

Class Action Filed Against Olive Oil Manufacturers and Retailers for Misrepresentation and Sale of Adulterated Oils as Extra Virgin Olive Oil

This week a class action lawsuit was filed in Orange County Superior Court by Callahan & Blaine against some of California's largest distributors and retailers of Extra Virgin Olive Oil.

The Defendants, olive oil manufacturers, distributors and retailers who sell their product in the State of California, have been knowingly misleading and defrauding California consumers for years. Defendants have been claiming the olive oil they sell meets the high standard of the "extra virgin" classification, thus, entitling Defendants to charge a hefty premium for the product, when in fact the product does not meet that standard and is of inferior quality often adulterated with cheaper refined oils such as hazelnut oil or lesser olive oils.

Consumers spend an amazing \$700 million a year on this product, innocently relying on the representation of these Defendants that these oils are truly either domestic or imported extra virgin or virgin olive oils.

These blatant misrepresentations have been proven false in a comprehensive study by the UC Davis Olive Center at the Robert Mondavi Institute for Wine and Food Science at the University of California, Davis in its comprehensive July 2010 Report. The Report is authored by the leading Ph.D.s, researchers and scientists in the nation on edible oil research and education. Cooperating and contributing to the funding, research and findings in this study were the California Olive Oil Council, the American Oil Chemists' Society (AOCS) and the Australian Olive Oil Association.

For years, chefs and home cooks have shared anecdotal tales of extra virgin olive oil that just did not taste right. It has now become clear that these tales were based in fact. The result of this comprehensive study is that 69% of imported olive oil and 10% of California olive oil failed to meet the IOC/USDA standards. These samples were found to be adulterated, and/or of poor quality mixed with cheaper refined oils.

The Plaintiffs' class is led by a group of concerned Plaintiffs from all walks of life. The named Plaintiffs include famous chefs, famous restaurants, and home cooking enthusiasts. All of the Plaintiffs are offended by the fraudulent actions taken by these Defendants. The Plaintiffs include: Chef David W. Martin, who is one of the most well recognized chefs from Bravo TV's "Top Chef Season One"; Michael D. Owings, a well recognized American restaurateur from Palm Springs, California who is Culinary Director of Dink's Restaurant and Ultra Lounge Palm Springs, California; and Antonello's Ristorante, one of the finest Italian Restaurants in the country located in the South Coast Plaza Village in Costa Mesa, California.

The Defendants include some of the most well known olive oil brands sold in California, including, Bertolli, Filippo Berio, Carapelli, Star, Colavita, Mezzetta, Pompeian, Rachael Ray, Mazola, and Safeway Select. The Defendants also include the retailers and supermarkets that sell these products to the California consumers without testing and verifying the quality of the products sold, including, Bristol Farms, Gelson's Markets, Vons/Pavilions, Ralphs, Stater Brothers, Albertson's Market, Target, Wal mart, K Mart, and Nob Hill Foods.

"The retailers who have sold this adulterated olive oil cannot claim ignorance since the industry practice was exposed in The New Yorker magazine on August 13, 2007, Public Radio on October 18, 2008 and the USA Today on January 23, 2009. Despite this information, these retailers continued to sell the product and progressively increase the prices," said Daniel J. Callahan of Callahan & Blaine in Santa Ana, lead counsel for the Plaintiffs.

"Defendants have been defrauding consumers by claiming the olive oil they are manufacturing, distributing and/or selling is of sufficient quality to call the product extra-virgin olive oil, when in fact it is not, and it has been a fact known throughout the industry for some time," says Callahan. Additionally, the Defendants do not insure that the actual extra virgin olive oil, which can deteriorate and become rancid with time and sun exposure, remains at a level worthy of the classification of extra virgin.

"Defendants' products are not worthy of the premium price charged for extra virgin olive oil. Nevertheless, the deceptive statements are printed clearly on the front of every one of their bottles of extra virgin olive oil. Thus, California consumers are being sold a low quality product for the price of what one would expect to pay for a much higher quality product, which results in an outrageous unjust enrichment to the benefit of the Defendants."

The Plaintiffs' class is represented by attorney Daniel J. Callahan of Callahan & Blaine, based in Santa Ana, CA. Mr. Callahan is best known for a \$934 million verdict which involved public health and safety issues in which Callahan represented medical product manufacturer Beckman Coulter. According to Mr. Callahan, "This is an egregious fleecing of the California consumer; these companies placed corporate profiteering over their integrity and the integrity of their product."

The case number is 30-2010-00395464-CU-FR-CXC, filed in Orange County Superior Court.

For further comment please contact Daniel J. Callahan of Callahan & Blaine, telephone number (714) 241-4444.

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