

EXHIBIT A

12-Person Jury

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
CHANCERY DIVISION**

JOHN DALY, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

TARGET CORPORATION,

Defendant.

Case No. 2025CH03937

**CLASS ACTION
COMPLAINT**

JURY DEMANDED

Hearing Date: 6/9/2025 10:00 AM
Location: Court Room 2403
Judge: Hall, Sophia H

Now comes the Plaintiff, John Daly (“Plaintiff”), individually and on behalf of all others similarly situated, by and through his attorneys, and for his Class Action Complaint against the Defendant, Target Corporation (“Defendant”), Plaintiff alleges and states as follows:

PRELIMINARY STATEMENT

1. This is an action for damages, injunctive relief, and any other available legal or equitable remedies, for violations of Illinois Consumer Fraud and Deceptive Businesses Practices Act (“ILCFA”), 815 ILCS 505/1 *et seq.*, common law fraud, and unjust enrichment, resulting from the illegal actions of Defendant, in intentionally labeling its Products as containing no artificial flavors, synthetic colors or preservatives, when they contain the synthetic preservatives calcium chloride. Plaintiff alleges as follows upon personal knowledge as to himself and his own acts and experiences, and, as to all other matters, upon information and belief, including investigation conducted by his attorneys.

PARTIES

2. Plaintiff is an individual who resides in Chicago, Illinois.

3. Defendant is a Minnesota corporation, whose principal place of business is located in Minneapolis, Minnesota.

4. At all times relevant hereto, Defendant was engaged in the marketing and sale of “veggie straw” products..

FACTS COMMON TO ALL COUNTS

5. Defendant advertises, markets, sells, and distributes “veggie straw” products throughout Illinois and the United States.

6. During the Class Period Defendant sold “veggie straw” products (the “Products”) labeled, marketed, and advertised as containing “No Artificial Flavors, Synthetic Colors or Preservatives”, but which contained Calcium Chloride.

7. The United States Food and Drug Administration (“FDA”) defines the term chemical preservative as: “any chemical that, when added to food, tends to prevent or retard deterioration thereof, but does not include common salt, sugars, vinegars, spices, or oils extracted from spices, substances added to food by direct exposure thereof to wood smoke, or chemicals applied for their insecticidal or herbicidal properties.” 21 C.F.R. § 101.22.

8. Calcium chloride acts as a preservative by inhibiting microbial spoilage, thereby extending the shelf life of foods.¹

9. Calcium chloride when added to food, tends to prevent or retard deterioration thereof, but is not common salt, sugar, vinegar, a spice, an oil extracted from spices, a substance

¹ A.B. Martín-Diana et al., *Calcium for Extending the Shelf Life of Fresh Whole and Minimally Processed Fruits and Vegetables: A Review*, 18 Trends Food Sci. & Tech. 210 (2007), <https://doi.org/10.1016/j.tifs.2006.11.027>.

added to food by direct exposure thereof to wood smoke, or a chemical applied for its insecticidal or herbicidal properties.

10. Based on the forgoing allegations, calcium chloride is a chemical that retards the deterioration of food products. Therefore, it is a chemical preservative.

11. Furthermore, Calcium chloride is produced synthetically. Each of the three commercial production methods for producing calcium chloride require synthetic chemical reactions to produce commercial quantities.²

12. Together, the refining of natural brines and the soda ash production methods account for 90% of commercial production of calcium chloride.³ Refining natural brines to produce calcium chloride requires a precipitation reaction to remove magnesium salts from the brine mixture before isolating calcium salts in the remain brine solution.⁴ The soda ash method requires a reaction between sodium chloride and calcium carbonate with an ammonium catalyst.⁵

13. On information and belief, The remaining 10% of commercial production appears to be based on a method requiring the reaction of hydrochloric acid and calcium carbonate.⁶

14. On or about January 24, 2025, Plaintiff purchased a Product labeled, marketed, and sold as containing “no artificial flavors, synthetic colors or preservatives”, from a Target in Chicago, Illinois.

² Robert Kemp & Suzanne E. Keegan, *Calcium Chloride*, in 6 Ullmann’s Encyclopedia of Industrial Chemistry 511 (2000), https://doi.org/10.1002/14356007.a04_547

³ *Id.* at 513.

⁴ *Id.* at 514

⁵ *Id.*

⁶ See *Id.* at 513

15. Plaintiff, and reasonable consumers, understand that products labeled as containing No Artificial Flavors, Synthetic Colors or Preservatives will not contain any synthetic preservatives.

16. The following is a picture of the challenged labeling appearing on the side of the Products:



17. Persons, like Plaintiff herein, have an interest in purchasing products that do not contain false and misleading claims with regards to the contents of the Products.

18. Plaintiff, like average reasonable consumers, does not understand food chemistry well enough to know if ingredients tend to prevent or retard deterioration of food by merely reviewing a product label.

19. By making false and misleading claims about the contents of its Products, Defendant impaired Plaintiff's ability to choose the type and quality of products he chose to buy.

20. Therefore, Plaintiff has been deprived of his legally protected interest to obtain true and accurate information about consumer products as required by law.

21. As a result of Defendant's fraudulent labeling, Plaintiff and the Class have been misled into purchasing Products that did not provide them with the benefit of the bargain they paid money for, namely that the Products would not contain preservatives.

22. As a result of Defendant's fraudulent labeling, Plaintiff and the Class paid a price premium for premium Products, but instead received non-premium Products.

23. Plaintiff and the Class purchased Defendant's Products because Defendant's advertising claimed that the Products did not contain synthetic preservatives.

24. Target also sells competing "veggie straw" products with similar labeling. For example, Sensible Portions brand Garden Veggie Straws are labeled with promises of "no artificial flavors or preservatives", and exclude calcium chloride or any other identifiably synthetic preservatives.⁷

⁷ Sensible Portions Sea Salt Garden Veggie Straws 7oz, *Target*, <https://www.target.com/p/sensible-portions-sea-salt-garden-veggie-straws-7oz/-/A-14244548> (last visited Apr. 3, 2025)

25. As a result, Defendant's "no artificial flavors, synthetic colors or preservatives labeling deprived Plaintiff and the consumers of their choice to buy competing products that delivered the benefits Plaintiff and the Class members sought.

26. Plaintiff did not understand that the Product he purchased contained a preservative at the time of his purchase because he does not have an advanced understanding of chemistry.

27. Furthermore, due to Defendant's intentional, deceitful practice of falsely labeling the Products as containing "no artificial flavors, synthetic colors or preservatives", Plaintiff could not have known that the Product contained a synthetic preservative.

28. Plaintiff was unaware that the Product contained a synthetic preservative when he purchased it.

29. Worse than the lost money, Plaintiff, the Class, and Sub-Class were deprived of their protected interest to choose the type and quality of products they ingest.

30. Defendant, and not Plaintiff, the Class, or Sub-Class, knew or should have known that labeling, marketing, and selling the Products as containing "no artificial flavors, synthetic colors or preservatives" was false, deceptive, and misleading, and that Plaintiff, the Class, and Sub-Class members would not be able to tell the Products they purchased contained a synthetic preservative unless Defendant expressly told them.

31. On information and belief, Defendant did know that Products contained a synthetic preservative but chose to label the Products with "no artificial flavors, synthetic colors or preservative" labeling because it did not believe its customers were well educated enough to know the difference.

32. On information and belief, Defendant employs professional chemists to create the chemical formulas of the Products, therefore, Defendant through its employees knew or should

have known that calcium chloride retards the deterioration of food products and is therefore a chemical preservative.

33. As a result of Defendant's acts and omissions outlined above, Plaintiff has suffered concrete and particularized injuries and harm, which include, but are not limited to, the following:

- a. Lost money;
- b. Wasting Plaintiff's time; and
- c. Stress, aggravation, frustration, loss of trust, loss of serenity, and loss of confidence in product labeling.

CLASS ALLEGATIONS

34. Plaintiff brings this action on behalf of herself and all others similarly situated, as a member of the proposed class (the "Class"), defined as follows:

All persons within the United States who purchased the Products within five years prior to the filing of the Complaint through the date of class certification.

35. Plaintiff also brings this action on behalf of herself and all others similarly situated, as a member of the proposed sub-class (the "Sub-Class"), defined as follows

All persons within the State of Illinois who purchased the Products within five years prior to the filing of the Complaint through the date of class certification.

36. The Class and the Sub-Class satisfy all of the requirements of the Illinois Code of Civil Procedure for maintaining a class action, specifically:

- a. Upon information and belief, the Class and the Sub-Class are so numerous that joinder of all members is impracticable. On information and belief there are hundreds, if not thousands of individuals in the United States and the

State of Illinois who purchased the products within the applicable statute of limitations period.

- b. There are questions of fact and/or law which are common to the Class and the Sub-Class, and which predominate over questions affecting any individual Class or Sub-Class members. These common questions of fact and law include, but are not limited to:
 - i. Whether Defendant disseminated false and misleading information by claiming the Products contained “no artificial flavors, synthetic colors or preservatives”;
 - ii. Whether the Class and Sub-Class members were informed that the Products contained a synthetic preservative;
 - iii. Whether the Products contained a synthetic preservative;
 - iv. Whether Defendant’s conduct was unfair and deceptive;
 - v. Whether Defendant unjustly enriched itself as a result of the unlawful conduct alleged above;
 - vii. Whether there should be a tolling of the statute of limitations; and
 - viii. Whether the Class and Sub-Class members are entitled to restitution, actual damages, punitive damages, and attorneys’ fees and costs.
- c. Plaintiff’s claims are typical of the Class and the Sub-Class, which all arise from the same operative set of facts and are based on the same legal theories
- d. Plaintiff has no interests adverse or antagonistic to the interests of the other members of the Class and the Sub-Class.

- e. Plaintiff will fairly and adequately protect the interests of the Class and the Sub-Class and Plaintiff has retained experienced and competent attorneys to represent the Class and the Sub-Class.
- f. This class action is a fair and efficient adjudication of the controversy alleged herein. Plaintiff anticipates that no unusual difficulties are likely to be encountered in the management of this class action.
- g. This class action will permit large numbers of similarly situated persons to prosecute their common claims in a single forum simultaneously and without the duplication of effort and expense that numerous individual actions would engender. This class action will also permit the adjudication of relatively small claims by many Class and Sub-Class members who would not otherwise be able to afford to seek legal redress for the wrongs complained of herein. Absent a class action, Class and Sub-Class members will continue to suffer losses of legally protected rights, as well as monetary damages. If Defendants' conduct is allowed proceed to without remedy, Defendants will continue to benefit financially from such conduct.
- h. Defendants have acted on grounds generally applicable to the entire Class and Sub-Class, thereby making it appropriate for the Court to order final monetary, injunctive, and declaratory relief with respect to the Class and the Sub-Class as a whole.

37. Defendant, its employees and agents are excluded from the Class and Sub-Class. Plaintiff does not know the number of members in the Class and Sub-Class, but believes the

members number in the thousands, if not more. Thus, this matter should be certified as a Class Action to assist in the expeditious litigation of the matter.

38. The size and definition of the Class and Sub-Class can be identified by Defendant's own records.

COUNT I
VIOLATIONS OF THE ILLINOIS CONSUMER FRAUD AND
DECEPTIVE BUSINESS PRACTICES ACT, 815 ILCS 505/1, et seq.

39. Plaintiff incorporates all of the allegations and statements made in Paragraphs 1 through 38 above as if fully reiterated herein.

40. Plaintiff is a "person" as defined in 815 ILCS 505/1(c), as he is a natural person.

41. Defendant is a "person" as defined in 815 ILCS 505/1(c), as it is a company and a business entity and/or association.

42. 815 ILCS 505/2 states:

Unfair methods of competition and unfair or deceptive acts or practices, including but not limited to the use or employment of any deception fraud, false pretense, false promise, misrepresentation or the concealment, suppression or omission of any material fact, with intent that others rely upon the concealment, suppression or omission of such material fact, or the use or employment of any practice described in Section 2 of the "Uniform Deceptive Trade Practices Act", approved August 5, 1965, in the conduct of any trade or commerce are hereby declared unlawful whether any person has in fact been misled, deceived or damaged thereby.

43. Through its representation that the Products contained no artificial flavors, synthetic colors or preservatives, Defendant made false promises, misrepresentations, concealments, suppressions, and omissions of material facts, with the intent that Plaintiff rely upon said false promises, misrepresentations, concealments, suppressions, and omissions of material facts.

44. 815 ILCS 505/10a states:

(a) Any person who suffers actual damage as a result of a violation of this Act committed by any other person may bring an action against such person. The court, in its discretion may award actual economic damages or any other relief which the court deems proper...

(c) [T]he Court may grant injunctive relief where appropriate and may award, in addition to the relief provided in this Section, reasonable attorney's fees and costs to the prevailing party.

45. In taking the actions and omissions set forth above, and making the false promises, misrepresentations, concealments, suppressions, and omissions of material facts set forth above, Defendant violated the Illinois Consumer Fraud and Deceptive Business Practices Act, including, but not limited to, 815 ILCS 505/2.

46. Defendant failed to comply with the requirements of the ILCFA, including, but not limited to, 815 ILCS 505/2 as to the Class and Sub-Class members with respect to the above-alleged transactions

47. By reason thereof, Plaintiff is entitled to a judgment against Defendant, declaring that Defendant's conduct violated 815 ILCS 505/2, enjoining Defendant from engaging in similar conduct in the future, and awarding actual damages, punitive damages, injunctive relief, costs, and attorneys' fees.

PRAYER FOR RELIEF

Wherefore, Plaintiff prays for a judgment against Defendant as follows:

- a. An order certifying the Class and the Sub-Class and appointing Plaintiff as Representative of the Class and the Sub-Class;
- b. An order certifying the undersigned counsel as the Class and Sub-Class Counsel;

- c. An order requiring Defendant, at its own cost, to notify all members of the Class and the Sub-Class of the unlawful, unfair, deceptive, and unconscionable conduct herein;
- d. Judgment against Defendant in an amount to be determined at trial;
- e. An order for injunctive relief prohibiting such conduct by Defendant in the future;
- f. Judgment against Defendant for Plaintiff's attorneys' fees, court costs, and other litigation costs; and
- g. Any other relief deemed just and proper by this Court.

COUNT II
COMMON LAW FRAUD

48. Plaintiff incorporates all of the allegations and statements made in Paragraphs 1 through 38 above as if fully reiterated herein.

49. Through its false statements that the Products contain "No Artificial Flavors, Synthetic Colors or Preservatives" Defendant made false statements of material fact.

50. At the time Defendant made its statements to Plaintiff that the Products did not contain synthetic preservatives, it knew, or reasonably should have known, that the statements described above were false.

51. At the time Defendant made the statements to Plaintiff, Defendant intended to induce Plaintiff to purchase the Products.

52. Plaintiff relied upon the truth of the statements described above and purchased the Products, only to find that the Product he purchased contained synthetic preservatives.

53. As a result of their reasonable reliance upon Defendant's false statements of material fact as set forth above, Plaintiff and other members of the Class and Sub-Class have

suffered concrete and particularized injuries, harm, and damages which include, but are not limited to, the loss of money spent on products they did not want to buy, and stress, aggravation, frustration, inconvenience, emotional distress, mental anguish, and similar categories of damages.

PRAYER FOR RELIEF

Wherefore, Plaintiff prays for a judgment against Defendant as follows:

- a. An order certifying the Class and the Sub-Class and appointing Plaintiff as Representative of the Class and the Sub-Class;
- b. An order certifying the undersigned counsel as the Class and Sub-Class Counsel;
- c. An order requiring Defendant, at its own cost, to notify all members of the Class and the Sub-Class of the unlawful, unfair, deceptive, and unconscionable conduct herein;
- d. Judgment against Defendant in an amount to be determined at trial;
- e. An order for injunctive relief prohibiting such conduct by Defendant in the future;
- f. Judgment against Defendant for Plaintiff's attorneys' fees, court costs, and other litigation costs; and
- g. Any other relief deemed just and proper by this Court.

COUNT III
UNJUST ENRICHMENT

54. Plaintiff incorporates all of the allegations and statements made in Paragraphs 1 through 38 above as if fully reiterated herein.

55. Plaintiff conferred monetary benefits to Defendant by purchasing the Products.

56. Defendant has been unjustly enriched by retaining the revenues derived from Plaintiff's purchase of the Products based on the false statements that the Products contained "no preservatives".

57. Defendant's retention of the revenue it received from Plaintiff, and the Class and Sub-Class members, is unjust and inequitable because Defendant's false statements caused injuries to Plaintiff, and the Class and Sub-Class members, as they would not have purchased the Products, or would not have paid a premium price, if they knew the Products contained a preservative.

58. Defendant's unjust retention of the benefits conferred on it by Plaintiff, and the Class and Sub-Class members, entitles Plaintiff, and the Class and Sub-Class members, to restitution of the money they paid to Defendant for the Products.

PRAYER FOR RELIEF

Wherefore, Plaintiff prays for a judgment against Defendant as follows:

- a. An order certifying the Class and the Sub-Class and appointing Plaintiff as Representative of the Class and the Sub-Class;
- b. An order certifying the undersigned counsel as the Class and Sub-Class Counsel;
- c. An order requiring Defendant, at its own cost, to notify all members of the Class and the Sub-Class of the unlawful, unfair, deceptive, and unconscionable conduct herein;
- d. Judgment against Defendant in an amount to be determined at trial;
- e. An order for injunctive relief prohibiting such conduct by Defendant in the future;

- f. Judgment against Defendant for Plaintiff's attorneys' fees, court costs, and other litigation costs; and
- g. Any other relief deemed just and proper by this Court.

JURY DEMAND

Plaintiff demands a trial by jury on all issues in this action so triable, except for any issues relating to the amount of attorneys' fees and costs to be awarded should Plaintiff prevail on any of his claims in this action.

RESPECTFULLY SUBMITTED,

JOHN DALY



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