

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

JACQUELINE WILLARD, an individual, and
AMIE BLACKMAN, an individual, on behalf of
themselves individually, and on behalf of all
others similarly situated, and the general public,

Plaintiffs,

v.

TROPICANA MANUFACTURING
COMPANY, INC. a Delaware corporation;

Defendant.

Case No: 1:20-cv-01501

CLASS ACTION COMPLAINT

JURY DEMANDED

Plaintiffs Jacqueline Willard (“Willard”) and Amie Blackman (“Blackman”) (collectively referred to herein as “Plaintiffs”), hereby bring this Action against Defendant Tropicana Manufacturing Company, Inc. (“Defendant” or “Tropicana”), alleging that Defendant misbrands and falsely advertises numerous juice-based beverage products (the “Products”), in Illinois, California, and throughout the United States, in violation of federal and state unfair competition, false advertising, and consumer protection laws. Upon information and belief and investigation of counsel, Plaintiffs allege as follows:

JURISDICTION AND VENUE

1. This Court has original jurisdiction over this action under the Class Action Fairness Act of 2005 (“CAFA”), 28 U.S.C. § 1332(d). Defendant is a citizen of a different state than Plaintiff Amie Blackman, the putative class size is greater than 100 persons, and the amount in

controversy in the aggregate for the putative Class exceeds the sum or value of \$5 million exclusive of interest and costs.

2. This Court has both general and specific personal jurisdiction over the Defendant because Defendant maintains its corporate headquarters in and has conducted and continues to conduct substantial business in the State of Illinois and in Cook County. Plaintiff Willard purchased one or more of the Products in Cook County.

3. This Court has specific personal jurisdiction as Defendant maintains its corporate headquarters in and actively advertises and sells the Products in Illinois and is registered to do business in Illinois. Defendant is located within the state and has sufficient minimum contacts with this state and sufficiently avails itself of the markets of this state through the promotion, sales, and marketing of the Products to consumers within the state to render the exercise of jurisdiction by this Court reasonable.

4. Venue is proper in the United States District Court for the Northern District of Illinois pursuant to 28 U.S.C. § 1391(b) because a substantial part of the events giving rise to the claims occurred within this judicial district, Plaintiff Willard purchased the Product and sustained harm thereby in this District, and Defendant is headquartered in, conducts business in, and marketed and sold the Product at issue within this judicial district.

PARTIES

5. Plaintiff Jacqueline Willard is an individual and a citizen of Illinois over the age of eighteen who resides in Bellwood, Illinois.

6. Plaintiff Amie Blackman is an individual and a citizen of California over the age of eighteen who resides in San Diego, California.

7. Defendant Tropicana Manufacturing Company, Inc. (“Tropicana”) is a Delaware corporation that manufactures, packages, labels, advertises, markets, and sells the Products identified herein. Tropicana maintains its principal place of business at 555 West Monroe Street in Chicago, Illinois.

8. Tropicana is registered to do business in the State of California as entity number C2326121.

9. Defendant advertises, distributes, and sells the Products in Illinois, California, and throughout the United States.

FACTUAL ALLEGATIONS

10. Defendant manufactures, packages, labels, distributes, advertises, markets, and sells fruit-juice-based beverage products that contain undisclosed artificial flavoring agents (the “Products”).

11. Defendant conceals that the Products are artificially flavored.

12. Defendant knowingly adds artificial flavor to the Products but fails to label the Products accordingly, concealing this crucial fact from consumers.

13. Defendant knowingly omits all the federal and state law required label disclosures informing consumers that the Products contain artificial flavors.

14. The Products, in fact, are all labeled as if they contain only natural ingredients, deceiving consumers into believing they are purchasing a premium, all-natural product instead of one that contains artificial flavoring.

15. Consumers value naturally flavored products more highly than those that contain artificial flavors, and some consumers would not buy these Products at all if they knew the Products contained artificial flavors.

16. By omitting the legally required disclosures, Defendant tricks consumers into buying these Products when they otherwise would not, and paying more for the Products when they do purchase them.

17. Defendant intended to give reasonable consumers like the Plaintiff the impression that the Products are pure, natural, and not artificially flavored, by packaging, labeling, and advertising the Products in this way.

18. All the Products identified herein contain undisclosed artificial flavoring.

19. One of the Products, for example, “Trop 50 Farmstand Apple”, shows on its label pictures of ripe, fresh apples and includes in the Product name, “Farmstand.”

20. The name “Farmstand Apple” is intended to deceive consumers into believing that the Product is an all-natural juice product.

21. The “Trop 50 Farmstand Apple” Product nowhere informs consumers that it contains an artificial flavor.

22. The “Trop 50 Farmstand Apple” product, like the other Products identified in this action, does not inform consumers that Defendant adds artificial flavor to the product.

23. Below is a true and accurate copy of the front label of the “Trop 50 Farmstand Apple” product:

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24. The ingredient statement on the “Trop 50 Farmstand Apple” Product label reads, “Filtered water, apple juice concentrate, malic acid, natural flavor, citric acid, ascorbic acid (vitamin C), apple juice concentrate (color), purified stevia leaf extract, vitamin E acetate (vitamin E), hibiscus juice concentrate (color).” (emphasis added)

25. This label violates federal and state law and deceives consumers.

26. The “malic acid” that Defendant adds to this Product is an artificial flavoring agent and functions as an artificial flavor in the Product.

27. Under federal and state law, Defendant must prominently disclose on the Product label that the “Trop 50 Farmstand Apple” product contains artificial flavor.

28. Defendant fails to do so, misbranding the Product and deceiving consumers.

29. The other Products identified in this action are similarly misbranded.

30. A true and accurate copy of the front of Tropicana’s “100% Juice” “Apple Juice” Product and the ingredients list is reproduced below:

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