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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

_____ X
JESSICA BARTON, individually on :
behalf of herself and all others similarly :
situated, :
 : Case No.
 :
Plaintiff, :
 :
 :
v. :
 :
 :
PRET A MANGER (USA) LIMITED, :
 :
Defendant. :
_____ X

Case No.

**CLASS ACTION
COMPLAINT**

JURY TRIAL DEMANDED

Plaintiff, Jessica Barton (hereinafter “Plaintiff”), individually and on behalf of all others similarly situated, by her attorneys, alleges the following upon information and belief, except for those allegations pertaining to Plaintiff, which are based on personal knowledge:

NATURE OF THE ACTION

1. This action seeks to remedy the deceptive and misleading business practices of Pret A Manger (USA) Limited (hereinafter “Defendant” or “Pret A Manger”) with respect to the marketing and sales of Pret A Manger food products (hereinafter the “Products¹”) throughout the State of New York and throughout the country:

2. Defendant manufactures, sells, and distributes the Products using a marketing and advertising campaign centered around claims that appeal to health-conscious consumers, i.e., that its Products are "Natural." However, Defendant’s advertising and marketing campaign is false, deceptive, and misleading because the Products contain soya, a genetically modified organism (“GMO”) as well as numerous other synthetic ingredients.²

3. Plaintiff and those similarly situated (“Class Members”) relied on Defendant’s misrepresentations that the Products are "Natural" when purchasing the Products. Plaintiff and Class Members paid a premium for the Products over and above comparable products that did not purport to be "Natural." Given that Plaintiff and Class Members paid a premium for the

¹ The Products which Defendant deceptively advertises and labels include the following: Pret Salt & Vinegar Chips, Pret BBQ Chips, Pure Pret Ginger Beer, Pret Cheddar and Tomato Sandwich, Pret Balsamic Chicken & Avocado Sandwich, Pret California Club Sandwich, Pret Chicken & Bacon Sandwich, Pret Egg Salad & Arugula Sandwich, Pret Tuna Salad sandwich, Pret Turkey & Pesto Sandwich, Pret Chicken Caesar & Bacon on Artisan Sandwich, Pret Ham & Cheese Sandwich, Pret Bang Chicken Wrap, Pret Chicken Bacon & Ranch Wrap, Pret Chef’s Salad, Pret Chicken Caesar Salad, Pret’s Cuban Sandwich, Pret’s BBQ Pulled Pork Hot Wrap, Pret’s ham & Cheddar Grilled Cheese, Pret’s Blueberry Muffin, Pret’s Carrot Cake Cookie, Pret’s Chocolate Brownie Cookie, Pret’s Chocolate Chunk Cookie, Pret’s Chocolate Hazelnut Croissant, Pret’s Energy Bagel, and Pret’s Pan Au Chocolate.

² Defendant may discontinue offering some products and regularly introduce new products that are also falsely marketed and advertised as “Natural.” Defendant may also market and sell substantially similar products of which

Products based on Defendant's misrepresentations that they are "Natural," Plaintiff and Class Members suffered an injury in the amount of the premium paid.

4. Defendant's conduct violated and continues to violate, *inter alia*, New York General Business Law §§ 349 and 350, the consumer protection statutes of all 50 states, and the Magnuson-Moss Warranty Act. Defendant breached and continues to breach its express warranties regarding the Products. Defendant has been and continues to be unjustly enriched. Accordingly, Plaintiff brings this action against Defendant on behalf of herself and Class Members who purchased the Products during the applicable statute of limitations period (the "Class Period").

FACTUAL BACKGROUND

5. Consumers have become increasingly concerned about the effects of synthetic and chemical ingredients in food, cleaning products, bath and beauty products and everyday household products. Companies such as Defendant have capitalized on consumers' desires for purportedly "natural products." Indeed, consumers are willing to pay, and have paid, a premium for products branded "natural" over products that contain synthetic ingredients. In 2015, sales of natural products grew 9.5% to \$180 billion.³ Reasonable consumers, including Plaintiff and Class Members, value natural products for important reasons, including the belief that they are safer and healthier than alternative products that are not represented as natural.

³ *Natural Products Industry Sales up 9.5% to \$180bn Says NBJ*, FOOD NAVIGATOR, [http://www.foodnavigator-usa.com/Markets/EXPO-WEST-trendspotting-organics-natural-claims/\(page\)/6](http://www.foodnavigator-usa.com/Markets/EXPO-WEST-trendspotting-organics-natural-claims/(page)/6); see also Shoshanna Delventhal, *Study Shows Surge in Demand for "Natural" Products*, INVESTOPEDIA (February 22, 2017), <http://www.investopedia.com/articles/investing/022217/study-shows-surge-demand-natural-products.asp> (Study by Kline Research indicated that in 2016, the personal care market reached 9% growth in the U.S. and 8% in the U.K. The trend-driven natural and organic personal care industry is on track to be worth \$25.1 billion by 2025); *Natural living: The next frontier for*

Defendant Deceptively Markets and Advertises the Products as “Natural”

6. Pret A Manger’s logo during the Class Period – which appears throughout retail outlets and was prevalently featured on the company’s advertisements, and, including but not limited to, signage, employee uniforms, cups, napkins, product packaging, and takeaway bags – contains the representation that it sells “Natural Food.”





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