

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

PATRICIA DONADIO, on behalf of herself
and others similarly situated,

Plaintiff,

v.

FLORIDA NATURAL GROWERS, INC.

Defendant.

CASE No.

CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

Plaintiff Patricia Donadio (“Plaintiff”), on behalf of herself and all others similarly situated, brings this class action against Florida Natural Growers, Inc. (“Defendant”), seeking monetary damages and other remedies.

NATURE OF ACTION

1. This is a putative class action lawsuit on behalf of purchasers of Florida’s Natural Orange Juice products¹ (the “Products”). Defendant manufactures, markets, and sells the Products under its “Florida’s Natural” brand:



¹ The Products include all Florida’s Natural orange juice products in 11 fl oz, 52 fl oz, and 89 fl oz containers.

2. The Products prominently state on the front label that Florida's Natural is "Owned By Florida Farmers" next to an image of a United States Flag (collectively the "Florida Representations"):



The Florida Representations collectively represent that the Products are made exclusively of premium Florida orange juice.

3. Defendant intentionally misleads consumers into believe that the Products are made exclusively of premium Florida orange juice. It does this because consumers believe Florida orange juice tastes better and is better quality than imported orange juice.

4. However, unbeknownst to consumers, the Products are actually blended with orange juice from Mexico and Brazil and are not in fact made exclusively from Florida oranges.

5. As such, Defendant has engaged in widespread false and deceptive conduct by designing, marketing, manufacturing, distributing, and selling the Products with the Florida Representations. Every package of the Products misleads consumers into believing the Products

are made exclusively of Florida orange juice.

6. Plaintiff and Class members purchased the Products, which are designed, marketed, manufactured, distributed, and sold by Defendant. Further, Plaintiff and Class members relied to their detriment on Defendant's Florida Representations, when the Products contain orange juice from Mexico and Brazil. Plaintiff and Class members would not have purchased the Products – or would not have paid as much as they did to purchase them – had they known the Florida Representations were false. Plaintiff and Class Members thus suffered monetary damages as result of Defendant's deceptive and false representations.

7. Plaintiff brings this action individually, and on behalf of similarly situated individuals who purchased the falsely and deceptively labeled Products for fraud and violations of New York General Business Law §§ 349 and 350.

PARTIES

8. Plaintiff Patricia Donadio is a citizen and resident of Farmington, New York, who has an intent to remain there, and is therefore a domiciliary of New York. At the beginning of August 2025, Plaintiff purchased a 52 fl oz carton of Florida's Natural 100% Premium Orange Juice for approximately \$5.99 from Tops Friendly Markets in Farmington, New York. Prior to her purchase of the Product, Plaintiff reviewed the product's labeling and packaging and saw that her Products were labeled and marketed with the Florida Representations. Based on the Florida Representations, Plaintiff believed she was purchasing orange juice made exclusively of Florida orange juice. Plaintiff relied on Defendant's Florida Representations in deciding to purchase her Product. Accordingly, the Florida Representations were part of the basis of the bargain, in that she would not have purchased her Products on the same terms had she known the Florida

Representations were not true. In making her purchase, Plaintiff paid a price premium of 50% for a product that was made exclusively of Florida orange juice.

9. Defendant Florida Natural Growers, Inc. is a Florida corporation with its principal place of business at 2005 Highway 27, Lake Wales, Florida. Defendant formulates, manufactures, labels, markets, distributes, and sells the Products nationwide. Defendant has maintained substantial distribution and sales in this District.

JURISDICTION AND VENUE

10. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332(d)(2)(A) because this case is a class action where the aggregate claims of all members of the proposed class are in excess of \$5,000,000.00, exclusive of interest and costs, and at least one member of the proposed class is citizen of a state different from Defendant.

11. This Court has specific jurisdiction over Defendant because it conducts substantial business within New York, including the sale, marketing, and advertising of the Products. Furthermore, a substantial portion of the events giving rise to Plaintiff's claims occurred in this State, including Plaintiff's purchase.

12. Venue is proper pursuant to 28 U.S.C. § 1391(b) because Defendant does substantial business in this District and a substantial part of the events giving rise to Plaintiff's claims occurred in this District.

FACTUAL ALLEGATIONS

I. Consumer Preference For Florida Orange Juice

13. The connection between Florida and oranges is so extensive that one of Florida's nicknames is "The Orange State", the state fruit is oranges, the state flower is orange blossoms, and the state beverage is orange juice:²

State Beverage

ORANGE JUICE



Whenever the words "orange juice" are read, written, or spoken, many people automatically think of Florida.

During the Second World War, scientists invented a process for making concentrated orange juice. Soon, a frozen concentrate was developed that transformed orange juice production into a multi-billion-dollar industry. In 1967 the Florida legislature designated orange juice as the official state beverage.

² <https://dos.fl.gov/florida-facts/florida-state-symbols/state-beverage/>

14. Citrus, and oranges in particular, are so important to Florida that Florida has a Department of Citrus (“FDOC”) whose sole purpose is to “maximize consumer demand for Florida citrus products[.]”³

15. To achieve this purpose, the FDOC has cultivated the perception that Florida oranges are a premium product:



16. Because the citrus industry is a key contributor to the Florida economy, consumer perception and preferences for Florida orange juice have been studied by academics sponsored by the Florida Department of Citrus.

³ <https://oppaga.fl.gov/ProgramSummary/ProgramDetail?programNumber=4127>

17. In December 2021, researchers at the University of Florida published a study titled *Consumer Perceptions and Preferences toward Florida Orange Juice*. The study examined whether Florida branding created value in consumers' perceptions. After conducting a national consumer survey to evaluate consumer preference and perception of orange juice and its origins, researchers found there was a strong preference for Florida orange juice over orange juice from other origins:⁴

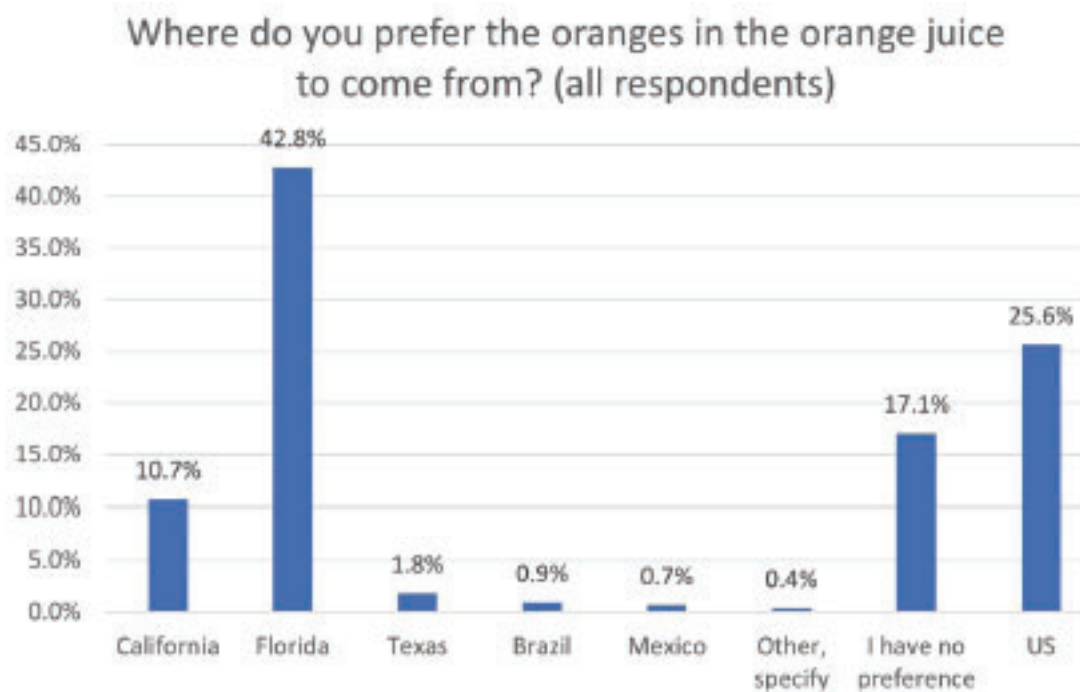


Figure 5. Consumers' preferred orange juice origins.

18. The same study found that consumers overwhelmingly preferred Florida orange juice because it tastes better and is of better quality.⁵

19. In 2022, researchers from the University of Florida published a study titled *Not All Juices are the Same: The Superior Perception and Preference for Florida Orange Juice*. The study examined whether orange juice consumers were willing to pay more for orange juice with

⁴ Yan Heng et al., *Consumer Perceptions and Preferences toward Florida Orange Juice*, EDIS (2021)

⁵ *Id.*

“Florida” branding. Researchers found that orange juice marketing with “Florida” branding elicited higher premiums from consumers compared to origin-neutral orange juice. In particular, the study reported that consumers were willing to pay a premium of approximately 50% for 100% Florida orange juice.⁶

II. Defendant’s Florida Representations

20. Defendant falsely and misleadingly labels its Products with Florida Representations placed on the front of the Products packaging intentionally to mislead consumers into believing the Products are made exclusively of Florida orange juice:



⁶ Yan Heng, et al., *Not All Juices are the Same: The Superior Perception and Preference for Florida Orange Juice*, *Journal of Agricultural and Applied Economics* 54, 621-633 (2022)



21. This message is reinforced by Defendant's marketing and advertising. For example, the side-panel of the Products include the following language:



22. Further, this message is emphasized by the inclusion of the United States Flag on the Products' front label, which conveys that the orange juice is "Made in the USA." The use of the United States Flag is considered an implied "Made in the USA" claim under the Federal Trade Commission's Made in USA Labeling Rule, which states a "made in the United States" claim is "any representation, express or implied, that a product or service, or a specified component thereof, is of U.S. origin" 16 C.F. R. § 323(a).

23. An implied "Made in the USA" claim is made when a product includes U.S. symbols or geographic references like the United States Flag. An implied claim is deceptive unless "all or virtually all ingredients . . . are made and sourced in the United States." 16 C.F.R. 323.2.

24. Where, as here, the ingredients are grown and sourced from Mexico and Brazil, the implied "Made in the USA" claim is false and misleading.

25. Taken together, it is clear that Defendant's marketing and advertising is designed to mislead the reasonable consumer into believe the Products are made from Florida oranges.

III. The Products Contain Orange Juice From Brazil and Mexico

26. Historically, Defendant's Products were made with exclusively with Florida oranges grown by Defendant's grower members. However, Florida's citrus groves have been in decline due to plant diseases like citrus canker and citrus greening which have crippled citrus groves.

27. In an effort to keep its market share and meet consumer demand for orange juice, Defendant began to include orange juice from Mexico and Brazil in May of 2022.

28. Because the Products contain juice from Brazil and Mexico, Defendant's Florida

Representations are misleading and deceptive.

IV. Defendant's Florida Representations Harm Consumers

29. Plaintiff and Class members purchased the Products in reliance on the Florida Representations, reasonably believing the Products were made exclusively of Florida orange juice.

30. Plaintiff's and Class members' reasonable belief that the Products were made exclusively of Florida orange juice was a significant factor in their decisions to purchase the Products.

31. Plaintiff and Class members did not know, and had no reason to know, that the Products contained juice from Brazil and Mexico because of how the Products are deceptively labeled and advertised to create the impression the Products are made exclusively of Florida orange juice. Nothing on the front packing of the Products indicates that the Products contain orange juice from Brazil and Mexico.

32. Defendant knew that Plaintiff and Class members would rely on the Florida Representations and would therefore reasonably believe the Products contained exclusively Florida orange juice.

33. As discussed above (*supra* ¶¶ 17-19), consumers are willing to pay more for Florida orange juice. They are also induced to make purchases that they otherwise would not have, but for the belief that the Products are made exclusively of Florida orange juice. Plaintiff and Class members would not have purchased the Products had they known that the Products were not exclusively made of Florida Oranges. Further, Plaintiff and Class members paid a price premium for the Products of approximately 50% because of the Florida Representations.

Therefore, Plaintiff and Class members suffered an injury in fact and lost money as a result of Defendant's false and misleading Florida Representations.

CLASS ALLEGATIONS

34. ***Class Definition:*** Plaintiff brings this action on behalf of all people who purchased at least one of the Products in New York within the applicable statute of limitations period.

35. The class definition is a placeholder that may be altered or amended before final judgment. Fed. Civ. P. 23(c)(1)(C). Subject to additional information obtained through further investigation and discovery, the foregoing class definition may be expanded or narrowed by amendment or in the motion for class certification, including through the use of subclasses.

36. Excluded from the putative classes are Defendant and any entities in which Defendant has a controlling interest, Defendant's agents and employees, the judge to whom this action is assigned, members of the judge's staff, and the judge's immediate family. Also excluded are any claims for personal injury.

37. ***Numerosity.*** Class members are so numerous that their individual joinder is impracticable. The class includes thousands of consumers. The precise number of class members and their identities are unknown to the Plaintiff at this time but may be determined through discovery.

38. ***Commonality and Predominance.*** Common questions of law and fact exist as to all class members and predominate over questions affecting only individual class members. Common legal and factual questions include, but are not limited to:

- a. Whether the Florida Representations have a tendency to deceive;
- b. Whether the Florida Representations are materially misleading;

- c. Whether Plaintiff and Class members are entitled to damages;
- d. Whether Plaintiff and Class members are entitled to statutory damages;
- e. Whether Defendant's conduct, as alleged herein, violates the consumer protection laws asserted here; and
- f. Whether Plaintiff and Class members are entitled to an award of reasonable attorneys' fees, interest, and costs of suit.

39. **Typicality.** Plaintiff's claims are typical of the claims of class members because Plaintiff and Class members sustained damages as a result of Defendant's uniform wrongful conduct.

40. **Adequacy.** Plaintiff will fairly and adequately protect the interests of class members. Plaintiff retained counsel that is highly experienced in complex consumer class action litigation, and Plaintiff will vigorously prosecute this action on behalf of class members.

41. **Superiority.** A class action is superior to all other available methods for the fair and efficient adjudication of this controversy for, *inter alia*, the following reasons: prosecutions of individual actions are economically impractical for class members; the class is readily definable; prosecution as a class action avoids repetitious litigation and duplicative litigation costs, conserves judicial resources, and ensures uniformity of decisions; and prosecution as a class action permits claims to be handled in an orderly and expeditious manner.

42. Without a class action, Defendant will likely retain the benefits of its wrongdoing.

FIRST CAUSE OF ACTION

Violation of New York General Business Law § 349

43. Plaintiff repeats the prior allegations of this Complaint and incorporates them by reference herein.

44. Plaintiff brings this cause of action individually and on behalf all other Class members.

45. New York's General Business Law § 349 prohibits deceptive acts or practices in the conduct of any business, trade, or commerce.

46. In their sale of goods throughout the State of New York, Defendant conducts business and trade within the meaning and intendment of New York's General Business Law § 349.

47. Plaintiff and Class members are consumers who purchased the Products for their personal use.

48. By the acts and conduct alleged herein, Defendant engaged in deceptive, unfair, and misleading acts and practices, as alleged above.

49. The foregoing deceptive acts and practices were directed at consumers.

50. The foregoing deceptive acts and practices are misleading in a material way because they fundamentally misrepresent the characteristics and quality of the Products to induce consumers to purchase the same.

51. By reason of this conduct, Defendant engaged in deceptive conduct in violation of New York's General Business Law.

52. Defendant's actions are the direct, foreseeable, and proximate cause of the damages Plaintiff and Class members have sustained from having paid for and used the Products.

53. As a result of Defendant's violations, Plaintiff and Class members have suffered damages because: (a) they would not have purchased the Products on the same terms if they knew about Defendant's misrepresentations; (b) they paid a price premium for the Products due to the

misrepresentations; and (c) the Products do not have the characteristics, uses, benefits, or qualities as promised.

54. Plaintiff seeks all available relief under this cause of action.

SECOND CAUSE OF ACTION

Violation of New York General Business Law § 350

55. Plaintiff repeats the prior allegations of this Complaint and incorporates them by reference herein.

56. Plaintiff brings this cause of action individually and on behalf all other class members.

57. New York's General Business Law § 350 prohibits false advertising in the conduct of any business, trade, or commerce.

58. Pursuant to said statute, false advertising is defined as "advertising, including labeling, of a commodity . . . if such advertising is misleading in a material respect."

59. Based on the foregoing, Defendant engaged in consumer-oriented conduct that is deceptive or misleading in a material way which constitutes false advertising in violation of New York's General Business Law § 350.

60. Defendant's false, misleading, and deceptive statements and representations of fact were and are directed toward consumers. Defendant also actively concealed and knowingly admitted material facts regarding the true nature of the Products.

61. Defendant's false, misleading, and deceptive statements and representations of fact and omissions were and are likely to mislead a reasonable consumer acting reasonably under the circumstances.

62. Defendant's false, misleading, and deceptive statements and representations of fact have resulted in consumer injury or harm to the public interest.

63. As a result of Defendant's false, misleading, and deceptive statements and representations of fact, Plaintiff and class members have suffered and continue to suffer economic injury.

64. As a result of Defendant's violations, Plaintiff and class members have suffered damages because: (a) they would not have purchased the Products on the same terms if they knew about Defendant's misrepresentations; (b) they paid price premium for the Products due to the misrepresentations; and (c) the Products do not have the characteristics, uses, benefits, or qualities as promised.

65. Plaintiff seeks all available relief under this cause of action.

THIRD CAUSE OF ACTION

Fraud

66. Plaintiff repeats the prior allegations of this Complaint and incorporates them by reference herein.

67. Plaintiff brings this cause of action individually and on behalf all other class members.

68. As discussed above, Defendant provided Plaintiff and Class members with false or misleading material information about the Products, including but not limited to the Florida Representations.

69. These misrepresentations were made with knowledge of their falsehood.

70. The misrepresentations made by Defendant, upon which Plaintiff and Class members reasonably and justifiably relied, were intended to induce, and actually induced Plaintiff and Class members to purchase the Products.

71. The fraudulent actions of Defendant caused damage to Plaintiff and Class members, who are entitled to damages and other legal and equitable relief as a result.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, individually and on behalf of the proposed class, prays for the following relief:

- A. Certification of the proposed Class; appointment of Plaintiff as representatives of the Class; appointment of undersigned counsel as counsel for the Class;
- B. A declaration that Defendant's actions complained of herein violated the statutes referenced herein;
- C. For an order finding in favor of Plaintiff and Class members on all counts asserted herein;
- D. For actual, compensatory, statutory, nominal, and/or punitive damages in amounts to be determined by the Court and/or jury;
- E. For prejudgment interest on all amounts awarded;
- F. For an order awarding Plaintiff and Class members their reasonable attorney fees, expenses, and costs of suit.
- G. Orders granting such other and further relief as the Court deems necessary, just, and proper.

JURY DEMAND

Pursuant to Fed. R. Civ. P. 38(b), Plaintiff requests a jury trial on all issues so triable.

Dated: September 9, 2025

Respectfully submitted,

/s/ Stacey Ann Van Malden

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**Pro Hac Vice Forthcoming*

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