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7 UNITED STATES DISTRICT COURT
 8 CENTRAL DISTRICT OF CALIFORNIA
 9 WESTERN DIVISION

10 **JENNIFER REITMAN,**
 11 **JENNIFER SONG,** and
 12 **RICHARD CLAPP** individually
 and on behalf of a class of similarly
 situated individuals,

13 **PLAINTIFFS,**

14 V.

15 **CHAMPION PETFOODS USA,**
 16 **INC. and CHAMPION**
 17 **PETFOODS LP,**

18 **DEFENDANTS.**

) Case No. 2:18-cv-01736

) **CLASS ACTION COMPLAINT FOR:**

-) (1) VIOLATIONS OF THE CALIFORNIA
 CONSUMER LEGAL REMEDIES ACT;
 (2) VIOLATIONS OF THE CALIFORNIA
 FALSE ADVERTISING LAW;
 (3) VIOLATIONS OF THE CALIFORNIA
 UNFAIR COMPETITION LAW;
 (4) VIOLATION OF THE MINNESOTA
 COMMERCIAL FEED LAW;
 (5) VIOLATION OF MINNESOTA
 PREVENTION OF CONSUMER FRAUD
 ACT;
 (6) VIOLATION OF MINNESOTA
 UNIFORM DECEPTIVE TRADES ACT;
 (7) VIOLATION OF MINNESOTA FALSE
 STATEMENT IN ADVERTISING ACT;
 (8) VIOLATION OF MINNESOTA
 PREVENTION OF CONSUMER FRAUD;
 (9) VIOLATION OF THE FLORIDA
 DECEPTIVE AND UNFAIR TRADE
 PRACTICES ACT
 (5) BREACH OF EXPRESS WARRANTY;
 (6) BREACH OF IMPLIED WARRANTY;
 (7) FRAUDULENT
 MISREPRESENTATION;
 (8) FRAUD BY OMISSION;
 (9) NEGLIGENT MISREPRESENTATION;
 (10) UNJUST ENRICHMENT

) **DEMAND FOR JURY TRIAL**

1 1. Plaintiffs Jennifer Reitman, Jennifer Song, and Richard Clapp, individually
2 and on behalf of all others similarly situated, by and through their undersigned attorneys,
3 bring this Class Action Complaint against Defendants Champion Petfoods USA, Inc. and
4 Champion Petfoods LP (“Defendants”), for their negligent, reckless, and/or intentional
5 practice of misrepresenting and failing to fully disclose the presence of heavy metals and
6 toxins in their pet food sold throughout the United States. Plaintiffs seek both injunctive
7 and monetary relief on behalf of the proposed Classes (defined below), including requiring
8 full disclosure of all such substances in its marketing, advertising, and labeling and
9 restoring monies to the members of the proposed Classes. Plaintiffs allege the following
10 based upon personal knowledge as well as investigation by their counsel and as to all other
11 matters, upon information and belief. Plaintiffs believe that substantial evidentiary support
12 will exist for the allegations set forth herein after a reasonable opportunity for discovery.
13

14 **DEFENDANTS MARKET THEMSELVES AS ONLY SELLING PREMIUM DOG**
15 **FOOD WITH THE SIMPLE MISSION OF “TO BE TRUSTED BY PET**
16 **LOVERS”**
17

18 2. Defendants manufacture, market, advertise, label, distribute, and sell pet
19 food under the brand names Acana and Orijen throughout the United States, including in
20 this District.
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22 3. Defendants have created a niche in the pet food market by “making
23 biologically ‘appropriate’ pet food- as close to what animals would eat in nature as
24 possible- and producing it using fresh, natural ingredients...” They then charge a premium
25 for this purportedly higher-quality food. The founder of the company, Peter Muhlenfeld,
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1 said, “Our core family beliefs are [] entrenched in the company, and that is to make the
2 very best food.”¹

3 4. Defendants tout that “Biologically Appropriate™ ORIEN represents a new
4 class of food, designed to nourish dogs and cats according to their evolutionary adaptation
5 to a diet rich and diverse in fresh meat and protein[.]” and that it is “trusted by pet lovers
6 everywhere.”²

8 5. Defendants’ packaging and labels further emphasize fresh, quality, and
9 properly sourced ingredients and even declares its dog food has “ingredients we love”:



25 ¹ The Globe and Mail, “How once-tiny pet-food maker took a bite of the global market,” Jan. 16,
26 2018, [https://www.theglobeandmail.com/report-on-business/small-business/canadian-
27 powerhouse-export-your-dog-is-eating-it/article37605774/](https://www.theglobeandmail.com/report-on-business/small-business/canadian-powerhouse-export-your-dog-is-eating-it/article37605774/) (last visited Feb. 6, 2018).

28 ² <https://www.orijsen.ca/us/>

6. Yet nowhere in the labeling, advertising, statements, warranties and/or packaging do Defendants disclose that the Contaminated Pet Foods (defined herein) contain levels of arsenic, mercury, lead, cadmium and/or BISPHEENOL A (“BPA”) — all known to pose health risks to humans and animals, including dogs:³

Product Name	arsenic ug per kg	bpa ug per kg	cadmium ug per kg	mercury ug per kg	lead ug per kg
Acana Regionals Wild Atlantic New England Fish and Fresh Greens Dry Dog Food	3256.40	32.50	113.00	51.20	249.30
Orijen Six Fish With New England Mackerel, Herring, Flounder, Redfish, Monkfish, Silver Hake Dry Dog Food	3169.80	39.50	200.50	54.90	38.70
Orijen Original Chicken, Turkey, Wild-Caught Fish, Eggs Dry Dog Food	907.60	0.00	93.20	10.80	489.80
Orijen Regional Red Angus Beef, Boar, Goat, Lamb, Pork, Mackerel Dry Dog Food	849.40	43.60	123.10	21.40	167.70
Acana Regionals Meadowland with Poultry, Freshwater Fish and Eggs Dry Dog Food	846.40	82.70	37.50	8.70	489.00
Acana Regionals Appalachian Ranch with Red Meats and Freshwater Catfish Dry Dog Food	358.20	82.90	32.50	14.90	336.70
Acana Regionals Grasslands with Lamb,	262.80	0.00	30.60	9.60	305.00

	arsenic ug per kg	bpa ug per kg	cadmium ug per kg	mercury ug per kg	lead ug per kg
1 2 3 4 5 6 7 8 9 10 11 12 13 14					
Product Name Trout, and Game Bird Dry Dog Food					
Orijen Regional Red Angus Beef, Ranch Raised Lamb, Wild Boar, Pork, Bison Dry Dog Food	1066.50	37.70	62.10	21.70	138.50
Acana Singles Duck and Pear Formula Dry Dog Food	523.40	102.70	30.90	15.40	537.40
Acana Singles Lamb and Apple Formula Dry Dog Food	401.20	73.20	35.00	3.20	423.40
Acana Heritage Free- Run Poultry Formula Dry Dog Food	292.90	62.20	27.80	3.30	290.20
Acana Heritage Freshwater Fish Formula Dry Dog Food	977.70	0.00	56.20	27.40	486.80

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16 7. Defendants warrant, promise, represent, label and/or advertise that the

17 Contaminated Pet Foods are free of any heavy metals and/or chemicals like BPA by

18 assuring the food represents an evolutionary diet that mirrors that of a wolf – free of

19 anything “nature did not intend for your dog to eat.”

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