

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

COLIN BROGOWSKI, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

THE SIMPLY GOOD FOODS COMPANY
and QUEST NUTRITION, LLC,

Defendants.

Civil Action No.:

CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

Plaintiff Colin Brogowski (“Plaintiff”) brings this action on behalf of himself and all others similarly situated against The Simply Good Foods Company (“Simply Good”) and Quest Nutrition, LLC (“Quest”) (collectively, “Defendants”) based on personal knowledge as to himself, the investigation of his counsel, and on information and belief as to all other matters.

NATURE OF ACTION

1. This is a putative class action lawsuit on behalf of purchasers of Quest Crispy Hero Protein Bars (the “Products”)¹ as shown below:

¹ The Products include all flavors of Quest Crispy Hero Protein Bars, including, but not limited to, Cookies & Cream, Peanut Butter & Jelly, Chocolate Peanut Butter, Chocolate Caramel Pecan, Fruity Cereal, Birthday Cake, Blueberry Cobbler, and Chocolate Coconut flavors. Other than varying flavors, the Products are substantially identical in their labeling, function, sizing, and advertising, and each bears the Sugar Representation on its front label in substantially the same size, placement, and manner.



2. Defendants manufacture, market, and/or sell the Products through thousands of brick-and-mortar and online retailers throughout the United States, including in the State of New York.

3. Defendants prominently advertise, market, and sell the Products as protein bars that contain only “1g SUGAR” per bar or, for the Peanut Butter & Jelly flavor, “2g SUGAR” per bar (the “Sugar Representation”). The Sugar Representation promises that each bar contains no more than one gram (or two grams) of sugar in total.

4. Defendants intentionally mislead consumers into believing that the Products contain only a trace amount of sugar. They do this because consumers want foods and snacks with little or no sugar, which they believe are healthier and will help them manage their weight

and blood sugar and reduce their overall sugar and calorie intake. Defendants market the Products specifically to that audience, describing the Products as “keto-friendly.”

5. However, unbeknownst to consumers, each bar is sweetened with a large quantity of the sugar allulose—as much as thirteen grams per bar, according to Defendants’ own labeling. The Products therefore contain more sugar than the Sugar Representation promises.

6. Defendants have thus engaged in widespread false and deceptive conduct by designing, marketing, manufacturing, distributing, and/or selling the Products with the Sugar Representation. Every package of the Products misleads consumers into believing each Product contains only one or two grams of sugar.

7. Plaintiff and Class Members purchased the Products, which are designed, marketed, manufactured, distributed, and/or sold by Defendants. Plaintiff and Class Members relied to their detriment on Defendants’ Sugar Representation, when the Products in fact contain many grams of the sugar allulose. Plaintiff and Class Members would not have purchased the Products—or would not have paid as much as they did to purchase them—had they known the Sugar Representation was false. Plaintiff and Class Members thus suffered monetary damages as a result of Defendants’ deceptive and false representation.

8. Plaintiff brings this action individually, and on behalf of similarly situated individuals who purchased the falsely and deceptively labeled Products, for violations of New York General Business Law §§ 349 and 350, fraud, and unjust enrichment.

PARTIES

9. Plaintiff Colin Brogowski is a citizen and resident of Peekskill New York, who has an intent to remain there, and is therefore domiciliary of New York. Plaintiff purchased the Products on multiple times from retail stores in New York. Most recently, on or about July 2026,

Plaintiff purchased Quest Crispy Hero Protein Bars in cookies and cream flavor from The Vitamin Shoppe, store in Cortlandt Manor New York, for approximately \$36.99. Prior to his purchase of the Product, Plaintiff reviewed the Product's labeling and packaging and saw that it was labeled and marketed as containing "1g SUGAR" per bar. Based on the Sugar Representation, Plaintiff believed he was purchasing a product that contained no more than one gram of sugar per bar. Plaintiff relied on Defendants' Sugar Representation in deciding to purchase the Product. Accordingly, the Sugar Representation was part of the basis of the bargain, in that he would not have purchased the Product on the same terms had he known the Sugar Representation was not true. Plaintiff paid more for the Product, and would only have been willing to pay less, or unwilling to purchase it at all, absent the false and misleading labeling complained of herein. In making his purchase, Plaintiff paid a price premium for a product that claimed to contain only one gram of sugar per bar.

10. Defendant The Simply Good Foods Company is a Delaware corporation with its principal place of business in Denver, Colorado. Simply Good acquired Quest in November 2019 and, directly and through Quest, formulates, manufactures, labels, markets, distributes, and/or sells the Products nationwide, including in this District.

11. Defendant Quest Nutrition, LLC is a Delaware limited liability company with its principal place of business in El Segundo, California. Quest formulates, manufactures, labels, markets, distributes, and/or sells the Products nationwide under its Quest brand, including in this District.

JURISDICTION AND VENUE

12. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332(d)(2)(A), the Class Action Fairness Act, because the matter in controversy exceeds \$5,000,000 exclusive

of interest and costs, there are more than 100 members of the proposed classes, and at least one member of the proposed classes is a citizen of a State different from any Defendant.

13. Simply Good is a citizen of Delaware and Colorado. Quest is an “unincorporated association” that “shall be deemed to be a citizen of the State where it has its principal place of business and the State under whose laws it is organized,” 28 U.S.C. § 1332(d)(10), and is therefore a citizen of California and Delaware. Plaintiff is a citizen of New York. Minimal diversity is therefore satisfied. And because no Defendant is a citizen of New York, the exceptions set forth in 28 U.S.C. § 1332(d)(3) and (d)(4) do not apply.

14. This Court has personal jurisdiction over Defendants because Defendants purposefully direct the marketing, distribution, and sale of the Products into New York, including to retailers in this District; because Defendants transact business and contract to supply goods in New York; and because Plaintiff’s claims arise out of his purchase in New York of a Product that Defendants labeled, marketed, and sold here.

15. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to Plaintiff’s claims occurred in this District. Plaintiff resides in this District and purchased the Product in this District, and Defendants distribute, market, and sell the Products in this District.

FACTUAL ALLEGATIONS

A. Sugar Reduction Claims

16. Sugar is considered a contributor or cause of many different medical conditions, including weight gain, obesity, diabetes, cavities, and other diseases in adults.

17. A growing trend toward living healthier lives has led consumers to invest in their health by choosing foods and snacks that contain less, or no, sugar.

18. In particular, consumers on low-carbohydrate diets, like the ketogenic diet, look for low-sugar claims such as a small, stated number of grams of sugar per serving. Defendants target these consumers directly: Quest describes the Products as “keto-friendly,”² and its advertising for the Products emphasizes protein content alongside minimal sugar and net carbohydrates.

19. In response to this consumer demand, food manufacturers—including Defendants—increasingly place sugar-content claims on the front of their packaging, including “sugar free,” “no added sugar,” “low sugar,” and statements that a product contains only one or two grams of sugar.

20. As a result, consumers seek out, and are willing to pay more for, products that contain little or no sugar.

B. Defendants’ Sugar Representation is False and Misleading

21. Defendants prominently and unambiguously represent on the front label of every flavor of the Products that each bar contains “1g SUGAR” or, for the Peanut Butter & Jelly flavor, “2g SUGAR.” The Sugar Representation appears in a circular badge on the principal display panel, beside the Products’ protein and net-carbohydrate figures:

² See, e.g., Quest Nutrition, *Cookies & Cream Crispy Hero Protein Bar*, <https://www.questnutrition.com/products/cookies-cream-hero-bar> (last visited Sept. 24, 2026).



22. Defendants’ own labeling confirms that each of the Products contains many grams of allulose. The Products’ labels are substantially similar in all material respects: every flavor bears the Sugar Representation on its front label, lists allulose as the second or third ingredient, and discloses on its packaging the amount of allulose in each bar, or the figures from which that amount is calculated, as shown below.

23. The label of the Cookies & Cream flavor represents that each bar contains “1g SUGAR.” The ingredient statement lists allulose as the second ingredient, and the label discloses that each bar contains 11 grams of allulose (“23g TOTAL CARBS - 6g FIBER - 11g ALLULOSE - 3g ERYTHRITOL = 3g NET CARBS”):



Nutrition Facts	
Serving size	1 bar (52g)
Amount per serving	
Calories	150
% Daily Value*	
Total Fat 6g	8%
Saturated Fat 5g	25%
Trans Fat 0g	
Cholesterol 10mg	3%
Sodium 230mg	10%
Total Carbohydrate 23g	8%
Dietary Fiber 6g	21%
Total Sugars 1g	
Includes 0g Added Sugars	0%
Erythritol 3g	
Protein 18g	36%
Vitamin D 0mcg	0%
Calcium 230mg	20%
Iron 1.7mg	10%
Potassium 90mg	2%
The % Daily Value (DV) tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice.	
25g TOTAL CARBS - 6g FIBER - 11g ALLULOSE - 3g ERYTHRITOL = 3g NET CARBS	

INGREDIENTS: PROTEIN BLEND (MILK PROTEIN ISOLATE, WHEY PROTEIN ISOLATE), ALLULOSE, SOLUBLE CORN FIBER, PALM KERNEL OIL, WATER, ERYTHRITOL, COCOA PROCESSED WITH ALKALI, SODIUM CASEINATE, UNSWEETENED CHOCOLATE, CONTAINS LESS THAN 2% OF THE FOLLOWING: SALT, NATURAL FLAVORS, LECITHIN (SUNFLOWER AND/OR SOY LECITHIN), SUCRALOSE, BUTTER (CREAM), PALM OIL, CARRAGEENAN.

CONTAINS: MILK, SOY.

PROCESSED ON EQUIPMENT THAT ALSO PROCESSES PEANUTS AND TREE NUTS.

CONTAINS A BIOENGINEERED FOOD INGREDIENT.

24. The label of the Peanut Butter & Jelly flavor represents that each bar contains “2g SUGAR.” The ingredient statement lists allulose as the third ingredient, after the protein blend and peanuts, and the label discloses that each bar contains 9 grams of allulose (“25g TOTAL CARBS - 7g FIBER - 9g ALLULOSE - 5g ERYTHRITOL = 4g NET CARBS”):



Nutrition Facts	
Serving size	1 bar (60g)
Amount per serving	
Calories	210
% Daily Value*	
Total Fat 13g	17%
Saturated Fat 8g	40%
Trans Fat 0g	
Cholesterol 5mg	2%
Sodium 250mg	11%
Total Carbohydrate 25g	9%
Dietary Fiber 7g	25%
Total Sugars 2g	
Includes <1g Added Sugars	0%
Erythritol 5g	
Protein 16g	32%
Vitamin D 0mcg	0%
Calcium 170mg	15%
Iron 0.3mg	2%
Potassium 110mg	2%
The % Daily Value (DV) tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice.	
25g TOTAL CARBS - 7g FIBER - 9g ALLULOSE - 5g ERYTHRITOL = 4g NET CARBS	

INGREDIENTS: PROTEIN BLEND (MILK PROTEIN ISOLATE, WHEY PROTEIN ISOLATE), PEANUTS, ALLULOSE, SOLUBLE CORN FIBER, PALM KERNEL OIL AND PALM OIL, ERYTHRITOL, WATER, CONTAINS LESS THAN 2% OF THE FOLLOWING: SODIUM CASEINATE, BUTTER (CREAM), SALT, LECITHIN (SUNFLOWER AND/OR SOY LECITHIN), PEANUT OIL, NATURAL FLAVORS, MALIC ACID, VEGETABLE JUICE COLOR, PECANS, CARRAGEENAN, SUNFLOWER OIL, SUCRALOSE.

CONTAINS: MILK, SOY, PEANUTS, PECANS.

PROCESSED ON EQUIPMENT THAT ALSO PROCESSES OTHER TREE NUTS.

CONTAINS A BIOENGINEERED FOOD INGREDIENT.

25. The label of the Chocolate Peanut Butter flavor represents that each bar contains “1g SUGAR.” The ingredient statement lists allulose as the second ingredient, and the label discloses that each bar contains 7 grams of allulose (“19g TOTAL CARBS - 4g FIBER - 7g ALLULOSE - 5g ERYTHRITOL = 3g NET CARBS”):



QUEST
CRISPY PROTEIN BAR
CHOCOLATE PEANUT BUTTER
NET WT 1.50 OZ (54g) 18g PROTEIN 3g FIBER 1g SUGAR

Nutrition Facts	
Serving size 1 bar (54g)	
Amount per serving	
Calories	200
	% Daily Value*
Total Fat 12g	15%
Saturated Fat 8g	40%
Trans Fat 0g	
Cholesterol 5mg	2%
Sodium 230mg	10%
Total Carbohydrate 19g	7%
Dietary Fiber 4g	14%
Total Sugars 1g	
Includes 0g Added Sugars	0%
Erythritol 5g	
Protein 18g	36%
Vitamin D 0mcg	0%
Calcium 180mg	15%
Iron 0.8mg	4%
Potassium 120mg	2%

*The % Daily Value (DV) tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice.

INGREDIENTS: PROTEIN BLEND (MILK PROTEIN ISOLATE, WHEY PROTEIN ISOLATE), ALLULOSE, PEANUTS, PALM KERNEL OIL, ERYTHRITOL, SOLUBLE CORN FIBER, WATER, SODIUM CASEINATE, COCOA PROCESSED WITH ALKALI. CONTAINS LESS THAN 2% OF THE FOLLOWING: NATURAL FLAVORS, SALT, PEANUT OIL, BUTTER (CREAM), PECANS, PALM OIL, CARRAGEENAN, SUCRALOSE, LECITHIN (SUNFLOWER AND/OR SOY LECITHIN).

CONTAINS: MILK, SOY, PEANUTS, PECANS.
PROCESSED ON EQUIPMENT THAT ALSO PROCESSES OTHER TREE NUTS.
CONTAINS A BIOENGINEERED FOOD INGREDIENT.

19g TOTAL CARBS - 4g FIBER - 7g ALLULOSE - 5g ERYTHRITOL = 3g NET CARBS

26. The label of the Chocolate Caramel Pecan flavor represents that each bar contains “1g SUGAR.” The ingredient statement lists allulose as the second ingredient, and the label discloses that each bar contains 13 grams of allulose (“29g TOTAL CARBS - 11g FIBER - 13g ALLULOSE - 2g ERYTHRITOL = 3g NET CARBS”):



Nutrition Facts	
Serving size	1 bar (60g)
Amount per serving	
Calories	180
% Daily Value*	
Total Fat 9g	12%
Saturated Fat 6g	30%
Trans Fat 0g	
Cholesterol 10mg	3%
Sodium 180mg	8%
Total Carbohydrate 29g	11%
Dietary Fiber 11g	39%
Total Sugars 1g	
Includes 0g Added Sugars	0%
Erythritol 2g	
Protein 15g	30%
Vitamin D 0mcg	0%
Calcium 200mg	15%
Iron 0.9mg	6%
Potassium 90mg	2%
*The % Daily Value (DV) tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice.	
29g TOTAL CARBS - 11g FIBER - 18g SUGARS = 2g ERYTHRITOL + 3g NET CARBS	

INGREDIENTS: PROTEIN BLEND (MILK PROTEIN ISOLATE, WHEY PROTEIN ISOLATE), **ALLULOSE**, SOLUBLE CORN FIBER, PALM KERNEL OIL, WATER, PECANS, COCOA PROCESSED WITH ALKALI, ERYTHRITOL, SODIUM CASEINATE. CONTAINS LESS THAN 2% OF THE FOLLOWING: BUTTER (CREAM), NATURAL FLAVORS, SALT, PALM OIL, CARRAGEENAN, SUCRALOSE, LECITHIN (SUNFLOWER AND/OR SOY LECITHIN).

CONTAINS: MILK, SOY, PECANS.

PROCESSED ON EQUIPMENT THAT ALSO PROCESSES WHEAT, SESAME, PEANUTS, AND OTHER TREE NUTS.

MADE IN CANADA WITH DOMESTIC AND IMPORTED INGREDIENTS.

CONTAINS A BIOENGINEERED FOOD INGREDIENT.

27. The label of the Fruity Cereal flavor represents that each bar contains “1g SUGAR.” The ingredient statement lists allulose as the second ingredient. The Nutrition Facts panel declares 23 grams of total carbohydrates, 6 grams of dietary fiber, and 4 grams of erythritol, and the front label represents that each bar contains 2 grams of net carbohydrates. Applying the net-carbohydrate formula Defendants print on the other Products (total carbohydrates, less fiber, allulose, and erythritol), each bar contains 11 grams of allulose:



Nutrition Facts

Serving size 1 bar (54g)

Amount per serving
Calories 160

	% Daily Value*
Total Fat 7g	9%
Saturated Fat 5g	25%
Trans Fat 0g	
Cholesterol 10mg	3%
Sodium 190mg	8%
Total Carbohydrate 23g	8%
Dietary Fiber 6g	21%
Total Sugars 1g	
Includes 0g Added Sugars	0%
Erythritol 4g	
Protein 18g	36%
Vitamin D 0mcg	0%
Calcium 210mg	15%
Iron 0.2mg	2%
Potassium 70mg	2%

*The % Daily Value (DV) tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice.

INGREDIENTS: PROTEIN BLEND (MILK PROTEIN ISOLATE, WHEY PROTEIN ISOLATE), **ALLULOSE**, SOLUBLE CORN FIBER, PALM KERNEL OIL AND PALM OIL, ERYTHRITOL, WATER, ALMONDS, SODIUM CASEINATE. CONTAINS LESS THAN 2% OF THE FOLLOWING: SALT, NATURAL FLAVORS, SUNFLOWER OIL, LECITHIN (SUNFLOWER AND/OR SOY LECITHIN), BUTTER (CREAM), SUCRALOSE, TURMERIC (COLOR), VEGETABLE JUICE COLOR, SPIRULINA EXTRACT (COLOR), CARRAGEENAN, MIXED TOCOPHEROLS (TO MAINTAIN FRESHNESS).
CONTAINS: MILK, SOY, ALMONDS.
PROCESSED ON EQUIPMENT THAT ALSO PROCESSES EGGS, PEANUTS, AND OTHER TREE NUTS.

28. The label of the Birthday Cake flavor represents that each bar contains “1g SUGAR.” The ingredient statement lists allulose as the second ingredient, and the label discloses that each bar contains 10 grams of allulose (“22g TOTAL CARBS - 6g FIBER - 10g ALLULOSE - 4g ERYTHRITOL = 2g NET CARBS”):



Nutrition Facts

Serving size 1 bar (52g)

Amount per serving
Calories 150

	% Daily Value*
Total Fat 6g	8%
Saturated Fat 5g	25%
Trans Fat 0g	
Cholesterol 5mg	2%
Sodium 180mg	8%
Total Carbohydrate 22g	8%
Dietary Fiber 6g	21%
Total Sugars 1g	
Includes 0g Added Sugars	0%
Erythritol 4g	
Protein 17g	34%
Vitamin D 0mcg	0%
Calcium 220mg	15%
Iron 0.2mg	2%
Potassium 50mg	2%

*The % Daily Value (DV) tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice.

22g TOTAL CARBS - 6g FIBER - 10g **ALLULOSE** - 4g ERYTHRITOL = 2g NET CARBS

INGREDIENTS: PROTEIN BLEND (MILK PROTEIN ISOLATE, WHEY PROTEIN ISOLATE), **ALLULOSE**, SOLUBLE CORN FIBER, PALM KERNEL OIL AND PALM OIL, ERYTHRITOL, WATER, ALMONDS, SODIUM CASEINATE. CONTAINS LESS THAN 2% OF THE FOLLOWING: NATURAL FLAVORS, SALT, LECITHIN (SUNFLOWER AND/OR SOY LECITHIN), GUM ARABIC, BUTTER (CREAM), SUCRALOSE, CARRAGEENAN, SPIRULINA EXTRACT (COLOR), RED CABBAGE EXTRACT (COLOR), TURMERIC EXTRACT (COLOR), RADISH EXTRACT (COLOR).

CONTAINS: MILK, SOY, ALMONDS.
PROCESSED ON EQUIPMENT THAT ALSO PROCESSES PEANUTS AND OTHER TREE NUTS.
CONTAINS A BIOENGINEERED FOOD INGREDIENT.

29. The label of the Blueberry Cobbler flavor represents that each bar contains “1g SUGAR.” The ingredient statement lists allulose as the second ingredient. The Nutrition Facts panel declares 30 grams of total carbohydrates, 10 grams of dietary fiber, and 4 grams of erythritol, and the front label represents that each bar contains 3 grams of net carbohydrates. Applying the net-carbohydrate formula Defendants print on the other Products, each bar contains 13 grams of allulose:



Nutrition Facts	
Serving size	1 bar (60g)
Amount per serving	
Calories	160
% Daily Value*	
Total Fat 7g	9%
Saturated Fat 6g	30%
Trans Fat 0g	
Cholesterol 10mg	3%
Sodium 160mg	7%
Total Carbohydrate 30g	11%
Dietary Fiber 10g	36%
Total Sugars 1g	
Includes 0g Added Sugars	0%
Erythritol 4g	
Protein 16g	32%
Vitamin D 0mcg	0%
Calcium 170mg	15%
Iron 0mg	0%
Potassium 0mg	0%
*The % Daily Value (DV) tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice.	
INGREDIENTS: PROTEIN BLEND (MILK PROTEIN ISOLATE, WHEY PROTEIN ISOLATE), <u>ALLULOSE</u> , SOLUBLE CORN FIBER, PALM KERNEL OIL, WATER, ERYTHRITOL, SODIUM CASEINATE, BUTTER (CREAM). CONTAINS LESS THAN 2% OF THE FOLLOWING: NATURAL FLAVORS, SALT, CINNAMON, PALM OIL, CARRAGEENAN, MALIC ACID, VEGETABLE JUICE CONCENTRATE (COLOR), SUCRALOSE, LECITHIN (SUNFLOWER AND/OR SOY LECITHIN).	
CONTAINS: MILK, SOY. PROCESSED ON EQUIPMENT THAT ALSO PROCESSES PEANUTS AND OTHER TREE NUTS.	

30. The label of the Chocolate Coconut flavor represents that each bar contains “1g SUGAR.” The ingredient statement lists allulose as the second ingredient, and the label discloses that each bar contains 12 grams of allulose (“26g Total Carbs – 9g Fiber – 12g Allulose – 2g Erythritol = 3g Net Carbs”):



Nutrition Facts	
Serving size 1 bar (55g)	
Amount per serving	
Calories	160
	% Daily Value*
Total Fat 7g	9%
Saturated Fat 6g	30%
Trans Fat 0g	
Cholesterol 10mg	3%
Sodium 160mg	7%
Total Carbohydrate 26g	9%
Dietary Fiber 9g	32%
Total Sugars 1g	
Includes 0g Added Sugars	0%
Erythritol 2g	
Protein 15g	30%
Vit. D 0mcg %0 • Calcium 200mg 15%	
Iron 0.8mg %4 • Potassium 110mg %2	
* The % Daily Value (DV) tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice.	

INGREDIENTS: PROTEIN BLEND (MILK PROTEIN ISOLATE, WHEY PROTEIN ISOLATE), ALLULOSE, SOLUBLE CORN FIBER, WATER, PALM KERNEL OIL, ERYTHRITOL, COCONUT, SODIUM CASEINATE, COCOA PROCESSED WITH ALKALI. CONTAINS LESS THAN 2% OF THE FOLLOWING: BUTTER (CREAM), SEA SALT, NATURAL FLAVORS, PEANUTS, PECANS, PALM OIL, CARRAGEENAN, SUCRALOSE, LECITHIN (SUNFLOWER AND/OR SOY LECITHIN).

CONTAINS: MILK, PEANUTS, COCONUT, PECANS, SOY.

PROCESSED IN A FACILITY THAT ALSO PROCESSES OTHER TREE NUTS.

CONTAINS A BIOENGINEERED FOOD INGREDIENT.

***26g Total Carbs - 9g Fiber - 12g Allulose - 2g Erythritol = 3g Net Carbs**

31. Consumers reasonably believe that each bar of the Products contains no more than one gram (or two grams) of sugar in total.

32. However, the Products all contain the sugar allulose, which Defendants add as a standalone ingredient during manufacturing and list as the second or third ingredient on each Product's ingredient statement. Allulose, also known as D-allulose or D-psicose, is a monosaccharide that is structurally similar to fructose and is a sugar under 21 C.F.R. § 101.9(c)(6)(ii). *See Franco v. Chobani, LLC*, No. 25-2087, slip op. at 7 (7th Cir. July 27, 2026) ("There's no dispute that allulose is a monosaccharide. Because the definition includes every monosaccharide and the following parenthetical is merely a list of examples, allulose is a sugar under § 101.9(c)(6)(ii)."). Because allulose tastes like conventional sugar but contributes fewer calories, it is often used in place of table sugar as a bulk sweetener.

33. The U.S. Food and Drug Administration ("FDA") agrees. FDA's regulations provide that "[t]otal sugars shall be defined as the sum of all free mono- and disaccharides (such as glucose, fructose, lactose, and sucrose)." 21 C.F.R. § 101.9(c)(6)(ii). When FDA adopted that

definition, it stated that, pending any future rulemaking, allulose, as a monosaccharide, must be included in the declaration of sugars. 81 Fed. Reg. 33,742, 33,795–96 (May 27, 2016). FDA has never conducted that rulemaking, “which means its original definition of sugar remains in force.” *Franco*, slip op. at 10. And in *Franco*, the United States filed an amicus brief at the Seventh Circuit’s invitation setting out FDA’s position that the regulatory definition of total sugars is unambiguous and includes allulose. Br. for the United States as Amicus Curiae at 11–12, *Franco*, No. 25-2087 (7th Cir. June 29, 2026), Dkt. No. 44.

34. FDA’s 2020 guidance stating that it would exercise enforcement discretion as to the declaration of allulose in the Nutrition Facts panel does not change the analysis. As the Seventh Circuit held, that guidance is not an interpretation of the regulatory definition of sugars but merely “an announcement of a change in enforcement policy,” and a manufacturer should know that FDA’s enforcement priorities do not immunize it from suits under state law. *Franco*, slip op. at 9–10.

35. The following table summarizes the Sugar Representation and allulose content of each flavor. Adding each flavor’s allulose to the sugars Defendants already declare yields the following minimum sugar content per bar:³

³ Total sugars are declared “to the nearest gram,” 21 C.F.R. § 101.9(c)(6)(ii), so a declaration of “1g” corresponds to at least 0.5 gram and a declaration of “2g” corresponds to at least 1.5 grams. The figures in the table below conservatively add the disclosed allulose content to those minimum values.

Flavor	Sugar Representation	Allulose per Bar	Minimum Total Sugars per Bar
Cookies & Cream	1g	11g	11.5g
Peanut Butter & Jelly	2g	9g	10.5g
Chocolate Peanut Butter	1g	7g	7.5g
Chocolate Caramel Pecan	1g	13g	13.5g
Fruity Cereal	1g	11g	11.5g
Birthday Cake	1g	10g	10.5g
Blueberry Cobbler	1g	13g	13.5g
Chocolate Coconut	1g	12g	12.5g

36. The Sugar Representation is a direct statement about the amount of sugar in the Products and is therefore an expressed nutrient content claim. 21 C.F.R. § 101.13(b)(1). A nutrient content claim may not be made on a food’s label unless it is made in accordance with FDA’s nutrient content claim regulations. *Id.* § 101.13(b). A statement of the amount of a nutrient that does not implicitly characterize the level of that nutrient is permitted only if “it is not false or misleading in any respect.” *Id.* § 101.13(i)(3). To the extent the Sugar Representation implicitly characterizes the Products as low in sugar, it is independently unauthorized, because FDA has defined no “low sugar” claim, *see id.* § 101.60(c), and the Products’ labels bear no disclaimer that the Products are not low in sugar, *see id.* § 101.13(i)(1)-(2). Compliance with these requirements is determined using “the analytical methodology prescribed for determining compliance with nutrition labeling in § 101.9,” *id.* § 101.13(o) – under which allulose is a sugar. Because the Products contain many times more sugar than represented, the Sugar Representation is false and misleading, and the Products are misbranded. *See* 21 U.S.C. § 343(a)(1), (r)(1)(A); N.Y. Agric. & Mkts. Law § 201(1).

37. Plaintiff does not seek to enforce the Federal Food, Drug, and Cosmetic Act. Plaintiff’s claims arise under New York law and seek to impose no requirements beyond those

federal law already imposes. *See* 21 U.S.C. § 343-1(a).

38. Accordingly, because the Products contain the sugar allulose in amounts far exceeding the one or two grams represented, the Sugar Representation is false and misleading.

39. Defendants' conduct thus deceived and/or was likely to deceive the public.

40. Plaintiff and Class Members were deceived into believing the Products contained only one or two grams of sugar per bar, when in fact each bar contains many grams of allulose, as shown above.

41. Plaintiff and Class Members would not know the true nature of the Products by looking at the front labels of the Products. There is nothing on the front label (like an asterisk) disclaiming or modifying the Sugar Representation. The Sugar Representation is not ambiguous or vague to reasonable consumers such that they would reasonably think or be expected to investigate the Sugar Representation further before purchasing the Products.

42. Moreover, the back panel does not preclude consumer deception. As the Second Circuit has held, "a reasonable consumer should not be expected to consult the Nutrition Facts panel on the side of the box to correct misleading information set forth in large bold type on the front of the box." *Mantikas v. Kellogg Co.*, 910 F.3d 633, 637 (2d Cir. 2018).

43. Here, the back panel does not correct the Sugar Representation—it repeats it. The Nutrition Facts panel on each Product declares only one or two grams of "Total Sugars" and zero (or less than one) grams of "Added Sugars." And the only place the Products disclose the quantity of allulose is a footnote that subtracts allulose from total carbohydrates alongside fiber and erythritol, reinforcing the impression that allulose is something other than sugar.

44. Further, average consumers do not know what allulose is (*i.e.*, that it is a sugar), and so reading the ingredient list is insufficient to inform them that the Products contain far more

sugar than represented and that the Sugar Representation is therefore false.

45. Plaintiff and Class Members purchased the Products in reliance on the Sugar Representation, reasonably believing each bar contained only one or two grams of sugar.

46. Plaintiff's and Class Members' reasonable belief that the Products contained only one or two grams of sugar per bar was a significant factor in their decisions to purchase the Products.

47. Plaintiff and Class Members did not know, and had no reason to know, that the Products contained many grams of sugar because of how the Products are deceptively labeled and advertised to create the impression that they contain almost no sugar. Nothing on the front packaging of the Products indicates that the Products contain more than one or two grams of sugar.

48. Defendants knew that Plaintiff and Class Members would rely on the Sugar Representation and would therefore reasonably believe the Products contained only one or two grams of sugar per bar. Further, as the formulator and manufacturer of the Products, Defendants know that allulose is a sugar and know how much of it they add to each bar. Indeed, on information and belief, Quest itself previously told consumers that allulose is a monosaccharide and that FDA "requires all monosaccharides to be listed in the 'sugars' section of the Nutrition Facts Panel."⁴ Accordingly, Defendants knew that the Sugar Representation was false and misleading when they made it, as allulose was added intentionally. Defendants intentionally and knowingly induced consumers to purchase the Products based on the Sugar Representation.

⁴ See FitOne Nutrition Center, *Quest Hero Protein Bar*, <https://www.fitoneusa.com/products/quest-hero-protein-bar> (last visited Sept. 24, 2026); Swolverine, *Quest HERO Bar – Is it Really the HERO You Need?* (Aug. 25, 2017) (quoting Quest's website), <https://swolverine.com/blogs/blog/quest-hero-bar-is-it-really-the-hero-you-need> (last visited Sept. 24, 2026).

49. Because the Products contain allulose in amounts contrary to the Sugar Representation, Defendants' uniform practice regarding the marketing and sale of the Products was and continues to be misleading and deceptive.

50. Each Class Member has been exposed to the same or substantially similar deceptive practices, as the Products are uniformly marketed with the Sugar Representation even though each Product contains many grams of the sugar allulose.

51. Consumers are willing to pay a price premium for products that contain little or no sugar, and Defendants charge a premium for the Products because of the Sugar Representation.

52. Consumers are also induced to make purchases that they otherwise would not have, but for the belief that the Products contained only one or two grams of sugar per bar. Plaintiff and Class Members would not have purchased the Products had they known the Products contained many grams of sugar in the form of allulose. Further, Plaintiff and Class Members paid a price premium for the Products because of the Sugar Representation. Therefore, Plaintiff and Class Members suffered an injury in fact and lost money as a result of Defendants' false and misleading Sugar Representation.

CLASS ALLEGATIONS

53. ***Class Definition:*** Plaintiff brings this action on behalf of all people in the following classes and subclasses (collectively referred to as "Class Members"):

Nationwide Class: all people in the United States who purchased the Products for personal or household use.

New York Subclass: all people who purchased the Products in the State of New York for personal or household use during the last three years.

54. Each of the above class definitions is a placeholder that "may be altered or amended before final judgment." Fed. R. Civ. P. 23(c)(1)(C). Subject to additional information obtained

through further investigation and discovery, the foregoing class definitions may be expanded or narrowed by amendment or in the motion for class certification, including through the use of multi-state subclasses to account for material differences in state law, if any.

55. Excluded from the putative classes are Defendants and any entities in which Defendants have a controlling interest, Defendants' agents and employees, the judge to whom this action is assigned, members of the judge's staff, and the judge's immediate family. Also excluded are any claims for personal injury.

56. **Numerosity:** Members of the Classes are so numerous that their individual joinder herein is impracticable. On information and belief, each Class or Subclass includes thousands of consumers. The precise number of Class Members and their identities are unknown to Plaintiff at this time but may be determined through discovery. Class Members may be notified of the pendency of this action by mail and/or publication through the distribution records of Defendants, their retailers, their agents, or other means.

57. **Commonality and Predominance:** Common questions of law and fact exist as to all Class Members and predominate over questions affecting only individual Class Members. Common legal and factual questions include, but are not limited to:

- Whether Defendants misrepresented and/or failed to disclose material facts concerning the Products;
- Whether allulose is a sugar;
- Whether the Sugar Representation is false, misleading, and/or deceptive;
- Whether Defendants' conduct in advertising and selling the Products amounted to deceptive business practices;
- Whether Plaintiff and the Class Members have sustained damage as a result of Defendants' deceptive conduct;
- The proper measure of damages sustained by Plaintiff and the Class Members;

and

- Whether Defendants were unjustly enriched by their unlawful practices.

58. **Typicality:** Plaintiff's claims are typical of the claims of the Classes in that Plaintiff and the Classes sustained damages as a result of Defendants' uniform wrongful conduct, based upon Defendants' sale of the Products using false and misleading labeling.

59. **Adequacy:** Plaintiff will fairly and adequately protect the interests of Class Members. Plaintiff has retained counsel that is highly experienced in complex consumer class action litigation, and Plaintiff intends to vigorously prosecute this action on behalf of the Classes. Plaintiff has no interests that are antagonistic to those of the Classes. Plaintiff has no past or present financial, employment, familial, or other relationship with any of the attorneys in this case that would create a conflict of interest with the proposed class members.

60. **Superiority:** A class action is superior to all other available methods for the fair and efficient adjudication of this controversy for, *inter alia*, the following reasons: prosecutions of individual actions are economically impractical for members of the Classes; the Classes are readily definable; prosecution as a class action avoids repetitious litigation and duplicative litigation costs, conserves judicial resources, and ensures uniformity of decisions; and prosecution as a class action permits claims to be handled in an orderly and expeditious manner.

61. Without a class action, Defendants will continue a course of action that will result in further damages to Plaintiff and Members of the Classes and will likely retain the benefits of their wrongdoing.

CAUSES OF ACTION

COUNT I

Violation of New York General Business Law § 349 (On Behalf of the New York Subclass)

62. Plaintiff repeats the prior allegations of this Complaint and incorporates them by

reference herein.

63. Plaintiff brings this cause of action individually and on behalf of the New York Subclass.

64. New York's General Business Law § 349 prohibits deceptive acts or practices in the conduct of any business, trade, or commerce.

65. In their sale of goods throughout the State of New York, Defendants conduct business and trade within the meaning and intendment of New York's General Business Law § 349.

66. Plaintiff and Class Members are consumers who purchased the Products for their personal use.

67. By the acts and conduct alleged herein, Defendants engaged in deceptive, unfair, and misleading acts and practices, as alleged above.

68. The foregoing deceptive acts and practices were directed at consumers.

69. The foregoing deceptive acts and practices are misleading in a material way because they fundamentally misrepresent the characteristics and quality of the Products to induce consumers to purchase the same.

70. By reason of this conduct, Defendants engaged in deceptive conduct in violation of New York's General Business Law.

71. Defendants' actions are the direct, foreseeable, and proximate cause of the damages Plaintiff and Class Members have sustained from having paid for and used the Products.

72. As a result of Defendants' violations, Plaintiff and Class Members have suffered damages because: (a) they would not have purchased the Products on the same terms if they knew about Defendants' misrepresentation; (b) they paid a price premium for the Products due

to the misrepresentation; and (c) the Products do not have the characteristics, uses, benefits, or qualities as promised.

73. Plaintiff seeks all available relief under this cause of action, including actual damages or fifty dollars, whichever is greater; increased damages of up to three times actual damages, not to exceed one thousand dollars, for Defendants' willful or knowing violations; injunctive relief; and reasonable attorneys' fees. N.Y. Gen. Bus. Law § 349(h).

COUNT II
Violation of New York General Business Law § 350
(On Behalf of the New York Subclass)

74. Plaintiff repeats the prior allegations of this Complaint and incorporates them by reference herein.

75. Plaintiff brings this cause of action individually and on behalf of the New York Subclass.

76. New York's General Business Law § 350 prohibits false advertising in the conduct of any business, trade, or commerce or in the furnishing of any service.

77. Pursuant to said statute, false advertising is defined as "advertising, including labeling, of a commodity . . . if such advertising is misleading in a material respect." N.Y. Gen. Bus. Law § 350-a(1).

78. Based on the foregoing, Defendants engaged in consumer-oriented conduct that is deceptive or misleading in a material way which constitutes false advertising in violation of New York's General Business Law § 350.

79. Defendants' false, misleading, and deceptive statements and representations of fact were and are directed toward consumers. Defendants also actively concealed and knowingly omitted material facts regarding the true nature of the Products.

80. Defendants' false, misleading, and deceptive statements and representations of fact were and are likely to mislead a reasonable consumer acting reasonably under the circumstances.

81. Defendants' false, misleading, and deceptive statements and representations of fact have resulted in consumer injury or harm to the public interest.

82. As a result of Defendants' false, misleading, and deceptive statements and representations of fact, Plaintiff and Class Members have suffered and continue to suffer economic injury.

83. As a result of Defendants' violations, Plaintiff and Class Members have suffered damages because: (a) they would not have purchased the Products on the same terms if they knew about Defendants' misrepresentation; (b) they paid a price premium for the Products due to the misrepresentation; and (c) the Products do not have the characteristics, uses, benefits, or qualities as promised.

84. Plaintiff seeks all available relief under this cause of action, including actual damages or five hundred dollars, whichever is greater; increased damages of up to three times actual damages, not to exceed ten thousand dollars, for Defendants' willful or knowing violations; injunctive relief; and reasonable attorneys' fees. N.Y. Gen. Bus. Law § 350-e(3).

COUNT III

Fraud

(On Behalf of the Nationwide Class and New York Subclass)

85. Plaintiff repeats the prior allegations of this Complaint and incorporates them by reference herein.

86. Plaintiff brings this cause of action individually and on behalf of the Class and Subclass members.

87. As discussed above, Defendants provided Plaintiff and Class Members with false or misleading material information about the Products, including but not limited to the Sugar

Representation.

88. This misrepresentation was made with knowledge of its falsehood.

89. The misrepresentation made by Defendants, upon which Plaintiff and Class Members reasonably and justifiably relied, was intended to induce, and actually induced, Plaintiff and Class Members to purchase the Products.

90. The fraudulent actions of Defendants caused damage to Plaintiff and Class Members, who are entitled to damages and other legal and equitable relief as a result.

COUNT IV
Unjust Enrichment
(On Behalf of the Nationwide Class and New York Subclass)

91. Plaintiff repeats the prior allegations of this Complaint and incorporates them by reference herein.

92. Plaintiff brings this cause of action individually and on behalf of the Class and Subclass members.

93. Defendants, through the Sugar Representation and their other misleading representations and omissions, enticed Plaintiff and Class Members to purchase the Products.

94. Plaintiff and Class Members conferred a benefit on Defendants by purchasing the Products.

95. By their wrongful acts, Defendants have been unjustly enriched at the expense of, and to the detriment of, Plaintiff and Class Members.

96. Defendants benefitted financially from the revenues and other compensation tied to the sale of the Products, which was unjust in light of Defendants' wrongful conduct.

97. Under the circumstances, it would be against equity and good conscience to permit Defendants to retain the ill-gotten benefits they received from Plaintiff and Class Members as the result of their deceptive marketing and advertising practices.

98. Because Defendants' retention of the non-gratuitous benefit conferred on them by Plaintiff and Class Members is unjust and inequitable, Plaintiff seeks restitution from, and an order from the Court disgorging, all profits, benefits, and other compensation obtained by Defendants due to their wrongful conduct.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, individually and on behalf of the proposed classes, prays for the following relief:

- A. Certification of the proposed classes;
- B. Appointment of Plaintiff as representative of the classes;
- C. Appointment of undersigned counsel as counsel for the classes;
- D. A declaration that Defendants' actions complained of herein violated the statutes referenced herein;
- E. For an order finding in favor of Plaintiff and Class Members on all counts asserted herein;
- F. For actual, compensatory, statutory, nominal, and/or punitive damages in amounts to be determined by the Court and/or jury;
- G. For prejudgment interest on all amounts awarded;
- H. For an order of restitution and all other forms of equitable monetary relief;
- I. For an order awarding Plaintiff and Class Members their reasonable attorneys' fees, expenses, and costs of suit; and
- J. Orders granting such other and further relief as the Court deems necessary, just, and proper.

JURY DEMAND

Pursuant to Fed. R. Civ. P. 38(b), Plaintiff hereby demands a trial by jury on all issues so triable.

Dated: October 7, 2026

Respectfully submitted,

KAMBERLAW, LLC

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