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UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA

KAREE WALLACH and TIFFANYE
YOUNG, on behalf of themselves, the general
public, and those similarly situated,

Plaintiffs,

v.

DR. KELLYANN LLC,

Defendant.

Case No.

CLASS ACTION COMPLAINT FOR
VIOLATION OF THE CALIFORNIA
CONSUMERS LEGAL REMEDIES ACT;
FALSE ADVERTISING; FRAUD, DECEIT,
AND/OR MISREPRESENTATION;
UNFAIR BUSINESS PRACTICES; AND
UNJUST ENRICHMENT

JURY TRIAL DEMANDED

INTRODUCTION

1. Plaintiffs Karee Wallach and Tiffanye Young (collectively, “Plaintiffs”), by and through their counsel, bring this class action against Defendant Dr. Kellyann LLC (“Defendant”) to seek redress for its unlawful and deceptive practices in labeling and marketing of the Dr. Kellyann brand bone broth food products which make protein claims on the front of the product packages but fail to include the percent of daily value for protein in the Nutrition Facts Panel (“NFP”).

2. Consumers are increasingly health conscious and, as a result, many consumers seek foods high in protein. To capitalize on this trend, Defendant prominently claims on the front of its Dr. Kellyann bone broth product packages that the product provides a specified amount of protein, such as “16g PROTEIN” on the Dr. Kellyann Homestyle Flavor Bone Broth product.

1 Consumers, in turn, reasonably expect that each product will actually provide the amount of
2 protein claimed on the front of the product package in a form the body can use.

3 3. The Food and Drug Administration (“FDA”) prohibits such front label claims
4 about the amount of protein unless manufacturers also provide additional information in the
5 nutrition fact panel about how much of the recommended daily value for protein that the product
6 will actually provide. 21 C.F.R. §§ 101.9(c)(7)(i), 101.13(b), (n). That is because the FDA
7 recognizes that (1) when manufacturers tout an amount of protein on the front label, that amount
8 is likely to be material to purchasing decisions, even though reasonable consumers may not know
9 the total amount of protein they need to ingest on a daily basis, and (2) not all proteins are the
10 same in their ability to meet human nutritional requirements, so a simple statement about the
11 number of grams does not actually inform consumers about how much usable protein they are
12 receiving. Some proteins are deficient in one or more of the nine amino acids essential to human
13 protein synthesis and/or are not fully digestible within the human gut. When a human body uses
14 up the least prevalent essential amino acid from a food product, protein synthesis shuts down
15 and all of the remaining amino acids from that protein source degrade mostly into waste.
16 Likewise, whatever portion of a protein source is not digestible is similarly unavailable for
17 protein synthesis. A protein’s ability to support human nutritional requirements is known as its
18 “quality.”

19 4. The FDA required method for measuring protein quality is called the “Protein
20 Digestibility Corrected Amino Acid Score”—known by its acronym PDCAAS (pronounced Pee-
21 Dee-Kass). It combines a protein source’s amino acid profile and its percent digestibility into a
22 discount factor ranging from 0.0 to 1.0 that, when multiplied by the total protein quantity, shows
23 how much protein in a product is actually available to support human nutritional requirements.
24 The regulations term this the “corrected amount of protein per serving.” 21 C.F.R.
25 § 101.9(c)(7)(ii). For example, a PDCAAS of .5 means that only half of the protein in that
26 product is actually available to support human protein needs. If the product contained 10 grams
27 total protein per serving, the corrected amount of protein would be only 5 grams per serving. As
28

1 a result, protein products can vary widely in their ability to support human protein needs—even
2 between two comparator products with the same total protein quantity.

3 5. Because consumers are generally unaware about the usability of various proteins,
4 and may even be unaware of the total amount of usable protein they should ingest each day, the
5 FDA prohibits manufacturers from advertising or promoting their products with a protein claim
6 unless they have satisfied two requirements. First, the manufacturer must calculate the “corrected
7 amount of protein per serving” based on the quality of the product’s protein using the PDCAAS
8 method. Second, the manufacturer must use the PDCAAS computation to provide “a statement
9 of the corrected amount of protein per serving” in the NFP “expressed as” a percent daily value
10 (“%DV”) and placed immediately adjacent to the statement of protein quantity. 21 C.F.R. §
11 101.9(c)(7)(i)-(iii). The %DV is the corrected amount of protein per serving divided by the daily
12 reference value for protein of 50 grams. *Id.* Using the same example of a product containing 10
13 grams total protein per serving with a PDCAAS of .5, the %DV is 10% (5g/50g). Had all of the
14 protein in the product been useful in human nutrition, the %DV would be 20% (10g/50g). The
15 FDA regulations that govern nutrient content claims are also clear that the manufacturer may not
16 make any front label claims about the amount of protein in the product unless it complies with
17 these two requirements. *See* 21 C.F.R. § 101.13(b) (“A nutrient content claim[] may not be made
18 on the label...unless the claim is made in accordance with this regulation [i.e., § 101.13]...” and
19 (n) (“[n]utrition labeling in accordance with § 101.8...shall be provided for any food for which
20 a nutrient content claim is made”); *accord* 58 Fed. Reg. 2302, 23310 (manufacturer can only
21 make a “nutrient content claim...on the label or in labeling of a food, provided that the food
22 bears nutrition labeling that complies with the requirements in proposed § 101.9.”).

23 6. The protein source in Defendant’s products is collagen, which only contains 8 of
24 the 9 essential amino acids. Thus, the PDCAAS is zero. Because the PDCAAS is 0, i.e., less than
25 20, the Product is required to either list that it is “not a significant source of protein” or otherwise
26 include a %DV for protein in the NFP, neither of which appears on the Products, rendering the
27 Product labels unlawful and misleading. Accordingly, the protein claims on the front of the
28 Product packages, such as “16g PROTEIN” on the Dr. Kellyann Homestyle Flavor Bone Broth

1 product, are unlawful in violation of parallel state and federal laws because Defendant did not
2 comply with the regulatory requirements for making protein claims. 21 C.F.R. § 101.9(c)(7)(i),
3 101.13(b), (n). The failure to include a statement of the corrected amount of protein inside the
4 NFP also rendered the NFP itself unlawful. *Id.* § 101.9(c)(7)(i).

5 7. Where a product makes a protein claim, the NFP is required to contain a statement
6 of the corrected amount of protein per serving calculated according to the PDCAAS
7 methodology and expressed as a %DV. Accordingly, the protein claims on the front of the
8 product packages, such as “16g PROTEIN,” are unlawful in violation of parallel state and federal
9 laws because Defendant did not comply with the regulatory requirements for making a protein
10 claim.

11 8. In addition to being unlawful under 21 CFR §§ 101.9 and 101.13, Defendant’s
12 prominent protein claims on the front of the package while omitting the statement of the
13 corrected amount of protein per serving expressed as a %DV in the NFP, also is likely to mislead
14 reasonable consumers. Consumers reasonably expect that Defendant’s products will actually
15 provide nutritionally the full amount of protein per serving claimed on the front of the package.
16 But Defendant’s products do not do so and instead contain low protein quality proteins. Had
17 Defendant included a statement of the corrected amount of protein per serving in the NFP, as it
18 was required to do under the law, it would have revealed that the product contains low quality
19 proteins and provides nutritionally as little as 50% of their total protein quantity. That
20 information was material to reasonable consumers.

21 9. Defendant’s unlawful and misleading protein claims caused Plaintiffs and
22 members of the class to pay a price premium for the Dr. Kellyann products.

23 **PARTIES**

24 10. Plaintiff Karee Wallach is, and at all times alleged in this Class Action Complaint
25 was, an individual and a resident of Novato, California. Plaintiff makes her permanent home in
26 California and intends to remain in California.

1 11. Plaintiff Tiffanye Young is, and at all times alleged in this Class Action
2 Complaint was, an individual and a resident of Oakland, California. Plaintiff makes her
3 permanent home in California and intends to remain in California.

4 12. Defendant Dr. Kellyann LLC is a Delaware corporation doing business in the
5 United States and the state of California.

6 **JURISDICTION AND VENUE**

7 13. This Court has subject matter jurisdiction over this action pursuant to the Class
8 Action Fairness Act, 28 U.S.C. § 1332(d)(2)(A) because: (i) there are 100 or more class
9 members; (ii) there is an aggregate amount in controversy exceeding \$5,000,000, exclusive of
10 interest and costs; and (iii) at least one Class member and Defendant are citizens of different
11 states.

12 14. The injuries, damages and/or harm upon which this action is based, occurred or
13 arose out of activities engaged in by Defendant within, affecting, and emanating from, the State
14 of California. Defendant regularly conducts and/or solicits business in, engages in other
15 persistent courses of conduct in, and/or derives substantial revenue from products provided to
16 persons in the State of California. Defendant has engaged, and continues to engage, in substantial
17 and continuous business practices in the State of California.

18 15. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)(2) because a
19 substantial part of the events or omissions giving rise to the claims occurred in the State of
20 California, including within this District.

21 16. In accordance with California Civil Code Section 1780(d), Plaintiff Wallach
22 concurrently files herewith a declaration establishing that she purchased the Products on one or
23 more occasions during the last four years while in Marin County, California. Plaintiff Young
24 concurrently files herewith a declaration establishing that she purchased the Products on one or
25 more occasions during the last four years while in Alameda County, California. (Plaintiff
26 Wallach's declaration is attached hereto as Exhibit A; Plaintiff Young's declaration is attached
27 hereto as Exhibit B.)

28 17. Plaintiffs accordingly allege that jurisdiction and venue are proper in this Court.

SUBSTANTIVE ALLEGATIONS

18. Defendant manufactures, distributes, markets, advertises, and sells food bone broth products under the brand name “Dr. Kellyann.” Many of these products have packaging that predominately, uniformly, and consistently states on the principal display panel of the product labels that they contain and provide a specified number of grams of protein per serving. Plaintiffs have attached, as Exhibit C, a non-exhaustive list of the Dr. Kellyann products that currently or during the Class Period have made protein claims on the front of the product packages but failed to include a statement of the corrected amount of protein inside the NFP. The products listed in Exhibit C, and any other Dr. Kellyann product that claims a specific amount of protein on the front of its label but failed to include a statement of the corrected amount of protein inside the NFP, will hereinafter be referred to as the “Products.”

19. The representations that the Products contain and provide a specific amount of protein per serving were uniformly communicated to Plaintiffs and every other person who purchased any of the Products in California. The same or substantially similar product label has appeared on each Product during the entirety of the Class Period in the general form of the following example:



20. The nutrition facts panel on the back of the Products uniformly and consistently failed to provide any statement of the corrected amount of protein per serving, expressed as

1 a %DV, throughout the Class Period. The nutrition facts panels of the Products have appeared
 2 consistently throughout the Class Period in the general form of the following example (from the
 3 Dr. Kellyann Bone Broth Homestyle Flavor):

Nutrition Facts	
7 servings per container	
Serving size	1 packet (18.5g)
Amount per serving	
Calories	70
	% Daily Value*
Total Fat 0g	0%
Saturated Fat 0g	0%
Trans Fat 0g	
Cholesterol 0mg	0%
Sodium 225mg	10%
Total Carbohydrate less than 1g	0%
Dietary Fiber 0g	0%
Total Sugars 0g	
Includes 0g Added Sugars	0%
Protein 16g	
Vitamin D 0mcg 0%	Calcium 0mg 0%
Iron 0mg 0%	Potassium 340mg 8%

GRASS-FED
COLLAGEN

KETO
FRIENDLY

PALEO
FRIENDLY

GLUTEN
FREE

DAIRY
FREE

*The % Daily Value (DV) tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice. Calories per gram: Fat 9 • Carbohydrate 4 • Protein 4.

15 21. As described in detail below, Defendant’s advertising and labeling of the Products
 16 as containing and providing specific amounts of protein per serving is unlawful, misleading, and
 17 intended to induce consumers to purchase the Products at a premium price, while ultimately
 18 failing to meet consumer expectations. The Products’ front label protein claims are unlawful
 19 because Defendant did not: (1) calculate the “corrected amount of protein per serving” based on
 20 the quality of the product’s protein using the PDCAAS method; and (2) provide a statement of
 21 that corrected amount of protein per serving in the NFP, expressed as %DV. 21 C.F.R. §
 22 101.9(c)(7)(i) & (iii). The unlawful front label protein claims induced consumers to purchase the
 23 Products at a premium price. Had Defendant complied with FDA regulations and not included a
 24 protein claim on the front label of its Products, reasonable consumers would not have purchased
 25 them or would have paid less for the Products.

26 22. Defendant’s failure to provide the required statement of the corrected amount of
 27 protein per serving, as well as Defendant’s prominent front label protein claims made in the
 28 absence of any statement of the corrected amount of protein in the NFP, also deceived and misled

1 reasonable consumers into believing that a serving of the Products will provide the grams of
2 protein represented on the label, when that is not true. Had Defendant complied with the law, the
3 statement of the corrected amount of protein in the Nutrition Facts Panel would have revealed
4 that the Products provide significantly less protein than claimed because Defendant uses a low
5 quality protein in the Products (i.e., collagen). The absence of this information also allowed
6 Defendant to charge a price premium. Had reasonable consumers been informed of the true
7 amount of protein that the products provided through a statement of the corrected amount of
8 protein per serving, as required by FDA regulations, they would not have purchased or would
9 have paid less for the Products.

10 **Consumer Demand for Protein**

11 23. Many American consumers are health conscious and seek wholesome, natural
12 foods to keep a healthy diet, so they routinely rely upon nutrition information when selecting
13 and purchasing food items. As noted by FDA Commissioner Margaret Hamburg during an
14 October 2009 media briefing, “[s]tudies show that consumers trust and believe the nutrition facts
15 information and that many consumers use it to help them build a healthy diet.” Indeed, the FDA
16 recommends relying on Nutrition Facts Labels as the primary tool to monitor the consumption
17 of protein.¹

18 24. Protein is found throughout the body—in muscle, bone, skin, hair, and virtually
19 every other body part or tissue. The health benefits of protein are well studied and wide ranging.
20 Scientific studies have confirmed that protein can assist in weight loss, reduce blood pressure,
21 reduce cholesterol, and control risk factors for cardiovascular diseases. The National Academy
22 of Medicine recommends that adults get a minimum of .8 grams of protein for every kilogram
23 of body weight per day, or just over 7 grams for every 20 pounds of body weight.² For a 140-
24 pound person, that means about 50 grams of protein each day. For a 200-pound person, that
25

26
27 ¹ FDA Protein Fact Sheet,
<https://www.accessdata.fda.gov/scripts/InteractiveNutritionFactsLabel/factsheets/Protein.pdf>
28 ² National Academies of Medicine. *Dietary Reference Intakes for Energy, Carbohydrate,
Fiber, Fat, Fatty Acids, Cholesterol, Protein, and Amino Acids (Macronutrients)*.

1 means about 70 grams of protein each day. These recommendations are based on intake of high-
2 quality proteins.

3 25. The health benefits of protein are just as important, if not more important, for
4 children. Children are in a relative state of constant growth and rely on protein as the building
5 block of muscle, bone, skin, hair, and virtually every other body part or tissue. The National
6 Academies of Science recommends the following amounts of daily intake of protein based on
7 age group: 1-3 years old: 13 g of protein per day; 4-8 years old: 19 g of protein per day; 9-13
8 years old: 34 g of protein per day.³

9 26. Protein *quantity* by itself does not tell the full story of protein from a human
10 nutritional standpoint. A protein's *quality* is also critical because humans cannot fully digest or
11 utilize some proteins. Proteins are not monolithic. They are simply chains of amino acids, and
12 different types of amino acids chained together in different ways will make different types of
13 proteins. Further, the makeup of the protein changes the function of that protein in the body, and
14 certain types of proteins are more easily digested and used by humans than others.

15 27. All of a human's proteins are formed through the process of protein synthesis
16 within their own bodies. That is, although humans consume dietary proteins, they digest those
17 proteins, break them down into their constituent amino acids, and then use those amino acids as
18 building blocks to synthesize the human proteins necessary for life, tissue repair, and other
19 functions. Of the twenty total amino acids, humans can produce only eleven of them on their
20 own. Humans cannot produce, under any circumstances, nine of the amino acids required for
21 protein synthesis. These nine amino acids are called the "essential amino acids" and they must
22 be supplied through the diet.

23 28. All nine essential amino acids are necessary for protein synthesis to take place.
24 Lacking even one essential amino acid will prevent protein synthesis from occurring, and the
25 rest of the proteins will degrade into waste. Accordingly, once the body uses up the limiting
26 essential amino acid from a protein source, the remainder of that protein becomes useless to
27

28 ³ *Id.*

1 human protein synthesis and has little nutritional value. As the FDA has explicitly recognized,
2 “[b]ecause excess amino acids are not stored in the body, humans need a constant supply of good
3 quality dietary proteins to support growth and development.” 58 Fed. Reg. 2079 at 2101. High-
4 quality proteins, therefore, are those that contain all nine essential amino acids because they have
5 a greater effect on protein synthesis and are fully digestible.

6 29. A protein source’s digestibility also affects the amount of usable protein a person
7 receives from consuming it. Collagen only contains 8 of the 9 essential amino acids, meaning
8 there is no protein in the Products that can be used by the body as protein, so the protein from
9 collagen will simply pass through the body without ever being absorbed at all.

10 30. As the FDA has stated in official guidance, “Accurate methods for determining
11 protein quality are necessary because different food protein sources are not equivalent in their
12 ability to support growth and body protein maintenance.” 56 Fed. Reg. 60366, § B. The Protein
13 Digestibility Corrected Amino Acid Score (“PDCAAS”), is the FDA mandated measure of
14 protein quality, and it accounts for both the amino acid profile and the digestibility of the protein.
15 21 C.F.R. § 101.9(c)(7)(ii).

16 31. The PDCAAS method requires the manufacturer to determine the amount of
17 essential amino acids that the food contains and then combine that with the proteins’ digestibility
18 into an overall discount factor (i.e., a “score” from 0.0-1.0) that represents the actual amount of
19 protein the food provides nutritionally when multiplied by raw protein quantity. The regulations
20 term this the “corrected amount of protein per serving.” 21 C.F.R. § 101.9(c)(7)(i).

21 32. Because of the differences in benefits depending on the amino acid composition
22 of a protein, the source of protein is important. Defendant uses collagen protein in the Products,
23 which only contains 8 of the 9 essential amino acids, resulting in a PDCAAS of 0. Thus, there is
24 no protein in the Products that can be used by the body as protein (as opposed to collagen),
25 requiring the Products to list “0%” for the %DV.

26 33. Accordingly, Defendant’s use of collagen in the Products means that they actually
27 do not provide any usable protein to humans, as the Product labels misleadingly claim.
28

1 **Federal and State Regulations Governing Food Labeling**

2 34. Identical federal and California laws regulate the content of labels on packaged
 3 food. The requirements of the Act, and its labeling regulations, including those set forth in 21
 4 C.F.R. §§ 101, 102, were adopted by the California legislature in the Sherman Food Drug &
 5 Cosmetic Law (the “Sherman Law”). California Health & Safety Code § 110100 (“All food
 6 labeling regulations and any amendments to those regulations adopted pursuant to the federal
 7 act, in effect on January 1, 1993, or adopted on or after that date shall be the food labeling
 8 regulations of this state.”) The federal laws and regulations discussed below are applicable
 9 nationwide to all sales of packaged food products. Additionally, none of the California laws
 10 sought to be enforced here imposes different requirements on the labeling of packaged food for
 11 sale in the United States.

12 35. The Act, 21 U.S.C. § 343(a), and the Sherman Law, provides that a food is
 13 misbranded if “its labeling is false or misleading in any particular.”

14 **The Products’ Labeling Violates Federal and State Regulations**

15 36. According to FDA regulations, “[a] statement of the corrected amount of protein
 16 per serving, as determined in paragraph (c)(7)(ii) of this section, calculated as a percentage of
 17 the RDI or DRV for protein, as appropriate, and expressed as a Percent of Daily Value . . . *shall*
 18 be given if a protein claim is made for the product . . .” 21 C.F.R. 101.9(c)(7)(i) (emphasis added).
 19 If a manufacturer does not want to perform PDCAAS and provide a statement of the corrected
 20 amount of protein per serving in the NFP, then it shall not make any protein claims.

21 37. The regulation governing nutrient content claims, section 101.13, also makes this
 22 plain. Section 101.13(n) provides that “[n]utrition labeling in accordance with § 101.9 . . . shall
 23 be provided for any food for which a nutrient content claim is made” and § 101.13(b) states “a
 24 nutrient content claim[] may not be made on the label . . . unless the claim is made in accordance
 25 with this regulation [i.e., § 101.13]” In other words, a manufacturer may not make any
 26 protein nutrient content claims on the front labels of their products unless they have complied
 27 with the requirements for protein labeling in the nutrition facts panel pursuant to section
 28 101.9(c)(7). Indeed, the FDA made clear when promulgating § 101.13(n) that it means that a

1 manufacturer can only make “a nutrient content claim . . . on the label or in labeling of a food,
2 provided that the food bears nutrition labeling that complies with the requirements in proposed
3 § 01.9.” 58 Fed. Reg. 2302, 23310.

4 38. Further, FDA regulations require the %DV for protein to be calculated using
5 PDCAAS, a method that accounts for both protein quantity and protein quality. 21 C.F.R. §
6 101.9(c)(7)(i)-(iii); FDA Food Labeling Guide, p. 29, Question N.22.⁴ The first step is to
7 calculate the “corrected amount of protein per serving” by multiplying protein quantity by the
8 PDCAAS quality value, and then dividing that “corrected amount” by 50 grams (the
9 “recommended daily value” for protein) to come up with the %DV. *Id.*

10 39. The Products all make protein claims on the front label, but fail, uniformly to
11 provide a statement of the corrected amount of protein per serving in the NFP calculated
12 according to the PDCAAS method. The protein claims on the front are, therefore, unlawful, and
13 were never permitted to be on the labels in the first instance under §§ 101.9(c)(7)(i), 101.13(n),
14 and 101.13(b).

15 40. Defendant’s failure to include a statement of the corrected amount of protein per
16 serving expressed as a %DV in the NFP also renders the NFP itself unlawful under §§
17 101.9(c)(7)(i)-(iii).

18 41. Defendant’s use of a front-label protein claim, while failing to include the
19 required statement of the corrected amount of protein per serving in the NFP calculated using
20 the PDCAAS method and expressed as a %DV, is also misleading. Had Defendant complied
21 with the law, the statement of the corrected amount of protein expressed as a %DV would have
22 revealed that the Products provide significantly less of the daily value of protein than high quality
23 protein products with comparable protein quantities. By failing to provide it, Defendant misleads
24 consumers into believing that the Products provide a higher amount of protein than they really
25 do. It also enabled Defendant to conceal the fact that the Products do not provide all of the protein
26

27 ⁴ Guidance for Industry: A Food Labeling Guide (“FDA Food Labeling Guide”) p. 29,
28 Question N22, U.S. Food & Drug Administration, <https://www.fda.gov/media/81606/download>
(last accessed February 18, 2020).

1 that quantity alone represents. Indeed, when promulgating 21 C.F.R. § 101.9(c)(7), the FDA
2 explained in published guidance that “Information on protein quantity alone can be misleading
3 on foods that are of low protein quality.” It also explained that it was prohibiting manufacturers
4 from making any protein claims at all *unless* the manufacturer provides a statement of the
5 corrected amount of protein per serving in the NFP based on PDCAAS because “nutrition
6 labeling must allow consumers to readily identify foods with particularly low quality protein to
7 prevent them from being misled by information on only the amount of protein present.” 58 Fed.
8 Reg. 2079 at 2101-2.

9 42. Similarly, 21 C.F.R. § 101.13(i)(3) prohibits manufacturers from making a claim
10 on the front of a product’s package about the “amount or percentage of a nutrient,” such as
11 protein, if the statement is “false or misleading in any respect.” If it is, then “it may not be made
12 on the label.” 21 C.F.R. § 101.13(b). This is true even if the same amount appears in the nutrition
13 facts panel. 21 C.F.R. § 101.13(c). Since the omission of the %DV from the nutrition facts panel
14 rendered the front label protein claim misleading, the protein claim was not permitted to be on
15 the front label.

16 43. Under the Act, the term false has its usual meaning of “untruthful,” while the term
17 misleading is a term of art that covers labels that are technically true, but are likely to deceive
18 consumers.

19 44. The FDA explained in promulgating section 101.13(i) that the regulation was
20 necessary “since many consumers have a limited knowledge and understanding of the amounts
21 of nutrients that are recommended for daily consumption,” which means that “a statement
22 declaring that the product contained a specified amount of a nutrient could be misleading. By its
23 very presence, such a statement could give consumers who were unfamiliar with the dietary
24 recommendations the false impression that the product would assist them in maintaining healthy
25 dietary practices relative to the amount of the nutrient consumed when it, in fact, would not.” 56
26 Fed. Reg. 60421. The rules are different for amounts in the NFP and nutrient content claims
27 because a voluntary nutrient declaration on the front panel “is viewed by the agency as an effort
28 to market the food as a significant source of nutrients.” 56 Fed. Reg. 60366.

1 45. In addition to regulating the NFP, the FDA has promulgated a separate set of
2 regulations that govern nutrient content claims on the front of a package. 21 C.F.R. § 101.13. A
3 nutrient content claim is a claim that “expressly or implicitly characterizes the level of a nutrient.”
4 21 C.F.R. § 101.13(b). “Express” nutrient content claims include any statement outside the
5 Nutrition Facts Panel, about the level of a nutrient. 21 C.F.R. 101.13(b)(1); 21 C.F.R. § 101.13(c).
6 Stating information from the nutrition facts panel (such as grams protein per serving) elsewhere
7 on the package necessarily constitutes a nutrient content claim. 21 C.F.R. § 101.13(c). A
8 manufacturer cannot make a nutrient content claim in the form of a “statement about the amount
9 or percentage of a nutrient” if the statement is “false or misleading in any respect.” 21 C.F.R.
10 101.13(i)(3).

11 46. While a required statement *inside* of the NFP escapes regulations reserved for
12 nutrient content claims (21 C.F.R. § 101.13(c)), the identical statement *outside* of the NFP is still
13 considered a nutrient content claim and is therefore subject to 21 C.F.R. § 101.13(i)(3). 21 C.F.R.
14 § 101.13(c). Indeed, the Ninth Circuit has specifically held that “a requirement to state certain
15 facts in the nutrition label is not a license to make that statement elsewhere on the
16 product.” *Reid v. Johnson & Johnson*, 780 F.3d 952, 960 (9th Cir. 2015). Thus, Defendant’s
17 quantitative protein claims on the front label are subject to analysis as a nutrient content claim
18 and cannot be false or misleading in any manner.

19 47. Defendant’s Products are unlawful, misbranded, and violate the Sherman Law,
20 California Health & Safety Code § 110660, *et seq.* Defendant makes protein content claims on
21 the front of the Product packages even though they uniformly fail to provide a statement of the
22 corrected amount of protein per serving in the NFP calculated according to the PDCAAS method
23 and expressed as a %DV as required by 21 C.F.R. § 101.9(c)(7)(i). Defendant’s failure to comply
24 with this requirement renders its front label protein claim unlawful per se and the product
25 misbranded pursuant to § 101.13(n) and (b), as well as under § 101.9(c)(7)(i) itself. Defendant’s
26 omission of the %DV from the NFP despite the fact that it makes front label protein claims is
27 also unlawful and in violation of § 101.9(c)(7)(i)-(iii).
28

1 48. Defendant’s standalone, front label protein quantity claim is also misleading, and
2 therefore prohibited by sections 101.13(i)(3), (b), and (n) due to Defendant’s failure to include a
3 statement of the corrected amount of protein per serving in the NFP calculated using the
4 PDCAAS method and expressed as a %DV. Consumers have a “limited knowledge and
5 understanding of the amount of [protein] that [is] recommended for daily consumption,” let alone
6 an understanding of the science behind protein quality and how different types of proteins are
7 used and absorbed in the body. 56 Fed. Reg. 60421. The FDA requires a statement of the
8 corrected amount of protein per serving in the NFP precisely to ensure that “consumers are not
9 misled by information on only the amount of protein present” in a product with low quality
10 protein. 58 Fed. Reg. 2079 at 2101-2. Defendant’s failure to provide it rendered the label
11 misleading.

12 49. Defendant’s marketing, advertising, and sale of the Products violates the
13 misbranding provisions of the Sherman Law (California Health & Safety Code § 110660, *et.*
14 *Seq.*), including but not limited to:

- 15 a. Section 110665 (a food is misbranded if its labeling does not conform
16 with the requirements for nutrition labeling as set forth in 21 U.S.C. Sec.
17 343(q));
- 18 b. Section 110705 (a food is misbranded if words, statements and other
19 information required by the Sherman Law to appear food labeling is either
20 missing or not sufficiently conspicuous);
- 21 c. Section 110760, which makes it unlawful for any person to manufacture,
22 sell, deliver, hold, or offer for sale any food that is misbranded;
- 23 d. Section 110765, which makes it unlawful for any person to misbrand any
24 food; and
- 25 e. Section 110770, which makes it unlawful for any person to receive in
26 commerce any food that is misbranded or to deliver or proffer for delivery
27 any such food.

1 50. Defendant’s marketing, advertising, and sale of the Products also violates the
2 false advertising provisions of the Sherman Law (California Health & Safety Code § 110390, *et*.
3 *Seq.*), including, but not limited to:

- 4 a. Section 110390, which makes it unlawful to disseminate false or
5 misleading food advertisements that include statements on products and
6 product packaging or labeling or any other medium used to directly or
7 indirectly induce the purchase of a food product;
- 8 b. Section 110395, which makes it unlawful to manufacture, sell, deliver,
9 hold or offer to sell any falsely or misleadingly advertised food; and
- 10 c. Sections 110398 and 110400, which make it unlawful to advertise
11 misbranded food or to deliver or proffer for delivery any food that has
12 been falsely or misleadingly advertised.

13 51. Defendant has violated the Act, and the standards set by FDA regulations,
14 including but not limited to 21 C.F.R. § 101.9 (c)(7), 21 C.F.R. § 101.13(i)(3), (b), (n), 21 C.F.R.
15 § 101.9(h)(d), and 21 C.F.R. 101.9(e)(3) which have been incorporated by reference in the
16 Sherman Law, by failing to include on the Product labels the nutritional information required by
17 law.

18 52. A reasonable consumer would expect that the Products provide what Defendant
19 identifies them to provide on the product labels and that the labels would not be contrary to the
20 policies or regulations of the State of California and/or the FDA. For example, a reasonable
21 consumer would expect that when Defendant labels the Products as containing, for example,
22 “16g PROTEIN,” as Defendant claims on the Dr. Kellyann Bone Broth Homestyle Flavor, it
23 would provide 16 grams of protein per serving in a form their bodies could use. Because
24 Defendant did not conduct PDCAAS and provide a statement of the corrected amount of protein
25 per serving, expressed as a %DV, consumers have no idea that the Products provide no (or at
26 least much less) protein than claimed.

27 53. Consumers lack the meaningful ability to test or independently ascertain the
28 truthfulness of Defendant’s food labeling claims, especially at the point of sale. They would not

1 know the quality of protein in the Products or how much of the daily recommended value of
2 protein they provide merely by looking elsewhere on the product package given Defendant's
3 omissions. Reasonable consumers, when they look at the front label of the Products, believe the
4 Products provide the amount of protein represented on the front label. Because Defendant does
5 not include any information as to the quality of the protein anywhere on the packaging, even
6 though it was legally required to do so via the statement of corrected amount of protein expressed
7 as a %DV, consumers do not have any reason to think otherwise. Reasonable consumers do not
8 walk around with the PDCAAS values for various protein sources in their heads. Its discovery
9 requires investigation well beyond the grocery store aisle and knowledge of food chemistry
10 beyond that of the average consumer. An average consumer does not have the specialized
11 knowledge necessary to ascertain that a serving of a Product does not provide the number of
12 grams of protein that is represented on the label. An average consumer also lacks the specialized
13 knowledge necessary to determine the PDCAAS for the Products. The average reasonable
14 consumer had no reason to suspect that Defendant's representations on the packages were
15 misleading. Therefore, consumers had no reason to investigate whether the Products actually do
16 provide the amount of protein per serving that the labels claim they do and reasonably relied on
17 Defendant's representations regarding the nature of the Products.

18 54. Defendant intends and knows that consumers will and do rely upon food labeling
19 statements in making their purchasing decisions. Label claims and other forms of advertising
20 and marketing drive product sales, particularly if placed prominently on the front of product
21 packaging, as Defendant has done with the claims on the Products that they contain and provide
22 specific amounts of protein per serving.

23 **Defendant Misleadingly Markets the Products to Increase Profits and Gain a Competitive**
24 **Edge**

25 55. In making unlawful, false, misleading, and deceptive representations, Defendant
26 distinguishes the Products from its competitors' products. Defendant knew and intended that
27 consumers would purchase, and pay a premium for, products labeled with protein claims. By
28 using this branding and marketing strategy, Defendant is stating that the Products are superior

1 to, better than, and more nutritious and healthful than other products that do not make protein
2 claims, or that do not make protein claims based on collagen content, or that properly provide
3 the required statement of the corrected amount of protein in the product as determined by the
4 PDCAAS method and expressed as a %DV and otherwise do not mislead consumers about the
5 amount of protein their products actually provide.

6 **Defendant Intends to Continue to Market the Products as Containing More Protein than**
7 **the Products Actually Contain**

8 56. Because consumers pay a price premium for products that make protein claims,
9 and also pay a premium for products that provide more protein, by labeling its Products with
10 protein claims and/or omitting the required statement of the corrected amount of protein per
11 serving than they actually provide, Defendant is able to both increase its sales and retain more
12 profits.

13 57. Defendant engaged in the practices complained of herein to further their private
14 interests of: (i) increasing sales of the Products while decreasing the sales of competitors that do
15 not misrepresent the number of grams of protein contained in its products, and/or (ii)
16 commanding a higher price for its Products because consumers will pay more for the Products
17 due to consumers' demand for products with protein claims.

18 58. The market for protein products is continuing to grow and expand, and because
19 Defendant knew consumers rely on representations about the number of grams of protein in food
20 products, Defendant has an incentive to continue to make such unlawful and misleading
21 representations. In addition, other trends suggest that Defendant has no incentive to change their
22 labeling practices.

23 59. For example, one market analysis revealed that between 2013-2017, product
24 launches with a protein claim grew 31%.⁵

25 60. To capitalize on the growing market, Defendant continues to launch new product
26 lines and flavors to diversify their portfolio to maintain their competitive edge. Moreover,
27

28 ⁵ https://www.bakeryandsnacks.com/Article/2018/11/26/10-key-snack-trends-to-watch?utm_source=copyright&utm_medium=OnSite&utm_campaign=copyright

1 Defendant has continued to replicate its misrepresentations on new products. It is therefore likely
2 that Defendant will continue to unlawfully and/or misleadingly advertise the Products and
3 perpetuate the misrepresentations regarding the protein in the Products.

4 **PLAINTIFFS' EXPERIENCES**

5 **Plaintiff Wallach**

6 61. On one or more occasions in the last four years, Plaintiff Wallach purchased Dr.
7 Kellyann Lemon Lavender bone broth packets; Kellyann Thai Lemongrass bone broth packets;
8 and Dr. Kellyann Vanilla bone broth protein powder online from her home in San Jose,
9 California.

10 62. Plaintiff Wallach made each of her purchases after reading and relying on the
11 truthfulness of Defendant's front labels that promised the Products provided, for example, 15
12 grams of protein per serving for the Dr. Kellyann Lemon Lavender bone broth packets. She
13 believed the truth of each representation, i.e., that the product would actually provide the specific
14 amount of protein claimed on the front labels in a form human bodies could utilize. Plaintiff
15 Wallach relied on the Products to meet her protein dietary needs. Had Defendant complied with
16 the law and not made the protein claims on the front of their packages, she would not have been
17 drawn to the Products and would not have purchased them. At a minimum, Plaintiff Wallach
18 would have paid less for each Product.

19 63. Moreover, had Defendant adequately disclosed the corrected amount of protein
20 per serving for each Product expressed as a %DV, as FDA regulations require, Plaintiff Wallach
21 would not have purchased the Products or would have, at minimum, paid less for them. Plaintiff
22 Wallach regularly checks the NFP before purchasing any product for the first time, including the
23 %DV column for protein when manufacturers provide it, and she uses that information as a basis
24 of comparison between similar products. She looked at and read the NFP on the Dr. Kellyann
25 Bone Broth Homestyle Flavor before purchasing it for the first time. Manufacturers do not
26 always disclose a %DV for protein, but when they do, she selects the product that provides more
27 of the recommend daily amount of protein (i.e., the one with a higher %DV). When a
28 manufacturer does not provide a %DV for protein, she can only go off of the stated grams of

1 protein, and she assumes that all of those disclosed grams are in a form her body can use as
2 protein.

3 64. For example, with the Dr. Kellyann Lemon Lavender bone broth packets ,
4 Plaintiff Wallach was looking for a product that would provide 15 grams of useable protein per
5 18.5 gram serving. Had she seen that the product's protein source of collagen results in zero, or
6 0% of the daily value for protein, she would not have purchased the Products or, at a minimum,
7 she would have paid less for them. Plaintiff Wallach would also have used the information as a
8 basis to compare similar products and would have chosen instead to purchase one with a higher
9 %DV. Without the statement of the corrected amount of protein per serving in the form of a
10 %DV, the only information Plaintiff Wallach had about the Products was the 15 gram protein
11 quantity on the front label, and Plaintiff Wallach believed she was receiving a quantity of protein
12 in a form human bodies could use. Because the Products did not provide any statement of the
13 corrected amount of protein per serving, Plaintiff Wallach did not have any reason to believe
14 that the Products provided less protein than represented on the front of the label. Plaintiff
15 Wallach did in fact believe she was receiving 16 grams of high-quality protein when she
16 purchased the Products.

17 65. Plaintiff Wallach continues to desire to purchase protein products, including those
18 marketed and sold by Defendant, and would like to purchase pasta products that provide 16
19 grams of protein per serving. If the Products were reformulated to provide, in a usable form, the
20 grams of protein that are represented on the labels, or the labels were reformulated to provide
21 non-misleading information, Plaintiff Wallach would likely purchase them again in the future.
22 Plaintiff Wallach regularly visits stores and online retailers where the Products and other protein
23 products are sold. Because Plaintiff Wallach does not know the formula for Defendant's products,
24 which can change over time, and cannot test whether the Products provide the amount of
25 digestible protein that is represented on the label without first purchasing the Product, Plaintiff
26 Wallach will be unable to rely on Defendant's labels when shopping for protein products in the
27 future absent an injunction that prohibits Defendant from mislabeling the Products. Plaintiff
28 Wallach would also be forced to retest and/or reanalyze each Product at each time of purchase

1 because a Product's ingredient list and labeling would not reveal any changes in the amount of
2 digestible protein, even if such changes took place. In addition, at present Plaintiff Wallach
3 cannot rely on the accuracy of Defendant's labels for the entire line of Products, which Plaintiff
4 Wallach is also interested in purchasing with labeling that comports with regulations. Should
5 Defendant begin to market and sell a new line of products, Plaintiff Wallach could also be at risk
6 for buying another one of Defendant's products in reliance on the same or similar
7 misrepresentation and omissions. And because of Defendant's unlawful and misleading labels
8 on its Products, Plaintiff Wallach cannot make informed choices between protein products
9 offered by Defendant and protein products offered by other manufacturers, such as choices based
10 on price and relative nutritional content.

11 **Plaintiff Young**

12 66. On one or more occasions in the last four years, Plaintiff Young purchased Dr.
13 Kellyann Bone Broth homestyle flavor online from her home in Oakland, California.

14 67. Plaintiff Young made each of her purchases after reading and relying on the
15 truthfulness of Defendant's front labels that promised the Products provided, for example, 16
16 grams of protein per serving for the Dr. Kellyann Bone Broth Homestyle Flavor. She believed
17 the truth of each representation, i.e., that the product would actually provide the specific amount
18 of protein claimed on the front labels in a form human bodies could utilize. Plaintiff Young relied
19 on the Products to meet her protein dietary needs. Had Defendant complied with the law and not
20 made the protein claims on the front of their packages, she would not have been drawn to the
21 Products and would not have purchased them. At a minimum, Plaintiff Young would have paid
22 less for each Product.

23 68. Moreover, had Defendant adequately disclosed the corrected amount of protein
24 per serving for each Product expressed as a %DV, as FDA regulations require, Plaintiff Young
25 would not have purchased the Products or would have, at minimum, paid less for them. Plaintiff
26 Young regularly checks the NFP before purchasing any product for the first time, including the
27 %DV column for protein when manufacturers provide it, and she uses that information as a basis
28 of comparison between similar products. She looked at and read the NFP on the Dr. Kellyann

1 Bone Broth Homestyle Flavor before purchasing it for the first time. Manufacturers do not
2 always disclose a %DV for protein, but when they do, she selects the product that provides more
3 of the recommend daily amount of protein (i.e., the one with a higher %DV). When a
4 manufacturer does not provide a %DV for protein, she can only go off of the stated grams of
5 protein, and she assumes that all of those disclosed grams are in a form her body can use as
6 protein.

7 69. For example, with the Dr. Kellyann Bone Broth Homestyle Flavor product,
8 Plaintiff Young was looking for a product that would provide 16 grams of useable protein per
9 18.5 gram serving. Had she seen that the product's protein source of collagen results in zero, or
10 0% of the daily value for protein, she would not have purchased the Products or, at a minimum,
11 she would have paid less for them. Plaintiff Young would also have used the information as a
12 basis to compare similar products and would have chosen instead to purchase one with a higher
13 %DV. Without the statement of the corrected amount of protein per serving in the form of a
14 %DV, the only information Plaintiff Young had about the Products was the 16 gram protein
15 claim on the front label, and Plaintiff Young believed she was receiving a quantity of protein in
16 a form human bodies could use. Because the Products did not provide any statement of the
17 corrected amount of protein per serving, Plaintiff Young did not have any reason to believe that
18 the Products provided less protein than represented on the front of the label. Plaintiff Young did
19 in fact believe she was receiving 16 grams of high-quality protein when she purchased the
20 Products.

21 70. Plaintiff Young continues to desire to purchase protein products, including those
22 marketed and sold by Defendant, and would like to purchase pasta products that provide 16
23 grams of protein per serving. If the Products were reformulated to provide, in a usable form, the
24 grams of protein that are represented on the labels, or the labels were reformulated to provide
25 non-misleading information, Plaintiff Young would likely purchase them again in the future.
26 Plaintiff Young regularly visits stores and online retailers where the Products and other protein
27 products are sold. Because Plaintiff Young does not know the formula for Defendant's products,
28 which can change over time, and cannot test whether the Products provide the amount of

1 digestible protein that is represented on the label without first purchasing the Product, Plaintiff
2 Young will be unable to rely on Defendant's labels when shopping for protein products in the
3 future absent an injunction that prohibits Defendant from mislabeling the Products. Plaintiff
4 Young would also be forced to retest and/or reanalyze each Product at each time of purchase
5 because a Product's ingredient list and labeling would not reveal any changes in the amount of
6 digestible protein, even if such changes took place. In addition, at present Plaintiff Young cannot
7 rely on the accuracy of Defendant's labels for the entire line of Products, which Plaintiff Young
8 is also interested in purchasing with labeling that comports with regulations. Should Defendant
9 begin to market and sell a new line of products, Plaintiff Young could also be at risk for buying
10 another one of Defendant's products in reliance on the same or similar misrepresentation and
11 omissions. And because of Defendant's unlawful and misleading labels on its Products, Plaintiff
12 Young cannot make informed choices between protein products offered by Defendant and
13 protein products offered by other manufacturers, such as choices based on price and relative
14 nutritional content.

15 71. Plaintiffs and members of the Class have been economically damaged by their
16 purchase of the Products because the advertising for the Products was and is untrue and/or
17 misleading under state law and the products are misbranded; therefore, the Products are worth
18 less than what Plaintiffs and members of the Class paid for them and/or Plaintiffs and members
19 of the Class did not receive what they reasonably intended to receive

20 CLASS ALLEGATIONS

21 72. Plaintiffs bring this class action lawsuit on behalf of themselves and a proposed
22 class of similarly situated persons, pursuant to Rule 23(b)(2) and (b)(3) of the Federal Rules of
23 Civil Procedure. Plaintiffs seek to represent the following group of similarly situated persons,
24 defined as follows:

25 **The Class:** All persons in the United States who purchased the Products between
26 March 6, 2020 and the present.

27 **The California Subclass:** All Class members who purchased the Products in the
28 State of California.

1 73. This action has been brought and may properly be maintained as a class action
2 against Defendant because there is a well-defined community of interest in the litigation and the
3 proposed class is easily ascertainable.

4 74. Numerosity: Plaintiffs do not know the exact size the Classes, but they estimate
5 that each is composed of more than 100 persons. The persons in the Classes are so numerous
6 that the joinder of all such persons is impracticable and the disposition of their claims in a class
7 action rather than in individual actions will benefit the parties and the courts.

8 75. Common Questions Predominate: This action involves common questions of law
9 and fact to the potential Classes because each class member's claim derives from the deceptive,
10 unlawful and/or unfair statements and omissions that led consumers to believe that the Products
11 contained the amount of protein as represented on the Product labels. The common questions of
12 law and fact predominate over individual questions, as proof of a common or single set of facts
13 will establish the right of each member of the Classes to recover. The questions of law and fact
14 common to the Classes are:

- 15 a. Whether the marketing, advertising, packaging, labeling, and other
16 promotional materials for the Products are unlawful and/or misleading;
- 17 b. Whether Defendant's actions violate Federal and California laws invoked
18 herein;
- 19 c. Whether labeling the Products with a protein claim causes the Products to
20 command a price premium in the market;
- 21 d. Whether Defendant's failure to provide a statement of the corrected
22 amount of protein per serving in the Products was likely to deceive
23 reasonable consumers;
- 24 e. Whether representations regarding the number of grams of protein in the
25 Products are material to a reasonable consumer;
- 26 f. Whether Defendant's engaged in the behavior knowingly, recklessly, or
27 negligently;
- 28

- 1 g. The amount of profits and revenues Defendant earned as a result of the
2 conduct;
- 3 h. Whether members of the Classes are entitled to restitution, injunctive and
4 other equitable relief and, if so, what is the nature (and amount) of such
5 relief; and
- 6 i. Whether members of the Classes are entitled to payment of actual,
7 incidental, consequential, exemplary and/or statutory damages plus
8 interest thereon, and if so, what is the nature of such relief.

9 76. Typicality: Plaintiffs' claims are typical of the claims of the other members of the
10 Classes because, among other things, all such claims arise out of the same wrongful course of
11 conduct engaged in by Defendant in violation of law as complained of herein. Further, the
12 damages of each member of the Classes was caused directly by Defendant's wrongful conduct
13 in violation of the law as alleged herein.

14 77. Adequacy of Representation: Plaintiffs will fairly and adequately protect the
15 interests of all members of the Classes because it is in their best interests to prosecute the claims
16 alleged herein to obtain full compensation due to them for the unfair and illegal conduct of which
17 they complain. Plaintiffs also have no interests that are in conflict with, or antagonistic to, the
18 interests of members of the Classes. Plaintiffs have retained highly competent and experienced
19 class action attorneys to represent their interests and that of the Classes. By prevailing on their
20 own claims, Plaintiffs will establish Defendant's liability to all members of the Classes. Plaintiffs
21 and their counsel have the necessary financial resources to adequately and vigorously litigate
22 this class action, and Plaintiffs and counsel are aware of their fiduciary responsibilities to the
23 Classes and are determined to diligently discharge those duties by vigorously seeking the
24 maximum possible recovery for the Classes.

25 78. Superiority: There is no plain, speedy, or adequate remedy other than by
26 maintenance of this class action. The prosecution of individual remedies by members of the
27 Classes will tend to establish inconsistent standards of conduct for Defendant and result in the
28 impairment of Class members' rights and the disposition of their interests through actions to

1 which they were not parties. Class action treatment will permit a large number of similarly
2 situated persons to prosecute their common claims in a single forum simultaneously, efficiently,
3 and without the unnecessary duplication of effort and expense that numerous individual actions
4 would engender. Furthermore, as the damages suffered by each individual member of the Classes
5 may be relatively small, the expenses and burden of individual litigation would make it difficult
6 or impossible for individual members of the Classes to redress the wrongs done to them, while
7 an important public interest will be served by addressing the matter as a class action.

8 79. Plaintiffs are unaware of any difficulties that are likely to be encountered in the
9 management of this action that would preclude its maintenance as a class action.

10 **CAUSES OF ACTION**

11 Plaintiffs do not plead, and hereby disclaim, causes of action under the FDCA and
12 regulations promulgated thereunder by the FDA. Plaintiffs rely on the FDCA and FDA
13 regulations only to the extent such laws and regulations have been separately enacted as state
14 law or regulation or provide a predicate basis of liability under the state and common laws cited
15 in the following causes of action.

16 **PLAINTIFFS' FIRST CAUSE OF ACTION**
17 **(Violation of the Consumers Legal Remedies Act (the "CLRA"), California Civil Code §**
18 **1750, *et seq.*)**
19 **On Behalf of Plaintiffs and the Subclass**

20 80. Plaintiffs reallege and incorporate the paragraphs of this Class Action Complaint
21 as if set forth herein.

22 81. Defendant's actions, representations and conduct have violated, and continue to
23 violate the CLRA, because they extend to transactions that are intended to result, or which have
24 resulted, in the sale or lease of goods or services to consumers.

25 82. Plaintiffs and other Subclass members are "consumers" as that term is defined by
26 the CLRA in California Civil Code § 1761(d).

27 83. The Products that Plaintiffs (and other similarly situated subclass members)
28 purchased from Defendant were "goods" within the meaning of California Civil Code § 1761(a).

1 84. Defendant's acts, practices and omissions, set forth in this Class Action
2 Complaint, led customers to falsely believe that the Products contained high quality proteins that
3 provided nutritionally the full amount of protein advertised on the product package. By engaging
4 in the actions, representations and conduct set forth in this Class Action Complaint, Defendant
5 has violated, and continues to violate, § 1770(a)(2), § 1770(a)(5), § 1770(a)(7), § 1770(a)(8),
6 and § 1770(a)(9) of the CLRA. In violation of California Civil Code §1770(a)(2), Defendant's
7 acts and practices constitute improper representations regarding the source, sponsorship,
8 approval, or certification of the goods it sold. In violation of California Civil Code §1770(a)(5),
9 Defendant's acts and practices constitute improper representations that the goods it sells have
10 sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities, which they do
11 not have. In violation of California Civil Code §1770(a)(7), Defendant's acts, practices, and
12 omissions constitute improper representations that the goods it sells are of a particular standard,
13 quality, or grade, when they are of another. In violation of California Civil Code §1770(a)(8),
14 Defendant deceptively markets and advertises that, unlike other protein product manufacturers,
15 it sells Products that nutritionally provide more grams of protein than the Products actually do.
16 In violation of California Civil Code §1770(a)(9), Defendant has advertised goods or services
17 with intent not to sell them as advertised. Finally, Defendant had a duty to disclose the corrected
18 amount of protein per serving in the NFP as calculated by the PDCAAS method, which it failed
19 to do. 21 C.F.R. § 101.9(c)(7)(i)-(iii).

20 85. Plaintiffs request that this Court enjoin Defendant from continuing to employ the
21 unlawful methods, acts and practices alleged herein pursuant to California Civil Code
22 § 1780(a)(2). If Defendant is not restrained from engaging in these types of practices in the
23 future, Plaintiffs and the other members of the Subclass will continue to suffer harm. Plaintiffs
24 and those similarly situated have no adequate remedy at law to stop Defendant's continuing
25 practices.

26 86. On or about September 21, 2023, Defendant was provided with notice and a
27 demand to correct, repair, replace or otherwise rectify the unlawful, unfair, false and/or deceptive
28 practices complained of herein. Despite receiving the aforementioned notice and demand,

1 Defendant failed to do so in that, among other things, it failed to identify consumers, notify them
2 of their right to correction, repair, replacement or other remedy, and/or to provide that remedy.
3 Accordingly, Plaintiffs seek, pursuant to California Civil Code § 1780(a)(3), on behalf of
4 themselves and those similarly situated Subclass members, compensatory damages, punitive
5 damages and restitution of any ill-gotten gains due to Defendant's acts and practices.

6 87. Plaintiffs also request that this Court award their costs and reasonable attorneys'
7 fees pursuant to California Civil Code § 1780(d).

8 **PLAINTIFFS' SECOND CAUSE OF ACTION**
9 **(False Advertising, Business and Professions Code § 17500, *et seq.* ("FAL"))**
10 **On Behalf of Plaintiffs and the Subclass**

11 88. Plaintiffs reallege and incorporate by reference the paragraphs of this Class
12 Action Complaint as if set forth herein.

13 89. Beginning at an exact date unknown to Plaintiffs, but within four (4) years
14 preceding the filing of the Class Action Complaint, Defendant made untrue, false, deceptive
15 and/or misleading statements in connection with the advertising and marketing of the Products.

16 90. Defendant made representations and statements (by omission and commission)
17 that led reasonable customers to believe that the Products that they were purchasing contained
18 more grams of protein per serving than the Products actually provided, and that the Products
19 were appropriate for meeting protein dietary needs. Defendant had a duty to disclose the
20 corrected amount of protein per serving in the NFP, as calculated according to the PDCAAS
21 method, which Defendant failed to do.

22 91. Plaintiffs and those similarly situated relied to their detriment on Defendant's
23 false, misleading and deceptive advertising and marketing practices, including each of the
24 misrepresentations and omissions set forth above. Had Plaintiffs and those similarly situated
25 been adequately informed and not intentionally deceived by Defendant, they would have acted
26 differently by, without limitation, refraining from purchasing Defendant's Products or paying
27 less for them.

28 92. Defendant's acts and omissions are likely to deceive the general public.

1 93. Defendant engaged in these false, misleading and deceptive advertising and
2 marketing practices to increase their profits. Accordingly, Defendant has engaged in false
3 advertising, as defined and prohibited by section 17500, *et seq.* of the California Business and
4 Professions Code.

5 94. The aforementioned practices, which Defendant used, and continues to use, to
6 their significant financial gain, also constitutes unlawful competition and provide an unlawful
7 advantage over Defendant’s competitors as well as injury to the general public.

8 95. As a direct and proximate result of such actions, Plaintiffs and the other members
9 have suffered, and continue to suffer, injury in fact and have lost money and/or property as a
10 result of such false, deceptive and misleading advertising in an amount which will be proven at
11 trial, but which is in excess of the jurisdictional minimum of this Court.

12 96. Plaintiffs seek, on behalf of themselves and those similarly situated, full
13 restitution of monies, as necessary and according to proof, to restore any and all monies acquired
14 by Defendant from Plaintiffs, the general public, or those similarly situated by means of the false,
15 misleading and deceptive advertising and marketing practices complained of herein, plus interest
16 thereon. Pursuant to Federal Rule of Civil Procedure 8(e)(2), Plaintiffs make the following
17 allegations in this paragraph only hypothetically and as an alternative to any contrary allegations
18 in their other causes of action, in the event that such causes of action will not succeed. Plaintiffs
19 and the Subclass may be unable to obtain monetary, declaratory and/or injunctive relief directly
20 under other causes of action and will lack an adequate remedy at law, if the Court requires them
21 to show classwide reliance and materiality beyond the objective reasonable consumer standard
22 applied under the FAL, because Plaintiffs may not be able to establish each Subclass member’s
23 individualized understanding of Defendant’s misleading representations as described in this
24 Complaint, but the FAL does not require individualize proof of deception or injury by absent
25 Subclass members. *See, e.g., Ries v. Ariz. Bevs. USA LLC*, 287 F.R.D. 523, 537 (N.D. Cal. 2012)
26 (“restitutionary relief under the UCL and FAL ‘is available without individualized proof of
27 deception, reliance, and injury.’”). In addition, Plaintiffs and the Subclass may be unable to
28 obtain such relief under other causes of action and will lack an adequate remedy at law, if

1 Plaintiffs are unable to demonstrate the requisite *mens rea* (intent, reckless, and/or negligence),
2 because the FAL imposes no such *mens rea* requirement and liability exists even if Defendant
3 acted in good faith.

4 97. Plaintiffs seek, on behalf of themselves and those similarly situated, a declaration
5 that the above-described practices constitute false, misleading and deceptive advertising.

6 98. Plaintiffs seek, on behalf of themselves and those similarly situated, an injunction
7 to prohibit Defendant from continuing to engage in the false, misleading and deceptive
8 advertising and marketing practices complained of herein. Such misconduct by Defendant,
9 unless and until enjoined and restrained by order of this Court, will continue to cause injury in
10 fact to the general public and the loss of money and property in that Defendant will continue to
11 violate the laws of California, unless specifically ordered to comply with the same. This
12 expectation of future violations will require current and future consumers to repeatedly and
13 continuously seek legal redress in order to recover monies paid to Defendant to which it is not
14 entitled. Plaintiffs, those similarly situated, and/or other consumers have no other adequate
15 remedy at law to ensure future compliance with the California Business and Professions Code
16 alleged to have been violated herein.

17
18 **PLAINTIFFS' THIRD CAUSE OF ACTION**
19 **(Common Law Fraud, Deceit and/or Misrepresentation)**
20 **On Behalf of Plaintiffs and the Class**

21 99. Plaintiffs reallege and incorporate by reference the paragraphs of this Class
22 Action Complaint as if set forth herein.

23 100. Defendant has fraudulently and deceptively informed Plaintiffs that the Products
24 provide more grams of protein than they actually provide in a form useful to the human body.
25 Defendant failed to provide a statement of the corrected amount of protein per serving in the
26 NFP, calculated according to the PDCAAS method, on all the Products, as it was required to do.

27 101. These misrepresentations and omissions were known exclusively to, and actively
28 concealed by, Defendant, not reasonably known to Plaintiffs, and material at the time they were
made. Defendant knew or should have known the composition of the Products, and knew or

1 should have known that the Products did not contain or provide the amount of protein represented
2 on the front label. Defendant's misrepresentations and omissions concerned material facts that
3 were essential to the analysis undertaken by Plaintiffs as to whether to purchase Defendant's
4 Products. In misleading Plaintiffs and not so informing them, Defendant breached their duty to
5 her. Defendant also gained financially from, and as a result of, their breach.

6 102. Plaintiffs and those similarly situated relied to their detriment on Defendant's
7 misrepresentations and fraudulent omissions. Had Plaintiffs and those similarly situated been
8 adequately informed and not intentionally deceived by Defendant, they would have acted
9 differently by, without limitation: (i) declining to purchase the Products, (ii) purchasing less of
10 them, or (iii) paying less for the Products.

11 103. By and through such fraud, deceit, misrepresentations and/or omissions,
12 Defendant intends to induce Plaintiffs and those similarly situated to alter their position to their
13 detriment. Specifically, Defendant fraudulently and deceptively induced Plaintiff and those
14 similarly situated to, without limitation, purchase the Products.

15 104. Plaintiffs and those similarly situated justifiably and reasonably relied on
16 Defendant's misrepresentations and omissions, and, accordingly, were damaged by Defendant.

17 105. As a direct and proximate result of Defendant's misrepresentations and/or
18 omissions, Plaintiffs and those similarly situated have suffered damages, including, without
19 limitation, the amount they paid for the Products.

20 106. Defendant's conduct as described herein was wilful and malicious and was
21 designed to maximize Defendant's profits even though Defendant knew that it would cause loss
22 and harm to Plaintiffs and those similarly situated.

23
24 **PLAINTIFFS' FOURTH CAUSE OF ACTION**
25 **(Unlawful, unfair, and fraudulent trade practices violation of Business and Professions**
26 **Code § 17200, et seq.)**
27 **On Behalf of Plaintiffs and the Subclass**

28 107. Plaintiffs reallege and incorporate by reference the paragraphs of this Class
Action Complaint as if set forth herein.

1 108. Within four (4) years preceding the filing of this lawsuit, and at all times
2 mentioned herein, Defendant has engaged, and continues to engage, in unlawful, unfair, and
3 fraudulent trade practices in California by engaging in the unlawful, unfair, and fraudulent
4 business practices outlined in this Complaint.

5 109. In particular, Defendant has engaged, and continues to engage, in unlawful
6 practices by, without limitation, violating the following state and federal laws: (i) the CLRA as
7 described herein; (ii) the FAL as described herein; (iii) the advertising provisions of the Sherman
8 Law (Article 3), including without limitation, California Health & Safety Code §§ 110390,
9 110395, 110398 and 110400; (iv) the misbranded food provisions of the Sherman Law (Article
10 6), including without limitation, California Health & Safety Code §§ 110660, 110665, 110705,
11 110760, 110765, and 110770; and (v) and federal laws regulating the advertising and branding
12 of food in 21 U.S.C. § 343(a), *et seq.* and FDA regulations, including but not limited to 21 C.F.R.
13 21 C.F.R. § 101.9 (c)(7), which are incorporated into the Sherman Law (California Health &
14 Safety Code §§ 110100(a), 110380, and 110505).

15 110. In particular, Defendant has engaged, and continues to engage, in unfair and
16 fraudulent practices by, without limitation, the following: (i) unlawfully making a protein claim
17 on the front of the package without complying with the regulatory requirements for making a
18 protein claim set forth in 21 C.F.R. § 101.9(c)(7)(i)-(iii) and incorporated by reference by
19 California's Sherman law; (ii) failing to provide a statement of the corrected amount of protein
20 per serving in the NFP, calculated according to the PDCAAS method and expressed as a %DV,
21 as required by FDA regulations; and (iii) misleading reasonable consumers regarding the amount
22 of protein the Products provide nutritionally in a form that humans can use.

23 111. Plaintiffs and those similarly situated relied to their detriment on Defendant's
24 unlawful, unfair, and fraudulent business practices. Had Plaintiffs and those similarly situated
25 been adequately informed and not deceived by Defendant, they would have acted differently by,
26 without limitation: (i) declining to purchase the Products, (ii) purchasing less of the Products, or
27 (iii) paying less for the Products.

28 112. Defendant's acts and omissions are likely to deceive the general public.

1 113. Defendant engaged in these deceptive and unlawful practices to increase its
2 profits. Accordingly, Defendant has engaged in unlawful trade practices, as defined and
3 prohibited by section 17200, *et seq.* of the California Business and Professions Code.

4 114. The aforementioned practices, which Defendant has used to their significant
5 financial gain, also constitute unlawful competition and provide an unlawful advantage over
6 Defendant's competitors as well as injury to the general public.

7 115. As a direct and proximate result of such actions, Plaintiffs and the other Subclass
8 members have suffered and continue to suffer injury in fact and have lost money and/or property
9 as a result of such deceptive and/or unlawful trade practices and unfair competition in an amount
10 which will be proven at trial, but which is in excess of the jurisdictional minimum of this Court.
11 Among other things, Plaintiffs and the Subclass members lost the amount they paid for the
12 Products.

13 116. As a direct and proximate result of such actions, Defendant has enjoyed, and
14 continues to enjoy, significant financial gain in an amount which will be proven at trial, but
15 which is in excess of the jurisdictional minimum of this Court.

16 117. Plaintiffs seek, on behalf of themselves and those similarly situated, equitable
17 relief, including the restitution for the premium and/or full price that she or others paid to
18 Defendant as a result of Defendant's conduct. Plaintiffs and the Subclass lack an adequate
19 remedy at law to obtain such relief with respect to their "unlawfulness" claims in this UCL cause
20 of action because the California Sherman Law does not provide a direct cause of action, so
21 Plaintiffs and the Subclass must allege those violations as predicate acts under the UCL to obtain
22 relief.

23 118. Plaintiffs also seek equitable relief, including restitution, with respect to her UCL
24 "fraudulent" prong claims. Pursuant to Federal Rule of Civil Procedure 8(e)(2), Plaintiffs make
25 the following allegations in this Paragraph only hypothetically and as an alternative to any
26 contrary allegations in their other causes of action, in the event that such causes of action do not
27 succeed. Plaintiffs and the Subclass may be unable to obtain monetary, declaratory and/or
28 injunctive relief directly under other causes of action and will lack an adequate remedy of law,

1 if the Court requires them to show classwide reliance and materiality beyond the objective
2 reasonable consumer standard applied under the UCL, because Plaintiffs may not be able to
3 establish each Subclass member's individualized understanding of Defendant's misleading
4 representations as described in this Complaint, but the UCL does not require individualized proof
5 of deception or injury by absent class members. *See, e.g., Stearns v Ticketmaster*, 655 F.3d 1013,
6 1020, 1023-25 (distinguishing, for purposes of CLRA claim, among class members for whom
7 website representations may have been materially deficient, but requiring certification of UCL
8 claim for entire Subclass). In addition, Plaintiffs and the Subclass may be unable to obtain such
9 relief under other causes of action and will lack an adequate remedy at law, if Plaintiffs are
10 unable to demonstrate the requisite *mens rea* (intent, reckless, and/or negligence), because the
11 UCL imposes no such *mens rea* requirement and liability exists even if Defendant acted in good
12 faith.

13 119. Plaintiffs seek, on behalf of themselves and those similarly situated, a declaration
14 that the above-described trade practices are fraudulent, unfair, and/or unlawful.

15 120. Plaintiffs seek, on behalf of themselves and those similarly situated, an injunction
16 to prohibit Defendant from continuing to engage in the deceptive and/or unlawful trade practices
17 complained of herein. Such misconduct by Defendant, unless and until enjoined and restrained
18 by order of this Court, will continue to cause injury in fact to the general public and the loss of
19 money and property in that Defendant will continue to violate the laws of California, unless
20 specifically ordered to comply with the same. This expectation of future violations will require
21 current and future consumers to repeatedly and continuously seek legal redress in order to
22 recover monies paid to Defendant to which it was not entitled. Plaintiffs and those similarly
23 situated have no other adequate remedy at law to ensure future compliance with the California
24 Business and Professions Code alleged to have been violated herein.

25 **PLAINTIFFS' FIFTH CAUSE OF ACTION**
26 **(Unjust Enrichment)**
27 **On Behalf of Plaintiffs and the Class**

28 121. Plaintiffs reallege and incorporate by reference the paragraphs of this Class
Action Complaint as if set forth herein.

1 122. Plaintiffs and members of the Class conferred a benefit on Defendant by
2 purchasing the Products.

3 123. Defendant has been unjustly enriched in retaining the revenues from Plaintiffs'
4 and Class members' purchases of the Products, which retention is unjust and inequitable, because
5 Defendant falsely represented that the Products contained specific amounts of protein per
6 serving, while failing to disclose that the daily value of the protein the Products actually provide.

7 124. Because Defendant's retention of the non-gratuitous benefit conferred on them
8 by Plaintiffs and Class members is unjust and inequitable, Defendant must pay restitution to
9 Plaintiffs and the Class members for its unjust enrichment, as ordered by the Court. Plaintiffs
10 and those similarly situated have no adequate remedy at law to obtain this restitution.

11 125. Plaintiffs, therefore, seek an order requiring Defendant to make restitution to her
12 and other members of the Class.

13 **PRAYER FOR RELIEF**

14 **WHEREFORE**, Plaintiffs, on behalf of themselves and those similarly situated,
15 respectfully request that the Court enter judgement against Defendant as follows:

16 A. Certification of the proposed Classes, including appointment of Plaintiffs'
17 counsel as class counsel;

18 B. An order temporarily and permanently enjoining Defendant from continuing the
19 unlawful, deceptive, fraudulent, and unfair business practices alleged in this Complaint;

20 C. An award of compensatory damages in an amount to be determined at trial, except
21 for those causes of action where compensatory damages are not legally available;

22 D. An award of statutory damages in an amount to be determined at trial, except for
23 those causes of action where statutory damages are not legally available;

24 E. An award of punitive damages in an amount to be determined at trial, except for
25 those causes of action where punitive damages are not legally available;

26 F. An award of treble damages, except for those causes of action where treble
27 damages are not legally available;

28 G. An award of restitution in an amount to be determined at trial;

1 H. An order requiring Defendant to pay both pre- and post-judgment interest on any
2 amounts awarded;

3 I. For reasonable attorneys' fees and the costs of suit incurred; and

4 J. For such further relief as this Court may deem just and proper.

5 **JURY TRIAL DEMANDED**

6 Plaintiffs hereby demand a trial by jury.

7 Dated: March 6, 2024

8 **GUTRIDE SAFIER LLP**

9 /s/Seth A. Safier/s/

10 Seth A. Safier (State Bar No. 197427)

seth@gutridesafier.com

11 Marie A. McCrary (State Bar No. 262670)

marie@gutridesafier.com

12 Hayley A. Reynolds (State Bar No. 306427)

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13 100 Pine Street, Suite 1250

San Francisco, CA 94111

14 Telephone: (415) 639-9090

Facsimile: (415) 449-6469

15 *Attorneys for Plaintiffs*

EXHIBIT A

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I, Karee Wallach, declare:

1. I am a Plaintiff in this action. If called upon to testify, I could and would competently testify to the matters contained herein based upon my personal knowledge.

2. I submit this Declaration pursuant to California Code of Civil Procedure section 2215.5 and California Civil Code section 1780(d).

3. As set forth in my complaint, I purchased more than once within the past four years Dr. Kellyann Lemon Lavender Bone Broth, Dr. Kellyann Thai Lemongrass Bone Broth, and Dr. Kellyann Bone Broth Vanilla Protein Powder from Dr. Kellyann’s website while in Marin County, California.

I declare under penalty of perjury under the laws of California that the foregoing is true and correct.

Executed this 30th day of January 2024, in Novato, California.

DocuSigned by:
Karee Wallach
C7F976EE8CB3417...
Karee Wallach

EXHIBIT B

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I, Tiffanye Young, declare:

1. I am a Plaintiff in this action. If called upon to testify, I could and would competently testify to the matters contained herein based upon my personal knowledge.

2. I submit this Declaration pursuant to California Code of Civil Procedure section 2215.5 and California Civil Code section 1780(d).

3. As set forth in my complaint, I purchased within the past four years Dr. Kellyann Homestyle Bone Broth while in Alameda County, California.

I declare under penalty of perjury under the laws of California that the foregoing is true and correct.

Executed this 30th day of January 2024, in Oakland, California.

DocuSigned by:
Tiffanye Young
A60030EFC004F4...
Tiffanye Young

EXHIBIT C

EXHIBIT C







	Product	Protein Claim	DV%?	Product Images																																										
Bone Broth Powder Packets																																														
1.	Homestyle	16g protein	No	 <div data-bbox="1438 316 1816 868"> <p>Nutrition Facts 7 servings per container Serving size 1 packet (18.5g)</p> <table border="1"> <thead> <tr> <th colspan="2">Amount per serving</th> <th>% Daily Value*</th> </tr> </thead> <tbody> <tr> <td>Calories</td> <td>70</td> <td></td> </tr> <tr> <td>Total Fat 0g</td> <td></td> <td>0%</td> </tr> <tr> <td>Saturated Fat 0g</td> <td></td> <td>0%</td> </tr> <tr> <td>Trans Fat 0g</td> <td></td> <td></td> </tr> <tr> <td>Cholesterol 0mg</td> <td></td> <td>0%</td> </tr> <tr> <td>Sodium 225mg</td> <td></td> <td>10%</td> </tr> <tr> <td>Total Carbohydrate less than 1g</td> <td></td> <td>0%</td> </tr> <tr> <td>Dietary Fiber 0g</td> <td></td> <td>0%</td> </tr> <tr> <td>Total Sugars 0g</td> <td></td> <td></td> </tr> <tr> <td>Includes 0g Added Sugars</td> <td></td> <td>0%</td> </tr> <tr> <td colspan="3">Protein 16g</td> </tr> <tr> <td>Vitamin D 0mcg 0%</td> <td>Calcium 0mg 0%</td> <td></td> </tr> <tr> <td>Iron 0mg 0%</td> <td>Potassium 340mg 8%</td> <td></td> </tr> </tbody> </table> <p>*The % Daily Value (DV) tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice. Calories per gram: Fat 9 • Carbohydrate 4 • Protein 4.</p> </div> <div data-bbox="1827 324 1911 868"> <ul style="list-style-type: none">  GRASS-FED COLLAGEN  KETO FRIENDLY  PALEO FRIENDLY  GLUTEN FREE  DAIRY FREE </div>	Amount per serving		% Daily Value*	Calories	70		Total Fat 0g		0%	Saturated Fat 0g		0%	Trans Fat 0g			Cholesterol 0mg		0%	Sodium 225mg		10%	Total Carbohydrate less than 1g		0%	Dietary Fiber 0g		0%	Total Sugars 0g			Includes 0g Added Sugars		0%	Protein 16g			Vitamin D 0mcg 0%	Calcium 0mg 0%		Iron 0mg 0%	Potassium 340mg 8%	
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EXHIBIT C






	Product	Protein Claim	DV%?	Product Images
2.	French Onion	15g protein	No	<div data-bbox="951 220 1312 776"> </div> <div data-bbox="1354 228 1717 776"> <p>Nutrition Facts 7 servings per container Serving size 1 packet (20.5g)</p> <hr/> <p>Amount per serving Calories 72</p> <p style="text-align: right;">% Daily Value*</p> <p>Total Fat 0g 0% Saturated Fat 0g 0% Trans Fat 0g</p> <p>Cholesterol 0mg 0% Sodium 390mg 17% Total Carbohydrate 3g 1% Dietary Fiber 0g 0% Total Sugars 0g Includes 0g Added Sugars 0%</p> <p>Protein 15g</p> <hr/> <p>Vitamin D 0mcg 0% Calcium 0mg 0% Iron 0mg 0% Potassium 13mg 0%</p> <p><small>*The % Daily Value (DV) tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice. Calories per gram: Fat 9 • Carbohydrate 4 • Protein 4.</small></p> </div> <div data-bbox="1738 237 1818 776"> <ul style="list-style-type: none">  GRASS-FED COLLAGEN  KETO FRIENDLY  PALEO FRIENDLY  GLUTEN FREE  DAIRY FREE </div> <div data-bbox="961 824 1564 1377"> </div>

EXHIBIT C

	Product	Protein Claim	DV%?	Product Images																						
3.	Thai Lemongrass	15g protein	No	<div data-bbox="945 211 1312 771"> </div> <div data-bbox="1354 219 1722 771"> <p>Nutrition Facts 7 servings per container Serving size 1 packet (21.5g)</p> <hr/> <p>Amount per serving Calories 74</p> <hr/> <table border="0"> <tr> <td></td> <td style="text-align: right;">% Daily Value*</td> </tr> <tr> <td>Total Fat 0g</td> <td style="text-align: right;">0%</td> </tr> <tr> <td> Saturated Fat 0g</td> <td style="text-align: right;">0%</td> </tr> <tr> <td> Trans Fat 0g</td> <td></td> </tr> <tr> <td>Cholesterol 0mg</td> <td style="text-align: right;">0%</td> </tr> <tr> <td>Sodium 302mg</td> <td style="text-align: right;">13%</td> </tr> <tr> <td>Total Carbohydrate 3g</td> <td style="text-align: right;">1%</td> </tr> <tr> <td> Dietary Fiber 0g</td> <td style="text-align: right;">0%</td> </tr> <tr> <td> Total Sugars 0g</td> <td></td> </tr> <tr> <td> Includes 0g Added Sugars</td> <td style="text-align: right;">0%</td> </tr> <tr> <td>Protein 15g</td> <td></td> </tr> </table> <hr/> <p>Vitamin D 0mcg 0% Calcium 0mg 0% Iron 0mg 0% Potassium 347mg 7%</p> <p><small>*The % Daily Value (DV) tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice. Calories per gram: Fat 9 • Carbohydrate 4 • Protein 4.</small></p> </div> <div data-bbox="1732 227 1827 771"> <ul style="list-style-type: none"> GRASS-FED COLLAGEN KETO FRIENDLY PALEO FRIENDLY GLUTEN FREE DAIRY FREE </div> <div data-bbox="955 795 1575 1356"> </div>		% Daily Value*	Total Fat 0g	0%	Saturated Fat 0g	0%	Trans Fat 0g		Cholesterol 0mg	0%	Sodium 302mg	13%	Total Carbohydrate 3g	1%	Dietary Fiber 0g	0%	Total Sugars 0g		Includes 0g Added Sugars	0%	Protein 15g	
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EXHIBIT C

	Product	Protein Claim	DV%?	Product Images																												
4.	Rosemary Thyme	15g protein	No	<div data-bbox="955 219 1312 771"> </div> <div data-bbox="1344 219 1711 771"> <p>Nutrition Facts 7 servings per container Serving size 1 packet (18.7g)</p> <table border="1"> <thead> <tr> <th>Amount per serving</th> <th>% Daily Value*</th> </tr> </thead> <tbody> <tr> <td>Calories 70</td> <td></td> </tr> <tr> <td>Total Fat 0g</td> <td>0%</td> </tr> <tr> <td>Saturated Fat 0g</td> <td>0%</td> </tr> <tr> <td>Trans Fat 0g</td> <td></td> </tr> <tr> <td>Cholesterol 0mg</td> <td>0%</td> </tr> <tr> <td>Sodium 270mg</td> <td>12%</td> </tr> <tr> <td>Total Carbohydrate 2g</td> <td>1%</td> </tr> <tr> <td>Dietary Fiber 0g</td> <td>0%</td> </tr> <tr> <td>Total Sugars 0g</td> <td></td> </tr> <tr> <td>Includes 0g Added Sugars</td> <td>0%</td> </tr> <tr> <td>Protein 15g</td> <td></td> </tr> <tr> <td>Vitamin D 0mcg 0%</td> <td>Calcium 0mg 0%</td> </tr> <tr> <td>Iron 0mg 0%</td> <td>Potassium 330mg 4%</td> </tr> </tbody> </table> <p>*The % Daily Value (DV) tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice. Calories per gram: Fat 9 • Carbohydrate 4 • Protein 4.</p> </div> <div data-bbox="1732 235 1816 771"> <ul style="list-style-type: none">  GRASS-FED COLLAGEN  KETO FRIENDLY  PALEO FRIENDLY  GLUTEN FREE  DAIRY FREE </div> <div data-bbox="966 803 1575 1356"> </div>	Amount per serving	% Daily Value*	Calories 70		Total Fat 0g	0%	Saturated Fat 0g	0%	Trans Fat 0g		Cholesterol 0mg	0%	Sodium 270mg	12%	Total Carbohydrate 2g	1%	Dietary Fiber 0g	0%	Total Sugars 0g		Includes 0g Added Sugars	0%	Protein 15g		Vitamin D 0mcg 0%	Calcium 0mg 0%	Iron 0mg 0%	Potassium 330mg 4%
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EXHIBIT C

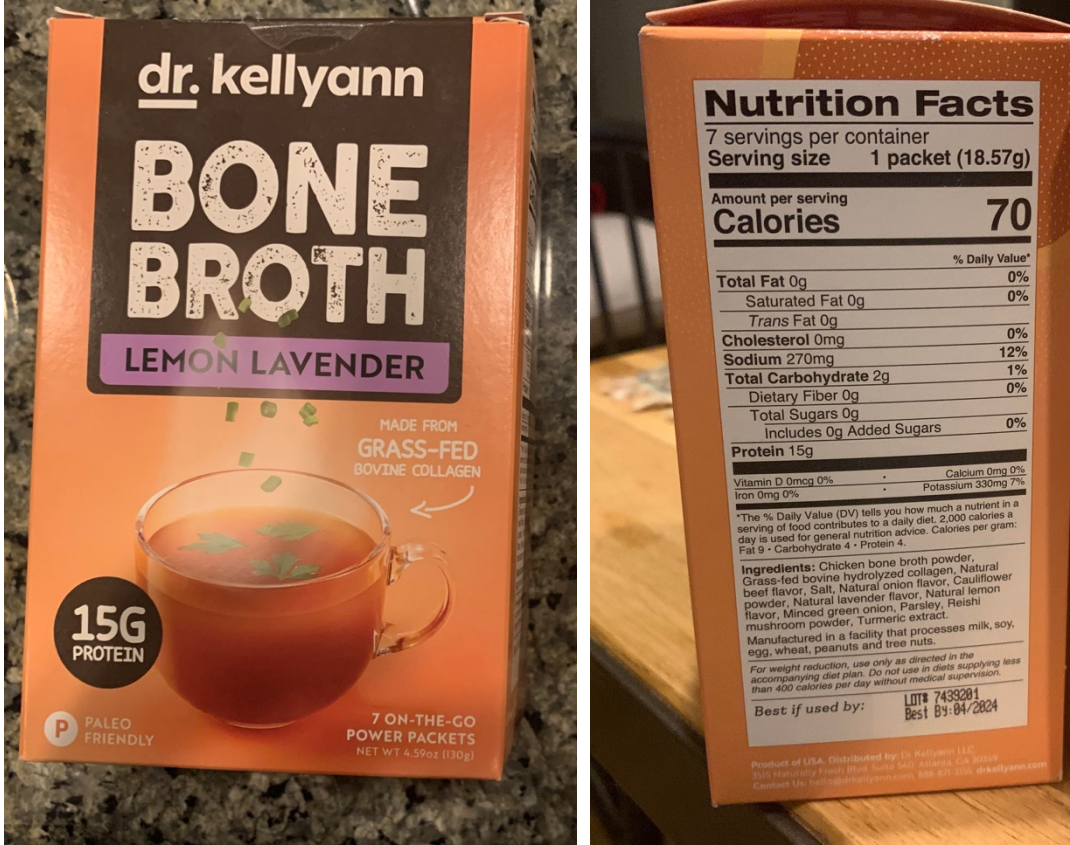
	Product	Protein Claim	DV%?	Product Images
5.	Lemon Lavender	15g protein	No	 <p>The left image shows the front of a Dr. Kellyann Bone Broth Lemon Lavender packet. The packaging is orange and black. It features the brand name 'dr. kellyann' at the top, followed by 'BONE BROTH' in large white letters, and 'LEMON LAVENDER' in a purple banner. Below this, it says 'MADE FROM GRASS-FED BOVINE COLLAGEN' with an arrow pointing to a glass cup of orange-colored broth. A circular badge on the left side of the packet states '15G PROTEIN'. At the bottom, it says '7 ON-THE-GO POWER PACKETS' and 'NET WT 4.59oz (130g)'. A 'PALEO FRIENDLY' logo is also visible.</p> <p>The right image shows the back of the packet with the 'Nutrition Facts' label. The label indicates 7 servings per container and a serving size of 1 packet (18.57g). The amount per serving is 70 calories. The label lists various nutrients and their percentages of daily value, including Total Fat (0g, 0%), Cholesterol (0mg, 0%), Sodium (270mg, 12%), Total Carbohydrate (2g, 1%), and Protein (15g). It also lists Vitamin D (0mg, 0%), Iron (0mg, 0%), Calcium (0mg, 0%), and Potassium (330mg, 7%). The ingredients list includes chicken bone broth powder, grass-fed bovine hydrolyzed collagen, natural beef flavor, salt, natural onion flavor, cauliflower powder, natural lavender flavor, natural lemon flavor, minced green onion, parsley, reishi mushroom powder, and turmeric extract. The label also includes a disclaimer about the % Daily Value, a 'Best if used by' date of 08/2024, and contact information for Dr. Kellyann LLC.</p>

EXHIBIT C


	Product	Protein Claim	DV%?	Product Images																																																		
<u>Bone Broth Protein Powder</u>																																																						
6.	Chocolate	21g protein	No	 <table border="1" data-bbox="1478 293 1837 776"> <thead> <tr> <th colspan="2">Nutrition Facts</th> </tr> </thead> <tbody> <tr> <td colspan="2">30 servings per container</td> </tr> <tr> <td colspan="2">Serving size 1 scoop (27g)</td> </tr> <tr> <td colspan="2">Amount per serving</td> </tr> <tr> <td>Calories</td> <td>100</td> </tr> <tr> <td colspan="2">% Daily Value**</td> </tr> <tr> <td>Total Fat 1g</td> <td>1%</td> </tr> <tr> <td> Saturated Fat 0.5g</td> <td>3%</td> </tr> <tr> <td> Trans Fat 0g</td> <td></td> </tr> <tr> <td>Cholesterol 0mg</td> <td>0%</td> </tr> <tr> <td>Sodium 150mg</td> <td>7%</td> </tr> <tr> <td>Total Carbohydrate 4g</td> <td>1%</td> </tr> <tr> <td> Dietary Fiber 2g</td> <td>7%</td> </tr> <tr> <td> Total Sugars 0g</td> <td></td> </tr> <tr> <td> Includes 0g Added Sugars</td> <td>0%</td> </tr> <tr> <td>Protein 21g</td> <td></td> </tr> <tr> <td>Vitamin D 0mcg 0%</td> <td>Calcium 11mg 0%</td> </tr> <tr> <td>Iron 2mg 10%</td> <td>Potassium 146mg 4%</td> </tr> </tbody> </table> <p data-bbox="1486 786 1829 846">**The % Daily Value (DV) tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice. Calories per gram: Fat 9 • Carbohydrate 4 • Protein 4</p> <p data-bbox="1486 862 1801 881">*4g Carbohydrates – 2g Fiber = 2g Net Carbs</p> <p data-bbox="1486 894 1829 1000">Ingredients: Bone broth protein (Grass-fed bovine hydrolyzed collagen), Prebiotic fiber (from chicory root), Cocoa powder, Medium chain triglycerides, Natural flavors, Monk fruit extract, Silicon dioxide. Manufactured in a facility that processes milk, soy, egg, wheat, peanuts and tree nuts.</p> <p data-bbox="1486 1016 1829 1065"><i>For weight reduction, use only as directed in the accompanying diet plan. Do not use in diets supplying less than 400 calories per day without medical supervision.</i></p> <table border="0" data-bbox="1486 1084 1818 1243"> <tr> <td>+ GRASS-FED</td> <td>- NO HORMONES</td> </tr> <tr> <td>+ COLLAGEN PROTEIN</td> <td>- NO ANTIBIOTICS</td> </tr> <tr> <td>+ NATURALLY</td> <td>- NO DAIRY</td> </tr> <tr> <td>+ SWEETENED WITH MONK FRUIT</td> <td>- NO SOY</td> </tr> <tr> <td>+ KETO-FRIENDLY</td> <td>- NO GLUTEN</td> </tr> <tr> <td>+ PALEO-FRIENDLY</td> <td>- NO GRAIN</td> </tr> <tr> <td>- NON-GMO</td> <td>- NO ADDED SUGAR</td> </tr> </table>	Nutrition Facts		30 servings per container		Serving size 1 scoop (27g)		Amount per serving		Calories	100	% Daily Value**		Total Fat 1g	1%	Saturated Fat 0.5g	3%	Trans Fat 0g		Cholesterol 0mg	0%	Sodium 150mg	7%	Total Carbohydrate 4g	1%	Dietary Fiber 2g	7%	Total Sugars 0g		Includes 0g Added Sugars	0%	Protein 21g		Vitamin D 0mcg 0%	Calcium 11mg 0%	Iron 2mg 10%	Potassium 146mg 4%	+ GRASS-FED	- NO HORMONES	+ COLLAGEN PROTEIN	- NO ANTIBIOTICS	+ NATURALLY	- NO DAIRY	+ SWEETENED WITH MONK FRUIT	- NO SOY	+ KETO-FRIENDLY	- NO GLUTEN	+ PALEO-FRIENDLY	- NO GRAIN	- NON-GMO	- NO ADDED SUGAR
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EXHIBIT C


	Product	Protein Claim	DV%?	Product Images																																		
7.	Vanilla	21g protein	No	 <div data-bbox="1535 245 1877 1198" style="border: 1px solid black; padding: 5px;"> <p>Nutrition Facts</p> <p>30 servings per container Serving size 1 scoop (27g)</p> <hr/> <p>Amount per serving Calories 110</p> <p style="text-align: right;">% Daily Value**</p> <table border="0"> <tr> <td>Total Fat 1g</td> <td style="text-align: right;">1%</td> </tr> <tr> <td> Saturated Fat 0g</td> <td style="text-align: right;">0%</td> </tr> <tr> <td> Trans Fat 0g</td> <td></td> </tr> <tr> <td>Cholesterol 0mg</td> <td style="text-align: right;">0%</td> </tr> <tr> <td>Sodium 1mg</td> <td style="text-align: right;">0%</td> </tr> <tr> <td>Total Carbohydrate 5g</td> <td style="text-align: right;">1%</td> </tr> <tr> <td> Dietary Fiber 3g</td> <td style="text-align: right;">11%</td> </tr> <tr> <td> Total Sugars <1g</td> <td></td> </tr> <tr> <td> Includes 0g Added Sugars</td> <td style="text-align: right;">0%</td> </tr> <tr> <td>Protein 21g</td> <td></td> </tr> </table> <hr/> <p>Vitamin D 0mcg 0% Calcium 2mg 0% Iron 0mg 0% Potassium 0mg 0%</p> <hr/> <p>**The % Daily Value (DV) tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice. Calories per gram: Fat 9 Carbohydrate 4 Protein 4</p> <p>*5g Carbohydrates – 3g Fiber = 2g Net Carbs</p> <p>Ingredients: Bone broth protein (Grass-fed bovine hydrolyzed collagen), Prebiotic fiber (from chicory root), Natural flavors, Medium chain triglycerides, Monk fruit extract, Silicon dioxide. Manufactured in a facility that processes milk, soy, egg, wheat, peanuts and tree nuts.</p> <p><i>For weight reduction, use only as directed in the accompanying diet plan. Do not use in diets supplying less than 400 calories per day without medical supervision.</i></p> <table border="0"> <tr> <td>+ GRASS-FED</td> <td>- NO HORMONES</td> </tr> <tr> <td>+ COLLAGEN PROTEIN</td> <td>- NO ANTIBIOTICS</td> </tr> <tr> <td>+ NATURALLY</td> <td>- NO DAIRY</td> </tr> <tr> <td>+ SWEETENED WITH MONK FRUIT</td> <td>- NO SOY</td> </tr> <tr> <td>+ KETO-FRIENDLY</td> <td>- NO GLUTEN</td> </tr> <tr> <td>+ PALEO-FRIENDLY</td> <td>- NO GRAIN</td> </tr> <tr> <td>- NON-GMO</td> <td>- NO ADDED SUGAR</td> </tr> </table> <p style="text-align: center;">Store at Room Temperature</p> </div>	Total Fat 1g	1%	Saturated Fat 0g	0%	Trans Fat 0g		Cholesterol 0mg	0%	Sodium 1mg	0%	Total Carbohydrate 5g	1%	Dietary Fiber 3g	11%	Total Sugars <1g		Includes 0g Added Sugars	0%	Protein 21g		+ GRASS-FED	- NO HORMONES	+ COLLAGEN PROTEIN	- NO ANTIBIOTICS	+ NATURALLY	- NO DAIRY	+ SWEETENED WITH MONK FRUIT	- NO SOY	+ KETO-FRIENDLY	- NO GLUTEN	+ PALEO-FRIENDLY	- NO GRAIN	- NON-GMO	- NO ADDED SUGAR
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EXHIBIT C

	Product	Protein Claim	DV%?	Product Images
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Cleanse & Reset

8.	5-Day Cleanse & Reset Kit	“PACKED WITH PROTEIN”	No
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Nutrition Facts	Lemon Sip	Super Chocolate Smoothie	Bone Broth	Super Berry Smoothie	Lemon Chicken Soup
35 servings per container Serving size 1 packet	(4.5g)	(36g)	(18.5g)	(35g)	(50g)
Amount per serving					
Calories	15	130	70	150	240
Total Fat	0g 0%	1.5g 1%	0g 0%	5g 6%	12g 15%
Saturated Fat	0g 0%	1g 5%	0g 0%	5g 25%	10g 50%
Trans Fat	0g 0%	0g 0%	0g 0%	0g 0%	0g 0%
Cholesterol	0mg 0%	10mg 2%	0mg 0%	0mg 0%	3mg 1%
Sodium	0mg 0%	260mg 10%	225mg 10%	65mg 3%	400mg 17%
Total Carbohydrate	4g 1%	7g 4%	less than 1g 0%	12g 4%	15g 5%
Dietary Fiber	0g 0%	4g 14%	0g 0%	3g 11%	2g 7%
Total Sugar	0g 0%	1g 0%	0g 0%	2g 0%	1g 0%
Includes Added Sugars	0g 0%	0g 0%	0g 0%	0g 0%	0g 0%
Protein	0g 0%	22g 0%	16g 0%	15g 0%	20g 0%
**The % Daily Value (DV) tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice.	Vitamin D 0mcg 0%	Iron 99mg 8%	Calcium 0mg 0%	Iron 23mg 2%	Calcium 40mg 3%
Calories per gram: Fat 9 • Carbohydrate 4 • Protein 4	Iron 0mg 0%	Potassium 30mg 0%	Iron 5mg 0%	Potassium 1mg 0%	Potassium 1mgc 0%
For weight reduction, use only as directed in the accompanying diet plan. Do not use in diets supplying less than 400 calories per day without medical supervision.	Ingredients: Lemon Powder, Natural flavor, Stevia leaf extract, Melon juice concentrate (SCD B3)	Ingredients: Dr. Kellyann Protein Complex (Whey Protein Isolate(WPI), Collagen Peptide), Probiotic complex (Inulin, Konjac root, Xylooligosaccharides), Cocoa powder, Natural flavors, Medium chain triglycerides (MCT), Xanthan gum, Flaxseed, Sea salt, Beet root, Spirulina, Monk fruit extract, Chia seed, Stevia leaf extract, Steviol glycoside, Watercress herb, Collard, Cabbage, Spinach, Lactase, Broccoli, Alfalfa, Blueberry, Celery, Dandelion, Kale, Kelp	Ingredients: Chicken bone broth powder, Grass-fed bovine hydrolyzed collagen, Cauliflower powder, Natural flavors, Garlic powder, Onion powder, Minced green onion, Parsley, Salt, Reishi mushroom powder, Turmeric extract.	Ingredients: Grass-fed bovine hydrolyzed collagen, Medium chain triglycerides (MCT), Probiotic fiber (from konjac root), Natural berries flavor, Citric acid, Lemon, Organic Strawberry, Cherry, Apple, Blueberry, Orange, Cranberry, Stevia leaf extract, Blackberry, Raspberry, Grape, Peach, Black currant, Monk fruit extract, Black chokeberry, Plum, Apricot, Pomegranate extract, Elderberry	Ingredients: Medium chain triglycerides (MCT), Hydrolyzed collagen, Chicken broth, Chicken fat, Cauliflower, Natural flavors, Garlic, Onion, Konjac root, Turmeric, Salt, Olive oil, Acacia gum, Tomato, Collard greens, Minced green onion, Carrot, Celery, Celery fragments, Citric acid, Green onion fragments, Green bell pepper, Kale fragments, Spinach fragments, Tomato fragments, Apple cider vinegar, Black pepper, Parsley, Sage, Rosemary extract, Thyme
Best if used by:					

EXHIBIT C

9. 3-Day Cleanse & Reset Kit “PACKED WITH PROTEIN” No




Nutrition Facts	Lemon Sip	Super Chocolate Smoothie	Bone Broth	Super Berry Smoothie	Lemon Chicken Soup
	(4.5g)	(36g)	(18.5g)	(35g)	(50g)
21 servings per container Serving size 1 packet					
Amount per serving					
Calories	15	130	70	150	240
	% Daily Value	% Daily Value	% Daily Value	% Daily Value	% Daily Value
Total Fat	0g 0%	1.5g 1%	0g 0%	5g 6%	12g 15%
Saturated Fat	0g 0%	1g 5%	0g 0%	5g 25%	10g 50%
Trans Fat	0g	0g	0g	0g	0g
Cholesterol	0mg 0%	10mg 2%	0mg 0%	0mg 0%	3mg 1%
Sodium	0mg 0%	260mg 10%	225mg 10%	65mg 3%	400mg 17%
Total Carbohydrate	4g 1%	7g 4%	less than 1g 0%	12g 4%	15g 5%
Dietary Fiber	0g 0%	4g 14%	0g 0%	3g 11%	2g 7%
Total Sugar	0g	1g	0g	2g	1g
Includes Added Sugars	0g 0%	0g 0%	0g 0%	0g 0%	0g 0%
Protein	0g	22g	16g	15g	20g
	0mcg 0%	0mcg 0%	0mcg 0%	0mcg 0%	0mcg 0%
	3mg 0%	99mg 8%	0mg 0%	23mg 2%	40mg 3%
	0mg 0%	5mg 28%	0mg 0%	1mg 6%	1mcg 3%
	0mg 0%	143mg 3%	340mg 8%	74mg 2%	150mg 3%
Calories per gram: Fat 9 • Carbohydrate 4 • Protein 4					
<i>For weight reduction, use only as directed in the accompanying diet plan. Do not use in diets supplying less than 400 calories per day without medical supervision.</i>					
Manufactured in a facility that processes milk, soy, egg, wheat, peanuts, tree nuts, fish and shellfish (crustacean).					
Best if used by:					
Ingredients: Lemon Powder, Natural flavor, Stevia leaf extract, Melon juice concentrate (SOD B®)		Ingredients: Dr. Kellyann Protein Complex [Whey Protein Isolate (WPI)], Collagen Peptide], Prebiotic complex [Inulin, Konjac root, Xylooligosaccharides], Cocoa powder, Natural flavors, Medium chain triglycerides (MCT), Xanthan gum, Flaxseed, Sea salt, Beet root, Spirulina, Monk fruit extract, Chia seed, Stevia leaf extract, Steviol glycoside, Watercress herb, Collard, Cabbage, Spinach, Lactase, Broccoli, Alfalfa, Blueberry, Celery, Dandelion, Kale, Kelp	Ingredients: Chicken bone broth powder, Grass-fed bovine hydrolyzed collagen, Cauliflower powder, Natural flavors, Garlic powder, Onion powder, Minced green onion, Parsley, Salt, Reishi mushroom powder, Turmeric extract.	Ingredients: Grass-fed bovine hydrolyzed collagen, Medium chain triglycerides (MCT), Prebiotic fiber (from konjac root), Natural berries flavor, Citric acid, Lemon, Organic Strawberry, Cherry, Apple, Blueberry, Orange, Cranberry, Stevia leaf extract, Blackberry, Raspberry, Grape, Peach, Black currant, Monk fruit extract, Black chokeberry, Plum, Apricot, Pomegranate extract, Elderberry	Ingredients: Medium chain triglycerides (MCT), Hydrolyzed collagen, Chicken broth, Chicken fat, Cauliflower, Natural flavors, Garlic, Onion, Konjac root, Turmeric, Salt, Olive oil, Acacia gum, Tomato, Collard greens, Minced green onion, Carrot, Celery, Celery fragments, Citric acid, Green onion fragments, Green bell pepper, Kale fragments, Spinach fragments, Tomato fragments, Apple cider vinegar, Black pepper, Parsley, Sage, Rosemary extract, Thyme
					

EXHIBIT C


	Product	Protein Claim	DV%?	Product Images
10.	1-Day Cleanse & Reset Kit	“PROTEIN PACKED”	No	 <div data-bbox="1409 253 1982 1182"> <h3 style="text-align: center;">Nutrition Facts</h3> <hr/> <p>Lemon Sip Serving size: 1 packet (4.5g)</p> <hr/> <p>Amount per serving: Calories 15</p> <hr/> <p>Total Fat 0g (0% DV), Sat. Fat 0g (0% DV), Trans Fat 0g, Cholest. 0mg (0% DV), Sodium 0mg (0% DV), Total Carb. 4g (1% DV), Fiber 0g (0% DV), Total Sugars 0g (incl. 0g Added Sugars, 0% DV), Protein 0g, Vit. D (0% DV), Calcium 3g (0% DV), Iron (0% DV), Potassium 0% DV.</p> <p><small>Ingredients: Lemon Powder, Natural flavor, Stevia leaf extract, Melon juice concentrate (SGD B8)</small></p> <hr/> <p>Super Vanilla Smoothie Serving size: 1 packet (35g)</p> <hr/> <p>Amount per serving: Calories 130</p> <hr/> <p>Total Fat 1g (1% DV), Sat. Fat 1g (5% DV), Trans Fat 0g, Cholest. 10mg (3% DV), Sodium 180mg (8% DV), Total Carb. 5g (3% DV), Fiber 3g (11% DV), Total Sugars 3g (incl. 2g Added Sugars, 4% DV), Protein 21g, Vit. D 0mcg (0% DV), Calcium 97mg (7% DV), Iron 4mg (22% DV), Potassium 78mg (2% DV).</p> <p><small>Ingredients: Dr. Kellyann Protein Complex (Whey Protein Isolate (WPI), Collagen Peptide), Prebiotic complex (Inulin, Konjac root, Xylooligosaccharides), Natural flavors, Medium chain triglycerides (MCT), Xanthan gum, Flaxseed, Beet root, Sea salt, Spinulina, Monk fruit extract, Chia seed, Stevia leaf extract, Steviol glycoside, Watercress herb, Collard, Cabbage, Spinach, Lactase, Broccoli, Alfalfa, Blueberry, Celery, Dandelion, Kale, Kelp</small></p> <hr/> <p>Bone Broth Serving size: 1 packet (18.5g)</p> <hr/> <p>Amount per serving: Calories 70</p> <hr/> <p>Total Fat 0g (0% DV), Sat. Fat 0g (0% DV), Trans Fat 0g, Cholest. 0mg (0% DV), Sodium 225mg (10% DV), Total Carb. less than 1g (0% DV), Fiber 0g (0% DV), Total Sugars 0g (incl. 0g Added Sugars, 0% DV), Protein 16g, Vit. D 0mcg (0% DV), Calcium 0mg (0% DV), Iron 0mg (0% DV), Potassium 340mg (8% DV).</p> <p><small>Ingredients: Chicken bone broth powder, Grass-fed bovine hydrolyzed collagen, Cauliflower powder, Natural flavors, Garlic powder, Onion powder, Minced green onion, Parsley, Salt, Reishi mushroom powder, Turmeric extract.</small></p> <hr/> <p>Super Berry Smoothie Serving size: 1 packet (35g)</p> <hr/> <p>Amount per serving: Calories 150</p> <hr/> <p>Total Fat 5g (6% DV), Sat. Fat 5g (25% DV), Trans Fat 0g, Cholest. 0mg (0% DV), Sodium 65mg (3% DV), Total Carb. 12g (4% DV), Fiber 3g (11% DV), Total Sugars 2g (incl. 0g Added Sugars, 0% DV), Protein 15g, Vit. D 0mcg (0% DV), Calcium 23mg (2% DV), Iron 1mg (6% DV), Potassium 74mg (2% DV).</p> <p><small>Ingredients: Grass-fed bovine hydrolyzed collagen, Medium chain triglycerides (MCT), Prebiotic fiber (from konjac root), Natural berries flavor, Citric acid, Lemon, Organic Strawberry, Cherry, Apple, Blueberry, Orange, Cranberry, Stevia leaf extract, Blackberry, Raspberry, Grape, Peach, Black currant, Monk fruit extract, Black chokeberry, Plum, Apricot, Pomegranate extract, Elderberry.</small></p> <hr/> <p>Lemon Chicken Soup Serving size: 1 packet (50g)</p> <hr/> <p>Amount per serving: Calories 240</p> <hr/> <p>Total Fat 12g (15% DV), Sat. Fat 10g (50% DV), Trans Fat 0g, Cholest. 3mg (1% DV), Sodium 400mg (17% DV), Total Carb. 15g (5% DV), Fiber 2g (7% DV), Total Sugars 1g (incl. 0g Added Sugars, 0% DV), Protein 20g, Vit. D 0mcg (0% DV), Calcium 40mg (3% DV), Iron 1mg (6% DV), Potassium 150mg (3% DV).</p> <p><small>Ingredients: Medium chain triglycerides (MCT), Hydrolyzed collagen, Chicken broth, Chicken fat, Cauliflower, Natural flavors, Garlic, Onion, Konjac root, Turmeric, Salt, Olive oil, Acacia gum, Tomato, Collard greens, Minced green onion, Carrot, Celery, Celery fragments, Citric acid, Green onion fragments, Green bell pepper, Kale fragments, Spinach fragments, Tomato fragments, Apple cider vinegar, Black pepper, Parsley, Sage, Rosemary extract, Thyme</small></p> </div>

EXHIBIT C



	Product	Protein Claim	DV%?	Product Images
<u>Liquid Bone Broth</u>				
11.	Classic Chicken	15g PROTEIN	No	 

EXHIBIT C





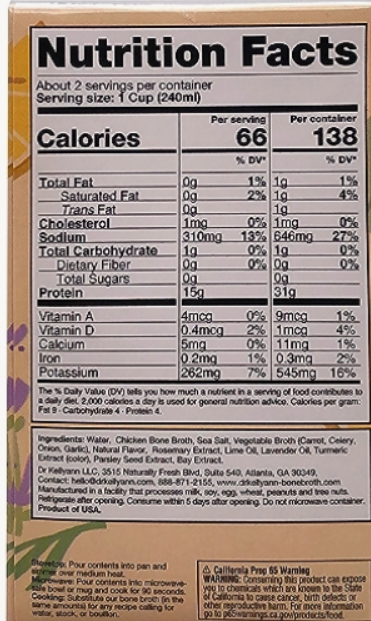
	Product	Protein Claim	DV%?	Product Images																																																																																																
12.	Classic Chicken Low Sodium	15g PROTEIN	No		 <table border="1"> <caption>Nutrition Facts</caption> <p>About 2 servings per container Serving size: 1 Cup (240ml)</p> <table border="1"> <thead> <tr> <th></th> <th colspan="2">Per serving</th> <th colspan="2">Per container</th> </tr> <tr> <th></th> <th>100</th> <th></th> <th>205</th> <th></th> </tr> <tr> <th></th> <th colspan="2">% DV*</th> <th colspan="2">% DV*</th> </tr> </thead> <tbody> <tr> <td>Calories</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Total Fat</td> <td>5g</td> <td>6%</td> <td>11g</td> <td>14%</td> </tr> <tr> <td> Saturated Fat</td> <td>1.5g</td> <td>8%</td> <td>3g</td> <td>15%</td> </tr> <tr> <td> Trans Fat</td> <td>0g</td> <td></td> <td>0.5g</td> <td></td> </tr> <tr> <td>Cholesterol</td> <td>5mg</td> <td>2%</td> <td>10mg</td> <td>3%</td> </tr> <tr> <td>Sodium</td> <td>138mg</td> <td>6%</td> <td>288mg</td> <td>13%</td> </tr> <tr> <td>Total Carbohydrate</td> <td>0g</td> <td>0%</td> <td>1g</td> <td>0%</td> </tr> <tr> <td> Dietary Fiber</td> <td>0g</td> <td>0%</td> <td>0g</td> <td>0%</td> </tr> <tr> <td> Total Sugars</td> <td>0g</td> <td></td> <td>0g</td> <td></td> </tr> <tr> <td> Incl. Added Sugars</td> <td>0g</td> <td>0%</td> <td>0g</td> <td>0%</td> </tr> <tr> <td>Protein</td> <td>15g</td> <td></td> <td>31g</td> <td></td> </tr> <tr> <td>Vitamin A</td> <td>37mcg</td> <td>4%</td> <td>77mcg</td> <td>9%</td> </tr> <tr> <td>Vitamin D</td> <td>0mcg</td> <td>0%</td> <td>0.1mcg</td> <td>0%</td> </tr> <tr> <td>Calcium</td> <td>6mg</td> <td>0%</td> <td>12mg</td> <td>1%</td> </tr> <tr> <td>Iron</td> <td>0.2mg</td> <td>1%</td> <td>0.3mg</td> <td>2%</td> </tr> <tr> <td>Potassium</td> <td>268mg</td> <td>6%</td> <td>557mg</td> <td>12%</td> </tr> </tbody> </table> <p>The % Daily Value (DV) tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice. Calories per gram: Fat 9 · Carbohydrate 4 · Protein 4.</p> </table>		Per serving		Per container			100		205			% DV*		% DV*		Calories					Total Fat	5g	6%	11g	14%	Saturated Fat	1.5g	8%	3g	15%	Trans Fat	0g		0.5g		Cholesterol	5mg	2%	10mg	3%	Sodium	138mg	6%	288mg	13%	Total Carbohydrate	0g	0%	1g	0%	Dietary Fiber	0g	0%	0g	0%	Total Sugars	0g		0g		Incl. Added Sugars	0g	0%	0g	0%	Protein	15g		31g		Vitamin A	37mcg	4%	77mcg	9%	Vitamin D	0mcg	0%	0.1mcg	0%	Calcium	6mg	0%	12mg	1%	Iron	0.2mg	1%	0.3mg	2%	Potassium	268mg	6%	557mg	12%
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Saturated Fat	1.5g	8%	3g	15%																																																																																																
Trans Fat	0g		0.5g																																																																																																	
Cholesterol	5mg	2%	10mg	3%																																																																																																
Sodium	138mg	6%	288mg	13%																																																																																																
Total Carbohydrate	0g	0%	1g	0%																																																																																																
Dietary Fiber	0g	0%	0g	0%																																																																																																
Total Sugars	0g		0g																																																																																																	
Incl. Added Sugars	0g	0%	0g	0%																																																																																																
Protein	15g		31g																																																																																																	
Vitamin A	37mcg	4%	77mcg	9%																																																																																																
Vitamin D	0mcg	0%	0.1mcg	0%																																																																																																
Calcium	6mg	0%	12mg	1%																																																																																																
Iron	0.2mg	1%	0.3mg	2%																																																																																																
Potassium	268mg	6%	557mg	12%																																																																																																
13.	Thai Lemongrass	15g PROTEIN	No		 <table border="1"> <caption>Nutrition Facts</caption> <p>About 2 servings per container Serving size: 1 Cup (240ml)</p> <table border="1"> <thead> <tr> <th></th> <th colspan="2">Per serving</th> <th colspan="2">Per container</th> </tr> <tr> <th></th> <th>67</th> <th></th> <th>139</th> <th></th> </tr> <tr> <th></th> <th colspan="2">% DV*</th> <th colspan="2">% DV*</th> </tr> </thead> <tbody> <tr> <td>Calories</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Total Fat</td> <td>0g</td> <td>1%</td> <td>1g</td> <td>1%</td> </tr> <tr> <td> Saturated Fat</td> <td>0g</td> <td>2%</td> <td>1g</td> <td>4%</td> </tr> <tr> <td> Trans Fat</td> <td>0g</td> <td></td> <td>1g</td> <td></td> </tr> <tr> <td>Cholesterol</td> <td>1mg</td> <td>0%</td> <td>1mg</td> <td>0%</td> </tr> <tr> <td>Sodium</td> <td>482mg</td> <td>20%</td> <td>1005mg</td> <td>42%</td> </tr> <tr> <td>Total Carbohydrate</td> <td>1g</td> <td>0%</td> <td>1g</td> <td>0%</td> </tr> <tr> <td> Dietary Fiber</td> <td>0g</td> <td>0%</td> <td>0g</td> <td>0%</td> </tr> <tr> <td> Total Sugars</td> <td>0g</td> <td></td> <td>0g</td> <td></td> </tr> <tr> <td>Protein</td> <td>15g</td> <td></td> <td>32g</td> <td></td> </tr> <tr> <td>Vitamin A</td> <td>35mcg</td> <td>4%</td> <td>73mcg</td> <td>8%</td> </tr> <tr> <td>Vitamin D</td> <td>0mcg</td> <td>2%</td> <td>1mcg</td> <td>4%</td> </tr> <tr> <td>Calcium</td> <td>6mg</td> <td>0%</td> <td>12mg</td> <td>1%</td> </tr> <tr> <td>Iron</td> <td>0.2mg</td> <td>1%</td> <td>0.4mg</td> <td>2%</td> </tr> <tr> <td>Potassium</td> <td>272mg</td> <td>6%</td> <td>566mg</td> <td>16%</td> </tr> </tbody> </table> <p>The % Daily Value (DV) tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice. Calories per gram: Fat 9 · Carbohydrate 4 · Protein 4.</p> <p>Ingredients: Water, Chicken Bone Broth, Natural Flavor, Sea Salt, Vegetable Broth (Celery, Celery, Onion, Garlic, Basil Extract, Lemongrass Extract, Parsley Seed Extract, Bay Extract).</p> <p>Dr. Kellyann LLC, 3815 Naturally Fresh Blvd, Suite 405, Atlanta, GA 30348. Contact: help@drkellyann.com, 888-871-2165, www.drkellyann.com/bonebroth.com</p> <p>Manufactured in a facility that processes milk, soy, egg, wheat, peanuts and tree nuts. Refrigerate after opening. Consume within 5 days after opening. Do not microwave container. Product of USA.</p> <p><small>Shelflife: Pour contents into pan and simmer over medium heat. Microwave: Pour contents into microwave-safe bowl and cook for 30 seconds. Chilling: Refrigerate in bone broth in the value amounts for any recipe calling for water, stock, or broth.</small></p> <p><small>California Prop 65 Warning: WARNING: Consuming this product can expose you to chemicals which are known to the State of California to cause cancer, birth defects or other reproductive harm. For more information go to: www.p65warnings.ca.gov/products/food.</small></p> </table>		Per serving		Per container			67		139			% DV*		% DV*		Calories					Total Fat	0g	1%	1g	1%	Saturated Fat	0g	2%	1g	4%	Trans Fat	0g		1g		Cholesterol	1mg	0%	1mg	0%	Sodium	482mg	20%	1005mg	42%	Total Carbohydrate	1g	0%	1g	0%	Dietary Fiber	0g	0%	0g	0%	Total Sugars	0g		0g		Protein	15g		32g		Vitamin A	35mcg	4%	73mcg	8%	Vitamin D	0mcg	2%	1mcg	4%	Calcium	6mg	0%	12mg	1%	Iron	0.2mg	1%	0.4mg	2%	Potassium	272mg	6%	566mg	16%					
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EXHIBIT C

	Product	Protein Claim	DV%?	Product Images
14.	Roasted Chicken	15g PROTEIN	No	 
15.	Lemon Lavender	15g PROTEIN	No	 

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Dr. Kellyann Bone Broth Hit with Class Action Over Allegedly Misleading Protein Content Claims](#)
