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9
10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF LOS ANGELES – CIVIL COMPLEX**

12 QILING HE, on behalf of herself and all others
13 similarly situated,

14 Plaintiff,

15 v.

16 NATROL LLC, a Delaware limited liability company;
17 and DOES 1 through 10, inclusive,

18 Defendants.

CASE NO.:

**CLASS ACTION COMPLAINT FOR
VIOLATIONS OF THE CALIFORNIA
CONSUMER LEGAL REMEDIES
ACT, CAL. CIV. CODE §§ 1750, ET
SEQ.**

*(Filed with Plaintiff's CLRA Venue
Affidavit; Jury Trial Demanded)*

1 Plaintiff Qiling He (“Plaintiff”), individually and on behalf of all others similarly situated,
2 complains and alleges as follows based on personal knowledge as to herself, on the investigation of her
3 counsel, and on information and belief as to all other matters.

4 **INTRODUCTION AND SUMMARY OF CLAIMS**

5 1. Anxiety disorders are the most common mental health concern in the United States. Over
6 40 million adults in the U.S. (19.1%) have an anxiety disorder. Meanwhile, approximately 7% of children
7 aged 3–17 experience issues with anxiety each year. According to the Mayo Clinic, the two main
8 treatments for anxiety disorders are psychotherapy and medications prescribed by a licensed physician.

9 2. The COVID-19 pandemic has exacerbated our nation’s mental health crisis. Medical
10 professionals have reported a dramatic increase of patients suffering from anxiety, attributable in part to
11 the uncertainty attendant to the pandemic. The nutritional supplement industry has eagerly attempted to
12 profit from our mental health crisis, offering for the first time in 2020 products marketed as remedies for
13 serious mental health issues, including anxiety. The products themselves contain miscellaneous and
14 ineffectual herbs, extracts and other vitamins that plainly do not have the ability to treat anxiety (which is
15 a recognized mental disorder).

16 3. In fact, medical professionals agree that anxiety should not be self-diagnosed or treated by
17 way of over-the-counter supplements. For example, the National Institute of Public Health (“NIH”) has
18 explicitly stated that individuals suffering from anxiety should not take any nutritional supplements *at all*
19 without medical supervision. Put more simply, because anxiety is a medical condition, it should not be
20 treated with nutritional supplements. Nutritional supplement companies should not advertise that their
21 products can remedy anxiety, not only because any such statements are false, but because statements of
22 this kind are very dangerous.

23 4. It is well known that anxiety can lead to, or worsen, other mental and physical conditions
24 such as depression (which often occurs with an anxiety disorder) or other mental health disorders,
25 substance misuse, social isolation, and suicide. Consumers who are unaware that their conditions need to
26 be diagnosed by medical professionals, or who do not have access to adequate medical care, may take
27 nutritional supplements purporting to remedy their medical condition only to find their conditions worsen.
28

1 17601(d). Plaintiff purchased the Product from a Los Angeles County, California-based Walgreens on
2 January 19, 2022.

3 12. Defendant Natrol LLC is a Delaware limited liability company with its principal place of
4 business in Chatsworth, California. Defendant is, and at all relevant times mentioned was, a “person” as
5 defined by Cal. Civ. Code § 1761(c).

6 **FACTUAL ALLEGATIONS**

7 **The Dietary Supplements Industry**

8 13. The dietary supplements industry has experienced significant growth over the past few
9 years, and was valued at \$140.3 billion in 2020.¹ Although the market is large, competition is fierce, and
10 supplement companies seeking to gain market share must capitalize on new trends and burgeoning health
11 concerns in the population at large.

12 14. For example, since the onset of the COVID-19 pandemic in early 2020, supplement
13 companies have increasingly targeted consumers suffering from increased and unprecedented levels of
14 isolation and fear attendant to the global crisis, specifically by making unsupported claims regarding the
15 ability of their products to relieve conditions like anxiety, which are serious diseases that can be ruinous
16 to individuals and lead to more serious conditions if not treated by a medical professional.

17 15. Defendant’s false representations regarding the ability of its Product to aid in the treatment
18 of anxiety pose serious dangers to its consumers, who consume Defendant’s Product in lieu of a
19 professional medical evaluation and treatment.

20 ///

21 **Plaintiff’s Purchase of Defendant’s Product**

22 16. On January 19, 2022, Plaintiff purchased “Relax+ Ultimate Calm” from a Walgreens in
23 Long Beach, California. Prior to purchasing the Product, Plaintiff read Defendant’s marketing materials.
24 As shown from the following screenshot, Defendant prominently represents that its Product reduces
25 anxiety (specifically “stress, anxiety and tension”):
26
27

28 ¹ <https://www.grandviewresearch.com/industry-analysis/dietary-supplements-market>



17. Plaintiff purchased the Product in reliance on Defendant’s representations that the Product reduces anxiety. Plaintiff believes that products labeled as reducing anxiety will actually do so.

18. Defendant’s false representations are not only unlawful, but dangerous. California consumers suffering from anxiety who believe Defendant’s claims are likely to forego seeking medical treatment for their conditions, compounding the effects of their diseases.

19. If the Product actually reduced anxiety, as represented on the Product’s label, Plaintiff would purchase the Product in the immediate future.

20. Plaintiff would not have purchased the Product or at the very least, would not have paid as much as she did, had Defendant been truthful. Plaintiff was persuaded to make her purchase only because of the fake health benefit Defendant promoted. Plaintiff is susceptible to this recurring harm because she cannot be certain that Defendant has corrected this deceptive marketing scheme, and she desires to shop at stores that sell Defendant’s products in the future.

CLASS ACTION ALLEGATIONS

21. Plaintiff brings this action on behalf of herself and on behalf of the following Class:

All persons in California who purchased Defendant’s “Relax+ Ultimate Calm” within the three years prior to the filing of this Complaint.

22. Defendant and its employees or agents are excluded from the Class. Plaintiff does not know the number of Class members, but estimates it to be greater than 100 individuals, if not many more. As a result, this case should be certified as a class action to assist in its expeditious litigation.

1 23. The “Class Period” means the three years prior to the filing of this Complaint.

2 24. Plaintiff reserves the right to redefine the Class, and to add and redefine any additional
3 subclasses as appropriate based on discovery and specific theories of liability.

4 25. There is a well-defined community of interest in the litigation, the proposed class is easily
5 ascertainable, and Plaintiff is a proper representative of the Class.

6 26. **Ascertainability:** Class members are readily ascertainable from Defendant’s own records
7 and/or Defendant’s agents’ records.

8 27. **Numerosity:** The potential Class members as defined are so numerous and so diversely
9 located throughout California, that joinder of all the Class members is impracticable. Class members are
10 dispersed throughout California. Joinder of all members of the proposed Class is therefore not practicable.

11 28. **Commonality:** There are questions of law and fact common to Plaintiff and the Class that
12 predominate over any questions affecting only individual Class members. These common questions of
13 law and fact include, without limitation:

14 (a) Whether, during the Class Period, Defendant represented that Relax+ Ultimate Calm (the
15 Product) has characteristics, ingredients, uses, benefits, and/or quantities that it does not
16 have?

17 (b) Does Defendant violate the CLRA, Cal. Civ. Code §§ 1750, *et seq.*?

18 (c) What type of injunctive relief is appropriate and necessary to enjoin Defendant from
19 continuing its unlawful marketing practices?

20 (d) Whether Defendant’s conduct was undertaken with conscious disregard of the rights of the
21 members of the Class and was done with fraud, oppression, and/or malice.

22 29. **Typicality:** Plaintiff’s claims are typical of the claims of the members of the Class in that
23 Plaintiff is a member of the Class she seeks to represent. Similar to members of the Class, Defendant
24 falsely represented to Plaintiff that consuming the Product ameliorates anxiety and that it offers health
25 benefits it does not, and cannot. Plaintiff is advancing the same claims and legal theories on behalf of
26 herself and all absent members of the Class. Defendant has no defenses unique to Plaintiff.

27 30. **Adequacy of Representation:** Plaintiff will fairly and adequately represent and protect the
28 interests of the Class. Plaintiff’s interests do not conflict with those of the Class members. Plaintiff has

1 retained counsel experienced in consumer protection law, including class actions, and specifically,
2 California's CLRA. Plaintiff has no adverse or antagonistic interest to those in the Class and will fairly
3 and adequately protect the interests of the Class. Plaintiff's attorneys are aware of no interests adverse or
4 antagonistic to those of Plaintiff and the proposed Class.

5 31. ***Superiority of Class Action:*** A Class Action is superior to other available means for the
6 fair and efficient adjudication of this controversy. Individual joinder of all Class members is not
7 practicable, and questions of law and fact common to the Class predominate over any questions affecting
8 only individual members of the Class. Plaintiff and the Class members have suffered or may suffer loss
9 in the future by reason of Defendant's illegal policies and/or practices. Certification of this case as a class
10 action will allow those similarly situated persons to litigate their claims in the manner that is most efficient
11 and economical for the parties and the judicial system. Certifying this case as a class action is superior
12 because it allows for efficient relief to the Class members, and will thereby effectuate California's strong
13 public policy of protecting the California consumer from violations of its laws.

14 32. Even if every individual Class member could afford individual litigation, the court system
15 could not. It would be unduly burdensome to the courts if individual litigation of the numerous cases
16 were to be required. Individualized litigation also would present the potential for varying, inconsistent,
17 or contradictory judgments, and would magnify the delay and expense to all parties and to the court system
18 resulting from multiple trials of the same factual issues.

19 33. By contrast, conducting this action as a class action will present fewer management
20 difficulties, conserve the resources of the parties and the court system, and protect the rights of each Class
21 member. Further, it will prevent the very real harm that would be suffered by numerous putative Class
22 members who will be unable to enforce individual claims of this size on their own, and by Defendant's
23 competitors, who will be placed at a competitive disadvantage because they chose to obey the law.
24 Plaintiff anticipates no difficulty in the management of this case as a class action.

25 34. Plaintiff reserves the right to expand the Class definition to seek recovery on behalf of
26 additional persons as warranted as facts are learned in further investigation and discovery.

1 **CLAIMS FOR RELIEF**

2 **First Cause of Action**

3 **Violations of the California Consumer Legal Remedies Act, Cal. Civ. Code §§ 1750, et seq.**

4 **(Misrepresentations as to Characteristics, Ingredients, Uses, Benefits, and/or Quantities)**

5 **(By Plaintiff Against Defendants on Behalf of the Class)**

6 35. Plaintiff repeats and re-alleges the allegations contained in every preceding paragraph.

7 36. The CLRA is a California consumer protection statute which allows plaintiffs to bring
8 private civil actions for “unfair methods of competition and unfair or deceptive acts or practices
9 undertaken by any person in a transaction . . . which results in the sale or lease of goods or services to any
10 consumer.” Cal. Civ. Code § 1770(a). The purposes of the CLRA are “to protect consumers against
11 unfair and deceptive business practices and to provide efficient and economical procedures to secure such
12 protection.” Cal. Civ. Code § 1760.

13 37. Plaintiff and each member of the Class are “consumers” as defined by California Civil
14 Code § 1761(d). Defendant’s sales of the Product to Plaintiff and the Class were “transactions” within
15 the meaning of California Civil Code § 1761(e). The Product purchased by Plaintiff (Relax+ Ultimate
16 Calm) and the Class is a “[g]ood[.]” within the meaning of California Civil Code § 1761(a).

17 38. The CLRA prohibits, among other things, representing “that goods . . . have . . .
18 characteristics, ingredients, uses, benefits, or quantities that they do not have.” Cal. Civ. Code §
19 1770(a)(5). Defendant violated and continues to violate the CLRA by falsely representing to Plaintiff and
20 Class members that consuming the Product reduces anxiety and that it offers other health benefits it does
21 not.

22 39. Pursuant to Cal. Civ. Code § 1782, on or around February 4, 2022, Plaintiff’s counsel
23 notified Defendant in writing (by certified mail, with return receipt requested) of the particular violations
24 of the CLRA and demanded that it correct or agree to correct the actions described in this Complaint,
25 including by giving notice to all affected consumers. In response, Natrol’s counsel (in an apparent attempt
26 to intimidate Natrol’s customer) sent a “preservation of evidence” letter to Plaintiff, while at the same
27 time claiming they did not understand Plaintiff’s CLRA letter.

1 40. Needless to say, Defendant did not agree to rectify the problems associated with the actions
2 described above and to give notice to all affected consumers within 30 days of the date of the written
3 notice, as prescribed by Section 1782. Therefore, Plaintiff further seeks claims for actual, consequential,
4 punitive, and statutory damages, as well as mandatory attorneys' fees and costs, against Defendant.

5 **PRAYER FOR RELIEF**

6 WHEREFORE, Plaintiff prays for relief and judgment in favor of herself and the Class as follows:

7 **On the First Cause of Action for Violations of the California Consumer Legal Remedies Act, Cal.**
8 **Civ. Code §§ 1750, et seq. (Misrepresentations as to Characteristics, Ingredients, Uses, Benefits,**
9 **and/or Quantities)**

10 1. For an order certifying that the action be maintained as a class action, that Plaintiff be
11 designated the class representative, and that undersigned counsel be designated as class counsel.

12 2. For an injunction putting a stop to the illegal conduct described in this Complaint and
13 ordering Defendant to correct its illegal conduct and refrain from misrepresenting the characteristics,
14 ingredients, uses, benefits, and/or quantities of the Product.

15 3. For an order awarding Plaintiff and the proposed Class members actual, consequential,
16 restitution, punitive, and statutory damages, as appropriate. *See* Cal. Civ. Code § 1780(a)(1) – (5).

17 4. For pre- and post-judgment interest and costs of suit incurred.

18 5. For reasonable attorneys' fees pursuant to (a) the CLRA, which allows a prevailing
19 plaintiff to recover court costs and attorneys' fees as a matter of right, *see* Cal. Civ. Code § 1780(e), and
20 (b) California Code of Civil Procedure § 1021.5, as this lawsuit seeks the enforcement of an important
21 right affecting the public interest and satisfies the statutory requirements for an award of attorneys' fees.

22 6. For such other and further relief as the Court may deem just and proper.

23 **DEMAND FOR JURY TRIAL**

24 Plaintiff, on behalf of herself and the Class, hereby demands a trial by jury.

25 DATED: May 31, 2022

KJC LAW GROUP, A.P.C.

26 By: /s/ Kevin J. Cole
27 Kevin J. Cole, Esq.

28 **TAULER SMITH, LLP**

By: /s/ Robert Tauler
Robert Tauler, Esq.

Attorneys for Plaintiff Qiling He

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