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12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**

14
15 Libby Gatling-Lee, individually and on behalf
of all others similarly situated,

16 *Plaintiff,*

17
18 vs.

19 Del Monte Foods, Inc.,

20 *Defendant.*
21

Case No. 3:22-cv-892

CLASS ACTION COMPLAINT

DEMAND FOR JURY TRIAL

22 **Class Action Complaint**
23
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An example product sold by Defendant. The product includes added MSG.

1 **I. Introduction.**

2 1. Defendant makes, labels, markets, distributes, and sells popular brands of
3 prepared foods, including College Inn cooking broths and stocks. The products prominently
4 state: “NO MSG”.

5 2. By prominently labeling the products “NO MSG,” Defendant led Plaintiff and
6 other reasonable consumers to believe that their products do not contain any MSG. But the truth
7 is that the products contain ingredients such as yeast extract that actually do contain MSG.
8 Accordingly, the products that Defendant prominently labels “NO MSG” actually have added
9 MSG. And by labeling its products in this manner, Defendant misled consumers about its
10 products.
11

12 **II. Parties.**

13 3. Plaintiff Libby Gatling-Lee is a citizen of New York, domiciled in Bronx County.
14 The proposed class (identified below) includes citizens of every state.
15

16 4. Defendant Del Monte Foods, Inc is a California Corporation with principal place
17 of business at 205 N. Wiget Lane, Walnut Creek, California 94598.
18

19 **III. Jurisdiction and Venue.**

20 5. This Court has subject matter jurisdiction under 28 U.S.C. § 1332(d)(2). The
21 amount in controversy exceeds the sum or value of \$5,000,000, exclusive of interest and costs,
22 and the matter is a class action in which one or more members of the proposed class are citizens
23 of a state different from the Defendant.

24 6. The Court has personal jurisdiction over Defendant because Defendant’s principal
25 place of business is in California.
26

27 7. Venue is proper under 28 U.S.C. § 1391(b)(1) because Defendant resides in this
28 District (at its headquarters).

1 **IV. Facts.**

2 **A. Free glutamates.**

3 8. Glutamic acid and its salts are known as “free glutamates.” Free glutamates
4 provide an “umami” or savory taste to food. Umami taste induces salivary secretion, meaning
5 that it makes your mouth water. This can improve the taste of food.
6

7 9. Free glutamates—and ingredients containing free glutamates—are frequently
8 added to food to improve flavor. Though widespread, this use of free glutamates and ingredients
9 containing them as flavor enhancers is controversial. Many consumers and researchers believe
10 that consumption of free glutamates can lead to adverse health effect such as headaches,
11 increased blood pressure, obesity, and psychiatric illness.^{1, 2, 3}
12

13 10. In addition, many consumers report sensitivity and allergies to foods containing
14 free glutamates. These consumers report negative reactions from eating foods that contain free
15 glutamates including breathing difficulties, chest pain, facial flushing, headaches, numbness or
16 burning pain in the mouth, increased heart rates, sweating, and swelling of the face.^{4, 5}
17

18 11. For all these reasons, many consumers—including Plaintiff—seek to avoid foods
19 that contain free glutamates.

20 **B. MSG.**

21 12. The term “MSG” is, technically, an abbreviation of “Monosodium Glutamate.”
22 Monosodium Glutamate is the sodium salt form of glutamate, which is the most popular form of
23 free glutamate added to prepared foods.
24

25 ¹ <https://www.webmd.com/diet/high-glutamate-foods#1>

26 ² <https://www.medicalnewstoday.com/articles/322303>

27 ³ FDA and Monosodium Glutamate (MSG), FDA Backgrounder, pp. 3-4 (August 31,
1995).

28 ⁴ <https://www.medicalnewstoday.com/articles/322303>

⁵ <https://www.healthline.com/health/allergies/MSG>

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