

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

JULIE RUIZ, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

CONAGRA BRANDS, INC.,

Defendant,

CASE NO. 1:22-cv-2421

CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

CLASS ACTION COMPLAINT

Plaintiff Julie Ruiz (“Plaintiff”) individually and on behalf of all others similarly situated, brings this Class Action Complaint against Defendant Conagra Brands, Inc. (“Conagra” or “Defendant”) and allege the following based on personal knowledge as to herself, and as to all other matters, upon information and belief, including investigation conducted by her attorneys.

NATURE OF THE ACTION

1. This action concerns Conagra’s false and misleading labeling of its Angie’s BOOMCHICKAPOPOP® microwave popcorn products (“PFAS Popcorn” or “Products”)¹, which are prominently labeled as containing “only real ingredients,” “ingredients sourced from nature,”

¹ The action concerns varieties of Angie’s BOOMCHICKAPOPOP® microwave popcorn products, which, based on information and belief, utilize a substantially similar (if not identical) microwave popping bag. As alleged herein, Conagra conceals the inclusion of PFAS in its Products from consumers. Accordingly, discovery will reveal the exhaustive list of substantially similar Products that are included in this action.

and “Real, Simple Ingredients. Nothing Fake,” when, in fact, Plaintiff’s testing has revealed the Products contain per- and polyfluoroalkyl substances (“PFAS”).

2. Conagra formulates, manufactures, markets and sells the Products, which it uniformly represents as containing “only real, simple ingredients,” and “nothing fake.”²



² <https://www.boomchickapop.com/microwave-popcorn/real-butter-microwave-popcorn> (Last accessed April 16, 2021).

3. As one of North America’s leading packaged food manufacturers, with products in 97% of America’s households, Conagra knows the importance of marketing and labeling and the value of the label representations it carefully chooses for placement on its products.

4. Conagra intentionally uses the words “simple,” “nature,” and “real” to describe the source of its Products’ ingredients.

5. “Simple” is defined as “not elaborate or artificial.”³ “Nature” is defined as “the physical world and everything in it that is not made by people.”⁴

6. “Real” is defined as “produced using traditional methods and without artificial substances”⁵ and “not fake, false, or artificial”⁶ and thus likewise confirms for reasonable consumers that the Products will be free from ingredients that are artificial or human-made.

7. Reasonable consumers, therefore, fairly and reasonably understand that a product marketed as containing only “real, simple ingredients,” “ingredients sourced from nature,” and “nothing fake” would not contain human-made chemicals, let alone human-made chemicals known to be harmful.

8. However, despite Conagra’s consistent and pervasive marketing of the Products as containing only real, simple ingredients sourced from nature, the Products actually contain significant levels of PFAS chemicals—a category of human-made chemicals with a toxic, persistent, and bioaccumulative nature which are associated with numerous health concerns.

³ <https://www.dictionary.com/browse/simple>

⁴ <https://www.britannica.com/dictionary/nature>

⁵ <https://dictionary.cambridge.org/us/dictionary/english/real>

⁶ <https://www.britannica.com/dictionary/real>

9. Conagra knows that consumers are concerned with the ingredients in their food. Thus, Conagra has intentionally utilized its marketing, centering on its use of only “real,” simple and naturally-sourced ingredients, to drive sales and increase profits, including by targeting health-conscious consumers who reasonably believe that the Products are free from unnatural or artificial ingredients like harmful human-made chemicals.

10. The presence of PFAS chemicals in the Products is entirely inconsistent with Conagra’s uniform representations and renders them “unnatural” and not “real” or “simple” by definition.

11. As a result of Conagra’s misconduct, Plaintiff and putative Class Members have suffered injury in fact, including economic damages.

12. Plaintiff brings this suit to halt Conagra’s dissemination of false and misleading representations and to correct the false and misleading perception that Conagra’s representations have created in the minds of reasonable consumers.

13. Plaintiff seeks damages, injunctive relief, and other equitable remedies for herself and for the proposed classes.

JURISDICTION AND VENUE

14. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. § 1332 of the Class Action Fairness Act of 2005 because: (1) there are 100 or more putative Class Members; (ii) the aggregate amount in controversy exceeds \$5,000,000.00, exclusive of interest and costs; and (iii) there is minimal diversity because Plaintiff and Defendant are citizens of different states. This Court has supplemental jurisdiction over Plaintiff’s state law claims pursuant to 28 U.S.C. § 1367.

15. This Court has personal jurisdiction over Defendant because it is headquartered in this District, Defendant has substantial aggregate contacts with this District, including engaging in conduct that has a direct, substantial, reasonably foreseeable, and intended effect of causing injury to persons throughout the United States, and purposely availed itself of the laws of the United States and the State of Illinois.

16. In accordance with 28 U.S.C. § 1391, venue is proper in this District because a substantial part of the conduct giving rise to Plaintiff's claims occurred in this District, Defendant transacts business in this District, and Defendant has intentionally availed itself of the laws and markets within this District.

PARTIES

17. At all relevant times, Plaintiff Julie Ruiz has resided in San Bernadino County, California.

18. Conagra Brands, Inc. is incorporated in Delaware with its principal place of business located at 222 W. Merchandise Mart Plaza, Suite 1300, Chicago, Illinois.

FACTUAL ALLEGATIONS

Angie's BOOMCHICKAPOP® Microwave Popcorn Products

19. Microwave popcorn is a popular snack item enjoyed by millions of consumers. Since it was first introduced in the 1980s, it has made up a significant portion of the snack food market. As the COVID-19 pandemic forced millions of Americans to spend more time at home, the microwave popcorn industry increased nearly 15% percent, making it a \$1.0 billion dollar category of the snack food industry.⁷

⁷ *Popcorn Sales Pop Off With Rise In At-Home Consumption Occasions, Gifting*, CANDY & SNACK TODAY, <https://candyusa.com/cst/popcorn-sales-pop-off-with-the-rise-of-at-home-consumption-occasions-gifting/> (Last accessed March 22, 2022).

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