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

13 AG; HG; and XG, individually and  
14 represented by their mother and *guardian ad*  
15 *litem* VALENCIA GIBSON,

16 Plaintiffs,

17 v.

18 PLUM, PBC; HAIN CELESTIAL GROUP,  
19 INC.; GERBER PRODUCTS COMPANY;  
20 NURTURE, INC; BEECH-NUT  
21 NUTRITION COMPANY; AND SPROUT  
22 FOODS INC.,

23 Defendants.

24 Case No.

25 **COMPLAINT**

26 **DEMAND FOR JURY TRIAL**

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## INTRODUCTION

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2           1.       This case involves a group of manufacturers—namely Plum, PBC; Hain Celestial  
3 Group, Inc.; Gerber Products Company; Nurture, Inc; Beech-Nut Nutrition Company; and Sprout  
4 Foods Inc. (“Defendants” or “Defendant Baby Food Manufacturers”)—that *knowingly* sold baby food  
5 products (“Baby Foods”) which contain dangerous levels of toxic heavy metals—mercury, lead,  
6 arsenic, and cadmium (collectively “Toxic Heavy Metals”), which are all known to be severe  
7 neurotoxins—and how such toxic exposures substantially contributed to Plaintiffs developing  
8 lifelong brain damage and neurodevelopmental disorders. Plaintiffs AG, HG, and XG (“Plaintiffs”)  
9 are three small siblings who live with debilitating Autism Spectrum Disorder (“ASD”) because they  
10 consumed poisonous Baby Foods manufactured and sold by these Defendants. This case seeks to  
11 hold the Defendant Baby Food Manufacturers accountable for their reprehensible conduct and ensure  
12 they are punished for permanently affecting Plaintiffs’ ability to live a fulfilling life.

13           2.       That Defendants’ Baby Foods are laced with staggering amounts of Toxic Heavy  
14 Metals recently made headlines following research and a Congressional investigation. In February  
15 2021, the U.S. House of Representatives’ Subcommittee on Economic and Consumer Policy,  
16 Committee on Oversight and Reform released a report containing shocking details of Defendants’  
17 tainted Baby Foods based on the submission of internal test results and company documents.  
18 Specifically, the Subcommittee found that Defendants sell Baby Foods containing as much as 180  
19 parts per billion (“ppb”)<sup>1</sup> inorganic arsenic, 6441 ppb lead, 10 ppb mercury, and manufacture their  
20 Baby Foods using ingredients containing as much as 913.4 ppb arsenic, 886.9 ppb lead, and 344.55  
21 ppb cadmium, far eclipsing domestic and international regulatory standards. By way of comparison,  
22 the U.S. Food and Drug Administration (“FDA”) has set the maximum allowable levels in bottled  
23 water at 10 ppb inorganic arsenic, 5 ppb lead, and 5 ppb cadmium, and the U.S. Environmental  
24 Protection Agency (“EPA”) has capped the allowable level of mercury in drinking water at 2 ppb.

25  
26 \_\_\_\_\_  
27 <sup>1</sup> Ppb (or ppbm) is used to measure the concentration of a contaminant in soils, sediments, and water.  
28 1 ppb equals 1 µg (microgram) of substance per kg of solid (µg/kg). For the average baby weighing  
approximately 3kg, the quantities of Toxic Heavy Metals found in Defendants’ Baby Foods, as  
explained below, pose significant health risks.

1 With a chilling note the Subcommittee concluded that “[m]anufacturers *knowingly* sell these products  
2 to unsuspecting parents, in spite of internal company standards and test results, and without any  
3 warning labeling whatsoever.”<sup>2</sup> (emphasis added).

4 3. The high levels of Toxic Heavy Metals found in Defendants’ Baby Foods are, in part,  
5 a function of the ingredients used by Defendants to manufacture their Baby Foods, the setting of  
6 dangerously inflated internal limits which Defendants willingly flouted, disregard of regulatory  
7 standards, and corporate policies which failed to test finished products before market distribution,  
8 purchase by unknowing parents, and consumption by vulnerable infants.

9 4. Defendants’ malicious recklessness and callous disregard for human life has wreaked  
10 havoc on the health of countless vulnerable children, all so that Defendants could maximize profits  
11 while deliberately misleading parents regarding the safety of their Baby Foods. Accordingly, this  
12 lawsuit will not only ensure that Plaintiffs are duly compensated for their tragic injuries and  
13 Defendants punished, but that future generations are protected from the poisonous products that  
14 Defendants pander as “food”.

## 15 PARTIES

### 16 **I. Plaintiffs**

17 5. Plaintiffs are citizens of Arizona and no other state.

### 18 **II. Defendants**

19 6. Defendant Plum, PBC (“Plum”) is a citizen of Delaware and California with its  
20 principal place of business located at 1485 Park Avenue, Suite 200, Emeryville, California. Plum  
21 sells Baby Foods under the brand name Plum Organics. Plum’s products are divided into groups  
22 according to the targeted infant or toddler age and/or type of food product. For example, there are  
23 five groups designated for the youngest infants: Stage 1 (4+ months old), Stage 2 (6+ months old),  
24

25 \_\_\_\_\_  
26 <sup>2</sup> Staff Report, Subcommittee on Economic and Consumer Policy Committee on Oversight and  
27 Reform U.S. House of Representatives, *Baby Foods Are Tainted with Dangerous Levels of*  
28 *Arsenic, Lead, Cadmium, and Mercury* (Feb. 4, 2021) (“Subcommittee Report”) at 59, available at:  
<https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2021-02-04%20ECP%20Baby%20Food%20Staff%20Report.pdf>.

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