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7
8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10 RAMON IBARRA, individually and on
behalf of all others similarly situated,

11 Plaintiff,

12 vs.

13 THE FOLGER COFFEE COMPANY, an
14 Ohio corporation, and DOES 1-20,
inclusive,

15 Defendants.
16

Case No.: '20CV0850 L BLM

CLASS ACTION COMPLAINT

DEMAND FOR JURY TRIAL

1 Plaintiff Ramon Ibarra (“Plaintiff” or “Ibarra”), on behalf of himself and all other
2 similarly situated (“Class Members”), brings this consumer class action against Defendant,
3 The Folger Coffee Company (“Defendant” or “Folgers”), for unlawful, unfair, and
4 deceptive business practices in violation of California Business & Professions Code
5 section 17200, *et seq.*, California Business & Professions Code section 17500, *et seq.*, and
6 California Civil Code section 1750, *et seq.* and alleges as follows:

7 I. NATURE OF ACTION

8 1. Folgers coffee is a household name with sales comprising a significant portion
9 of the \$7.8 billion in net sales reported by corporate parent, The J.M. Smucker Company,
10 during its last fiscal year. Notwithstanding its unmatched success, the coffee giant engages
11 in widespread false and deceptive advertising on its staple coffee cannisters, depriving
12 consumers of the benefit of the bargain. In a practice that clearly offends reasonable
13 consumer expectations, Defendant engages in a classic bait-and-switch scheme that causes
14 unsuspecting consumers to spend more money for less than the advertised amount of coffee
15 they believe they are purchasing. The packaging and labeling of many Folgers coffee
16 product cannisters (the “Coffee Products”) prominently advertise that they will produce an
17 amount of six fluid ounce cups when, in fact, they do not, and the label’s advertised cup
18 yield is completely arbitrary.

19 2. In Plaintiff’s case, the cannister purchased—Folgers French Roast, Med-Dark
20 —prominently advertises on its front label that it “MAKES UP TO 210 6 FL OZ CUPS.”
21 Instructions on the back panel of the cannister direct consumers to use the following
22 measurements: “Cold Water: 1 Serving (6 fl oz)” with “Folgers Coffee: 1 Tablespoon”
23 which yields “1 Serving (6 fl oz.)”. This means that each French Roast cannister should
24 contain 210 tablespoons of coffee. However, if the back-panel instructions are followed,
25 the cannister only produces approximately 156 six fluid-ounce-servings, 54 short of what
26 is advertised on the front panel. The cannister only contains approximately
27 156 tablespoons of ground coffee.
28

1 3. The same French Roast cannister also comes up short if the coffee is brewed
2 in bulk and the back-panel's second instruction is followed. This instruction directs users
3 to use "Cold Water: 10 Servings" with "1/2 Measuring Cup"¹ for "10 Servings." If
4 8 tablespoons generate 10 servings, then 156 tablespoons—the entirety of the cannister—
5 produces 195 six fluid-ounce-servings,² 15 cups short of what Folgers represents on its
6 front panel.

7 4. Other Coffee Products used to engage in the same scheme, which are also the
8 subject of this action, are depicted in the chart in ¶ 6. These include several of Defendant's
9 roasts in various strengths and sizes. In each Coffee Product, the top right corner of the
10 front panel prominently and conspicuously states the number of cups the cannister will
11 produce, as shown in the French Roast cannister Plaintiff purchased below:



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26 5. The back panel contains the serving instructions "for best brewing results"
27 and, significantly, goes on to state "This cannisters makes up to 210 suggested strength

28 ¹ Or 8 tablespoons.

1 6 fl oz servings.” But the only serving suggestions on the product are those provided
 2 immediately above this statement, as set forth in ¶¶ 2-3 and depicted below:



22 6. As stated in in ¶¶ 2-3 above and depicted below in ¶ 6, these instructions or
 23 suggestions do not produce 210 servings. Consumers reasonably expect that if they follow
 24 the serving instructions, the Coffee Products will produce the number of servings/cups of
 25 coffee prominently advertised on their front and back panels. However, they do not. Tests
 26 performed on the Coffee Products, including the same French Roast cannister purchased
 27 by Plaintiff, showed that Defendant uniformly and systematically misrepresents its Coffee
 28 Products:

Coffee Product	Strength	Weight	Advertised Number of Cups Per Coffee Product	Actual Measured Number of Cups (at 1 Tbsp per 1 cup serv.)	Measured Number of Cups (at 8 Tbsp per 10 cup servs.)
Folgers French Roast	Med-Dark	686 g	210	156	195
Folgers 100% Colombian	Medium	686 g	210	156	195
Folgers Black Silk	Dark	686 g	210	156	195
Folgers Brazilian Blend	Medium	686 g	210	156	195
Folgers Gourmet Supreme	Med-Dark	686 g	210	156	195
Folgers House Blend	Medium	686 g	210	156	195
Folgers Special Roast	Medium	686 g	210	156	195
Folgers Classic Roast	Medium	865 g	240	175	219
Folgers Class Decaf	Medium	865 g	240	175	219
Folgers ½ Caff	Medium	720 g	210	152	190
Folgers Coffeehouse Blend	Med-Dark	720 g	210	152	190
Folgers Breakfast Blend	Mild	720 g	210	152	190
Folgers Simply Smooth	Mild	882 g	240	176	220

7. At no time does Defendant inform consumers as to the true number of cups a Coffee Product will yield if the back-panel instructions are followed, or that they will not result in the advertised amounts of servings. Nor does Defendant inform consumers how at all it derived the “Makes Up To” figure stated on its front and back panels.

8. Plaintiff and Class Members relied to their detriment on Defendant’s representations regarding the amount of servings each Coffee Product would produce and would not have paid to purchase Defendant’s Coffee Products, or would not have paid as much as they did for said products, had they known the truth about the Coffee Products’ actual serving yield according to its instructions. As a result, Plaintiff and the Class Members suffered monetary damages as a result of Defendants’ deception and misrepresentations.

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