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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

LAURA WILLIS ALBRIGO, on behalf of
herself, all others similarly situated, and the
general public,

Plaintiff,

v.

QUTEN RESEARCH INSTITUTE, LLC

Defendant.

Case No: **'26CV3875 BAS DEB**

CLASS ACTION COMPLAINT

(CIVIL UNLIMITED MATTER)

DEMAND FOR JURY TRIAL

1 Plaintiff Laura Willis Albrigo, on behalf of herself, all others similarly situated, and
2 the general public, by and through her undersigned counsel, hereby sues Defendant Quten
3 Research Institute, LLC (“Quten” or “Defendant”), and alleges the following upon her own
4 knowledge, or where she lacks personal knowledge, upon information and belief, including
5 the investigation of counsel.

6 NATURE OF THE ACTION

7 1. Quten markets itself as a provider of science-backed dietary supplements, and
8 has developed the Qunol brand into one of the leading supplement brands in the United States.

9 2. Quten markets and sells Qunol Ultra Omega-3 Fish Oil (the “Qunol Fish Oil”).

10 3. Quten prominently represents on the front label of the Qunol Fish Oil that each
11 serving, comprising two soft gel capsules, contains “1000 mg Omega-3,” as depicted below.



1 4. Independent laboratory testing in May 2026, however, demonstrates that the
2 Qunol Fish Oil contains substantially less omega-3 fatty acids than represented.

3 5. Plaintiff brings this action on behalf of herself and similarly-situated California
4 consumers to recover damages, restitution, and other appropriate relief resulting from Quten's
5 deceptive labeling and sale of the Qunol Fish Oil.

6 **JURISDICTION & VENUE**

7 6. This Court has original jurisdiction over this action under 28 U.S.C. § 1332(d)(2)
8 (the Class Action Fairness Act) because the matter in controversy exceeds the sum or value
9 of \$5,000,000, exclusive of interest and costs, the proposed Class consists of more than 100
10 members, and at least one member of the proposed Class is a citizen of a State different from
11 Defendant. In addition, fewer than two-thirds of the members of the proposed Class are
12 citizens of this State, and Defendant is not a citizen of this State.

13 7. The Court has personal jurisdiction over Quten because it has purposefully
14 availed itself of the benefits and privileges of conducting business activities within California,
15 including by marketing, distributing, and selling Qunol Fish Oil in California and within this
16 District.

17 8. Venue is proper in this Southern District of California pursuant to 28 U.S.C. §
18 1391(b) and (c), because Quten resides in (*i.e.*, is subject to personal jurisdiction in) this
19 district, and because a substantial part of the events or omissions giving rise to the claims
20 occurred in this district.

21 **PARTIES**

22 9. Plaintiff Laura Willis Albrigo resides in San Diego County, California, and is
23 therefore a citizen of the State of California.

24 10. Defendant Quten Research Institute, LLC is a Delaware limited liability
25 company with its principal place of business in Pinebrook, New Jersey.

26 **FACTS**

27 11. Fish oil is among the most widely used dietary supplements in the United States.
28 Consumers purchase fish oil primarily to obtain the long-chain omega-3 fatty acids,

1 eicosapentaenoic acid (“EPA”) and docosahexaenoic acid (“DHA”), the nutrients associated
2 with the health benefits for which fish oil supplements are marketed. Consumers do not
3 purchase fish oil merely to ingest generic fish oil or dietary fat—they purchase it specifically
4 for its omega-3 fatty acid content.

5 12. Manufacturers compete by advertising the quantity of EPA, DHA, and total
6 omega-3 fatty acids contained in each serving because those nutrients determine the
7 supplement’s perceived potency and value. Consumers routinely compare fish oil
8 supplements based on the amount of omega-3 fatty acids provided per serving, and products
9 advertising higher amounts generally command higher prices than products providing lower
10 amounts.

11 13. Defendant markets Qunol Fish Oil with a prominent front-label representation
12 that each serving contains “1000 mg Omega-3.”

13 14. The actual amount of omega-3 fatty acids contained in a fish oil supplement
14 cannot be determined by visual inspection, taste, smell, or ordinary consumer use. Instead,
15 verifying the amount of omega-3 fatty acids requires specialized laboratory testing using
16 validated analytical methods unavailable to ordinary consumers.

17 15. Independent laboratory testing commissioned by Plaintiff, *of the specific Qunol*
18 *Fish Oil soft gels she purchased*, demonstrated that the Qunol Fish Oil did not contain the
19 represented amount of omega-3 fatty acids.

20 16. Analytical Resource Laboratories (“ARL”), an ISO/IEC 17025 accredited
21 laboratory, analyzed the encapsulated Qunol Fish Oil Plaintiff purchased using AOAC
22 Method 996.01 and found only 26.9% total omega-3 fatty acids by weight. The Nutrition
23 Facts state that a serving consists of two capsules, containing 1,500 mg of fat. Applying
24 ARL’s measured omega-3 concentration to the labeled serving size demonstrates that each
25 serving contains approximately 404 mg—less than half the represented 1,000 mg of omega-
26 3 fatty acids.

27 17. These results are not isolated. Testing by *Consumer Reports* on fish oils
28 purchased in the fall of 2024 found Qunol Fish Oil contained substantially less omega-3 fatty

1 acids than represented on the label. Although Quten disputed those findings, Consumer
2 Reports responded that its experts were unaware of any evidence supporting Quten's
3 explanation that lemon oil flavoring could affect testing for omega-3 fatty acid content and
4 further noted Quten failed to produce any evidence substantiating that assertion. These
5 findings placed Quten on notice that independent testing had raised concerns regarding the
6 accuracy of its omega-3 content representations.

7 18. Moreover, Quten and certain Qunol dietary supplements, including Qunol Fish
8 Oil, have previously been the subject of litigation alleging Quten falsely represented the
9 amount of nutrients contained in its dietary supplements. The prior action alleged Quten
10 overstated the quantity of nutrients provided per serving and that consumers relied on those
11 nutrient-content representations when purchasing Qunol supplements.

12 19. These publicly-reported findings informed Quten that an independent consumer-
13 testing organization identified significant discrepancies between the represented and
14 measured omega-3 content of its Qunol Fish Oil supplements. Despite that notice, Quten
15 continued marketing the Qunol Fish Oil using the same "1000 mg Omega-3" representation.

16 20. In March 2026, Plaintiff purchased Qunol Fish Oil from Amazon for her own,
17 personal, household use.

18 21. In deciding to purchase the Qunol Fish Oil, Plaintiff was exposed to, read,
19 understood, and relied on Quten's representation that each serving contained 1000 mg omega-
20 3. Based on Quten's representation, Plaintiff understood or believed that each serving,
21 consisting of two soft gel capsules, provided 1000 mg of omega-3 fatty acids.

22 22. Plaintiff acted reasonably in relying on Quten's representation that each serving
23 contained 1000 mg of omega-3 fatty acids. That representation was material to Plaintiff's
24 purchasing decision because the primary value of a fish oil supplement depends on the
25 amount of omega-3 fatty acids it provides. Believing that each serving contained 1000 mg of
26 omega-3 fatty acids, Plaintiff was willing to pay, and did pay, more for the Qunol Fish Oil
27 than she otherwise would have had she known it contained less than half the represented
28 amount of omega-3 fatty acids.

23. Had Plaintiff known that the Qunol Fish Oil did not provide the represented amount of omega-3 fatty acids, she would not have purchased it or would have paid substantially less. Because the Qunol Fish Oil did not provide the represented amount of omega-3 fatty acids, it was worth less than what Plaintiff paid, and Plaintiff suffered economic injury as a result.

24. Plaintiff remains in the market for fish oil supplements and wishes to purchase fish oil in the future. Plaintiff would purchase Qunol Fish Oil in the future if Quten accurately labeled the amount of omega-3 fatty acids provided in each serving. However, absent injunctive relief, in the future, Plaintiff will not reasonably be able to determine whether Quten's representation regarding the amount of omega-3 fatty acids per serving is truthful.

CLASS ACTION ALLEGATIONS

25. While reserving the right to redefine or amend the class definition prior to or in connection with a motion for class certification, pursuant to Federal Rule of Civil Procedure 23, Plaintiff seeks to represent a class of all persons in California, who, at any time from four years prior to the filing of this Complaint through the date a class is notified (the "Class Period"), purchased Qunol Fish Oil for personal or household use, and not for resale or distribution (the "Class").

26. The members in the proposed Class are so numerous that individual joinder of all members is impracticable, and the disposition of the claims of the Class in a single action will provide substantial benefits to the parties and Court.

27. Questions of law and fact common to Plaintiff and the Class include but are not limited to:

- a. whether Quten represented that Qunol Fish Oil contains "1,000 mg omega-3" fatty acid per two soft gel capsule serving;
- b. whether "1,000 mg Omega-3" is material to reasonable consumers;
- c. whether Qunol Fish Oil contained 1,000 mg omega-3 fatty acid per two soft gel capsule serving;

d. whether Quten's conduct violates California Business and Professions Code §§ 17200 *et seq.*;

e. whether Quten's conduct violates California Business and Professions Code §§ 17500 *et seq.*;

f. whether Quten's conduct violates the California Consumers Legal Remedies Act, California Civil Code §§ 1750 *et seq.*;

g. whether Quten's conduct is unfair or violates public policy;

h. whether Quten was unjustly enriched;

i. the proper amount of damages, including punitive damages;

j. the proper amount of restitution; and

k. the proper scope of injunctive relief.

28. These common questions of law and fact predominate over questions that affect only individual members of the Class.

29. Plaintiff's claims are typical of other Class Members' claims because they are based on the same underlying facts, events, and circumstances relating to Quten's conduct. Specifically, all Class Members, including Plaintiff, were subjected to the same misleading and deceptive conduct when they purchased the Qunol Fish Oil and suffered economic injury because its omega-3 content is misrepresented. Absent Quten's business practice of deceptively and unlawfully labeling the Qunol Fish Oil, Plaintiff and other Class Members would not have purchased it or would have paid less for it.

30. Plaintiff will fairly and adequately represent and protect the interests of the Class, has no interests incompatible with the interests of the Class, and has retained counsel competent and experienced in class action litigation, and specifically in litigation involving the false and misleading advertising of consumer goods.

31. Class treatment is superior to other options for resolution of the controversy because the relief sought for each Class Member is small, such that, absent representative litigation, it would be infeasible for Class Members to redress the wrongs done to them.

32. Quten has acted on grounds applicable to the Class, thereby making appropriate final injunctive and declaratory relief concerning the Class as a whole.

33. As a result of the foregoing, class treatment is appropriate under Fed. R. Civ. P. 23(a), 23(b)(2), and 23(b)(3).

CAUSES OF ACTION

FIRST CAUSE OF ACTION

Violations of the Unfair Competition Law

Cal. Bus. & Prof. Code §§ 17200 et seq.

34. Plaintiff realleges and incorporates by reference the allegations set forth elsewhere in this Complaint as if fully set forth herein.

35. The Unfair Competition Law (“UCL”) prohibits any “unlawful, unfair or fraudulent business act or practice.” Cal. Bus. & Prof. Code § 17200.

36. Quten’s acts, omissions, misrepresentations, and practices alleged herein constitute business acts and practices.

Fraudulent

37. A business act or practice is “fraudulent” under the UCL if it is likely to deceive a significant portion of the public, applying an objective reasonable-consumer test. As alleged herein, Quten’s “1000 mg Omega-3” representation was likely to deceive reasonable consumers because one serving contained substantially less than 1,000 mg of omega-3 fatty acid.

Unlawful

38. The acts alleged herein are “unlawful” under the UCL because they violate, at least, the False Advertising Law, Cal. Bus. & Prof. Code §§ 17500 *et seq.* (“FAL”), and the Consumers Legal Remedies Act, Cal. Civ. Code §§ 1750 *et seq.* (“CLRA”), as set forth in the causes of action below.

Unfair

39. Quten’s conduct is “unfair” under the UCL because it is immoral, unethical, unscrupulous, and substantially injurious to consumers, and the utility of the conduct, if any,

1 does not outweigh the gravity of the harm to its victims. The conduct also offends public
 2 policy as embodied in the FAL and CLRA. The consumer injury is substantial, is not
 3 outweighed by any countervailing benefit to consumers or competition, because consumers
 4 cannot reasonably avoid the injury where only expensive laboratory testing can reveal the
 5 truth about the omega-3 content.

6 40. Quten's conduct caused and continues to cause substantial injury to Plaintiff and
 7 the Class, who suffered injury in fact and lost money as a result of paying a price they would
 8 not have paid absent the deception.

9 * * *

10 41. Pursuant to Cal. Bus. & Prof. Code § 17203, Plaintiff seeks an order enjoining
 11 Quten from continuing to engage in the unlawful, unfair, and fraudulent practices alleged
 12 herein, requiring Quten to undertake a corrective advertising campaign, and providing
 13 restitution of all amounts unjustly acquired through those practices.

14 42. Restitution under the UCL is broader than, and serves purposes distinct from,
 15 legal damages, including deterrence and the restoration of money in which Plaintiff need not
 16 have a vested ownership interest, and the UCL's "unfair" and "unlawful" prongs sweep more
 17 broadly than any claim sounding in damages. Plaintiff therefore lacks an adequate remedy at
 18 law for the equitable relief sought under the UCL.

19 **SECOND CAUSE OF ACTION**

20 **Violations of the False Advertising Law**

21 **Cal. Bus. & Prof. Code §§ 17500 et seq.**

22 43. Plaintiff realleges and incorporates by reference the allegations set forth
 23 elsewhere in this Complaint as if fully set forth herein.

24 44. The FAL makes it unlawful for any person, with intent directly or indirectly to
 25 dispose of personal property, to disseminate before the public any statement concerning that
 26 property that is untrue or misleading, and that is known, or by the exercise of reasonable care
 27 should be known, to be untrue or misleading. Cal. Bus. & Prof. Code § 17500.

1 45. As alleged herein, Quten’s labeling, advertising, and marketing of the Qunol
2 Fish Oil was likely to deceive reasonable consumers as to whether the Qunol Fish Oil
3 contained 1000 mg omega-3 fatty acids per serving.

4 46. Quten knew or, in the exercise of reasonable care, should have known that its
5 “1000 mg Omega-3” representation was untrue because Quten formulates, labels, and
6 markets Qunol Fish Oil, and was on notice from other consumer testing and prior lawsuits.

7 47. Plaintiff suffered injury in fact and lost money as a result of Quten’s false
8 advertising, having purchased Qunol Fish Oil and paid a price premium in reliance on the
9 “1000 mg Omega-3” representation.

10 48. Pursuant to Cal. Bus. & Prof. Code § 17535, Plaintiff seeks an order enjoining
11 Quten from continuing to disseminate the false and misleading advertising alleged herein,
12 requiring a corrective advertising campaign, and providing restitution of all amounts Quten
13 acquired by means of its false and misleading advertising.

14 49. Because the Court has broad discretion to award restitution under the FAL and
15 could, when assessing restitution under the FAL, apply a standard different than that applied
16 to assessing damages under the CLRA, and restitution is not limited to returning to Plaintiff
17 and Class Members monies in which they have an interest, but more broadly serves to deter
18 the offender and others from future violations, the legal remedies available under the CLRA
19 are more limited than the equitable remedies available under the FAL, and are therefore
20 inadequate.

21 **THIRD CAUSE OF ACTION**

22 **Violations of the Consumers Legal Remedies Act**

23 **Cal. Civ. Code §§ 1750 et seq.**

24 50. Plaintiff realleges and incorporates by reference the allegations set forth
25 elsewhere in this Complaint as if fully set forth herein.

26 51. The CLRA prohibits unfair or deceptive acts or practices in a transaction
27 intended to result, or that results, in the sale of goods to a consumer.
28

1 52. The Qunol Fish Oil is a “good,” Plaintiff and the Class are “consumers,” and
2 their purchases are “transactions” within the meaning of the CLRA.

3 53. Quten’s acts and practices, as alleged herein, violated and continue to violate at
4 least the following provisions of Cal. Civ. Code § 1770(a):

- 5 • § 1770(a)(5): representing that goods have characteristics, uses, or benefits that
6 they do not have;
- 7 • § 1770(a)(7): representing that goods are of a particular standard, quality, or
8 grade if they are of another;
- 9 • § 1770(a)(9): advertising goods with intent not to sell them as advertised; and
- 10 • § 1770(a)(16): representing that the subject of a transaction has been supplied in
11 accordance with a previous representation when it has not.

12 54. Quten’s false and misleading labeling, marketing, and related omissions were
13 designed to, and did, induce Plaintiff and other Class Members to purchase Qunol Fish Oil
14 for personal, family, or household use.

15 55. Pursuant to Cal. Civ. Code § 1782(a), more than 30 days before filing this action,
16 Plaintiff notified Quten in writing by certified mail, return receipt requested, of the particular
17 violations of § 1770 alleged herein and demanded that Quten correct, repair, replace, or
18 otherwise rectify the conduct, but Quten has failed to do so.

19 56. As a result of Quten’s violations of the CLRA, Plaintiff and the Class have
20 suffered harm and seek actual damages, restitution, injunctive relief in the form of corrective
21 advertising and an order enjoining the unlawful practices, punitive damages, and attorneys’
22 fees and costs. *See* Cal. Civ. Code §§ 1780(a), 1782(d).

23 57. In compliance with Cal. Civ. Code § 1780(d), an affidavit of venue is filed
24 concurrently herewith.

FOURTH CAUSE OF ACTION

Negligent Misrepresentation

58. Plaintiff realleges and incorporates by reference the allegations set forth elsewhere in this Complaint as if fully set forth herein.

59. As alleged above, Quten represented the Qunol Fish Oil contained 1,000 mg of omega-3 fatty acids per serving. This representation is false because the Qunol Fish Oil contains substantially less.

60. Quten made this representation in the course of its business, including in the marketing, advertising, labeling, distribution, and sale of the Qunol Fish Oil, transactions in which both Plaintiff and Quten had a pecuniary interest.

61. Quten knew or, at a minimum, should have known that the “1000 mg Omega-3” representation was false because it formulates, manufactures, labels, markets, and sells the Qunol Fish Oil. Quten failed to exercise reasonable care in communicating the representation to consumers.

62. Quten possesses superior knowledge regarding the formulation, composition, and material characteristics of the Qunol Fish Oil. Such information is not reasonably available to ordinary consumers, including Plaintiff and Class Members.

63. Quten had a duty to exercise reasonable care in supplying accurate information to consumers concerning the characteristics, qualities, and specifically the quantity of omega-3 fatty acids per serving of the Qunol Fish Oil because it knew consumers would rely on that information in deciding whether to purchase it.

64. Plaintiff and other Class Members reasonably relied on Quten’s “1000 mg Omega-3” representation in deciding to purchase the Qunol Fish Oil. Had Plaintiff known that representation was false, she would not have purchased it, or only paid less.

65. Quten’s misrepresentations was material because reasonable consumers attach importance to the amount of omega-3 fatty acids contained in fish oil supplements.

66. As a direct and proximate result of Quten's negligent misrepresentations, Plaintiff and Class Members suffered economic injury by paying a price for the Qunol Fish Oil they otherwise would not have paid.

FIFTH CAUSE OF ACTION

Unjust Enrichment

67. Plaintiff realleges and incorporates the allegations elsewhere in the Complaint as if fully set forth herein.

68. Plaintiff and other Class Members conferred upon Quten an economic benefit, in the form of profits resulting from the purchase and sale of the Qunol Fish Oil.

69. Quten's financial benefits resulting from its unlawful and inequitable conduct are economically traceable to Plaintiff's and other Class Members' purchases of the Qunol Fish Oil, and the economic benefits conferred on Quten are a direct and proximate result of its unlawful and inequitable conduct.

70. It would be inequitable, unconscionable, and unjust for Quten to be permitted to retain these economic benefits because the benefits were procured as a direct and proximate result of its wrongful conduct.

71. As a result, Plaintiff and other Class Members are entitled to equitable relief including restitution and/or disgorgement of all revenues, earnings, profits, compensation and benefits which may have been obtained by Quten as a result of such business practices.

PRAYER FOR RELIEF

72. Wherefore, Plaintiff, individually and on behalf of the proposed Class, prays for judgment as follows:

a. An Order declaring this action to be a proper class action, appointing Plaintiff as Class Representative, and appointing Plaintiff's undersigned counsel as Class Counsel;

b. An Order requiring Quten to bear the cost of Class Notice;

c. An Order compelling Quten to conduct a corrective advertising campaign;

- 1 d. An Order requiring Quten to disgorge all monies, revenues, and profits
2 obtained by means of any wrongful act or practice;
- 3 e. An Order compelling Quten to destroy all misleading and deceptive
4 advertising materials and product labels, and to recall all offending products;
- 5 f. An Order requiring Quten to pay restitution to restore all funds acquired
6 by means of any act or practice declared by this Court to be an unlawful or unfair
7 business act or practice;
- 8 g. An Order requiring Quten to pay statutory, compensatory, and punitive
9 damages as permitted by law;
- 10 h. An Order enjoining Quten from deceptively labeling the Qunol Fish Oil;
- 11 i. A judgment awarding any and all further equitable, injunctive, and
12 declaratory relief as may be appropriate;
- 13 j. Pre- and post-judgment interest, as permitted by law;
- 14 k. An award of attorney fees and costs; and
- 15 l. Such further relief as the Court deems necessary, just, or proper.

16 **JURY DEMAND**

17 73. Plaintiff hereby demands a trial by jury on all issues so triable.

18
19 Dated: July 6, 2026

/s Trevor Flynn
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