

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Swetala v. Quten Research Institute, LLC

No. 1:24-cv-00620-JLT-BAM (E.D. Cal. Mar. 28, 2025) · No. 1:24-cv-00620-JLT-BAM · Decided March 28,
2025

SUMMARY

The United States District Court for the Eastern District of California considers Quten Research Institute, LLC’s motion to dismiss claims arising from allegedly misleading dosage representations on Qunol dietary-supplement labels. The court denies dismissal of the consumer-protection, negligent-misrepresentation, and intentional-misrepresentation claims, but grants dismissal with leave to amend of the express- and implied-warranty claims and the quasi-contract/unjust-enrichment claim. The court also addresses judicial notice and standing-related issues concerning the requested relief.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Charis A. Tourn
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 28, 2025
DOCKET	1:24-cv-00620-JLT-BAM
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) to dismiss claims arising from allegedly misleading dosage representations on dietary-supplement labels and to dismiss Plaintiff’s request for injunctive relief for lack of standing.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and construes them in the light most favorable to the nonmoving party, but dismissal is proper where there is no cognizable legal theory or sufficient facts to support one. Under Rule 12(b)(1), the plaintiff bears the burden of establishing subject-matter jurisdiction and must demonstrate Article III standing for each claim and each form of relief. The court may take judicial notice of adjudicative facts and incorporated documents under Federal Rule of Evidence 201 without converting the motion into one for summary judgment.

TOPICS

consumer protection

deceptive trade practices

motions to dismiss

standing

contracts

PRACTICE AREAS

consumer protection

civil procedure

contracts

remedies

QUESTIONS PRESENTED

1. Whether the court could take judicial notice of retail websites and product-label information incorporated by reference into the complaint on a motion to dismiss.
2. Whether the complaint plausibly alleged that reasonable consumers were likely to be deceived by Qunol product front labels stating a dosage and the number of units without specifying whether the dosage was per unit or per serving.
3. Whether the dosage representations plausibly constituted an express warranty and supported an implied-warranty claim.
4. Whether the complaint adequately pleaded the elements of intentional and negligent misrepresentation, including scienter and intent to defraud.
5. Whether the complaint stated a quasi-contract or unjust-enrichment claim despite failing to allege the inadequacy of legal remedies.
6. Whether Plaintiff had Article III standing to seek prospective injunctive relief after learning that the advertised dosage was not provided in each capsule.

HOLDINGS

1. The court granted judicial notice of the existence of the retail websites, product labels, and pricing information incorporated by reference into the complaint, but not of the truth of disputed substantive facts contained in those materials.
2. The complaint plausibly alleged that a reasonable consumer could be misled by Qunol front labels displaying a specific dosage and the number of capsules, gummies, or chews without stating whether the dosage was per unit or per serving. The court denied dismissal of the UCL, FAL, and CLRA claims.
3. The complaint failed to state express- or implied-warranty claims because the dosage representation was not a specific and unequivocal affirmation that each capsule contained the advertised dosage. The court granted dismissal with leave to amend.
4. The complaint adequately pleaded intentional and negligent misrepresentation claims, including scienter and intent to defraud, and the court denied dismissal of those claims.
5. The complaint failed to state a quasi-contract or unjust-enrichment claim because it did not allege that Plaintiff lacked an adequate remedy at law. The court granted dismissal with leave to amend.

6. Plaintiff plausibly alleged an actual and imminent threat of future injury sufficient to establish standing to seek injunctive relief because he alleged that he would like to purchase Quten's products again if their labels were truthful and consistent with their ingredients. The court denied dismissal of the request for injunctive relief.

KEY QUOTATIONS

“Thus, the Court finds that Plaintiff sufficiently pled that a reasonable consumer would be misled by the front label.” (at 8)

“Therefore, Defendant’s motion to dismiss Plaintiff’s consumer protection claims in counts one, two, and three is DENIED.” (at 9)

“Thus, the Court finds that Plaintiff has failed to state an express warranty claim for which relief can be granted.” (at 11)

“Because the Court must presume the truth of Plaintiff’s allegations and construe the allegations in his favor, Plaintiff has plead actual and imminent future harm.” (at 16)

FACTUAL BACKGROUND

Quten manufactures, distributes, sells, and markets Qunol dietary supplements. In January 2023, Swetala purchased Qunol Extra Strength Turmeric 1000mg after relying on the front label, which he understood to represent that each capsule contained 1,000mg of turmeric. He later learned that more than one capsule was required to receive the advertised dosage and alleges that he would not have purchased the product, or would have paid less, had he known that fact. He sought to represent a class of California purchasers of eleven allegedly similarly deceptive Qunol products and requested damages, restitution, disgorgement, punitive damages, and injunctive relief.

PROCEDURAL HISTORY

Anthony Swetala filed a putative class action against Quten Research Institute, LLC concerning the labeling and marketing of Qunol dietary supplements. Quten moved to dismiss all eight causes of action and Plaintiff's request for injunctive relief. The court granted the motion as to the express-warranty, implied-warranty, and quasi-contract/unjust-enrichment claims, with leave to amend, and denied it as to the consumer-protection, negligent-misrepresentation, intentional-misrepresentation, and injunctive-relief claims.

DISPOSITION

other

CASES CITED

- *Mir v. Little Co. of Mary Hospital*, 844 F.2d 646, 649 (9th Cir. 1988)
- *United States v. Ritchie*, 342 F.3d 903, 908 (9th Cir. 2003)
- *Kniesel v. ESPN*, 393 F.3d 1068, 1076 (9th Cir. 2005)

- Von Koenig v. Snapple Beverage Corp., 713 F. Supp. 2d 1066, 1073 (E.D. Cal. 2010)
- Givens v. Newsom, 629 F. Supp. 3d 1020, 1024 (E.D. Cal. 2022)
- Gunn v. Minton, 568 U.S. 251, 256 (2013)
- Kokkonen v. Guardian Life Ins. Co. of Am., 511 U.S. 375, 377 (1994)
- Tailford v. Experian Info. Sols., Inc., 26 F.4th 1092, 1099 (9th Cir. 2022)
- TransUnion LLC v. Ramirez, 594 U.S. 413, 430-31 (2021)
- Navarro v. Block, 250 F.3d 729, 732 (9th Cir. 2001)
- In re Facebook, Inc. Internet Tracking Litig., 956 F.3d 589, 601 (9th Cir. 2020)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Lopez v. Smith, 203 F.3d 1122, 1127 (9th Cir. 2000)
- Moore v. Kayport Package Express, 885 F.2d 531, 538 (9th Cir. 1989)
- Williams v. Gerber Prods. Co., 552 F.3d 934, 938-40 (9th Cir. 2008)
- Ebner v. Fresh, Inc., 838 F.3d 958, 965 (9th Cir. 2016)
- Freeman v. Time, Inc., 68 F.3d 285, 289 (9th Cir. 1995)
- Girard v. Toyota Motor Sales, U.S.A., Inc., 316 Fed. App'x 561, 562 (9th Cir. 2009)
- Whiteside v. Kimberly Clark Corp., 108 F.4th 771, 778-82 (9th Cir. 2024)
- McGinty v. Proctor & Gamble Co., 96 F.4th 1093, 1097-98 (9th Cir. 2024)
- Walters v. Vitamin Shoppe Indus., Inc., 701 Fed. App'x 667, 670 (9th Cir. 2017)
- Cimoli v. Alacer Corp., 546 F. Supp. 3d 897, 900, 903, 905 (N.D. Cal. 2021)
- Tarvin v. Olly Public Benefit Corp., No. 2:24-cv-06261-WLH-PD, 2024 WL 4866271, at *3 (C.D. Cal. 2024)
- Corbett v. PharmaCare U.S., Inc., 567 F. Supp. 3d 1172, 1199 (S.D. Cal. 2021)
- Nacarino v. KSF Acquisition Corp., 642 F. Supp. 3d 1074, 1086 (N.D. Cal. 2022)
- Hadley v. Kellogg Sales Co., 243 F. Supp. 3d 1074, 1106 (N.D. Cal. 2017)
- Robinson Helicopter Co. v. Dana Corp., 34 Cal. 4th 979, 999 (2004)
- Small v. Fritz Companies, Inc., 30 Cal. 4th 167, 173-74 (2003)
- In re Actimmune Mktg. Litig., No. C 08-02376 MHP, 2009 WL 3740648, at *7 (N.D. Cal. Nov. 6, 2009), aff'd, 464 F. App'x 651 (9th Cir. 2011)
- Day v. AT & T Corp., 63 Cal. App. 4th 325, 332-34 (1998)
- Biggs v. Bank of Am. Corp., No. EDCV 15-00267-VAP, 2017 WL 11648863, at *3 (C.D. Cal. July 28, 2017)
- Scott v. Saraya USA, Inc., 675 F. Supp. 3d 1040, 1048 (N.D. Cal. 2023)
- DiGiacinto v. RB Health (US) LLC, 668 F. Supp. 3d 950, 968 (N.D. Cal. 2023)
- Shin v. Campbell Soup Co., No. CV 17-1082-DMG, 2017 WL 3534991, at *8 (C.D. Cal. Aug. 9, 2017)
- Rutherford Holdings, LLC v. Plaza Del Rey, 223 Cal. App. 4th 221, 231 (2014)
- Mort v. United States, 86 F.3d 890, 892 (9th Cir. 1996)
- O'Shea v. Littleton, 414 U.S. 488, 502 (1974)
- Sonner v. Premier Nutrition Corp., 971 F.3d 834, 844 (9th Cir. 2020)
- Lujan v. Defs. of Wildlife, 504 U.S. 555, 560-61 (1992)

- *Monsanto Co. v. Geertson Seed Farms*, 561 U.S. 139, 149 (2010)
- *Friends of the Earth, Inc. v. Laidlaw Envtl. Servs. (TOC) Inc.*, 528 U.S. 167, 185 (2000)
- *Davidson v. Kimberly-Clark Corp.*, 889 F.3d 956, 967, 969-71 (9th Cir. 2018)
- *Summers v. Earth Island Inst.*, 555 U.S. 488, 493 (2009)
- *Clapper v. Amnesty Int'l USA*, 568 U.S. 398, 409 (2013)
- *City of Los Angeles v. Lyons*, 461 U.S. 95, 102, 111 (1983)
- *Armstrong v. Davis*, 275 F.3d 849, 867 (9th Cir. 2001), abrogated on other grounds by *Johnson v. California*, 543 U.S. 499 (2005)
- *Duran v. Creek*, 2016 WL 1191685, at *7 (N.D. Cal. Mar. 28, 2016)
- *Scheibe v. Livwell Products, LLC*, No. 23-cv-216-MMA, 2023 WL 4414580, at *9 (S.D. Cal. July 7, 2023)
- *Tabler v. Panera LLC*, No. 19-cv-01646-LHK, 2019 WL 5579529, at *8 (N.D. Cal. Oct. 29, 2019)
- *Daniels-Hall v. Nat'l Educ. Ass'n*, 629 F.3d 992, 998 (9th Cir. 2010)

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