

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

Jeremy Guzman, individually and on behalf of  
all others similarly situated,

Plaintiff,

- against -

Walmart Inc.,

Defendant

1:22-cv-03465

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, markets, labels and sells mayonnaise dressing promoted as made “With Olive Oil” under the Great Value brand (“Product”).



2. The labeling gives consumers the impression it has a greater absolute and relative amount of olive oil compared to traditional vegetable oil ingredients than it does.

## I. MAYONNAISE

3. Mayonnaise or “mayo” is a thick, creamy dressing commonly used on sandwiches and composed salads, and is the base for other sauces, such as tartar sauce and Russian dressing.

4. Mayonnaise and its reduced-fat variations are defined by a standard of identity as an emulsion of vegetable oils, eggs, and acids.

5. Vegetable oil traditionally refers to cooking oils such as corn oil, canola oil, palm oil, safflower oil, sesame oil, soybean oil and sunflower oil.

6. Consumer demand for mayonnaise has declined over the past twenty years for various reasons.

7. First, mayonnaise is considered an ultraprocessed food (“UPF”), frowned upon by nutrition authorities.

8. Second, while mayonnaise used to be made with limited, natural ingredients, such as eggs, fresh salad oils, vinegars and seasonings, today it is mostly vegetable oils and water, a small amount of eggs, with numerous additives, synthetic preservatives, and added salt.

9. Third, there is a perception that mayonnaise is used to conceal flaws in the foods to which it is applied.

10. Fourth, a larger percentage of society follows dietary preferences which exclude eggs, for reasons related to health, animal welfare, and environmental impact.

11. Fifth, the traditional vegetable oils used in mayonnaise are recognized as containing harmful fats with negative health effects, such as increasing cholesterol.

12. A recent study indicated that the main oil ingredient in mayonnaise, “soybean oil [,]

not only leads to obesity and diabetes, but could also affect neurological conditions like autism, Alzheimer's disease, anxiety, and depression.”<sup>1</sup>

13. Sixth, the variety of condiments has increased significantly since the invention of mayonnaise.

14. Whereas consumers once chose from mayonnaise, ketchup, and mustard, today they choose from dozens including salsa, hummus, kimchi, wasabi, and guacamole.

15. These condiments are typically served fresh, contain healthy ingredients, and appeal to consumers seeking to avoid heavily processed foods.

## **II. CONSUMER DEMAND FOR OLIVE OIL**

16. Most vegetable oils are highly processed using chemicals to make them palatable, which reduces their nutritional value.

17. In contrast, olive oil is simply the juice of crushed olives without additives.

18. Whereas vegetable oils have no flavor or aroma, olive oil is known for its peppery and grassy taste.

19. Over the past several decades, olive oil's popularity has increased such that its sales exceed all other vegetable oils combined.

20. A key reason for this popularity is olive oil's association with the Mediterranean Diet, confirmed by scientific studies to positively impact all-cause mortality, among other benefits.

21. Olive oil has high levels of heart-healthy fats, such as polyunsaturated and monounsaturated fat, which help control cholesterol.

22. The oleic acid and bioactive plant compounds known as phenols in olive oil is linked

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<sup>1</sup> Science Daily, “America's most widely consumed oil causes genetic changes in the brain – Soybean oil linked to metabolic and neurological changes in mice,” University of California, Riverside, Jan. 17, 2020.

to reductions in the risks of various cancers.

23. Olive oil contains antioxidants which promote immunity and fight free radical damage to help slow the aging process.

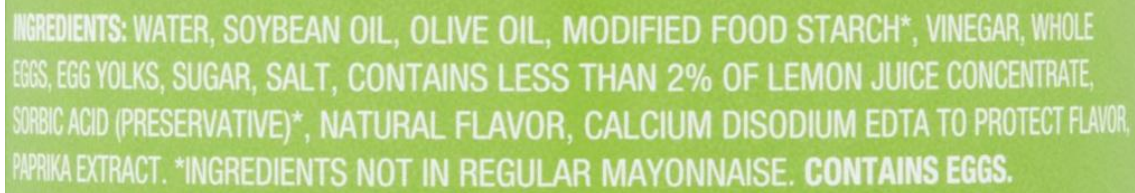
24. Olive oil promotes brain function, bone strength, and balanced blood sugar.

### III. REPRESENTATION PRODUCT IS MADE “WITH OLIVE OIL” IS MISLEADING

25. Defendant markets the Product to the increasing numbers of Americans seeking to consume traditional foods but with ingredients known for providing health benefits, like olive oil.

26. By labeling and promoting the Product as made “With Olive Oil,” with green packaging evocative of the color of olives, consumers expect a significant, non-de minimis amount of olive oil, in relative and absolute amounts to all oils used.

27. However, the ingredient list reveals a smaller than expected amount of olive oil, in absolute and relative terms, and that the most predominant oil is “Soybean Oil.”



INGREDIENTS: WATER, SOYBEAN OIL, OLIVE OIL, MODIFIED FOOD STARCH\*, VINEGAR, WHOLE EGGS, EGG YOLKS, SUGAR, SALT, CONTAINS LESS THAN 2% OF LEMON JUICE CONCENTRATE, SORBIC ACID (PRESERVATIVE)\*, NATURAL FLAVOR, CALCIUM DISODIUM EDTA TO PROTECT FLAVOR, PAPRIKA EXTRACT. \*INGREDIENTS NOT IN REGULAR MAYONNAISE. CONTAINS EGGS.

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28. The relative and absolute amount of olive oil is insufficient to confer any of the health benefits associated with olive oil nor reduce the harmful effects of the soybean oil used.

#### IV. CONCLUSION

29. Defendant makes other representations and omissions with respect to the Product which are false and misleading.

30. Reasonable consumers must and do rely on a company to honestly and lawfully market and describe the components, attributes, and features of a product, relative to itself and other comparable products or alternatives.

31. The value of the Product that Plaintiff purchased was materially less than its value as represented by Defendant.

32. Defendant sold more of the Product and at higher prices than it would have in the absence of this misconduct, resulting in additional profits at the expense of consumers.

33. Had Plaintiff known the truth, he would not have bought the Product or would have paid less for it.

34. As a result of the false and misleading representations, the Product is sold at a premium price, approximately no less than no less than \$2.80 for 30 oz, excluding tax and sales, higher than similar products, represented in a non-misleading way, and higher than it would be sold for absent the misleading representations and omissions.

#### Jurisdiction and Venue

35. Jurisdiction is based on the Class Action Fairness Act of 2005 (“CAFA”). 28 U.S.C. § 1332(d)(2).

36. The aggregate amount in controversy exceeds \$5 million, including any statutory and punitive damages, exclusive of interest and costs.

37. Plaintiff Jeremy Guzman is a citizen of Illinois.

38. Defendant Walmart Inc. is a Delaware corporation with a principal place of business in Bentonville, Benton County, Arkansas.

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