

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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MARGARET LEE, On Behalf of))
Herself and All Others Similarly Situated,))
))
Plaintiff,))
))
v.)	Civ. Action No. 1:17-cv-11042
))
))
CONAGRA FOODS, INC., ROCHE BROS.))
SUPERMARKETS, INC., ROCHE BROS. INC.,))
ROCHE BROS. SUPERMARKETS, LLC and))
THE STOP & SHOP SUPERMARKET))
COMPANY LLC,))
))
Defendants.))
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AMENDED COMPLAINT

Plaintiff Margaret Lee alleges for her complaint the following.

Preliminary Statement

1. Plaintiff brings this action on behalf of herself and all others similarly situated to obtain monetary and other appropriate relief for herself and members of the Class (defined below) as a result of the unlawful acts of Defendants.

2. Defendant ConAgra Foods, Inc. (“ConAgra”) manufactures and distributes packaged food products, including Wesson brand cooking oils such as Wesson Vegetable Oil, Wesson Canola Oil, Wesson Corn Oil, and Wesson Best Blend (“Wesson Oil”). Defendants Roche Bros. Supermarkets, Inc., Roche Bros. Inc., Roche Bros. Supermarkets, LLC (collectively, “Roche Bros.”) and The Stop & Shop Supermarket Company LLC (“Stop & Shop”) sell Wesson Oil in stores.

3. Plaintiff purchased bottles of Wesson Oil that were manufactured by ConAgra and sold by Roche Bros. and Stop & Shop at stores in Massachusetts.

4. The label on the front of the bottles of Wesson Oil represented that it was “Pure & 100% Natural.” Contrary to the representations in large print on the front of the bottle, however, the product contained unnatural ingredients and therefore was not “100% Natural.”

5. Specifically, Wesson Oil is made from plants, the DNA of which has been deliberately altered by the forced introduction of DNA from other species. The plants, therefore, had specific traits, such as resistance to certain herbicides, which they do not possess in nature or through traditional cross-breeding methods. Plants and other life forms that are products of this process of unnatural DNA alteration are commonly referred to as genetically modified organisms, or “GMOs.” Accordingly, contrary to Defendants’ representations, Wesson Oil is not “100% Natural.”

6. Defendants have thus been misrepresenting Wesson Oil and deceiving their customers, including Plaintiff and numerous other consumers. Defendants have injured Plaintiff and other consumers in Massachusetts by inducing them to purchase and consume unnatural products with GMOs on the false premise that such products are “100% Natural,” and by selling such products at prices greater than what the products are actually worth, given that they are not, as represented, “100% Natural.”

7. Defendants’ conduct constitutes unfair and deceptive acts and practices in the conduct of trade and commerce and violates Massachusetts General Laws Chapter 93A. Accordingly, Plaintiff seeks, on behalf of herself and other Massachusetts consumers, to recover damages, including statutory and multiple damages, interest, attorneys’ fees, costs, and any and all other relief permitted by law.

Parties

8. Plaintiff Margaret Lee is a resident of Brookline, Massachusetts.

9. Defendant ConAgra is a Delaware corporation with its principal place of business in Chicago, Illinois.

10. Defendant Roche Bros. Supermarkets, Inc. is a Massachusetts corporation with its principal place of business in Wellesley, Massachusetts.

11. Defendant Roche Bros. Inc. is a Massachusetts corporation with its principal place of business in Wellesley, Massachusetts.

12. Defendant Roche Bros. Supermarkets, LLC is a Delaware corporation with its principal place of business in Wellesley, Massachusetts.

13. Collectively, Defendants Roche Bros. Supermarkets, Inc., Roche Bros. Inc. and Roche Bros. Supermarkets, LLC are referred to as “Roche Bros.” Roche Bros. operates 20 stores.

14. Defendant Stop & Shop is a Delaware corporation with its principal place of business in Quincy, Massachusetts that operates numerous stores throughout New England, including in Massachusetts.

Jurisdiction

15. Defendants have removed this case from the Superior Court for Suffolk County, Commonwealth of Massachusetts on the basis that removal to this Court was proper under the Class Action Fairness Act of 2005. Without admitting or denying the factual predicates of Defendants’ invocation of this Court’s jurisdiction, which includes evidence solely in Defendants’ possession, Plaintiff does not contest the Court’s subject matter jurisdiction over

this action, assuming Defendants' evidence and other representations presented in their notice of removal (Dkt. No. 1) are accurate and true.

Factual Allegations

The Wesson Oils

16. ConAgra is a packaged food company that manufactures and distributes products such as Wesson Oil throughout the United States, including through grocery stores in Massachusetts such as Roche Bros. and Stop & Shop stores.

17. At all relevant times, all bottles of Wesson Oil stated prominently in large print on the front of the label, as well as on the back of the label, that they were "Pure & 100% Natural." There is no qualification on bottles of Wesson Oil to the claim that Wesson Oil is "Pure & 100% Natural," and there is no indication on the bottles that Wesson Oil contains any GMOs. A picture of one of the bottles purchased by Plaintiff is on the following page.



18. ConAgra systematically labels and markets every bottle of Wesson Oil as “Pure & 100% Natural” in product packaging, print advertisements, in television commercials, and on the Wesson Oil website (www.wessonoil.com). That is, the “Pure & 100% Natural” labeling is part of a broad, pervasive marketing scheme that is directed to all consumers, without limitation as to geography or the location of the advertisement or sale of Wesson Oils.

19. Roche Bros. and Stop & Shop sell bottles of Wesson Oil bearing the “Pure & 100% Natural” labels in their stores.

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