

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA**

CASE NO.:

PHILLIP WILLIAMS, individually and on  
behalf of a class of similarly situated  
individuals,

Plaintiff,

v.

BURGER KING CORPORATION, a  
Florida corporation,

Defendant.

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**CLASS ACTION COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiff Phillip Williams, both individually and on behalf of similarly situated individuals, brings this Complaint against Burger King Corporation (Defendant) to put a stop to Defendant's misleading practice of selling and marketing its "Impossible" Whopper burger as a meat-free food option. Despite Burger King's representations that the Impossible Whopper uses the trademarked "Impossible Meat" that is well known as a meat-free and vegan meat alternative, Burger King cooks these vegan patties on the same grills as its traditional meat products, thus covering the outside of the Impossible Whopper's meat-free patties with meat by-product. Plaintiff Phillip Williams brings this action to obtain redress for all persons injured by Defendant Burger King's deceptive and unlawful conduct. Plaintiff alleges as follows based upon personal knowledge as to his own acts and experiences, and as to all other matters, upon information and belief, including investigation conducted by his attorneys.

**NATURE OF THE ACTION**

1. Plaintiff brings this class action lawsuit against Defendant for violations of Florida's Deceptive and Unfair Trade Practices Act, section 501.201 et seq., Florida Statutes (the "Act"), and common law, based on Burger King's (Defendant) false and misleading business practices with respect to the marketing and sale of its Impossible Whopper at Burger King restaurants and franchises around America.

2. "Impossible" meat is a trademarked product that is owned independently from Burger King that is widely known across the country as a vegan meat substitute. Due to its impressive meat-like appearance, texture and taste, "Impossible" "meat" is one of the most popular vegan meat alternatives in the country.

3. Plaintiff practices a strict vegan diet, meaning that he does not eat or drink anything that uses animal by-products.

4. "Impossible" meats contain no animal products or animal by-products. "Impossible" meats are also certified Halal and Kosher.<sup>1</sup>

5. On August 8, 2019, Defendant began to offer a version of its most popular and widely advertised "Whopper" burger with the "Impossible" meat, called the "Impossible Whopper." Since then, Defendant has marketed and sold burgers using "Impossible" synthetic meat patties under the descriptive product name "Impossible Whopper" claiming in advertising that the Impossible Whopper is "0% beef" and "100% Whopper".

6. However, unbeknownst to Plaintiff and consumers, the Impossible Whopper is cooked on the same grills as its traditional meat-based products, creating a meat-free patty that is in fact covered in meat by-product.

7. Plaintiff and other consumers purchased the Impossible Whopper, reasonably

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<sup>1</sup> See [www.cnet.com/news/beyond-meat-vs-impossible-burger-whats-the-difference](http://www.cnet.com/news/beyond-meat-vs-impossible-burger-whats-the-difference).

relying on Defendant's deceptive representations about the Impossible Whopper and believing that the "Impossible" vegan meat patty would be prepared in a manner that maintained its qualities as a vegan (meat-free) burger patty.

8. Plaintiff and consumers pay a premium price to have an Impossible Whopper as opposed to a traditional Whopper for the sole basis of having a meat-free option.

9. Had Plaintiff and other consumers known that the Impossible meat used in Burger King's Impossible Whopper was contaminated by meat by-product, they would not have purchased the Impossible Whopper.

10. On behalf of himself and the proposed Class defined below, Plaintiff seeks an injunction requiring Defendant to plainly disclose that the Impossible Whopper is cooked on the same grill as its other meat; that Burger King's future marketing of its Impossible Whopper comply with Florida's Deceptive and Unfair Trade Practices Act and common laws; as well as an award of actual and compensatory damages to the Class, together with costs and reasonable attorneys' fees.

#### **PARTIES**

11. Defendant Burger King Corporation is a Florida corporation with its headquarters located in Miami, Florida, from where it manages the operations of thousands of Burger King fast-food restaurants throughout the United States.

12. At all relevant times, Plaintiff has been a resident and citizen of the state of Georgia.

#### **JURISDICTION & VENUE**

13. This Court has diversity jurisdiction under 28 U.S.C. § 1332(d), because (i) at least one member of the putative class is a citizen of a state different from any Defendant, (ii) the amount

in controversy exceeds \$5,000,000 exclusive of interests and costs, and (iii) none of the exceptions under that subsection apply to the instant action.

14. This Court has personal jurisdiction over Defendant because Defendant is incorporated in Florida and Defendant's principle place of business is in Florida.

15. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b) because Defendant resides in this judicial district, and Defendant is incorporated and has its principle place of business in Florida.

### **COMMON ALLEGATIONS OF FACT**

16. Burger King is an international restaurant chain that sells hamburgers to consumers throughout the United States, and the world. In order to expand its product offerings and appeal to the growing customer base of vegan consumers, in April 2019 corporate executives at Burger King's headquarters chose to offer a Whopper burger using "Impossible" meat patties at certain Burger King locations, calling it the "Impossible Whopper."

17. According to advertising created and/or approved by its corporate office for distribution online, in print, and elsewhere, Burger King's Impossible Whopper is "0% beef and 100% Whopper."

18. Despite the foregoing representations, Burger King's standard procedure is to cook its "Impossible" vegan meat patties on the same grills as its traditional meat patties, thus contaminating the vegan product with meat (including beef) by-products.

19. Defendant has no disclosures on its menus that would notify a consumer prior to their purchase of the Impossible Whopper that it was cooked in a manner that would result in meat by-products on the burger.

20. Customers, such as Plaintiff, who maintain a vegan diet specifically purchased Burger King's Impossible Whopper based on Defendant's representations that it would be a meat-free food.

21. Defendant, through its unfair and deceptive practices in offering its Impossible Whopper, monetarily benefits from consumers who legitimately believed that they were paying a premium for a meat-free alternative.

22. Indeed, there are numerous consumer complaints posted online from customers who have been outraged upon finding out that that the Impossible Whopper is prepared on the same grills as Burger King's traditional meat products.

23. On or around August 2019, after hearing about Burger King's Impossible Whopper through social media advertisements and word of mouth, and having no knowledge about how Burger King actually prepares the Impossible Whopper, Plaintiff decided to visit a local Burger King in Atlanta, Georgia to try the new product.

24. Plaintiff went to the location's drive-through and ordered an Impossible Whopper with no mayonnaise.

25. While waiting in the drive-through Plaintiff observed no signage indicating that the Impossible patty was cooked on the same grill as Burger King's meat products, nor was Plaintiff notified by Burger King that the Impossible patty would be prepared in the same grills as its traditional meat products. Plaintiff only saw Defendant's representations that the Impossible Whopper was made with the "Impossible" vegan and meat-free burger patty.

26. After checking that his Impossible Whopper did not contain mayonnaise, Plaintiff proceeded to eat the Impossible Whopper believing that it was a meat-free option.

27. However, Plaintiff had been duped by Burger King's deceptive practices into eating

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