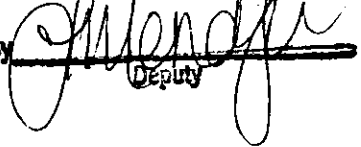


1 JEFF W. REISIG, Yolo County District Attorney  
LARRY BARLLY, State Bar. No. 114456  
2 Supervising Deputy District Attorney  
Consumer Fraud and Environmental Protection Division  
3 Yolo County District Attorney's Office  
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No Fee GC § 6103

**FILED**  
**YOLO SUPERIOR COURT**

DEC 30 2016

By  Deputy

6 JEFFREY ROSELL, Santa Cruz County District Attorney  
EDWARD T. BROWNE, State Bar No. 167638  
7 Assistant District Attorney  
Santa Cruz County District Attorney's Office  
8 701 Ocean Street, Suite 200  
Santa Cruz, CA 95060  
9 (830) 454-2547

10  
11  
12 **SUPERIOR COURT OF CALIFORNIA**  
13 **COUNTY OF YOLO**

14 THE PEOPLE OF THE STATE OF CALIFORNIA,  
15  
16 Plaintiff,

17 vs.

18 GENERAL MILLS INC., a Delaware Corporation,  
19  
20 Defendant.

NO. *Cv16-2178*

**COMPLAINT FOR  
INJUNCTION, CIVIL  
PENALTIES, AND OTHER  
RELIEF**

UNLIMITED CIVIL CASE  
(Amount demanded exceeds  
\$10,000)

21  
22 JEFF W. REISIG, District Attorney of Yolo County, by LARRY BARLLY, Supervising  
23 Deputy District Attorney; and JEFFREY ROSELL Santa Cruz County District Attorney by  
24 EDWARD T. BROWNE, Assistant District Attorney, acting on information and belief, allege:

25 **JURISDICTION AND VENUE**

26 1. Acting to protect the general public from untrue and misleading representations  
27 and unlawful business practices, plaintiffs bring this suit in the name of THE PEOPLE OF THE  
28

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

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

10 **DEFENDANT**

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

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

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

24 **INTRODUCTION**

25 6. This matter comes before the Court based on the People's allegations that GENERAL  
26 MILLS packaged its FIBER ONE bars (hereinafter FIBER ONE or "products", in violation of  
27  
28

1 California law relating to nonfunctional slack fill, and/or prohibitions against misleading  
2 advertising and unfair competition as shown in the attached Exhibit A.

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

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

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

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

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

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



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

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

9  
10 **PRAYER FOR RELIEF**

11 WHEREFORE, PLAINTIFF PRAYS FOR JUDGMENT AS FOLLOWS:

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

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

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

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

26 3. Defendant herein be assessed a civil penalty of Two Thousand Five Hundred  
27  
28

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


3 4. Plaintiffs recover their costs.

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

8 DATED: 12/29/16

Respectfully submitted,

JEFF W. REISIG  
DISTRICT ATTORNEY

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

15 DATED: \_\_\_\_\_

Respectfully submitted,

JEFFREY ROSELL,  
DISTRICT ATTORNEY

17  
18  
19 By: \_\_\_\_\_  
20 EDWARD T. BROWNE  
Assistant District Attorney  
Attorney for Plaintiff

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

3 4. Plaintiffs recover their costs.

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

8 DATED: \_\_\_\_\_  
9

Respectfully submitted,


10 JEFF W. REISIG  
DISTRICT ATTORNEY

11  
12 By: \_\_\_\_\_  
13 LARRY BARILLY  
Supervising Deputy District Attorney  
Attorney for Plaintiff

14  
15 DATED: 12/29/2016

Respectfully submitted,

16 JEFFREY ROSELL,  
DISTRICT ATTORNEY

17  
18   
19 By: EDWARD T. BROWNE  
Assistant District Attorney  
Attorney for Plaintiff