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11
12 **UNITED STATES DISTRICT COURT**
13 **SOUTHERN DISTRICT OF CALIFORNIA**
14

15 MARY YOON, individually and on behalf
of all others similarly situated,

16
17 Plaintiff,

18 v.

19 BEYOND MEAT, INC., a Delaware
20 Corporation

21 Defendant.
22

Case No. **'22CV0855 MMAAGS**

CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

1 Plaintiff Mary Yoon (“Plaintiff”), individually and on behalf of all others
2 similarly situated, by and through her attorneys, makes the following allegations
3 pursuant to the investigation of her counsel and based upon information and belief,
4 except as to allegations specifically pertaining to herself and her counsel, which are
5 based on personal knowledge.

6 NATURE OF THE ACTION

7 1. This is a putative class action against Defendant Beyond Meat, Inc.
8 (“Beyond Meat” or “Defendant”).

9 2. Beyond Meat manufactures, advertises, and sells plant-based meat
10 substitute products, such as the plant-based ground beef, sausages, meatballs, and
11 hamburger patties.

12 3. Beyond Meat claims that its products provide “equal or superior protein”
13 as compared to real meat, but that is false.

14 4. Two different U.S. laboratories have independently and separately
15 conducted testing on a wide range of Beyond Meat products. The test results were
16 consistent with each other: the results of both tests show that Beyond Meat products
17 contain significantly less protein than what is stated on the product packaging.

18 5. As such, Defendant has engaged in widespread false and deceptive
19 conduct by overstating the amount of protein in its products.

20 6. Plaintiff asserts claims against Defendant violations of the California
21 Consumers Legal Remedies Act, California Civil Code § 1750, *et. seq.* (“CLRA”),
22 violation of the Unfair Competition Law, California Business & Professions Code
23 § 17200, and unjust enrichment.

24 THE PARTIES

25 7. Plaintiff Mary Yoon is domiciled in Corona, California.

26 8. Ms. Yoon purchased Beyond Meat’s Beyond Burger Plant-Based Patties
27 several times starting in approximately January 2020.

28 9. Beyond Meat products are sold at many stores in and around Corona

1 California, such as Vons, Target, and Albertsons. Ms. Yoon purchased the products
2 at the Vons and Target stores in her area. To the best of her recollection, Ms. Yoon
3 paid approximately \$5-6 dollars for the product, which is the typical price range for
4 the Beyond Burger Plant-Based Patties.

5 10. When Ms. Yoon purchased the products, she relied on various labeling
6 representations about the nutritional qualities of the product, including that it had 20
7 grams of plant protein per serving, and a daily protein value of 40%. Ms. Yoon read
8 and relied on both the front labeling, and the nutrition information on the back of the
9 package.

10 11. However, the Patties Ms. Yoon purchased did not have 20 grams of
11 protein per serving, and did not provide a daily protein value of 40%. Instead, the
12 products would have had approximately 18 grams of protein, and an actual daily
13 protein value of approximately 35%.

14 12. Ms. Yoon would not have purchased the Patties if she had known at the
15 time that the labeling was false.

16 13. Ms. Yoon overpaid for the products as a result of the false labeling.

17 14. Ms. Yoon regularly goes to stores where Beyond Meat Products are sold.
18 Plaintiff would purchase Beyond Meat Products again in the future if the products
19 accurately disclosed the amount of protein in them. However, if that change were
20 made, Plaintiff would have no way to know if the product labeling was in fact true.
21 As a result, she may either refrain from purchasing Beyond Meat Products in the
22 future or may purchase them incorrectly assuming that they have been improved such
23 that the labeling disclosing the amount of protein in them per serving is correct.

24 15. Defendant, Beyond Meat, Inc. is a Delaware Corporation with its
25 headquarters in El Segundo, California.

26 **JURISDICTION AND VENUE**

27 16. This Court has subject matter jurisdiction pursuant to 28 U.S.C.

28 § 1332(d)(2)(A) because this case is a class action where the aggregate claims of all

1 members of the proposed class are in excess of \$5,000,000.00, exclusive of interest
2 and costs, and at least one member of the proposed class is citizen of state different
3 from Defendant.

4 17. Personal jurisdiction is proper because Defendant is a resident of
5 California. Defendant also regularly and continuously transacts business in
6 California, including selling and falsely marketing products throughout the State.

7 18. Venue is proper under 28 U.S.C. §§ 1391(b) and 1391(c) because
8 Defendant resides in this district and market and falsely advertise its products here.

9 **STATEMENT OF FACTS**

10 19. **Products At Issue (the “what”)**: All of Defendant’s Beyond Meat
11 products, including but not limited to Sausage Plant-Based Dinner Links Hot Italian
12 14 oz, Beyond Sausage Plant-Based Dinner Sausage Links Brat Original 14 oz,
13 Beyond Beef Plant-Based Patties, Beyond Beef Plant-Based Ground Beef, Beyond
14 Breakfast Sausage Plant-Based Breakfast Patties Classic, Beyond Breakfast Sausage
15 Plant-Based Breakfast Patties Spicy, Beyond Chicken Plant-Based Breaded Tenders
16 Classic, Beyond Meatballs Italian Style Plant-Based Meatballs, Beyond Meat Beyond
17 Breakfast Sausage Plant-Based Breakfast Links Classic (“Beyond Meat Products” or
18 the “Products”).

19 20. **Relevant Time Period (the “when”)**: All of the misrepresentations at
20 issue here were uniformly and consistently made at all times during the last four
21 years, at least. There have been no material changes to the product labeling during
22 the relevant period.

23 21. **Labeling At Issue (the “where”)**: For all Products at issue, the labeling
24 describes the amount of protein, expressed in grams per serving and as a “Daily
25 Value” (or “DV”). The Daily Value is printed on nutrition fact labels as “% DV” or
26 “% Daily Value.” Daily Value plays an important role in food labeling because the
27 information allows people to judge the nutrient content of food products.

28 22. For example, the front packaging of the Beyond Burger Patties states in

1 large, bold lettering that the products have “20 grams of plant protein per serving”:
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13 23. The nutrition label on the back of the Beyond Burger Patties likewise
14 states that the product contains 20 grams of protein per serving, and a 40% daily
15 protein value.

16 24. Other Beyond Meat Products similarly include a statement on the front
17 about the number of grams of protein, and a statement on the nutrition label repeating
18 the number of grams of protein, and a statement of the percentage of daily protein
19 value.

20 25. **Misrepresentations at Issue (the “why”):**

21 26. Protein is an essential part of a healthy diet. Many consumers seek out
22 high-protein products due to the benefits of protein. In addition, vegetarians often
23 find it challenging to get sufficient protein intake in their diets, and therefore seek out
24 products like the Products at issue here.

25 27. The Food and Drug Administration requires manufacturers to publish a
26 product’s protein content on its nutritional label, which is a statement of the number
27 of grams of protein in a serving.

28 28. Generally, the “Nitrogen Content Method” is used to calculate the
29

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