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**Attorneys for the Plaintiffs**

**UNITED STATES DISTRICT COURT**

**FOR THE NORTHERN DISTRICT OF CALIFORNIA**

PAMELA CAUDLE, individually and  
on behalf of all others similarly situated,

Plaintiff,

v.

GEL SPICE CO., INC.; BIG LOTS  
STORES, INC.; GROCERY OUTLET,  
INC.; and DOES 1-10;

Defendants.

Civil Action No.

**CLASS ACTION COMPLAINT**

**JURY TRIAL DEMANDED**

1 Plaintiff Pamela Caudle, individually and on behalf of all others similarly situated,  
2 by and through her counsel, bring this complaint against Defendants Gel Spice Co., Inc.;  
3 Big Lots Stores, Inc.; Grocery Outlet, Inc.; and Doe Defendants 1-10, and allege, upon  
4 personal knowledge as to her own actions and information and belief as to all other  
5 matters, as follows:  
6

7  
8 **INTRODUCTION**  
9

10 1. Defendant Gel Spice Co., Inc. (“Gel Spice”) is a leading importer and  
11 custom manufacturer of food service products, including spices, herbs, seeds, seasoning  
12 and baking ingredients. Gel Spice promises consumers on its website that it provides its  
13 customers with “quality products;” that it “maintains an in-house lab for pathogen testing  
14 to ensure safe and superior products;” and that it employs “quality assurance programs”  
15 throughout its facilities. Gel Spice, however, has broken that promise and repeatedly  
16 violated federal and state law by selling one of its spices, turmeric, containing toxic levels  
17 of lead, resulting in a recall of several of its turmeric brands.<sup>1</sup>  
18  
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21 2. Defendant Big Lots Stores, Inc. (“Big Lots”) rebranded the adulterated  
22 turmeric products containing lead with its own brand name, Fresh Finds Ground  
23 Turmeric Powder (“Fresh Finds”) and sold that contaminated product to customers at its  
24

25  
26 <sup>1</sup> <http://www.fda.gov/Safety/Recalls/ucm513844.htm>;  
27 <http://www.fda.gov/Safety/Recalls/ucm515328.htm>

1 stores nationwide.<sup>2</sup> Defendant Grocery Outlet, Inc. (“Grocery Outlet”) also sold Gel  
2 Spice’s adulterated, lead-containing turmeric to California consumers.

3 3. Gel Spice first recalled Fresh Finds, on July 17, 2016 after elevated levels of  
4 lead were found in it during a routine inspection by New York state authorities.  
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25 <sup>2</sup> Gel Spice, Big Lots, and Grocery Outlet are collectively referred to hereinafter  
26 “Defendants.”  
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4. It then expanded the recall on August 16, 2016, to include the following additional lead-containing turmeric products (collectively, the “Turmeric Products”):

Spice Select/8 oz	03/18/19	076114007730
Market Pantry/0.95 oz	05APR2019	085239211038
Gel/15 oz	04/18/19	076114800867
Gel/15 oz	05/16/19	076114800867

1	Clear Value /0.75oz	04/27/19	036800354920
2	Lieber's/2 oz	05/13/19	043427006361
3	Lieber's/2 oz	05/13/19	043427006361
4	Spice Supreme/2 oz	05/17/19	076114364628
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5. Plaintiff is a consumer who purchased Defendants' Turmeric Products, including the following, believing Defendants' assurances of quality:





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14 Plaintiff would not have purchased Defendants' Turmeric Products had Defendants  
15 disclosed at the point of sale that they contained dangerous, toxic levels of lead which  
16 posed serious health risks.

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18  
19 6. Plaintiff brings this suit on behalf of herself and a class of similarly situated  
20 consumers. She asserts that Defendants have violated established state consumer  
21 protection laws and breached product warranties, to the detriment of consumers. Plaintiff  
22 seeks damages and equitable relief on behalf of herself and the proposed class.  
23

24  
25 **JURISDICTION AND VENUE**

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27 7. This Court has jurisdiction over this action under the Class Action Fairness  
28

1 Act, 28 U.S.C. § 1332(d). There are at least 100 members in the proposed class, the  
2 aggregate claims of the individual class members exceed the sum or value of \$5,000,000,  
3 exclusive of interest and costs, and this is a class action in which Plaintiff is a citizen of a  
4 different state than at least one of the Defendants..  
5

6 8. This Court may exercise jurisdiction over Defendants because each is  
7 registered to conduct business in California; has sufficient minimum contacts with  
8 California; and intentionally avails themselves of the markets within California  
9 through the promotion, sale, marketing, and distribution of their products, such that the  
10 exercise of jurisdiction by this Court is both proper and necessary.  
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12

13 9. Venue is proper in this District under 28 U.S.C. § 1391 because a substantial  
14 part of the events or omissions giving rise to Plaintiff's claims occurred in this District.  
15  
16

17 **PLAINTIFFS**

18 10. Plaintiff Pamela Caudle resides in San Francisco, California. She purchased  
19 Gel Spice Gel and/or Spice Supreme brand turmeric at the Big Lots store located at 3333  
20 Mission Street in San Francisco, California, and the Grocery Outlet store located at 1390  
21 Silver Avenue in San Francisco, California, within the past two years, approximately. At  
22 the time Plaintiff made these purchases, she was never advised about the lead in the  
23 product. If she had been so advised, she would not have purchased it because of the  
24 safety issues involved. She did not receive the benefit of the bargain in that she bought a  
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1 product that she would not have otherwise because it was defective at the point of sale.

2  
3 **DEFENDANTS**

4 11. Defendant Gel Spice Co., Inc., is a New Jersey corporation with its  
5 headquarters and principal place of business in Bayonne, New Jersey.  
6

7  
8 12. Defendant Big Lots Stores, Inc. (“Big Lots”) is an Ohio corporation with its  
9 headquarters and principal place of business in Columbus, Ohio.

10  
11 13. Defendant Grocery Outlet, Inc., (“Grocery Outlet”) is a California  
12 corporation with its headquarters and principal place of business in Emeryville,  
13 California.  
14

15 14. The true names and capacities, whether individual, corporate, associate, or  
16 otherwise, of Doe Defendants 1 through 10, inclusive, are unknown to Plaintiff at this  
17 time, and Plaintiff therefore sues said Defendants by such fictitious names. When the true  
18 names and capacities of said Defendants have been ascertained, Plaintiff will seek leave  
19 to amend this complaint accordingly. Plaintiff is informed and believes and thereon  
20 alleges that: (a) each defendant designated herein as a Doe is responsible, in some  
21 actionable manner, for the events and happenings hereinafter referred to, and has caused  
22 injuries and damages proximately thereby to Plaintiff, as hereinafter alleged; and (b) each  
23 defendant designated herein as a Doe is either a resident of California or does business in  
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1 California of such nature and/or quantity as to render said defendant subject to the  
2 jurisdiction of the State of California in this civil action.

3  
4 **FACTUAL ALLEGATIONS**

5  
6 Turmeric

7  
8 15. Turmeric is a root and member of the ginger family (*curcuma longa*). It is  
9 widely used as a food coloring and flavoring agent, and is also sometimes used as an  
10 ingredient in curry powder, as well as in mustard and as a coloring for butter and cheese.  
11 Turmeric is a powerful antioxidant and has been historically used as a treatment for a  
12 variety of medical conditions. The market for turmeric-based supplements in the United  
13 States has continued to grow in the past decade. India has been the dominant source of  
14 turmeric supply to the United States, imports of which have tripled since 2008.<sup>3</sup>  
15  
16

17  
18 Lead

19 16. Pursuant to the federal Food, Drug, and Cosmetic Act (21 U.S.C  
20 §342(a)(1)), adulterated food is defined as one that bears or contains any poisonous or  
21 deleterious substance which may render it injurious to health. Turmeric is labeled a food  
22 pursuant to 21 CFR §182.10 (spices and other natural seasonings and flavorings).  
23  
24

25 17. “Lead is a naturally occurring element whose toxicity in humans has been  
26

27 <sup>3</sup> <http://www.fnbnews.com/Spices>



1 documented throughout history. Lead is widely present in our environment due to its  
2 natural occurrence and human activities that have introduced it into the general  
3 environment such as the use of leaded gasoline. Because lead may be present in  
4 environments where food crops are grown and animals used for food are raised, various  
5 foods may contain unavoidable but small amounts of lead that do not pose a significant  
6 risk to human health. However, foods may become contaminated with lead if they are  
7 grown, stored or processed under conditions that could introduce larger amounts of lead  
8 into the food, such as when a root crop is grown in soil that has been contaminated from  
9 the past use of leaded pesticides on that acreage. Under such conditions, the resulting  
10 contamination of the food may pose a health risk to consumers.”<sup>4</sup>  
11  
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14  
15 18. California has expressly adopted or incorporated a general prohibition  
16 against the sale of food which is adulterated in its own analog of the Food, Drug, and  
17 Cosmetic Act, the Sherman Food, Drug, and Cosmetics Act, Cal. Health & Safety Code §  
18 109875, *et seq.*  
19

20  
21 19. Additionally, lead is classified as a chemical “known to the State [of  
22 California] to cause cancer or reproductive toxicity,” and is included on California’s  
23 current Proposition 65 list. See <http://oehha.ca.gov/media/downloads/proposition->  
24

25  
26 \_\_\_\_\_  
<sup>4</sup> <http://www.fda.gov/Food/FoodborneIllnessContaminants/Metals/ucm172050.htm>  
27  
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1 [65//p65single10212016.pdf](#) at p. 12.

2  
3 Defendants

4 20. Gel Spice has been a family-owned and operated business since 1955,  
5 headquartered in New Jersey. Initially it was incorporated in New York, but it re-  
6 incorporated in New Jersey in 1997. According to its website, its manufacturing and  
7 warehouse operation are housed in a half-million square foot facility with additional  
8 space for “on-hand” raw materials. Gel Spice promotes itself as the “strategic partner of  
9 choice in the industry” and aims to “offer a superb, worry-free procurement process and  
10 on-time delivery.” While claiming to “ensure safe and superior products,” Gel Spice touts  
11 its “quality assurance programs” and conducts third party and customer audits with  
12 “superior ratings.”  
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17 21. As of September 21, 2016, Gel Spice had \$130,000,000 in annual sales of its  
18 spices sold under Gel Spice proprietary names and under third-party names in retail  
19 stores and in franchise stores located across the United States.  
20

21 22. Defendant Big Lots distributed the adulterated turmeric products containing  
22 lead, labeled “Fresh Finds Ground Turmeric” at its stores nationwide. Big Lots offers  
23 brand-name merchandise priced 20 to 40 percent below most discount retailers and up to  
24 70 percent below traditional retailers. Big Lots employs over 35,000 associates across the  
25 U.S. and operates approximately 1,400 stores in 47 states. Big Lots is traded on the New  
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28

1 York Stock Exchange under the symbol BIG.

2  
3 23. Defendant Grocery Outlet distributed the adulterated turmeric products  
4 containing lead at its stores in California.

5  
6 Turmeric Recall

7  
8 24. During routine sampling by the New York State Department of Agriculture  
9 and Markets, the New York State Food Laboratory found through an analysis of one of  
10 Gel Spice's turmeric products sold at Big Lots that it contained elevated levels of lead,  
11 leading to a recall of the product. The laboratory labeled that recall as one associated with  
12 a significant risk to public health (a Class 1 recall) which was thereafter expanded to  
13 include the additional Turmeric Products itemized above.  
14

15  
16 **CLASS ACTION ALLEGATIONS**

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18 25. Pursuant to Rule 23 of the Federal Rules of Civil Procedure, Plaintiff brings  
19 this action on behalf of herself and proposed class ("Class") initially defined as:

20  
21 All persons in California who purchased Gel Spice Turmeric Products branded  
22 Fresh Finds Ground Turmeric, 3.75 oz., Universal Product Code ("UPC") 81026-01230;  
23 Spice Select, 8 oz., UPC code 076114007730; Market Pantry, 0.95 oz., UPC code  
24 085239211038; Gel, 15 oz., UPC code 076114890867; Clear Value, 0.75 oz., UPC code  
25 036800354920; Lieber's, 2 oz., UPC code 043427006361; or Spice Supreme, 2 oz., UPC  
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1 code 076114364628 other than for purposes of resale.

2  
3 26. Excluded from the proposed Class are Defendants, any parent, affiliate, or  
4 subsidiary of Defendants; any entity in which Defendants have a controlling interest; any  
5 of Defendants' officers or directors; any successor or assign of Defendant; anyone  
6 employed by counsel for Plaintiffs; any Judge to whom this case is assigned, his or her  
7 spouse, and all persons within a third degree of relationship to either of them.  
8

9  
10 27. Numerosity – Fed. R. Civ. P. 23(a)(1). The members of the Class are so  
11 numerous that joinder of all members is impracticable. While the exact number of class  
12 members is unknown to Plaintiff at the present time and can only be ascertained through  
13 appropriate discovery, Plaintiff believes that there are thousands of class members  
14 located throughout California. It would be impracticable to join the class members  
15 individually. These members are readily ascertainable, including through sales receipts.  
16  
17

18 28. Existence and Predominance of Common Questions—Fed. R. Civ. P.  
19 23(a)(2), 23(b)(3). Common questions of law and fact exist as to all class members and  
20 predominate over questions affecting only individual class members. These common  
21 questions include whether:  
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- 23  
24 a. Defendants sold Turmeric Products containing lead;  
25 b. Defendants represented that their Turmeric Products were safe and  
26 superior;  
27



- 1 c. Defendants representations regarding the safety and superiority of  
2 their Turmeric Products were otherwise false or deceptive;
- 3 d. Defendants knew, or in the exercise of reasonable diligence should  
4 have known, that their representations regarding the safety and  
5 superiority of their Turmeric Products were false or deceptive;
- 6 e. Defendants representations regarding the safety and superiority of  
7 their Turmeric Products would deceive a reasonable consumer;
- 8 f. Defendants representations regarding the safety and superiority of  
9 their Turmeric Products constitute unfair, deceptive, untrue, or  
10 misleading advertising;
- 11 g. Defendants violated the consumer protection laws of California;
- 12 h. Defendants violated California’s Sherman Food, Drug, and Cosmetics  
13 Act, Cal. Health & Safety Code § 109875, *et seq.* by selling Turmeric  
14 Products adulterated with dangerous levels of lead;
- 15 i. Defendants’ conduct described above caused Plaintiff and class  
16 members to suffer injury, and they therefore may recover damages, or  
17 other legal and equitable relief, and an award of attorneys’ fees, costs,  
18 and expenses.

19 29. Typicality – Fed. R. Civ. P. 23(a)(3). Plaintiff’s claims are typical of the  
20 claims of the Class because, among other things, she purchased Defendants’ Turmeric  
21 Products contaminated with lead due to Defendants’ representations and lost money as a  
22 result.  
23

24  
25 30. Adequacy of Representation – Fed. R. Civ. P. 23(a)(4). Plaintiff is an  
26 adequate representative because her interests are aligned with those of the class members  
27

1 she seeks to represent. Plaintiff has retained counsel competent and experienced in  
2 complex class action litigation, and Plaintiff intends to prosecute this action vigorously  
3 on class members' behalf.  
4

5 31. Superiority – Fed. R. Civ. P. 23(b)(3). The action may be certified under  
6 Rule 23(b)(3) because common questions predominate as described above and because a  
7 class action is the best available method for the fair and efficient adjudication of this  
8 controversy. This litigation involves technical issues and targeted discovery of  
9 sophisticated defendants, and could not practically be taken on by individual litigants. In  
10 addition, individual litigation of class members' claims would be impracticable and  
11 unduly burdensome to the court system and has the potential to lead to inconsistent  
12 results. A class action presents fewer management problems and provides the benefits of  
13 a single adjudication, economies of scale, and comprehensive supervision by a single  
14 court.  
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19 32. In the alternative to class certification under Rule 23(b)(3), the proposed  
20 Class may be certified under 23(b)(2) because Defendants have acted or refused to act on  
21 grounds generally applicable to the class, thereby making final injunctive relief or  
22 corresponding declaratory relief appropriate with respect to the class.  
23  
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25 ///

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**FIRST CAUSE OF ACTION**

**VIOLATIONS OF THE MAGNUSON-MOSS WARRANTY ACT (“MMWA”),  
15 U.S.C. § 2301, *ET SEQ.*, FOR BREACH OF IMPLIED WARRANTIES  
(PLAINTIFF, INDIVIDUALLY AND ON BEHALF OF THE CLASS)**

33. Plaintiff, on behalf of herself and the proposed Class, repeats and realleges the allegations contained in the paragraphs above, as if fully set forth herein.

34. Defendants’ Turmeric Products are consumer products as defined in 15 U.S.C. § 2301(1).

35. Plaintiff and the Class are “consumers” as defined in 15 U.S.C. § 2301(3). They are consumers because they are persons entitled under applicable state law to enforce against the warrantor the obligations of their express and implied warranties.

36. Defendants are “suppliers” and “warrantors” as defined in 15 U.S.C. §§ 2301(4) and (5).

37. Under 15 U.S.C. § 2310(d)(1), the MMWA provides a cause of action for any consumer who is damaged by the failure of a warrantor to comply with an implied warranty.

38. In connection with their sale of their Turmeric Products, Defendants gave an implied warranty of merchantability as defined in 15 U.S.C. § 2301(7). Specifically,

1 Defendants warranted that their Turmeric Products were fit for their ordinary purpose and  
2 would pass without objection in the trade.

3  
4 39. Defendants breached the implied warranty of merchantability and thereby  
5 violated the MMWA by selling Turmeric Products containing lead to their customers,  
6 including Plaintiffs and statewide class members, endangering their health thereby.  
7

8  
9 40. Defendants' breach of warranty has deprived Plaintiff and the Class of the  
10 benefit of their bargain.

11  
12 41. As a direct and proximate result of Defendants' conduct, Plaintiff and the  
13 Class have suffered damages and continue to suffer damages and other losses in an  
14 amount to be determined at trial.

15  
16 42. Plaintiff and each of the class members have had sufficient direct dealings  
17 with either defendants or their agents to establish privity of contract between Defendants,  
18 Plaintiff and each of the class members. Nonetheless, privity is not required here because  
19 Plaintiff and each of the class members are intended third-party beneficiaries of contracts  
20 between Defendants and their third-party manufacturers, and specifically, of Defendants'  
21 implied warranties. Defendants' warranty agreements were designed for and intended to  
22 benefit the Class.  
23  
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25  
26 43. Privity also is not required because the Turmeric Products are dangerous  
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1 instrumentalities due to the defect and nonconformities outlined herein.

2  
3 44. Defendants were afforded a reasonable opportunity to cure their class-wide  
4 breach pursuant to 15 U.S.C. § 2310 after the recall of the adulterated products and have  
5 made no effort to cure their breach with consumers.

6  
7 45. Plaintiff and the class members have been damaged by Defendants' breach  
8 of the implied warranty of merchantability and therefore seek damages, or other legal and  
9 equitable relief, and an award of attorneys' fees, costs, and expenses.  
10

11  
12 **SECOND CAUSE OF ACTION**

13 **BREACH OF IMPLIED WARRANTIES**

14 **(PLAINTIFF, INDIVIDUALLY AND ON BEHALF OF THE CLASS)**

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16 46. Plaintiff, on behalf of herself and the proposed Class, repeats and realleges  
17 the allegations contained in the paragraphs above, as if fully set forth herein.  
18

19 47. Defendants are in the business of selling Turmeric Products to consumers  
20 such as Plaintiff and members of the Class, including, but not limited to, Turmeric  
21 Products containing lead of the kind sold to Plaintiff and members of the Class.  
22

23  
24 48. Plaintiff and members of the Class purchased one of more Turmeric  
25 Products containing lead.  
26



1 55. Defendants breached the implied warranties, because the products were  
2 defective, could not deliver on the advertised claims, would not pass without objection in  
3 the trade, and were not fit for ordinary purposes.  
4

5 56. As a direct and proximate result of the breach of implied warranties, Plaintiff  
6 and the members of the Class suffered and/or will continue to be harmed and suffer  
7 economic loss.  
8

9  
10 57. Defendants' conduct breached their implied warranties regarding their  
11 products under Cal. Com. Code § 2314 and § 2315.  
12

13 58. Defendants received notice of these issues by the investigations of the New  
14 York State Department of Agriculture and Markets, the New York State Food  
15 Laboratory, the Food and Drug Administration and through the instant Complaint.  
16

17 59. As a direct and proximate result of the foregoing acts and/or omissions,  
18 Plaintiff and the class members have suffered damages, and are entitled to compensatory  
19 damages, costs and reasonable attorneys' fees.  
20

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**THIRD CAUSE OF ACTION**

**VIOLATIONS OF CALIFORNIA’S UNFAIR COMPETITION LAW,**

**CAL. BUS. & PROF. CODE § 17200, *ET SEQ.***

**(PLAINTIFF, INDIVIDUALLY**

**AND ON BEHALF OF THE CLASS)**

60. Plaintiff repeats and realleges the allegations contained in the paragraphs above, as if fully set forth herein.

61. The Unfair Competition Law, California Bus. & Prof. Code § 17200, *et seq.* (the “UCL”), prohibits any “unlawful,” “unfair,” or “fraudulent” business acts or practices and any false or misleading advertising. Defendants have violated and continue to violate the UCL.

62. Defendants’ acts or practices also constitute unlawful business practices in that they violate the Food, Drug, and Cosmetic Act (21 U.S.C §342(a)(1); the Sherman Food, Drug, and Cosmetic Law, Cal. Health 7 Safety Code § 109875, *et seq.*; Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986, Cal. Health & Safety Code §§ 25249.5, *et seq.*; the Song-Beverly Consumer Warranty Act, Cal. Civ. Code § 1790, *et seq.*; and other applicable federal laws and regulations.

63. Plaintiff, individually and on behalf of the other members of the California Class, reserves the right to allege other violations of law which constitute other unlawful

1 business acts or practices. Such violative conduct is ongoing and continues to this date.

2  
3 64. Defendants' acts and practices constitute "unlawful" business practices  
4 because, as alleged above, Defendants' Turmeric Products contain lead, an adulterant in  
5 violation of California state and federal law; Defendants engage in, *inter alia*, deceptive  
6 and false advertising, and misrepresents and omits material facts regarding their Turmeric  
7 Products, claiming they are safe and superior, when they in fact are injurious to health,  
8 and thereby violate established public policy, and engage in immoral, unethical,  
9 oppressive, or unscrupulous activities that are substantially injurious to consumers like  
10 Plaintiff and other members of the California Class. This conduct constitutes violations of  
11 the "unlawful" prong of the UCL.  
12  
13

14  
15 65. Defendants' acts and practices also constitute fraudulent practices in that  
16 they are false, misleading, and likely to deceive reasonable consumers like Plaintiff, and  
17 other members of the Class. Defendants falsely represented that their Turmeric Products  
18 were safe and superior, when in fact they contained a toxic substance, lead. A reasonable  
19 consumer would not have purchased the affected Turmeric Products from Defendants if  
20 they had been aware of this fact.  
21  
22

23  
24 66. Defendants' fraudulent acts and practices also constitute "unlawful"  
25 business practices in that:  
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- 1 a. The legitimate utility of Defendants' conduct is outweighed by the  
2 harm to Plaintiff and other members of the -Class;
- 3 b. Defendants' conduct is immoral, unethical, oppressive, or  
4 unscrupulous activities that are substantially injurious to consumers  
5 like Plaintiff, and other members of the Class;
- 6 c. Defendants' conduct violates the policies underlying the the Food,  
7 Drug, and Cosmetic Act (21 U.S.C §342(a)(1); the Sherman Food,  
8 Drug, and Cosmetic Law, Cal. Health 7 Safety Code § 109875, *et*  
9 *seq.*; Proposition 65, The Safe Drinking Water and Toxic  
10 Enforcement Act of 1986, Cal. Health & Safety Code §§ 25249.5,  
11 *et seq.*; the Song-Beverly Consumer Warranty Act, Cal. Civ. Code §  
12 1790, *et seq.*; and other applicable state and federal laws and  
13 regulations.

14 67. There were reasonably available alternatives to further Defendants'  
15 legitimate business interests, other than the conduct described herein.  
16

17 68. As a direct and proximate result of Defendants' unlawful, unfair, and  
18 fraudulent business practices as alleged above, Plaintiff and the California Class have  
19 suffered injury in fact and lost money or property, because they purchased and paid for  
20 Turmeric Products from Defendants that they otherwise would not have, or would not  
21 have paid as much for them as they did. Meanwhile, Defendants have generated more  
22 revenue than it otherwise would have and charged inflated prices for their products,  
23 unjustly enriching themselves.  
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1 existence and cause of the Turmeric Products' noncompliance with  
2 federal and state law and subsequent health hazards;

3 f. Award reasonable attorneys' fees and costs; and

4 g. Grant such further relief that this Court deems appropriate.

5  
6 Dated: December 14, 2016

7 Respectfully submitted,

8 /s/ Deborah Rosenthal

9 Deborah Rosenthal

10 Paul J. Hanly, Jr. (*pro hac vice* to be  
submitted)

11 Mitchell M. Breit (*pro hac vice* to be  
submitted)

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22 **Attorneys for the Plaintiffs**

**DEMAND FOR JURY TRIAL**

Plaintiffs hereby demand a trial by jury of all issues herein so triable.

Dated: December 14, 2016

Respectfully submitted,

/s/ Deborah Rosenthal

Deborah Rosenthal

Paul J. Hanly, Jr. (*pro hac vice* to be submitted)

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