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Superior Court of California,
County of San Diego

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Counsel for Plaintiff

**SUPERIOR COURT FOR THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO**

LORETTA SCHWEINSBURG, on behalf
of herself and all others similarly situated,

Plaintiff,

v.

GENERAL MILLS, INC. and GENERAL
MILLS SALES, INC.,

Defendants.

Case No: 37-2022-00006951-CU-BT-CTL

**CLASS ACTION COMPLAINT VIOLATIONS OF THE
UNFAIR COMPETITION LAW AND FOR BREACH OF
IMPLIED WARRANTY**

No Jury Demand

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1 Plaintiff Loretta Schweinsburg, on behalf of herself, all others similarly situated, and the general
2 public, by and through her undersigned counsel, hereby sues Defendants General Mills, Inc. and General
3 Mills Sales, Inc. (collectively “General Mills” or “Defendants”) and upon information and belief and
4 investigation of counsel, alleges as follows:

5 **I. JURISDICTION AND VENUE**

6 1. Jurisdiction is proper because Plaintiff is a citizen of California and because all claims are
7 asserted under the laws of California and relate to a product that is sold in California and was purchased
8 by Plaintiff in California.

9 2. Venue is proper under Bus. & Prof. Code § 17203 because General Mills conducts
10 continuous business in San Diego County and sold thousands of the product at issue in this county, and
11 because thousands of class members reside in this county, who were harmed by the conduct of Defendants.

12 **II. NATURE OF THE ACTION**

13 3. General Mills manufactures, distributes, and sells Hamburger Helper, Tuna Helper, and
14 Chicken Helper (collectively “Hamburger Helper”), a line of packaged food products which contained
15 partially hydrogenated oil (“PHO”).

16 4. Artificial trans fat is a toxin and carcinogen for which there are many safe and
17 commercially viable substitutes. During the Class Period, Defendants added artificial trans fat to
18 Hamburger Helper in the form of partially hydrogenated oil (“PHO”).

19 5. In orders dated November 8, 2013 and June 17, 2015, the FDA determined that PHO is
20 unsafe for use in food. Tentative Determination Regarding Partially Hydrogenated Oils, 78 Fed. Reg.
21 67169 (Nov. 8, 2013) and Final Determination Regarding Partially Hydrogenated Oils, 80 Fed. Reg.
22 34650 (June 17, 2015). Yet Defendants continued to incorporate this illegal, dangerous additive into
23 Hamburger Helper, even after the FDA declared it unsafe for use in food.

24 6. Even before the FDA’s two orders, however, PHO was an unlawful food additive under
25 both California and federal law.

26 7. Although safe, low-cost, and commercially acceptable alternatives to PHO existed
27 throughout the Class Period, Defendants unfairly elected *not* to use these safe alternatives in Hamburger
28 Helper in order to increase profit at the expense of the health of consumers.

1 8. Plaintiff Loretta Schweinsburg repeatedly purchased Hamburger Helper from California
2 grocery stores during the Class Period defined herein, for her personal and household consumption.

3 9. This action is brought to remedy Defendants' unfair and unlawful conduct. On behalf of
4 the class defined herein, Plaintiff seeks an order compelling Defendants to, *inter alia*: (1) award Plaintiff
5 and the Class members restitution and (2) pay costs, expenses, and reasonable attorneys' fees.

6 **III. PARTIES**

7 10. Defendants General Mills, Inc. and General Mills Sales, Inc. ("General Mills") are both
8 Delaware corporations headquartered in Minnesota. Hamburger Helper is sold in stores throughout
9 California.

10 11. During the class period, General Mills owned, manufactured, distributed, and sold
11 Hamburger Helper.

12 12. Plaintiff Loretta Schweinsburg is a citizen of California who repeatedly purchased
13 Hamburger Helper from California grocery stores during the class period for personal and household
14 consumption.

15 **IV. NATURE OF TRANS FAT**

16 13. Artificial trans fat is manufactured via an industrial process called partial hydrogenation, in
17 which hydrogen atoms are added to normal vegetable oil by heating the oil to temperatures above 400°F in
18 the presence of ion donor catalyst metals such as rhodium, ruthenium, and nickel.¹ The resulting product
19 is known as partially hydrogenated oil, or PHO.

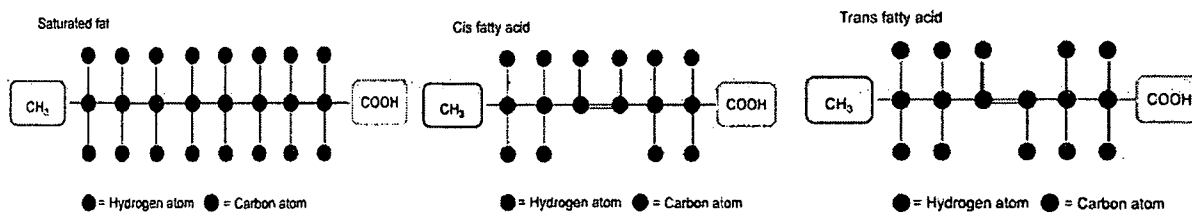
20 14. PHO was invented in 1901 and patented in 1902 by German chemist Wilhelm Normann.
21 PHO molecules chemically differ from the natural fat molecules in other food products.²

22 15. Natural fat, except the trace amounts of natural trans fat from ruminant animal sources like
23 beef, milk, and mutton, comes in two varieties: (1) fats that lack carbon double bonds ("saturated fat"); and
24

25 ¹ See Alice H. Lichtenstein, *Trans Fatty Acids, Plasma Lipid Levels, and Risk of Developing*
26 *Cardiovascular Disease*, 95 CIRCULATION 2588, 2588-90 (1997).

27 ² See Alberto Ascherio et al., *Trans Fatty Acids & Coronary Heart Disease*, 340 NEW ENG. J. MED. 94,
28 8 (1999). See also Walter Willett, *The Scientific Case for Banning Trans Fats*, SCIENTIFIC AMERICAN,
available at www.scientificamerican.com/article/the-scientific-case-for-banning-trans-fats/ (last visited
February 18, 2022).

1 (2) fats that have carbon double bonds. Trans fat, in contrast to cis fat, has carbon double bonds with
2 hydrogen atoms on opposite sides of the carbon chain.



7 16. PHO was initially a “wonder product” attractive to the processed food industry because it
8 combined the low cost of unsaturated *cis* fat with the flexibility and long shelf life of saturated fat. Like
9 processed *cis* fat, PHO is manufactured from low-cost legumes,³ while saturated fat is derived from
10 relatively expensive animal and tropical plant sources.⁴

11 17. As detailed herein, PHO causes cardiovascular disease, diabetes, cancer, and Alzheimer’s
12 disease, and accelerates memory damage and cognitive decline. These risks were well known during the
13 entire Class Period, and at no point during the Class Period was there ever a consensus that PHO was safe
14 to use, neither in general nor as an ingredient in packaged food products.

15 18. In using PHO in Hamburger Helper, Defendants failed to submit a food additive petition
16 and failed to undertake a GRAS self-determination.

17 **A. There Is a Well-Established Scientific Consensus That Trans Fat Is Extremely Harmful.**

18 19. The National Academies of Science were chartered by an act of Congress, signed by President
19 Lincoln in 1863. Under that charter, in 1970, the National Academy of Medicine was created. In a 2005
20 report, under its former name of the Institute of Medicine, it concluded there was “no safe level” of PHO
21 or artificial trans fat intake.⁵ Therefore, in 2005, there was no consensus that PHO was a safe ingredient to
22 use in food. To the contrary, the consensus was that it is unsafe.

23 20. In addition, “trans fatty acids are not essential and provide no known benefit to human
24
25

26 ³ e.g., corn oil, cottonseed oil, soybean oil, peanut oil

27 ⁴ e.g., butter, cream, tallow, palm oil, coconut oil

28 ⁵ Food & Nutrition Bd., Inst. of Med., *Dietary Reference Intakes For Energy, Carbohydrate, Fiber, Fat, Fatty Acids, Cholesterol, Protein, and Amino Acids* (2005).

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