

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION**

ORGANIC CONSUMERS ASSOCIATION,
6771 South Silver Hill Drive, Finland, MN
55603, on behalf of the general public,

Plaintiff,

v.

POST FOODS, LLC and POST HOLDINGS,
INC., 2503 South Hanley Road, St. Louis, MO
63144,

Defendants.

Case No. 2016 CA 004551 B

DEMAND FOR JURY TRIAL

COMPLAINT

On behalf of the general public, Plaintiff Organic Consumers Associations (“OCA”), by and through its counsel, brings this action against Post Holdings, Inc. and its wholly owned subsidiary, Post Foods, LLC (collectively, “Defendant” or “Post”) regarding the deceptive labeling, marketing, and sale of Post’s Shredded Wheat Original Big Biscuit cereal, Shredded Wheat Spoon Size Original cereal, and Shredded Wheat Spoon-Size Wheat ’n Bran cereal (collectively, “Shredded Wheat” products) and alleges the following based upon information, belief, and the investigation of counsel:

INTRODUCTION

1. This is an action against Post for injunctive relief and economic damages based on Post’s misrepresentations and omissions regarding its Shredded Wheat products.

2. Specifically, Post advertises and promotes the Shredded Wheat products as “100% *Natural* Whole Grain Wheat” and a “*Natural* Source of Fiber.” *See* product labeling, attached hereto as Exhibit 1 (emphasis added).

3. Indeed, the *sole ingredient* listed on Post’s “100% Natural Whole Grain Wheat” Shredded Wheat products is “Whole Grain Wheat.” *See* Exhibit 1.

4. No reasonable consumer, seeing Post's representations, would expect any of the Shredded Wheat products to contain anything *unnatural*, or anything other than whole-grain wheat.

5. However, contrary to Post's representations, Shredded Wheat contains the chemical glyphosate, a potent herbicide that last year was declared a probable human carcinogen by the cancer research arm of the World Health Organization. Glyphosate is not "Natural."

6. The motivation for Post's deceptive practices is clear: Post is attempting to capture the growing market of consumers who are aware of the health risks and environmental damage caused by chemical-laden foods, especially packaged foods. Post knows that consumers demand – and are willing to pay a premium for – foods that are natural and whole, and that omit chemicals.

7. Post intended for consumers to rely on its false representations, and hundreds of thousands of reasonable consumers did in fact so rely. As a result, Post has been able to sell a greater volume of Shredded Wheat, charge higher prices for Shredded Wheat, and take away market share from competing products, thereby increasing its own sales and profits.

8. Post's false and misleading representations and omissions violate the District of Columbia Consumer Protection Procedures Act ("DC CPA"), D.C. Code §§ 28-3901, *et seq.*

9. When the OCA informed Post about its claims, and detailed the synthetic and toxic nature of the unnatural glyphosate in the Shredded Wheat products labeled as "100% Natural Whole Grain Wheat," Post failed to remedy its false marketing practices or otherwise remove or disclose the presence of glyphosate in Shredded Wheat.

10. OCA brings this deceptive advertising case on behalf of the general public, and seeks relief including refunds to purchasers for the falsely advertised products, an injunction to halt Post's false marketing and sale of Shredded Wheat, and a court-ordered corrective advertising campaign to inform the public of the true nature of Post's carcinogen-contaminated wheat.

JURISDICTION AND VENUE

11. This Court has personal jurisdiction over the parties in this case. The OCA maintains a presence in the District of Columbia and, by filing this Complaint, consents to this Court having personal jurisdiction over it.

12. Defendant Post Holdings, Inc. is incorporated in Missouri, with its principal place of business at 2503 South Hanley Road, St. Louis, Missouri 63144. Defendant Post Foods, LLC, a wholly owned subsidiary of Post Holdings, is incorporated in Delaware, with its principal place of business at 1 Upper Pond Road, Parsippany, New Jersey 07054. Post Holdings and its subsidiaries (collectively, “Post”) manufacture, market, distribute, and sell products under its brand names, including “Post® Shredded Wheat.” Directly and through its agents, Post has substantial contacts with and receives benefits and income from and through the District of Columbia.

13. This Court has personal jurisdiction over Post pursuant to D.C. Code § 13-423. Post has sufficient minimum contacts with the District of Columbia to establish personal jurisdiction of this Court over it because, *inter alia*, Post is engaged in deceptive schemes and acts directed at persons residing in, located in, or doing business in the District of Columbia, or otherwise purposefully avails itself of the laws of this District through its marketing and sales of Shredded Wheat in this District.

14. This Court has subject-matter jurisdiction over this action pursuant to D.C. Code §§ 28-3905(k)(1), (k)(2).

15. Venue is proper in this Court. Substantial acts in furtherance of the alleged improper conduct, including Post’s dissemination of false and misleading information regarding the nature, quality, and/or ingredients of Shredded Wheat, occurred within the District of Columbia. Additionally, Post sells Shredded Wheat within the District of Columbia.

16. Specifically, Post sells Shredded Wheat in the District of Columbia through online retailers such as its online store, shop.postfoods.com, and through traditional “brick and mortar” retailers.

THE INTERESTS OF OCA AND THE GENERAL PUBLIC

17. The OCA is a 501(c)(3) non-profit public-interest organization that deals with crucial issues of truth in advertising, accurate food labeling, food safety, genetic engineering, children’s health, corporate accountability, environmental sustainability, and other relevant topics.

18. The OCA performs its work throughout the United States, including in the District

of Columbia. Some of the OCA's staff resides in or near the District of Columbia, including its political director. The OCA has members who reside in the District of Columbia.

19. The OCA was formed in 1998 in the wake of backlash by consumers against the U.S. Department of Agriculture's controversial proposed national regulations for organic food. In its public education, network building, and mobilization activities, the OCA works with a broad range of public interest organizations to challenge industrial agriculture, corporate globalization, and to inspire consumers to "Buy Local, Organic, and Fair Made." The OCA's website, publications, research, and campaign staff provide an important service for hundreds of thousands of consumers and community activists every month. Its media team provides background information, interviews, and story ideas to television and radio producers and journalists on a daily basis.

20. Thus, the OCA's focus is on representing the views and interests of consumers by educating consumers on food safety, industrial agriculture, genetic engineering, corporate accountability, and environmental sustainability issues. The OCA uses funds it raises to educate consumers, increasing their awareness and knowledge of the agricultural production, and to protect the environment by regenerating organic and/or sustainable agriculture. The OCA also uses its funds and member base to pressure food companies to adopt honest labeling practices, to the benefit of consumers.

21. Upon information and belief, Post has caused harm to the general public of the District of Columbia.

22. The OCA acts for the benefit of the general public as a private attorney general pursuant to D.C. Code § 28-3905(k)(1). It is a public-interest organization pursuant to D.C. Code § 28-3901(a)(15), and a non-profit organization pursuant to D.C. Code § 28-3901(a)(14).

23. On May 10, 2016, the OCA purchased Post Shredded Wheat Original Big Biscuit cereal from a Safeway store located at 1701 Corcoran Street, Washington, D.C. 20009, to test or evaluate the product's purported qualities as a "natural" food product.

SUBSTANTIVE ALLEGATIONS

24. American consumers increasingly and consciously seek out natural and healthful food products. Once a small niche market, healthful, natural foods are now sold by conventional retailers, and their sales continue to soar. The trend toward natural and healthful food products includes, for many consumers, a preference for whole grains over processed or otherwise refined grains.

25. Consumers value natural foods, including whole grains, for myriad health, environmental, and political reasons, including avoiding chemicals and additives, attaining health and wellness, helping the environment, and financially supporting companies that share these values.

A. Post's "Natural" Brand Image.

26. Hoping to capture this growing "natural-conscious" consumer market, Post markets Shredded Wheat as a natural and healthful choice containing only "100% Natural Whole Grain Wheat," and the benefit of being a "Natural Source of Fiber." Post does not disclose the presence in Shredded Wheat of anything other than "100% Natural Whole Grain Wheat."

27. Post cultivates its image as a healthful, wholesome, impurity-free brand – the kind of company whose label claims can be trusted.

28. Moreover, Post directs consumers seeking further information to Post's own website, which declares that "eating Post Shredded Wheat cereal is a great way to boost your fiber intake without compromising on variety." See <http://postfoods.com/our-brands/post-shredded-wheat/zero-in-on-health> (last visited June 22, 2016).

29. As Post explains in its 2015 Annual Report:

[T]rends to natural products and quick service restaurant offerings are increasing areas of consumer focus. These trends include shifting to products that are organic or natural, as well as convenience offerings that provide greater portability. **This changing behavior has prompted us to acquire diverse businesses to meet changing customer and consumer needs.** We believe we have the necessary portfolio of products available to address these trends and to continue to focus on consumers' needs.

Post Holdings 2015 Annual Report at 25 (emphasis added).

30. The back of Post's Shredded Wheat Original Big Biscuit label states that the product contains "[a]n ingredient list that is so good, we have nothing to hide," and is "made with nothing but goodness." The back of the Shredded Wheat Original Big Biscuit labeling restates the front-of-label claim that the product comprises "100% Whole Grain Wheat," adding: "We make it easy to understand what is in your food – it's just the natural goodness of whole grain wheat." The back of the labeling also states, "Our flavor comes from 100% whole grain wheat, nothing else" and enumerates various "health benefits" of the product's "whole grain wheat": "Heart Health," "Digestive Health," and "Reduced Cancer Risk." *See* Ex. 1 (product labeling).

31. Post presents itself as an expert source of information on whole grains, touting their nutritional and health benefits. Post's website directs consumers to "Get even more expert nutrition and health information by browsing the topics below," which include "Fiber & Whole Grains," "Diet & Exercise," and "Heart Health." *See* <http://postfoods.com/our-brands/post-shredded-wheat/zero-in-on-health> (last visited June 22, 2016).

32. Post also promotes the health benefits of its products, stating, "Making 100% whole grain Post Shredded Wheat part of your regular diet, at breakfast or any other meal, is just one way to choose a healthier lifestyle." *See id.*

33. Post's website advises consumers that including Shredded Wheat in a one's "regular diet" is "one way to choose a healthier lifestyle." *See id.*

34. Post specifically promotes the heart-health benefits of Shredded Wheat: "Post Shredded Wheat cereals, made of 100% natural whole wheat, have always been a heart-healthy choice. They're loaded with whole grains (at least 16g whole grains per serving) and dietary fiber, are low in fat and saturated fat, have 0g trans fat and are cholesterol-free." *See id.*

35. Post also states, on the front labeling of its Shredded Wheat Original Big Biscuit product: "9 out of 10 doctors recommend Post Shredded Wheat to help reduce the risk of heart disease."

36. Nowhere on its website does Post mention the presence of glyphosate in Shredded Wheat.

37. Nowhere on its website does Post explain the environmental risks presented by glyphosate.

38. Post advertises its Shredded Wheat products in large, bold font as “100% Natural Whole Grain Wheat” and has profited handsomely as a result.

39. For the fiscal year ending September 30, 2015, Post reported net sales of \$1,260,800,000 and profits of \$205,500,000 in its Post Consumer Brands segment, which includes branded ready-to-eat cereal products such as Shredded Wheat.

B. Post Falsely Represents that Shredded Wheat Is “100% Natural.”

40. Post prominently labels its Shredded Wheat Original Big Biscuit product as “100% Natural Whole Grain Wheat.” This representation appears on the front label of the product. Should any consumer seek additional information from the side of the box, Post lists the product’s ingredients as “whole grain wheat.”

41. Upon information and belief, Post has profited enormously from its fraudulently marketed products and its carefully orchestrated label and image.

42. Representing that a product is “Natural,” “100% Natural,” or “100% Natural Whole Grain Wheat” is a statement of fact.

43. Failing to disclose that a product contains glyphosate are omissions of relevant fact.

44. Consumers reasonably believe that a product marketed as “Natural” or “100% Natural” does not contain synthetic ingredients.

45. Consumers reasonably believe that a product marketed as “Natural” or “100% Natural” does not contain pesticides.

46. Consumers lack the scientific knowledge necessary to determine whether Shredded Wheat in fact contains only “100% Natural Whole Grain Wheat,” to know or to ascertain the true ingredients and quality of Shredded Wheat, or to assess the safety of ingesting glyphosate.

47. Reasonable consumers must and do rely on Post to report honestly what Shredded Wheat contains, and whether the ingredients in fact are “Natural.”

48. In 2014, the Consumer Reports® National Research Center conducted a nationally representative phone survey to assess consumer opinion regarding food labeling. *See* <http://www.greenerchoices.org/pdf/consumerreportsfoodlabelingsurveyjune2014.pdf> (last visited June 22, 2016).

49. Sixty-six percent of all respondents in the Consumer Reports survey said that a “natural” representation on packaged and processed foods means that “no toxic pesticides were used.” *Id.*

50. Consumers reasonably believe that a product marketed as “100% Natural Whole Grain Wheat,” especially a product whose only ingredient is listed as “whole grain wheat,” does not contain anything other than natural wheat.

51. Post knows and intends that when consumers see the product labels promising the product is “Natural,” “100% Natural,” or “100% Natural Whole Grain Wheat,” consumers will understand that to mean that, at the very least, the product does not contain synthetic ingredients or harmful chemicals.

52. Consumers reasonably expect that if a product contains a harmful substance, the presence of that substance will be disclosed, and that they will not be affirmatively informed that the product is “Natural.”

C. Glyphosate: The Unnatural Hidden Substance.

53. On information and belief, glyphosate is, by volume, the world’s most widely produced herbicide.

54. Glyphosate was invented by the agrochemical and agricultural biotechnology corporation Monsanto, which began marketing the herbicide in 1974 under the trade name Roundup, after DDT was banned.¹

¹ *See* <https://www.organicconsumers.org/news/monsantos-roundup-enough-make-you-sick> (last visited June 22,

55. By the late 1990s, use of Roundup had surged as a result of Monsanto's strategy of genetically engineering seeds to grow food crops that could tolerate high doses of the herbicide. The introduction of these genetically engineered seeds enabled farmers more easily to control weeds on their crops.²

56. Monsanto also encouraged farmers to use Roundup as a desiccant to dry out their crops in order to harvest them faster. Today, glyphosate is routinely sprayed directly on a host of non-genetically modified crops, including wheat.³

57. On information and belief, this use of glyphosate is not for any health or environmental purpose, and stems solely from a desire to increase profit margins through higher crop yield.

58. In 2015, the International Agency for Research on Cancer (IARC), a research arm of the World Health Organization, declared glyphosate a category 2A "probable" human carcinogen. A summary of the study underlying this declaration was published in *The Lancet Oncology*, Vol. 16, No. 5 (May 2015).⁴

59. The IARC study noted such carcinogenic risk factors as DNA damage to human cells resulting from exposure to glyphosate. Glyphosate has been previously found to be a suspected human endocrine disruptor, with estrogenic effects even at extremely low concentrations.⁵

2016).

² *See id.*

³ *See id.*

⁴ Available at <http://www.thelancet.com/journals/lanonc/article/PIIS1470-2045%2815%2970134-8/abstract> (last visited June 22, 2016).

⁵ *See* Thongprakaisang, S. *et al.*, "Glyphosate induces human breast cancer cells growth via estrogen receptors," 59 *Food & Chem. Toxicol.* 129 (June 2013), *abstract available at* <http://www.ncbi.nlm.nih.gov/pubmed/23756170> (last visited June 22, 2016); *see also, e.g.*, Gasnier, C. *et al.*, "Glyphosate-based herbicides are toxic and endocrine disruptors in human cell lines," 262(3) *Toxicology* 184 (Aug. 21, 2009), *abstract available at* <http://www.ncbi.nlm.nih.gov/pubmed/19539684> (last visited June 22, 2016).

60. In November 2015, the European Food Safety Agency published conclusions suggesting that the combined use of glyphosate with other chemicals posed greater potential health risks than when glyphosate is used alone. In light of those conclusions, in April 2016, following a review of products containing glyphosate and tallowamine, France's health and safety agency announced its intention to ban weed-killers that combine the two chemicals.⁶

61. Glyphosate, as a biocide, functions by disrupting the shikimate pathway, the metabolic mechanism by which aromatic amino acids are synthesized.⁷ Humans do not have a shikimate pathway. The shikimate pathway is present, however, in bacteria, *including* bacteria that inhabit the human gut and are essential to proper immune functioning. Glyphosate thus is suspected to disrupt human immune function as well.

62. Studies examining low doses of glyphosate-based herbicides at levels that are generally considered "safe" for humans show that these compounds can nevertheless cause liver and kidney damage.⁸

63. Glyphosate is derived from the amino acid glycine. To create glyphosate, one of the hydrogen atoms in glycine is artificially replaced with a phosphonomethyl group.

64. Glyphosate is thus not "Natural."

⁶ See "France to Ban Some Glyphosate Weedkillers Amid Health Concerns," Reuters, Apr. 8, 2016, available at <http://www.reuters.com/article/us-france-glyphosate-idUSKCN0X512S> (last visited June 22, 2016).

⁷ See, e.g., Heike, H. & N. Amrhein, "The Site of the Inhibition of the Shikimate Pathway by Glyphosate," *Plant Physiol.* 66:823 (1980), available at <http://www.plantphysiol.org/content/66/5/823.full.pdf> (last visited June 22, 2016); see also <http://www.glyphosate.eu/glyphosate-mechanism-action> (last visited June 22, 2016).

⁸ Myers, J. et al, *Environ. Health* 2016 15:19, "Concerns over use of glyphosate-based herbicides and risks associated with exposures: a consensus statement," available at <https://ehjournal.biomedcentral.com/articles/10.1186/s12940-016-0117-0> (last visited June 22, 2016); see also Benedetti A.L., "The effects of sub-chronic exposure of Wistar rats to the herbicide Glyphosate-Biocarb," *Toxicol. Lett.* 2004;153(2):227-232, available at <http://www.ncbi.nlm.nih.gov/pubmed/15451553> (last visited June 22, 2016); Larsen K. et al, "Effects of Sublethal Exposure to a Glyphosate-Based Herbicide Formulation on Metabolic Activities of Different Xenobiotic-Metabolizing Enzymes in Rats," *Int. J. Toxicol.* 2014, available at <http://www.ncbi.nlm.nih.gov/pubmed/24985121> (last visited June 22, 2016); Mesnage R. et al, "Transcriptome profile analysis reflects rat liver and kidney damage following chronic ultra-low dose Roundup exposure," *Environ. Health* 2015 14:70, available at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC4549093/> (last visited June 22, 2016).

65. Post's representations that Shredded Wheat is "Natural," "100% Natural," or "100% Natural Whole Grain Wheat" are false. In fact, quantitative testing revealed that Shredded Wheat contains glyphosate.

66. Shredded Wheat thus is not "Natural" or "100% Natural," and does not contain "100% Natural Whole Grain Wheat," and labeling it as such is misleading and deceptive.

67. Post thus has a duty to disclose the presence of glyphosate.

68. Glyphosate is neither "100% Natural" nor present in "100% Natural Whole Grain Wheat."

69. On information and belief, glyphosate is used to increase wheat harvest for commercial purposes; is not necessary to successful planting, growing, or harvesting of wheat; is not a "natural" method of growing or harvesting wheat; is applied to wheat as a drying agent shortly before harvest; and is applied for commercial purposes only.

70. Glyphosate is a dangerous substance, the presence and dangers of which should be disclosed.

D. Post's Representations Are False, Deceptive, and Misleading.

71. Post's conduct in labeling Shredded Wheat "Natural," "100% Natural," and "100% Natural Whole Grain Wheat" deceived and/or was likely to deceive the public.

72. Consumers were deceived into believing that the listed ingredients were all the ingredients, that the product was "Natural" and "100% Natural," and that nothing in Shredded Wheat was not "Natural." Instead, Shredded Wheat contains glyphosate, an unnatural herbicide and probable human carcinogen, with a myriad of other potential health effects.

73. Consumers cannot discover the true nature of the Shredded Wheat merely by reading the label or list of ingredients.

74. Consumers could not discover the true nature of Shredded Wheat even by visiting Post's website, which makes no mention of glyphosate.

75. Discovery of the true nature of the ingredients requires knowledge of chemistry and

access to laboratory testing that is not available to the average reasonable consumer.

76. Post deceptively and misleadingly conceals material facts about the falsely labeled products, namely, that Shredded Wheat is not “Natural” or “100% Natural Whole Grain Wheat,” and that Shredded Wheat is not what a reasonable consumer would consider “Natural” or “100% Natural Whole Grain Wheat,” because in fact it contains glyphosate.

77. The production process Post uses for Shredded Wheat is known only to Post and its suppliers. Post has not disclosed such information to the OCA.

78. Quantitative testing reveals the presence of glyphosate in Shredded Wheat, but only Post knows the methods by which its wheat is grown, harvested, and processed, or what would account for the presence of glyphosate in Shredded Wheat. Post’s concealment tolls the applicable statute of limitations.

79. To this day, Post continues to conceal and suppress the true nature, identity, source, and method of production of Shredded Wheat.

E. Post Knew, or Should Have Known, that Its Representations Were False.

80. Post holds itself out to the public as a trusted expert in the growing, processing, and harvesting of wheat.

81. Post knew what representations it made in labeling and marketing Shredded Wheat. It also knew how the wheat was grown, harvested, and processed, and that it was likely to contain glyphosate, an unnatural and dangerous herbicide.

82. In June 2016, the OCA’s counsel provided Post with all the material allegations included in this Complaint. Post was thus specifically notified that Shredded Wheat labeled and marketed as “Natural,” “100% Natural,” and “100% Natural Whole Grain Wheat” contained the unnatural herbicide glyphosate.

83. Post thus knew all the facts demonstrating that Shredded Wheat was mislabeled and falsely advertised, and that it had a duty to disclose the presence of glyphosate.

84. Members of the general public paid money for Shredded Wheat. However, they did not obtain the full value of the advertised products due to Post’s misrepresentations and omissions.

Consumers purchased, purchased more of, or paid more for Shredded Wheat than they would have had they known the truth about Shredded Wheat.

F. Post Intended for Consumers to Rely on Its Misrepresentations.

85. Post made the false, deceptive, and misleading representations and omissions intending for members of the general public to rely upon these representations and omissions in purchasing Shredded Wheat.

86. In making the false, misleading, and deceptive representations and omissions at issue, Post knew and intended that consumers would purchase the Shredded Wheat rather than a competing product that was not, or was not labeled as, “Natural.”

87. Consumers are not only willing to pay more for a product that purports to be “100% Natural,” they expect that product to be pesticide-free.

88. In making the false, misleading, and deceptive representations and omissions at issue, Post also knew and intended that consumers would pay more for “Natural” or “100% Natural” wheat that is free of unnatural agents than they would pay for wheat that is not “Natural” or “100% Natural,” furthering Post’s private interest of increasing sales of its products and decreasing the sales of the all-natural and/or glyphosate-free products that are truthfully marketed by its competitors.

89. Similarly, independent surveys confirm that consumers will purchase more “Natural” products than conventional products, and will pay more for “Natural” products.

CAUSE OF ACTION

Violation of the D.C. Consumer Protection Procedures Act – D.C. Code § 28-3901, *et seq.*

90. Pursuant to D.C. Code §§ 28-3905(k)(1) and 28-3905(k)(2), the OCA brings this Count against Post on behalf of the general public of the District of Columbia, for Post’s violation of the District of Columbia Consumer Protection Procedures Act (“DC CPPA”), D.C. Code § 28-3901, *et seq.*

91. Post is a “person” within the meaning of D.C. Code § 28-3901(a)(1), is a merchant under §28-3901(3), and provides “goods” within the meaning of § 28-3901(a)(7).

92. The OCA is a “person,” a “non-profit organization,” and a “public interest organization” within the meaning of D.C. Code §§ 28-3901(1), (14), and (15).

93. The facts as alleged above demonstrate that Post has violated D.C. Code § 28-3904, which make it an “unlawful trade practice” to:

- a. “represent that goods . . . have . . . characteristics, ingredients, . . . [or] benefits . . . that they do not have,” D.C. Code § 28-3904(a);
- b. “represent that goods . . . are of a particular standard [or] quality . . . if in fact they are of another,” D.C. Code § 28-3904(d);
- c. “misrepresent as to a material fact which has a tendency to mislead,” D.C. Code § 28-3904(e);
- d. “fail to state a material fact if such failure tends to mislead,” D.C. Code § 28-3904(f); or
- e. “use innuendo or ambiguity as to a material fact, which has a tendency to mislead.” D.C. Code § 28-3904(f-1).

94. The DC CPPA makes such conduct an unlawful trade practice “whether or not any consumer is in fact misled, deceived, or damaged thereby.” D.C. Code § 28-3904.

95. Though the OCA need not show proof of deception to succeed on its DC CPPA claim, consumers were in fact deceived. Post knew or should have known that consumers would believe that its Shredded Wheat was “100% Natural Whole Grain Wheat” and a “Natural Source of Fiber” as labeled.

96. The OCA has a sufficient nexus to consumers of Shredded Wheat to adequately represent those interests.

97. Shredded Wheat is sold pursuant to unlawful trade practices because it offends public policy and is immoral, unethical, oppressive, unscrupulous, and substantially injurious to consumers.

PRAYER FOR RELIEF

WHEREFORE, the OCA prays for judgment against Post and in favor of itself and the

general public of the District of Columbia, and requests the following relief:

- A. a declaration that Post's conduct is in violation of the D.C. Consumer Protection Procedures Act;
- B. an order enjoining Post's conduct found to violate the D.C. Consumer Protection Procedures Act, as well as corrective advertising and revised labeling;
- C. an order granting the OCA costs and disbursements, including reasonable attorneys' fees and expert fees, and prejudgment interest at the maximum rate allowable by law;
- D. punitive damages in accordance with proof and in an amount consistent with applicable precedent; and
- E. such further relief as this Court may deem just and proper.

JURY TRIAL DEMANDED

The OCA hereby demands a trial by jury.

Dated: June 22, 2016

REZVANI VOLIN P.C.

/s/ Tracy D. Rezvani

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EXHIBIT I

