Products, appearing near the top of the list of ingredients. Representative ingredient lists are included below.

73. Watermelon Hydration Caffeine Free Drink:⁶³

water, cane sugar, citric acid, sodium citrate, natural flavor, salt, magnesium sulfate, potassium bicarbonate, vegetable juice concentrate (for color), beta carotene (for color), stevia leaf extract, niacinamide (vitamin B3), pyridoxine hydrochloride (vitamin B6), thiamin mononitrate (vitamin B1).

74. Juicy Pear Hydration Caffeine Free Drink:⁶⁴

⁶¹ Hannah E R Frank, The evolution of sour taste, *Proceedings. 289 BIOLOGICAL SCIENCES* 3 (2022), <https://pmc.ncbi.nlm.nih.gov/articles/PMC8826303/>.

⁶² See, e.g., Junge et al., *Suppression of sweetness: evidence for central mechanism for suppression of sweetness from sucrose by citric acid*, 48 *CHEMICAL SENSES* (2023), <https://academic.oup.com/chemse/article/doi/10.1093/chemse/bjad036/7260297>; Mao et al., *Dynamic interaction of sweet and sour taste perceptions based on sucrose and citric acid*, 9 *SCIENCE OF FOOD* (2025), <https://www.nature.com/articles/s41538-025-00507-7>; Veldhuizen et al., *Interactions of Lemon, Sucrose and Citric Acid in Enhancing Citrus, Sweet and Sour Flavors*, 43 *CHEMICAL SENSES* (2017), <https://pmc.ncbi.nlm.nih.gov/articles/PMC5863559/>.

⁶³ *Supra* note 26.

⁶⁴ *Juicy Pear Hydration*, Unwell Beverages, <https://drinkunwell.com/products/juicy-pear-hydration> (last accessed July 22, 2026).

water, cane sugar, citric acid, sodium citrate, natural flavor, salt, magnesium sulfate, potassium bicarbonate, stevia leaf extract, beta carotene (for color), niacinamide (vitamin B3), pyridoxine hydrochloride (vitamin B6), thiamin mononitrate (vitamin B1).

75. Peach Sorbet Energy Drink:⁶⁵

Carbonated Water, Peach Juice (From Concentrate), Cane Sugar, Citric Acid, Sodium Citrate, Natural Flavor, Magnesium Sulfate, Salt, Potassium Bicarbonate, Green Coffee Extract (Caffeine), Stevia Leaf Extract, Niacinamide (Vitamin B3), Pyridoxine Hydrochloride (Vitamin B6), Riboflavin (Vitamin B2) Thiamin Mononitrate (Vitamin B1), Biotin (Vitamin B7) Cyanocobalamin (Vitamin B12).

76. Passion Fruit Orange Guava Energy Drink:⁶⁶

water, guava juice (from concentrate), orange juice (from concentrate), passion fruit juice (from concentrate), cane sugar, citric acid, sodium citrate, magnesium sulfate, salt, potassium bicarbonate, beta carotene (for color), natural flavor, green coffee extract (caffeine), stevia leaf extract, niacinamide (vitamin B3), pyridoxine hydrochloride (vitamin B6), riboflavin (vitamin B2), thiamin mononitrate (vitamin B1), biotin (vitamin B7), cyanocobalamin (vitamin B12).

77. Pineapple Coconut Energy Drink:⁶⁷

water, pineapple juice (from concentrate), cane sugar, citric acid, sodium citrate, magnesium sulfate, salt, potassium bicarbonate, natural flavor, green coffee extract (caffeine), stevia leaf extract, niacinamide (vitamin B3), pyridoxine hydrochloride (vitamin B6), riboflavin (vitamin B2), thiamin mononitrate (vitamin B1), biotin (vitamin B7), cyanocobalamin (vitamin B12).

⁶⁵ Unwell Peach Sorbet Sparkling Energy Drink with Real Fruit Juice - 12 fl oz, Target, <https://www.target.com/p/unwell-energy-peach-sorbet-12-fl-oz/-/A-94992452> (last accessed July 22, 2026).

⁶⁶ Passion Fruit Orange Guava Sparkling Energy Drink, Unwell Beverages, <https://drinkunwell.com/products/passion-fruit-orange-guava> (last accessed July 22, 2026).

⁶⁷ Pineapple Coconut Sparkling Energy Drink, Unwell Beverages, <https://drinkunwell.com/products/pineapple-coconut> (last accessed July 22, 2026).

1 78. Cherry Lime Energy Drink:⁶⁸

2 water, cherry juice (from concentrate), lime juice (from concentrate),
 3 citric acid, sodium citrate, cane sugar, magnesium sulfate, salt, natural
 4 flavor, potassium bicarbonate, vegetable juice concentrate (for color),
 5 green coffee extract (caffeine), stevia leaf extract, niacinamide (vitamin
 6 B3), pyridoxine hydrochloride (vitamin B6), riboflavin (vitamin B2), thiamin
 mononitrate (vitamin B1), biotin (vitamin B7), cyanocobalamin (vitamin
 B12).

7 79. Mango Citrus Hydration Sticks:⁶⁹

8 cane sugar, citric acid, sodium citrate, salt, magnesium
 9 sulfate, potassium bicarbonate, natural flavor, vegetable
 10 juice concentrate (for color), green coffee extract
 11 (caffeine), stevia leaf extract, beta carotene (for color),
 12 niacinamide (vitamin B3), pyridoxine hydrochloride
 (vitamin B6), thiamin mononitrate (vitamin B1).

13 80. Orange Hibiscus Hydration Sticks:⁷⁰

14 15 cane sugar, citric acid, sodium citrate, salt, magnesium
 16 sulfate, potassium bicarbonate, natural flavor, vegetable
 17 juice concentrate (for color), green coffee extract
 18 (caffeine), stevia leaf extract, beta carotene (for color),
 19 niacinamide (vitamin B3), pyridoxine hydrochloride
 (vitamin B6), thiamin mononitrate (vitamin B1).

20 21 81. Kiwi Pineapple Hydration Sticks:⁷¹

22 ⁶⁸ *Cherry Lime Sparkling Energy Drink*, Unwell Beverages,
 23 <https://drinkunwell.com/products/cherry-lime> (last accessed July 22, 2026).

24 ⁶⁹ *Mango Citrus Electrolyte Sticks*, Unwell Beverages,
 25 <https://drinkunwell.com/products/mango-citrus-electrolyte-powder> (last accessed
 26 July 22, 2026).

27 ⁷⁰ *Orange Hibiscus Electrolyte Sticks*, Unwell Beverages,
 28 <https://drinkunwell.com/products/orange-hibiscus-electrolyte-powder> (last accessed
 July 22, 2026).

⁷¹ *Kiwi Pineapple Electrolyte Sticks*, Unwell Beverages,
<https://drinkunwell.com/products/kiwi-pineapple-electrolyte-powder> (last accessed
 July 22, 2026)

cane sugar, citric acid, sodium citrate, salt, magnesium sulfate, potassium bicarbonate, natural flavor, vegetable juice concentrate (for color), green coffee extract (caffeine), stevia leaf extract, beta carotene (for color), niacinamide (vitamin B3), pyridoxine hydrochloride (vitamin B6), thiamin mononitrate (vitamin B1).

82. Strawberry Hydration Sticks:⁷²

cane sugar, citric acid, sodium citrate, salt, magnesium sulfate, potassium bicarbonate, natural flavor, vegetable juice concentrate (for color), green coffee extract (caffeine), stevia leaf extract, beta carotene (for color), niacinamide (vitamin B3), pyridoxine hydrochloride (vitamin B6), thiamin mononitrate (vitamin B1).

83. Raspberry Melon Protein Drink:⁷³

Water, Whey Protein Isolate, Natural Flavors, Citric Acid, Cane Sugar, Sodium Citrate, Salt, Magnesium Sulfate, Potassium Bicarbonate, Stevia Leaf Extract, Vegetable Juice Concentrate (For Color), Beta Carotene (For Color), Niacinamide (Vitamin B3), Pyridoxine Hydrochloride (Vitamin B6), Thiamin Mononitrate (Vitamin B1).

84. Watermelon Strawberry Protein Drink:⁷⁴

Water, Whey Protein Isolate, Citric Acid, Cane Sugar, Natural Flavors, Sodium Citrate, Salt, Magnesium Sulfate, Vegetable Juice Concentrate (For Color), Potassium Bicarbonate, Stevia Leaf Extract, Niacinamide (Vitamin B3), Pyridoxine Hydrochloride (Vitamin B6), Thiamin Mononitrate (Vitamin B1).

⁷² *Strawberry Electrolyte Sticks*, Unwell Beverages, <https://drinkunwell.com/products/strawberry-electrolyte-powder> (July 22, 2026).

⁷³ *Unwell Hydration Protein Drink with Electrolytes and 10g Whey Protein Isolate Raspberry Melon - 16.9 fl oz*, Target, <https://www.target.com/p/unwell-hydration-protein-raspberry-melon-sports-drink-16-9-fl-oz/-/A-94706675> (last accessed July 22, 2026).

⁷⁴ *Unwell Hydration Protein Drink with Electrolytes and 10g Whey Protein Isolate Watermelon Strawberry - 16.9 fl oz*, Target, <https://www.target.com/p/unwell-hydration-protein-watermelon-strawberry-sports-drink-16-9-fl-oz/-/A-94706722> (last accessed July 22, 2026).

85. Peach Tangerine Protein Drink:⁷⁵

Water, Whey Protein Isolate, Citric Acid, Natural Flavors, Cane Sugar, Sodium Citrate, Salt, Magnesium Sulfate, Potassium Bicarbonate, Stevia Leaf Extract, Vegetable Juice Concentrate (For Color), Beta Carotene (For Color), Niacinamide (Vitamin B3), Pyridoxine Hydrochloride (Vitamin B6), Thiamin Mononitrate (Vitamin B1).

86. Blackberry Acai Hydration +Focus Drink:⁷⁶

water, cane sugar, citric acid, sodium citrate, salt, magnesium sulfate, natural flavors, potassium bicarbonate, vegetable juice concentrate (for color), green coffee extract (caffeine), stevia leaf extract, niacinamide (vitamin b3), pyridoxine hydrochloride (vitamin b6), thiamin mononitrate (vitamin b1).

87. Kiwi Pineapple Hydration + Focus Drink:⁷⁷

water, cane sugar, citric acid, sodium citrate, natural flavors, salt, magnesium sulfate, potassium bicarbonate, vegetable juice concentrate (for color), green coffee extract (caffeine), beta carotene (for color), stevia leaf extract, niacinamide (vitamin b3), pyridoxine hydrochloride (vitamin b6), thiamin mononitrate (vitamin b1).

88. Orange Hibiscus Hydration +Focus Drink:⁷⁸

⁷⁵ Unwell Hydration Protein Drink with Electrolytes and 10g Whey Protein Isolate Peach Tangerine - 16.9 fl oz, Target, <https://www.target.com/p/unwell-hydration-protein-white-peach-clementine-sports-drink-16-9-fl-oz/-/A-94706148> (last accessed July 22, 2026).

⁷⁶ Blackberry Acai Electrolyte Drink, Unwell Beverages, <https://drinkunwell.com/products/blackberry-acai-electrolyte-drink> (last accessed July 22, 2026).

⁷⁷ Kiwi Pineapple Electrolyte Drink, Unwell Beverages, <https://drinkunwell.com/products/kiwi-pineapple> (last accessed July 22, 2026).

⁷⁸ Orange Hibiscus Electrolyte Drink, Unwell Beverages, <https://drinkunwell.com/products/orange-hibiscus> (last accessed July 22, 2026).

water, cane sugar, citric acid, sodium citrate, natural flavors, salt, magnesium sulfate, potassium bicarbonate, vegetable juice concentrate (for color), green coffee extract (caffeine), beta carotene (for color), stevia leaf extract, niacinamide (vitamin b3), pyridoxine hydrochloride (vitamin b6), thiamin mononitrate (vitamin b1).

89. Mango Citrus Hydration +Focus Drink:⁷⁹

water, cane sugar, citric acid, sodium citrate, salt, magnesium sulfate, potassium bicarbonate, natural flavors, green coffee extract (caffeine), stevia leaf extract, beta carotene (for color), vegetable juice concentrate (for color), niacinamide (vitamin b3), pyridoxine hydrochloride (vitamin b6), thiamin mononitrate (vitamin b1).

90. Strawberry Hydration +Focus Drink:⁸⁰

water, cane sugar, citric acid, sodium citrate, natural flavors, salt, magnesium sulfate, potassium bicarbonate, vegetable juice concentrate (for color), green coffee extract (caffeine), stevia leaf extract, niacinamide (vitamin b3), pyridoxine hydrochloride (vitamin b6), thiamin mononitrate (vitamin b1).

91. In all Products listed above other than the Raspberry Melon Protein Drink, citric acid appears before “Natural Flavor” or “Natural Flavors.” Its repeated prominence across the Products demonstrates that citric acid contributes materially to their taste and flavor system.

92. If citric acid were removed or substantially reduced, the taste of the Products would be materially altered. Citric acid supplies the tart and sour flavor central to the Products and necessarily functions “to impart flavor” to the Products.

⁷⁹ *Mango Citrus Electrolyte Drink*, Unwell Beverages, <https://drinkunwell.com/products/mango-citrus> (last accessed July 22, 2026).

⁸⁰ *Strawberry Electrolyte Drink*, Unwell Beverages, <https://drinkunwell.com/products/strawberry> (last accessed July 22, 2026).

93. The Products also contain sodium citrate, an artificial ingredient that imparts tart flavor to the Product.

94. Sodium citrate “function[s] as . . . [a] flavoring agent[.]” But it is not natural. Rather, it is an artificial flavor “produced by chemical reaction with citric acid and the hydroxide or carbonate,”⁸¹ and is a nonagricultural, synthetic substance. 7 C.F.R. § 205.605(b).

95. Sodium citrate is “prepared by neutralizing citric acid with sodium hydroxide or sodium carbonate[.]”⁸² “Sodium citrate is chemically produced[.]”⁸³ Like citric acid, sodium citrate has “a sour taste”⁸⁴ and, by design, contributes to the sour flavor profile of these Products. As the USDA explains:

Sodium citrate is chiefly used as a food additive, usually for flavoring or as a preservative. Sodium citrate gives club soda both its sour and salty flavors. It is common in lemon-lime soft drinks, and it is partly what causes them to have their sour taste.⁸⁵

96. Citric acid and sodium citrate supply the tartness and sourness that characterize the fruit-flavored Products’ taste. Labeling the Products as free from artificial flavors, or implying that their taste is naturally derived, is false and misleading.

⁸¹ *Technical Evaluation Report, Citric Acid*, USDA AMS (2015), <https://www.ams.usda.gov/sites/default/files/media/Citric%20Acid%20TR%202015.pdf>.

⁸² See 21 C.F.R. § 184.1751(a).

⁸³ *Technical Evaluation Report, Sodium Citrate*, USDA AMS (2017), <https://www.ams.usda.gov/sites/default/files/media/SodiumCitrateCropsTR20171218.pdf>.

⁸⁴ *Trisodium citrate*, PUBCHEM, available at <https://pubchem.ncbi.nlm.nih.gov/compound/Sodium-Citrate> (last accessed July 22, 2026).

⁸⁵ *Citric Acid Technical Evaluation Report*, USDA AMS (2015), <https://www.ams.usda.gov/sites/default/files/media/Citric%20Acid%20TR%202015.pdf>.

D. These Misrepresentations Are Material to Consumers

97. “The significance of naturalness has crucial meaning for consumers nowadays. They prefer food free from preservatives, additives or artificial ingredients for perceived naturalness of foods.”⁸⁶

98. Consumers increasingly seek out products marketed as natural. A 2024 consumer study found that 81 percent of shoppers consider it important to purchase “clean label” products—those with as “few ingredients as possible, easy-to-recognize ingredients, and no artificial ingredients or synthetic chemicals.”⁸⁷

99. And “54% of US consumers . . . say the most important aspects of clean label products are no artificial ingredients, clear and understandable labels, and honest information with no misleading claims.”⁸⁸

100. Another survey in 2026 found that consumers “are worried about health risks from artificial ingredients, chemicals, and/or preservatives in foods[.]”⁸⁹

101. Consumers commonly understand “citric acid” to be derived from citrus fruits, and express surprise and concern upon learning that commercially used citric acid is instead produced through microbial fermentation. Public commentary reflects this widespread misunderstanding. For example, in response to a Reddit post from a consumer who just “found out” that citric acid is produced using *Aspergillus niger*, users commented:

⁸⁶ Guzik et al., *Consumer Attitudes towards Food Preservation Methods*, 11 FOODS 7 (2022), <https://pmc.ncbi.nlm.nih.gov/articles/PMC9099755/pdf/foods-11-01349.pdf>.

⁸⁷ *Clean Label Products Driving Retail Sales as They Gain Preference Among Consumers*, ACOSTA GROUP (2024), <https://www.acosta.group/clean-label-products-driving-retail-sales-as-they-gain-preference-among-consumers/>.

⁸⁸ *Demonized Ingredients: Discovering Hidden Opportunities in the US*, INNOVA MARKET INSIGHTS (2025), <https://www.innovamarketinsights.com/trends/demonized-ingredients-in-the-us/>.

⁸⁹ *Half of U.S. Shoppers Worried About Artificial Ingredients*, ACOSTA GROUP (2026), <https://www.acosta.group/half-of-u-s-shoppers-worried-about-artificial-ingredients/>.

1 “No. Way. How did I not ever know about this?!?! This explains so
2 much. Wow.”

3 “I had no idea. That explains so much for me. Wow.”

4 “This explains a lot. I guess I better start reading labels more.”⁹⁰

5 102. Another consumer, in response to a YouTube video, distinguished
6 “[n]atural citric acid like the ones in citrus fruits” from the citric acid produced with
7 *Aspergillus niger*.⁹¹

8 103. Public commentary further reflects that, when informed of how citric
9 acid is manufactured, consumers recognize it as artificial and understand that such
10 disclosure would affect their perception of the product. For example, one consumer
11 stated that “even calling it artificial citric acid would make a huge difference.”⁹²

12 104. Statements like “No Artificial Flavors” and “Flavored with Other
13 Natural Flavors” strongly influence purchasing decisions, steering these consumers
14 to choose and pay more for products that prominently make clean label claims over
15 those that do not.

16 105. Defendant’s “No Artificial Flavors” and “Flavored with Other Natural
17 Flavors” statements are part of a deliberate marketing strategy designed to capitalize
18 on this demand. Defendant knows that consumers place a premium on products free
19 of artificial flavors and that such claims materially increase marketability and sales.
20 But those statements are false and misleading.

21
22
23 ⁹⁰ *Today I found out manufactured citric acid is made out of mold*, Reddit, available
24 at https://www.reddit.com/r/MCAS/comments/1hq5205/today_i_found_out_manufactured_citric_acid_is/ (last accessed July 22, 2026).

25 ⁹¹ Dr. Reid Kaminski, *The Source of Citric Acid May Shock You-It's Black Mold! What Health Problems Could This Cause?*, YouTube (Jan. 27, 2023),
26 https://www.youtube.com/shorts/X-ygQFf_2qg (last accessed July 22, 2026).

27 ⁹² *Manufactured citric acid*, Reddit, available at
28 https://www.reddit.com/r/migraine/comments/1pqsp8k/manufactured_citric_acid/
(last accessed July 22, 2026).

1 106. As alleged above, Defendant flavors the Products with artificial citric
2 acid and sodium citrate. Neither of these chemicals is derived from any natural
3 source; nor do they comport with reasonable consumers' expectations for a product
4 labeled as having no artificial flavors.

5 107. Consumers who sought to avoid artificial flavors reasonably relied on
6 Defendant's representations and did not receive the natural, wholesome product they
7 believed they were purchasing. Defendant, meanwhile, obtained an unfair
8 competitive advantage and extracted a price premium based on these deceptive and
9 material misrepresentations.

10 108. Defendant charges a premium for the Products, and that premium is tied
11 directly to their "No Artificial Flavors" and "Flavored with Other Natural Flavors"
12 marketing. By falsely presenting the Products as free of artificial flavors, Defendant
13 positioned them as superior to any competing products that truthfully disclose
14 artificiality.

15 109. Defendant's conduct misleads reasonable consumers, distorts
16 competition, and, ultimately, results in economic harm. Consumers paid more than
17 they otherwise would have for a product that was not what it claimed to be. This
18 widespread deception has not only caused financial harm to consumers but works to
19 erode trust in the truth of product labeling and marketing.

20 **V. CALIFORNIA LAW APPLIES TO EVERY CLASS MEMBER**

21 110. California's substantive laws apply to every class member, regardless
22 of where in the United States the class member resides.

23 111. California's substantive laws may be constitutionally applied to the
24 claims of Plaintiff and the Classes under the Due Process Clause, 14th Amend. § 1,
25 and the Full Faith and Credit Clause, Art. IV § 1 of the U.S. Constitution. California
26 has significant contacts, and a significant aggregation of contacts, with the claims
27 asserted by Plaintiff and all class members, creating state interests such that the
28 choice of California state law is not arbitrary or unfair.

112. Defendant is headquartered in California. Defendant's key executives—such as its CEO, Executive Creative Director and Head of Agency, Chief of Staff, Chief Commercial Officer, Head of Brand Marketing, Senior Vice President of Finance and Operations, Vice Presidents, and Director of Partnerships—are located in California. Its Head of Beverage Marketing is also based in California. On information and belief, Defendant also owns property and conducts substantial business in California, for instance, as demonstrated by a tour of Defendant's Headquarters in Los Angeles featured in a People Inc. article.⁹³ This tour, led by Unwell Founder Alex Cooper, prominently displayed the Products, including an Unwell Hydration vending machine and an image of the Products covering an entire wall.

113. Therefore, the State of California has a significant interest in regulating Defendant's conduct under its laws. Defendant's decision to reside in California, avail itself of its laws, and to engage in the challenged conduct, which originates from and emanates out of California, renders the application of California law to the claims alleged here constitutionally permissible. Upon information and belief, California is the state from which Defendant's alleged misconduct and false statements emanated. This conduct similarly injured and affected Plaintiff and all other class members.

114. The application of California laws to the Classes is also appropriate under California's choice of law rules. California has significant contacts with the claims of Plaintiff and the proposed Classes because California has a greater interest in applying its laws here than any other interested state.

VI. CLASS ALLEGATIONS

115. Plaintiff brings this lawsuit as a class action under Federal Rule of Civil Procedure 23.

⁹³ Natalia Senanayake, *Alex Cooper Shows Off Stunning Redesign of Podcasting HQ with a Western Bar and Custom Vending Machine (Exclusive)*, People (Feb. 26, 2026), <https://people.com/alex-cooper-gives-a-tour-of-unwell-s-newly-outfitted-l-a-headquarters-11897290> (last accessed July 22, 2026).

1 116. Plaintiff brings this action on Plaintiff's own behalf and on behalf of the
2 following Classes, initially defined as follows:

3 **Nationwide Class:** All individuals in the United States who
4 purchased a Product within the relevant limitations period,
5 and/or such subclasses as the Court may deem appropriate.

6 **California Subclass:** All individuals in California who
7 purchased a Product within the relevant limitations period,
8 and/or such subclasses as the Court may deem appropriate.

9 117. Excluded from the Classes are: (1) Defendant, any entity or division in
10 which Defendant has a controlling interest, and its legal representatives, officers,
11 directors, assigns, and successors; (2) the Judge to whom this case is assigned and
12 the Judge's staff; and (3) those persons who have suffered personal injuries as a result
13 of the facts alleged herein.

14 118. Plaintiff reserves the right to re-define any of the class definitions prior
15 to class certification and after having the opportunity to conduct discovery.

16 119. The claims of all class members derive directly from a single course of
17 conduct by Defendant. Defendant has engaged and continues to engage in uniform
18 and standardized conduct toward the class members.

19 120. Certification of Plaintiff's claims is appropriate because Plaintiff can
20 prove the elements of Plaintiff's claims on a class-wide basis using the same evidence
21 as would be used to prove those elements in individual actions alleging the same
22 claim.

23 121. Accordingly, Plaintiff brings this lawsuit as a class action on Plaintiff's
24 own behalf and on behalf of all other individuals similarly situated pursuant under
25 Fed. R. Civ. P. 23. This action satisfies the numerosity, commonality, typicality,
26 adequacy, predominance, and superiority requirements of these provisions.
27 Specifically, this action has been properly brought and may properly be maintained
28

1 as a class action under Rule 23(a)(1-4), Rule 23(b)(1), (2), or (3), and/or Rule 23(c)(4)
2 of the Federal Rules of Civil Procedure.

3 122. **Numerosity** (Fed. R. Civ. P. 23(a)(1)): The members of the proposed
4 Classes are so numerous that their individual joinder would be impracticable. While
5 the exact number is not known at this time, it is generally ascertainable by appropriate
6 discovery, and it is believed the class includes tens of thousands, if not hundreds of
7 thousands of members.

8 123. **Commonality and Predominance** (Fed. R. Civ. P. 23(a)(2); 23(b)(3)):
9 Common questions of law and fact exist as to all class members. These questions
10 predominate over the questions affecting only individual class members. The
11 common legal and factual questions include, without limitation:

- 12 a) Whether Defendant engaged in the conduct alleged in this Complaint;
- 13 b) Whether Defendant violated the applicable statutes alleged herein;
- 14 c) Whether Defendant's conduct emanated from the State of California;
- 15 d) Whether Plaintiff and the class members are injured and harmed directly
16 by Defendant's conduct;
- 17 e) Whether Plaintiff and the class members are entitled to damages due to
18 Defendant's conduct as alleged in this Complaint, and if so, in what
19 amounts; and
- 20 f) Whether Plaintiff and the class members are entitled to declaratory relief.

21 124. **Typicality of Claims** (Fed. R. Civ. P. 23(a)(3)): The claims of Plaintiff
22 and the respective Classes are based on the same legal theories and arise from the
23 same unlawful and willful conduct of Defendant, resulting in the same injury to the
24 Plaintiff and Classes. Plaintiff and all class members are similarly affected by
25 Defendant's wrongful conduct and were damaged in the same way. Plaintiff's
26 interests coincide with, and are not antagonistic to, those of the other class members.
27 Plaintiff has been damaged by the same wrongdoing set forth in this Complaint.
28

1 125. **Adequacy of Representation** (Fed. R. Civ. P. 23(a)(4)): Plaintiff is an
2 adequate representative of the Classes because their interests do not conflict with the
3 interests of the class members, and they have retained counsel who are competent
4 and experienced in complex class actions, mass arbitrations, and consumer
5 litigations. Plaintiff and their counsel will fairly and adequately protect the interest
6 of the class members.

7 126. **Superiority of a Class Action** (Fed. R. Civ. P. 23(b)(3)): A class action
8 is superior to other available means for the fair and efficient adjudication of the
9 claims of Plaintiff and class members. There is no special interest in class members
10 individually controlling the prosecution of separate actions. The damages suffered by
11 individual class members, while significant, are small given the burden and expense
12 of individual prosecution of the complex and extensive litigation necessitated by
13 Defendant's conduct. Further, it would be virtually impossible for the class members
14 individually to redress effectively the wrongs done to them. And, even if class
15 members themselves could afford such individual litigation; the court system could
16 not, given the thousands of cases that would need to be filed. Individualized litigation
17 would increase the delay and expense to all parties and the court system, given the
18 complex legal and factual issues involved. By contrast, the class action device
19 presents far fewer management difficulties and provides the benefits of single
20 adjudication, economy of scale, and comprehensive supervision by a single court.

21 127. **Appropriateness of Final Injunctive or Declaratory Relief** (Fed. R.
22 Civ. P. 23(b)(2)): In the alternative, this action may properly be maintained as a class
23 action, because:

- 24 a) the prosecution of separate actions by individual class members would
25 create a risk of inconsistent or varying adjudication with respect to
26 individual class members, which would establish incompatible standards of
27 conduct for Defendant; or
28

1 133. In violation of § 1770(a)(5), Defendant's acts and practices constitute
2 improper representations that the goods they sell have sponsorship, approval,
3 characteristics, ingredients, uses, benefits, or quantities, which they do not have.

4 134. In violation of § 1770(a)(7), Defendant's acts, practices, and omissions
5 constitute improper representations that the goods its sell are of a particular standard,
6 quality, or grade, when they are of another.

7 135. In violation of § 1770(a)(9), Defendant has advertised goods or services
8 with intent not to sell them as advertised.

9 136. Defendant's acts, practices, and omissions, set forth above, led
10 consumers to falsely believe that the Products are free from artificial flavors.

11 137. In reality, the Products contain manufactured citric acid and sodium
12 citrate, artificial additives that impart flavor.

13 138. Plaintiff reasonably relied on Defendant's representations and
14 omissions. The representations and omissions were material because a reasonable
15 consumer would consider whether the Products contain artificial flavors as an
16 important factor in deciding whether to purchase the Products. The representations
17 and omissions were a substantial factor in Plaintiff's decision to purchase the
18 Products.

19 139. Defendant's violations of the CLRA directly and proximately caused
20 injury in fact and damages to Plaintiff and the Classes. Absent Defendant's
21 misrepresentations and omissions, Plaintiff would not have purchased the Products
22 or would have paid substantially less for them.

23 140. Plaintiff and the Classes have no adequate remedy at law.

24 141. Plaintiff seeks relief for violations of the CLRA in the form of damages,
25 restitution, and/or disgorgement of ill-gotten gains to compensate and make whole
26 Plaintiff and the Classes. Restitution is appropriate because it is more certain, prompt,
27 and efficient as compared to damages. Further, to obtain a full refund as damages,
28

1 Plaintiff would have to show that the Products have no market value, whereas that
2 showing is not required for restitution.

3 142. On May 29, 2026, a CLRA demand letter was sent to Defendant via
4 certified mail (return receipt requested), that provided notice of Defendant's
5 violations of the CLRA and demanded that Defendant correct the unlawful, unfair,
6 false and/or deceptive practices alleged here. Defendant did not fully correct the
7 problem for Plaintiff and for each member of the Classes within 30 days of receipt.

8 143. Accordingly, pursuant to California Civil Code § 1780(a)(1), Plaintiff,
9 individually and on behalf of all other members of the Classes, seeks actual damages.
10 Pursuant to California Civil Code § 1780(a)(2), Plaintiff, individually and on behalf
11 of all other members of the Classes, seeks injunctive relief. Pursuant to California
12 Civil Code § 1780(a)(4), Plaintiff, individually and on behalf of all other members
13 of the Classes, seeks punitive damages.

14 144. Plaintiff also seeks injunctive relief in the form of an order enjoining
15 Defendant from continuing to deceptively market the Products. Injunctive relief is
16 appropriate because Defendant continues to deceptively market the Products as
17 containing "No Artificial Flavors" and being "Flavored with Other Natural Flavors,"
18 when they contain manufactured citric acid and sodium citrate, artificial additives
19 that impart flavor.

20 145. Plaintiff would like to purchase the Product from Defendant in the future
21 if they could have confidence regarding the truth of Defendant's marketing claims,
22 but in the absence of injunctive relief they will be left to guess whether the claims
23 are accurate. Injunctive relief is therefore necessary to prevent Defendant from
24 continuing to engage in the unlawful conduct—and to prevent future harm to Plaintiff
25 and the Classes, which cannot be achieved through available legal remedies.

26 146. **Permanent public injunctive relief.** Plaintiff, acting as private attorney
27 general, also seeks public injunctive relief to protect the general public from
28 Defendant's conduct. Defendant's false advertising is ongoing and will continue to

1 harm the public absent a permanent public injunction. Accordingly, Plaintiff seeks a
2 permanent injunction to enjoin Defendant from engaging in the misconduct alleged
3 herein

4 147. Plaintiff brings this action as a private attorney general and to vindicate
5 and enforce an important right affecting the public interest. Plaintiff and class
6 members are therefore entitled to an award of attorneys' fees under Code of Civil
7 Proc. § 1021.5 for bringing this action.

8 **SECOND CAUSE OF ACTION**

9 **VIOLATION OF THE CALIFORNIA'S UNFAIR COMPETITION LAW**

10 **Cal. Business & Professional Code §§ 17200 *et seq.***

11 ***(On Behalf of Plaintiff & All Classes)***

12 148. Plaintiff Darr incorporates by reference all allegations in this Complaint
13 and restates them as if fully set forth herein.

14 149. California Business & Professions Code, sections 17200, *et seq.* (the
15 "UCL") prohibits unfair competition and provides, in pertinent part, that "unfair
16 competition shall mean and include unlawful, unfair or fraudulent business practices
17 and unfair, deceptive, untrue or misleading advertising."

18 150. Defendant's false and misleading advertising claims regarding the
19 Products violate all three prongs—unlawful, unfair, and fraudulent—of the UCL.

20 151. First, Defendant's representations and omissions regarding the Products
21 are unlawful because they are misleading to a reasonable consumer and violate the
22 CLRA, FAL, and NY GBL, as alleged herein.

23 152. Second, Defendant's conduct violates the "unfair" prong of the UCL
24 because Defendant's representations and omissions regarding the Products are
25 illegal, immoral, unscrupulous, and substantially injurious to consumers, and the
26 negative impact on consumers outweighs any reasons, justifications, or motives for
27 Defendant's conduct.

1 153. Third, Defendant's conduct violates the "fraudulent" prong of the UCL
2 because Defendant's representations and omissions are likely to deceive members of
3 the public.

4 154. Plaintiff reasonably relied on Defendant's representations and
5 omissions. The representations and omissions were material because a reasonable
6 consumer would consider whether the Products contain artificial flavors as an
7 important factor in deciding whether to purchase them. The representations and
8 omissions were a substantial factor in Plaintiff's decision to purchase the Products.

9 155. As a direct and proximate result of Defendant's violations of the UCL,
10 Plaintiff and the Classes have suffered injury in fact and have lost money. Plaintiff
11 and the Classes paid an unwarranted premium for the Products and/or were denied
12 the benefit of the bargain.

13 156. Absent Defendant's misrepresentations and omissions, Plaintiff would
14 not have purchased the Products or would have paid substantially less for them.

15 157. Plaintiff and the Classes have no adequate remedy at law.

16 158. Plaintiff seeks relief for violations of the UCL in the form of restitution,
17 and/or disgorgement of ill-gotten gains to compensate and make whole Plaintiff and
18 the Classes. Restitution is appropriate because it is more certain, prompt, and efficient
19 as compared to damages. Further, to obtain a full refund as damages, Plaintiff would
20 have to show that the Products have no market value, whereas that showing is not
21 required for restitution.

22 159. Plaintiff also seeks injunctive relief in the form of an order enjoining
23 Defendant from continuing to deceptively market the Products. Injunctive relief is
24 appropriate because Defendant continues to deceptively market the Products as
25 containing "No Artificial Flavors" and being "Flavored with Other Natural Flavors,"
26 when they contain manufactured citric acid and sodium citrate, artificial additives
27 that impart flavor.

1 160. Plaintiff would like to purchase the Product from Defendant in the future
2 if they could have confidence regarding the truth of Defendant's marketing claims,
3 but in the absence of injunctive relief they will be left to guess whether the claims
4 are accurate. Injunctive relief is therefore necessary to prevent Defendant from
5 continuing to engage in the unlawful conduct and to prevent future harm to Plaintiff
6 and the Classes, which cannot be achieved through available legal remedies.

7 161. **Permanent public injunctive relief.** Plaintiff, acting as private attorney
8 general, also seeks public injunctive relief to protect the general public from
9 Defendant's conduct. Defendant's false advertising is ongoing and will continue to
10 harm the public absent a permanent public injunction. Accordingly, Plaintiff seeks a
11 permanent injunction to enjoin Defendant from engaging in the misconduct alleged
12 herein

13 162. Pursuant to Cal. Bus. & Prof. Code § 17203, Plaintiff and class members
14 seek a court order enjoining Defendant from such future misconduct, and any other
15 such orders that may be necessary to rectify the unlawful business practices of
16 Defendant.

17 163. Plaintiff brings this action as a private attorney general and to vindicate
18 and enforce an important right affecting the public interest. Plaintiff and class
19 members are therefore entitled to an award of attorneys' fees under Code of Civil
20 Proc. § 1021.5 for bringing this action.

21 **THIRD CAUSE OF ACTION**

22 **VIOLATION OF THE CALIFORNIA FALSE ADVERTISING LAW**

23 **Cal. Business & Professional Code §§ 17500 *et seq.***

24 ***(On Behalf of Plaintiff & All Classes)***

25 164. Plaintiff Darr incorporates by reference all allegations in this Complaint
26 and restates as if fully set forth herein.

27 165. The False Advertising Law, codified at Cal. Bus. & Prof. Code section
28 17500, *et seq.*, prohibits "unfair, deceptive, untrue or misleading advertising[.]"

1 166. The FAL prohibits not only advertising which is false, but also
2 advertising which, although true, is either actually misleading or which has a
3 capacity, likelihood, or tendency to deceive or confuse the public.

4 167. Defendant violated section 17500 when it advertised and marketed the
5 Products through the unfair, deceptive, and misleading representations and omissions
6 disseminated to the public that the Products were free from artificial flavors. In
7 reality, the Products contain manufactured citric acid and sodium citrate, artificial
8 additives that impart flavor.

9 168. Plaintiff reasonably relied on Defendant's representations and
10 omissions. The representations and omissions were material because a reasonable
11 consumer would consider whether the Products contain artificial flavors as an
12 important factor in deciding whether to purchase them. The representations and
13 omissions were a substantial factor in Plaintiff's decision to purchase the Products.

14 169. As a direct and proximate result of Defendant's violations of the FAL,
15 Plaintiff and the Classes have suffered injury in fact and have lost money. Plaintiff
16 and the Classes paid an unwarranted premium for the Products and/or were denied
17 the benefit of the bargain.

18 170. Absent Defendant's misrepresentations and omissions, Plaintiff would
19 not have purchased the Products or would have paid substantially less for them.

20 171. Plaintiff and the Classes have no adequate remedy at law.

21 172. Plaintiff seeks relief for violations of the FAL in the form of restitution,
22 and/or disgorgement of ill-gotten gains to compensate and make whole Plaintiff and
23 the Classes. Restitution is appropriate because it is more certain, prompt, and efficient
24 as compared to damages. Further, to obtain a full refund as damages, Plaintiff would
25 have to show that the Products have no market value, whereas that showing is not
26 required for restitution.

27 173. Plaintiff also seeks injunctive relief in the form of an order enjoining
28 Defendant from continuing to deceptively market the Products. Injunctive relief is

1 appropriate because Defendant continues to deceptively market the Products as
2 containing “No Artificial Flavors” and being “Flavored with Other Natural Flavors,”
3 when they contain manufactured citric acid and sodium citrate, artificial additives
4 that impart flavor.

5 174. Plaintiff would like to purchase the Product from Defendant in the future
6 if they could have confidence regarding the truth of Defendant’s marketing claims,
7 but in the absence of injunctive relief they will be left to guess whether the claims
8 are accurate. Injunctive relief is therefore necessary to prevent Defendant from
9 continuing to engage in the unlawful conduct and to prevent future harm to Plaintiff
10 and the Classes, which cannot be achieved through available legal remedies.

11 175. **Permanent public injunctive relief.** Plaintiff, acting as private attorney
12 general, also seeks public injunctive relief to protect the general public from
13 Defendant’s conduct. Defendant’s false advertising is ongoing and will continue to
14 harm the public absent a permanent public injunction. Accordingly, Plaintiff seeks a
15 permanent injunction to enjoin Defendant from engaging in the misconduct alleged
16 herein

17 176. Pursuant to Cal. Bus. & Prof. Code § 17203, Plaintiff and class members
18 seek a court order enjoining Defendant from such future misconduct, and any other
19 such orders that may be necessary to rectify the unlawful business practices of
20 Defendant.

21 177. Plaintiff brings this action as a private attorney general and to vindicate
22 and enforce an important right affecting the public interest. Plaintiff and class
23 members are therefore entitled to an award of attorneys’ fees under Code of Civil
24 Proc. § 1021.5 for bringing this action.

FOURTH CAUSE OF ACTION

FRAUD

(On Behalf of Plaintiff & All Classes)

178. Plaintiff incorporates by reference all allegations in this Complaint and restates them as if fully set forth herein.

179. Defendant made material misrepresentations and omissions regarding the Products, including representing that the Products contain “No Artificial Flavors” and are “Flavored with Other Natural Flavors,” when in fact they contain manufactured citric acid and sodium citrate, artificial additives that impart flavor.

180. These representations and omissions were false and misleading when made, and Defendant knew or recklessly disregarded that they were false and misleading.

181. Defendant made these misrepresentations and omissions with the intent to induce Plaintiff and class members to purchase the Products.

182. Plaintiff and class members reasonably relied on Defendant’s misrepresentations and omissions. These misrepresentations and omissions were material and were a substantial factor in Plaintiff’s and class members’ decisions to purchase the Products.

183. Plaintiff and class members have no adequate remedy at law.

184. Defendant’s conduct has therefore caused and is causing immediate and irreparable injury to Plaintiff and the class members and will continue to both damage Plaintiff and the class members and deceive the public unless enjoined by this Court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment on behalf of themselves and the class members as follows:

A. certifying the Classes pursuant to Rule 23 of the Federal Rules of Civil Procedure, appointing Plaintiff as a representative of the Classes, and designating Plaintiff’s counsel as Class Counsel;

- 1 B. awarding Plaintiff and the Classes compensatory damages and actual
2 damages to be determine by proof;
3 C. awarding Plaintiff and the Classes restitution;
4 D. awarding Plaintiff and the Classes punitive damages;
5 E. for injunctive relief on behalf of Plaintiff and the Classes, as well as on
6 behalf of the public;
7 F. for declaratory and equitable relief, including a declaration that
8 Defendant violated and has continued to violate, California's UCL,
9 FAL, and CLRA, as well as the common law of unjust enrichment and
10 fraud, and an injunction requiring Defendant comport with these state
11 statutes, and for restitution and disgorgement;
12 G. awarding Plaintiff and the Classes the costs of prosecuting this action;
13 H. awarding Plaintiff and the Classes reasonable attorneys' fees and costs,
14 as allowable by law;
15 I. awarding pre-judgment and post-judgment interest; and
16 J. granting any other relief as this Court may deem just and proper.

17 **JURY TRIAL DEMANDED**

18 Plaintiff demands a trial by jury for all issues so triable.

19 Dated: July 22, 2026

20 Respectfully submitted,

21 By: /s/ Raphael Janove
22 Raphael Janove

23 Raphael Janove (SBN 361193)
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