

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

HEIDI PASCOE, DEBRA NORDIN, TIM
CONKLIN, BRYAN STOUT, and MICHAEL
GASPAR on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

KEN'S FOODS, LLC,

Defendant.

Case No.

CLASS ACTION COMPLAINT

DEMAND FOR JURY TRIAL

Plaintiffs Heidi Pascoe, Debra Nordin, Tim Conklin, Bryan Stout, and Michael Gaspar (collectively, “Plaintiffs”) individually and on behalf of all others similarly situated, bring this class action against Ken’s Foods, LLC (“Defendant”) and allege as follows:

INTRODUCTION

1. Plaintiffs bring this class action on behalf of consumers who purchased Defendant’s Ray’s No Sugar Added Barbecue sauces (the “Products”) during the applicable Class Period. Defendant formulates, labels, markets, advertises, distributes, and sells the Products throughout the United States, including in Oregon and the District of Columbia. Defendant sells the Products through retail stores, online retailers, and other channels of commerce.

2. The Products include, but are not limited to, the following: Ray’s No Sugar Added Original Barbecue Sauce; Ray’s No Sugar Added Sweet & Spicy Barbecue Sauce; Ray’s No Sugar Added Sweet & Smoky Barbecue Sauce; Ray’s No Sugar Added Honey Mustard Dipping Sauce; and Ray’s No Sugar Added Teriyaki Marinade.¹

3. Defendant prominently markets the Products to consumers as “No Sugar Added” and through substantially similar representations that communicate to consumers that the Products contain no added sugar (collectively, the “No Sugar Added Representations”). These representations are false and misleading. In reality, the Products contain added allulose, and put simply, allulose is sugar. Allulose is a monosaccharide and is included within the federal regulatory definition of “Total Sugars.” *See* 21 C.F.R. § 101.9(c)(6)(ii) (defining “Total Sugars” as “the sum of all free mono- and disaccharides”). The Products thus contain a substance that constitutes “Total Sugars” under the governing federal regulation and cannot be represented as “no

¹ Plaintiffs reserve the right to add to the list of Products if more become apparent during the litigation.

sugar added.” 21 C.F.R. § 101.60(c)(2). Defendant added allulose to the Products and therefore cannot advertise them as “no sugar added” under 21 C.F.R. § 101.60(c)(2)(i), which permits such a claim only if “[n]o amount of sugars, as defined in § 101.9(c)(6)(ii), or any other ingredient that contains sugars that functionally substitute for added sugars is added during processing or packaging.” Oregon has adopted and incorporated federal food labeling regulations, including 21 C.F.R. Part 101, which encompasses §§ 101.60(c)(2) and 101.9(c)(6)(ii). OAR 603-025-0190. The District of Columbia has likewise adopted and incorporated federal food labeling regulations, including 21 C.F.R. Part 101, which encompasses §§ 101.60(c)(2) and 101.9(c)(6)(ii). D.C. Mun. Regs. tit. 25-A, § 1102.

4. The deception alleged here is straightforward. Defendant tells consumers, in prominent and unqualified terms, that the Products have “No Sugar Added.” Yet the Products are deliberately formulated with added sugar—specifically, allulose, a monosaccharide that falls within the federal regulatory definition of “Total Sugars,” and which was intentionally added during processing.

5. Defendant nevertheless seeks to capitalize on consumers’ desire for products that are genuinely free of added sugar by falsely, misleadingly, and deceptively labeling and advertising the Products with the No Sugar Added Representations. Defendant’s No Sugar Added Representations appear prominently on the Products’ labels and in Defendant’s advertising and marketing materials. Defendant thereby conveys an unqualified message to consumers as a selling point: the Products contain no added sugar. That message is false or misleading because the Products contain added sugar in the form of allulose.

6. Defendant knows that consumers place substantial value on products represented as containing no added sugar and uses the No Sugar Added Representations to induce consumers

to purchase the Products. Among other things, Defendant charges consumers for the Products based upon the value consumers place on the Products' represented characteristics, including the representation that they contain no added sugar. Defendant's "No Sugar Added" Products are priced at a premium over comparable Ray's products that do not carry such representations, as set forth below, further demonstrating the economic value of the No Sugar Added Representations.

7. Plaintiffs and Class Members therefore suffered economic injury at the point of purchase. They paid a price premium for Products represented as having "No Sugar Added," but they received Products containing added sugar.

8. Plaintiffs bring this action individually and in a representative capacity on behalf of similarly situated consumers who purchased the Products during the relevant Class Period. Plaintiffs seek, on their individual behalf and on behalf of the Classes, actual damages, statutory damages, and all other relief available under applicable law to remedy Defendant's deceptive conduct and prevent Defendant from continuing to market, advertise, and sell the Products, containing added allulose, using the false and misleading No Sugar Added Representations.

9. As set forth below, Defendant's conduct violates applicable consumer-protection laws, including Oregon's Unlawful Trade Practices Act and the District of Columbia's Consumer Protection Procedures Act.

PARTIES

10. Plaintiff Heidi Pascoe is, and at all times relevant hereto was, a citizen of Oregon residing in Astoria, Oregon. She purchased Ray's No Sugar Added Original Barbecue Sauce for personal use from Walmart in Oregon on or about March 30, 2026.

11. Plaintiff Debra Nordin is, and at all times relevant hereto was, a citizen of Oregon residing in Beaverton, Oregon. Within two months prior to the date of this Complaint, she

purchased Ray's No Sugar Added Sweet & Smoky Barbecue Sauce for personal use from Safeway in Oregon.

12. Plaintiff Tim Conklin is, and at all times relevant hereto was, a citizen of Oregon residing in Gladstone, Oregon. He purchased Ray's No Sugar Added Original Barbecue Sauce for personal use from Fred Meyer in Oregon in or around September 2026.

13. Plaintiff Bryan Stout is, and at all times relevant hereto was, a citizen of the District of Columbia residing in the District of Columbia. He purchased two bottles of Ray's No Sugar Added Original Barbecue Sauce for personal use from Safeway in the District on or about August 6, 2025.

14. Plaintiff Michael Gaspar is, and at all times relevant hereto was, a citizen of the District of Columbia residing in the District of Columbia. He purchased Ray's No Sugar Added Original Barbecue Sauce from Walmart in the District of Columbia on or about October 20, 2025.

15. Defendant Ken's Foods, LLC is a limited liability company organized under the laws of Delaware that maintains its principal place of business in Marlborough, Massachusetts. Defendant formulates, labels, markets, distributes, and/or sells the Products throughout the United States, including throughout Oregon and the District of Columbia.

JURISDICTION AND VENUE

16. This Court has subject matter jurisdiction over this action pursuant to the Class Action Fairness Act of 2005, 28 U.S.C. § 1332(d). This is a class action in which the matter in controversy exceeds the sum or value of \$5,000,000, exclusive of interest and costs, and in which at least one member of the proposed Class is a citizen of a state different from Defendant. is a limited liability company organized under the laws of Delaware with its principal place of business in Massachusetts. Plaintiffs are citizens of Oregon or the District of Columbia. The proposed

Oregon Class is defined as all persons who purchased the Products in Oregon and accordingly may include citizens of Oregon and other states. The proposed D.C. Class is defined as all persons who purchased the Products in the District of Columbia and accordingly may include citizens of the District of Columbia and other states. At least one member of the proposed Class is a citizen of a state different from the citizenship of Defendant's LLC members, and minimal diversity therefore exists. The proposed Class consists of more than 100 members. Accordingly, this Court has original jurisdiction under 28 U.S.C. § 1332(d)(2).

17. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)(1). Because Defendant maintains its principal place of business in Middlesex County, Massachusetts, which is within the District of Massachusetts, Defendant resides in this District for purposes of venue.

18. This Court has personal jurisdiction over Defendant. Defendant is a limited liability company that maintains its principal place of business in Middlesex County, Massachusetts. Defendant is therefore domiciled in Massachusetts. Because Defendant is domiciled in Massachusetts, Defendant is subject to general personal jurisdiction in this District.

ALLEGATIONS OF FACT

Defendant Markets, Advertises, and Sells the Products as “No Sugar Added”

19. Defendant formulates, labels, markets, advertises, distributes, and sells the Products to consumers throughout the United States, including in Oregon and the District of Columbia. The Products are sold online and through major retailers, including Fred Meyer, Safeway, and other retail stores.

20. Defendant markets and sells the Products as food products intended for purchase and consumption by ordinary consumers. Upon information and belief, Defendant controls the Products' formulation, ingredients, packaging, labeling, advertising, website content, point-of-sale

materials, and other representations made to consumers concerning the Products. Defendant therefore possesses, or has access to, information concerning the Products' ingredients and formulation that consumers do not possess.

21. Defendant prominently represents that the Products are "No Sugar Added" and/or makes other substantially similar representations communicating that the Products contain no added sugar. These representations are affirmative representations concerning a material characteristic of the Products.

22. The No Sugar Added Representations appear, or have appeared, on the Products' packaging, and in Defendant's other marketing and advertising materials, including Defendant's website, Amazon product listings, and other retailer listings. Defendant thus places the No Sugar Added Representations directly before consumers at the time they encounter, evaluate, and decide whether to purchase the Products.

23. As depicted below, Defendant's Products bear the No Sugar Added Representations on the front label:²

² Screenshots of the Product's packaging as displayed on Walmart's website. *See* Ray's No Sugar Added, Original Barbecue Sauce, 18.5 oz, Thick & Clingy, Walmart.com, <https://www.walmart.com/ip/Ray-s-No-Sugar-Added-Original-Barbecue-Sauce-18-5-oz/409008803>; Ray's No Added Sugar, Sweet & Smoky Hickory BBQ Sauce 18.5 oz, Keto Friendly, Walmart.com, <https://www.walmart.com/ip/Ray-s-No-Sugar-Added-Sweet-Smoky-Barbecue-Sauce-18-5-oz/889412765>; Ray's No Sugar Added, Barbecue Sauce, 18.5 oz, Sweet & Spicy, Walmart.com, <https://www.walmart.com/ip/Ray-s-No-Sugar-Added-Sweet-Spicy-Barbecue-Sauce-18-5-oz/746748277>; Ray's Keto-Friendly No Sugar Added Honey Mustard Dipping Sauce, 16 fl oz, Gluten Free and Kosher, Walmart.com, <https://www.walmart.com/ip/Ray-s-No-Sugar-Added-Honey-Mustard-Flavored-Dipping-Sauce-16-fl-oz/832575184>; Sweet Baby Ray's Keto-Friendly No Sugar Added Teriyaki Marinade, 16 fl. oz., Walmart.com, <https://www.walmart.com/ip/Ray-s-No-Sugar-Added-Teriyaki-Marinade-16-fl-oz/2038934428> (last visited Sept. 21, 2026).



Figure 1



Figure 2



Figure 3



Figure 4



Figure 5

24. The No Sugar Added Representations also appear prominently in the Products' description and marketing materials, such as "[a]ll the classic barbecue taste with no added sugar."³

³ Ray's No Sugar Added, Original Barbecue Sauce, 18.5 oz, Thick & Clingy, Walmart.com, <https://www.walmart.com/ip/Ray-s-No-Sugar-Added-Original-Barbecue-Sauce-18-5-oz/409008803> (last visited Sept. 21, 2026).

25. The No Sugar Added Representations are displayed prominently and are presented to consumers as an objective fact concerning the Products, rather than as an opinion, estimate, or qualified statement.

26. Defendant repeatedly uses the false No Sugar Added Representations to identify, distinguish, brand, advertise, and sell the Products in the marketplace. The representations therefore form an important part of the Products' labeling, branding, advertising, and overall marketing message. The No Sugar Added Representations also serve to distinguish the Products from Defendant's other products, which Defendant acknowledges do contain sugar.

The Products Contain Allulose.

27. Contrary to Defendant's No Sugar Added Representations, the Products contain added sugar in the form of allulose. For example, Ray's No Sugar Added Barbecue Sauce, Original Flavor contains 2 grams of added allulose per serving.⁴

28. Allulose is not an incidental contaminant, trace substance, or ingredient that appears in the Products by accident. It is an intentionally selected ingredient in the Products' formulation. Defendant deliberately uses allulose in manufacturing the Products and knowingly places Products containing allulose into the marketplace.

29. Allulose is a naturally occurring sugar found in small amounts in figs, raisins, wheat, maple syrup, and molasses. Chemically, allulose is a monosaccharide, just like fructose. Allulose and fructose are both sugar carbohydrates.

⁴ Sweet Baby Ray's Barbecue Sauce No Sugar Added, Original, 18.5 OZ, Amazon.com, <https://www.amazon.com/Sweet-Baby-Rays-Sugar-Added/dp/B0882ZVTNW> (last visited Sept. 21, 2026).

30. Defendant knows that the Products contain allulose because Defendant formulates, manufactures, packages, markets, and/or sells the Products and controls the Products' ingredient information and labeling.

31. Allulose is an ingredient intentionally included in the Products' formulation and identified in the Products' ingredient list. For example, allulose is the Products' fourth-listed ingredient for the "Original" flavor: "Water, Tomato Paste, Distilled Vinegar, *Allulose*, Salt, Contains Less than 2% of Modified Corn Starch, Apple Cider Vinegar, Garlic (Dried), Caramel Color, Natural Smoke Flavor, Natural Flavor, Potassium Sorbate and Sodium Benzoate (Preservatives), Spice, Xanthan Gum, Mustard Flour, Paprika, Onion (Dried), Sucralose, Citric Acid Sodium Citrate."⁵ Similarly, allulose is the fourth-listed ingredient for the "Sweet & Smoky" flavor: "Water, Tomato Paste, Distilled Vinegar, *Allulose*, Salt, Contains Less than 2% of Modified Corn Starch, Apple Cider Vinegar, Natural Smoke Flavor, Garlic (Dried), Caramel Color, Natural Flavor, Potassium Sorbate and Sodium Benzoate (Preservatives), Spice, Xanthan Gum, Mustard Flour, Paprika, Onion (Dried), Sucralose."⁶

32. Under federal labeling law, ingredients must be listed in descending order of predominance by weight. 21 C.F.R. § 101.4(a)(1). Thus, the fact that allulose is identified as the fourth ingredient further demonstrates that allulose is a substantial component of the Products, rather than a de minimis or incidental ingredient.

⁵ Ray's No Sugar Added, Original Barbecue Sauce, 18.5 oz, Thick & Clingy, Walmart.com, <https://www.walmart.com/ip/Ray-s-No-Sugar-Added-Original-Barbecue-Sauce-18-5-oz/409008803> (last visited Sept. 21, 2026).

⁶ Ray's No Added Sugar, Sweet & Smoky Hickory BBQ Sauce 18.5 oz, Keto Friendly, Walmart.com, <https://www.walmart.com/ip/Ray-s-No-Sugar-Added-Sweet-Smoky-Barbecue-Sauce-18-5-oz/889412765> (last visited Sept. 21, 2026).

33. Some variations of Defendant's Products' labeling state the amount of allulose added to each serving. For example, on the bottom of the back label in small font, one version states "2g Allulose."⁷



Figure 6

⁷ Sweet Baby Ray's Barbecue Sauce No Sugar Added, Original, 18.5 OZ, Amazon.com, <https://www.amazon.com/Sweet-Baby-Rays-Sugar-Added/dp/B0882ZVTNW> (last visited Sept. 21, 2026).

34. Thus, Defendant's own admissions both establish the presence of allulose and indicate a high quantity of allulose in the Products.

35. Although allulose is a natural sugar, it occurs naturally only in very small amounts. For this quantity of allulose to be present in the Products, it can only have been added.

36. The Products therefore contain added sugar in the form of allulose notwithstanding Defendant's repeated representation that the Products contain "no added sugar" or have "no sugar added."

37. Defendant's marketing creates a direct contradiction. Allulose is itself a sugar; a product sweetened with added allulose is by definition a product containing added sugar. By prominently telling consumers that the Products contain no added sugar while intentionally formulating the Products with added allulose, Defendant deceives the public through misleading packaging statements and labels. This deception has earned Defendant substantial revenue while damaging a broad class of consumers across Oregon and the District of Columbia.

Allulose is a Sugar Under the Applicable Definition.

38. Federal law establishes specific requirements governing when a food manufacturer may represent a product as "sugar free," "zero sugar," or using a substantially similar nutrient-content claim. Under 21 C.F.R. § 101.60(c)(2), a food may not be labeled "no sugar added," "no added sugar," or with a substantially similar claim unless "[n]o amount of sugars, as defined in § 101.9(c)(6)(ii), or any other ingredient that contains sugars that functionally substitute for added sugars is added during processing or packaging," and the food satisfies the regulation's other requirements.

39. Section 101.9(c)(6)(ii), in turn, expressly defines "Total Sugars" broadly as "the sum of all free mono- and disaccharides (such as glucose, fructose, lactose, and sucrose)."

40. Allulose is a monosaccharide. It therefore falls within the express language of § 101.9(c)(6)(ii), which encompasses “all free mono- and disaccharides.”

41. Nothing in the regulatory text of § 101.9(c)(6)(ii) excludes allulose from the definition of “Total Sugars.”

42. The FDA’s regulatory history confirms this reading. In its 2016 final rule revising the Nutrition Facts label, the FDA specifically considered the treatment of allulose and stated that “[a]llulose, as a monosaccharide, must be included” in the Total Sugars declaration unless and until the agency adopted a different rule.⁸

43. The FDA’s 2016 statement is consistent with the text of § 101.9(c)(6)(ii): because allulose is a monosaccharide, it falls within the regulation’s definition of “Total Sugars.”

44. The FDA subsequently issued guidance concerning allulose in October 2020. That guidance did not amend § 101.9(c)(6)(ii), did not promulgate a new definition of “Total Sugars,” and did not formally exclude allulose from the regulatory definition of sugar.⁹

45. Instead, the 2020 guidance announced an exercise of enforcement discretion concerning the declaration of allulose on Nutrition Facts labels, pending further consideration through rulemaking. The guidance addressed the FDA’s enforcement position concerning how allulose should be treated for purposes of specified nutrition-panel declarations; it did not amend the underlying regulation or establish a new definition of sugar.

46. Nothing in the 2020 guidance authorizes a manufacturer to disregard the separate regulatory requirements governing nutrient-content claims such as “no sugar added.”

⁸ Food Labeling: Revision of the Nutrition and Supplement Facts Labels, 81 Fed. Reg. 33,742, 33,795-96 (May 27, 2016).

⁹ United States FDA, The Declaration of Allulose and Calories from Allulose on Nutrition and Supplement Facts Labels: Guidance for Industry 1 (Oct. 2020).

47. The FDA's decision not to enforce provisions of law does not amend the text of the law or absolve actors of their violations of law. The 2020 guidance therefore did not transform the regulatory definition of "Total Sugars" into a definition that excludes allulose.

48. Nor does the FDA's exercise of enforcement discretion establish that a manufacturer may affirmatively, and falsely, represent that a product has "no sugar added" while the product contains a substantial amount of added monosaccharide encompassed by the regulation's definition of "Total Sugars."

49. The applicable state laws and regulations likewise incorporate and impose an identical or materially similar requirement governing the use of "no sugar added," "without added sugar," and substantially similar representations as that imposed by federal law. OAR 603-025-0190 incorporates applicable federal food labeling requirements, including 21 C.F.R. Part 101, which encompasses §§ 101.60(c)(2) and 101.9(c)(6)(ii). Likewise, District of Columbia Municipal Regulation 25-A, § 1102 incorporates applicable federal food labeling requirements, including 21 C.F.R. Part 101, which encompasses §§ 101.60(c)(2) and 101.9(c)(6)(ii).

The No Sugar Added Representations Are False and Misleading.

50. Defendant represents the Products have "No Sugar Added," but the Products contain a substantial amount of added allulose per serving.

51. Because allulose falls within the applicable definition of sugar, and the Products contain allulose that Defendant added during processing or packaging, the Products cannot bear the "No Sugar Added" representations under § 101.60(c)(2).

52. Accordingly, Defendant's Products do not satisfy the federal regulatory standard governing the use of the No Sugar Added Representations, nor do they satisfy the identical state regulatory standards.

53. Defendant nevertheless prominently represents to consumers that the Products have “No Sugar Added.”

54. Defendant’s representations that the Products have “No Sugar Added” are objectively false.

55. The representations are also independently misleading to reasonable consumers because an unqualified “no sugar added” representation communicates that the product contains no added sugar, while Defendant’s Products contain added allulose.

56. The deception is particularly material because Defendant does not qualify its representations by stating that the Products are free only of certain types of added sugar.

57. The prominence and repetition of the No Sugar Added Representations reinforce their significance. Defendant places the No Sugar Added Representations on the Products’ packaging and uses them throughout Internet and retail product listings, thereby presenting the absence of added sugar as an important attribute and selling point of the Products.

Defendant Knew the Products Contain Added Allulose

58. Defendant knew that the Products contained added allulose before placing the Products on the market.

59. Defendant knew the amount of allulose contained in each serving of the Products.

60. Defendant necessarily possessed this information because Defendant controls the Products’ formulation, ingredient specifications, manufacturing, packaging, labeling, and marketing.

61. Defendant also knew that consumers would encounter and consider the No Sugar Added Representations when deciding whether to purchase the Products. The product packaging and advertisements highlight the “No Sugar Added” nature of the Products.

62. Upon information and belief, Defendant selected and used the No Sugar Added Representations as part of a deliberate marketing strategy designed to distinguish the Products from competing products, including less costly versions of other barbecue sauces containing other added sugars, and to appeal to consumers willing to pay a premium for products without added sugar.

63. Defendant's repeated use of the No Sugar Added Representations on the Products' packaging and in its advertising was not the result of an isolated printing error, inadvertent omission, or one-time mistake. Rather, Defendant incorporated the representations into the Products' branding and marketing and sold the Products to customers while using those representations.

64. Upon information and belief, Defendant was aware that allulose is a sugar but nevertheless made a false nutrient-content claim that the Products have "No Sugar Added."

65. Defendant's use of the representations despite its knowledge of the Products' formulation further demonstrates that the representations were an intentional and material component of Defendant's marketing and sale of the Products.

66. Upon information and belief, Defendant continues to market and sell the Products using the No Sugar Added Representations.

67. Defendant's conduct was undertaken in the course of its business and in connection with the marketing, advertising, distribution, and sale of the Products to consumers.

68. Defendant had the ability to accurately describe the Products and disclose the presence and quantity of added allulose, or to simply make no nutrient-content claim concerning added sugar at all. Instead, Defendant affirmatively chose to market and sell the Products using

the No Sugar Added Representations, thereby inducing consumers seeking products without added sugar to purchase the Products.

Plaintiffs and Consumers Were Injured by Defendant's Misrepresentations.

69. Heidi Pascoe purchased Ray's No Sugar Added Original Barbecue Sauce, 18.5 oz for personal use from Walmart on or about March 30, 2026, for approximately \$3.22.

70. Debra Nordin purchased Ray's No Sugar Added Sweet & Smoky Barbecue Sauce for personal use, including from a Safeway retail store, within two months prior to filing this Complaint.

71. Tim Conklin purchased Ray's No Sugar Added Original Barbecue Sauce, 18.5 oz for personal use from Fred Meyer in or around September 2026.

72. Bryan Stout purchased two bottles of Ray's No Sugar Added Original Barbecue Sauce, 18.5 oz for personal use from Safeway on or about August 6, 2025.

73. Michael Gaspar purchased Ray's No Sugar Added Original Barbecue Sauce, 18.5 oz for personal use from Walmart on or about October 20, 2025.

74. Defendant charges a higher price for its "No Sugar Added" Products than for comparable products that do not bear the No Sugar Added Representations. For example, on Walmart's website, an 18 oz bottle of regular Sweet Baby Ray's Original Barbecue Sauce was priced at \$2.37, or \$0.132/ounce, while an 18.5 oz bottle of Ray's No Sugar Added was priced at \$3.27, or \$0.177/ounce, approximately a 34% per-ounce premium for the Ray's No Sugar Added Products.¹⁰

¹⁰ Sweet Baby Ray's, Original Barbecue Sauce, 18 oz, Thick, Rich Flavor, Walmart.com, <https://www.walmart.com/ip/Sweet-Baby-Ray-s-Original-Barbecue-Sauce-18-oz/10294615>; Ray's No Sugar Added, Original Barbecue Sauce, 18.5 oz, Thick & Clingy, Walmart.com, <https://www.walmart.com/ip/Ray-s-No-Sugar-Added-Original-Barbecue-Sauce-18-5-oz/409008803> (last visited Sept. 21, 2026).



10K+ bought since yesterday, try a subscription Overall pick

Sweet Baby Ray's
Sweet Baby Ray's® Original Barbecue Sauce 18 oz
★★★★★ (4.8) | 9,930 ratings

Pack Size: Single

Single \$2.37 13.2¢/oz	12 Pack \$24.17 \$2.01/oz
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Ingredients

Key item features

- AWARD-WINNING FLAVOR: Classic barbecue sauce with a rich, slow-pour texture and famously sweet barbecue flavor
- Many uses: it's THE crowd-favorite sauce for family dinners, backyard barbecues, cookouts, grilling, marinating, dipping, and wing-ing
- VERSATILE: Delicious on everything from burgers, tenders, hot dogs, and pizza to fried chicken, nachos, and more

\$2.37 13.2¢/oz

Price when purchased online ⓘ

See how to earn a \$75 welcome bonus with the OnePay credit card.
[Learn how](#)

Free 90-day returns ⓘ

Add to cart

Subscribe \$2.37

Your usuals, on your schedule
Save time and stay stocked!
[How it works](#)

One-time purchase \$2.37

How you'll get this item:

☐ I want delivery savings with Walmart+
Try 30 days for just \$1! Choose a plan at checkout.

Figure 7



2K+ bought since yesterday, try a subscription Overall pick

Ray's No Sugar Added
Ray's® No Sugar Added Original Barbecue Sauce 18.5 oz
★★★★★ (4.8) | 1,651 ratings

Pack Size: Single

Single \$3.27 17.7¢/oz	4 Pack \$16.99 \$4.25/oz
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Ingredients

Key item features

- SWEET BARBECUE FLAVOR: All the classic barbecue taste with no added sugar
- MANY USES: Family dinners, backyard barbecues, cookouts, grilling, marinating, dipping, and wing-ing
- VERSATILE: Brush on smoked ribs, drizzle over grilled beef, chicken, or pork, or stir into baked beans for a rich, smoky flavor

\$3.27 17.7¢/oz

Price when purchased online ⓘ

See how to earn a \$75 welcome bonus with the OnePay credit card.
[Learn how](#)

Free 90-day returns ⓘ

Add to cart

Subscribe \$3.27

Your usuals, on your schedule
Save time and stay stocked!
[How it works](#)

One-time purchase \$3.27

How you'll get this item:

☐ I want delivery savings with Walmart+
Try 30 days for just \$1! Choose a plan at checkout.

Figure 8

75. Plaintiffs paid a price that incorporated the value of Defendant's No Sugar Added Representations but received Products that did not conform to those representations.

76. Plaintiffs therefore suffered economic injury at the point of purchase.

77. Plaintiffs did not receive the benefit of the bargain for which they paid. Instead, Plaintiffs received Products that contained a substantial amount of allulose despite Defendant's representations that the Products contained "No Sugar Added."

78. Plaintiffs' injuries were caused by Defendant's misrepresentations.

79. The same deception affected other consumers who purchased the Products after encountering the No Sugar Added Representations. Those consumers were exposed to the same materially misleading representations, purchased Products containing added sugar, and received Products that did not conform to Defendant's representations.

80. The challenged conduct is therefore consumer-oriented and arises from Defendant's common marketing, labeling, advertising, and sale of the Products to the public.

81. Defendant's conduct constitutes deceptive, misleading, unfair, and/or unlawful conduct under the Oregon Unlawful Trade Practices Act and the District of Columbia Consumer Protection Procedures Act.

82. Defendant made representations concerning the Products that were objectively false and/or misleading to reasonable consumers.

83. Defendant's conduct caused Plaintiffs to suffer ascertainable economic injury in the form of a price premium. Plaintiffs paid more for the Products than the Products were worth, and more than they would have paid, because Defendant's deceptive representations inflated the price of the Products.

84. As a direct and proximate result of Defendant's deceptive, misleading, unfair, and unlawful conduct described above, Plaintiffs and members of the proposed Class were injured in fact and suffered ascertainable economic losses when they paid a premium for products bearing Defendant's false or misleading No Sugar Added Representations. The foregoing allegations establish Plaintiffs' and the proposed Class members' claims arising from Defendant's common course of conduct, which forms the basis for the class allegations set forth below.

CLASS ALLEGATIONS

85. Plaintiffs bring this case as a class action pursuant to Fed. R. Civ. P. 23 on their own behalf and on behalf of all others similarly situated. The proposed Classes are defined as follows:

Oregon Class: All persons who, during the maximum period of time permitted by law, purchased the Products in the State of Oregon for personal, family, or household use, and not for resale.

D.C. Class: All persons who, during the maximum period of time permitted by law, purchased the Products in the District of Columbia for personal, family, or household use, and not for resale.

86. The Classes do not include: (i) Defendant, its assigns, successors, and legal representatives; (ii) any entities in which Defendant has controlling interests; (iii) federal, state, and/or local governments, including, but not limited to, their departments, agencies, divisions, bureaus, boards, sections, groups, councils, and/or subdivisions; (iv) any judicial officer presiding over this matter and persons within the third degree of consanguinity to such judicial officer; and (v) Plaintiffs' counsel and Defendant's counsel.

87. Plaintiffs reserve the right to amend or otherwise alter the class definitions presented to the Court at the appropriate time in response to facts learned through discovery, legal arguments advanced by Defendant, or otherwise.

88. Members of the Classes are so numerous that joinder of all members is impracticable. Upon information and belief, the Classes consist of thousands of purchasers. Accordingly, it would be impracticable to join all members of the Classes before the Court.

89. There are numerous questions of law or fact common to all members of the putative Classes. Included within the common questions of law or fact are:

- a. Whether the Products contain allulose and, if so, the amount of allulose contained in the Products;
- b. Whether allulose is a sugar under the applicable laws, regulations, and standards governing the No Sugar Added Representations;
- c. Whether Defendant represented that the Products contained “no added sugar,” “no sugar added,” or substantially similar nutrient-content claims;
- d. Whether these representations were false, deceptive, misleading, or otherwise unlawful under the laws asserted herein;
- e. Whether Defendant’s labeling, packaging, advertising, marketing, and sale of the Products constituted consumer-oriented conduct and/or advertising directed to consumers;
- f. Whether Defendant knew that the Products contained allulose and that the Products did not conform to the No Sugar Added Representations;
- g. Whether Defendant’s conduct violated, as applicable, the Oregon Unlawful Trade Practices Act, ORS 646.605 *et seq.* and the District of Columbia Consumer Protection Procedures Act, D.C. Code § 28-3901 *et seq.*;
- h. Whether Defendant’s conduct caused economic injury to purchasers of the Products and the appropriate method for measuring such injury; and
- i. Whether Plaintiffs and Class Members are entitled to actual damages or statutory damages and, if so, in what amount.

90. Plaintiffs’ claims are typical of the claims of the Class members they seek to represent. Each Plaintiff, like the Class members, purchased Defendant’s Products labeled with Defendant’s deceptive No Sugar Added Representations. Each Plaintiff purchased the Products

during the applicable class period and was exposed to the same challenged No Sugar Added Representations. Each Plaintiff suffered the same type of economic loss as the other Class members. Plaintiffs' and the Class members' claims are based on the same legal theories and arise from the same course of conduct by Defendant.

91. Plaintiffs are adequate representatives because they have no interests adverse to those of the Classes, are committed to the vigorous prosecution of this action, and have retained skilled and experienced counsel. Plaintiffs will fairly and adequately represent and protect the interests of the Classes as required by Fed. R. Civ. P. 23(a)(4).

92. A class action is superior to all other available methods for the fair and efficient adjudication of the claims asserted in this action. Common questions of law and fact predominate over any questions affecting only individual Class members, and a class action is superior because the common issues can be resolved through common evidence and a single adjudication. Individual joinder of all Class members is impracticable, and no other available method of adjudication would provide a more efficient or consistent means of resolving the claims asserted herein. The prerequisites to maintaining this action pursuant to Federal Rule of Civil Procedure 23(b)(3) are satisfied for at least the following reasons:

- a. The central issues in this action, including whether the Products contain allulose, whether allulose constitutes sugar under the applicable laws and regulations, what Defendant represented concerning the Products' sugar content, whether those representations were false or misleading, whether Defendant knew the Products did not conform to those representations, and whether Defendant's conduct violated the applicable consumer-protection statutes, are common to the Classes and predominate over any individual questions;

- b. The No Sugar Added Representations were disseminated to consumers through common labeling, packaging, advertising, and marketing materials, such that the principal evidence concerning Defendant's conduct, the content of the representations, and their alleged falsity or misleading nature will be common to the Classes;
- c. The economic injury alleged by Plaintiffs and the Classes arises from the same alleged misconduct and can be established through common evidence and a common methodology.;
- d. Given the relatively modest value of individual Class members' claims compared with the cost and burden of individual litigation, many Class members would have little incentive or ability to pursue their claims individually. A class action therefore provides an effective mechanism for Class members to obtain relief for alleged injuries that might otherwise go unremedied;
- e. Class members have no substantial interest in individually controlling the prosecution of separate actions because the claims arise from Defendant's common course of conduct and present substantially overlapping factual and legal issues;
- f. Concentrating the claims in a single proceeding is desirable because the alleged misconduct involves common Products, common representations, common labeling and marketing practices, and common questions concerning Defendant's conduct. A single proceeding will promote consistent adjudication of those issues and avoid unnecessary duplication of discovery, motion practice, expert testimony, and trial proceedings;

- g. Individual litigation would create a substantial risk of inconsistent or varying adjudications concerning the same Products, Representations, and underlying conduct. Class-wide adjudication will promote consistency and judicial economy;
- h. There are no pending individual actions known to Plaintiffs that would make separate adjudication a preferable method of resolving the controversy, and concentrating the claims in this forum is desirable and efficient; and
- i. This action is manageable as a class action because the central liability issues are capable of resolution through common evidence and because any individualized issues concerning damages or other forms of relief can be addressed through appropriate class-wide methodologies, claim procedures, or other case-management mechanisms ordered by the Court.

COUNT ONE

**Violation of the Oregon Unlawful Trade Practices Act
ORS 646.608(1)(e), (g), and 646.638
(By Plaintiffs Heidi Pascoe, Debra Nordin, and Tim Conklin
Individually, and on behalf of the Oregon Class)**

93. Plaintiffs restate and reallege the preceding allegations set forth in paragraphs 1 through 92 as though fully set forth herein.

94. This cause of action is brought pursuant to the Oregon Unlawful Trade Practices Act (“Oregon UTPA”), ORS 646.605 *et seq.*, on behalf of Heidi Pascoe, Debra Nordin, Tim Conklin, and the Oregon Class, who purchased the Products in Oregon within the applicable limitations period.

95. ORS 646.608(1)(e) declares it an unlawful trade practice to represent that goods “have . . . characteristics, ingredients, uses, benefits, quantities or qualities that the . . . goods do

not have.” ORS 646.608(1)(g) declares it an unlawful trade practice to represent that goods “are of a particular standard, quality, or grade” when they are of another.

96. Each of Defendant’s No Sugar Added Representations is a representation within the meaning of both subsections because each states that the Products contain “No Sugar Added” when, in fact, upon information and belief, the Products contain added allulose. Allulose is a substance that constitutes sugar under the applicable regulatory definition. By making that representation, Defendant misrepresented that the Products possessed characteristics, ingredients, quantities, and qualities that they did not have and that they were of a particular standard or quality when they were of another.

97. Heidi Pascoe, Debra Nordin, Tim Conklin, and members of the Oregon Class purchased the Products for personal, family, or household purposes and not for resale.

98. Allulose is a monosaccharide and therefore a sugar under 21 C.F.R. § 101.9(c)(6)(ii). Defendant added allulose to the Products during processing. The Products therefore did not possess the represented “No Sugar Added” characteristic or quality.

99. ORS 616.250(1) provides that food is misbranded if “its labeling is false or misleading in any particular.” OAR 603-025-0190 incorporates the FDA’s food-labeling rules, including 21 C.F.R. Part 101. The Products do not comply with 21 C.F.R. § 101.60(c)(2), which prohibits a “no added sugar,” “no sugar added,” or substantially similar nutrient-content claim when any amount of sugars, as defined in § 101.9(c)(6)(ii), is added during processing. The Products are therefore misbranded under applicable Oregon law.

100. The No Sugar Added Representations were material and had a tendency to mislead consumers acting reasonably under the circumstances. An ordinary consumer would understand “No Sugar Added” to mean that no sugar had been added to the Products.

101. Heidi Pascoe, Debra Nordin, Tim Conklin, and members of the Oregon Class suffered ascertainable losses as a result of Defendant's unlawful trade practices. They paid a price premium for Products represented as containing no added sugar. Defendant charges a higher per-ounce price for its Ray's No Sugar Added products than for comparable Ray's products that are not represented as containing no added sugar. Had Defendant accurately labeled the Products, Heidi Pascoe, Debra Nordin, Tim Conklin, and members of the Oregon Class would have paid less for the Products.

102. The ascertainable loss incurred by the Oregon Class is a premium-price loss. Defendant's No Sugar Added Representations inflated the market price of the Products, and Heidi Pascoe, Debra Nordin, Tim Conklin, and each member of the Oregon Class paid more for the Products than they would have paid absent the misrepresentations.

103. Defendant's violations of the Oregon UTPA were willful within the meaning of ORS 646.638(1). A violation is willful when the person committing it "knew or should have known that the conduct of the person was a violation." ORS 646.605(10). Defendant formulates, manufactures, packages, and markets the Products. Defendant knew or should have known the Products contained allulose and knew the Products bore the No Sugar Added Representations. Defendant knew or should have known that its conduct constituted a violation of the Oregon UTPA.

104. Defendant's violations were also reckless and knowing within the meaning of ORS 646.638(8)(a). The FDA stated in its 2016 rulemaking that allulose, "as a monosaccharide, must be included" in the Total Sugars declaration. 81 Fed. Reg. 33,742, 33,795–96 (May 27, 2016). That published statement put Defendant on notice (to the extent that it was not already on notice) that allulose constitutes sugar under the applicable regulatory definition.

105. Under ORS 646.638(8), statutory damages may be recovered on behalf of class members, where plaintiffs establish that the class members sustained an ascertainable loss as a result of Defendant's reckless or knowing use or employment of an unlawful trade practice.

106. Pursuant to ORS 646.638(1), Heidi Pascoe, Debra Nordin, and Tim Conklin seek actual damages or statutory damages of \$200, whichever is greater, for Defendant's willful violations. Because Defendant's violations were reckless or knowing within the meaning of ORS 646.638(8)(a), Heidi Pascoe, Debra Nordin, Tim Conklin, and the Oregon Class further seek statutory damages of \$200 per class member, or actual damages if greater, recoverable on a class-wide basis. Heidi Pascoe, Debra Nordin, Tim Conklin, and the Oregon Class also seek reasonable attorneys' fees and costs to the extent authorized by applicable law, and such other relief as the Court deems appropriate.

COUNT TWO

Violation of the District of Columbia Consumer Protection Procedures Act

D.C. Code § 28-3901 *et seq.*

(By Plaintiffs Bryan Stout and Michael Gaspar Individually, and on behalf of the D.C. Class)

107. Plaintiffs restate and reallege the preceding allegations set forth in paragraphs 1 through 92 as though fully set forth herein.

108. This cause of action is brought pursuant to the District of Columbia Consumer Protection Procedures Act, D.C. Code § 28.3901 *et seq.*, on behalf of Bryan Stout, Michael Gaspar and the D.C. Class, who purchased the Products in the District of Columbia within the applicable limitations period.

109. D.C. Code § 28-3904 declares it a violation of the Consumer Protection Procedures Act to engage in any unfair or deceptive trade practice, whether or not any consumer is in fact misled, deceived, or damaged.

110. Under D.C. Code § 28-3904(a), it is an unfair or deceptive trade practice to represent that goods “have . . . characteristics, ingredients, uses, benefits, or quantities that they do not have.” It is also an unfair or deceptive trade practice to represent that goods “are of particular standard, quality, [or] grade . . . if in fact they are of another[.]” D.C. Code § 28-3904(d). It is also an unfair or deceptive trade practice to “misrepresent as to a material fact which has a tendency to mislead[.]” D.C. Code § 28-3904(e).

111. Each of Defendant’s No Sugar Added Representations is a representation within the meaning of all of the above subsections because each states that the Products contain “No Sugar Added” when, in fact, the Products contain added allulose. Allulose is a sugar. By making that representation, Defendant misrepresented that the Products possessed characteristics, ingredients, quantities, and qualities that they did not have and that they were of a particular standard or quality when they were of another. Additionally, the No Sugar Added Representations are misrepresentations as to a material fact (the added sugar content of the Products) that have a tendency to mislead consumers, because a reasonable consumer would understand “No Sugar Added” to mean that the Products contain no added sugar of any kind.

112. Bryan Stout, Michael Gaspar, and each member of the D.C. Class purchased the Products for personal, family, or household purposes and not for resale. Each purchase was a consumer transaction within the definitions of the District of Columbia Consumer Protection Procedures Act.

113. Allulose is a monosaccharide and therefore a sugar under 21 C.F.R. § 101.9(c)(6)(ii). Allulose is the fourth -listed ingredient in the Products, and the Products contain a substantial amount of added allulose per serving. The Products therefore did not possess the represented “No Sugar Added” characteristic or quality.

114. The No Sugar Added Representations were material and had a tendency to mislead consumers acting reasonably under the circumstances. An ordinary consumer would understand “No Sugar Added” or “no added sugar” to mean that the Products contained no added sugar.

115. Before making each of their purchases, Bryan Stout and Michael Gaspar were presented with the No Sugar Added Representations displayed on the Products’ packaging.

116. Bryan Stout, Michael Gaspar, and the D.C. Class paid a price premium for Products represented as containing no sugar. Defendant charges a higher per-ounce price for its Ray’s No Sugar Added sauce Products than for comparable Sweet Baby Ray’s products that are not represented as having no sugar added. Had Defendant accurately labeled the Products, Bryan Stout, Michael Gaspar, and members of the D.C. Class would have paid less for the Products.

117. Pursuant to D.C. Code § 28-3905(k)(2)(A), Bryan Stout, Michael Gaspar, and the D.C. Class seek treble damages or statutory damages of \$1,500, whichever is greater, for Defendant’s violations, recoverable on a classwide basis. Bryan Stout, Michael Gaspar, and the D.C. Class also seek punitive damages pursuant to D.C. Code § 28-3905(k)(2)(C), recoverable on a classwide basis. Bryan Stout, Michael Gaspar, and the D.C. Class also seek reasonable attorneys’ fees and costs to the extent authorized by applicable law, and such other relief as the Court deems appropriate.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs, individually and on behalf of all others similarly situated, respectfully request that the Court enter judgment in their favor and against Defendant and grant the following relief:

- a) For an order certifying the proposed Classes pursuant to Federal Rule of Civil Procedure 23, appointing Heidi Pascoe, Debra Nordin, and Tim Conklin as Class Representatives for the Oregon Class, appointing Bryan Stout and Michael Gaspar as Class Representatives for the D.C. Class, and appointing Plaintiffs' counsel as Class Counsel for both Classes, as appropriate;
- b) For a declaration that Defendant's conduct, as alleged herein, violates the Oregon Unlawful Trade Practices Act, the District of Columbia Consumer Protection Procedures Act, and each other applicable statute referenced in this Complaint;
- c) For a declaration that Defendant's labeling, packaging, marketing, distribution, and sale of the Products using the No Sugar Added Representations is false, deceptive, misleading, and/or otherwise unlawful, as applicable under the asserted causes of action;
- d) For injunctive and equitable relief to the extent authorized by applicable law, including an order enjoining Defendant from labeling, marketing, advertising, distributing, or selling the Products using the No Sugar Added Representations, and requiring such corrective disclosures or other affirmative measures as may be necessary to remedy the effects of Defendant's unlawful conduct;
- e) For actual, statutory, and/or other monetary relief available under the asserted causes of action, including damages under the Oregon Unlawful Trade Practices Act and damages under the District of Columbia Consumer Protection Procedures Act, in amounts to be determined at trial or otherwise permitted by applicable law;
- f) For pre-judgment and post-judgment interest on all amounts awarded, to the extent permitted by applicable law;

- g) For an order awarding Plaintiffs and the Class members reasonable attorneys' fees, costs, and expenses to the extent authorized by applicable law; and
- h) For such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury on all issues and causes of action so triable.

Dated: September 25, 2026

PASTOR LAW OFFICE, PC.

/s/ David Pastor

David Pastor

BBO No: 391000

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Email: dpastor@pastorlawoffice.com

CARNEY BATES & PULLIAM, PLLC

/s/ Randall K. Pulliam

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forthcoming*)

Edwin Lee Lowther III (*pro hac vice
forthcoming*)

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Email: knewland@cbplaw.com

*Attorneys for Plaintiffs and the Proposed
Class*

CIVIL COVER SHEET

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

Heidi Pascoe, Debra Nordin, Tim Conklin, Bryan Stout,
and Michael Gaspar

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

(c) Attorneys (Firm Name, Address, and Telephone Number)

David Pastor, Pastor Law Office, PC, 63 Atlantic Avenue,
3d Floor, Boston, MA 02110, 617-742-9700

DEFENDANTS

Ken's Foods, LLC

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

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

Attorneys (If Known)

Gregory Scott Paonessa, Arent Fox Schiff, LLP, 800
Boylston Street, 32d Floor, Boston, MA 02199,

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

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 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)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | ☐ 1 | ☐ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☒ 4 |
| Citizen of Another State | ☒ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 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
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☒ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark ☐ 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit (15 USC 1681 or 1692) ☐ 485 Telephone Consumer Protection Act ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 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., Sec. 1332(d)

Brief description of cause:

false advertising of consumer products under state consumer protection laws

VII. REQUESTED IN COMPLAINT:

☒ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE Kobick

DOCKET NUMBER 1:26-cv-14074-JEK

DATE

9/25/26

SIGNATURE OF ATTORNEY OF RECORD

/s/ David Pastor

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) _____
Pascoe v. Ken's Foods, LLC
2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).
- ☐ I. 160, 400, 410, 441, 535, 830*, 835*, 850, 880, 891, 893, R.23, REGARDLESS OF NATURE OF SUIT.
- ☒ II. 110, 130, 190, 196, 370, 375, 376, 440, 442, 443, 445, 446, 448, 470, 751, 820*, 840*, 895, 896, 899.
- ☐ III. 120, 140, 150, 151, 152, 153, 195, 210, 220, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 367, 368, 371, 380, 385, 422, 423, 430, 450, 460, 462, 463, 465, 480, 485, 490, 510, 530, 540, 550, 555, 560, 625, 690, 710, 720, 740, 790, 791, 861-865, 870, 871, 890, 950.
- *Also complete AO 120 or AO 121. for patent, trademark or copyright cases.
3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.
Rodriguez v. Ken's Foods, LLC, No. 1:26-cv-14074-JEK, Trapasso v. Ken's Foods, LLC, No. 1:26-cv-14120-JEK
4. Has a prior action between the same parties and based on the same claim ever been filed in this court?
YES ☐ NO ☒
5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)
YES ☐ NO ☒
- If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?
YES ☐ NO ☐
6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?
YES ☐ NO ☒
7. Do all of the parties in this action, excluding governmental agencies of the United States and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).
YES ☒ NO ☐
- A. If yes, in which division do all of the non-governmental parties reside?
Eastern Division ☒ Central Division ☐ Western Division ☐
- B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?
Eastern Division ☐ Central Division ☐ Western Division ☐
8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)
YES ☐ NO ☐

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME David Pastor, Pastor Law Office, PC

ADDRESS 63 Atlantic Avenue, 3d Floor, Boston, MA 02110

TELEPHONE NO. 617-742-9700