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5 *Attorney for Plaintiff and the*
6 *Putative Classes*

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

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BRENT SCRUGGS, individually, and
on behalf of all others similarly situated,

Plaintiff,

v.

MARS, INCORPORATED,

Defendant.

CASE NO.: 2:22-cv-05617

CLASS ACTION COMPLAINT

DEMAND FOR JURY TRIAL

1 Plaintiff Brent Scruggs (“Plaintiff”), on behalf of himself and all others
2 similarly situated, brings this class action against Defendant Mars, Incorporated
3 (“Defendant”) based on the false and deceptive advertising and labeling of
4 Defendant’s Cinnamon Altoids product. Plaintiff makes the following allegations
5 based on his personal knowledge, and upon the information, investigation and belief
6 of his counsel.

7 INTRODUCTION

8 1. This class action seeks to challenge Defendant’s false and deceptive
9 practices in the marketing and sale of its Altoids Cinnamon Mint product (the
10 “Product”).

11 2. On the front and center of the Product, Defendant prominently depicts
12 an image of cinnamon sticks, and right below the cinnamon sticks, the Product
13 displays, in large bold font, the word: “CINNAMON” (together, the “Cinnamon
14 Representations”). (*See* ¶ 15). Together and in isolation, the Cinnamon
15 Representations lead reasonable consumers to believe that the Product contains
16 cinnamon.

17 3. However, unbeknownst to consumers, the Product *does not contain*
18 *any cinnamon*.

19 4. Plaintiff and other consumers have reasonably relied on Defendant’s
20 deceptive labeling of the Product, reasonably believing that the Product contains
21 cinnamon.

22 5. Had Plaintiff and Class members been aware that the Product does not
23 contain cinnamon, Plaintiff and Class members would not have purchased the
24 Product or would have paid significantly less for it. Accordingly, Plaintiff and Class
25 members have been injured by Defendant’s deceptive business practices, and paid a
26 price premium based upon their reliance on Defendant’s front label representations.

27 JURISDICTION AND VENUE

28 6. This Court has subject matter jurisdiction pursuant to the Class Action

1 Fairness Act of 2005, 28 U.S.C. § 1332(d)(2), because this is a class action filed
2 under Rule 23 of the Federal Rules of Civil Procedure, there are thousands of
3 proposed Class members, the aggregate amount in controversy exceeds \$5,000,000
4 exclusive of interest and costs, and Defendant is a citizen of a state different from at
5 least some members of the proposed Class, including Plaintiff.

6 7. This Court has personal jurisdiction over Defendant because Defendant
7 has sufficient minimum contacts in California, or otherwise intentionally availed
8 itself of the markets within California, through its sale of the Product in California
9 and to California consumers.

10 8. Venue is proper in this judicial District pursuant to 28 U.S.C.
11 § 1391(b)(2) because a substantial part of the events or omissions giving rise to
12 Plaintiff's claims occurred in this District. Specifically, Plaintiff purchased the
13 Product in this District.

14 **THE PARTIES**

15 9. Plaintiff is a citizen of the United States and the State of California, and
16 a resident of Los Angeles, California. In or around March 2022, Plaintiff purchased
17 the Product at a Walmart located in Torrance, California. Based on the Cinnamon
18 Representations on the front label of the Product, Plaintiff reasonably believed the
19 Product contained cinnamon. Had Plaintiff known that this is not the case, he would
20 not have purchased the Product, or would have paid significantly less for it.
21 Therefore, Plaintiff suffered injury in fact and lost money as a result of Defendant's
22 misleading, false, unfair, and deceptive practices, as described herein.

23 10. Despite being misled by Defendant, Plaintiff regularly shops at stores
24 where the Product is sold and would purchase the Product in the future if it actually
25 contained cinnamon. Plaintiff also lacks personal knowledge as to Defendant's
26 specific business practices relating to the Product. This uncertainty, coupled with his
27 desire to purchase the Product, is an ongoing injury that can and would be rectified
28 by an injunction enjoining Defendant from making the alleged misleading

1 representations. In addition, Class members will continue to purchase the Product,
2 reasonably but incorrectly believing that the Product contains cinnamon.

3 11. Defendant is a Delaware corporation with its principal place of
4 business in McLean, Virginia. Defendant is a multinational manufacturer of
5 confectionery, pet food, and other candy products, including the Product at issue in
6 this case.

7 **FACTUAL ALLEGATIONS**

8 **A. Defendant Misleads Consumers into Believing the Product Contains** 9 **Cinnamon**

10 12. Defendant is responsible for the manufacturing, marketing, labeling,
11 advertising, and sale of the Product.

12 13. Unfortunately for consumers, Defendant engages in false and
13 misleading advertising about the Product to gain a competitive edge in the market,
14 all at the expense of unsuspecting consumers.

15 14. Specifically, the principal display panel of the Product features
16 representations which lead reasonable consumers to believe that the Product
17 contains cinnamon.

18 15. As depicted below, on the front and center of the Product, Defendant
19 places an image of cinnamon sticks. Immediately below the cinnamon sticks, the
20 word “CINNAMON” appears in large, bold font (together, the “Cinnamon
21 Representations”).

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16. The Cinnamon Representations, together and in isolation, lead reasonable consumers to believe the Product contains cinnamon.

17. However, unbeknownst to consumers, there is *no cinnamon* in the Products.

18. Thus, reasonable consumers are being grossly misled by Defendant’s representations, believing the Product has cinnamon, when that is simply not the case.

B. Defendant’s Competitors Use Cinnamon In Their Mints

19. Reasonable consumers not only expect cinnamon in the Product based on the Cinnamon Representations, but also because similar cinnamon products with similar representations actually contain cinnamon.

20. For example, one of Defendant’s competitors, Mentos, uses actual cinnamon in their Mentos Cinnamon Chewy Mint product:¹

¹ https://www.amazon.com/Mentos-Chewy-Cinnamon-Melting-Pieces/dp/B004DI0LQ8/ref=sr_1_13?crd=389C202235FD5&keywords=Cinnamon+mint&qid=1658707750&prefix=cinnamon+min%2Caps%2C155&sr=8-13 (last visited July 25, 2022)

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