

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION**

Missy Baker, individually and on behalf of all
others similarly situated,

Plaintiff,

- against -

Walmart Inc.,

Defendant

3:22-cv-03148

Class Action Complaint

Jury Trial Demanded

Plaintiff alleges upon information and belief, except for allegations pertaining to Plaintiff, which are based on personal knowledge:

1. Walmart Inc. (“Defendant”) manufactures, labels, markets, and sells mustard promoted as sweetened with honey under the Great Value brand (“Product”).



2. The representations include “Honey Mustard,” “Made With Real Honey,” and pictures of fresh mustard seeds and a honey dipper in a pool of honey.

3. The representations cause consumers to expect the Product contained honey as the exclusive, primary, or significant sweetening ingredient.

I. MUSTARD

4. Mustard is a paste composed of ground mustard seed, salt, and vinegar, that may contain added sweeteners and spices.

5. The added sweeteners can include refined sugar and honey.

6. Honey mustard refers to a “basic mild, sweet mustard [with] a bit of a bite that’s mellowed and smoothed with a dollop of sweet honey.”

7. Mustard and honey are typically blended in equal amounts to make honey mustard.

8. Dictionaries, chefs, and commercial formulators define honey mustard as mustard blended with honey.

9. While honey mustard may contain some sugar, it is primarily sweetened with honey.

II. AVOIDANCE OF SUGAR

10. According to the National Institutes of Health (“NIH”), there is a direct link between excess sugar consumption and obesity.¹

11. Doctors and nutritionists agree that excess sugar intake leads to weight gain, Type 2 diabetes, dental caries, heart disease, cancer, and even dementia.²

12. One food industry insider stated that “[consumer] demand for sugar reduction [cuts] across food and beverage categories,” from sodas to condiments.

¹ NIH, [Sweet Stuff: How Sugars and Sweeteners Affect Your Health](#), October 2014.

² Marlene Cimons, [Eating too much sugar can hurt your health, and for some it’s actually addictive](#), Washington Post December 16, 2017.

13. Speakers at the International Sweetener conference affirmed that “sugar avoidance was a macro trend ‘that is here to stay and will only increase.’”

14. Surveys by Information Resources, Inc. (“IRI”) show that 58% of consumers avoid sugar, and over 80% do so for reasons related to health and weight issues.³

III. SUBSTITUTION OF SUGAR WITH HONEY

15. In place of sugar, consumers are substituting foods sweetened with honey.

16. This is confirmed by USDA data, showing that the volume of honey has almost doubled in the past 35 years, from 339 million to 603 million pounds.⁴

17. For the first time in history in 2020, honey surpassed white sugar as America’s number one choice for a sweetener.

18. At least 50% of consumers are willing to pay more for foods primarily sweetened with honey.

19. Roughly 60% of consumers look for references to honey on a front label when deciding what to buy.

20. There are several reasons why consumers seek foods sweetened primarily with honey.

21. First, almost three-quarters of consumers rate honey as “better-for-you” than sugar.

22. Second, 93% of consumers recognize that honey is a natural sweetener, because unlike sugar, it is not heavily refined through harsh unnatural processes.

23. According to the director of the National Honey Board, “Honey fits perfectly with consumers’ desire to know where their food comes from and their preference for foods that are

³ Kieron Rooney, [Yes, too much sugar is bad for our health – here’s what the science says](#), The Conversation, March 8, 2018.

⁴ USDA/ERS.

unprocessed,” because it “is made by bees from the nectar of flowers.”

24. Third, honey has a lower glycemic index than sugar, causing slower fluctuations in blood sugar and insulin levels.

25. Refined sugars lead to rapid spikes of blood sugar, with quick spurts of energy followed by sharp declines, characterized by tiredness, headaches, and difficulties in concentrating.

26. Fourth, honey is sweeter than sugar, so less of it is needed to achieve the same level of sweetness.

27. Fifth, unlike sugar, honey has small but significant amounts of nutrients such as vitamins, minerals, enzymes, phytonutrients and antioxidants.⁵

28. These benefits promote immunity and aid digestion.

IV. MISREPRESENTATIONS ABOUT HONEY CONTENT

29. By describing the Product as honey mustard that is “Made with Real Honey” with a pictures of a dripping honey dipper and mustard seeds, consumers will expect honey is its primary or at least a significant sweetening ingredient.

30. However, sugar is the primary sweetener, listed fourth in the ingredients, followed by salt, then honey, sixth.

INGREDIENTS: VINEGAR, WATER, MUSTARD SEED, SUGAR, SALT, HONEY, SPICES, GARLIC POWDER, CARROT EXTRACT (COLOR), PAPRIKA.

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31. The Nutrition Facts discloses 1 g (or 1000 milligrams) of added sugar and 25 mg of added sodium.

⁵ Brian Kennell, [Healthy Food Trends Drive New Products](#), HuffingtonPost.com, October 1, 2015, updated December 6, 2017.

32. Mustard seeds have a negligible, almost non-detectible amount of sodium, which means the salt content is provided almost exclusively by the added salt ingredient.

33. One gram of salt contains 388 mg of sodium.

34. For the Product to contain 25 mg of added sodium from only added salt, it would contain roughly 64 mg of salt.

35. This means the amount of honey by weight is less than 64 mg.

36. The amount of sugar can be estimated at almost 16 times more than the amount of honey.

37. Honey is not a significant sweetening ingredient in the Product based on these calculations.

38. Consumers expect a product identified as honey mustard claiming to be “Made With Real Honey” with pictures of a honey dipper and mustard seeds to be sweetened mainly with honey or at a minimum, contain honey as a significant sweetening ingredient.

39. Such mustards are available to consumers and are not technologically or commercially unfeasible, such as honey mustard made by True Made Foods, which lists honey as its primary sweetening ingredient.



INGREDIENTS Organic Vinegar, Water, Honey, Apple Puree Concentrate, Mustard Seed, Carrot, Butternut Squash, Sea Salt, Turmeric, Paprika, Spices.

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40. Defendant makes other representations and omissions which are false and misleading.

41. The value of the Product that Plaintiff purchased was materially less than its value

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