

1 **HUESTON HENNIGAN LLP**  
 2 John C. Hueston, State Bar No. 164921  
 3 *jhueston@hueston.com*  
 4 Moez M. Kaba, State Bar No. 257456  
 5 *mkaba@hueston.com*  
 6 Michael H. Todisco, State Bar No. 315814  
 7 *mtodisco@hueston.com*  
 8 523 West 6th Street, Suite 400  
 9 Los Angeles, CA 90014  
 10 Telephone: (213) 788-4340  
 11 Facsimile: (888) 775-0898

12 *Attorneys for Plaintiff DON LEE FARMS,*  
 13 *a division of Goodman Food Products, Inc.*

14 **UNITED STATES DISTRICT COURT**  
 15 **CENTRAL DISTRICT OF CALIFORNIA**

16 DON LEE FARMS, a division of  
 17 Goodman Food Products, Inc.,

18 *Plaintiff,*

19 vs.

20 BEYOND MEAT, INC., a Delaware  
 21 Corporation,; and ETHAN BROWN, an  
 22 individual,

23 *Defendants.*

Case No. 2:22-cv-3751

**PLAINTIFF DON LEE FARMS’  
 COMPLAINT FOR:**

1. **VIOLATION OF THE LANHAM ACT;**
  2. **FALSE ADVERTISING IN VIOLATION OF CAL. BUS. & PROF. CODE §§ 17500 ET SEQ; and**
  3. **UNFAIR COMPETITION IN VIOLATION OF CAL. BUS. & PROF. CODE §§ 17200 ET SEQ.**
- DEMAND FOR JURY TRIAL**

1 Plaintiff Don Lee Farms (“DLF”) brings this action against Defendants  
2 Beyond Meat, Inc. (“Beyond Meat” or “Beyond”) and Ethan Brown (“Brown”).  
3 DLF alleges as follows:

4 **NATURE OF THE CASE**

5 1. “Something is really wrong at Beyond Meat.”<sup>1</sup>

6 2. Beyond Meat’s problems are many, but they trace to one root cause: the  
7 company’s tendency to “over-promise and under-deliver,” then scramble for  
8 excuses.<sup>2</sup> With the company reeling due to operational failures, CEO Ethan Brown  
9 has offered up “excuses” described as “laughable” and that industry insiders pan as  
10 “difficult to take . . . seriously” and as flunking “the smell test.”<sup>3</sup> Others have  
11 noticed Brown’s habit of “point[ing] the finger” at everyone but himself, describing  
12 Brown as having “an appetite for excuses.”<sup>4</sup>

13 3. But there are no excuses for the conduct revealed below. The  
14 indisputable science now shows that Beyond Meat was built on and has grown  
15 because of deception and lies: (1) that Beyond’s plant-based products provide “equal  
16  
17  
18  
19  
20  
21

22 \_\_\_\_\_  
23 <sup>1</sup> Sergei Klebnikov, FORBES, *‘Something Is Really Wrong’ At Beyond Meat, According To This Investor* (Oct. 22, 2021) (internal quotation marks omitted).

24 <sup>2</sup> Deena Shanker, BLOOMBERG, *Beyond Meat’s Delayed Chicken Launch Raises Growth Questions* (Nov. 17, 2021).

26 <sup>3</sup> Joe Berkowitz, FAST COMPANY, *Some of Beyond Meat’s excuses for its stock troubles are laughable* (Nov. 11, 2021).

27 <sup>4</sup> David Moadel, MOTLEY FOOL, *Beyond Meat Needs to Deliver, Not Just Explain*  
28 (Mar. 9, 2022).

1 or superior protein” as compared to real meat;<sup>5</sup> and (2) that its products are free from  
2 “synthetic” ingredients.<sup>6</sup>

3 4. Both of these claims are central to Beyond’s pitch to customers,  
4 business partners, retailers, and investors—and both claims are demonstrably false.

5 5. *First*, Beyond Meat grossly overstates the protein in its products. To  
6 entice customers, Beyond Meat claims its proteins are equal to or better than the  
7 proteins found in meat<sup>7</sup> and labels its products with correspondingly high daily  
8 protein values. But as revealed by rigorous product testing of Beyond Meat’s  
9 products, Beyond Meat’s claims are false. Using the globally recognized “corrected”  
10 protein-testing method—which accounts for the quality (or lack of quality) of the  
11 protein in a product—*the daily protein value on Beyond Meat’s flagship products is*  
12 *overstated by up to 30%:*

Table 1			
BYND Product	%DV (as labelled)	%DV (as tested)	Overstated%
Beefy Crumbles	26%	20.0%	30%
Beyond Burger	40%	35.49%	12.71%

13  
14  
15  
16  
17  
18 6. Unlike Beyond Meat’s unsupported marketing claims, the above testing  
19 results are backed by hard science and data. Indeed, the testing attached to this  
20 complaint was conducted by an internationally accredited laboratory that followed  
21

22 <sup>5</sup> Beyond Meat, *Is Meat Production An Efficient Use of Resources?* (Mar. 8, 2021),  
23 [https://www.beyondmeat.com/en-US/whats-new/is-meat-production-an-efficient-](https://www.beyondmeat.com/en-US/whats-new/is-meat-production-an-efficient-use-of-resources)  
24 [use-of-resources](https://www.beyondmeat.com/en-US/whats-new/is-meat-production-an-efficient-use-of-resources).

25 <sup>6</sup> Anna Starostinetskaya, VEGNEWS, *Octavia Spencer Stars in Beyond Meat’s First*  
26 *Television Commercial* (Aug. 3, 2020), [https://vegnews.com/2020/8/octavia-spencer-](https://vegnews.com/2020/8/octavia-spencer-stars-in-beyond-meat-s-first-television-commercial)  
27 [stars-in-beyond-meat-s-first-television-commercial](https://vegnews.com/2020/8/octavia-spencer-stars-in-beyond-meat-s-first-television-commercial).

28 <sup>7</sup> *E.g.*, Beyond Meat, *Is Meat Production An Efficient Use of Resources?* (Mar. 8,  
2021), [https://www.beyondmeat.com/en-US/whats-new/is-meat-production-an-](https://www.beyondmeat.com/en-US/whats-new/is-meat-production-an-efficient-use-of-resources)  
[efficient-use-of-resources](https://www.beyondmeat.com/en-US/whats-new/is-meat-production-an-efficient-use-of-resources).

1 rigorous testing methods. (Element Laboratory Analytical Report, May 12, 2022  
2 (hereinafter “Element Report”) (attached as **Exhibit A**.)

3 7. The upshot: Beyond Meat has falsely advertised its products and has  
4 caused misbranded goods to be sold throughout the supply chain. The misbranded  
5 goods tested for purposes of this complaint were purchased from well-known  
6 retailers nationwide, including Walmart, Publix, Albertsons, Safeway, and Ralphs.

7 8. Beyond Meat’s overstatement of its protein is material. Beyond Meat’s  
8 website makes representations that its products “*offer protein levels greater than or*  
9 *equal to their animal-based counterparts.*”<sup>8</sup> Further, Beyond Meat points to  
10 “protein” as *the* defining characteristic of the company and its products. Beyond  
11 Meat purports to be “the global *protein* company of the future.”<sup>9</sup> It describes its  
12 products as “plant-based *protein*” and “alternative *protein*” options.<sup>10</sup> It even  
13 trademarked the phrase “The Future of *Protein.*”<sup>11</sup> And Beyond Meat’s S-1  
14 registration statement—where it disclosed all essential information about the  
15  
16  
17  
18

19 \_\_\_\_\_  
20 <sup>8</sup> Beyond Meat, *Frequently Asked Questions* (last visited June 1, 2022),  
21 <https://www.beyondmeat.com/en-US/faqs> (emphasis added).

22 <sup>9</sup> Beyond Meat, *Beyond Meat Appoints Protein Industry Veterans to Top Executive*  
23 *Roles as the Company Accelerates its Global Growth Strategy* (Dec. 8, 2021),  
24 [https://investors.beyondmeat.com/news-releases/news-release-details/beyond-meat-](https://investors.beyondmeat.com/news-releases/news-release-details/beyond-meat-appoints-protein-industry-veterans-top-executive/)  
25 [appoints-protein-industry-veterans-top-executive/](https://investors.beyondmeat.com/news-releases/news-release-details/beyond-meat-appoints-protein-industry-veterans-top-executive/) (emphasis added).

26 <sup>10</sup> Beyond Meat, *This Summer, The Economist Promotes Environmental Awareness*  
27 *With Free Beyond Burgers in NYC* (June 14, 2017),  
28 [https://www.beyondmeat.com/en-US/whats-new/this-summer-the-economist-](https://www.beyondmeat.com/en-US/whats-new/this-summer-the-economist-promotes-environmental-awareness-with-free-beyond-burgers-in-nyc)  
29 [promotes-environmental-awareness-with-free-beyond-burgers-in-nyc](https://www.beyondmeat.com/en-US/whats-new/this-summer-the-economist-promotes-environmental-awareness-with-free-beyond-burgers-in-nyc) (emphasis  
30 added).

31 <sup>11</sup> Beyond Meat, Registration Statement (Form S-1) at 9 and 98 (Amend, 6, Apr. 30,  
32 2019) (emphasis added).

1 company to investors and the SEC—uses the term “protein” *126* times.<sup>12</sup> After all,  
2 without protein, Beyond’s “plant-based proteins” are just plants.

3 9. *Second*, while Beyond Meat distinguishes its products as being made  
4 without “synthetic” ingredients,<sup>13</sup> in truth, Beyond Meat’s Beyond Burgers contain  
5 “methylcellulose” – a synthetic ingredient that is commonly used as a laxative, a  
6 filler in cosmetic products, or as a binding agent in hotdogs.<sup>14</sup> The scientific  
7 literature recognizes that methylcellulose “does *not* occur naturally and is  
8 *synthetically produced* by heating cellulose with caustic solution . . . and treating it  
9 with methyl chloride.”<sup>15</sup> Yet despite the methylcellulose in their products,  
10 Defendants have flooded the market with promises that their products contain no  
11 “synthetic”<sup>16</sup> ingredients and are made “directly from plants.”<sup>17</sup>

12 10. As with Beyond’s false protein claims, this deception about the lack of  
13 “synthetic” or “artificial” ingredients in their products strikes at the heart of  
14 Defendants’ value proposition to customers, investors, and business partners. In  
15

16 \_\_\_\_\_  
17 <sup>12</sup> *Id.* See e.g., *id.* at 2 and 82 (“the protein-packed satisfaction of biting into a  
18 ‘meaty’ burger or sausage”); *id.* at 82 (“[W]e requested that the product be sold in  
19 the meat case at grocery retailers where meat-loving consumers are accustomed to  
20 shopping for center-of-plate proteins.”)

21 <sup>13</sup> Starostinetskaya, *supra* note 6.

22 <sup>14</sup> WebMD, *Methylcellulose (Laxative) Oral Powder – Uses Side Effects, and More*  
23 (last visited May 20, 2022), <https://www.webmd.com/drugs/2/drug-6391/methylcellulose-laxative-oral/details>; SpecialChem, *Methylcellulose* (last  
24 visited May 20, 2022), <https://cosmetics.specialchem.com/inci-ingredients/methylcellulose>.

25 <sup>15</sup> Devabaktuni Lavany et al., *Sources of Cellulose and Their Applications – A*  
26 *Review*, 2 INTERNATIONAL JOURNAL OF DRUG FORMULATION AND RESEARCH 19, 30  
(2011) (emphasis added).

27 <sup>16</sup> Starostinetskaya, *supra* note 6.

28 <sup>17</sup> Beyond Meat, *Frequently Asked Questions* (last visited May 24, 2022),  
<https://www.beyondmeat.com/en-US/faqs>.

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.