

EXHIBIT A

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10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF LOS ANGELES**

12 STACIA CULLORS, an individual; LAYLA)
13 CULLORS, NOELANI CULLORS and)
14 VIVIENNE CULLORS, through their)
15 guardian ad litem STACIA CULLORS;)
16 ANTHONY BACANI, an individual;)
17 DAHLIA BACANI and ELIAS BACANI,)
18 through their guardian ad litem ANTHONY)
19 BACANI; JENNIFER CULLORS, an)
20 individual; AVA CULLORS and JOSHUA)
21 CULLORS, through their guardian ad litem)
22 JENNIFER CULLORS, and on behalf of all)
23 others similarly situated,)

24 Plaintiffs,)

25 vs.)

26 BEECH-NUT NUTRITION COMPANY;)
27 NURTURE, INC.; PLUM, INC. d.b.a.)
28 PLUM ORGANICS; GERBER PRODUCTS)
COMPANY; WALMART, INC.; SPROUT)
FOODS, INC.; and DOES 1 through 20)
inclusive,)

Defendants.)

Case No.: 22STCV07017

COMPLAINT FOR DAMAGES

(1) STRICT PRODUCTS LIABILITY – FAILURE TO WARN

(2) NEGLIGENCE – FAILURE TO WARN

(3) NEGLIGENT PRODUCT DESIGN

(4) NEGLIGENT MANUFACTURING

(5) NEGLIGENT MISREPRESENTATION

(6) VIOLATIONS OF THE BUSINESS & PROFESSIONS CODE SECTIONS 17200 ET SEQ. (“UCL”)

(7) VIOLATION OF CALIFORNIA CONSUMER LEGAL REMEDIES ACT, CAL. CIV. CODE SECTION 1770, et seq. (“CLRA”)

(8) QUASI-CONTRACT/UNJUST ENRICHMENT

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1 COME NOW Plaintiffs STACIA CULLORS, an individual, LAYLA CULLORS,
2 NOELANI CULLORS and VIVIENNE CULLORS, through their guardian ad litem STACIA
3 CULLORS, ANTHONY BACANI, an individual, DAHLIA BACANI and ELIAS BACANI,
4 through their guardian ad litem ANTHONY BACANI, JENNIFER CULLORS, an individual,
5 as well as AVA CULLORS and JOSHUA CULLORS, through their guardian ad litem
6 JENNIFER CULLORS, and on behalf of all others similarly situated (collectively “Plaintiffs”),
7 and through their counsel of record, Beverly Hills Trial Attorneys, P.C., file this class action
8 complaint against BEECH-NUT NUTRITION COMPANY (“BEECH-NUT”), NURTURE,
9 INC. (“NURTURE”), PLUM, INC. d.b.a. PLUM ORGANICS (“PLUM”), GERBER
10 PRODUCTS COMPANY (“GERBER”), WALMART, INC. (“WALMART”), SPROUT
11 FOODS, INC. (“SPROUT”), and DOES 1 through 20, inclusive (collectively “Defendants”),
12 seeking damages and relief on behalf of themselves and for all others similarly situated for:
13 Strict products liability (failure to warn), negligence (failure to warn), negligent product design,
14 negligent manufacturing, negligent misrepresentation, violation of California’s Unfair
15 Competition Law - *Business & Professions Code* sections 17200, *et seq.* (“UCL”), California’s
16 Consumer Legal Remedies Act - *Civil Code* sections 1750, *et seq.* (“CLRA”), unjust
17 enrichment, and related claims as stated herein as below. Unless explicitly stated to the
18 contrary, all allegations are based upon information and belief.

18 INTRODUCTION

19 This case involves a series of manufacturers, BEECH-NUT NUTRITION COMPANY
20 (“Beech-Nut”), NURTURE, INC. (“Nurture”), PLUM, INC. d.b.a. PLUM ORGANICS
21 (“Plum”), GERBER PRODUCTS COMPANY (“Gerber”), WALMART, INC. (“Walmart”),
22 and SPROUT FOODS, INC. (“Sprout”) (collectively referred to as “Defendants”) that
23 knowingly sold baby food products (“Baby Foods”) which contain high levels of toxic heavy
24 metals including mercury, lead, arsenic and cadmium to Plaintiffs.

25 Plaintiffs are consumers who purchased Defendants’ Baby Foods reasonably believing
26 that such baby foods are safe, nutritious, and free from harmful toxins contaminants and
27 chemicals.
28

1 In reality, and despite Defendants' promises and reassurances to parents that their
2 products are pure, natural, safe and healthy, these Baby Foods contain heavy metals that are not
3 pure, are unnatural, are unsafe, and pose a major risk to babies and infants. Had parents and/or
4 guardians been fully informed about the contents of the Baby Foods they purchased, they would
5 not have bought these Baby Foods nor fed them to their children.

6 In February 2021, the U.S. House of Representatives' Subcommittee on Economic and
7 Consumer Policy, Committee on Oversight and Reform released a report ("Report") containing
8 outrageous details of Defendants' tainted Baby Foods based on the submission of internal test
9 results and company documents. Through this report, it came to light that Defendants' Baby
10 Foods are laced with shocking amounts of toxic heavy metals. Specifically, the Subcommittee
11 found that Defendants sell Baby Foods containing as much as 180 parts per billion ("ppb")¹
12 inorganic arsenic, 6441 ppb lead, 10 ppb mercury, and manufacture their Baby Foods using
13 ingredients containing as much as 913.4 ppb arsenic, 886.9 ppb lead, and 344.55 ppb cadmium,
14 far beyond the regulatory standards.
15

16 These numbers are outrageous given that in comparison, the U.S. Food and Drug
17 Administration ("FDA") has set the maximum allowable levels in bottled water at 10 ppb
18 inorganic arsenic, 5 ppb lead and 5 ppb cadmium, and the U.S. Environmental Protection
19 Agency ("EPA") has capped the allowable level of mercury in drinking water at 2 ppb. The
20 Report held that the test results of Baby Foods and their ingredients "eclipse those levels:
21 including results up to **91 times** the arsenic level, up to **177 times** the lead level, up to **69 times**
22 the cadmium level, and up to **5 times** the mercury level."²

23 The House Staff Report highlighted the high levels of high toxic metals in numerous
24 baby foods produced by Defendants, namely Defendants Beech-Nut, Nurture and Gerber who
25

26
27 ¹ Ppb (or ppbm) is used to measure the concentration of a contaminant in soils, sediments, and water. 1
ppb equals 1 microgram of substance per kg of solid.

28 ² Staff Report, Subcommittee on Economic and Consumer Policy Committee on Oversight and Reform
U.S. House of Representatives, *Baby Foods are Tainted with Dangerous Levels of Arsenic, Lead,
Cadmium and Mercury* (Feb. 4, 2021) ("Subcommittee Report") at 4 (attached as Exhibit "A").

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