

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

<p>3 Sylvia Koh and David Green, on behalf of 4 themselves and all others similarly situated, 5 6 Plaintiffs, 7 8 v. 9 10 THE KRAFT HEINZ COMPANY, 11 12 Defendant.</p>	<p>Case No. <u>20-4425</u> 13 CLASS ACTION COMPLAINT 14 <u>DEMAND FOR JURY TRIAL</u></p>
---	---

15 Plaintiffs David Green, a resident of Los Angeles County, California, and Sylvia Koh, a
16 resident of San Mateo County, California (“Plaintiffs”) individually and on behalf of other
17 similarly situated individuals, by and through their counsel, hereby bring this action against
18 Defendant The Kraft Heinz Company (“Kraft” or “Defendant”) regarding the deceptive labeling,
19 marketing, and sale of Defendant’s “Kraft Natural Cheese” products (“the Products”) as “natural”
20 when they were made from milk produced with artificial growth hormones, and allege the
21 following based upon information, belief, and the investigation of their counsel:

22 **INTRODUCTION**

23 1. Due to concerns about health, animal welfare, and sustainability, consumers are
24 increasingly concerned with how their food is produced.

25 2. Consumers are concerned that the use of artificial growth hormones in animals
26 raised for food is inhumane and contributes to health problems both for the animals and for the
27 humans who consume the food. One such artificial hormone is recombinant bovine somatotropin
28

1 (rbST), which is also known as recombinant bovine growth hormone (rbGH).

2 3. Kraft knows that consumers seek out and wish to buy dairy products made from
3 cows raised without the use of rbST. Kraft also knows that consumers will pay more for such
4 products than they will for products made with artificial hormones.

5
6 4. To capture this growing market, Kraft announced on January 9, 2019, that “KRAFT
7 Natural Cheese is Now Made from Milk without the Artificial Hormone rbST.”¹ Prior to that
8 announcement, Kraft labeled and marketed the Products² as “natural,” even though they were

9
10
11 ¹ Kraft Heinz, *KRAFT Natural Cheese is Now Made from Milk without the Artificial Hormone rbST – and is as*
12 *Delicious as Ever*, The Kraft Heinz Company (Jan. 9, 2019, 10:00 AM),
[https://web.archive.org/web/20190920054942/https://news.kraftheinzcompany.com/press-release/brand/kraft-](https://web.archive.org/web/20190920054942/https://news.kraftheinzcompany.com/press-release/brand/kraft-natural-cheese-now-made-milk-without-artificial-hormone-rbst-%E2%80%93-and-delicio)
13 [natural-cheese-now-made-milk-without-artificial-hormone-rbst-%E2%80%93-and-delicio](https://web.archive.org/web/20190920054942/https://news.kraftheinzcompany.com/press-release/brand/kraft-natural-cheese-now-made-milk-without-artificial-hormone-rbst-%E2%80%93-and-delicio).

14 ² 2% Milk Cheddar & Monterey Jack Natural Cheese Cubes, 2% Milk Colby Jack Shredded Natural Cheese, 2%
15 Milk Mexican Style Four Cheese, 2% Milk Sharp Cheddar Shredded Cheese, Big Slice Aged Swiss Natural Cheese
16 Slices, Big Slice American Cheese Slices, Big Slice Chipotle Natural Cheese Slices, Big Slice Colby Jack Natural
17 Cheese Slices, Big Slice Hot Habanero Natural Cheese Slices, Big Slice Jalapeno White Cheddar Natural Cheese
18 Slices, Big Slice Mild Cheddar Natural Cheese Slices, Big Slice Pepper Jack Natural Cheese Slices, Big Slice Sharp
19 Cheddar Natural Cheese Slices, Big Slice Swiss Natural Cheese Slices 10 slices, Cheddar & Monterey Jack Natural
20 Cheese Cubes, Chipotle Natural Cheese Block, Colby & Monterey Jack Big Cheese Snack, Colby & Monterey Jack
21 Finely Shredded Natural Cheese, Colby & Monterey Jack Natural Cheese Cubes, Colby Jack & Mild Cheddar Natural
22 Cheese Slices, Colby Jack Finely Shredded Natural Cheese, Colby Jack Natural Cheese, Colby Natural Cheese, Extra
23 Sharp Cheddar Cheese, Extra Sharp Cheddar Natural Cheese, Extra Sharp Natural Cheddar Cheese Block, Extra Sharp
24 White Cheddar Natural Cheese Slices, Extra Thin Swiss Natural Cheese Slices, Fat Free Natural Cheddar Cheese, Fat
25 Free Shredded Mozzarella Natural Cheese, Fat-Free Cheddar Shredded Natural Cheese, Finely Shredded Triple
26 Cheddar Natural Cheese, Havarti Natural Cheese Slices, Hot Habanero Shredded Natural Cheese, Italian Five Cheese
27 Shredded Natural Cheese, Jalapeno Cheddar Shredded Natural Cheese, Jalapeno Low-Moisture Part-Skim String
28 Cheese, Low-Moisture Part-Skim Mozzarella String Cheese, Medium Cheddar Natural Cheese, Medium Natural
Cheddar Cheese Block, Mexican Style 2% Milk Shredded Natural Four Cheese, Mexican Style Cheddar Jack Finely
Shredded Natural Cheese, Mexican Style Four Cheese Shredded Natural Cheese, Mexican Style Four Finely Shredded
Natural Cheese, Mexican Style Taco Finely Shredded Natural Cheese, Mild Cheddar 2% Milk Finely Shredded
Natural Cheese, Mild Cheddar Big Cheese Snack, Mild Cheddar Finely Shredded Natural Cheese, Mild Cheddar
Natural Cheese, Mild Cheddar Natural Cheese Cubes, Mild Cheddar Shredded Natural Cheese, Mild Natural Cheddar
Cheese Block, Monterey Jack Cheese Cracker Cuts, Monterey Jack Shredded Natural Cheese, Mozzarella & Cheddar
Twists, Mozzarella 2% Milk Shredded Natural Cheese, Mozzarella Finely Shredded Natural Cheese, Mozzarella Low-
Moisture Part-Skim Cheese, Mozzarella Shredded Natural Cheese, Mozzarella String Cheese, Muenster Natural
Cheese Slices, Natural Cheddar & Monterey Jack Marbled Cheese Block, Natural Cheese Snacks Mozzarella Low-
Moisture Part-Skim String Cheese, Natural Colby Cheese Block, Natural Colby Jack 2% Milk Cheese Block, Natural
Colby Jack Cheese Block, Natural Hot Habanero Cheese Block, Natural Jalapeno Cheese Block, Natural Monterey
Jack Cheese Block, Parmesan Finely Shredded Natural Cheese, Pepper Jack & Sharp Cheddar Natural Cheese Slices,
Pepper Jack Monterey Jack Cheese with Jalapeno Peppers, Pepper Jack Shredded Natural Cheese, Pizza Style
Mozzarella & Cheddar Shredded Natural Cheese, Provolone Natural Cheese Slices, Reduced Fat 2% Milk Mozzarella
String Cheese, Reduced Fat Mozzarella String Cheese with 2% Milk, Sharp Cheddar Finely Shredded Cheese, Sharp
Cheddar Finely Shredded Natural Cheese, Sharp Cheddar Natural Cheese, Sharp Cheddar Natural Cheese Cubes,
Sharp Natural Cheddar 2% Milk Cheese Block, Sharp Natural Cheddar Cheese Block, Sharp White Cheddar Shredded

1 made with milk from cows administered rbST.

2 5. Kraft’s claim that its Products were “natural” was false, deceptive, and misleading
3 in that they were made with milk from cows who were given rbST, which is an artificial hormone,
4 and which unnaturally increased the cows’ milk production.

5 6. While many of the Products are now made from milk produced without the artificial
6 hormone rbST (collectively, the “Type A Products”), certain Kraft Natural Cheese products (e.g.,
7 varieties containing parmesan, asiago, and Romano cheese) continue to be made with milk from
8 cows who were administered rbST (collectively, the “Type B Products”).

9 7. Reasonable consumers, seeing Kraft’s “natural” representations, would expect that
10 the Products were made without the use of an “artificial hormone” such as rbST.

11 8. In sum, for years, Kraft deceived consumers into believing the Type A Products
12 were made without the use of added synthetic hormones, when in fact, until recently, they were
13 produced with milk from cows who were given such hormones. Kraft continues to deceive
14 consumers with regard to the Type B Products, which are currently made with milk from cows
15 who were administered rbST.

16 9. By deceiving consumers about the nature and quality of the Products, Kraft has sold
17 a greater volume of the Products, charged higher prices for the Products, and taken away market
18

19
20
21
22
23 _____
24 Natural Cheese, Shredded Colby & Monterey Jack Natural Cheese Blend, Shredded Mexican Style Four Cheese,
25 Shredded Mild Cheddar Natural Cheese, Shredded Mozzarella 2% Milk Natural Cheese, Shredded Mozzarella Natural
26 Cheese, Shredded Parmesan Cheese Shaker, Shredded Parmesan, Romano & Asiago Shredded Natural Cheeses,
27 Shredded Sharp Cheddar Natural Cheese, Shredded Smoky Bacon Cheddar Cheese, Slim Cut Extra Sharp White
28 Cheddar 2% Milk Natural Cheese Slices, Slim Cut Mozzarella Natural Cheese Slices, Slim Cut Sharp Cheddar 2%
Milk Natural Cheese Slices, Slim Cut Swiss 2% Milk Natural Cheese Slices, Smoky Bacon Cheddar Cheese Big Slices,
String Jalapeno Low-Moisture Part-Skim Cheese, String Low-Moisture Part-Skim Mozzarella Cheese, Swiss
Shredded Natural Cheese, Triple Cheddar Finely Shredded Natural Cheese, Twists 2% Mozzarella & Cheddar Natural
Cheese, and Twists Mozzarella & Cheddar Natural Cheese Snacks.

Discovery may reveal that additional Kraft Natural Cheese products should be included within the scope of the
allegations in this Complaint, and Plaintiff reserves the right to add such products.

1 share from competing products, thereby increasing its own sales and profits.

2 10. Because Kraft's labeling and advertising of the Products has been materially
3 deceptive about the true nature and quality of the Products, Plaintiffs bring this deceptive
4 advertising case on behalf of a class of consumers who purchased the Products in the United
5 States while the Products contained rbST, including: (1) a subclass of all persons who purchased
6 the Type B Products in the United States; (2) a subclass of all persons who purchased the
7 Products in California; and (3) a subclass of all persons who purchased the Type B Products (as
8 defined herein) in California. Plaintiffs seek relief including actual damages, interest, costs,
9 reasonable attorneys' fees, and an order enjoining Kraft's unlawful and deceptive acts. Even
10 today, proposed class members are purchasing the misrepresented Products, and they will
11 continue to do so in the future unless Kraft's conduct is stopped.
12

13 **JURISDICTION AND VENUE**

14
15 11. This Court has original subject-matter jurisdiction over this proposed class action
16 pursuant to 28 U.S.C. § 1332(d), the Class Action Fairness Act ("CAFA"). There are at least 100
17 members in the proposed classes. Plaintiffs are citizens of California. On information and belief,
18 Defendant Kraft is a citizen of Delaware, Illinois, and Pennsylvania. The amount in controversy
19 exceeds the sum of \$5,000,000, exclusive of interest and costs.
20

21 12. This Court has personal jurisdiction over the Defendant in that it regularly conducts
22 and transacts business in California, purposefully avails itself of the laws of California, markets its
23 Products to consumers in California, and distributes its Products to numerous retailers in
24 California.
25

26 13. Venue is proper in this District under 28 U.S.C. § 1391(a). Substantial acts in
27 furtherance of the alleged improper conduct, including the dissemination of false and misleading
28

1 labeling and advertising regarding the nature and quality of the Products and sales of the Products
2 at issue, occurred within this District.

3
4 **PARTIES**

5 14. The Kraft Heinz Company is a Delaware business corporation that maintains its
6 principal places of business in Chicago, Illinois and Pittsburgh, Pennsylvania.

7 15. The Kraft Heinz Company was formed in July 2015 as a result of the merger of the
8 H.J. Heinz Company with Kraft Foods Group, Inc. Defendant is the successor-in-interest to Kraft
9 Foods Group, Inc.

10 16. Kraft manufactures and/or causes the manufacture of the Products. Kraft also
11 advertises, markets, and distributes the Products in California. Kraft created and/or authorized the
12 false and deceptive labeling and advertising of the Products.
13

14 17. Plaintiff Green is a citizen of the State of California, and a resident of Los Angeles
15 County.
16

17 18. Plaintiff Koh is a citizen of the State of California, and a resident of San Mateo
18 County.

19 19. At all times mentioned herein, Plaintiffs were and are individual consumers over
20 the age of 18.

21 20. During the time period in which the following products were made with the
22 artificial hormone rbST, Plaintiff Green purchased Kraft's Shredded Sharp Cheddar, Shredded
23 Mild Cheddar, and Shredded Mexican Style Four Cheese Products labeled "Natural Cheese." From
24 2012-2020, Plaintiff Green purchased the above Products at least five times a year at Ralphs and
25 Gelson's Market stores in the Los Angeles area.
26
27
28

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.