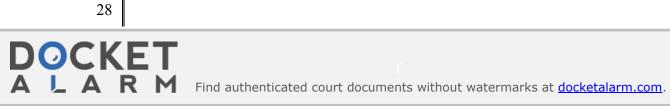
1 2 3 4 5 6	GUTRIDE SAFIER LLP SETH A. SAFIER (State Bar No. 197427) MARIE A. MCCRARY (State Bar No. 262670) 100 Pine Street, Suite 1250 San Francisco, CA 94111 Telephone: (415) 336-6545 Facsimile: (415) 449-6469 Attorneys for Plaintiffs UNITED STATES DISTRIC	CT COURT FOR THE
7 8	NORTHERN DISTRICT	OF CALIFORNIA
8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MOLLY BROWN, ADINA RINGLER, and CHRISTIAN LEMUS, as individuals, on behalf of themselves, the general public and those similarly situated, Plaintiffs, v. KELLOGG COMPANY, Defendant.	CASE NO. CLASS ACTION COMPLAINT FOR VIOLATION OF THE CALIFORNIA CONSUMERS LEGAL REMEDIES ACT; FALSE ADVERTISING; FRAUD, DECEIT, AND/OR MISREPRESENTATION; UNFAIR BUSINESS PRACTICES; AND UNJUST ENRICHMENT JURY TRIAL DEMANDED
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INTRODUCTION

- 1. Plaintiffs Molly Brown, Adina Ringler, and Christian Lemus, by and through their counsel, bring this class action against Defendant Kellogg Company to seek redress for Defendant's deceptive practices in labeling and marketing its products under the MorningStar Farms, Special K, RX, and Bear Naked brands.
- 2. Consumers are increasingly health conscious and, as a result, many consumers seek foods high in protein. To capitalize on this trend, Defendant prominently labels the front of its products as providing specific amounts of protein per serving depending on the product, such as "16G PROTEIN" on the label of the MorningStar Farms Veggie Burger Grillers Original product. Consumers, in turn, reasonably expect that each product will provide the actual amount of protein per serving that the front of the product package claims it will.
- 3. In truth, however, Defendant's products do not deliver the amount of protein that the labels claim. Based on amino acid content testing, Defendant's products contain less protein than claimed, meaning, for example, rather than containing 16 grams of protein per serving, the MorningStar Farms Veggie Burger Grillers Original product actually contain only 10.58 grams (i.e., an overstatement by approximately 51%).
- 4. Further, Defendant uses proteins of low biological value to humans in their products, such as wheat and oat proteins. Accordingly, when the protein content is adjusted for poor quality based the FDA mandated "Protein Digestibility Corrected Amino Acid" score ("PDCAAS"), Defendant's products provide even less protein per serving than amino acid content testing alone reveals. Wheat protein typically has a PDCAAS score of between 0.3 and 0.4, meaning only 30-40% of the protein from those sources will be digested and available to humans. Oat protein typically has a PDCASS score of between .45 and .51.
- 5. Defendant's misrepresentations and misbranding caused Plaintiffs and members of the class to pay a price premium for the products.



PARTIES

- 6. Molly Brown is, and at all times alleged in this Class Action Complaint was, an individual and a resident of Novato, California (Marin County).
- 7. Adina Ringler is, and at all times alleged in this Class Action Complaint was, an individual and a resident of Northridge, California.
- 8. Christian Lemus is, and at all times alleged in this Class Action Complaint was, an individual and a resident of Santa Ana, California.
- 9. Molly Brown, Adina Ringler, and Christian Lemus are referred to hereafter as "Plaintiffs."
- 10. Defendant Kellogg Company ("Defendant") is a corporation existing under the laws of the State of Delaware, having its principal place of business in Michigan.

JURISDICTION AND VENUE

- 11. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1332(d)(2). The aggregate amount in controversy exceeds \$5,000,000, exclusive of interest and costs; and Plaintiffs and Defendant are citizens of different states.
- 12. The injuries, damages and/or harm upon which this action is based, occurred or arose out of activities engaged in by Defendant within, affecting, and emanating from, the State of California. Defendant regularly conducts and/or solicits business in, engages in other persistent courses of conduct in, and/or derives substantial revenue from products provided to persons in the State of California. Defendant has engaged, and continues to engage, in substantial and continuous business practices in the State of California.
- 13. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to the claims occurred in the state of California, including within this District.
- 14. In accordance with California Civil Code Section 1780(d), Molly Brown concurrently files herewith a declaration establishing that, at various times throughout the class period, she purchased the following products: MorningStar Veggie Burger Grillers Original, MorningStar Popcorn Chik'n, MorningStar Chorizo Crumbles, MorningStar Grillers Prime



1	Veggie Burgers, MorningStar Garden Veggie Burger, MorningStar Grillers Veggie Crumbles,	
2	MorningStar Buffalo Chik'n Patties, MorningStar Chik'n Strips, MorningStar Veggie Meatballs,	
3	MorningStar Breakfast Veggie Sausage Links, MorningStar Veggie Classics Frozen Buffalo	
4	Wings, MorningStar Incogmeato 100% Plant Protein Plant-Based Ground, RX Protein Bars,	
5	Special K Protein Original Cereal, and Bear Naked Honey Almond Granola in Marin County,	
6	California. (Plaintiffs Molly Brown's declaration is attached hereto as Exhibit A.)	
7	15. Plaintiffs accordingly alleges that jurisdiction and venue are proper in this Court.	
8	SUBSTANTIVE ALLEGATIONS	
9	16. Defendant manufactures, distributes, markets, advertises, and sells a variety of	
10	meat substitutes, cereals, bars, shakes, and granola in the United States under its brand names	
11	"MorningStar Farms," "Special K," "Rx," and "Bear Naked" (collectively referred to herein as	
12	"Kellogg brand"). Many of these products have packaging that predominately, uniformly, and	
13	consistently states on the principal display panel of the product labels that the products contain	
14	and provide a certain amount of protein per serving. Plaintiffs have attached as Exhibit B a non-	
15	exhaustive list of the Kellogg brand products that make protein claims on the front of the product	
16	packages. The products listed in Exhibit B, and any other Kellogg brand product that claims a	
17	specific amount of protein on the front of its label, will hereinafter be referred to as the "Prod-	
18	ucts."	
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The representation that the Products contain and provide a specific amount of pro-17. tein per serving was uniformly communicated to Plaintiffs and every other person who purchased any of the Products in California and the United States. The same or substantially similar product label has appeared on each Product during the entirety of the Class Period in the general form of the following examples:





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