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11 PARAS BENGCO and ANN MARIE COTE

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

13 **FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

14 **BC 576522**

15 PARAS BENGCO and ANN MARIE COTE,
16 individually and as Successors in Interest to
Decedent MILES BENGCO's Interest in this
Action,

17 Plaintiffs,

18 -vs.-

19
20 QUORN FOODS, INC., a Delaware
corporation; SPROUTS FARMERS
21 MARKETS, LLC, an Arizona corporation;
SUNFLOWER FARMERS MARKETS, LLC, a
22 Delaware corporation; HOWELL MOUNTAIN
DISTRIBUTORS, INC., a California
23 corporation, and; DOES 1 through 10,
24 Inclusive,

25 Defendants.

Case No.:

**COMPLAINT FOR DAMAGES FOR
WRONGFUL DEATH:**

- (1) STRICT PRODUCT LIABILITY
DESIGN DEFECT;
(2) STRICT PRODUCT LIABILITY
FAILURE TO WARN;
(3) FALSE AND MISLEADING
ADVERTISING IN VIOLATION OF
BUSINESS & PROFESSIONS CODE
§17200, et seq. (Unfair and Fraudulent
Conduct Prongs of the Act);
(4) FALSE AND MISLEADING
ADVERTISING IN VIOLATION OF
BUSINESS & PROFESSIONS CODE
§17500, et seq.;

DEMAND FOR TRIAL BY JURY

26
27 ///

1 Plaintiffs, PARAS BENGCO and ANN MARIE COTE, (hereinafter collectively referred to
2 as "Plaintiffs") hereby request a jury trial and allege based upon information and belief as follows:

3 **GENERAL ALLEGATIONS**

4 1. At all times herein mentioned plaintiff Paras Bengco was an individual over the age of
5 majority and a citizen and resident of the City of Long Beach, County of Los Angeles, California,
6 and was the biological father of the decedent, Miles Bengco, a minor.

7
8 2. At all times herein mentioned plaintiff Ann Marie Cote was an individual over the age
9 of majority and a citizen and resident of the City of Los Alamitos, County of Orange, California,
10 and was the biological mother of the decedent, Miles Bengco, a minor.

11 3. Plaintiffs are the only surviving heirs of the decedent and bring this action as a wrongful
12 death action, pursuant to Code of Civil Procedure section 377.60, and as a survival action, as the
13 successors in interest of the decedent, pursuant to Code of Civil Procedure section 377.30.

14
15 4. At all times herein mentioned defendant Quorn Foods, Inc. ("Quorn Foods") was and
16 still is a corporation duly organized and existing under the laws of the State of Delaware, with its
17 headquarters and principal place of doing business at 12 Avery Place, Westport, Connecticut
18 06880.

19 5. At all times herein mentioned defendant Quorn Foods has systematically done business
20 in the County of Los Angeles, State of California, through its relationships with retailers of its food
21 products and through other actions.

22
23 6. At all times herein mentioned defendant Sprouts Farmers Markets, LLC ("Sprouts")
24 was a corporation duly organized and existing under the laws of the State of Arizona, with its
25 headquarters and principal place of doing business at 11811 No Tatum Blvd #2400, Phoenix,
26 Arizona 85028.

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28

1 7. At all times herein mentioned defendant Sprouts has systematically done business in the
2 County of Los Angeles, State of California, through vending food products and other items at its
3 stores and through other actions.

4 8. At all times herein mentioned defendant Sunflower Farmers Markets, LLC
5 (“Sunflower”) was and is a corporation duly organized and existing under the laws of the State of
6 Delaware, with its headquarters and principal place of doing business at 11811 No Tatum Blvd
7 #2400, Phoenix, Arizona 85028.
8

9 9. At all times herein mentioned defendant Sunflower has systematically done business in
10 the County of Los Angeles, State of California, through vending food products and other items at
11 its stores and through other actions.

12 10. At all times herein mentioned defendant Howell Mountain Distributors, Inc. (“Howell”)
13 was a corporation duly organized and existing under the laws of the State of California, with its
14 headquarters and principal place of doing business at 5108 Silverndo Trail, Napa, California
15 94558.
16

17 11. At all times herein mentioned defendant Howell has systematically done business in the
18 County of Los Angeles, State of California, vending food products and acting as a distributor to
19 stores and through other actions.

20 12. The negligent and tortious conduct, injuries and damages herein complained of occurred
21 within the jurisdictional area of the Los Angeles County Superior Court, in the State of California.
22

23 13. Plaintiffs do not know the true names and capacities of Defendants sued herein as Does
24 1 to 20, inclusive, and therefore sue these Defendants by such fictitious names, and Plaintiffs will
25 amend this Complaint to allege their true names and capacities when ascertained. Plaintiffs are
26 informed and believe and based thereon allege that each of these fictitiously named Defendants is
27 responsible in some manner for the occurrences herein alleged, and that plaintiffs’ injuries,
28

1 damages, and detriments as herein alleged were proximately caused by those defendants.

2 14. The roles, relationships and capacities of the aforesaid individuals with respect to the
3 defendant business entity, whether as owners, officers, directors, partners, joint venturers,
4 employees, agents, representatives, independent contractors, parents, subsidiaries, affiliates,
5 divisions, franchisees, organizational units of any kind, or otherwise, is not known, but plaintiffs
6 are informed and believe and based thereon allege that in doing the acts herein complained of, each
7 herein defendant, including all Doe defendants, was the agent, servant, partner, employee,
8 predecessor, successor, and assignee of all other defendants, and was acting within the course,
9 scope and purpose of their authority as such and with the knowledge, permission and consent of
10 one another.
11

12 15. Whenever in this Complaint it is alleged that Quorn Foods did any act, it is meant that
13 Quorn Foods performed or participated in the act, or its officers, agents, or employees performed or
14 participated in the act, with the actual, vicarious, or imputed authority of Quorn Foods.
15

16 16. The defendants are joint tortfeasors, jointly and severally liable to plaintiffs for their
17 injuries and damages as hereafter described.

18 17. At all relevant times defendant Quorn Foods was engaged in the business of developing,
19 designing, testing, manufacturing, marketing, promoting, advertising, licensing, packaging,
20 labeling, selling and/or introducing into interstate commerce throughout the United States, and in
21 the State of California, either directly or indirectly through third parties, subsidiaries or related
22 entities, a food product under the brand name Quorn.
23

24 The Nature of Quorn

25 18. Quorn is the tradename for a variety of frozen meatless food products made by Quorn
26 Foods' parent company, Marlow Foods Ltd., a wholly owned subsidiary of Exponent Equity, a
27 British entity.
28

1 19. Quorn food products are not traditional or natural food products. Instead, Quorn
2 products are a proprietary, vat-grown, soil fungus, combined with flavorings, binders, and other
3 substances. The primary ingredient in all Quorn products is 'Mycoprotein.' Mycoprotein is the
4 novel term coined by Quorn to describe its vat-grown, soil fungus, food products. More
5 specifically, mycoprotein is produced from the soil mold *fusarium venenatum* (inauspiciously,
6 *venenatum* is Latin for poisonous) a micro-fungus of the genus *Fusarium*.
7

8 20. The mycoprotein end-product is marketed worldwide under the trade name Quorn™,
9 which made its debut in Britain in 1995, and in the United States and other major countries in
10 2002.

11 21. Some people can consume Quorn products safely, but others have dangerous allergic
12 reactions to Quorn products and suffer nausea, vomiting, diarrhea, hives, difficulty breathing,
13 and/or anaphylactic reactions.
14

15 22. Miles Bengco was severely allergic to mold. Despite a review of the Quorn label,
16 Miles' mother, plaintiff Ann Marie Cote, had no clue that she had purchased highly processed
17 mold. On the date of Mrs. Cote's purchase, the term mold did not appear anywhere on the Quorn
18 label. When Miles ate the product, effectively a deadly poison for him, the assimilation of such a
19 great quantity of mold caused him to suffer a severe anaphylactic reaction. All the desperate
20 medical measures undertaken thereafter were unavailing. Neither Miles' family nor his emergency
21 doctors knew or had any reason to suspect that Miles was reacting to his ingestion of a massive
22 amount of mold.
23

24 23. Miles's severe allergic reaction culminated in anaphylactic shock which proved fatal.

25 The Quorn "Turk'y" Burger

26 24. The Quorn product consumed by decedent Miles Bengco was the Quorn Turk'y Burger.
27 At the time of its purchase, the product box contained the following information:
28

1 “Quorn Turk’y Burgers are made with mycoprotein (‘myco’ is Greek for ‘fungi’) and are
2 completely meatless & soy free. There are believed to be over 600,000 varieties of fungi in
3 the world, many of which are among the most sought after foods like varieties of
4 mushrooms, truffles, and morels. For more information on nutritious mycoprotein check out
5 our website above.”

6 Ingredients. Mycoprotein (47%). Wheat Flour, Water, Canola Oil, Wheat Starch, Potato
7 Dextrin, Wheat Gluten. Contains 2% Or Less of Salt, Dextrose, Turbinado Sugar, Spice,
8 Eggs, Rehydrated Egg White, Yeast, Natural Flavors from Non-Meat Sources. Made with
9 natural ingredients.
10

11 Allergic Consumers: This product contains Egg & Wheat ingredients and is made in a
12 facility which processes Milk. Mycoprotein is high in protein and fiber. This may cause
13 intolerance in some people. We do not use any ingredients derived from genetically
14 modified sources.”
15

16 25. The word “mold” nowhere appeared in the above description, although as previously
17 indicated, *fusarium venenatum* is quintessentially a mold. The product is not as it suggests, a
18 variety of mushroom, truffle or morel.

19 26. Quorn Foods’ expedient campaign of calculated omission and deliberate
20 misinformation, knowingly placed the well-being of unsuspecting consumers at the risk of adverse
21 health consequences.
22

23 27. As more fully discussed hereafter, the company engaged in deliberate ‘misbranding’ by
24 means of misidentifying its food product. Commencing with the purposeful omission of material
25 information (namely, that the Quorn product is actually mold) carefully crafted to mislead and
26 deceive:
27

28 a) Conspicuously omitting mold from the ingredients listed despite its status as the

1 products major ingredient;

2 b) Likening Quorn to mushrooms, truffles and morels, thus inviting the erroneous
3 inference that Quorn is just another variety of commonly accepted and even sought
4 after foods;

5 c) Taking care to include and identify substances only appearing in trace amounts;

6 d) Providing an admonition to allergenic consumers wholly devoid of the presence of
7 mold;

8 e) Artfully wording the admonition which leads an affected consumer to believe his
9 or her distress are simply a reaction to the product being "high in protein and fiber";

10
11 28. Quorn Foods' campaign of misinformation was longstanding and pervasive. Quorn
12 products were introduced in the United Kingdom as 'mushroom in origin'. They were introduced
13 in the U.S. as 'mushroom based'. These patently erroneous appellations morphed into the
14 descriptions appearing on the Quorn product purchased by plaintiff Anne Marie Cote.
15

16 Circumstances of the Death of Miles Bengco

17 29. Despite his asthma, Miles Bengco was a healthy 11-year-old boy at the time of his
18 death. At the time of his death Miles had not suffered an asthmatic event in over a year. Miles was
19 physically active and played for a city league basketball team and was not restricted from athletic
20 activities. He did have a severe allergy to mold.
21

22 30. In an effort to diversify her family's diet, Miles' mother, Ann Marie Cote, purchased a
23 Quorn Turk'y Burger at Sprout's Farmer's Market, in Seal Beach, California. Mrs. Cote carefully
24 reviewed the listed ingredients, as she had never previously purchased Quorn products. She
25 purchased the Turk'y product not knowing that the primarily ingredient "mycoprotein" was a mold.
26 Again, at the time of purchase the words 'mycoprotein', 'fungus', 'mushrooms', 'truffels' and
27 'morels' appeared on the Quorn packaging, but the not the word 'mold'.
28

1 31. On June 18th, 2013, Mrs. Cote prepared the Quorn Turk'y Burgers for her family's
2 dinner. Miles ate a single plain Turk'y Burger for dinner while he and his family watched a Lakers'
3 basketball game. While eating dinner, Miles "cleared" his throat several times. After dinner Miles
4 went to his room and within minutes began using his nebulizer (a nebulizer is a drug delivery
5 device used to administer medication in the form of a mist inhaled into the lungs). Miles' brother
6 Timothy heard the nebulizer and went into Miles' room, finding him in severe respiratory distress.
7

8 32. Miles communicated to Timothy to call 911. Timothy yelled to his mother to call 911 as
9 he carried Miles downstairs, then outside to the sidewalk. The family immediately administered an
10 "Epi-Pen" while they waited for the emergency response. An ambulance soon arrived, but the
11 paramedics found that Miles was non-responsive. Miles was transported by ambulance to Los
12 Alamitos Medical Center in critical condition. Miles was subsequently transported to Miller
13 Children's Hospital in Long Beach. He was pronounced dead on Wednesday, June 19, 2013 at
14 11:07 hours. As discussed hereafter, the proximate cause of Miles' death was anaphylactic shock
15 due to ingestion of the mycoprotein (mold) in Quorn's Turk'y burger.
16

17 Legal Cause of the Death of Miles Bengco
18

19 33. The opinions of physicians at the Pulmonary Intensive Care Unit at Miller Children's
20 Hospital are reflected in the hospital's records as follows:

21 "[a]naphylactic shock seems less likely as the patient had no rash, no GI symptoms by
22 history, no obvious angioedema, furthermore the family does not believe patient had eaten
23 anything that had been known to set off his food allergies. Asthma attack seems more likely
24 as patient has recently not been using any of his maintenance asthma medications as well as
25 a history of poorly controlled asthma previously requiring multiple hospital stays as well as
26 intubation."
27
28

1 34. The Deputy Medical Examiner similarly concluded that the cause of death was not
2 anaphylaxis, but instead “asthmatic bronchitis complicated by an acute asthma exacerbation.”

3 35. The foregoing opinions were voiced in reliance upon Miles’ mother’s representation
4 that he had not eaten anything which would have set off an allergic reaction. The family’s belief in
5 turn was based upon the incomplete and deceptive information appearing on the Quorn package.
6 Thus the physicians were deprived of access to the following critically important information:
7

- 8 • Miles had consumed the Quorn meat substitute derived from the soil mold *fusarium*
9 *venenatum*;
- 10 • Miles’ on-set of his significant respiratory distress immediately followed consumption of
11 the Quorn product;
- 12 • Miles had not had any asthmatic events that had required medical care for over a year
13 preceding his death;
- 14 • Miles enjoyed an essentially asymptomatic status prior to the described incident;
- 15 • Miles did not need to use any medications for at least a month preceding the acute episode
16 culminating in his demise.
- 17
- 18

19 36. Lacking such crucial information, Miles’ physicians had no reason to connect his
20 cardiac arrest with the ingestion of his dinner. At that time the hospital records similarly reflected
21 no angioedema nor any rash. Notwithstanding same, his diagnosis was “cardiac arrest, respiratory
22 arrest, anaphylactic shock and bronchospasm.” Hence, neither the physicians at Millers Children’s
23 Hospital nor the Deputy Medical Examiner were in a position to impart fully informed opinions,
24 nor to suspect, that Miles’ respiratory distress had been precipitated by an anaphylactic reaction to
25 the Quorn product. That possibility had been ruled out when Miles’ mother stated with confidence
26 that Miles had not eaten anything to which he was allergic.
27
28

1 37. A medical expert retained by counsel has reviewed the same medical records. Unlike
2 the emergency physicians and medical examiner, said expert possessed information about the
3 produce ingested by Miles. Namely, that Miles had ingested a product which was predominantly
4 mold. The expert has concluded, "With my review of medical records I am confident to a
5 reasonable degree of medical probability that his demise was caused by an acute allergic reaction
6 to the mycoprotein in the 'Turk'y' burger he was eating before he had the acute episode."
7 Additionally, Miles never had a clinical reaction to any of the other potential allergens in the
8 'Turk'y' burger; and was asymptomatic at the time of this event.

9
10 38. Miles Bengco died as a result of his acute allergic reaction to the mycoprotein, mold, in
11 the Quorn Turk'y Burger.
12

13 **FIRST CAUSE OF ACTION**

14 **[Strict Product Liability - Design Defect Against All Defendants]**

15 39. Plaintiffs refer to the allegations contained in Paragraphs 1 through 38, inclusive, of
16 General Allegations and incorporate them herein by this reference as though fully set forth.
17

18 40. Defendants, and each of them, prior to the time that Plaintiffs purchased the Quorn food
19 product, designed, manufactured, constructed, fabricated, tested, inspected, analyzed,
20 recommended, merchandised, marketed, advertised, promoted, sold, prepared and maintained the
21 Quorn food product and its component parts which were intended by Defendants, and each of
22 them, to be used or consumed for all purposes to which such food products are commonly or
23 foreseeably used or consumed.
24

25 41. Defendants, and each of them, knew or should have known, that the Quorn food product
26 was to be purchased and used without prior inspection for defects by the person or persons by
27 whom it was intended to be used or consumed.
28

1 42. Defendants, and each of them, knew or should have known, that said food products
2 were unsafe for their intended and/or foreseeable uses by reason of the defects in their design,
3 ingredients, components, additives, testing, inspection, and fabrication, as set forth herein, so that
4 injuries to users were foreseeable to occur when the aforementioned products were used or
5 consumed in a manner in which they were intended to be used or consumed, or in manners that
6 were foreseeable.
7

8 43. At all times relevant hereto, the Quorn food product referenced above was defectively
9 designed and was in an unsafe condition, including but not limited, to following way: the recipe,
10 ingredients, labels, and packaging were defectively designed, manufactured, assembled and/or
11 supplied such that the product caused the death of Miles Bengco due to severe anaphylactic
12 reaction on June 18th, 2013.
13

14 44. The defective design of the Quorn food product caused it to pose a severe danger to an
15 ordinary consumer, such as Miles Bengco, who would expect or have a right to expect the food
16 product would be properly designed and labeled while it was being used or consumed in an
17 intended or foreseeable manner.
18

19 45. Furthermore, the risk of danger inherent in the design of the ingredients and labels of
20 the product outweighed the benefits of the design. Due to the defective design of the ingredients
21 and labels, the product created a risk of serious injury and/or death. Furthermore, there existed
22 safer alternative designs that were economically feasible for the Defendants. There existed no
23 adverse consequences to the Quorn food product which would result from implementation of an
24 alternate design.
25

26 46. As a direct and legal result of the aforementioned defective product, Defendants, and
27 each of them are strictly liable in tort for the damages sustained by Plaintiffs as set forth
28 hereinbefore.

1 47. Defendants, and each of them, consciously disregarded the rights of others, including
2 but not limited to Miles Bengco and Plaintiffs, in that such Defendants, and each of them,
3 consciously, wantonly, recklessly and/or intentionally designed, manufactured, fabricated,
4 produced, tested or failed to test, inspected or failed to inspect, failed to provide suitable warnings
5 and/or instructions, distributed, advertised and marketed the subject Quorn food products in such a
6 manner that such Defendants, and each of them, knew or should have known, was highly probable
7 that harm would result and that the products were dangerous, hazardous and unsafe for the uses and
8 purposes for which they were designed, marketed, advertised, promoted and recommended.
9

10 **SECOND CAUSE OF ACTION**

11 **(Failure to Warn Against All Defendants)**

12
13 48. Plaintiffs refers to the allegations contained in Paragraphs 1 through 47, inclusive, of
14 General Allegations, and incorporates them by this reference as though fully set forth.

15
16 49. At the aforementioned times in this complaint, when Defendants, and each of them,
17 manufactured, designed, assembled, tested, inspected, maintained, produced, fabricated, analyzed,
18 distributed, prepared, recommended, and promoted the Quorn food products as set forth above, the
19 products were defective as a result of the Defendants' failure to give a clear, specific, and adequate
20 warning by sign, label or otherwise as to the dangers of the food product and its component parts,
21 thereby making the Quorn food products unsafe for their intended purposes.
22

23 50. Plaintiffs' injuries, harm, damage, detriment and losses were the direct and proximate
24 result of the Defendants' failure to warn and Plaintiffs are entitled to damages as described above.

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1 THIRD CAUSE OF ACTION

2 **(False And Misleading Advertising In Violation Of Business & Professions Code §17200, et**
3 **seq. (Unfair and Fraudulent Conduct Prongs of the Act) Against All Defendants)**
4

5 51. Plaintiffs refers to the allegations contained in Paragraphs 1 through 50, inclusive, of
6 General Allegations, and incorporates them by this reference as though fully set forth.

7 52. Business and Professions Code § 17200, et seq., prohibits any “unfair, deceptive, untrue
8 or misleading advertising.” For the reasons discussed above, Defendant has engaged in unfair,
9 untrue and misleading advertising in violation of Business and Professions Code § 17200.
10

11 53. Plaintiffs are “persons” under the definitions set forth in Business and Professions Code
12 § 17201.

13 54. As alleged herein, Plaintiffs have standing to pursue this claim as Plaintiffs have
14 suffered injury as a result of Defendant's actions. Specifically, Plaintiffs’ child, Miles Bengco, died
15 due to anaphylactic shock following eating a food product sold by the Defendants which was
16 misleadingly labeled as “mycoprotein” and not “mold.” Plaintiffs would not have purchased the
17 product had they known Defendants’ advertising claims were false.
18

19 55. Defendant concealed and failed to disclose that Quorn products are a proprietary, vat-
20 grown, soil fungus (essentially a “mold”), combined with flavorings, binders, and other substances.
21

22 56. As alleged in the preceding paragraphs, the acts, omissions, misrepresentations,
23 practices and non-disclosures constitute “unfair” practices within the meaning of California
24 Business & Professions Code § 17200.

25 57. Defendants’ business practices, as alleged herein, are unfair because: (1) the injury to
26 the consumer is substantial; (2) the injury is not outweighed by any countervailing benefits to
27 consumers or competition; and (3) consumers could not reasonably have avoided the information
28

1 because Defendant misled the consuming public by means of the claims made with respect to
2 Quorn products as set forth herein, and there were reasonably available alternatives to further
3 Defendant's legitimate business interests, other than the conduct described herein.

4
5 58. Defendants' business practices as alleged herein are fraudulent because they are likely
6 to deceive consumers into believing that Quorn products are "mushrooms, morels, or truffles" or
7 some other food substance when in fact "mycoprotein" is a mold based substance.

8
9 59. Plaintiffs were misled into purchasing Quorn products by Defendant's deceptive
10 conduct described herein. Defendant's misrepresentations and omissions were uniform and would
11 be considered material to the average consumer.

12
13 60. There were reasonably available alternatives to further Defendant's legitimate business
14 interests, other than the conduct described herein.

15
16 61. All of the conduct alleged herein occurs and continues to occur in Defendant's business.
17 Defendant's wrongful conduct is part of a pattern or generalized course of conduct repeated on
18 thousands of occasions daily.

19
20 **FOURTH CAUSE OF ACTION**

21 **(False And Misleading Advertising In Violation Of Business & Professions Code §17500, et
22 seq. Against All Defendants)**

23 62. Plaintiffs refers to the allegations contained in Paragraphs 1 through 61, inclusive, of
24 General Allegations, and incorporates them by this reference as though fully set forth.

25
26 63. As alleged herein, Plaintiffs have standing to pursue this claim as Plaintiffs have
27 suffered injury as a result of Defendant's actions. Specifically, Plaintiffs' child, Miles Bengco, died
28 due to anaphylactic shock following eating a food product sold by the Defendants which was

1 misleadingly labeled as “mycoprotein” and not “mold.” Plaintiffs would not have purchased the
2 product had they known Defendants’ advertising claims were false.

3
4 64. Defendants violated Business & Professions Code § 17500 by publicly disseminating
5 false, misleading, and unsubstantiated advertisements regarding Quorn products.

6
7 65. Defendants’ false, misleading and unsubstantiated advertisements were disseminated to
8 increase the sales of their products.

9
10 66. Defendants knew or should have known their advertisements for their Quorn products
11 were false and misleading. Furthermore, Defendants publicly disseminated the false and
12 misleading advertising.

13
14 67. Plaintiffs have suffered harm as a result of these violations because Defendants’ false
15 and misleading advertisements induced them to purchase a product which ultimately triggered a
16 severe allergic reaction in and caused the death of the decedent, their son.

17
18 68. Defendants are aware, or by the exercise of reasonable care should have been aware,
19 that the representations were untrue or misleading.

20
21 **WHEREFORE**, plaintiffs pray for judgment against the defendants, and each of them, as
22 follows:

23
24 On the First Cause of Action for Strict Product Liability – Design Defect:

25
26 1. For compensatory damages in an amount to be established according to proof at time of
27 trial;

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On the Second Cause of Action for Strict Product Liability – Failure to Warn:

1. For compensatory damages in an amount to be established according to proof at time of
trial;

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On the Third Cause of Action for False and Misleading Advertising:

3. For compensatory damages in an amount to be established according to proof at time of trial;

4. For punitive and exemplary damages in an amount to be established according to proof at time of trial;

On the Fourth Cause of Action for False and Misleading Advertising:

5. For compensatory damages in an amount to be established according to proof at time of trial;

6. For punitive and exemplary damages in an amount to be established according to proof at time of trial;

On All Causes of Action:

7. For interest, expenses and costs of suit incurred hereinto the extent permitted by law; and

8. For such other and further relief as the Court deems just and proper.

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Dated: March 24, 2015

McNICHOLAS & McNICHOLAS, LLP

BECKER LAW GROUP

By:



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