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Superior Court of California,
County of Alameda

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Class

**SUPERIOR COURT OF CALIFORNIA
ALAMEDA COUNTY**

JUAN CARPIO, as an individual on behalf of
himself and all others similarly situated persons,

PLAINTIFF

v.

SANTINI FOODS, INC.; and DOES 1 through
25, inclusive,

DEFENDANTS.

Case No. **26CV203622**

CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

COMES NOW PLAINTIFF JUAN CARPIO, WHO HEREBY ALLEGES THE FOLLOWING:

Plaintiff JUAN CARPIO (“Plaintiff”) brings this action on behalf of himself, and all others similarly situated (“Class Members”), against Defendant SANTINI FOODS, INC., and DOES 1 through 25, inclusive (collectively, “Defendant”).

The allegations in this complaint, other than those with respect to Plaintiff, are stated on information and belief, and have evidentiary support or are likely to have evidentiary support after a reasonable opportunity for further investigation and discovery.

NATURE OF ACTION

1. Plaintiff files this class action lawsuit on behalf of himself and all similarly situated persons who purchased *CALIFORNIA FARMS* Sweetened Condensed Milk products (the “Products”) manufactured, marketed, and/or distributed by Defendant that are labeled as “Sweetened Condensed Milk” but contain the chemical preservative potassium sorbate¹.

2. Federal law establishes a binding standard of identity for “sweetened condensed milk” at 21 C.F.R. § 131.120. That standard defines “sweetened condensed milk” as the food obtained by partial removal of water only from a mixture of milk and safe and suitable nutritive carbohydrate sweeteners, and it allows only two narrow categories of optional flavoring ingredients: (1) fruit and fruit juice (including concentrates) and (2) natural and artificial food flavoring. Potassium sorbate is not one of the ingredients permitted by this standard of identity.

3. Despite this clear federal standard, Defendant manufactures and sells Products labeled as “Sweetened Condensed Milk” that contain potassium sorbate, an added preservative, in addition to milk and sweeteners. The presence of potassium sorbate means that these Products do not conform to the federal standard of identity for sweetened condensed milk, and they are therefore misbranded and unlawfully labeled under New York law.

4. Defendant’s use of the standardized food name “Sweetened Condensed Milk” on Products that do not meet the standard of identity is false and misleading to reasonable consumers, who reasonably understand that a product labeled as “sweetened condensed milk” complies with the federal standard and

¹ Plaintiff commissioned independent testing that confirms the products contain potassium sorbate.

contains only the ingredients that standard allows.

5. Plaintiff brings this action on behalf of himself and a Nationwide proposed class of purchasers and a New York subclass of purchasers, for violations of (1) Fraud, (2) Violation of New York GBL § 349, and (3) Violation of New York GBL § 350.

PARTIES

6. Plaintiff JUAN CARPIO is a citizen of New York who resides in Queens County, New York.

7. Plaintiff altered his position in an amount equal to the amount he paid for Defendant's Products.

8. Defendant SANTINI FOODS, INC. is a Texas corporation with its principal place of business located at 16505 Worthley Drive, San Lorenzo, CA 94580 according to the most recent filing with the California Secretary of State. Defendant manufactures, packages, labels, distributes, markets, and sells the Products throughout the United States, including in New York, directly and through third-party retailers.

9. Defendant's Products contain false and misleading claims that are the subject of this lawsuit. Defendant is the owner, manufacturer, packager, and/or distributor of the Products, and is the company that created and/or authorized the false, misleading, and deceptive labeling, advertising, and marketing that represents the Products as "Sweetened Condensed Milk" even though they do not conform to the federal standard of identity for that standardized food because they contain potassium sorbate.

10. The true names and capacities, whether individual, corporate, associate, or otherwise of the defendants designated herein as DOES 1 through 25 are unknown to Plaintiff at this time, who therefore sue said defendants by fictitious names, and will ask leave of this Court for permission to amend this Complaint to show their names and capacities when the same have been ascertained. Plaintiff is informed and believes and thereon alleges that each of the defendants designated as a DOE is legally responsible in some manner for the events and happenings herein referred to and caused injuries and damages thereby to Plaintiff as alleged herein.

11. On information and belief, Plaintiff alleges that at all times herein mentioned, Defendant and each of the DOE Defendants was acting as the agent, servant, or employee of the other defendants

1 and that during the times and places of the incident in question, Defendant and each of their agents,
2 servants, and employees became liable to Plaintiff and Class Members for the reasons described in the
3 complaint herein.

4 12. On information and belief, Plaintiff alleges that the shareholders, executive officers,
5 managers, and supervisors of Defendant directed, authorized, ratified and/or participated in the actions,
6 omissions and other conduct that gives rise to the claims asserted herein. Defendant's officers, directors,
7 and high-level employees caused Defendant's Products to be sold with knowledge or reckless disregard
8 that the statements and representations concerning Defendant's Products were false and misleading.

9 **JURISDICTION AND VENUE**

10 13. Pursuant to Code of Civil Procedure section 410.10, this Court has jurisdiction over
11 Defendant because it is a person or business entity that is a resident or business entity that is established,
12 incorporated and/or has sufficient minimum contacts with the State of California so as to render exercise
13 of jurisdiction consistent with traditional notions of fair play and substantial justice.

14 14. This Court has general personal jurisdiction over Defendant pursuant to Code of Civil
15 Procedure section 410.10. Although Defendant is incorporated under the laws of the State of Texas, its
16 principal place of business is located at 16505 Worthley Drive, San Lorenzo, Alameda County,
17 California, as reflected in Defendant's Statement of Information on file with the California Secretary of
18 State. Defendant's affiliations with California are therefore so continuous and systematic as to render it
19 essentially at home in this State. In the alternative, Defendant is subject to specific personal jurisdiction
20 because it purposefully directed the conduct alleged herein at California and at consumers nationwide
21 from its California headquarters, Plaintiff's claims arise out of and relate to that conduct, and the exercise
22 of jurisdiction is consistent with traditional notions of fair play and substantial justice.

23 15. Venue is proper in this Court pursuant to Code of Civil Procedure section 395.5 because
24 Defendant's principal place of business is located in Alameda County, California, and Defendant
25 conducts business in Alameda County.

26 **FACTUAL BACKGROUND**

27 16. Plaintiff purchased Defendant's Products from and in New York including Queens County
28 during his last date of purchase in or about May 12, 2026, which was made for personal, family, or

1 household use.

2 17. Defendant owns, manages, operates, and promotes canned milk products marketed and
3 sold under the standardized name “Sweetened Condensed Milk.” Defendant manufactures, distributes,
4 and advertises the Products for sale throughout the United States.

5 18. Defendant prominently labels the Products on the principal display panel as “Sweetened
6 Condensed Milk.” This wording is the exact standardized name prescribed by 21 C.F.R. § 131.120 for
7 sweetened condensed milk. By using this standardized name, Defendant represents to consumers that the
8 Products conform to the federal standard of identity for sweetened condensed milk, including the
9 restrictive ingredient requirements of that standard.

10 19. Under 21 C.F.R. § 131.120(a), “Sweetened condensed milk is the food obtained by partial
11 removal of water only from a mixture of milk and safe and suitable nutritive carbohydrate sweeteners.”
12 The regulation also requires the finished product to contain not less than 8 percent milkfat and not less
13 than 28 percent total milk solids and provides that the quantity of nutritive carbohydrate sweetener must
14 be sufficient to prevent spoilage.

15 20. Section 131.120(b) then provides a closed list of optional ingredients that may be added
16 to the standardized food: “The following safe and suitable characterizing flavoring ingredients, with or
17 without coloring and nutritive carbohydrate sweeteners, may be used: (1) Fruit and fruit juice, including
18 concentrated fruit and fruit juice. (2) Natural and artificial food flavoring.” Potassium sorbate is not
19 included among these optional ingredients, nor is any generic authorization for chemical preservatives.

20 21. Defendant’s Products contain potassium sorbate, a chemical preservative used as an
21 antimicrobial agent, which is disclosed in the ingredient statement. Although potassium sorbate is
22 generally recognized as safe for certain uses in food under other FDA regulations, the sweetened
23 condensed milk standard of identity does not authorize potassium sorbate as an ingredient in a product
24 labeled “Sweetened Condensed Milk.”

25 22. By including potassium sorbate in the Products while labeling them as “Sweetened
26 Condensed Milk,” Defendant sells Products that do not conform to 21 C.F.R. § 131.120 and hence are
27 not properly labeled with that standardized name. As a result, the Products are misbranded within the
28 meaning of federal and New York law and are sold pursuant to false and misleading labeling.

23. Reasonable consumers rely on standardized food names to convey compliance with legally established compositions and ingredient requirements. When Plaintiff saw the Products labeled as “Sweetened Condensed Milk,” he reasonably believed that the Products conformed to the federal standard of identity and did not contain non-permitted preservatives such as potassium sorbate.

24. Plaintiff would not have purchased the Products, or would have paid substantially less, had he known that they did not conform to the federal standard of identity for sweetened condensed milk and instead contained a non-permitted preservative. Plaintiff would consider purchasing the Products again in the future only if Defendant either removes potassium sorbate or ceases using the name “Sweetened Condensed Milk” unless and until the Products comply with the applicable standard of identity.

25. Defendant knew or should have known that 21 C.F.R. § 131.120 provides a closed ingredient list for sweetened condensed milk and that potassium sorbate is not permitted as an ingredient in products labeled with that standardized name. Nonetheless, Defendant has continued to market and sell the Products as “Sweetened Condensed Milk,” thereby reaping substantial profits from its unlawful and deceptive labeling practices.

CLASS ACTION ALLEGATIONS

26. Plaintiff brings this action on his own behalf and on behalf of all other persons similarly situated pursuant to Code of Civil Procedure section 382.

27. Plaintiff seeks to represent the following Classes:

- a) Nationwide Class: All persons residing in the United States who purchased the Products for personal, family, or household use and not for resale during the class period (the “Nationwide Class”)
- b) New York Sub-Class: All persons residing in the State of New York who purchased the Products for personal, family, or household use and not for resale during the class period (the “New York Class”)

28. The Class is numerous, consisting of at least thousands of consumers nationwide and in New York who purchased the Products during the relevant period.

29. Common questions of law and fact predominate over any questions affecting only

individual members, including but not limited to:

- Whether Defendant's labeling of the Products as "Sweetened Condensed Milk" is false or misleading;
- Whether Defendant's Products conform to the standard of identity for sweetened condensed milk set forth in 21 C.F.R. § 131.120;
- Whether the presence of potassium sorbate renders the Products non-standardized;
- Whether Defendant's conduct violates the GBL; and
- The appropriate measure of damages, restitution, and injunctive relief.

30. Plaintiff's claims are typical of the claims of the Class Members, and Plaintiff will fairly and adequately represent and protect their interests. Plaintiff has retained competent and experienced counsel in class action and other complex litigation.

31. A class action is superior to other available methods for fair and efficient adjudication of this controversy. The expense and burden of individual litigation would make it impracticable or impossible for Class Members to prosecute their claims individually.

FIRST CAUSE OF ACTION

Fraud

(By Plaintiff and Proposed Nationwide Class against Defendant)

32. Plaintiff hereby incorporates by reference the allegations contained in all preceding paragraphs of this complaint.

33. Plaintiff brings this claim individually and on behalf of the proposed Nationwide Class members against Defendant. Plaintiff purchased the Products that are the subject of this complaint from stores located in Queens County, New York. Prior to purchasing the Products, Plaintiff saw and read the product packaging and relied on the representation and warranty that the Products are "Sweetened Condensed Milk." Plaintiff understood this representation to mean that the Products conformed to the federal standard of identity for sweetened condensed milk and consisted of milk and nutritive carbohydrate sweeteners, without added chemical preservatives. Plaintiff purchased the Products at a substantial price premium and would not have bought the product had he known that the labeling he relied on was false, misleading, deceptive and unfair. Plaintiff would purchase the Products again in the

future if Defendant changed the composition of the Products so that they conformed to their “Sweetened Condensed Milk” labeling and marketing.

34. As discussed above, Defendant provided Plaintiff and Nationwide Class members with false or misleading material information and failed to disclose material facts about Defendant’s Products.

35. Defendant misrepresented the “Sweetened Condensed Milk” claims related to the Products.

36. Defendant made these misrepresentations and/or omissions with knowledge of their falsehood.

37. The misrepresentations and/or omissions made by Defendant, upon which Plaintiff and Nationwide Class members reasonably and justifiably relied, were intended to induce and actually induced Plaintiff and the Nationwide Class members to purchase Defendant’s Products.

38. The fraudulent actions of Defendant caused damage to Plaintiff and Nationwide Class members, who are entitled to damages, punitive damages, and other legal and equitable relief as a result.

SECOND CAUSE OF ACTION

Violation of GBL - Deceptive Acts Or Practices, New York Gen. Bus. Law § 349

(By Plaintiff and Proposed New York Class against Defendant)

39. Plaintiff hereby incorporates by reference the allegations contained in all preceding paragraphs of this complaint.

40. Plaintiff brings this claim individually and on behalf of the New York Class against Defendant.

41. By the acts and conduct alleged herein, Defendant committed unfair or deceptive acts and practices by misrepresenting that the Products are “Sweetened Condensed Milk” when, in fact, the Products contain potassium sorbate.

42. The foregoing deceptive acts and practices were directed at consumers.

43. The foregoing deceptive acts and practices are misleading in a material way because they fundamentally misrepresent the characteristics of the Products to induce consumers to purchase the same.

44. Plaintiff and New York Class members were injured as a direct and proximate result of

1 Defendant's violations because (a) they would not have purchased Defendant's Products had they known
2 the products were not "Sweetened Condensed Milk" (b) they overpaid for the Products because they are
3 sold at a price premium when compared to similar products that do not contain these misrepresentations,
4 and (c) the Products did not have the characteristics, uses, or benefits as promised, namely that they were
5 "Sweetened Condensed Milk."

6 45. As a result, Plaintiff and members of the New York Class have been damaged either in
7 the full amount of the purchase price of the Product(s) or in the difference in value between the Products
8 as warranted and the Products as actually sold.

9 46. On behalf of himself and other members of the New York Class, Plaintiff seeks to enjoin
10 the unlawful acts and practices described herein, to recover actual damages or fifty dollars, whichever is
11 greater, three times actual damages, and reasonable attorneys' fees.

12 **THIRD CAUSE OF ACTION**

13 **Violation of False Advertising, New York Gen. Bus. Law § 350**

14 *(By Plaintiff and Proposed New York Class against Defendant)*

15 47. Plaintiff hereby incorporates by reference the allegations contained in all preceding
16 paragraphs of this complaint.

17 48. Plaintiff brings this claim individually and on behalf of the members of the proposed
18 New York Class.

19 49. Based on the foregoing, Defendant has engaged in consumer-oriented conduct that is
20 deceptive or misleading in a material way which constitutes false advertising in violation of Section 350
21 of the New York General Business Law by misrepresenting that the Products were "Sweetened
22 Condensed Milk" when, in fact, they contain potassium sorbate.

23 50. The foregoing advertising was directed at consumers and was likely to mislead a
24 reasonable consumer acting reasonably under the circumstances.

25 51. This misrepresentation has resulted in consumer injury or harm to the public interest.

26 52. Plaintiff and New York Class members were injured as a direct and proximate result of
27 Defendant's violation because (a) they would not have purchased Product knowing it was not "Sweetened
28 Condensed Milk" and contained potassium sorbate (b) they overpaid for the Products because they are

1 sold at a price premium when compared to similar products that do not contain these misrepresentations,
2 and (c) the Products did not have the characteristics, uses, or benefits as promised, namely that they were
3 “Sweetened Condensed Milk.” As a result, Plaintiff and members of the New York Class have been
4 damaged either in the full amount of the purchase price of the Products or in the difference in value
5 between the Product as warranted and the Products as actually sold.

6 53. On behalf of himself and other members of the New York Class, Plaintiff seeks to enjoin
7 the unlawful acts and practices described herein, to recover actual damages or five hundred dollars per
8 violation, whichever is greater, three times actual damages and reasonable attorneys’ fees.

9 **PRAYER FOR RELIEF**

10 54. WHEREFORE, Plaintiff, individually and on behalf of all others similarly situated, seeks
11 judgment against Defendant, as follows:

- 12 a. For an order certifying the Nationwide Class and the New York Class and the under Rule
13 23 of the Federal Rules of Civil Procedure;
- 14 b. Appointing Plaintiff as the representative of the Nationwide Class and the New York
15 Class, and Plaintiff’s attorneys as Class Counsel to represent members of the Nationwide
16 Class, and New York Class;
- 17 c. For an order declaring the Defendant’s conduct violates the statutes and laws referenced
18 herein;
- 19 d. For an order finding in favor of Plaintiff, the Nationwide Class, and the New York Class
20 on all counts asserted herein;
- 21 e. For all statutory damages available;
- 22 f. For compensatory and punitive damages in amounts to be determined by the Court and/or
23 jury;
- 24 g. For prejudgment interest on all amounts awarded;
- 25 h. For an order of restitution and all other forms of equitable monetary relief;
- 26 i. For injunctive relief as pleaded or as the Court may deem proper;
- 27 j. For an order awarding Plaintiff, the Nationwide Class and the New York Class
28 reasonable attorneys’ fees and expenses and costs of suit.

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Dated: August 7, 2026

NATHAN & ASSOCIATES, APC

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