

EXHIBIT A

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

CIVIL DIVISION

COMPLAINT

On behalf of themselves and the general public, Plaintiff, Clean Label Project Foundation ("Clean Label Project" or "CLP"), hereinafter Plaintiff, by and through their counsel, bring this action against Defendant The Kraft Heinz Company ("KHC" or "Defendant") regarding the deceptive labeling, marketing, and sale of Maxwell House decaffeinated original roast (29.3oz) coffee products ("Product")¹, in the District of Columbia, that is marketed as "100% Arabica Coffee" and "high-quality" under KHC's majority-owned Maxwell House trademark. Contrary to Defendant's promises and assurances, CLP conducted independent testing and discovered the presence of methylene chloride in the Product; thus, the Product was not pure and was adulterated with quantifiable amounts of a contaminant. Plaintiff alleges the following based upon information, belief, and the investigation of its counsel:

¹ Discovery may demonstrate that additional Maxwell House Products are within the scope of this Complaint. Plaintiff reserves the right to amend this complaint to include additional pet food items identified through the course of discovery.

Introduction

1. Due to concerns about health, consumers, to include D.C. consumers, are increasingly considering how their food and beverages are processed and prepared.
2. In a national survey of over a thousand consumers funded by CLP, 76% of consumers agreed with the statement, “I want to buy the cleanest, best products available on the market.”
3. Sixty eight percent (68%) of consumers cite residues as posing the greatest food safety risk,² which is the second largest concern of consumers, following only foodborne illnesses (75%).
4. Considering this new focus on local, fresh, and healthy food, processed food manufacturers have introduced onto supermarket shelves hundreds of processed foods claiming, to be “natural,” “naturally flavored,” “made with natural ingredients” or “pure.”³
5. Not surprisingly, the demand for products that provide assurances about how they are prepared and produced has increased.⁴
6. Of the aforementioned products, Coffee is one of the most popular beverages in the United States, to include the District of Columbia.⁵
7. A study of U.S. consumers found that coffee is consumed sixteen percent (16%) more regularly than tap water.⁶

² Sloan, Elizabeth, *Transparency Key in Quest for Consumer Confidence in Food*, (April 16, 2020), <https://www.foodsafetynews.com/2020/04/transparency-key-in-quest-for-consumer-confidence-in-food/>

³ Kwata, Amy, *Natural foods are not always what they claim to be*, (May 24, 2019), <https://www.wnbfnews.com/2019/05/22/natural-foods-are-not-always-what-they-claim-be/>

⁴ *Id.*

⁵ *The Caffeine Fix: Coffee Consumption, History, Trends, & Industry Statistics*, (February 22, 2020), <https://muchneeded.com/coffee-consumption-statistics/>

⁶ *Id.*

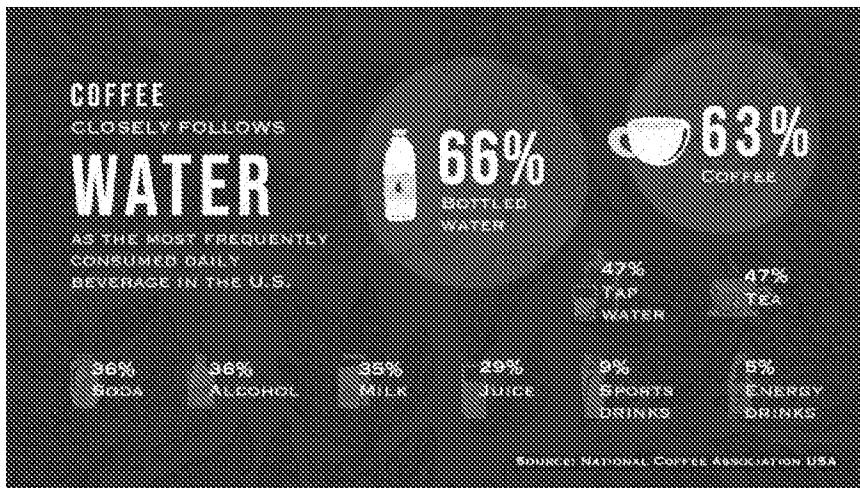


Figure 1

8. Additionally, Consumers do not merely drink their coffee; they are also concerned with learning more about the Product. The below table illustrates the amount of coffee-based internet searches by state.⁷ See figure below.

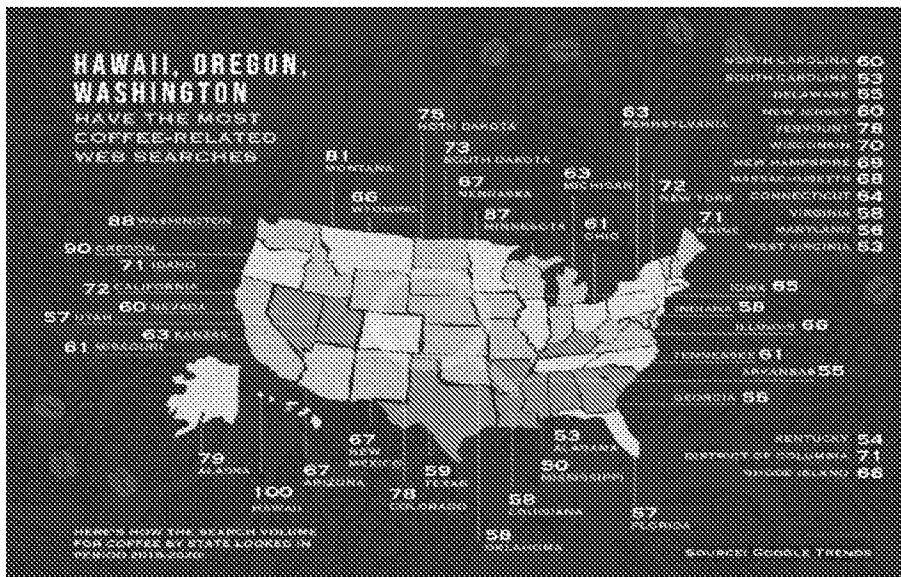


Figure 2

9. Not only is coffee a popular beverage, but the percentage of the consumer population who is

⁷ *Id.*

looking for their food to be clean is likely to grow.⁸

10. Caffeine can have many side effects, to include, gastrointestinal, cardiovascular, hematologic,

hepatic, metabolic, ocular, respiratory, and nervous system. Caffeine can also increase

depression and anxiety.⁹

11. Caffeine has also been shown to affect pregnancy. Caffeine, as well as the other contents of

coffee, crosses the placenta, and may have unwanted side effects on a fetus.¹⁰

12. The negative effects of caffeine make decaffeinated coffee appealing to a more vulnerable

demographic, including, but not limited to the elderly, pregnant women, and those with chronic

medical conditions. Medical doctors often recommend their patients with chronic health

conditions, such as hypertension, avoid caffeine.

13. KHC knows that consumers seek out and wish to purchase pure and ingredient conscious coffee,

particularly in decaffeinated blends.

14. To capture this market, KHC's majority-owned Maxwell House trademark advertises and

promotes the Product as "high-quality" and "100% Arabica and Robusta coffee beans." *See*

Figure 3 and 4 below.

⁸ Shoup, Mary Ellen, *The Universal Appeal of Clean Label, The Percentage of the Population Looking for Clean is Likely to Grow*, (June 21, 2019), <https://www.foodnavigator-usa.com/Article/2019/06/21/The-universal-appeal-of-clean-label-The-percentage-of-the-population-looking-for-clean-is-likely-to-grow>

⁹ *Caffeine side effects*, (June 29, 2019), <https://www.drugs.com/sfx/caffeine-side-effects.html>

¹⁰ American Pregnancy Association, *Caffeine During Pregnancy*, (July 17, 2020), <https://americanpregnancy.org/pregnancy-health/caffeine-intake-during-pregnancy/>

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