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

13 JEREMY REICH, individually and on  
14 behalf of all others similarly situated,

15 Plaintiff,

16 v.

17 CAMPBELL SOUP COMPANY,

18 Defendant.

19 Case No.

20 **CLASS ACTION COMPLAINT**

21 JURY TRIAL DEMANDED

1 Plaintiff Jerney Reich (“Plaintiff”) brings this action on behalf of himself and  
2 all others similarly situated against Campbell Soup Company (“Defendant”).  
3 Plaintiff makes the following allegations pursuant to the investigation of his counsel  
4 and based upon information and belief, except as to the allegations specifically  
5 pertaining to himself, which are based on his personal knowledge.

6 **NATURE OF THE ACTION**

7 1. Plaintiff brings this class action on behalf of himself and all similarly  
8 situated consumers who purchased V8 Energy Plus Energy Drinks (collectively, the  
9 “Products”).<sup>1</sup>

10 2. Defendant markets the Products as being a “naturally flavored plant-  
11 based drink.” However, unbeknownst to reasonable consumers, the Products  
12 contain multiple of the following synthetic additives: ascorbic acid, citric acid, malic  
13 acid, sucralose, niacin, pyridoxine hydrochloride, and cyanocobalamin. In each  
14 event, the inclusion of these synthetic ingredients renders Defendant’s front-label  
15 claims that the Products are “naturally flavored” and “plant-based” false and  
16 misleading.

17 3. Accordingly, Plaintiff brings claims against Defendant for violations of  
18 (1) California’s Consumers Legal Remedies Act, Cal. Civ. Code § 1750, *et seq.*; (2)  
19 California’s Unfair Competition Law, Cal. Bus. & Prof. Code § 17200, *et seq.*; (3)  
20 Violation of California’s False Advertising Law, Cal. Bus. & Prof. Code § 17500, *et*  
21 *seq.*; and (4) Breach of Express Warranty.

22 **PARTIES**

23 4. Plaintiff Jeremy Reich is a citizen of California residing in Los Angeles,  
24 California. Plaintiff purchased Defendant’s “Strawberry Banana” Product for his  
25 personal use on or about April 2025 from an online retailer while residing in Los  
26

27 <sup>1</sup> The Products are comprised of the following flavors: Pomegranate Blueberry, Black Cherry, Wild  
28 Berry, Strawberry Banana, Peach Mango, Orange Pineapple, Strawberry Lemonade, Strawberry  
Kiwi, and Lemon Lime.

1 Angeles, California. Prior to making his purchase, Plaintiff saw and relied on  
2 Defendant’s on-label representations that the Products were contained “Naturally  
3 Flavored” and “Plant-Based.” Plaintiff saw these representations and warranties  
4 prior to, and at the time of, his purchase. Thus, Plaintiff reasonably relied on  
5 Defendant’s representations when he decided to purchase the Products.  
6 Accordingly, these representations and warranties were part of the basis of his  
7 bargain, in that Plaintiff would not have purchased the Products on the same terms  
8 had he known that these representations and warranties were untrue. Furthermore, in  
9 making his purchases, Plaintiff paid a price premium due to Defendant’s false and  
10 misleading claims regarding the Product’s purported natural content. Plaintiff,  
11 however, did not receive the benefit of the bargain because the Products did not, in  
12 fact, contain exclusively natural flavors or plant-based ingredients, but rather  
13 contained artificial flavors and multiple synthetic ingredients. Had Plaintiff known  
14 that Defendant’s representations and warranties about the Products were false and  
15 misleading, Plaintiff would not have purchased the Products or would have paid  
16 substantially less for them.

17 5. Defendant The Campbell’s Company is a New Jersey Corporation with  
18 its principal place of business in New Jersey. Defendant manufactures, markets, and  
19 sells the Products throughout California and the United States.

20 **JURISDICTION AND VENUE**

21 6. This Court has subject matter jurisdiction over this action pursuant to 28  
22 U.S.C. § 1332(d)(2)(a) because this is a class action where the aggregate claims of  
23 all members of the proposed Classes are in excess of \$5,000,000.00 exclusive of  
24 interest and costs, and Plaintiff, as well as most members of the proposed Classes,  
25 are citizens of states different from Defendant.

26 7. This Court has personal jurisdiction over Defendant because it conducts  
27 and transacts business in the State of California, including this District, thereby  
28 purposefully availing itself to the benefits of the forum. Furthermore, a substantial

1 portion of the events giving rise to Plaintiff’s claims occurred in this District,  
2 including Plaintiff’s purchasing the Product in this District.

3 8. Venue is proper in this District pursuant to 28 U.S.C. § 1391 because  
4 Defendant conducts substantial business in this District and a substantial part of the  
5 events giving rise to Plaintiff’s claims took place in this District.

6  
7 **FACTUAL ALLEGATIONS**

8 **A. Consumers’ Demand for Natural and Plant-Based Food**

9 9. “Clean label claims resonate for purchasers of ... juices and include  
10 natural, no artificial flavors, and no artificial colors.”<sup>2</sup> In fact, at least one survey  
11 found that “Americans are paying more attention to ingredient lists, choosing clean  
12 ingredients and avoiding chemical sounding ingredients” while “[a]bout half of  
13 Americans say they seek out natural flavors at least some of the time [and] artificial  
14 flavors, colors, sweeteners and preservatives were sought out by only about one in 10  
15 consumers, with approximately half saying they avoid each of them at least some of  
16 the time.”<sup>3</sup> In fact, a 2023 study of consumer perceptions and preferences found that  
17 products “Labeled as Having No Artificial Ingredients/Colors” were the second-  
18 highest scoring indicator of food safety according to respondents.<sup>4</sup>

19 10. In response to consumers’ desire for natural products, many companies,  
20 including Defendant, have scrambled to manufacture, market, and sell purportedly  
21 “natural” and “plant-based” products in an effort to gain market share.  
22 Unfortunately, rather than creating the natural, plant-based products consumers  
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24 <sup>2</sup> Innova Market Insights, *Food Trends: US Consumer Preferences* (May 14, 2024) available  
<https://www.innovamarketinsights.com/trends/food-trends/> (last accessed July 10, 2024).

25 <sup>3</sup> Food Insight, *IFIC Survey: From “Chemical-sounding” to “Clean”*: *Consumer Perspectives on*  
*Food Ingredients* (June 17, 2021) available [https://foodinsight.org/ific-survey-from-chemical-](https://foodinsight.org/ific-survey-from-chemical-sounding-to-clean-consumer-perspectives-on-food-ingredients/)  
26 [sounding-to-clean-consumer-perspectives-on-food-ingredients/](https://foodinsight.org/ific-survey-from-chemical-sounding-to-clean-consumer-perspectives-on-food-ingredients/) (last accessed July 10, 2024).

27 <sup>4</sup> International Food Information Counsel, *2023 Food and Health Survey*, (May 23, 2023) available  
[chrome-extension://efaidnbnmnnibpcajpcglclefindmkaj/https://foodinsight.org/wp-](chrome-extension://efaidnbnmnnibpcajpcglclefindmkaj/https://foodinsight.org/wp-content/uploads/2023/05/IFIC-2023-Food-Health-Report.pdf)  
28 [content/uploads/2023/05/IFIC-2023-Food-Health-Report.pdf](chrome-extension://efaidnbnmnnibpcajpcglclefindmkaj/https://foodinsight.org/wp-content/uploads/2023/05/IFIC-2023-Food-Health-Report.pdf) at 73 (last accessed July 10, 2024).

1 desire, Defendant has chosen to “greenwash” the Products and market them through  
2 deceptive labeling and advertising to convince consumers the Products are plant-  
3 based and natural when, in reality, they contain synthetic and highly processed  
4 ingredients.

5 11. In response to frequent and pervasive greenwashing, the United States  
6 Federal Trade Commission (“FTC”) created the “Green Guides” to help companies  
7 avoid making misleading and deceptive claims. As relevant here, the FTC stated:  
8 Marketers, nevertheless, are responsible for substantiating consumers’  
9 reasonable understanding of “biobased,” and other similar claims, such as  
10 “plant-based,” in the context of their advertisements.<sup>5</sup>

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27 <sup>5</sup> See 16 C.F.R. § 260 – Guides for the Use of Environmental Marketing Claims, p. 246, available  
28 at <https://www.ftc.gov/sites/default/files/attachments/press-releases/ftc-issues-revised-green-guides/greenguidesstatement.pdf>

12. As depicted below, Defendant disregarded FTC guidelines on “plant-based” claims, opting to manufacture the Products with ingredients that are entirely artificial, synthetic, or substantially processed:



13. Thus, Defendant did not fulfill its responsibility to “substantiat[e] consumers’ reasonable understanding of . . . ‘plant-based’” advertising claims as reasonable consumers, such as Plaintiff, reasonably believe that “plant-based” Products only contain water or plant ingredients that have not undergone substantial

1 processing. Defendant’s marketing and labeling practices are precisely what  
2 consumers are seeking to avoid: “natural” claims made clearly and conspicuously on  
3 the front of its labels while inconspicuously disclosing contradictory ingredient  
4 information on the other side of the packaging.

5 **B. The Products’ Ingredients are Synthetic**

6 *i. Citric Acid*

7 14. Citric acid “is one of the most common additives in food and beverage  
8 products across the world.”<sup>6</sup> Although citric acid is naturally occurring, in 2021,  
9 commercial, global production of the additive was estimated to be about 736,000  
10 tons per year.<sup>7</sup> As explained by drink brand Drink Sound, “[a] vast majority of the  
11 citric acid that [consumers] see in packaged foods ... is not from citrus fruit but  
12 instead manufactured in bulk.”<sup>8</sup> Accordingly, “it is not the naturally occurring citric  
13 acid, but the *manufactured* citric acid [] that is used extensively as a food and  
14 beverage additive.”<sup>9</sup> In fact, “over 90% of the world’s citric acid production is  
15 manufactured using three methods: Submerged fermentation (SF), liquid surface  
16 fermentation (LSF), and solid-state fermentation (SSF).”<sup>10</sup>

17 15. The Food and Drug Administration (“FDA”) explains that the “Solvent  
18 extraction process for citric acid” is accomplished via “recovery of citric acid from  
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20 <sup>6</sup> Env’t Protection Agency, *Citric Acid Supply Chain – Executive Summary*, available chrome-  
21 extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.epa.gov/system/files/documents/2023-  
03/Citric%20Acid%20Supply%20Chain%20Profile.pdf (last accessed July 11, 2024).

22 <sup>7</sup> Bikash Chandra Behera, et al., *Microbial Citric Acid: Production, Properties, Application, and*  
23 *Future Perspectives*, (Feb. 1, 2021) available <https://onlinelibrary.wiley.com/doi/10.1002/fft2.66>  
24 (last accessed July 11, 2024).

<sup>8</sup> Drink Sound, *Citric Acid: Why Is It In Everything?* available [https://drinksound.com/blogs/sip-  
25 on/citric-acid-why-is-it-in-everything](https://drinksound.com/blogs/sip-on/citric-acid-why-is-it-in-everything) (last accessed July 11, 2024).

<sup>9</sup> Illiana E. Sweis & Bryan C. Cressey, *Potential Role of the Common Food Additive Manufactured*  
26 *Citric Acid in Eliciting Significant Inflammatory Reactions Contributing to Serious Disease States: A Series of Four Case Reports*, 5 *Toxicology Rep.* (2018) 808-812, available doi:  
10.1016/j.toxrep.2018.08.002 (last accessed July 11, 2024).

27 <sup>10</sup> Ewelina Ksiazek et al, *Citric Acid: Properties, Microbial Production, and Applications in*  
28 *Industries*, 29(1) *Molecules* (Jan. 2024) available doi: 10.3390/molecules29010022 (last accessed  
July 11, 2024).

1 conventional *Aspergillus niger* fermentation liquor may be safely used to produce  
 2 food-grade citric acid in accordance with the following conditions: (a) The solvent  
 3 used in the process consists of a mixture of n- octyl alcohol meeting the requirements  
 4 of § 172.864 of this chapter, *synthetic* isoparaffinic petroleum hydrocarbons meeting  
 5 the requirements of § 172.882 of this chapter, and tridodecyl amine. 12 C.F.R. §  
 6 173.280 (emphasis added). Chemical solvents such as n-octyl alcohol and synthetic  
 7 isoparaffinic petroleum hydrocarbons are used to extract the citric acid that  
 8 Defendant uses in the Products from *aspergillus niger* fermentation liquor. See 21  
 9 C.F.R § 173.280. Accordingly, the U.S. Food and Drug Administration (“U.S.  
 10 F.D.A.”) considers citric acid as a food additive.<sup>11</sup> Citric acid is commonly used as a  
 11 flavor enhancer to impart tartness due to its acidic profile.<sup>12</sup>

12 *ii. Ascorbic Acid*

13 16. “Ascorbic acid is a human-made isolate used in myriad processed  
 14 supplements that was created to cost-effectively mimic and replace naturally  
 15 occurring vitamin C found in natural food. It’s often derived from GMO corn starch,  
 16 GMO corn sugar or rice starch.”<sup>13</sup> For that reason, ascorbic acid is referred to as  
 17 “synthetic vitamin C.”<sup>14</sup> Although ascorbic acid can be naturally occurring and  
 18 mimics vitamin C’s chemical structure, its “reactive nature makes isolation of the  
 19 substance from natural sources challenging, which has resulted in all commercial

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 21 <sup>11</sup> U.S. Food & Drug Admin., *Food Additive Status List*, (last accessed July 16, 2024), available  
<https://www.fda.gov/food/food-additives-petitions/food-additive-status-list>.

22 <sup>12</sup> See e.g., Ize (“SPARKLING WATER, APPLE JUICE CONCENTRATE, WHITE GRAPE  
 23 JUICE CONCENTRATE, CLARIFIED PEACH JUICE CONCENTRATE, NATURAL FLAVOR,  
 24 CITRIC ACID, GUM ARABIC, BETA CAROTENE (COLOR), RED RADISH JUICE  
 25 CONCENTRATE (COLOR). **CITRIC ACID IS ADDED FOR TASTE/TARTNESS AND IS  
 NOT ADDED FOR PURPOSES OF PRESERVING THE BEVERAGE.**”) (emphasis added),  
<https://www.amazon.com/IZE-Blackberry-Sparkling-Juice-Cans/dp/B0DZ6NM3VZ> (last accessed  
 September 3, 2025).

26 <sup>13</sup> Smidge Blog, *Why Real Food Vitamin C is better Than Ascorbic Acid – And How To Tell The  
 27 Difference*, (June 1, 2021), available <https://www.getsmidge.com/blogs/news/vitamin-c-versus-ascorbic-acid> (last accessed July 16, 2024).

28 <sup>14</sup> Mount Sinai, *Vitamin C (Ascorbic Acid)*, available <https://www.mountsinai.org/health-library/supplement/vitamin-c-ascorbic-acid> (last accessed July 16, 2024).

1 ascorbic acid being synthetically produced.”<sup>15</sup> To that end, ascorbic acid is used  
2 primarily as an antioxidant that helps prevent microbial growth and oxidation in food  
3 products.

4 17. The FDA lists ascorbic acid as a chemical preservative. 21 C.F.R. §  
5 182.3013; 21 C.F.R 170.3(e)(1). It also considers ascorbic acid as a food additive.<sup>16</sup>

6 18. In fact, just like Defendant’s misbranded product here, in 2015, the  
7 FDA informed fruit product producer Chiquita Bananas that its Pineapple Bites and  
8 Pineapple Bites with Coconut products were “misbranding with the meaning of  
9 section 403(k) of [21 U.S.C. 343(k)] in that they contain the chemical preservatives  
10 ascorbic acid and citric acid but their labels fail[ed] to declare these preservatives  
11 with a description of their functions.”<sup>17</sup>

12 19. Importantly, Defendant acknowledges that the ascorbic acid used in the  
13 Products is not natural.<sup>18</sup>

14 *iii. Malic Acid*

15 20. Malic acid produced for industrial uses, such as the malic acid that is  
16 “widely used in the food industry ... is generally obtained through chemical  
17 synthesis.”<sup>19</sup> Malic acid produced for use as a food additive is called DL-Malic Acid.

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19 <sup>15</sup> National Organic Program, *Ascorbic Acid – Technical Evaluation Report*, U.S. Dep’t of  
20 Agriculture (July 17, 2019) available [chrome-  
extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.ams.usda.gov/sites/default/files/media  
/AscorbicAcidTRFinal7172019.pdf](chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.ams.usda.gov/sites/default/files/media/AscorbicAcidTRFinal7172019.pdf) (last accessed July 16, 2024).

21 <sup>16</sup> *Supra*, footnote 10.

22 <sup>17</sup> David Bellm, *Food Packaging: FDA Says Chiquita Labels Are Misleading*, *Packing Digest*  
23 (Mar. 11, 2015) available [https://www.packagingdigest.com/trends-issues/food-packaging-fda-  
says-chiquita-labels-are-misleading](https://www.packagingdigest.com/trends-issues/food-packaging-fda-says-chiquita-labels-are-misleading) (last accessed July 16, 2024).

24 <sup>18</sup> The Campbell Soup Company, V8 ENERGY® Ingredients - V8® Fruit and Vegetable Juices,  
<https://www.campbells.com/v8/v8-energy-ingredients/> (last accessed September 4, 2025).

25 <sup>19</sup> POLYNT GROUP, Malic Acid for Food , available at: [https://www.polynt.com/malic-acid-in-  
food/](https://www.polynt.com/malic-acid-in-food/) (last visited August 20, 2022); James Han, What is Malic Acid in Food? Benefits, Uses,  
26 Safety, Side Effects, (Jan. 19, 2020) [foodadditives.net](https://foodadditives.net), available at:  
27 <https://foodadditives.net/acidulents/malic-acid/> (“Malic acid sold in the market usually refers to its  
28 DL form .... [DL Malic Acid] does not occur naturally and according to the FDA, it can be  
commercially produced by hydration of fumaric acid or maleic acid.”) (last visited August 24,  
2022).

1 DL-Malic Acid is commercially produced in a few ways, including by the hydration  
2 of fumaric acid or maleic acid<sup>20</sup> and by “the catalytic oxidation of benzene to maleic  
3 acid, which is converted to Malic Acid by heating steam under pressure.”<sup>21</sup> Malic acid  
4 is considered a food additive and is listed on the FDA Food Additive Status List.<sup>22</sup>  
5 Additionally, malic acid is used as a flavor enhancer, flavoring agent, and adjuvant.  
6 21 C.F.R. § 184.1069.

7 21. Importantly, Defendant acknowledges that the malic acid used in the  
8 Products is synthetic.<sup>23</sup> Defendant also admits that it uses malic acid for “tartness and  
9 flavor” in similar products listed on its website.<sup>24</sup>

10 *iv. Sucralose*

11 22. Sucralose is chemically identified as 1,6-dichloro-1,6-dideoxy-β-D-  
12 fructofuranosyl-4-chloro-4-deoxy-α-D-galactopyranoside.<sup>25</sup> The empirical formula  
13 of sucralose is C<sub>12</sub>H<sub>19</sub>Cl<sub>3</sub>O<sub>8</sub>, and it possesses three chlorine atoms covalently bound  
14 to a disaccharide core structurally related to sucrose.<sup>26</sup> The presence of these chlorine  
15 substituents is the result of a targeted chemical modification, distinguishing sucralose  
16 from naturally derived sugars.

17 23. The FDA classifies sucralose as a “chemical” food additive. 21 C.F.R. §  
18 172.831(a). This regulation details its chemical identity and sets purity specifications

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19 <sup>20</sup> *Id.*

20 <sup>21</sup> Monice Zondlo Fiume, et. al., Final Report on the Safety Assessment of Malic Acid and Sodium  
21 Malate, 20 Int’l J. of Toxicology, 47, 48 (June 15, 2000), available at:  
22 <https://pubmed.ncbi.nlm.nih.gov/11358110/> (last visited August 24, 2022).

23 <sup>22</sup> Substances Added to Food (formerly EAFUS), U.S. FOOD & DRUG ADMINISTRATION,  
24 <https://www.fda.gov/food/food-additives-petitions/food-additive-status-list#ftnA> (last visited May  
25 8, 2025).

26 <sup>23</sup>

27 <sup>24</sup> Campbell Soup Company, *V8® Blends Ingredients - V8® Fruit and Vegetable Juices*,  
28 <https://www.campbells.com/v8/v8-blends-ingredients/>

<sup>25</sup> National Center for Biotechnology Information, *PubChem Compound Summary for CID 71485, Sucralose*, *PubChem*, available at <https://pubchem.ncbi.nlm.nih.gov/compound/Sucralose> (last accessed September 3, 2025).

<sup>26</sup> *Id.*

1 consistent with the Food Chemicals Codex instead of Generally Recognized as Safe  
2 (GRAS) status. *Id.* § 172.831(b) (“The additive meets the specifications of the Food  
3 Chemicals Codex, 7th ed. (2010), pp. 993-995, which is incorporated by  
4 reference.”).

5 24. Importantly, Defendant acknowledges that the sucralose used in the  
6 Products is synthetic.<sup>27</sup>

7 v. Niacin

8 25. Niacin, also known as nicotinic acid or vitamin B3 (C<sub>6</sub>H<sub>5</sub>NO<sub>2</sub>, CAS  
9 Reg. No. 59-67-6), is a white, crystalline compound chemically identified as 3-  
10 pyridinecarboxylic acid. 21 C.F.R § 184.1530. Despite being present in limited  
11 quantities in some natural food sources, the niacin incorporated into foods and  
12 energy drinks is neither plant-based nor naturally extracted, but is instead  
13 manufactured through industrial chemical synthesis. The primary commercial  
14 synthesis of niacin involves the oxidation of 3-methylpyridine (derived from  
15 petrochemical sources) to 3-cyanopyridine, which is then converted to niacin by  
16 enzymatic or catalytic processes.<sup>28</sup> These routes may also involve catalytic liquid-  
17 phase or gas-phase oxidations employing transitional metal catalysts under  
18 controlled conditions.<sup>29</sup>

19 26. The manufacture of niacin consistently relies on chemical precursors  
20 and processes not found in nature. Its synthesis includes transformation steps such as  
21 selective oxidation, hydration, and cyclization reactions, all conducted outside any  
22 plant or animal system, distinguishing the resulting niacin ingredient as  
23 unequivocally synthetic and not naturally sourced<sup>7</sup>. The final product, intended for  
24 use in foodstuffs, meets the specifications set in the Food Chemicals Codex and is

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26 <sup>27</sup>

26 <sup>28</sup> Liu, Z.; Shuai, J.; Xu, W.; Lu, X.; Xia, Q.; Zhou, D. *Catalytic synthesis of niacin from 3-methyl-*  
27 *pyridine and 30% H<sub>2</sub>O<sub>2</sub> by Cu-based zeolite*. Chem. Synth. 2024, 4, 69.  
<http://dx.doi.org/10.20517/cs.2024.19>

28 <sup>29</sup> *Id.*

1 subject to strict quality and purity controls as established in FDA regulations. 21  
2 CFR § 184.1530.

3 *vi. Pyridoxine hydrochloride*

4 27. Pyridoxine hydrochloride (C<sub>8</sub>H<sub>11</sub>NO<sub>3</sub>·HCl, CAS Reg. No. 58-56-0), the  
5 commercial form of vitamin B6, is a synthetic ingredient produced exclusively  
6 through chemical synthesis and is not naturally extracted from plant, animal, or  
7 microbial sources for use in food products.

8 28. The industrial production of pyridoxine hydrochloride involves  
9 multistep organic synthesis pathways. Predominantly, the “oxazole process” is  
10 employed, commencing with chemical precursors such as L-alanine or acetylacetone,  
11 which are chemically transformed using condensation reactions, followed by Diels-  
12 Alder cyclization, acid-catalyzed rearrangement, hydrogenation, and purification by  
13 recrystallization<sup>30</sup>. This process results in a highly purified, stable, water-soluble  
14 powder that is devoid of the biological cofactors and matrix compounds present in  
15 food-based sources of vitamin B6.<sup>31</sup>

16 29. The FDA specifically defines pyridoxine hydrochloride as “prepared by  
17 chemical synthesis” under 21 CFR § 184.1676(a), distinguishing it from naturally  
18 occurring vitamins found in foods such as fish, poultry, legumes, and whole grains.

19 *vii. Cyanocobalamin*

20 30. Cyanocobalamin, the most frequently used form of vitamin B12 in  
21 energy drinks and dietary supplements, is a synthetic chemical compound that does  
22 not occur naturally in plants or animal tissues in significant quantities.<sup>32</sup> It is  
23 produced industrially by the fermentation of selected bacteria such as *Streptomyces*  
24 *griseus*, *Pseudomonas denitrificans*, or *Propionibacterium freudenreichii*, followed

25 \_\_\_\_\_  
26 <sup>30</sup> Itov, Z.I., Gunar, V.I. *Methods of synthesis and technology of production of drugs synthesis of pyridoxine (review)*. Pharm Chem J 22, 151–157 (1988). <https://doi.org/10.1007/BF00758446>

27 <sup>31</sup> Chemicalbook, *Pyridoxine hydrochloride*,  
[https://www.chemicalbook.com/ChemicalProductProperty\\_EN\\_CB8853882.htm](https://www.chemicalbook.com/ChemicalProductProperty_EN_CB8853882.htm)

28 <sup>32</sup> <https://www.b12-vitamin.com/cyanocobalamin/>

1 by chemical conversion processes wherein the microbial fermentation product  
2 (cobalamin) is specifically reacted with cyanide ions to yield cyanocobalamin—a  
3 stable, crystalline synthetic form optimized for food and pharmaceutical use.<sup>33</sup> The  
4 final manufacturing steps require the addition of cyanide to achieve the desired  
5 stability, resulting in an ingredient that does not exist anywhere in nature and is  
6 wholly a product of deliberate industrial chemical processing.

7 31. The FDA regulates cyanocobalamin under 21 CFR § 184.1945, where it  
8 is identified as produced “commercially from cultures of *Streptomyces griseus*,” and  
9 recognized only in its synthetic, cyanide-ligated form as a food additive.

10 **A. Defendant’s Products are Artificially Flavored**

11 32. The Food and Drug Administration (“FDA”) defines an artificial flavor  
12 as “any substance, the function of which is to impart flavor, which is not derived  
13 from a spice, fruit or fruit juice, vegetable or vegetable juice, edible yeast, herb, bark,  
14 bud, root, leaf or similar plant material, meat, fish, poultry, eggs, dairy products, or  
15 fermentation products thereof.” 21 CFR § 101.22(a)(1). The Products’ use of malic  
16 acid, citric acid, and ascorbic acid meets the definition of an artificial flavor because  
17 their function is to impart flavor in the Products, and they are not derived from a  
18 natural source like a spice, fruit, or vegetable. As a result of these artificial flavoring  
19 ingredients, Defendant’s “Naturally Flavored” labeling statement is false and  
20 misleading.

21 33. FDA regulations recognize that malic acid is used as an artificial  
22 “flavoring agent” in food and beverage products. 21 CFR § 184.106(c). The  
23 Flavoring Extract Manufacturer’s Association also recognizes that malic acid is a  
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28 <sup>33</sup> Biology Notes Online, Vitamin B12 Production (May 19, 2024),  
<https://biologynotesonline.com/vitamin-b12-production/>

1 flavoring ingredient.<sup>34</sup> Indeed, the “main use” of acidulants like malic acid “is to  
2 provide and enhance flavor of foods and beverages.”<sup>35</sup>

3 34. Malic acid has a distinct flavor profile and it provides a sour taste when  
4 added to food and beverage products.<sup>36</sup> This flavor profile has been described as  
5 “mellow, smooth, persistent sourness reminiscent of fruit.”<sup>37</sup> For this reason, malic  
6 acid is often used in beverage products to simulate the flavor of apple juice as well as  
7 other fruit juices.<sup>38</sup> Acidulants like citric acid, malic acid, and tartaric acid “are  
8 responsible for the authentic taste and flavor” of certain fruits.<sup>39</sup>

9 35. Malic acid and citric acid function as flavoring ingredients in the  
10 Products regardless of whether Defendant intended them to do so. This is because  
11 malic acid and citric acid impart a flavor that is reminiscent of fruit when used in the  
12 Products. Defendant’s products, which depict ripe, fresh fruit on the labels, utilize  
13 malic acid and citric acid to impart the flavor that would otherwise be found in those  
14 fruits.

15 36. The artificial malic acid and citric acid in the Products are a “Flavoring  
16 agent” because it is added to the Products “to impart or help impart a taste or aroma  
17 in food.” 21 C.F.R. § 170.3(0)(12). Under the FDA, if a food “contains any artificial  
18

19 <sup>34</sup> Richard L. Hall, et al., *Progress in the Consideration of Flavoring Ingredients Under the Food*  
20 *Additives Amendments*, J. OF THE INST. OF FOOD TECHNOLOGIES, available at  
[https://www.femaflavor.org/sites/default/files/3.%20GRAS%20Substances%282%2001-3124%29\\_0.pdf](https://www.femaflavor.org/sites/default/files/3.%20GRAS%20Substances%282%2001-3124%29_0.pdf)

21 <sup>35</sup> E. Ramos Da Conceicao Neta et al., *The Chemistry and Physiology of Sour Taste—A Review*, J.  
22 *OF FOOD SCIENCE* (Mar. 12, 2007), available at  
<https://ift.onlinelibrary.wiley.com/doi/full/10.1111/j.1750-3841.2007.00282.x>

23 <sup>36</sup> P. Hartwig, et al., *Flavor Characteristics of Lactic, Malic, Citric, and Acetic Acids at Various*  
24 *pH Levels*, J. OF FOOD SCIENCE (March 1995), abstract available at  
<https://ift.onlinelibrary.wiley.com/doi/abs/10.1111/j.1365-2621.1995.tb05678.x>

25 <sup>37</sup> *Self-Teaching Guide for Food Acidulants*, BARTEK.

26 <sup>38</sup> M.Y. CoSeteng, *Influence of Titratable Acidity and pH on Intensity of Sourness of Citric, Malic,*  
27 *Tartaric, Lactic and Acetic Acids Solutions and on the Overall Acceptability of Imitation Apple*  
*Juice*, CANADIAN INST. OF FOOD SCI. AND TECH. J. (Feb. 1989), abstract available at  
<https://www.sciencedirect.com/science/article/abs/pii/S031554638970300X>

28 <sup>39</sup> *Acidulants- Technical Bulletin*, BRENNTAG FOODS, available at  
[https://www.brenntag.com/media/documents/denmark/technical\\_bulletin\\_acidulants.pdf](https://www.brenntag.com/media/documents/denmark/technical_bulletin_acidulants.pdf)

1 flavor which simulates, resembles or reinforces the characterizing flavor, the name of  
2 the food on the principal display panel or panels of the label shall be accompanied by  
3 the common or usual name(s) of the characterizing flavor, in letters not less than  
4 one-half the height of the letters used in the name of the food and the name of the  
5 characterizing flavor shall be accompanied by the word(s) ‘artificial’ or ‘artificially  
6 flavored’, in letters not less than one-half the height of the letters in the name of the  
7 characterizing flavor, e.g., ‘artificial vanilla’, ‘artificially flavored strawberry’, or  
8 ‘grape artificially flavored’.” 21 CFR § 101.22(i)(1)(iii).

9 37. The characterizing flavor of the Products is fruits that contain acidic  
10 profiles. As such, citric acid and malic acid are used in the Products to simulate,  
11 resemble and reinforce those characterizing flavors. Accordingly, the Products are  
12 required to be labeled as “Artificially Flavored.” Defendant omits this legally  
13 required disclosure and instead falsely labels the Products as containing “Naturally  
14 Flavored.”

15 **C. Defendant’s Representations and Warranties**

16 *i. Defendant’s Products mislead Plaintiff and reasonable*  
17 *consumers*

18 38. Unfortunately for consumers like Plaintiff, despite the prominent  
19 “Naturally Flavored” and “Plant-Based Energy Drink” representations on front labels  
20 of the Products, the backs of the packaging, in small print, reveal the presence of  
21 artificial ingredients.

22 39. By labeling the Products as being “Naturally Flavored” and “Plant-Based  
23 Energy Drink,” Defendant deliberately misled Plaintiff and other reasonable  
24 consumers into believing that the Products (a) were flavored from natural ingredients  
25 and (b) the other ingredients contained in the Products came from plants. As  
26 discussed above, however, both of those representations are false because the  
27 Products contain synthetic flavoring agents and other synthetic ingredients.

28 *ii. Defendant’s “Naturally Flavored” claims mislead consumers*

1           40. Consumers are accustomed to seeing front-of-package claims like  
2 ‘Natural and Artificial Flavors’ or ‘Artificially Flavored’ when artificial flavor  
3 agents are added to a product, and they expect disclosure in the absence of real  
4 source ingredients. Indeed, “[a]bout half (48%) of Americans say they seek out  
5 natural flavors at least some of the time[.]”<sup>40</sup>

6           41. Numerous market research studies demonstrate that disclosure of  
7 artificial flavors is an industry standard that consumers rely on to make informed  
8 choices about product qualities and healthfulness. As summarized in a recent peer-  
9 reviewed article:

10           Recent surveys show that 62% of consumers avoid artificial flavors.  
11           Indeed, retailers have successfully been able to charge more for  
12           products labeled as not containing any artificial flavors because of  
13           consumers’ belief that these foods are healthier. Hoping to capitalize  
14           on this, major food producers have promised to eliminate artificial  
15           flavors from their foods, including General Mills, Kellogg’s, and  
16           Nestlé. Natural flavors now rank as the fourth most common food  
            ingredient in processed food products. Only salt, water, and sugar are  
            more frequently included.<sup>41</sup>

17           42. Both the inclusion of the “naturally flavored” representation as well as  
18 the failure to include a truthful ‘artificially flavored’ statement violates reasonable  
19 consumer expectations and deceive consumers who specifically seek to avoid  
20 artificial ingredients.

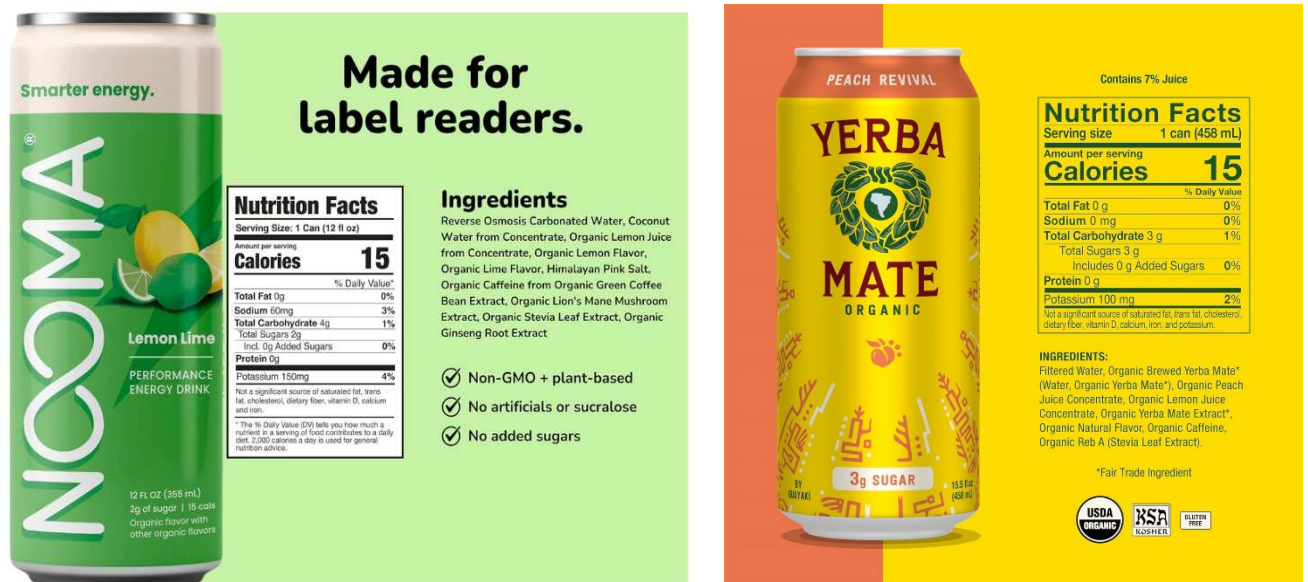
21                     iii. The Context of the transaction reinforces Defendant’s deceptive  
22                     conduct

23  
24  
25 I. <sup>40</sup> International Food Information Council, *Consumers Show Strong Interest in Knowing About Food Ingredients: “Clean” Is in, “Chemical-Sounding” Is Out* (June 17, 2021), <https://ific.org/media/strong-interest-in-knowing-about-food-ingredients/>

26 <sup>41</sup> Benavides, Nena. *What’s in a Flavor? A Proposal to Address Consumer Confusion Surrounding Natural Flavoring*. *Food and Drug Law Journal*, vol. 77, no. 4, 2022, pp. 377–98. JSTOR, <https://www.jstor.org/stable/27211729>. Accessed 5 Sept. 2025.

43. Consumers do not look at products in a vacuum. Instead, how they perceive a product’s labels depends on the nature of the product that they are buying in comparison to other competing products. Here, Defendant markets its Products as a “natural” and “plant-based” alternative to other energy drinks. When a consumer sees that an energy drink, like the Products, is labeled as a “Plant-Based Energy Drink,” they make the reasonable assumption that the Products will not contain the same type of synthetic ingredients found in ordinary energy drinks.

44. Furthermore, because other “natural” competing energy drinks do not contain the myriad of synthetic ingredients found in the Products, consumers would have no reason to suspect that Defendant’s representations were not in fact true. Below is a mere sampling of Defendant’s competitors, which are wholly natural:



iii. The Products' Ingredient List Does Not Cure Defendant's Misrepresentations

45. Reasonable consumers have no reason to look at the back label of the Products when presented with the conspicuous representations that the Products are

1 “Naturally Flavored” and comprise “Plant-Based” ingredients. In fact, studies show  
2 that only 7.7% to 11.6% of people look at a consumer product’s side or back labels  
3 before making a purchase.<sup>42</sup>

4 46. Even if consumers had a reason to look at the back label to understand  
5 the unambiguous “natural” and “plant-based” representations, the Products’  
6 ingredient list would not suffice to dispel any potential that confusion. Reasonable  
7 consumers do not walk around with knowledge of the chemical composition of  
8 ascorbic acid, citric acid, malic acid, sucralose, niacin, pyridoxine hydrochloride, and  
9 cyanocobalamin in their heads. Thus, they would not know the true amount of  
10 natural or plant-based ingredients in the Products simply by looking at the Products’  
11 ingredient list. That discovery requires investigation well beyond what is advertised  
12 and knowledge of food chemistry beyond that of the average consumer.

#### 13 **D. Defendant’s Conduct Violates California’s Food Labeling Laws**

14 <sup>42</sup> Klaus G. Grunert et. al, *Nutrition Knowledge, and Use and Understanding of Nutrition*  
15 *Information on Food Labels Among Consumers in the UK*, 55 APPETITE 177, 179–181 (May  
16 2010), <https://pubmed.ncbi.nlm.nih.gov/20546813/> (consumer purchasing behavior study using in  
17 store observation and interview data collection methodology to realistically estimate the degree  
18 consumers use nutritional information (found on side/back panels of food product labels and  
19 packaging), finding: (1) only 11.6% of respondents, who looked at a product and placed it in their  
20 shopping cart, were actually observed looking at the side/back panels of its packaging or labels  
21 (panels other than the front panel) before placing it in the cart; (2) of those who looked at the  
22 side/back panels, only 31.8% looked at it the product “in detail” (i.e., 3.7% of respondents who  
23 looked at the product, looked at side/back panels in detail); and (3) the respondents self-reported  
24 frequency of reviewing side/back panels (for nutritional information) is overreported by 50% when  
25 the in-store interview data and observational data are compared). *See also* Klaus G. Grunert et. al,  
26 *Use and Understanding of Nutrition Information on Food Labels in Six European Countries*, 18 J.  
27 PUB. HEALTH 261, 261, 263, 266 (Jan. 2010),  
28 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2967247/> (consumer purchasing behavior study  
using in-store observation and interview data collection methodology to evaluate whether people  
look at food labels before buying them, where they looked, and how long they looked, finding: (1)  
respondents spent, on average, approximately 35 seconds, per product, on products they bought;  
and (2) 62.6% of respondents looked at the front packaging, and only 7.7% looked elsewhere  
(side/back panels) on the packaging, for products they bought. *See also* Yael Benn et al., *What*  
*Information do Consumers Consider, and How Do They Look for It, When Shopping for Groceries*  
*Online?*, 89 APPETITE 265, 265, 270 (June 2015), <https://doi.org/10.1016/j.appet.2015.01.025>  
(consumer purchasing behavior study using online eye-movement tracking and recordation,  
finding: (1) once on the product webpages, respondents tend to look at the pictures of products,  
rather than examine detailed product information; and (2) by comparison to pictures of products  
where 13.83% to 19.07% of respondents fixated far less fixated on subsidiary information: 4.17%  
of respondents looked at nutrition information, 3.30% looked at ingredients, 2.97% examined  
allergy information, and 0.09% examined recycling information).

1           47. Defendant’s marketing, advertising, and sale of the Products violates  
2 the misbranding provisions of the Sherman Law (California Health & Safety Code §  
3 110660, *et. seq.*), including but not limited to:

4           a. Section 110660 (a food is misbranded if its label is false or misleading in  
5 any particular);

6           b. Section 110665 (a food is misbranded if its labeling does not conform with  
7 the requirements for nutrition labeling as set forth in 21 U.S.C. Sec. 343(q));

8           b. Section 110705 (a food is misbranded if words, statements and other  
9 information required by the Sherman Law to appear on food labeling are either  
10 missing or not sufficiently conspicuous);

11           c. Section 110760 (making it unlawful for any person to manufacture, sell,  
12 deliver, hold, or offer for sale any food that is misbranded);

13           d. Section 110765 (making it unlawful for any person to misbrand any food);  
14 and

15           e. Section 110770 (making it unlawful for any person to receive in commerce  
16 any food that is misbranded or to deliver or proffer for delivery any such food).

17           48. Defendant’s marketing, advertising, and sale of the Products also  
18 violates the false advertising provisions of the Sherman Law (California Health &  
19 Safety Code § 110390, *et. seq.*), including, but not limited to:

20           a. Section 110390 (making it unlawful to disseminate false or misleading food  
21 advertisements that include statements on products and product packaging or  
22 labeling or any other medium used to directly or indirectly induce the purchase  
23 of a food product;);

24           b. Section 110395 (making it unlawful to manufacture, sell, deliver, hold or  
25 offer to sell any falsely or misleadingly advertised food); and

26           c. Sections 110398 and 110400 (making it unlawful to advertise misbranded  
27 food or to deliver or proffer for delivery any food that has been falsely or  
28 misleadingly advertised).

1           **E. Rule 9(b) Allegations**

2           49. Rule 9(b) of the Federal Rules of Civil Procedure provides that “[i]n  
3 alleging fraud or mistake, a party must state with particularity the circumstances  
4 constituting fraud or mistake. Malice, intent, knowledge, and other conditions of a  
5 person’s mind may be alleged generally.” Though Defendant is best situated to know  
6 the composition of its Products, to the extent necessary, as detailed in the paragraphs  
7 above and below, Plaintiff has satisfied the requirements of Rule 9(b) by establishing  
8 the following elements with sufficient particularity.

9                   (a)     **WHO:** Defendant

10                   (b)    **WHAT:** Defendant’s conduct here was, and continues to be,  
11 deceptive because it omitted and concealed that the Products contain artificial flavors  
12 and other synthetic ingredients, despite affirmatively representing that the Products  
13 are “Naturally Flavored” and that they are a “Plant-Based Energy Beverage.” These  
14 false and misleading representations were material to Plaintiff and the Classes  
15 because they would not have paid the same amount for the Products or would not  
16 have purchased the Products at all had they known the Products contained these  
17 synthetic artificial flavors and food additives. Defendant knew or should have known  
18 that this information is material to reasonable consumers, including Plaintiff and  
19 Class Members, in making their purchasing decisions, given its expertise and  
20 offering of products, as described above, yet it continued to pervasively market the  
21 Products in this manner in California and the United States.

22                   (c)     **WHEN:** Defendant made material misrepresentations and  
23 omissions to Plaintiff and the members of the Classes during the putative class  
24 period, including prior to and at the time of purchase, despite its knowledge that the  
25 Products were not, in fact, comprised of “natural flavors” or “plant-based”  
26 ingredients. Plaintiff and Class Members viewed the packaging of the Products when  
27 purchasing and viewing the representations and warranties made by Defendant and  
28

1 understood them to mean that the Products did not contain any artificial flavor or  
2 synthetic ingredients.

3 (d) **WHERE:** Defendant made material misrepresentations and  
4 omissions on the Products' labels and packaging and marketing materials.

5 (e) **HOW:** Defendant made material misrepresentations and  
6 omissions of fact regarding the Product by representing and warranting that the  
7 Product were comprised of "natural flavors" and "plant-based" ingredients.  
8 Defendant, on its labeling misrepresented (by commission and omission) the true  
9 contents of the Products.

10 (f) **INJURY:** Plaintiff and members of the Classes purchased, and  
11 paid a premium (up to the full purchase price), or otherwise paid more for the  
12 Products than they would have, or alternatively they would not have purchased the  
13 Products at all, absent Defendant's misrepresentations and omissions.

#### 14 **CLASS ALLEGATIONS**

15 50. Plaintiff brings this action on behalf of himself and all others similarly  
16 situated pursuant to Federal Rules of Civil Procedure 23(a), (b)(1), (b)(2), and (b)(3)  
17 defined as ("collectively, the "Classes"):

18 **Nationwide Class:** All persons in the United States who, during  
19 the maximum period of time permitted by law, purchased  
20 Defendant's Products primarily for consumption. (the "Class").

21 **California Subclass:** All persons in California who, during the  
22 maximum period of time permitted by the law, purchased  
23 Defendant's Products primarily for consumption (the "California  
24 Subclass")

25 51. The Classes do not include (1) Defendant, its officers, and/or directors;  
26 (2) the Judge and/or Magistrate to whom this case is assigned; (3) the Judge or  
27 Magistrate's staff and family; and (4) Plaintiff's counsel and Defendant's counsel.  
28

1           52. Plaintiff reserves the right to amend the above class definitions and add  
2 additional classes and subclasses as appropriate based on investigation, discovery,  
3 and the specific theories of liability.

4           53. ***Community of Interest:*** There is a well-defined community of interest  
5 among members of the Classes, and the disposition of the claims of these members  
6 of the Classes in a single action will provide substantial benefits to all parties and to  
7 the Court.

8           54. ***Numerosity:*** While the exact number of members of the Classes is  
9 unknown to Plaintiff at this time, and can only be determined by appropriate  
10 discovery, upon information and belief, members of the Classes number in the  
11 millions. Members of the Classes may be notified of the pendency of this action by  
12 mail and/or publication through the distribution records of Defendant and third-party  
13 retailers and vendors.

14           55. ***Existence and Predominance of Common Questions of Law and Fact:***  
15 Common questions of law and fact exist as to all members of the Classes and  
16 predominate over any questions affecting only individuals of the Classes. These  
17 common legal and factual questions include, but are not limited to:

- 18                   (a) Whether Defendant's Products were "Naturally Flavored" or "Plant-  
19                   Based";
- 20                   (b) Whether reasonable consumers would understand Defendant's  
21                   representations and warranties concerning its ingredients to be untrue  
22                   and misleading;
- 23                   (c) Whether Defendant's representations and warranties were material;
- 24                   (d) Whether Defendant was unjustly enriched as a result of its unlawful  
25                   conduct alleged in this Complaint.
- 26  
27  
28

1           56. With respect to the California Subclass, additional questions of law and  
2 fact common to the members include whether Defendant violated California’s  
3 Consumers Legal Remedies Act, (“CLRA”), Cal. Civ. Code §§ 1750, *et seq.*,  
4 California’s False Advertising Law (“FAL”), Cal. Bus. & Prof. Code § 17500, *et*  
5 *seq.*, and California’s Unfair Competition Law (“UCL”), Cal. Bus. & Prof. Code §  
6 17200, *et seq.*

7           57. **Typicality:** The claims of the named Plaintiff are typical of the claims  
8 of other members of the Classes in that the named Plaintiff was exposed to  
9 Defendant’s false and misleading advertising about the Product’s naturalness,  
10 purchased the deceptive Products in reliance on those representations and warranties,  
11 and suffered a loss as a result of those purchases.

12           58. **Adequacy:** Plaintiff will fairly and adequately represent and protect the  
13 interests of the Classes as required by Fed. R. Civ. P. 23(a)(4). Plaintiff is an  
14 adequate representative of the Classes because he has no interests adverse to the  
15 interest of the members of the Classes. Plaintiff is committed to the vigorous  
16 prosecution of this action, and, to that end, has retained skilled and experienced  
17 counsel.

18           59. **Superiority:** A class action is superior to all other available methods for  
19 the fair and efficient adjudication of the claims asserted in this action under Federal  
20 Rule of Civil Procedure 23(b)(3) because the expense and burden of individual  
21 litigation makes it economically unfeasible for members of the Classes to seek  
22 redress their claims other than through the procedure of a class action. In addition,  
23 even if Class Members could afford individual litigation, the court system could not.  
24 It would be unduly burdensome to the courts in which individual litigation of  
25 numerous cases would proceed. Individualized litigation would also present the  
26 potential for varying, inconsistent, or contradictory judgments, and would magnify  
27 the delay and expense to all parties and to the court system, resulting in multiple  
28 trials of the same factual issues. By contrast, the maintenance of this action as a

1 class action, with respect to some or all of the issues presented herein, presented  
2 fewer management difficulties, conserves the resources of the parties and of the court  
3 system and protects the rights of each member of the Classes. Plaintiff anticipates no  
4 difficulty in the management of this action as a class action. Class-wide relief is  
5 essential to compel compliance with California’s consumer protection laws. If  
6 separate actions were brought by individual members of the Classes, Defendant  
7 could be subject to inconsistent obligations.

8 **CAUSES OF ACTION**

9 **COUNT I**

10 **Violation of California’s Consumer’s Legal Remedies Act (“CLRA”),**  
11 **Cal. Civ. Code § 1750, *et seq.***

12 **(On Behalf of Plaintiff and the California Subclass)**

13 60. Plaintiff incorporates by reference each of the allegations contained in  
14 the foregoing paragraphs of this Complaint as if fully set forth herein.

15 61. Civil Code § 1770(a)(5) prohibits “[r]epresenting that goods or services  
16 have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities  
17 which they do not have or that a person has a sponsorship, approval, status,  
18 affiliation, or connection which he or he does not have.

19 62. Civil Code § 1770(a)(7) prohibits “[r]epresenting that goods or services  
20 are of a particular standard, quality, or grade, or that goods are of a particular style or  
21 model, if they are of another.”

22 63. Civil Code § 1770(a)(9) prohibits “advertising goods or services with  
23 intent not to sell them as advertised.”

24 64. Defendant profited from the sale of the falsely, deceptively, and  
25 unlawfully advertised Products to unwary consumers by advertising that the Products  
26 are “Naturally Flavored” and “Plant-Based” even though they contain artificial  
27 flavors and synthetic ingredients.  
28



1           72. The UCL prohibits unfair competition in the form of “any unlawful,  
2 unfair, or fraudulent business act or practice and unfair, deceptive, untrue or  
3 misleading advertising and any act.” Cal. Bus. & Prof. Code § 17200. A business  
4 act or practice is “unlawful” if it violates any established state or federal law. A  
5 practice is unfair if it (1) offends public policy; (2) is immoral, unethical, oppressive,  
6 or unscrupulous; or (3) causes substantial injury to consumers. The UCL allows “a  
7 person who has suffered injury in fact and has lost money or property” to prosecute a  
8 civil action for violation of the UCL. Cal. Bus. & Prof. Code § 17204. Such a  
9 person may bring such an action on behalf of himself or others similarly situated  
10 who are affected by the unlawful and/or unfair business practice or act.

11           73. Defendant’s acts, as described above, constitute unlawful, unfair, and  
12 fraudulent business practices pursuant to California Business & Professions Code §§  
13 17200, *et seq.*

14           74. Defendant violated the UCL’s proscription against engaging in  
15 **Unlawful Business Practices** through its violations of the FAL, Cal. Bus. & Prof.  
16 Code § 17500, *et seq.*; CLRA, Cal. Civ. Code § 1770, *et seq.*; and the Sherman Law,  
17 including without limitation, California Health & Safety Code §§ 110390, 110395,  
18 110398 and 110400; the misbranded food provisions of the Sherman Law (Article 6),  
19 including without limitation, California Health & Safety Code §§ 110660, 110665,  
20 110705, 110760, 110765, and 110770; and federal laws regulating the advertising  
21 and branding of food in 21 U.S.C. § 343(a), *et seq.*

22           75. Defendant has also violated the UCL’s proscription against engaging in  
23 **Unfair Business Practices**. Defendant’s acts, omissions, misrepresentations,  
24 practices and non-disclosures as alleged herein also constitute “unfair” business acts  
25 and practices within the meaning of Business & Professions Code § 17200, *et seq.* in  
26 that Defendant’s conduct is substantially injurious to consumers, offends public  
27 policy, and is immoral, unethical, oppressive, and unscrupulous as the gravity of the  
28 conduct outweighs any alleged benefits attributable to such conduct. There is no

1 utility to misrepresenting the true composition of the Products to the detriment of  
2 consumers. Furthermore, Defendant's false and misleading representations are  
3 detrimental to other energy drinks that either do not make similar claims, or if they  
4 do, they do not contradict them by adding highly processed and synthetic  
5 ingredients. As such, Defendant's misrepresentations and omissions hurt both  
6 consumers and the energy drink market as a whole.

7 76. Plaintiff and the Classes suffered substantial injury by virtue of buying  
8 the Products that they would not have purchased absent Defendant's unlawful,  
9 fraudulent, and unfair marketing, advertising, packaging, and omissions about the  
10 inclusion of synthetic ingredients.

11 77. The gravity of the consequences of Defendant's conduct as described  
12 above outweigh any justification, motive, or reason therefore, particularly  
13 considering the available legal alternatives which exist in the marketplace. Such  
14 conduct is immoral, unethical, unscrupulous, offends established public policy, or is  
15 substantially injurious to Plaintiff and the other members of the Classes.

16 78. Plaintiff and the Classes could not have reasonably avoided their injury  
17 or known that the Product's prominent, front-label marketing was, in fact, inaccurate  
18 and contradicted by Defendant's back-label, fine-print ingredient list. Furthermore,  
19 consumers do not possess the specialized knowledge to discern if the ingredients  
20 listed on the back panel are natural or synthetic. As such, they could not have  
21 reasonably avoided the injury they suffered.

22 79. Pursuant to California Business and Professional Code § 17203,  
23 Plaintiff and the California Subclass Members seek restitution, attorneys' fees, and  
24 all other relief that the Court deems proper.

25 80. Plaintiff lacks an adequate remedy at law to address the unfair conduct  
26 at issue here. Legal remedies available to Plaintiff and the California Subclass  
27 Members are inadequate because they are not equally prompt, certain, and in other  
28 ways efficient as equitable relief. Damages are not equally certain as restitution

1 because the standard that governs restitution is different than the standard that  
2 governs damages. Hence, the Court may award restitution even if it determines that  
3 Plaintiff fails to sufficiently adduce evidence to support an award of damages.  
4 Damages and restitution are not the same amount. Unlike damages, restitution is not  
5 limited to the amount of money Defendant wrongfully acquired plus the legal rate of  
6 interest. Equitable relief, including restitution, entitles Plaintiff to recover all profits  
7 from the wrongdoing, even where the original funds taken have grown far greater  
8 than the legal rate of interest would recognize. Legal claims for damages are not  
9 equally certain as restitution because claims under the UCL entail fewer elements. In  
10 short, significant differences in proof and certainty establish that any potential legal  
11 claim cannot serve as an adequate remedy at law.

12 81. Equitable relief is also appropriate because Plaintiff may lack an  
13 adequate remedy at law if, for instance, damages resulting from her purchase of the  
14 Products are determined to be an amount less than the premium price of the  
15 Products. Without compensation for the full premium price of the Product, Plaintiff  
16 would be left without the parity in purchasing power to which he is entitled.

17 **COUNT III**  
18 **Violation of California’s False Advertising Law**  
19 **Cal. Bus. & Prof. Code § 17500**  
20 **(On Behalf of the California Subclass)**

21 82. Plaintiff hereby incorporates the foregoing allegations as if fully set  
22 forth herein.

23 83. Plaintiff brings this claim on behalf of himself and the California  
24 Subclass against Defendant.

25 84. Defendant’s acts and practices, as described herein, have deceived  
26 and/or are likely to continue to deceive, members of the California Subclass and  
27 public. As described throughout this Complaint, Defendant misrepresents that the  
28 Products are “naturally flavored” and comprised of “plant-based” ingredients when  
they contain artificial flavors and synthetic ingredients.

1           85. By Defendant’s actions, they have disseminated uniform advertising  
2 regarding the Products across California and the U.S. The advertising was, by its  
3 very nature, unfair, deceptive, untrue, and misleading within the meaning of Cal.  
4 Bus. & Prof. Code § 17500, *et seq.* Such advertisements were intended to, and likely  
5 did, deceive the consuming public.

6           86. The above-described false, misleading, and deceptive advertising  
7 Defendant disseminated continues to have a likelihood to deceive in that Defendant  
8 affirmatively represented that the Products are “naturally flavored” and comprised of  
9 “plant-based” ingredients.

10           87. In making and disseminating these statements, Defendant knew, or  
11 should have known, that its advertising was untrue and misleading in violation of  
12 California law. Plaintiff and the members of the California Subclass based their  
13 purchasing decisions on Defendant’s materially false and misleading representations  
14 and warranties about the composition of its Products. Plaintiff and the California  
15 Subclass were injured in fact and lost money and property as a result, in an amount  
16 to be proven at trial.

17           88. The misrepresentations by Defendant of the material facts described and  
18 detailed above herein constitute false and misleading advertising and, therefore,  
19 constitute a violation of Cal. Bus. & Prof. Code § 17500, *et seq.*

20           89. Plaintiff and the California Subclass Members seek restitution,  
21 attorneys’ fees, and all other relief that the Court deems proper.

22           90. Plaintiff lacks an adequate remedy at law to address the unfair conduct  
23 at issue here. Legal remedies available to Plaintiff and the California Subclass  
24 Members are inadequate because they are not equally prompt and certain, and in  
25 other ways as efficient as equitable relief. Damages are not equally certain as  
26 restitution because the standard that governs restitution is different than the standard  
27 that governs damages. Hence, the Court may award restitution even if it determines  
28 that Plaintiff fails to sufficiently adduce evidence to support an award of damages.

1 Damages and restitution are not the same amount. Unlike damages, restitution is not  
2 limited to the amount of money Defendant wrongfully acquired plus the legal rate of  
3 interest. Equitable relief, including restitution, entitles Plaintiff to recover all profits  
4 from the wrongdoing, even where the original funds taken have grown far greater  
5 than the legal rate of interest would recognize. Legal claims for damages are not  
6 equally certain as restitution because claims under the FAL entail fewer elements. In  
7 short, significant differences in proof and certainty establish that any potential legal  
8 claim cannot serve as an adequate remedy at law.

9 91. Equitable relief is also appropriate because Plaintiff may lack an  
10 adequate remedy at law if, for instance, damages resulting from her purchase of the  
11 Product are determined to be an amount less than the premium price of the Product.  
12 Without compensation for the full premium price of the Product, Plaintiff would be  
13 left without the parity in purchasing power to which he is entitled.

14 **COUNT IV**  
15 **Breach of Express Warranty**  
16 **(On Behalf of a Nationwide Class)**

17 92. Plaintiff hereby incorporates the foregoing paragraphs as if fully stated  
18 herein.

19 93. Plaintiff brings this claim individually and on behalf of the Nationwide  
20 Class against Defendant.

21 94. Plaintiff brings this claim under the laws of the State of California.

22 95. Plaintiff and the Nationwide Class Members formed a contract with  
23 Defendant at the time Plaintiff and the Nationwide Class Members purchased the  
24 Products.

25 96. The terms of the contract include the promises and affirmations of fact  
26 made by Defendant on the Products' packaging that they are "naturally flavored" and  
27 comprised of "plant-based" ingredients.  
28



- d) For compensatory, statutory, and punitive damages in amounts to be determined by the Court and/or jury;
- e) For prejudgment interest on all amounts awarded;
- f) For an order of restitution and all other forms of equitable monetary relief;
- g) For injunctive relief as pleaded or as the Court may deem proper;
- h) For an order awarding Plaintiff and the Classes' their reasonable attorneys' fees and expenses and costs of suit.

**JURY TRIAL DEMANDED**

Plaintiff demands a trial by jury on all claims so triable.

Dated: September 8, 2025.

Respectfully submitted,

**GUCOVSKI ROZENSHTAYN, PLLC.**

By: /s/ Adrian Gucovski

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*Attorneys for Plaintiff*

1 **CLRA Venue Declaration Pursuant to California Civil Code Section 1780(d)**

2 I, Adrian Gucovschi, declare as follows:

3 1. I am an attorney at law licensed to practice in the State of California and  
4 a member of the bar of this Court. I am a partner at Gucovschi Rozenshteyn PLLC,  
5 counsel of record for Plaintiff Dimitra Charalampopoulou in this action. I have  
6 personal knowledge of the facts set forth in this declaration and, if called as a witness,  
7 I could and would competently testify thereto under oath.

8 2. The Complaint filed in this action is filed in the proper place for trial  
9 under Civil Code Section 1780(d) in that a substantial portion of the transaction  
10 alleged in the Complaint occurred in San Mateo, California. Plaintiff Dimitra  
11 Charalampopoulou alleges she purchased the Products in this County.

12 I declare under the penalty of perjury under the laws of the State of California  
13 and the United States that the foregoing is true and correct, and that this declaration  
14 was executed at Miami, Florida, this 8<sup>th</sup> day of September, 2025.

15  
16 /s/ Adrian Gucovschi  
17 Adrian Gucovschi  
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