

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI

RANDALL SALLY, on behalf of himself)
and all others similarly situated,)

Plaintiff,)

vs.)

PANERA BREAD COMPANY, a/k/a)
SAINT LOUIS BREAD CO.,)
Serve: Registered Agent)
CSC-LAWYERS INCORPORATING)
SERVICE)
221 Bolivar)
Jefferson City, MO 65101)

and)

PANERA, LLC,)
Serve: Registered Agent)
CSC-LAWYERS INCORPORATING)
SERVICE)
221 Bolivar)
Jefferson City, MO 65101)

Defendants.)

Cause No.

Division:

JURY TRIAL DEMANDED

CLASS ACTION PETITION FOR DAMAGES

COME NOW Plaintiff Randall Sally, on behalf of himself and all others similarly situated in the State of Missouri, through his attorneys, and brings this action against Defendants Panera Bread Company, a/k/a Saint Louis Bread Co., and Panera, LLC (hereinafter collectively referred to as “Defendants,” “Saint Louis Bread Co.,” or “Panera”); and, upon information and belief, except as to the allegations that pertain to himself, which are based upon based upon personal knowledge, alleges as follows:

NATURE OF THE ACTION

1. Plaintiff brings this action on his own behalf and as a representative of a class of persons consisting of all Missouri citizens who purchased Saint Louis Bread Co. Products for personal, family, or household purposes.

2. Defendant develops, manufactures, markets, distributes, and sells a variety of personal, family, or household products, including:

- Saint Louis Bread Co. Brioche Roll;
- Saint Louis Bread Co. Classic White Bread;
- Saint Louis Bread Co. Sea Salt Focaccia;
- Saint Louis Bread Co. French Baguette;
- Saint Louis Bread Co. Asiago Cheese;
- Saint Louis Bread Co. Cinnamon Raisin Swirl;
- Saint Louis Bread Co. Sourdough;
- Saint Louis Bread Co. Tomato Basil;
- Saint Louis Bread Co. Sprouted Grain Roll;
- Saint Louis Bread Co. Honey Wheat;
- Saint Louis Bread Co. Asiago Cheese Focaccia;
- Saint Louis Bread Co. Country Rustic;
- Saint Louis Bread Co. Farmstyle XL Loaf;
- Saint Louis Bread Co. Whole Grain;
- Saint Louis Bread Co. Artisan Ciabatta;
- Saint Louis Bread Co. Chocolate Croissant;
- Saint Louis Bread Co. Cheese Brittany;
- Saint Louis Bread Co. Pecan Braid;
- Saint Louis Bread Co. Bear Claw;
- Saint Louis Bread Co. Cherry Cheese Brittany;
- Saint Louis Bread Co. Croissant;
- Saint Louis Bread Co. Almond Croissant;
- Saint Louis Bread Co. Pastry Ring;
- Saint Louis Bread Co. Vanilla Cinnamon Roll;
- Saint Louis Bread Co. Apple Pie Thumbprint Cookie;
- Saint Louis Bread Co. Heart Cookie;
- Saint Louis Bread Co. Kitchen Sink Cookie;
- Saint Louis Bread Co. Oatmeal Raisin with Berries Cookie;
- Saint Louis Bread Co. Candy Cookie;
- Saint Louis Bread Co. Petite Chocolate Chipper;

- Saint Louis Bread Co. Chocolate Chipper Cookie;
- Saint Louis Bread Co. Cocoa & Crème Cookie;
- Saint Louis Bread Co. Homestyle Chocolate Chunk Cookie;
- Saint Louis Bread Co. Lemon Drop Cookie;
- Saint Louis Bread Co. Blueberry Muffin with Fresh Blueberries;
- Saint Louis Bread Co. Pumpkin Muffin;
- Saint Louis Bread Co. Cranberry Orange Muffin;
- Saint Louis Bread Co. Chocolate Chip Muffin;
- Saint Louis Bread Co. Pumpkin Muffin;
- Saint Louis Bread Co. Apple Cinnamon Crunch Scone;
- Saint Louis Bread Co. Blueberry Scone;
- Saint Louis Bread Co. Cinnamon Crunch Scone;
- Saint Louis Bread Co. Orange Scone;
- Saint Louis Bread Co. Brownie;
- Saint Louis Bread Co. Cinnamon Crum Coffee Cake;
- Saint Louis Bread Co. Sprouted Grain Bagel Flat;
- Saint Louis Bread Co. Everything Bagel;
- Saint Louis Bread Co. Plain Bagel;
- Saint Louis Bread Co. Chocolate Chip Bagel;
- Saint Louis Bread Co. Whole Grain Bagel;
- Saint Louis Bread Co. French Toast Bagel;
- Saint Louis Bread Co. Sesame Bagel;
- Saint Louis Bread Co. Cinnamon Crunch Bagel;
- Saint Louis Bread Co. Asiago Cheese Bagel;
- Saint Louis Bread Co. Cinnamon Swirl & Raisin Bagel;
- Saint Louis Bread Co. Blueberry Bagel;
- Saint Louis Bread Co. Maple Bacon, Scrambled Eggs & Cheese Wrap;
- Saint Louis Bread Co. Chipotle Chicken, Scrambled Eggs & Avocado;
- Saint Louis Bread Co. Mediterranean Egg White Wrap;
- Saint Louis Bread Co. Bacon, Egg & Cheese;
- Saint Louis Bread Co. Bacon, Scrambled Egg & Cheese on Ciabatta;
- Saint Louis Bread Co. Sausage, Egg & Cheese;
- Saint Louis Bread Co. Egg & Cheese;
- Saint Louis Bread Co. Ham, Egg & Cheese;
- Saint Louis Bread Co. Steak & Egg;
- Saint Louis Bread Co. Avocado, Egg White & Spinach;
- Saint Louis Bread Co. Spinach & Bacon Souffle;
- Saint Louis Bread Co. Ham & Swiss Souffle;
- Saint Louis Bread Co. Bistro French Onion Soup;
- Saint Louis Bread Co. Baked Potato Soup;
- Saint Louis Bread Co. Broccoli Cheddar Soup;

- Saint Louis Bread Co. Vegetarian Creamy Tomato Soup;
- Saint Louis Bread Co. Turkey Chili;
- Saint Louis Bread Co. Vegetarian Autumn Squash Soup;
- Saint Louis Bread Co. Ten Vegetable Soup;
- Saint Louis Bread Co. Low-Fat Chicken Soup;
- Saint Louis Bread Co. Modern Greek Salad with Quinoa;
- Saint Louis Bread Co. Caesar Salad;
- Saint Louis Bread Co. Caesar Salad with Chicken;
- Saint Louis Bread Co. Greek Salad;
- Saint Louis Bread Co. Green Goddess Cobb Salad with Chicken;
- Saint Louis Bread Co. Southwest Chile Lime Ranch Salad with Chicken;
- Saint Louis Bread Co. Spicy Thai Salad with Chicken;
- Saint Louis Bread Co. Fuji Apple Salad with Chicken;
- Saint Louis Bread Co. Seasonal Greens Salad;
- Saint Louis Bread Co. Asian Sesame Salad with Chicken;
- Saint Louis Bread Co. Baja Grain Bowl with Chicken;
- Saint Louis Bread Co. Baja Grain Bowl;
- Saint Louis Bread Co. Mediterranean Grain Bowl with Chicken;
- Saint Louis Bread Co. Mediterranean Grain Bowl;
- Saint Louis Bread Co. Baja Mac & Cheese;
- Saint Louis Bread Co. BBQ Chicken Mac & Cheese;
- Saint Louis Bread Co. Mac & Cheese;
- Saint Louis Bread Co. Chicken Tortellini Alfredo;
- Saint Louis Bread Co. Sierra Turkey;
- Saint Louis Bread Co. Chipotle Chicken Avocado Melt;
- Saint Louis Bread Co. Toasted Frontega Chicken;
- Saint Louis Bread Co. Toasted Steak & White Cheddar;
- Saint Louis Bread Co. Tuna Salad Sandwich;
- Saint Louis Bread Co. Modern Caprese Sandwich;
- Saint Louis Bread Co. Roasted Turkey, Apple & Cheddar Sandwich;
- Saint Louis Bread Co. Turkey Sandwich;
- Saint Louis Bread Co. Mediterranean Veggie Sandwich;
- Saint Louis Bread Co. Steak & Arugula Sandwich;
- Saint Louis Bread Co. Napa Almond Chicken Salad Sandwich;
- Saint Louis Bread Co. The Cuban;
- Saint Louis Bread Co. Bacon Tomato Grilled Cheese;
- Saint Louis Bread Co. Saint Louis Bread Co. Classic Grilled Cheese;
- Saint Louis Bread Co. Heritage Ham & Swiss Sandwich;
- Saint Louis Bread Co. Toasted Tuscan Grilled Sandwich;
- Saint Louis Bread Co. Roasted Turkey & Avocado BLT;
- Saint Louis Bread Co. Bacon Turkey Bravo Sandwich;

- Saint Louis Bread Co. Kids Mac & Cheese;
- Saint Louis Bread Co. Kids Turkey Chili;
- Saint Louis Bread Co. Kids Vegetarian Autumn Squash Soup;
- Saint Louis Bread Co. Kids Ten Vegetable Soup;
- Saint Louis Bread Co. Kids Vegetarian Creamy Tomato Soup;
- Saint Louis Bread Co. Kids Baked Potato Soup;
- Saint Louis Bread Co. Kids Low-Fat Chicken Noodle Soup;
- Saint Louis Bread Co. Kids Bistro French Onion Soup;
- Saint Louis Bread Co. Kids Broccoli Cheddar Soup;
- Saint Louis Bread Co. Kids Seasonal Greens Salad;
- Saint Louis Bread Co. Kids Greek Salad;
- Saint Louis Bread Co. Kids Caesar Salad;
- Saint Louis Bread Co. Kids Turkey Sandwich;
- Saint Louis Bread Co. Kids Peanut Butter & Jelly;
- Saint Louis Bread Co. Kids Grilled Cheese;
- Saint Louis Bread Co. Kids Artisan Ham Sandwich;
- Saint Louis Bread Co. Frozen Caramel Cold Brew;
- Saint Louis Bread Co. Frozen Mocha Cold Brew;
- Saint Louis Bread Co. Peach & Blueberry Smoothie with Almond Milk;
- Saint Louis Bread Co. Cold Brew – Madagascar Vanilla Cream;
- Saint Louis Bread Co. Iced Madagascar Vanilla Latte;
- Saint Louis Bread Co. Iced Chai Tea Latte;
- Saint Louis Bread Co. Lipton Brisk Raspberry Tea;
- Saint Louis Bread Co. Passion Papaya Green Tea;
- Saint Louis Bread Co. Blood Orange Lemonade;
- Saint Louis Bread Co. Iced Caffe Mocha;
- Saint Louis Bread Co. Tropical Fruit Punch;
- Saint Louis Bread Co. Iced Caramel Latte;
- Saint Louis Bread Co. Signature Hot Chocolate;
- Saint Louis Bread Co. Caffe Mocha;
- Saint Louis Bread Co. Caramel Latte;
- Saint Louis Bread Co. Skinny Caffe Mocha;
- Saint Louis Bread Co. Chai Tea Latte;
- Saint Louis Bread Co. Madagascar Vanilla Latte

(hereinafter the “Saint Louis Bread Co. Products” or the “Products”).¹

¹ Plaintiff reserves the right to amend this Petition to include any additional food items sold by Saint Louis Bread Co. that contain artificial preservatives, sweeteners, flavors, or colors and are within the scope of this Petition.

3. Plaintiff brings this action individually and as class representative to recover damages for violations of the Missouri Merchandising Practices Act, Mo. Rev. Stat. §§ 407.010 *et seq.*, for economic relief against Saint Louis Bread Co., which tested, marketed, distributed, promoted, and sold the Products.

4. Saint Louis Bread Co. markets the Products as “100% clean” and/or “clean” with no artificial preservatives, sweeteners, flavors, or colors from artificial sources. Saint Louis Bread Co. claims that every item on its United States food menu is “clean.”

5. Consumers expect products that are marketed as “100% clean” and/or “clean” with no artificial preservatives, sweeteners, flavors, or colors from artificial sources to not contain any artificial, chemical, and/or synthetic preservatives, sweeteners, flavors, or colors.

6. Although the Products were marketed, advertised, and sold as “100% clean” and/or “clean” with no artificial preservatives, sweeteners, flavors, or colors from artificial sources, the Products contain multiple ingredients that are artificial, chemical, and/or synthetic preservatives, sweeteners, flavors, and colors, as detailed further herein.

7. Saint Louis Bread Co. misrepresented, and/or concealed, suppressed, or omitted material facts in connection with the sale, distribution, and/or advertisement of the Products. Therefore, Plaintiff, on behalf of himself and the putative class, seeks a refund for monies paid as a result of their purchases of the Products.

PARTIES

8. At all relevant times, Plaintiff Sally was and is a citizen of the State of Missouri. During the Class Period, Plaintiff Sally has purchased Saint Louis Bread Co. Products for personal, family, or household use. Plaintiff Sally’s purchases include, without limitation Saint Louis Bread Co. French Baguette, Saint Louis Bread Co. Bacon Turkey Bravo Sandwich, Saint

Louis Bread Co. Caesar Salad with Chicken, Saint Louis Bread Co. Mac & Cheese, and Saint Louis Bread Co. Chocolate Chipper Cookie. Accordingly, Plaintiff Sally has been injured as a result of Defendants' unlawful conduct alleged herein.

9. Defendant Panera Bread Company, a/k/a Saint Louis Bread Co, manufactures, distributes, markets, and sells the Products. Panera Bread Company is a national bakery chain with Company-owned and franchise-operated locations in 46 states, the District of Columbia, and Canada. The Company also operates under the "Panera Bread" and "Saint Louis Bread Co." names. It is a Delaware corporation in good standing in the State of Missouri, with its principal place of business and corporate headquarters located at 3630 South Geyer Road, Suite 100, St. Louis, Missouri 63127. Defendant conducts business, including advertising and selling the Products, throughout Missouri, including the City of St. Louis, Missouri. Panera Bread Company holds itself out to the public as a manufacturer of "clean" food.

10. Defendant Panera, LLC is a Delaware limited liability company in good standing in the State of Missouri, with its principal place of business and corporate headquarters located at 3630 South Geyer Road, Suite 100, St. Louis, Missouri 63127. Panera, LLC is a wholly owned subsidiary of Panera Bread Company, a/k/a Saint Louis Bread Co.

JURISDICTION AND VENUE

11. This Court has personal jurisdiction over this matter pursuant to Mo. Rev. Stat. §§ 478.070 and 506.500 because Defendants are registered to conduct business in Missouri, have their principal place of business and headquarters in Missouri at 3630 South Geyer Road, Suite 100, St. Louis, Missouri, are present, have transacted and conducted, and continue to transact and conduct substantial business in Missouri, have a registered agent in Missouri, consistently and purposefully avail themselves of the privileges of conducting business in Missouri and in this

judicial district, and can fairly be regarded as at home in Missouri.² Furthermore, Defendants committed a tortious act within this state by marketing, distributing, promoting, and selling the Products in Missouri in a manner which violates the Missouri Merchandising Practices Act, Mo. Rev. Stat. §§ 407.010 *et seq.*, as detailed further herein.

12. This Court has personal jurisdiction over Defendants because the acts and/or omissions which are the subject of this litigation occurred in the City of St. Louis, Missouri, and Defendants regularly conducts business in the City of St. Louis, Missouri.

13. As a result of the marketing, distribution, sale, and delivery of the Products, which would be sold to Plaintiff in the State of Missouri, Defendants, directly and through their subsidiaries, affiliates, or agents, obtained the benefits of the laws of the State of Missouri.

14. Neither Plaintiff nor any member of Plaintiff's Class assert any federal question. Plaintiff asserts only violations of the Missouri Merchandising Practices Act. Plaintiff specifically denies any intent to state a cause of action arising under the laws of the United States of America, including any claim for injunctive relief available under federal law.

15. Venue is proper in this Court pursuant to Mo. Rev. Stat. §§ 508.010.4 and 407.025.

² Defendants both admit that their corporate headquarters and principal place of business are in Missouri. Defendants' Answer to Plaintiffs' Complaint, *Boswell, et al. v. Panera Bread Company, et al.*, 4:14-cv-01833-AGF, at ¶¶ 14, 15, 22, 23 (E.D. Mo. Dec. 12, 2014) (attached hereto as Exhibit A). Defendant Panera, LLC has also affirmatively represented in federal court filings in Missouri that its principal place of business is in Missouri and that it is a wholly owned subsidiary of Defendant Panera Bread Company. Complaint of Panera, LLC, *Panera, LLC v. Dobson, et al.*, 4:19-cv-00276, at ¶1 (E.D. Mo. Feb. 21, 2019) (attached hereto as Exhibit B).

FACTUAL ALLEGATIONS

Defendants' False and Misleading Representations

16. Defendants have misrepresented that all of their products are “100% clean” and/or “clean” with no artificial preservatives, sweeteners, flavors, or colors from artificial sources throughout the Class Period.

17. Defendants define clean food and what the “clean” representations to consumers mean as follows: “Every item found on our U.S. food menu is clean – with no artificial preservatives, sweeteners, flavors, or colors from artificial sources – because we believe clean, simpler foods taste better.”³

18. Defendants’ marketing materials are replete with statements that their food menu is “100% clean” and/or “clean” and do not contain any artificial preservatives, sweeteners, flavors, or colors from artificial sources.

19. Saint Louis Bread Co. claims that “100% of our food is clean.” Saint Louis Bread Co.’s website contains the following statement: “Food is as it should be. That’s food we think tastes better, feels better, does better. **It’s clean food. Food without artificial preservatives, sweeteners, flavors or colors from artificial sources.**”

20. Saint Louis Bread Co.’s website states that the company is “committed to food that is 100% clean in all our US bakery-cafes and grocery products. **At Panera, clean describes food that does not contain artificial preservatives, sweeteners, and flavors along with colors from artificial sources.**”

21. Saint Louis Bread Co.’s website contains numerous additional statements about the company’s “clean journey” and its “all-clean menu”:

³ <https://www.panerabread.com/en-us/our-beliefs/our-food-policy/clean-ingredients.html>

- “In June of 2014, we announced our plans to remove these artificial additives from our food menu by the end of 2016. **Today, we can say with 100% certainty (and that's hard to come by), that 100% of our food menu is clean.**”
- “**Clean Soups:** After two years of hard work (and 60 versions of Broccoli Cheddar), our soups were deemed 100% clean in January 2016. That’s every single spoonful.”
- “**Clean Salads:** Summer of 2016 brought more than just salad season. It was a time to celebrate fresh ingredients and, for the first time, 100% clean salads.”
- “**Clean Sandwiches:** Fall of 2016 marked some big moments in clean food at Panera. The star of the season? Our deli turkey. Made with just four simple ingredients—turkey breast, water, sea salt and potato starch—it’s now 100% clean, has 50% less sodium than our old deli turkey, and comes from turkeys fed a vegetarian diet and raised without antibiotics.”
- “**Clean Breakfast:** Bacon. This beloved breakfast staple overcame its artificial shortcomings to become a star of our 100% clean food menu—complete with a better bite and smokier taste—in late 2016.”
- “**Clean Bakery...**a new clean cookie lineup.”

22. In addition to featuring prominently in Defendants’ advertising and marketing materials, Saint Louis Bread Co. misrepresents that the Products are “clean” with no artificial preservatives, sweeteners, flavors, or colors from artificial sources on bags, signs, and labels at the point-of-sale throughout Defendants’ physical locations.

23. For example, signs and placards displayed in Saint Louis Bread Co.’s retail outlets or restaurants in Missouri contain statements such as “Food should be clean. No artificial

colors, preservatives, sweeteners, flavors, or anything else you wouldn't want to serve your family.”



We believe in raising, serving and eating food that is good and good for you.

Food should be clean. No artificial colors, preservatives, sweeteners, flavors or anything else you wouldn't want to serve your family.

Food should be honest, which is why we are transparent and always let you know exactly what's in your food.

Most of all, food should taste great and be made the way you like it, with this or without that.

Since we started, we've been on a journey to make food, as a whole, better. And you can be sure we will never stop.

If you'd like to join us, have a seat and enjoy.

 **Food as it should be.**

24. Additionally, bags used for the Products include statements such as “100% clean food: No artificial flavors sweeteners, preservatives / No colors from artificial sources.”



25. The marketing, advertising, and point-of-sale for the Products claims that they are “100% clean” and/or “clean” with no artificial preservatives, sweeteners, flavors, or colors from artificial sources. However, each of these representations is false. Under Defendants’ own definition, and the expectations of reasonable consumers, the Products cannot be considered “100% clean” and/or “clean” with no artificial preservatives, sweeteners, flavors, or colors from artificial sources because they contain multiple ingredients that are artificial, chemical, and/or synthetic preservatives, sweeteners, flavors, or colors.

26. Defendants consistently and systemically marketed and advertised the Products as “100% clean” and/or “clean” with no artificial preservatives, sweeteners, flavors, or colors from artificial sources throughout the Class Period.

Defendants' Products Contain Multiple Artificial Preservatives, Sweeteners, Flavors, and Colors from Artificial Sources

27. Saint Louis Bread Co.'s representations that its Products are "100% clean" and/or "clean" and do not contain any artificial preservatives, sweeteners, flavors, or colors from artificial sources are false, misleading, and deceptive because the Products contain multiple ingredients that are artificial, chemical and/or synthetic preservatives, sweeteners, flavors, or colors.

28. Saint Louis Bread Co.'s claims that the Products contain no artificial preservatives is false and misleading. The Products contain **ascorbic acid, citric acid, potassium sorbate, and tocopherols**, whose functions as artificial preservatives have been well-documented. These ingredients function as preservatives in the Products.

29. The Food and Drug Administration ("FDA") defines a chemical preservative as "any chemical that, when added to food, tends to prevent or retard deterioration thereof, but does not include common salt, sugars, vinegars, spices, oils extracted from spices, substances added to food by direct exposure thereof to wood smoke, or chemicals applied for their insecticidal or herbicidal properties." 21 C.F.R. § 101.22(a)(5).

30. The ascorbic acid, citric acid, potassium sorbate, and tocopherols have precisely this effect.

31. The MacMillan Dictionary defines "tends" as "to usually do a particular thing," as in "He tends to exaggerate" or "The gym tends to get very busy at around six o'clock."⁴ The scientific evidence and FDA statements cited below establish that ascorbic acid, citric acid, potassium sorbate, and tocopherols both tend to prevent or retard the deterioration of food. This

⁴ <https://www.macmillandictionary.com/us/dictionary/american/tend>

remains the case regardless of the subjective purpose for which this substance is added to the Products.

32. Ascorbic acid, citric acid, potassium sorbate, and tocopherols do not fall into any of the regulatory exemptions from the definition of a preservative.

33. The FDA expressly classifies ascorbic acid, citric acid, potassium sorbate, and tocopherols as preservatives in its Overview of Food Ingredients, Additives, and Colors, on the FDA's website:

Types of Ingredients	What They Do	Examples of Uses	Names Found on Product Labels
Preservatives	Prevent food spoilage from bacteria, molds, fungi, or yeast (antimicrobials); slow or prevent changes in color, flavor, or texture and delay rancidity (antioxidants); maintain freshness	Fruit sauces and jellies, beverages, baked goods, cured meats, oils and margarines, cereals, dressings, snack foods, fruits and vegetable	Ascorbic acid, citric acid , sodium benzoate, calcium propionate, sodium erythorbate, sodium nitrite, calcium sorbate, potassium sorbate , BHA, BHT, EDTA, tocopherols (Vitamin E)

<https://www.fda.gov/food/food-ingredients-packaging/overview-food-ingredients-additives-colors>

34. Ascorbic acid is also listed on the FDA's regulatory listing of chemical preservatives. *See* 21 CFR § 182.3013 (Subpart D).

35. The online magazine *livestrong.com* explains how ascorbic acid functions as a preservative:

Preservatives are divided into three categories: Antimicrobials, antioxidants and ascorbic acid. Antimicrobials prevent bacterial, mold and yeast development. Antioxidants preserve fats, keeping them from going rancid. Ascorbic acid falls in the third group as a preservative that stops foods from continuing to ripen, an aging process that leads to decay.

Preserving Properties

Ascorbic acid neutralizes oxygen when it comes into contact with it. Oxygen allows foods to continue to ripen, an aging process similar to the one people go through that ends in death. Oxygen is also vital for many microorganisms to thrive, some of which cause decay. Ascorbic acid slows or neutralizes these events. The substance blocks cured meat's propensity to form carcinogens called nitrosamines, for example. In the process, it also preserves the flesh's red color. In addition, ascorbic acid preserves flavor.

Food-Preservation Mechanism

Canned vegetables, bottled juices, jams and other preserved fruit are processed foods manufacturers protect with ascorbic acid. The ingredient's acidity makes it hard for the enzyme phenolase to act. Phenolase accelerates oxidation, a chemical process in which oxygen level rises, resulting in decay. This is also the process that ascorbic acid combats.⁵

36. Citric acid's nature as a preservative is also acknowledged by insiders in the preservative manufacturing and distribution industries. FBC Industries, Inc. a producer and supplier of FCC grade citric acid additives, acidulants, buffering agents and preservatives for the food and beverage industry describes citric acid's function: "Citric acid is the most commonly used acidulant in the industry. As a food additive or food grade product, citric acid is used as a flavoring and preservative. The buffering properties of citrates are used to control pH and flavor."⁶

37. The FDA's Warning Letter to the manufacturer of the Chiquita brand "Pineapple Bites with Coconut" and "Pineapple Bites" dated October 6, 2010 further confirms that citric acid and ascorbic acid are preservatives:

"The 'Pineapple Bites' and 'Pineapple Bites with Coconut' products are further misbranded within the meaning of section 403(k) of the Act [21 U.S.C. 343(k)] in that they contain the chemical preservative ascorbic acid and citric acid but their labels fail to declare these preservatives with a description of their functions. 21 CFR 101.22."

See Exhibit C, FDA Warning Letter dated October 6, 2010.

⁵ <https://www.livestrong.com/article/496950-is-ascorbic-acid-a-preservative/>

⁶ <https://fbcindustries.com/citrates/>

38. As described above in ¶¶ 29, 33, a preservative as defined by the FDA is a substance that “tends” to prevent or retard the deterioration of foods. Thus, it is not necessary that it function as a preservative in every single instance for it to qualify as a preservative according to the FDA’s definition, so long as this is its general tendency.

39. Potassium sorbate is widely used as a preservative in foods and drinks. It is an odorless and tasteless salt synthetically produced from sorbic acid and potassium hydroxide. Potassium sorbate prolongs the shelf life of food by stopping the growth of mold, yeast, and fungi.

40. Tocopherols are also listed on the FDA’s regulatory listing of chemical preservatives. *See* 21 CFR § 182.3890 (Subpart D).

41. The FDA’s Warning Letter to Wonder Natural Food Corp. dated July 13, 2015 further confirms that tocopherols are preservatives:

We note that the label bears the claim "No Preservatives." We note that if any ingredients such as tocopherol or sodium ascorbate are being used as preservatives, this statement would be false and cause the product to be misbranded under 403(a)(1).

See Exhibit D, Warning Letter dated July 13, 2015.

42. Ascorbic acid, citric acid, potassium sorbate, and tocopherols do as a matter of fact function as preservatives in the Products.

43. Defendants’ Products contain the following non-exhaustive list of additional artificial, chemical, and/or synthetic preservatives, sweeteners, flavors, and colors.

- a. **Beta-Carotene** is a color additive that can be prepared synthetically or obtained from natural sources according to FDA regulations. 21 C.F.R. 73.95. On information and belief, Plaintiff alleges that the beta-carotene added to Defendant’s Products is synthetic.

- b. **Blue 1** is a synthetic organic compound used as a blue colorant for processed foods, medications, dietary supplements, and cosmetics.
- c. **Calcium Disodium Edta** is an artificial food additive, used as a preservative and flavoring agent. It is used in food to preserve flavor, color and texture.
- d. **Canola Oil** is a synthetic additive that acts as a preservative because it prevents ingredients from separating, which in turn, stops the food from breaking down and spoiling. It is a vegetable oil derived from the canola plant. Canola seed processing involves synthetic chemicals that help extract the oil. Aside from vitamins E and K, canola oil is not a good source of nutrients. Canola oil may contain small amounts of trans fats, which is harmful to health. For the most part, canola oil is highly refined through chemical treatment and GMO. It is also a rich source of omega-6 fats, which could contribute to inflammation if heavily consumed.
- e. **Cellulose** is an artificial food preservative that, according to federal regulations, is a synthetic substance. *See* 7 C.F.R. 205.605(b). The Products contain other types of cellulose such as **powdered cellulose** and **microcrystalline cellulose**, both of which are also classified as synthetic substances according to federal regulations. *See* 7 C.F.R. 205.605(b).
- f. **Folic Acid** is the synthetic form of folate that is used as a preservative in fortified foods, such as rice, pasta, bread, and cereals.
- g. **Glycerol Ester of Woods Rosin** is an artificial food additive. Glycerol ester of wood rosin is a complex mixture of glycerol di- and tri- esters of resin acids from wood rosin, with a residual fraction of glycerol monoesters. It gives a more authentic flavor to fruit-flavored water-based drinks.

- h. **Glycerin** is used in food generally as a preservative, but it is also added to enhance flavor. Glycerin is a synthetic substance according to federal regulations. *See* 7 C.F.R. 205.603(a)(12), 7 C.F.R. § 205.605(b). The glycerin used in Defendant’s products is not “natural” but instead, upon information and belief, is manufactured through saponification, whereby fat molecules in vegetable oil are chemically altered using sodium hydroxide, a highly toxic chemical.
- It requires multiple processing steps in an industrial environment to create Glycerin. Therefore, it cannot be described as “natural.” A technical evaluation report compiled by the USDA AMS Agricultural Analytics Division for the USDA National Organic Program explains that Glycerin is “produced by a hydrolysis of fats and oils” and is listed in the USDA Organic Program’s National List as a “synthetic nonagricultural (nonorganic) substance.”⁷
- i. **High Fructose Corn Syrup (HFCS)** is an artificial sweetener used in foods. It is cheaper and sweeter than sugar, and it is much more quickly absorbed by the body. Eating too much high fructose corn syrup can lead to insulin resistance, obesity, type 2 diabetes and high blood pressure.
- j. **Malic Acid** is a synthetic chemical flavoring compound. The malic acid in the Products is an inexpensive synthetic chemical used in processed foods to make them taste like tangy fresh fruits. There is a different naturally-occurring form of malic acid found in some fruits and vegetables. Defendant does not use this type of malic acid; it instead

⁷<https://www.ams.usda.gov/sites/default/files/media/Glycerin%20Petition%20to%20remove%20TR%202013.pdf>

adds a synthetic industrial chemical called d-1 malic acid⁸, in the form of a racemic mixture of d- and l-isomers, to flavor the Products artificially.

This type of “malic acid” is not naturally-occurring but is in fact manufactured in petrochemical plants from benzene or butane – components of gasoline and lighter fluid, respectively – through a series of chemical reactions, some of which involve highly toxic chemical precursors and byproducts.

- k. **Phosphoric Acid.** Phosphoric acid is a preservative. The American Beverage Association states of phosphoric acid “[t]his flavoring agent in soft drinks is a preservative that provides tartness.”⁹

The Encyclopedia of Food and Color Additives explains the uses of phosphoric acid:

“Use as a flavor enhancer, flavoring agent, pH control agent, sequestrant, stabilizer and thickener, and synergist.” The Encyclopedia explains that phosphoric acid is “used as an acidulant, PH control agent, buffering agent, flavor enhancer, flavoring agent, sequestrant, stabilizer and thickener, and synergist. It works effectively to reduce the pH in many food products allowing antimicrobial agents to be more effective.”¹⁰

Scholarly sources confirm that consumer concerns about a preservative like phosphate is well justified:

the amount of total phosphate ingestion can be significantly augmented by the consumption of processed food and drinks, as phosphate metabolites are used as additives in these commercially processed food and drinks. In recent years, the amount of phosphate intake increased worldwide, especially in countries with a high consumption of processed food. Increased use of phosphate as a preservative has significantly increased in a wide range of drinks and food, complicating the patients' ability to minimize phosphate intake. Recent experimental studies have

⁸ D-malic acid is also called d-hydroxybutanedioic acid or (R)-(+)-2-Hydroxysuccinic acid.

⁹ <https://www.ameribev.org/education-resources/beverage-dictionary/>

¹⁰ Burdock, G. A. (1997). Encyclopedia of Food and Color Additives. Boca Raton, Fla.: CRC Press.

convincingly demonstrated the risk of increase serum phosphate levels in the development of premature ageing to reno-vascular diseases.¹¹

- l. **Red 40** is an artificial food coloring that is found in highly processed foods.
- m. **Sodium Acid Pyrophosphate** is a synthetic, edible phosphoric salt. It is a white mass or free-flowing powder that is used in self-rising and prepared baked goods as a preservative to control the pH amounts in food.
- n. **Sodium Aluminum Phosphate** can occur naturally in food, but people are mainly exposed through food additives. Aluminum can accumulate and persist in the human body, particularly in bone. Additives containing sodium aluminum phosphate are used as preservatives in many processed foods to help preserve structure. Animals exposed to aluminum in the womb and during development show neurological effects such as changes in behavior, learning and motor response. Neurotoxicity has occurred in people undergoing dialysis who received large intravenous doses of unpurified water, but a direct link between aluminum food additives and neurological effects has not been proven. A link with Alzheimer's disease and other neurodegenerative disorders has been proposed, but the association remains unclear.¹²
- o. **Sodium Benzoate** is a preservative. It is a synthetic chemical produced when benzoic acid is combined with sodium hydroxide. While it is generally recognized as safe in small doses, sodium benzoate may cause harmful health effects under certain conditions.

¹¹ Shutto, Y., Shimada, M., Kitajima, M., Yamabe, H., & Razzaque, M. S. (2011). Lack of Awareness among Future Medical Professionals about the Risk of Consuming Hidden Phosphate-Containing Processed Food and Drinks. PLoS ONE, 6(12), e29105.

<https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0029105>

¹² <https://www.ewg.org/research/ewg-s-dirty-dozen-guide-food-additives/food-additive-watch-list>

- p. **Sodium Citrate** is used as a preservative and food additive. It is a recognized synthetic chemical under federal regulations. *See* 7 C.F.R. §205.605(b). It is usually prepared by reacting sodium carbonate or sodium hydroxide with citric acid, or by reacting sodium sulfate with calcium citrate.
- q. **Sorbitan Monostearate** is a synthetic flavoring substance according to federal regulations. 21 C.F.R. 172.515. It is a synthetic ester that is commonly used in the manufacture of food and health care products as a surfactant with emulsifying, dispersing, and wetting properties. It is used in yeast manufacturing to protect the yeast from excess drying and also helps rehydrate the yeast cells. Sorbitan monostearate is a synthetic additive that also acts as a preservative because it prevents the food from breaking down and spoiling.
- r. **Thiamine Mononitrate** is a chemical additive according to federal regulations. 21 C.F.R. 184.1878. It is added to food to preserve nutrient content during processing. It is the mononitrate salt of thiamine. It occurs as white crystals or a white crystalline powder and is prepared from thiamine hydrochloride by dissolving the hydrochloride salt in alkaline solution followed by precipitation of the nitrate half-salt with a stoichiometric amount of nitric acid.
- s. **Xanthan Gum** is a thickening agent that, according to federal regulations, is a synthetic substance. *See* 7 C.F.R. 205.605(b). Xanthan gum is not “natural” but is instead manufactured through fermentation of carbohydrates and subsequent treatment of the byproduct with isopropyl alcohol. It is a synthetic additive that acts as a preservative because it prevents ingredients from separating, which in turn, stops the food from

breaking down and spoiling. Xanthan gum can also be used as a carrier of preservative solution (citric and ascorbic acid).

- t. **Yeast Extract** has replaced monosodium glutamate, or MSG, as a taste-booster in most processed foods because it appears to be a natural ingredient on food labels. However, yeast extract contains the same concentrated free glutamic acid as MSG. MSG is a synthetically derived and highly concentrated flavor enhancer that is almost completely made up of glutamates. Research has found that although the FDA does not prohibit the use of yeast extract, even when the name is used to disguise the presence of MSG, the quantity of free glutamate it contains poses problems for MSG-sensitive individuals who experience its effects as toxic.

44. No product representing that it is “100% clean” and/or “clean” with no artificial preservatives, sweeteners, flavors, or colors from artificial sources should contain any of these ingredients. And yet, the Products contain the following, non-exhaustive list of artificial, chemical, and/or synthetic preservatives, sweeteners, flavors, and colors.

<u>Product</u>	<u>Artificial Preservatives, Sweeteners, Flavors, And Color Ingredients</u>
Saint Louis Bread Co. Brioche Roll	Thiamine Mononitrate Folic Acid Citric Acid Sorbitan Monostearate Ascorbic Acid
Saint Louis Bread Co. Classic White Bread	Thiamine Mononitrate Folic Acid Ascorbic Acid Sorbitan Monostearate
Saint Louis Bread Co. Sea Salt Focaccia	Thiamine Mononitrate Folic Acid Ascorbic Acid Canola Oil Sorbitan Monostearate

Saint Louis Bread Co. French Baguette	Thiamine Mononitrate Folic Acid Ascorbic Acid Sorbitan Monostearate
Saint Louis Bread Co. Asiago Cheese	Thiamine Mononitrate Folic Acid Powdered Cellulose Sorbitan Monostearate Ascorbic Acid Microcrystalline Cellulose
Saint Louis Bread Co. Cinnamon Raisin Swirl	Thiamine Mononitrate Folic Acid Sorbitan Monostearate Ascorbic Acid
Saint Louis Bread Co. Sourdough	Thiamine Mononitrate Folic Acid Sorbitan Monostearate Ascorbic Acid Microcrystalline Cellulose
Saint Louis Bread Co. Tomato Basil	Thiamine Mononitrate Folic Acid Sorbitan Monostearate Ascorbic Acid
Saint Louis Bread Co. Sprouted Grain Roll	Thiamine Mononitrate Folic Acid Canola Oil Sorbitan Monostearate Ascorbic Acid
Saint Louis Bread Co. Honey Wheat	Thiamine Mononitrate Folic Acid Ascorbic Acid Sorbitan Monostearate
Saint Louis Bread Co. Asiago Cheese Focaccia	Thiamine Mononitrate Folic Acid Powdered Cellulose Ascorbic Acid Canola Oil Sorbitan Monostearate Ascorbic Acid
Saint Louis Bread Co. Country Rustic	Thiamine Mononitrate Folic Acid Sorbitan Monostearate Ascorbic Acid Microcrystalline Cellulose
Saint Louis Bread Co. Farmstyle XL Loaf	Thiamine Mononitrate Folic Acid

	Sorbitan Monostearate Ascorbic Acid Microcrystalline Cellulose
Saint Louis Bread Co. Whole Grain	Thiamine Mononitrate Folic Acid Ascorbic Acid Sorbitan Monostearate Microcrystalline Cellulose
Saint Louis Bread Co. Artisan Ciabatta	Thiamine Mononitrate Folic Acid Canola Oil Ascorbic Acid Sorbitan Monostearate
Saint Louis Bread Co. Chocolate Croissant	Thiamin Mononitrate Folic Acid Ascorbic Acid Citric Acid Xanthan Gum, Malic Acid Xanthan Gum
Saint Louis Bread Co. Cheese Brittany	Thiamine Mononitrate Folic Acid Flavor Xanthan Gum Ascorbic Acid Citric Acid Malic Acid
Saint Louis Bread Co. Pecan Braid	Thiamine Mononitrate Folic Acid Ascorbic Acid Xanthan Gum
Saint Louis Bread Co. Bear Claw	Thiamine Mononitrate Folic Acid Canola Oil Citric Acid Beta-Carotene Cellulose Ascorbic Acid
Saint Louis Bread Co. Cherry Cheese Brittany	Thiamine Mononitrate Folic Acid Xanthan Gum Ascorbic Acid Citric Acid Malic Acid
Saint Louis Bread Co. Croissant	Thiamin Mononitrate Folic Acid

	Ascorbic Acid Citric Acid Xanthan Gum
Saint Louis Bread Co. Almond Croissant	Thiamin Mononitrate Folic Acid Ascorbic Acid Citric Acid Xanthan Gum Glycerin
Saint Louis Bread Co. Pastry Ring	Thiamine Mononitrate Folic Acid) Citric Acid Malic Acid Xanthan Gum
Saint Louis Bread Co. Vanilla Cinnamon Roll	Thiamine Mononitrate Folic Acid Beta-Carotene Ascorbic Acid
Saint Louis Bread Co. Apple Pie Thumbprint Cookie	Thiamine Mononitrate Folic Acid Citric Acid
Saint Louis Bread Co. Heart Cookie	Thiamine Mononitrate Folic Acid Citric Acid
Saint Louis Bread Co. Kitchen Sink Cookie	Thiamine Mononitrate Folic Acid Canola Oil
Saint Louis Bread Co. Oatmeal Raisin with Berries Cookie	Thiamine Mononitrate Folic Acid Cellulose Citric Acid
Saint Louis Bread Co. Candy Cookie	Thiamine Mononitrate Folic Acid
Saint Louis Bread Co. Petite Chocolate Chipper	Thiamine Mononitrate Folic Acid
Saint Louis Bread Co. Chocolate Chipper Cookie	Thiamine Mononitrate Folic Acid
Saint Louis Bread Co. Cocoa & Crème Cookie	Thiamine Mononitrate Folic Acid Citric Acid
Saint Louis Bread Co. Homestyle Chocolate Chunk Cookie	Thiamine Mononitrate Folic Acid
Saint Louis Bread Co. Lemon Drop Cookie	Thiamine Mononitrate Folic Acid
Saint Louis Bread Co. Blueberry Muffin with Fresh Blueberries	Thiamine Mononitrate Folic Acid

	Citric Acid Sodium Acid Pyrophosphate
Saint Louis Bread Co. Pumpkin Muffin	Thiamine Mononitrate Folic Acid Sodium Aluminum Phosphate Thiamine Mononitrate
Saint Louis Bread Co. Cranberry Orange Muffin	Mononitrate Folic Acid Citric Acid Sodium Acid Pyrophosphate
Saint Louis Bread Co. Chocolate Chip Muffie	Thiamine Mononitrate Folic Acid Sodium Acid Pyrophosphate
Saint Louis Bread Co. Pumpkin Muffie	Thiamine Mononitrate Folic Acid Sodium Aluminum Phosphate
Saint Louis Bread Co. Apple Cinnamon Crunch Scone	Thiamine Mononitrate Folic Acid Sodium Acid Pyrophosphate Citric Acid
Saint Louis Bread Co. Blueberry Scone	Thiamine Mononitrate Folic Acid Sodium Acid Pyrophosphate Monocalcium Phosphate
Saint Louis Bread Co. Cinnamon Crunch Scone	Thiamine Mononitrate Folic Acid Sodium Acid Pyrophosphate Monocalcium Phosphate
Saint Louis Bread Co. Orange Scone	Thiamine Mononitrate Folic Acid Sodium Acid Pyrophosphate Monocalcium Phosphate
Saint Louis Bread Co. Brownie	Thiamine Mononitrate Folic Acid
Saint Louis Bread Co. Cinnamon Crum Coffee Cake	Thiamine Mononitrate Folic Acid Xanthan Gum
Saint Louis Bread Co. Sprouted Grain Bagel Flat	Thiamine Mononitrate Folic Acid Canola Oil Sorbitan Monostearate Ascorbic Acid
Saint Louis Bread Co. Everything Bagel	Thiamine Mononitrate Folic Acid Sorbitan Monostearate Ascorbic Acid

Saint Louis Bread Co. Plain Bagel	Thiamine Mononitrate Folic Acid Sorbitan Monostearate Ascorbic Acid
Saint Louis Bread Co. Chocolate Chip Bagel	Thiamine Mononitrate Folic Acid Sorbitan Monostearate Ascorbic Acid
Saint Louis Bread Co. Whole Grain Bagel	Thiamine Mononitrate Folic Acid Sorbitan Monostearate Ascorbic Acid
Saint Louis Bread Co. French Toast Bagel	Thiamine Mononitrate Folic Acid Beta Carotene Sorbitan Monostearate Ascorbic Acid
Saint Louis Bread Co. Sesame Bagel	Thiamine Mononitrate Folic Acid Sorbitan Monostearate Ascorbic Acid
Saint Louis Bread Co. Cinnamon Crunch Bagel	Thiamine Mononitrate Folic Acid Sorbitan Monostearate Ascorbic Acid
Saint Louis Bread Co. Asiago Cheese Bagel	Thiamine Mononitrate Folic Acid Powdered Cellulose Sorbitan Monostearate Ascorbic Acid Powdered Cellulose
Saint Louis Bread Co. Cinnamon Swirl & Raisin Bagel	Thiamine Mononitrate Folic Acid Sorbitan Monostearate Ascorbic Acid
Saint Louis Bread Co. Blueberry Bagel	Thiamine Mononitrate Folic Acid Citric Acid Sorbitan Monostearate Ascorbic Acid
Saint Louis Bread Co. Maple Bacon, Scrambled Eggs & Cheese Wrap	Thiamine Mononitrate Folic Acid Canola Oil Ascorbic Acid Citric Acid Canola Oil

	Xanthan Gum
Saint Louis Bread Co. Chipotle Chicken, Scrambled Eggs & Avocado	Thiamine Mononitrate Folic Acid Canola Oil Ascorbic Acid Citric Acid Yeast Extract Xanthan Gum
Saint Louis Bread Co. Mediterranean Egg White Wrap	Thiamine Mononitrate Folic Acid Canola Oil Ascorbic Acid, Citric Acid
Saint Louis Bread Co. Bacon, Egg & Cheese	Thiamine Mononitrate Folic Acid Citric Acid Sorbitan Monostearate Ascorbic Acid Canola Oil
Saint Louis Bread Co. Bacon, Scrambled Egg & Cheese on Ciabatta	Thiamine Mononitrate Folic Acid Canola Oil Ascorbic Acid Sorbitan Monostearate Citric Acid
Saint Louis Bread Co. Sausage, Egg & Cheese	Thiamine Mononitrate Folic Acid Citric Acid Sorbitan Monostearate Ascorbic Acid Canola Oil
Saint Louis Bread Co. Egg & Cheese	Thiamine Mononitrate Folic Acid Citric Acid Sorbitan Monostearate, Ascorbic Acid Canola Oil
Saint Louis Bread Co. Ham, Egg & Cheese	Thiamine Mononitrate Folic Acid Sorbitan Monostearate Ascorbic Acid Microcrystalline Cellulose Canola Oil
Saint Louis Bread Co. Steak & Egg	Thiamine Mononitrate Folic Acid Sorbitan Monostearate

	Ascorbic Acid Canola Oil
Saint Louis Bread Co. Avocado, Egg White & Spinach	Thiamine Mononitrate Folic Acid Canola Oil Sorbitan Monostearate Ascorbic Acid
Saint Louis Bread Co. Spinach & Bacon Souffle	Thiamine Mononitrate Folic Acid Ascorbic Acid Sodium Citrate Citric Acid Powdered Cellulose
Saint Louis Bread Co. Ham & Swiss Souffle	Thiamine Mononitrate Folic Acid Ascorbic Acid Sodium Citrate Citric Acid
Saint Louis Bread Co. Bistro French Onion Soup	Citric Acid Yeast Extract Thiamine Mononitrate Folic Acid Canola Oil Sorbitan Monostearate Ascorbic Acid Powdered Cellulose
Saint Louis Bread Co. Baked Potato Soup	Yeast Extract
Saint Louis Bread Co. Broccoli Cheddar Soup	Sodium Citrate Yeast Extract Canola Oil
Saint Louis Bread Co. Vegetarian Creamy Tomato Soup	Citric Acid Canola Oil Thiamine Mononitrate Folic Acid Canola Oil Thiamine Mononitrate Folic Acid Sorbitan Monostearate Ascorbic Acid
Saint Louis Bread Co. Turkey Chili	Citric Acid] Yeast Extract Xanthan Gum
Saint Louis Bread Co. Vegetarian Autumn Squash Soup	Yeast Extract Rosemary Extract Canola Oil

Saint Louis Bread Co. Ten Vegetable Soup	Yeast Extract Citric Acid
Saint Louis Bread Co. Low-Fat Chicken Soup	Yeast Extract Xanthan Gum
Saint Louis Bread Co. Modern Greek Salad with Quinoa	Canola Oil Xanthan Gum Citric Acid
Saint Louis Bread Co. Caesar Salad	Xanthan Gum Citric Acid Thiamine Mononitrate Folic Acid Canola Oil Sorbitan Monostearate Ascorbic Acid
Saint Louis Bread Co. Caesar Salad with Chicken	Citric Acid Malic Acid Xanthan Gum Thiamine Mononitrate Folic Acid Canola Oil Sorbitan Monostearate Ascorbic Acid
Saint Louis Bread Co. Greek Salad	Xanthan Gum Citric Acid Canola Oil
Saint Louis Bread Co. Green Goddess Cobb Salad with Chicken	Citric Acid Malic Acid Canola Oil Ascorbic Acid Xanthan Gum
Saint Louis Bread Co. Southwest Chile Lime Ranch Salad with Chicken	Citric Acid Malic Acid Canola Oil Yeast Extract Xanthan Gum Ascorbic Acid
Saint Louis Bread Co. Spicy Thai Salad with Chicken	Citric Acid Malic Acid Canola Oil Xanthan Gum
Saint Louis Bread Co. Fuji Apple Salad with Chicken	Citric Acid Malic Acid Xanthan Gum Canola Oil Ascorbic Acid

Saint Louis Bread Co. Seasonal Greens Salad	Xanthan Gum
Saint Louis Bread Co. Asian Sesame Salad with Chicken	Citric Acid Malic Acid Xanthan Gum Canola Oil
Saint Louis Bread Co. Baja Grain Bowl with Chicken	Citric Acid Malic Acid Canola Oil
Saint Louis Bread Co. Baja Grain Bowl	Canola Oil
Saint Louis Bread Co. Mediterranean Grain Bowl with Chicken	Canola Oil Citric Acid Malic Acid Xanthan Gum
Saint Louis Bread Co. Mediterranean Grain Bowl	Canola Oil Citric Acid Xanthan Gum
Saint Louis Bread Co. Baja Mac & Cheese	Thiamine Mononitrate Folic Acid Sodium Citrate Thiamine Mononitrate Folic Acid Xanthan Gum Canola Oil
Saint Louis Bread Co. BBQ Chicken Mac & Cheese	Thiamine Mononitrate Folic Acid Sodium Citrate Xanthan Gum Yeast Extract, Citric Acid
Saint Louis Bread Co. Mac & Cheese	Thiamine Mononitrate Folic Acid Sodium Citrate Xanthan Gum
Saint Louis Bread Co. Chicken Tortellini Alfredo	Thiamine Mononitrate Folic Acid Powdered Cellulose Canola Oil Yeast Extract
Saint Louis Bread Co. Sierra Turkey	Thiamine Mononitrate Folic Acid Powdered Cellulose Ascorbic Acid Canola Oil Sorbitan Monostearate Yeast Extract

	Xanthan Gum
Saint Louis Bread Co. Chipotle Chicken Avocado Melt	Thiamine Mononitrate Folic Acid Canola Oil Sorbitan Monostearate Ascorbic Acid Yeast Extract Xanthan Gum Ascorbic Acid
Saint Louis Bread Co. Toasted Frontega Chicken	Thiamine Mononitrate Folic Acid Ascorbic Acid Canola Oil Sorbitan Monostearate Yeast Extract Xanthan Gum
Saint Louis Bread Co. Toasted Steak & White Cheddar	Thiamine Mononitrate Folic Acid Canola Oil Ascorbic Acid Sorbitan Monostearate Xanthan Gum
Saint Louis Bread Co. Tuna Salad Sandwich	Xanthan Gum Mixed Tocopherols Canola Oil Thiamine Mononitrate Folic Acid Canola Oil Sorbitan Monostearate Ascorbic Acid
Saint Louis Bread Co. Modern Caprese Sandwich	Thiamine Mononitrate Folic Acid Canola Oil Sorbitan Monostearate Ascorbic Acid Citric Acid
Saint Louis Bread Co. Roasted Turkey, Apple & Cheddar Sandwich	Thiamine Mononitrate Folic Acid Ascorbic Acid Sorbitan Monostearate Canola Oil Xanthan Gum Citric Acid
Saint Louis Bread Co. Turkey Sandwich	Thiamine Mononitrate Folic Acid Ascorbic Acid

	Sorbitan Monostearate Microcrystalline Cellulose Canola Oil
Saint Louis Bread Co. Mediterranean Veggie Sandwich	Thiamine Mononitrate Folic Acid Sorbitan Monostearate Ascorbic Acid Canola Oil Citric Acid
Saint Louis Bread Co. Steak & Arugula Sandwich	Canola Oil Thiamine Mononitrate Folic Acid Sorbitan Monostearate Ascorbic Acid Microcrystalline Cellulose Xanthan Gum Citric Acid
Saint Louis Bread Co. Napa Almond Chicken Salad Sandwich	Citric Acid Malic Acid Xanthan Gum Ascorbic Acid Thiamine Mononitrate Folic Acid Sorbitan Monostearate Microcrystalline Cellulose Canola Oil
Saint Louis Bread Co. The Cuban	Thiamine Mononitrate Folic Acid Canola Oil Ascorbic Acid Sorbitan Monostearate Xanthan Gum
Saint Louis Bread Co. Bacon Tomato Grilled Cheese	Thiamine Mononitrate Folic Acid Sorbitan Monostearate Ascorbic Acid Microcrystalline Cellulose Sodium Citrate
Saint Louis Bread Co. Classic Grilled Cheese	Thiamine Mononitrate Folic Acid Ascorbic Acid Sodium Citrate
Saint Louis Bread Co. Heritage Ham & Swiss Sandwich	Thiamine Mononitrate Folic Acid Sorbitan Monostearate Ascorbic Acid

	Microcrystalline Cellulose Citric Acid Xanthan Gum
Saint Louis Bread Co. Toasted Tuscan Grilled Sandwich	Thiamine Mononitrate Folic Acid Canola Oil Ascorbic Acid Sorbitan Monostearate Citric Acid Malic Acid Xanthan Gum Citric Acid
Saint Louis Bread Co. Roasted Turkey & Avocado BLT	Canola Oil Thiamine Mononitrate Folic Acid Sorbitan Monostearate Ascorbic Acid Microcrystalline Cellulose
Saint Louis Bread Co. Bacon Turkey Bravo Sandwich	Thiamine Mononitrate Folic Acid Sorbitan Monostearate Ascorbic Acid Citric Acid Xanthan Gum Canola Oil
Saint Louis Bread Co. Kids Mac & Cheese	Thiamine Mononitrate Folic Acid Sodium Citrate Sodium Citrate Xanthan Gum
Saint Louis Bread Co. Kids Turkey Chili	Citric Acid Yeast Extract Xanthan Gum
Saint Louis Bread Co. Kids Vegetarian Autumn Squash Soup	Yeast Extract
Saint Louis Bread Co. Kids Ten Vegetable Soup	Yeast Extract Citric Acid
Kids Vegetarian Creamy Tomato Soup	Citric Acid Canola Oil Thiamine Mononitrate Folic Acid Sorbitan Monostearate Ascorbic Acid
Saint Louis Bread Co. Kids Baked Potato Soup	Yeast Extract

Saint Louis Bread Co. Kids Low-Fat Chicken Noodle Soup	Yeast Extract Xanthan Gum
Saint Louis Bread Co. Kids Bistro French Onion Soup	Citric Acid Yeast Extract Powdered Cellulose Thiamine Mononitrate Folic Acid Canola Oil Sorbitan Monostearate Ascorbic Acid
Saint Louis Bread Co. Kids Broccoli Cheddar Soup	Sodium Citrate Yeast Extract
Saint Louis Bread Co. Kids Seasonal Greens Salad	Xanthan Gum
Saint Louis Bread Co. Kids Greek Salad	Xanthan Gum Citric Acid Canola Oil
Saint Louis Bread Co. Kids Caesar Salad	Xanthan Gum Citric Acid Thiamine Mononitrate Folic Acid Canola Oil Sorbitan Monostearate Ascorbic Acid
Saint Louis Bread Co. Kids Turkey Sandwich	Thiamine Mononitrate Folic Acid Ascorbic Acid Sorbitan Monostearate Microcrystalline Cellulose Sodium Citrate
Saint Louis Bread Co. Kids Peanut Butter & Jelly	Thiamine Mononitrate Folic Acid Ascorbic Acid Sorbitan Monostearate Microcrystalline Cellulose Citric Acid
Saint Louis Bread Co. Kids Grilled Cheese	Thiamine Mononitrate Folic Acid Ascorbic Acid Sorbitan Monostearate Sodium Citrate
Saint Louis Bread Co. Kids Artisan Ham Sandwich	Thiamine Mononitrate Folic Acid Ascorbic Acid Sorbitan Monostearate Microcrystalline Cellulose

	Sodium Citrate
Saint Louis Bread Co. Frozen Caramel Cold Brew	Sorbitan Monostearate
Saint Louis Bread Co. Frozen Mocha Cold Brew	Xanthan Gum Citric Acid Sorbitan Monostearate
Saint Louis Bread Co. Peach & Blueberry Smoothie with Almond Milk	Potassium Citrate
Saint Louis Bread Co. Cold Brew – Madagascar Vanilla Cream	Citric Acid
Saint Louis Bread Co. Iced Madagascar Vanilla Latte	Citric Acid Sorbitan Monostearate
Saint Louis Bread Co. Iced Chai Tea Latte	Citric Acid
Saint Louis Bread Co. Lipton Brisk Raspberry Tea	Citric Acid Potassium Sorbate Sodium Benzoate Red 40
Saint Louis Bread Co. Passion Papaya Green Tea	Citric Acid Ascorbic Acid Beta Carotene
Saint Louis Bread Co. Blood Orange Lemonade	Citric Acid
Saint Louis Bread Co. Iced Caffè Mocha	Xanthan Gum Citric Acid Sorbitan Monostearate
Saint Louis Bread Co. Tropical Fruit Punch	High Fructose Corn Syrup Citric Acid Potassium Citrate Phosphoric Acid Potassium Sorbate Red 40 Glycerol Ester Of Wood Rosin Calcium Disodium Edta Blue 1
Saint Louis Bread Co. Iced Caramel Latte	Sorbitan Monostearate
Saint Louis Bread Co. Signature Hot Chocolate	Xanthan Gum Citric Acid Sorbitan Monostearate Glycerin
Saint Louis Bread Co. Caffè Mocha	Xanthan Gum Citric Acid Sorbitan Monostearate
Saint Louis Bread Co. Caramel Latte	Sorbitan Monostearate

Saint Louis Bread Co. Skinny Caffè Mocha	Xanthan Gum Citric Acid
Saint Louis Bread Co. Chai Tea Latte	Citric Acid
Saint Louis Bread Co. Madagascar Vanilla Latte	Citric Acid Sorbitan Monostearate

45. Given the presence of these artificial, chemical and/or synthetic preservatives, sweeteners, flavors, and colors in the Products, Defendants' representations that they are "100% clean" and/or "clean" with no artificial preservatives, sweeteners, flavors, or colors from artificial sources are false and misleading.

46. Saint Louis Bread Co.'s Products thus are not "100% clean" and/or "clean," and marketing, advertising, or labeling the Products as such is misleading and deceptive.

47. No serious contention can be made that Products containing artificial, chemical and/or synthetic preservatives, sweeteners, flavors, and/or colors are "clean" with no artificial preservatives, sweeteners, flavors, or colors from artificial sources.

Defendants Have Deceived Consumers and Are Aware That Their Representations Were False

48. Defendants knew, or should have known, that the Products contain artificial preservatives, sweeteners, flavors, or colors from artificial sources and were not "clean."

49. Defendants hold themselves out to the public as a trusted expert in the production of "clean" food.

50. Defendants know what representations they make regarding the Products.

51. Defendants know how the Products are produced, including what artificial, chemical and/or synthetic preservatives, sweeteners, flavors, or colors are used as ingredients in the Products.

52. The existence of the artificial preservatives, sweeteners, flavors, or colors from artificial sources in the Products is known to Defendants.

53. Consumers lack the meaningful ability to test or independently ascertain or verify whether a product is “clean”, especially at the point-of-sale. Consumers would not know the true nature of the ingredients merely by reading the ingredients list on Panera’s website or those listed in some stores.

54. Discovering that the ingredients are not “clean” and contain artificial preservatives and additives requires a scientific investigation and knowledge of chemistry beyond that of the average consumer. That is why, even though all of the ingredients listed above are identified on Panera’s website and in some stores, the reasonable consumer would not understand – nor are they expected to understand - that these ingredients are artificial, chemical and/or synthetic preservatives, sweeteners, flavors, or colors.

55. Moreover, the reasonable consumer is not expected or required to scour the ingredients list on Panera’s website in order to confirm or debunk Defendants’ prominent claims and representations that the Products are “100% clean” and/or “clean.”

56. Defendants did not disclose that any of the ingredients listed above are artificial, chemical and/or synthetic preservatives, sweeteners, flavors, or colors. A reasonable consumer understands Defendant’s “100% clean” and/or “clean” claims to mean exactly what Defendants say they mean – that they Products do not contain any artificial preservatives, sweeteners, flavors, or colors from artificial sources.

57. Reasonable consumers are misled and deceived by Defendants’ “clean” representations into believing that they are purchasing Products that are “clean,” with no artificial preservatives, sweeteners, flavors, or colors from artificial sources.

58. Defendants made these false, misleading, and deceptive representations, and omitted the information that would counter them.

59. Upon information and belief, Defendants have profited enormously from consumers in Missouri based on their falsely marketed products.

60. Saint Louis Bread Co. has misrepresented that the Products are “100% clean” and/or “clean” with no artificial preservatives, sweeteners, flavors, or colors from artificial sources and concealed and suppressed information about the artificial, chemical and/or synthetic preservatives, sweeteners, flavors, or colors in the Products.

61. Saint Louis Bread Co.’s representations that the Products are “100% clean” and/or “clean” with no artificial preservatives, sweeteners, flavors, or colors when, in fact, they are not, is a material fact.

62. Saint Louis Bread Co. has failed to adequately inform or warn Plaintiff of the artificial, chemical and/or synthetic preservatives, sweeteners, flavors, or colors in the Products.

63. To this day, Saint Louis Bread Co. continues to misrepresent, conceal, and suppress information about the artificial, chemical and/or synthetic preservatives, sweeteners, flavors, or colors in the Products in its marketing, advertising and communications with purchasers.

The Class

64. Plaintiff and the Class purchased the Saint Louis Bread Co. Products, which were falsely represented as set forth above, primarily for personal, family and/or household purposes and thereby suffered an ascertainable loss of money or property as a result of Saint Louis Bread Co.’s practices declared unlawful by Missouri’s Merchandising Practices Act, because the

products Plaintiff and the other Class Members purchased were worth less than the product they thought they had purchased had Saint Louis Bread Co.'s representations been true.

CLASS ACTION ALLEGATIONS

65. Plaintiff and Class Members hereby incorporate and re-allege, as though fully set forth herein, each and every allegation set forth in the preceding paragraphs of this Petition.

66. Plaintiff brings this action under Rule 52.08 of the Missouri Rules of Civil Procedure and Missouri Revised Statutes §§407.025.2 and 407.025.3, on behalf of himself and a class defined as follows:

All Missouri citizens who, within the five years preceding the filing of this Petition, purchased the Saint Louis Bread Co. Products for personal, family or household use.

Excluded from the Class:

- i. Defendants, any entity in which a Defendant has a controlling interest or which has a controlling interest in a Defendant, and Defendants' legal representatives, predecessors, successors, assigns, and employees;
- ii. Counsel and members of the immediate family of counsel for Plaintiff herein; and
- iii. The judge and staff to whom this case was assigned, and any member of the judge's immediate family; and
- iv. Individuals claiming they have suffered a personal injury as a result of using the Products.

67. Plaintiff reserves the right to revise this definition of the Class based on facts they learn during discovery.

68. The proposed Class meets all requirements for class certification. The Plaintiff's Class satisfies the numerosity standards. Plaintiff has a good faith belief that there are thousands of Class Members in the State of Missouri. As a result, joinder of all Class Members in a single

action is impracticable. Class Members may be informed of the pendency of this Class Action by published and broadcast notice.

69. Plaintiff's claims are typical of the other Class Members. Plaintiffs and Class Members purchased the Saint Louis Bread Co. Products in the State of Missouri in connection with Defendants' violations of the Missouri Merchandising Practices Act. Plaintiff and Class Members have all sustained damages in that each paid the purchase price for the Products.

70. Plaintiff is an adequate representative of the Class because he is a member of the Class and his interests do not conflict with the interests of the members of the Class he seeks to represent. The interests of Class Members will be fairly and adequately protected by Plaintiff and his undersigned counsel, who have extensive experience prosecuting complex class action litigation.

71. Common questions of law and/or fact exist as to all Class Members, which predominate over any questions affecting solely individual Class Members. The questions of law and fact common to the Class arising from Saint Louis Bread Co.'s actions include, without limitation, the following:

- a. Whether, in marketing and selling the Products, Saint Louis Bread Co. misrepresented that the Products are "100% clean" and/or "clean" with no artificial preservatives, sweeteners, flavors, or colors from artificial sources and concealed and/or suppressed information about the artificial, chemical and/or synthetic preservatives, sweeteners, flavors, or colors in the Products;
- b. Whether Saint Louis Bread Co. misrepresented in its advertisements, marketing materials, labeling, website statements, and public statements, among other things, that the Products are "100% clean" and/or "clean" with

no artificial preservatives, sweeteners, flavors, or colors from artificial sources;

- c. Whether Saint Louis Bread Co. failed to adequately inform or warn Plaintiff of the artificial, chemical and/or synthetic preservatives, sweeteners, flavors, or colors in the Products;
- d. Whether Saint Louis Bread Co. knowingly omitted, suppressed, or concealed material facts about the artificial, chemical and/or synthetic preservatives, sweeteners, flavors, or colors in the Products from the consuming public.
- e. Whether Saint Louis Bread Co.'s affirmative representations and/or failure to disclose that the Products contain artificial, chemical and/or synthetic preservatives, sweeteners, flavors, or colors constitutes deception, fraud, false pretense, false promise, misrepresentation, unfair practices and omission, concealment, and suppression of material information in connection with the sale or advertisement of merchandise in trade or commerce in or from the State of Missouri;
- f. Whether Saint Louis Bread Co.'s conduct violated the Missouri Merchandising Practices Act;
- g. Whether Plaintiff and the Class Members have sustained monetary loss and the proper measure of that loss;
- h. Whether Plaintiff and Class Members are entitled to an award of compensatory damages;
- i. Whether Plaintiff and Class Members are entitled to an award of punitive damages as permitted by the Missouri Merchandising Practices Act; and

j. Whether injunctive, declaratory, and/or other equitable relief is warranted.

72. These and other questions of law and/or fact are common to the Class and predominate over any questions affecting only individual members of the Class. The resolution of common questions in this case will resolve the claims of both Plaintiff and the Class.

73. A class action is superior, with respect to considerations of consistency, economy, efficiency, fairness and equity, to other available methods for the fair and efficient adjudication of this controversy. The prosecution of separate actions by individual Class Members would impose heavy burdens upon the courts and Defendants, and would create a risk of inconsistent or varying adjudications of the questions of law and/or fact common to the Class. In addition, the prosecution of separate actions by individual Class Members would establish incompatible standards of conduct for any party opposing the Class. Also, the prosecution of separate actions by individual Class Members, if fully adjudicated, as a practical matter, would be dispositive of the interests of the other Class Members not parties to that particular adjudication and, as such, would substantially impair or impede upon those Class Members abilities to protect their interests. A class action, on the other hand, would achieve substantial economies of time, effort and expense, and would assure uniformity of decision as to persons similarly situated without sacrificing procedural fairness or bringing about other undesirable results.

74. The interest of Class Members in individually controlling the prosecution of separate actions is theoretical rather than practical. The Class has a high degree of cohesion, and prosecution of the action through a representative would be unobjectionable. The amounts at stake for Class Members, while substantial in the aggregate, may not be great enough individually to enable them to maintain separate suits against Defendant. Plaintiff does not anticipate any difficulty in the management of this action as a class action.

75. Plaintiff seeks a refund of monies paid for the Saint Louis Bread Co. Products.

76. Plaintiff specifically excludes from this Class Action any damages, losses, or other relief of any kind arising from the personal injuries suffered by Class Members. This Class Action seeks only economic relief requested herein to which Class Members are entitled under the Missouri Merchandising Practices Act.

77. Notice can be provided to Class Members by using techniques and forms of notice similar to those customarily used in other consumer product-related cases and complex class actions.

ALLEGATIONS RELATED TO PUNITIVE DAMAGES

78. Plaintiff and Class Members hereby incorporate and re-allege, as though fully set forth herein, each and every allegation set forth in the preceding paragraphs of this Petition.

79. Defendants' unlawful practices including deception, false promises, misrepresentation, and/or the concealment, suppression, or omission of material facts in connection with the sale, distribution or advertisement of the Products were outrageous because of Defendants' evil motive and/or conscious disregard and/or reckless indifference to the rights and/or safety of Plaintiff and Class Members alike.

80. As a result of Defendants' conduct alleged herein, the jury should be permitted to return a verdict of punitive damages under the Petition that will serve to punish Defendants and deter others from like conduct. The Missouri Merchandising Practices Act expressly provides for punitive damages. *See* Mo. Rev. Stat. § 407.025.

CLAIM FOR RELIEF
VIOLATION OF THE MISSOURI MERCHANDISING PRACTICES ACT
Mo. Rev. Stat. §§ 407.010, *et seq.*

81. Plaintiff and Class Members hereby incorporate and re-allege, as though fully set forth herein, each and every allegation set forth in the preceding paragraphs of this Petition.

82. The acts and practices engaged in by Defendants, and described herein, constitute unlawful, unfair and/or fraudulent business practices in violation of the Missouri Merchandising Practices Act (“MMPA”), Mo. Rev. Stat. §§ 407.010, *et seq.*

83. Defendants’ actions alleged herein violated, and continue to violate, the MMPA.

84. Defendants are a “person” within the meaning of the MMPA, at Missouri Revised Statutes § 407.010(5).

85. The goods purchased from Defendants are “merchandise” within the meaning of the MMPA, Missouri Revised Statutes § 407.010(4).

86. The transactions resulting in purchases of goods from Defendants in Missouri are a “sale” within the meaning of the MMPA, Missouri Revised Statutes § 407.010(6).

87. Defendants engaged in unlawful practices including deception, false promises, misrepresentation, and/or the concealment, suppression, or omission of material facts in connection with the sale, distribution or advertisement of the Saint Louis Bread Co.’s Products in violation of Mo. Rev. Stat. § 407.020, which states in relevant part as follows:

407.020. 1. The act, use or employment by any person of any deception, fraud, false pretense, false promise, misrepresentation, unfair practice or the concealment, suppression, or omission of any material fact in connection with the sale or advertisement of any merchandise in trade or commerce ... is declared to be an unlawful practice. ... Any act, use or employment declared unlawful by this subsection violates this subsection whether committed before, during or after the sale, advertisement or solicitation.

88. Plaintiff and Class Members purchased the Saint Louis Bread Co. Products, products that were falsely represented as “100% clean” and/or “clean” with no artificial

preservatives, sweeteners, flavors, or colors from artificial sources, as stated above, in violation of the Missouri Merchandising Practices Act and as a result Plaintiff suffered economic damages, in that the product he and other Class Members purchased was worth less than the product they thought they had purchased had Defendants' representations been true.

89. At all times relevant herein, Plaintiff was unaware that the Saint Louis Bread Co. Products were not "100% clean" and/or "clean."

90. At all times relevant herein, Plaintiff was unaware that the Saint Louis Bread Co. Products contained artificial preservatives, sweeteners, flavors, or colors from artificial sources.

91. Defendants' marketing materials for the Saint Louis Bread Co. Products do not disclose that the Products were not "100% clean" and/or "clean."

92. Defendants' marketing materials for the Saint Louis Bread Co. Products do not disclose that the Products contain artificial preservatives, sweeteners, flavors, or colors from artificial sources.

93. Defendant's website does not disclose that the Products were not "100% clean" and/or "clean."

94. Defendant's website does not disclose that the Products contain artificial preservatives, sweeteners, flavors, or colors from artificial sources.

95. Defendants' labeling for the Saint Louis Bread Co. Products does not disclose that the Products are not "100% clean" and/or "clean."

96. Defendants' labeling for the Saint Louis Bread Co. Products does not disclose that the Products contain artificial preservatives, sweeteners, flavors, or colors from artificial sources.

97. Defendants' point-of-sale materials for the Saint Louis Bread Co. Products do not disclose that the Products are not "100% clean" and/or "clean."

98. Defendants' point-of-sale materials for the Saint Louis Bread Co. Products do not disclose that the Products contain artificial preservatives, sweeteners, flavors, or colors from artificial sources.

99. Defendants' failure to disclose the fact that the Saint Louis Bread Co. Products were not "100% clean" and/or "clean" as defined by Defendants, was a violation of the Missouri Merchandising Practices Act, as further stated herein, and was a material omission.

100. Defendants' failure to disclose the fact that the Saint Louis Bread Co. Products contain artificial preservatives, sweeteners, flavors, or colors from artificial sources was a violation of the Missouri Merchandising Practices Act, as further stated herein, and was a material omission.

101. The foregoing acts and practices of Defendants constituted unfair and unlawful practices, and deceptive conduct, in violation of the Missouri Merchandising Practices Act.

102. As a direct proximate result of the above-described practices, Plaintiff and Class Members suffered ascertainable loss of money due to the purchasing of the Saint Louis Bread Co. Products.

103. Appropriate injunctive relief is necessary to prevent Defendants' MMPA violations from continuing. If Defendants' violations of the MMPA are not stopped by such injunctive relief, Plaintiff and the members of the Class will continue to suffer injury.

104. The conduct of Defendants was malicious, corrupt, and intentional and/or reckless to a degree sufficient to support an award of punitive damages against Defendants.

105. WHEREFORE, Plaintiff and the Class pray for the relief requested in the Prayer for Relief set forth below in this Petition.

PRAYER FOR RELIEF

106. WHEREFORE, Plaintiff and each member of the proposed Class pray for a judgment:

- (a) Certifying the Class as requested herein;
- (b) Entering an order appointing Orłowsky Law, LLC and Goffstein Law, LLC as counsel for the Class;
- (c) Returning all purchase costs Plaintiff and the Class paid for the Saint Louis Bread Co. Products;
- (d) Awarding declaratory and injunctive relief as permitted by law or equity including a preliminary and permanent injunction enjoining Defendants from continuing the unlawful practices as set forth herein;
- (e) Awarding punitive damages in an amount to be determined at trial;
- (f) Awarding pre-judgment interest;
- (g) Awarding post-judgment interest;
- (h) Awarding attorneys' fees and costs;
- (i) Providing such further relief as the Court may deem fair and reasonable.

JURY DEMAND

107. Plaintiff demands a trial by jury on all issues so triable.

Respectfully submitted,

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