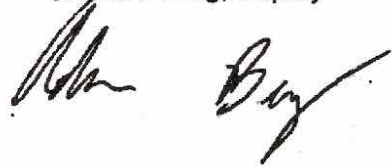


ELECTRONICALLY FILED
Superior Court of California
County of Santa Cruz
3/8/2019 4:38 PM
Alex Calvo, Clerk
By: Adam Berg, Deputy



1 JEFFREY S. ROSELL
2 DISTRICT ATTORNEY, COUNTY OF SANTA CRUZ
3 EDWARD T. BROWNE, State Bar No. 167638
4 Assistant District Attorney
5 701 Ocean Street, Suite 200
6 Santa Cruz, California 95060
7 Telephone: (831) 454-2547

8 JEFF W. REISIG
9 DISTRICT ATTORNEY, COUNTY OF YOLO
10 LAWRENCE BARLLY, State Bar No. 114456
11 Deputy District Attorney
12 301 Second Street
13 Woodland, CA 95695
14 Telephone: (530) 666-8180

15 Additional Prosecutors are listed on Attachment "A"
16 Attorneys for Plaintiff

17 **SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CRUZ**

18 THE PEOPLE OF THE STATE OF
19 CALIFORNIA,
20 Plaintiff,

21 vs.

22 WALMART INC., a Delaware Corporation,
23 Defendant.

No.: 19CV00799

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

24 THE PEOPLE OF THE STATE OF CALIFORNIA, by and through, JEFFREY S.
25 ROSELL, District Attorney of Santa Cruz County, by EDWARD T. BROWNE, Assistant District
26 Attorney; JEFF W. REISIG, District Attorney of Yolo County, by LARRY BARLLY, Deputy
27 District attorney; LISA A. SMITTCAMP, District Attorney, County of Fresno, by TY MURPHY,
28 Deputy District Attorney; STEPHEN S. CARLTON District Attorney, County of Shasta, by
ANAND "LUCKY," JESRANI, Deputy District Attorney; RONALD SCOTT OWENS, District
Attorney, County of Placer, by JANE CRUE, Senior Deputy District Attorney; and TIM WARD,

1 District Attorney, Tulare County, by PAULA CLARK, Deputy District Attorney, acting on
2 information and belief allege the following:

3 **PLAINTIFF'S AUTHORITY**

4
5 1. Plaintiff's authority to bring this action is derived from Business and Professions
6 Code sections 17200, 17203, 17204, 17205, 17206, 17500, 17535 and 17536.

7 2. Plaintiff brings this action in the name of The People of the State of California to
8 protect the public from fraud, deception, and misleading, unlawful, unfair, and fraudulent business
9 practices.

10 **JURISDICTION AND VENUE**

11 3. At all times mentioned herein, Defendant has transacted business within the
12 Counties of Santa Cruz, Yolo, Fresno, Shasta, Placer, Tulare and elsewhere throughout the State of
13 California. The violations of law hereinafter described have been committed in the Counties of
14 Santa Cruz, Yolo, Fresno, Shasta, Placer, Tulare and elsewhere throughout the State of California.

15 **THE PARTIES AND THEIR RELATIONSHIPS**

16
17 4. Defendant Walmart Inc. ("Walmart" or "Defendant"), was at all times mentioned
18 herein, a Delaware corporation, with its principal place of business at 702 S.W. 8th St. Bentonville,
19 AK 72716.

20 5. Defendant is engaged in the distribution and retail sales of products including, but
21 not limited to, over the counter health and beauty products, which are sold in retail locations and
22 over the Internet to California consumers.

23 6. Whenever reference is made in this Complaint to any representation, act, omission,
24 or transaction of the corporate defendant Walmart, such allegation(s) shall be deemed to mean that
25 the principals, officers, directors, managers, employees, agents, or representatives of said corporate
26 defendant, while acting within the actual or ostensible scope of their employment, did or authorized
27 such representations, acts, omissions or transactions on behalf of said corporate defendant.
28

1 12. Plaintiff is informed and believes, and thereupon alleges that within the past four (4)
2 years from the date of the filing of this Complaint, Defendant committed unfair competition as
3 defined in Business and Professions Code section 17200, by engaging in acts or practices which
4 included, but were not necessarily limited to the following:

5 a) Defendant made, or caused to be made, untrue or misleading representations
6 regarding the packaging of its Products, in violation of Business and Professions Code section
7 17500.

8 b) Defendant violated section 12602 of the California Business and Professions
9 Code by distributing or causing to be distributed packages that did not conform to Chapter Six of
10 the Business and Professions Code as more fully described in subparagraphs (c) and (d) below.

11 c) Defendant violated section 12606(a) of the California Business and
12 Professions Code by placing its Products in packages which contained false sidewalls, false
13 bottoms, false lids or coverings or were otherwise made, formed, or filled so as to facilitate the
14 perpetration of deception or fraud on consumers as to the actual size of Defendant's products
15 within the packages.

16 d) Defendant violated section 12606(b) of the California Business and
17 Professions Code by placing its Products in packages which were misleading and/or contained a
18 void space which was not viewable or discernable by consumers and which did not fall within a
19 safe harbor provision of the section.

20 e) Defendant violated section 110375(a) of the California Health and Safety
21 Code by placing its Products in packages which contained false sidewalls, false bottoms, false lids
22 or coverings, or were otherwise made, formed, or filled to facilitate the perpetration of deception or
23 fraud.

24 f) Defendant violated section 110375(b) of the California Health and Safety
25 Code, by placing its Products in packages that were made, formed, or filled so as to be misleading,
26 and/or contained a void space which was not viewable or discernable by consumers and which did
27 not fall within a safe harbor provision of the section.

28

1 13. Plaintiff is informed and believes and thereupon alleges that unless enjoined and
2 restrained by order of this Court, said Defendant will continue to engage in the aforementioned
3 described unlawful conduct in derogation of the rights and interests of the general public as
4 consumers and competitors of Defendant.

5 **PRAYER**

6 **WHEREFORE**, Plaintiff prays that:

7 1. Pursuant to Business and Professions Code sections 17203 and 17535 and the
8 Court's inherent equity powers, that Defendant, its directors, officers, employees, agents and
9 representatives, and any and all persons who are acting in concert or participating in any manner
10 with them, or any of them, be permanently enjoined and restrained, directly or indirectly, from
11 engaging in the acts of unlawful business acts or practices as set forth in this Complaint.

12 2. Pursuant to Business and Professions Code section 17536, the Court assess a civil
13 penalty of two thousand five hundred dollars (\$2,500.00) against Defendant for each violation of
14 Business and Professions Code section 17500 alleged in the First Cause of Action.

15 3. Pursuant to Business and Professions Code section 17206, the Court assess a civil
16 penalty of two thousand five hundred dollars (\$2,500.00) against Defendant for each violation of
17 Business and Professions Code section 17200 alleged in the Second Cause of Action.

18 4. Defendant be ordered to make full restitution of all money or other property that
19 may have been acquired by its violations of Business and Professions Code sections 17200 and
20 17500.

21 5. Plaintiff has such other and further relief as the nature of the case may require and
22 the Court deems appropriate.

23
24 DATED: 3/5/2019

Respectfully submitted,

25 JEFFREY S. ROSELL,
26 SANTA CRUZ DISTRICT ATTORNEY

27 By: 
28 EDWARD T. BROWNE
Assistant District Attorney

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Attorney for Plaintiff

DATED: _____

Respectfully submitted,

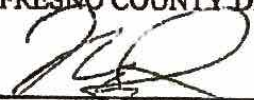
JEFF W. REISIG,
YOLO COUNTY DISTRICT ATTORNEY

By: LAWRENCE BARLLY
Deputy District Attorney
Attorney for Plaintiff

DATED: 2/27/19

Respectfully submitted,

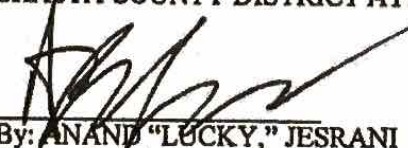
LISA A. SMITTCAMP,
FRESNO COUNTY DISTRICT ATTORNEY


By: TY MURPHY
Deputy District Attorney
Attorney for Plaintiff

DATED: 02/27/2019

Respectfully submitted,

STEPHANIE A. BRIDGETT,
SHASTA COUNTY DISTRICT ATTORNEY


By: ANAND "LUCKY," JESRANI
Deputy District Attorney
Attorney for Plaintiff

DATED: 3/5/2019
CSO

Respectfully submitted,

RONALD SCOTT OWENS,
PLACER COUNTY DISTRICT ATTORNEY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Attorney for Plaintiff

DATED: _____

Respectfully submitted,

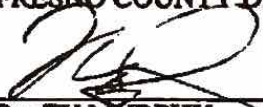
JEFF W. REISIG,
YOLO COUNTY DISTRICT ATTORNEY

By: LAWRENCE BARLLY
Deputy District Attorney
Attorney for Plaintiff

DATED: 2/27/19

Respectfully submitted,

LISA A. SMITTCAMP,
FRESNO COUNTY DISTRICT ATTORNEY


By: TY MURPHY
Deputy District Attorney
Attorney for Plaintiff

DATED: _____

Respectfully submitted,

STEPHANIE A. BRIDGETT,
SHASTA COUNTY DISTRICT ATTORNEY

By: ANAND "LUCKY," JESRANI
Deputy District Attorney
Attorney for Plaintiff

DATED: _____

Respectfully submitted,

RONALD SCOTT OWENS,
PLACER COUNTY DISTRICT ATTORNEY