

1 STATE OF CALIFORNIA. Plaintiffs, by this action and pursuant to Business and Professions
2 Code sections 17200, 17203, 17204, 17205, 17206, 17500, 17535 and 17536, seek to enjoin
3 Defendant, GENERAL MILLS, INC. (“Defendant” or “GENERAL MILLS”) from engaging in
4 unfair and unlawful business practices as alleged herein and seek to obtain civil penalties and
5 remedies for the Defendant’s violation of the above statutes, and seek to recover its costs and
6 cost of investigation pursuant Business and Professions Code section 12015.5.

7 2. At all times mentioned herein, Defendant has transacted business and committed
8 violations as hereinafter described within the Counties of Yolo and Santa Cruz in the State of
9 California and elsewhere in the State of California.

10 **DEFENDANT**

11 3. Defendant GENERAL MILLS, INC. is, and was at all times mentioned herein, a
12 Delaware Corporation, with its principal offices located at Number One General Mills Blvd.,
13 Minneapolis, MN 55426.

14 4. At all times herein mentioned in this Complaint, Defendant has been, and is
15 engaged in the business of manufacturing and/or packaging and/or distributing food products
16 which are offered for sale to California consumers.

17 5. When reference is made to any act or omission of Defendant or its officers,
18 agents, or employees, such allegations shall be deemed to mean that the officers, directors,
19 employees, or representatives of Defendant did, or authorized, such act while engaged in the
20 management, direction, representation or control of the affairs of said Defendant, and did so
21 while acting within the course and scope of their duties and/or their actual or ostensible scope of
22 their authority. Plaintiff further alleges that the individual Defendants were, and are, the alter
23 egos of the corporate Defendant.

24 **INTRODUCTION**

25 6. This matter comes before the Court based on the People’s allegations that GENERAL
26 MILLS packaged its FIBER ONE bars (hereinafter FIBER ONE or “products”, in violation of
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1 California law relating to nonfunctional slack fill, and/or prohibitions against misleading
2 advertising and unfair competition as shown in the attached Exhibit A.

3 **FIRST CAUSE OF ACTION**
4 **UNTRUE OR MISLEADING STATEMENTS**
5 **(Business and Professions Code section 17500)**

6 7. Plaintiff incorporates paragraphs 1 through 6 of this Complaint herein by
7 reference.

8 8. Beginning on an exact date unknown to the plaintiff, but at least within three (3)
9 years prior to the date of filing of this Complaint, Defendant, with the intent to induce members
10 of the general public to purchase its products, made or caused to be made representations to the
11 public which were untrue and misleading. Said untrue or misleading statements, which are
12 unlawful under Business and Professions Code section 17500, included advertising FIBER ONE
13 for sale wherein the container in which the product was packaged:

14 (A) Was filled wholly or partially as to be misleading. Defendant's product
15 was packaged in such a manner that there was a significant void space above the actual product
16 in its container in violation California's packaging requirements pursuant to Business and
17 Professions Code sections 12602, and 12606.2(b); and/or

18 (B) In containers which had a substantial void space not visible by consumers,
19 referred to as "nonfunctional slack fill" in violation of Business and Professions Code sections
20 12602, and 12606.2(c). This nonfunctional slack fill packaging, when displayed for sale to the
21 public of the State of California, caused false representations to the public by implying that
22 Defendant's product filled the entire package and included advertising its product for sale
23 wherein the container in which the product was packaged contained less in volume than was
24 stated on the bag.

25 9. The representations and statements made by Defendant, as set forth in the
26 paragraphs above, were untrue or misleading when made, and were known, or should have been
27 known, by Defendant to be untrue or misleading.
28

1 (D) Defendant violated section 12606.2(c) of the California Business and
2 Professions Code, in that Defendant's products as shown in Exhibit A were packaged in
3 containers that were misleading in that they contained nonfunctional slack fill.

4 13. The conduct of Defendant as set forth above demonstrates the necessity for
5 granting injunctive relief restraining such and similar acts of unfair competition pursuant to
6 California Business and Professions Code sections 17203. Unless enjoined and restrained by
7 order of the court, Defendant will retain the ability to, and may engage in, said acts of unfair
8 competition, and misleading advertising.

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10 **PRAYER FOR RELIEF**

11 WHEREFORE, PLAINTIFF PRAYS FOR JUDGMENT AS FOLLOWS:

12 1. Pursuant to California Business & Professions Code sections 17204 and 17535,
13 Defendant and its officers, directors, agents, employees, representatives, and all persons acting in
14 concert or participating with it, with actual or constructive notice of this injunction, be
15 permanently enjoined and restrained from engaging in the following acts while advertising or
16 attempting to sell any of its product to The People of the State of California:

17 (A) Making any oral or written representations in violation of California
18 Business and Professions Code section 17500 including, but not limited to, those acts set forth in
19 the first cause of action of this complaint.

20 (B) Engaging in any business practices in violation of California Business and
21 Professions Code section 17200 including, but not limited to, those acts set forth in the second
22 cause of action of this Complaint.

23 2. Defendant herein be assessed a civil penalty of Two Thousand Five Hundred
24 Dollars (\$2,500) for each act of false or misleading advertising engaged in, in violation of
25 California Business and Professions Code section 17500 as provided in section 17536.

26 3. Defendant herein be assessed a civil penalty of Two Thousand Five Hundred
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1 Dollars (\$2,500) for each act of unlawful or unfair business practice engaged in, in violation of
2 California Business and Professions Code section 17200 as provided in section 17206.

3 4. Plaintiffs recover their costs.

4 5. Plaintiffs have such other and further relief as the nature of the case may require,
5 and the Court deems proper to fully and successfully dissipate the false and misleading
6 representations, and the unfair, unlawful and fraudulent business practices complained of herein,
7 and the effects thereof.

8 DATED: 12/29/16

Respectfully submitted,
JEFF W. REISIG
DISTRICT ATTORNEY

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12 
13 By: LARRY BARLLIV
14 p.p. Supervising Deputy District Attorney
Attorney for Plaintiff

15 DATED: _____

Respectfully submitted,
JEFFREY ROSELL,
DISTRICT ATTORNEY

19 By: _____
20 EDWARD T. BROWNE
Assistant District Attorney
Attorney for Plaintiff

1 Dollars (\$2,500) for each act of unlawful or unfair business practice engaged in, in violation of
2 California Business and Professions Code section 17200 as provided in section 17206.

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8 DATED: _____

Respectfully submitted,

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10 JEFF W. REISIG
DISTRICT ATTORNEY

11
12
13 By: _____
LARRY BARLLY
Supervising Deputy District Attorney
Attorney for Plaintiff

14
15 DATED: 12/29/2016

Respectfully submitted,

16 JEFFREY ROSELL,
DISTRICT ATTORNEY


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18
19 By: 
EDWARD T. BROWNE
Assistant District Attorney
Attorney for Plaintiff

EXHIBIT "A"



Exhibit "A"