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County of Santa Barbara
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12 Attorneys for Plaintiff, the
13 PEOPLE OF THE STATE OF CALIFORNIA

[NO FEE - Govt. Code § 6103]

14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
15 **COUNTY OF SANTA BARBARA, ANACAPA DIVISION**

16 THE PEOPLE OF THE STATE OF
17 CALIFORNIA,

18 Plaintiff,

19 v.

20 SUNSEEKER ENTERPRISES, INC., dba
21 SUN FIREDEFENSE; JAMES MOSELEY,
an individual; and DOES 1 through 10,
22 inclusive,

23 Defendants.

Case No. 19CV04083

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

[VERIFIED ANSWER REQUIRED
PURSUANT TO CODE OF CIVIL
PROCEDURE SECTION 446]

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COMPLAINT FOR INJUNCTION, CIVIL PENALTIES, AND OTHER EQUITABLE RELIEF

1 Plaintiff, the People of the State of California, appearing through their attorneys, Joyce E.
2 Dudley, District Attorney of Santa Barbara County, and Michael N. Feuer, City Attorney for the
3 City of Los Angeles, alleges the following on information and belief:

4 **INTRODUCTION**

5 1. California has recently been hit with devastating, destructive wildfires, including
6 fires that rapidly spread throughout the wildlands-urban interface. These fires are deadly—in
7 the past two years, they have killed almost 150 people and injured dozens more. These fires are
8 widespread—in the past two years, over 17,000 separate fires burned nearly 3.2 million acres.
9 These fires are also costly—the past two years have cost Californians billions of dollars.

10 2. The number of acres burned in California annually is on the rise, largely due to
11 climate change. These fires can be so severe that, like hurricanes and other awe-inspiring
12 natural disasters, they are named: Woolsey, Thomas, Skirball, Mendocino, Front, Camp, and
13 others.

14 3. Given this prominent danger, it is critical that California consumers have truthful,
15 accurate, and scientifically-validated information about products purporting to prevent and
16 protect from fires. Lives, homes, and public safety depend on it. If consumers falsely believe
17 that their homes are protected from wildfires when in fact their homes are not, those consumers
18 could delay evacuation, placing their lives, their families' lives, and the lives of firefighters and
19 other first responders at great risk.

20 4. This civil law enforcement action involves a falsely advertised and fraudulent fire
21 protection product and related application services. Defendants Sunseeker Enterprises, Inc., dba
22 Sun FireDefense, and James Moseley (collectively, "Defendants") have advertised—including
23 through online, television, and print media—and sold a coating that they claim to have designed
24 to be sprayed on homes and that purportedly protects those homes from fire.

25 5. In response to an administrative subpoena issued by the Santa Barbara District
26 Attorney's Office, Defendants produced a sample of their SPF 3000 Clear Spray ("SPF 3000"
27 and/or "SFD 3000"). The Santa Barbara District Attorney's Office and the Los Angeles City
28 Attorney's Office then engaged an expert to test this sample. This testing indicates that SPF

1 3000 does not protect as advertised, if it even protects at all. SPF 3000 is also corrosive,
2 volatile, and toxic—Defendants’ claim that the product is a “clear, non-toxic, spray-solution”
3 (and related claims that the product is safe for humans and animals) are false; SPF 3000
4 contains ingredients which, under California law, are presumptively hazardous to human health
5 and the environment, and it is highly likely to corrode and damage homes and property.

6 **PARTIES**

7 6. Plaintiff, the People of the State of California (the “People”), is the sovereign power
8 of the State of California (Gov. Code § 100), authorized to enforce Business and Professions
9 Code section 17200 et seq. (“Unfair Competition Law” or “UCL”) and Business and Professions
10 Code section 17500 et seq. (“False Advertising Law” or “FAL”) in civil law enforcement
11 actions. The People have an interest in ensuring that the individuals and entities doing business
12 in this state comply with all applicable laws. The People act here by and through Joyce E.
13 Dudley, District Attorney of Santa Barbara County, and Michael N. Feuer, Los Angeles City
14 Attorney, under the authority granted to them by Business and Professions Code sections 17535,
15 17536, 17204, and 17206.

16 7. Defendant Sunseeker Enterprises, Inc., dba Sun FireDefense (“Sun Fire”), is a
17 California corporation, headquartered and with its principal place of business in Marina Del
18 Rey, California. At all relevant times, Sun Fire has transacted business in California, including
19 Los Angeles City and County and Santa Barbara County.

20 8. Defendant James Moseley (“Moseley”) is an individual and a resident of Los
21 Angeles County. At all relevant times, Moseley has transacted business in California, including
22 in Los Angeles City and County and Santa Barbara County. Moseley is, and at all relevant times
23 was, the Chief Executive Officer, Chief Financial Officer, and Secretary of Sun Fire. Moseley
24 is, and at all relevant times was, an owner of Sun Fire.

25 9. Defendants sued herein as Does 1 through 10, inclusive, are presently unknown
26 to the People, who therefore sue these unknown Defendants by such fictitious names. When the
27 true names and capacities of any unknown Defendants have been ascertained, the People will
28 ask leave of the Court to amend this Complaint and to insert in lieu of such fictitious names the

1 true names and capacities of any fictitiously named Defendants. The People are informed and
2 believe that Does 1 through 10 participated in, and are responsible for, the wrongful conduct
3 alleged in this Complaint.

4 10. Each Defendant is a “person” within the meaning of Business and Professions
5 Code sections 17506 and 17201.

6 11. Whenever this Complaint refers to “Defendants,” it includes any and all
7 Defendants named in paragraphs 7 through 9 of this Complaint.

8 12. At all relevant times, some or all Defendants acted as the agent of the others, and
9 all Defendants acted within the scope of their agency if acting as an agent of another.

10 13. At all relevant times, Defendants together comprised an “organization of
11 persons” within the meaning of Business and Professions Code section 17201, in that they
12 associated together for the common purpose of engaging in a course of unlawful, unfair, and
13 fraudulent business acts and practices as alleged herein.

14 14. At all relevant times, each Defendant acted individually and jointly with every
15 other Defendant in committing the acts alleged to have been committed by “Defendants” in this
16 Complaint.

17 15. At all relevant times, each Defendant acted: (a) as a principal; (b) under express
18 or implied agency; and/or (c) with actual or ostensible authority to perform the acts alleged in
19 this Complaint on behalf of every other Defendant.

20 16. At all relevant times, each Defendant knew or realized, or should have known or
21 realized, that the other Defendants were engaging in or planned to engage in the violations of
22 law alleged in this Complaint. Knowing or realizing that the other Defendants were engaging in
23 such unlawful conduct, each Defendant nevertheless facilitated the commission of those
24 unlawful acts. Each Defendant intended to and did encourage, facilitate, or assist in the
25 commission of the unlawful acts, and thereby aided and abetted, the other Defendants in the
26 unlawful conduct.

27 17. Defendants have engaged in a conspiracy, common enterprise, and common
28 course of conduct, the purpose of which was and is to engage in the violations of law alleged in

1 this Complaint. The conspiracy, common enterprise, and common course of conduct continue
2 to the present.

3 **JURISDICTION AND VENUE**

4 18. This Court has subject matter jurisdiction over this matter pursuant to Business
5 and Professions Code sections 17500, 17535, 17536, 17203, 17204, and 17206.

6 19. This Court has personal jurisdiction over each of the Defendants pursuant to
7 California Constitution, Article VI, section 10, and California Code of Civil Procedure section
8 410.10 in that each Defendant that is a corporation is incorporated in California and/or does
9 substantial business in California; individual Defendants reside in California; all of the
10 Defendants have purposely availed themselves of the benefits of doing business in this state;
11 and Defendants' violations of law alleged herein occurred, in whole or in part, in this state.

12 20. The violations of law alleged in this Complaint occurred in Los Angeles City and
13 County, Santa Barbara County, and throughout the State of California. Venue for this matter
14 properly lies within Santa Barbara County because the violations of law alleged in this
15 Complaint occurred, in whole or in part, in Santa Barbara County.

16 **STATUTORY BACKGROUND**

17 **A. The Unfair Competition Law**

18 21. California Business and Professions Code, section 17200 provides that “unfair
19 competition shall mean and include unlawful, unfair or fraudulent business practice.”

20 22. Section 17203 of the Business and Professions Code provides that “(a)ny person
21 performing or proposing to perform an act of unfair competition within this state may be
22 enjoined in any court of competent jurisdiction.” Section 17203 also permits recovery of any
23 “interest in money or property, real or personal” acquired by a violation of the Unfair
24 Competition Law.

25 23. Section 17206, subdivision (a), provides that any person violating Section 17200
26 “shall be liable for a civil penalty not to exceed two thousand five hundred dollars (\$2,500) for
27 each violation, which shall be assessed and recovered in a civil action brought in the name of
28 the people of the State of California . . . by any district attorney . . . [or] by any city attorney of a

1 city having a population in excess of 750,000.”

2 24. Under Section 17205, these remedies and penalties are “cumulative to each other
3 and to the remedies or penalties available under all other laws of this state.”

4 **B. The False Advertising Law**

5 25. California Business and Professions Code, section 17500 provides that it is
6 unlawful for any person “with the intent directly or indirectly to dispose of real or personal
7 property . . . to make or disseminate or cause to be made . . . any statement, concerning that real
8 or personal property . . . which is untrue or misleading, and which is known, or which by the
9 exercise of reasonable care should be known, to be untrue or misleading.”

10 26. Section 17535 authorizes “any district attorney” or “any city attorney” to seek an
11 injunction to prevent such untrue or misleading statements and to provide restitution for victims
12 of such statements.

13 27. Section 17536 provides that any person violating section 17500 “shall be liable
14 for a civil penalty not to exceed two thousand five hundred dollars (\$2,500) for each violation,
15 which shall be assessed and recovered in a civil action brought in the name of the people of the
16 State of California . . . by any district attorney . . . or city attorney.” These civil penalties are
17 cumulative to those obtained under Section 17200.

18 **C. California Greenwashing Law**

19 28. Business and Professions Code, section 17580.5 makes it “unlawful for any
20 person to make any untruthful, deceptive, or misleading environmental marketing claim,
21 whether explicit or implied.” The law provides that “[f]or the purpose of this section,
22 ‘environmental marketing claim’ shall include any claim contained in the ‘Guides for the Use of
23 Environmental Marketing Claims’ published by the Federal Trade Commission [hereinafter
24 “Guides”].”

25 29. The Guides specify that it “is deceptive to misrepresent, directly or by
26 implication, that a product . . . or service is non-toxic,” and “[n]on-toxic claims should be
27 clearly and prominently qualified to the extent necessary to avoid deception.” The Guides
28 further specify that a “non-toxic claim likely conveys that a product . . . or service is non-toxic

1 both for humans and for the environment generally,” and thus “marketers making non-toxic
2 claims should have competent and reliable scientific evidence that the product, package, or
3 service is non-toxic for humans and for the environment” and “should clearly and prominently
4 qualify their claims to avoid deception.” (16 C.F.R. Part 260, § 260.10, subd. (a), (b) (2009).)

5 30. The Guides also specify that it “is deceptive to misrepresent, directly or by
6 implication, that a product, package, or service has been endorsed or certified by an independent
7 third party,” and any “marketer’s use of the name, logo, or seal of approval of a third-party
8 certifier or organization” should “meet the criteria for endorsements provided in the FTC’s
9 Endorsement Guides.” (16 C.F.R. Part 260, § 260.6, subd. (a), (b) (2009).)

10 31. The FTC’s Endorsement Guides define an “endorsement” as “any advertising
11 message (including . . . depictions of the name, signature, likeness or other identifying personal
12 characteristics of . . . the name or seal of an organization) that consumers are likely to believe
13 reflects the opinions, beliefs, findings, or experiences of a party other than the sponsoring
14 advertiser.” (16 C.F.R. Part 255, § 255.0 (2009).) “Endorsements by organizations, especially
15 expert ones, are viewed as representing the judgment of a group,” and thus “an organization’s
16 endorsement must be reached by a process sufficient to ensure that the endorsement fairly
17 reflects the collective judgment of the organization.” (16 C.F.R. Part 255, § 255.4 (2009).)

18 32. The Guides also state that “[t]hird-party certification does not eliminate a
19 marketer’s obligation to ensure that it has substantiation for all claims reasonably communicated
20 by the certification.” (16 C.F.R. Part 260, § 260.6, subd. (c) (2009).)

21 33. The Guides further state that “[i]t is deceptive to misrepresent, directly or by
22 implication, that a product, package, or service is free of, or does not contain or use, a substance.
23 Such claims should be clearly and prominently qualified to the extent necessary to avoid
24 deception.” (16 C.F.R. Part 260, § 260.9, subd. (a) (2009).) Additionally, “[i]t is deceptive to
25 misrepresent, directly or by implication, that a product, package, or service offers a general
26 environmental benefit.” (16 C.F.R. Part 260, § 260.4, subd. (a) (2009).)

27 34. For each violation of section 17580.5, a civil penalty may be assessed under
28 section 17536 in an amount not to exceed \$2,500 for each violation. As noted above, penalties

1 under section 17536 are cumulative to other remedies.

2 **DEFENDANTS' BUSINESS PRACTICES**

3 35. Defendants manufacture, market, and distribute products that they claim will
4 protect the homes of California consumers from fires of all types, including wildfires.
5 Defendants market these products in areas that have been ravaged by wildfires with increasing
6 frequency over the past several years—areas where consumers have grown increasingly
7 desperate to protect their homes from destruction like that seen in the Woolsey, Thomas,
8 Skirball, Mendocino, Front, Camp, and other fires resulting in the National Disaster declared in
9 August 2018. Defendants use direct-to-consumer sales and online vendors, including
10 Defendants' own website, www.sunfiredefense.com.

11 36. In their marketing campaigns and advertisements—which prey on those residing
12 in the wildlands-urban interface throughout Los Angeles, Santa Barbara, and other wildfire
13 areas of California—Defendants have published false and misleading advertisements
14 concerning SPF 3000, thereby deceiving California consumers, including Los Angeles and
15 Santa Barbara homeowners.

16 37. As outlined in further detail below, Defendants' false and misleading
17 advertisements concern SPF 3000's alleged effectiveness, the time period during which they
18 claim a home will be protected following application of the product, the types of surfaces on
19 which the product will work, the product's ingredients, and NASA's role in developing the
20 product.

21 38. Defendants lack substantiation to support advertising claims that their SPF 3000
22 product can withstand the temperatures advertised by the Defendants.

23 39. Defendants inaccurately describe the chemical composition of SPF 3000; they
24 fail to substantiate whether SPF 3000 adheres to finished wood, stucco, and other housing
25 materials other than unfinished wood; they fail to disclose SPF 3000's corrosive properties; they
26 fail to provide application instructions for subcontractors or homeowners; and they fail to
27 disclose the presence of flammable, volatile organic compounds in SPF 3000 that could require
28 safety precautions during application.

1 40. Victims of Defendants’ unfair, fraudulent, and unlawful acts are left with
2 dangerous and false expectations that their homes have been reinforced to withstand wildfires.
3 Homeowners’ false expectations could lead to disaster: loss of life, injury, and damage to
4 homes and property. Such false expectations could delay or supplant implementation of
5 measures that might actually help prevent or limit the spread of fire, or, worst of all, based on a
6 false sense of confidence in the SPF 3000 product, even delay evacuation, placing the lives of
7 homeowners, their families, and responding firefighters and other first responders at risk.

8 41. Defendants also falsely claim that their products are non-toxic and safe for
9 humans and animals in violation of California’s greenwashing statutes. This is critical because,
10 while the danger due to fire is dependent on external factors, i.e., a wildfire, the harm to human
11 health and the environment from these toxic chemicals—not to mention damage to homes and
12 property—will occur immediately as a result of application of Defendants’ product.

13 42. Defendants also use the logos of the National Fire Protection Association, the
14 Discovery Channel, the National Fallen Fire Fighters Foundation, and the Los Angeles Times
15 on their website and in marketing and promotional materials. Defendants have not provided
16 documentation substantiating endorsements from these third-party organizations, nor have they
17 published qualifying language clarifying whether these organizations stand by Defendants’ false
18 claims regarding the environmentally safe and non-toxic nature of Defendants’ products.

19 **FIRST CAUSE OF ACTION:**

20 **VIOLATIONS OF BUSINESS AND PROFESSIONS CODE SECTION 17500**

21 **(UNTRUE OR MISLEADING REPRESENTATIONS)**

22 **(Against All Defendants)**

23 43. The People restate and incorporate herein each and every allegation set forth in
24 paragraphs 1–42 above as though fully alleged herein.

25 44. Beginning on or about November 2015, if not earlier, and continuing to the
26 present, Defendants, and each of them, with each other or with other unknown persons, have
27 engaged in and continue to engage in, aided and abetted and continue to aid and abet, and
28 conspired to and continue to conspire to violate Business and Professions Code section 17500

1 by making or disseminating untrue or misleading statements, or causing untrue or misleading
2 statements to be made, in the City and County of Los Angeles and in Santa Barbara County,
3 with the intent to induce the purchase of a fire prevention product and related application
4 services when they knew or by the exercise of reasonable care should have known the
5 statements were untrue or misleading. Defendants’ untrue or misleading representations
6 include, but are not limited to, the following:

- 7 A. SPF 3000 “provides protection against heat and embers up to 3000 degrees
8 Fahrenheit” and “is effective for 5+ years after a single application.” This
9 claim is untrue or misleading because the product has never been evaluated
10 under an appropriate, recognized exterior weathering test to substantiate such
11 claims.
- 12 B. “SPF 3000 offers Class A fire protection to cedar shake shingles, open-air
13 roof systems, decking, and structural lumber” and is “Class A Rated.” This
14 claim is untrue or misleading because ASTM E2768-11 testing, which
15 Defendants offer as substantiation for these claims, only serves to apply the
16 rating to the specific materials tested—in Defendants’ case, untreated or bare
17 structural lumber—and not cedar shake shingles, open air roof systems, or
18 decking. This claim is also untrue or misleading because structural lumber is
19 not commonly used as a building exterior or roofing material in the
20 construction of domestic homes.
- 21 C. SPF 3000 consists, in part, of a “silicon-based ceramic formula . . . which
22 creates a self-extinguishing reaction when hit by flame.” This claim is untrue
23 or misleading based on the actual content of SPF 3000.
- 24 D. SPF 3000 is “non-toxic to humans or animals”, “Simple & Safe”, and a
25 “clear, non-toxic, spray solution.” This claim is untrue or misleading
26 because SPF 3000 contains corrosive and flammable substances and because
27 it contains volatile organic compounds that are presumed hazardous for the
28 characteristic of toxicity under California law. (California Code of

1 Regulations, Div. 4.5, Ch. 11, Art. 5, Appendix X.)

2 E. SPF 3000 was developed “through collaboration with NASA and the U.S.
3 Forest Service.” Defendants have not substantiated the existence of any such
4 relationship between Defendants, Defendants’ product, and NASA.

5 45. Defendants knew, or by the exercise of reasonable care should have known at the
6 time of making the statements or causing the statements to be made, that the statements set forth
7 herein were untrue or misleading.

8 46. These violations render each Defendant liable to the People for civil remedies of
9 up to \$2,500 for each violation under Business and Professions Code section 17536, and
10 provide the basis for other remedies.

11 47. Defendants’ conduct was in continuing violation of the False Advertising Law,
12 beginning at a time unknown to the People but on or about November 2015, if not earlier, and
13 continuing to the present.

14 **SECOND CAUSE OF ACTION:**

15 **VIOLATIONS OF BUSINESS AND PROFESSIONS CODE SECTION 17580.5**

16 **(Untrue, Deceptive or Misleading Environmental Marketing Claims)**

17 **(Against All Defendants)**

18 48. The People restate and incorporate herein each and every allegation set forth in
19 paragraphs 1–47 above, as though fully alleged herein.

20 49. Beginning on or about November 2015, if not earlier, and continuing to the
21 present, Defendants, and each of them, with each other or with other unknown persons, have
22 engaged in and continue to engage in, aided and abetted and continue to aid and abet, and
23 conspired to and continue to conspire to violate Business and Professions Code section 17580.5
24 by making untruthful, deceptive, or misleading environmental marketing claims in the City and
25 County of Los Angeles and in Santa Barbara County. Defendants’ untrue or misleading
26 representations include, but are not limited to, the following:

27 A. The representation that SPF 3000 is “non-toxic to humans or animals”,
28 “Simple & Safe”, and a “clear, non-toxic, spray solution.” This marketing

1 claim is untruthful, deceptive, or misleading because SPF 3000 contains
2 corrosive materials and other volatile, abrasive, and/or toxic substances, and
3 because it contains volatile organic compounds that are presumed hazardous
4 for the characteristic of toxicity under California law. (California Code of
5 Regulations, Div. 4.5, Ch. 11, Art. 5, Appendix X.)

6 B. The use of various logos on Defendants' website and other promotional
7 materials or advertisements. Defendants have not offered substantiation
8 proving that it had endorsement relationships with the third-party
9 organizations whose logos it displayed in its advertising or related qualifying
10 statements.

11 C. Statements on Defendants' website and marketing materials claiming that
12 "SPF 3000 is Non-toxic, non-combustible, [and] non-carcinogenic," and
13 similar statements claiming that "[o]ur products are non-toxic, [and] non-
14 carcinogenic[.]"

15 D. Statements on Defendants' website and marketing materials claiming, in
16 reference to SPF 3000, that "[n]o components are believed to be hazardous or
17 listed in the NIOSH Recommendations for Occupational Safety and Health
18 Standards, 1988, or are listed as hazardous by SARA, CERCLA, or RCRA,"
19 and "[n]o OSHA PEL's are established for any of the other ingredients."

20 E. Statements on Defendants' website and marketing materials claiming that
21 "SPF 3000 . . . sprays help lower energy consumption, increase energy
22 efficiency, improve agriculture, scale up enzymatic transformations, and
23 protect what matters most."

24 F. Statements on Defendants' website and marketing materials claiming that
25 "[t]he best eco-friendly fire protection materials help us ensure the best
26 future for our planet and its people."

27 50. These violations render each Defendant liable to the People for civil remedies of
28 up to \$2,500 for each violation under Business and Professions Code section 17536, and

1 provide the basis for other remedies.

2 51. Defendants' conduct was in continuing violation of Business and Professions
3 Code section 17580.5, beginning at a time unknown to the People but on or about November
4 2015, if not earlier, and continuing to the present.

5 **THIRD CAUSE OF ACTION:**

6 **VIOLATION OF BUSINESS AND PROFESSIONS CODE 17200**

7 **(UNFAIR COMPETITION)**

8 **(Against All Defendants)**

9 52. The People restate and incorporate herein each and every allegation set forth in
10 paragraphs 1 through 51 above, as though fully alleged herein.

11 53. Beginning on or about November 2015, if not earlier, and continuing to the
12 present, Defendants, and each of them, with each other or other unknown persons, have engaged
13 in and continue to engage in, aided and abetted and continue to aid and abet, and conspired to
14 and continue to conspire to engage in acts or practices that constitute unfair competition as
15 defined by Business and Professions Code section 17200. Such acts or practices include, but are
16 not limited to, the following:

- 17 A. Violating Business and Professions Code, section 17200, because
18 Defendants' business acts and practices, as described herein and as more
19 particularly alleged in paragraphs 35 through 51, as well as similar conduct,
20 are *unlawful* under section 17200;
- 21 B. Violating Business and Professions Code, section 17200, because
22 Defendants' business acts and practices, as described herein and as more
23 particularly alleged in paragraphs 35 through 51 as well as similar conduct,
24 are *unfair* under section 17200;
- 25 C. Violating Business and Professions Code, section 17200, because
26 Defendants' business acts and practices, as described herein and as more
27 particularly alleged in paragraphs 35 through 51, as well as similar conduct,
28 are *fraudulent* under section 17200;

- 1 D. Violating Business and Professions Code, section 17200, because
2 Defendants' actions as described in paragraphs 35 through 51, as well as
3 similar conduct, are unfair, deceptive, untrue, or misleading advertising
4 under section 17200;
- 5 E. Violating Business and Professions Code, section 17500, by making or
6 disseminating, or causing to be made or disseminated, statements before the
7 public that Defendants knew were untrue and misleading and which were
8 and are known by Defendants to be untrue and misleading, as described in
9 paragraphs 35 through 51; and
- 10 F. Violating Business and Professions Code, section 17580.5, by making
11 untruthful, deceptive, or misleading environmental marketing claims as
12 described herein and as more particularly alleged in paragraphs 48 through
13 51.

14 54. By committing the acts alleged above, at all times material to this complaint,
15 each Defendant has engaged in unlawful business practices that constitute unfair competition
16 within the meaning of Business and Professions Code, section 17200.

17 55. By committing the acts alleged above, Defendants are liable to the People for
18 civil penalties of up to \$2,500 for each violation.

19 56. Defendants' unlawful, unfair, and fraudulent business acts or practices, as
20 described above, present a continuing threat to members of the public.

21 57. Defendants' conduct was in continuing violation of the Unfair Competition Law,
22 beginning at a time unknown to the People but on or about November 2015, if not earlier, and
23 continuing to the present.

24 **PRAYER FOR RELIEF**

25 Wherefore, the People pray for judgment as follows:

26 58. That pursuant to Business and Professions Code sections 17203 and 17204 and
27 the equitable powers of the Court, Defendants, and their successors, agents, representatives,
28 employees, and all persons who act in concert with Defendants be permanently enjoined from

1 engaging in unfair competition as defined in Business and Professions Code section 17200 et
2 seq., including, but not limited to, the acts and practices alleged in this Complaint.

3 59. That pursuant to Business and Professions Code section 17206, Defendants be
4 assessed a civil penalty of \$2,500 for each violation of Business and Professions Code section
5 17200 et seq. that they committed, caused, aided and abetted or conspired to commit, as proved
6 at trial, but in an amount not less than \$5,000,000.00.

7 60. That pursuant to Business and Professions Code section 17535, Defendants, their
8 successors, agents, representatives, employees, and all persons who act in concert with
9 Defendants be permanently enjoined from making any untrue or misleading statements in
10 violation of Business and Professions Code section 17500 et seq., including but not limited to,
11 the untrue or misleading statements alleged in the Complaint.

12 61. That pursuant to Business and Professions Code section 17536, Defendants be
13 assessed a civil penalty of \$2,500 for each violation of Business and Professions Code sections
14 17500 et seq. and 17580.5 that they committed, caused, aided and abetted, or conspired to
15 commit, as proved at trial, but in an amount not less than \$5,000,000.00.

16 62. That Defendants be ordered to make direct restitution of any money or other
17 property that may have been acquired by the violations of Business and Professions Code
18 section 17200 et seq. and 17500 et seq.

19 63. That the People recover the costs of this action.

20 64. Such other relief that the Court deems just and proper.

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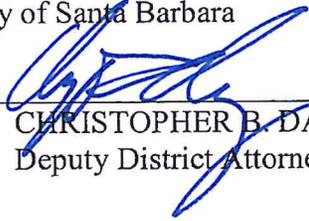
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1 Dated: August 5, 2019

2 Respectfully Submitted,

3 JOYCE E. DUDLEY
4 District Attorney
5 County of Santa Barbara

6 By: 
7 CHRISTOPHER B. DALBEY
8 Deputy District Attorney

9 MICHAEL N. FEUER
10 Los Angeles City Attorney

11 By: 
12 WILLIAM R. PLETCHER
13 Deputy City Attorney
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