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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

IN DEFENSE OF ANIMALS and
FRIENDS OF THE EARTH,
on behalf of the general public,

Plaintiffs,

v.

SANDERSON FARMS, INC.

Defendant.

CASE NO.:

**COMPLAINT FOR UNFAIR
COMPETITION AND FALSE
ADVERTISING**

Plaintiffs In Defense of Animals (IDA) and Friends of the Earth (FoE), by their attorneys, allege the following upon information and belief, except for those allegations pertaining to Plaintiffs, which are based on personal knowledge:

NATURE OF THE ACTION

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2 1. This case is brought on behalf of Plaintiffs and the general public regarding
3 Sanderson’s farming practices and advertising of its Chicken Products, as listed *infra* ¶ 76 (the
4 “Products”). Defendant Sanderson Farms, Inc. (“Sanderson”) sold these Chicken Products based
5 on misleading representations in its advertising and misleading representations regarding its
6 practices.

7 2. Sanderson’s advertising misleads consumers in four ways:

- 8 a. Sanderson’s advertising misleads consumers into believing that Sanderson’s
9 chickens were not given antibiotics or other pharmaceuticals;
- 10 b. Sanderson’s advertising misleads consumers into believing that the chickens
11 were raised in a natural environment;
- 12 c. Sanderson’s advertising misleads consumers into believing that there is no
13 evidence that the use of antibiotics and other pharmaceuticals in poultry
14 contributes to the evolution of antibiotic-resistant bacteria; and
- 15 d. Sanderson’s advertising misleads consumers into believing that the Products do
16 not contain any antibiotic or pharmaceutical residue.

17 3. However, the truth is that the feed Sanderson routinely gives to its chickens
18 contains antibiotics and pharmaceuticals; the chickens are raised indoors in crowded and dirty
19 industrial sheds, which is one reason why its routine use of antibiotics is necessary; there is
20 extensive reliable evidence that the use of antibiotics in poultry contributes to antibiotic-resistant
21 bacteria; and Sanderson’s chickens have been found to contain antibiotic and/or pharmaceutical
22 residue.

23 4. The ongoing coronavirus global pandemic has highlighted how unsanitary animal
24 raising and slaughtering practices, like Sanderson’s, contribute to calamitous consequences for
25 public health. The Centers for Disease Control estimates that three out of every four new or
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1 emerging infectious diseases in people come from animals.¹

2 5. Antibiotic use in poultry, such as Sanderson's routine use for every flock, has
3 contributed to antibiotic resistance.² Resistant bacterial strains in poultry spread to humans, which
4 causes a risk to human health, specifically to poultry workers.³ Poultry workers labor in tight
5 conditions in slaughterhouses, which have become hotspots for coronavirus, including Sanderson
6 slaughterhouses.⁴

7 6. The prevalence of antibiotic resistant bacteria is relevant in the battle against the
8 coronavirus pandemic. The Director of the Antibiotic Resistance Action Center at the Milken
9 Institute for Public Health at George Washington University⁵ has stated that antibiotic resistant
10 bacteria "are going to be what ultimately kills a large portion of COVID-19 victims as they
11 succumb to secondary bacterial pneumonia."⁶

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14 ¹ Centers for Disease Control and Prevention, available at
15 [https://www.cdc.gov/onehealth/basics/zoonotic-](https://www.cdc.gov/onehealth/basics/zoonotic-diseases.html#:~:text=Scientists%20estimate%20that%20more%20than,States%20and%20around%20the%20world.,)
16 [diseases.html#:~:text=Scientists%20estimate%20that%20more%20than,States%20and%20around%20the%20world.](https://www.cdc.gov/onehealth/basics/zoonotic-diseases.html#:~:text=Scientists%20estimate%20that%20more%20than,States%20and%20around%20the%20world.), last visited July 2020.

17 ² Alonso-Hernando, A., Prieto, M., Garcia-Fernandez, C., Alonso-Calleja, C., Capita, R. (2012).
18 Increase over time in the prevalence of multiple antibiotic resistance among isolates of *Listeria*
19 *monocytogenes* from poultry in Spain. *Food Control*, 23 (1), 37-41.
20 <https://doi.org/10.1016/j.foodcont.2011.06.006>, last visited July 2020.

21 ³ Apata, D.F. (2009). Antibiotic Resistance in Poultry. *International Journal of Poultry Science*, 8
22 (4), 404-408. Agada, G.O.A., Abdullahi, I.O., Aminu, M., Odugbo, M., Chollom, S.C., Kumbish,
23 P.R., Okwori, A.E.J. (2014). Prevalence and antibiotic resistance profile of Salmonella isolates
24 from commercial poultry and poultry farm handlers in Jos, Plateau State, Nigeria. *Microbiology*
25 *Research Journal International* 4(4), 462-479. <https://doi.org/10.9734/BMRJ/2014/5872>.

26 ⁴ Silbergeld, E.K., Graham, J., and Price, L.B. (2008). Industrial food animal production,
27 antimicrobial resistance, and human health. *The Annual Review of Public Health* 29, 151-169.
28 [10.1146/annurev.publhealth.29.020907.090904](https://doi.org/10.1146/annurev.publhealth.29.020907.090904), last visited July 2020.

⁵ The Bryan, Texas processing plant had 49 COVID-19 cases, as one example at one Sanderson
location, reported by the local news, a [https://www.kxxv.com/hometown/brazos-county/49-covid-](https://www.kxxv.com/hometown/brazos-county/49-covid-19-cases-reported-at-sanderson-farms-in-bryan)
19-cases-reported-at-sanderson-farms-in-bryan, last visited July 2020.

⁶ Antibiotic Resistance Action Center, <http://battlesuperbugs.com/directory/lance-price>, last
visited July 2020.

⁶ Price, Lance B., Ph.D. (2020, April 22). *Superbugs: COVID-19's Coconspirators*. Medium.
<https://medium.com/gwpublichealth/superbugs-covid-19s-coconspirators-ebc20b9e0b99>, last
visited July 2020. See also Cox, M. Loman, N., Bogaert, D., O'Grady, J. (2020). Co-infections:
potentially lethal and unexplored in COVID-19. *The Lancet*, Vol. 1 May 2020.
[https://www.thelancet.com/pdfs/journals/lanmic/PIIS2666-5247\(20\)30009-4.pdf](https://www.thelancet.com/pdfs/journals/lanmic/PIIS2666-5247(20)30009-4.pdf).

1 7. Sanderson's advertising makes extensive use of the phrase "100% Natural," to
2 emphasize and support its misleading claims, in conjunction with assorted direct falsehoods, half-
3 truths, and selective omissions concerning the four misrepresentations described above.

4 8. Plaintiffs and reasonable consumers believe that "100% Natural" means that the
5 chickens are not fed or injected with antibiotics or pharmaceuticals, and that accordingly, the
6 chickens are not sold with antibiotics or pharmaceutical residue in them and that there is no danger
7 of antibiotic use contributing to the development of antibiotic-resistant bacteria, and that the
8 chickens are raised in a natural and humane environment.

9 9. Plaintiffs suffered injury in fact, and a loss of money or property as a result of
10 Defendant's conduct in advertising, marketing, and selling the Products falsely claimed to be
11 "100% Natural," in addition to the misrepresentations described below. Plaintiffs suffered injury
12 in fact, and a loss of money or property, as a result Sanderson's animal raising practices that harm
13 and deceive the public. Sanderson has failed to remedy these harms and has earned, and continues
14 to earn, substantial profit from selling the Products.

15 10. Defendant's conduct violated and continues to violate consumer protection statutes.
16 Accordingly, Plaintiffs bring this action against Defendant on behalf of themselves and the general
17 public. Plaintiff Friends of the Earth also brings this case on behalf of its members.

18 11. Plaintiffs seek injunctive relief requiring Sanderson to make corrective and
19 clarifying statements for past and ongoing misrepresentations, to remove the misleading
20 misrepresentations going forward, or in the alternative, to change its practices to conform with its
21 marketing.

22 **JURISDICTION AND VENUE**

23 12. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C.
24 § 1332(d) because Plaintiffs are citizens of a state different from Defendant. This Court has
25 supplemental jurisdiction over state law claims pursuant to 28 U.S.C. § 1367.

26 13. This Court has personal jurisdiction over Defendant because Defendant has
27 sufficient minimum contacts with California, or has otherwise purposely availed itself of the
28 markets in California through the promotion, advertising, marketing, and sale of the Products in

1 California to render the exercise of jurisdiction by this Court permissible under traditional notions
2 of fair play and substantial justice.

3 14. Venue is proper under 28 U.S.C. § 1391(a) because (1) Defendant does substantial
4 business in this District; and (2) a substantial part of the events or omissions giving rise to these
5 claims occurred in this District, and Defendant engaged in the extensive promotion, advertising,
6 marketing, distribution, and sales of the Products at issue in this District.

7 15. Venue is also proper in this Court under 28 U.S.C. § 1391(e) because Plaintiff In
8 Defense of Animals resides in the Northern District of California and Plaintiff Friends of the Earth
9 maintains a presence in the Northern District of California.

10 16. Intradistrict assignment to San Francisco per Local Rule 3-5(b) and 3-2(c) is
11 appropriate because Plaintiffs are located in or near San Francisco.

12 PARTIES

13 Plaintiffs

14 *In Defense of Animals*

15 17. Plaintiff In Defense of Animals is an international not-for-profit animal protection
16 organization founded in 1983. IDA's principal place of business is located in San Rafael,
17 California, where it is incorporated. Its mission is to rescue animals in need, foster respect for all
18 sentient beings, and spark a revolution of compassion that liberates animals from the tyranny of
19 systemic cruelty and exploitation. Consistent with this mission, IDA aims to inform the public
20 about the ways in which animal agriculture impacts animal welfare.

21 18. IDA has more than 250,000 supporters across the globe, with over 450,000
22 followers on social media.

23 19. As a result of Sanderson's advertising, IDA diverted staff time from its core
24 mission of ending animal exploitation to addressing Sanderson's advertising and the consumer
25 confusion that Sanderson caused.

26 20. On December 6, 2016, IDA approached the Federal Trade Commission (FTC) in
27 writing with its concerns about Sanderson's advertising.
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