



CALIFORNIA DEPARTMENT OF
FOOD & AGRICULTURE

Karen Ross, Secretary

October 14, 2015

DMS NOTICE
QC - 15 -10
DISCARD: RETAIN

TO: WEIGHTS AND MEASURES OFFICIALS

SUBJECT: Settlement – The Procter & Gamble Company, an Ohio Corporation

Enclosed is a copy of the Notice of Entry of Final Judgment and the Stipulated Final Judgment issued against The Procter & Gamble Company, an Ohio Corporation. The case was filed on June 25, 2015, by the Yolo County District Attorney Office in conjunction with the District Attorneys' offices of Fresno, Shasta, Riverside, and Sacramento for labeling violations and deceptive packaging, in violation of California Business and Professions Code Section 12602 and 12606 respectively.

The California Department of Food and Agriculture, Division of Measurement Standards worked with weights and measures investigators from the counties of Sacramento and Yolo on this case. The total settlement was for \$850,000. Civil penalties amounted to \$728,000, agency costs were \$72,000, and cy pres restitution in the amount of \$50,000 was placed in the Consumer Protection Prosecution Trust Fund.

Yolo County should report these penalties on the County Monthly Report. All participating counties should separately record their individual investigative cost reimbursements in the appropriate columns on the report.

We appreciate the fine work done by the District Attorneys' Offices along with the state and county investigators that documented and caused to be prosecuted these violations. If you have any questions, please contact Katherine de Contreras, Supervising Special Investigator, Enforcement Branch at (916) 229-3047, or katherine.decontreras@cdfa.ca.gov.

Sincerely,

Kristin J. Macey
Director

Enclosure

cc: Gary Leslie, County/State Liaison, CDFA



FILED
YOLO SUPERIOR COURT

JUN 25 2015

By J. McBRIDE
Deputy

1 JEFF W. REISIG
2 District Attorney, County of Yolo
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4 Supervising Deputy District Attorney
5 301 Second Street
6 Woodland, CA 95695
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24 ELISE FARRELL, State Bar No. 100929
25 Sr. Deputy District Attorney
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Attorneys for the People

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF YOLO

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

vs.

THE PROCTOR & GAMBLE COMPANY, an Ohio
Corporation,

Defendant.

Case No. CV 15-868

NOTICE OF ENTRY
OF FINAL JUDGMENT

PLEASE TAKE NOTICE THAT the Entry of Final Judgment in the above-entitled case,
case CV 15-868, was filed on June 24, 2015 in the Yolo County Superior Court and was signed

1 by the Honorable Timothy L. Fall, Judge of the Superior Court. A copy is attached hereto and
2 by this reference made a part thereof.

3 DATED: June 25, 2015

JEFF W. REISIG
DISTRICT ATTORNEY

5 By: 
6 LAWRENCE BARLLY
7 Supervising Deputy District Attorney

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16 (951) 955-5400

17 Attorneys for Plaintiff

18 SUPERIOR COURT OF CALIFORNIA, COUNTY OF YOLO

19 THE PEOPLE OF THE STATE OF CALIFORNIA,

20 Plaintiff,

21 vs.

22 THE PROCTER & GAMBLE COMPANY, an Ohio
23 Corporation,

24 Defendant.

FILED
YOLO SUPERIOR COURT

JUN 24 2015

BY W. VAN DAM
DEPUTY

25 Plaintiff, THE PEOPLE OF THE STATE OF CALIFORNIA (hereafter "Plaintiff" or the
26 "PEOPLE"), having filed its complaint herein, by and through its attorneys authorized to act on
27 behalf of the PEOPLE, JEFF W. REISIG, District Attorney of Yolo County, by LAWRENCE
28 BARLLY, Supervising Deputy District Attorney; LISA A. SMITTCAMP, District Attorney of

1 Fresno County; by EDWARD T. BROWNE, Deputy District Attorney; STEPHEN S. CARLTON,
2 District Attorney of Shasta County; by ANAND "LUCKY" JESRANI, Deputy District Attorney;
3 MICHAEL A. HESTRIN, District Attorney of Riverside County, by ELISE FARRELL, Sr. Deputy
4 District Attorney; and Defendant PROCTER & GAMBLE COMPANY ("PROCTER & GAMBLE"
5 or "Defendant"), an Ohio corporation appearing through its attorneys, ORRICK, HERRINGTON &
6 SUTCLIFFE LLP, by MCGREGOR W. SCOTT, Attorney at Law; with the parties having waived
7 their right of appeal; and the Court having considered the pleadings and good cause appearing
8 therefore;

9 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

10
11 JURISDICTION

- 12 1. This Court has jurisdiction over the subject matter hereof and the parties hereto.

13
14 APPLICABILITY

- 15 2. This Stipulated Final Judgment ("Final Judgment") is applicable to PROCTER &
16 GAMBLE, its officers, directors, representatives, successors, assignees, and all persons,
17 partnerships, corporations, and other entities acting under, by through, on behalf of, or in concert
18 with PROCTER & GAMBLE, with actual or constructive knowledge of this Final Judgment. This
19 Final Judgment is also applicable to any and all subsidiaries of PROCTER & GAMBLE and its
20 respective officers, directors, representatives, successors, assignees and all persons, partnerships,
21 corporations, and other entities acting under, by through, on behalf of, or in concert with any such
22 subsidiary with actual or constructive knowledge of this Final Judgment.

23
24 INJUNCTION

- 25 3. Pursuant to Business and Professions Code sections 17203 and 17535, PROCTER &
26 GAMBLE is permanently enjoined and restrained from packaging or causing PROCTER &
27 GAMBLE products, as defined in paragraph 4, (hereinafter PROCTER & GAMBLE products or
28

1 “products”) to be packaged in violation of California Business and Professions Code §§ 17200 and
2 17500, which includes, but is not limited to, the following:

3 a) Packaging products in violation of California Business and Professions Code
4 section 12602(a).

5 b) Packaging products in violation of California Business and Professions Code
6 section 12606(a).

7 c) Packaging products in violation of California Business and Professions Code
8 section 12606(b).

9 d) Packaging products in violation of Health and Safety Code section 110375(a).

10 e) Packaging products in violation of Health and Safety Code section 110375(b).

11 4. PROCTER & GAMBLE products (“PRODUCTS”) are defined as PROCTER &
12 GAMBLE packages for the Olay product line that are offered for sale to California consumers and
13 are distributed or manufactured by PROCTER & GAMBLE and/or are labeled with PROCTER &
14 GAMBLE’s Olay name, logo, trademark, and/or brand, including any variations or substitutions of
15 the products that are materially the same as the Olay product line effective as of the filing of this
16 Final Judgment.

17
18 MANUFACTURING PERIOD

19 5. PROCTER & GAMBLE shall not offer for sale any PRODUCTS if those products
20 were manufactured and packaged on or after January 1, 2018 unless those products are in
21 compliance with paragraph 3 above.

22
23 MONETARY PROVISIONS

24 6. Defendant shall pay a total of \$850,000.00.00 in settlement of this matter as set forth
25 below and pursuant to Business and Professions Code sections 12015.5, 17206 and 17536. Delivery
26 shall be made, on or before the expiration of sixty (60) days following Entry of Judgment, to the
27

1 Office of the Fresno County District Attorney, 929 L Street, Fresno, CA 93721, attention Edward T.
2 Browne. Payment shall be made as follows:

3 a) A check for \$194,000.00 payable to the Fresno County District Attorney's Office of
4 which \$182,000.00 is for civil penalties and \$12,000.00 is for costs;

5 b) A check for \$194,000.00 payable to the Yolo County District Attorney's Office of
6 which \$182,000.00 is for civil penalties and \$12,000.00 is for costs;

7 c) A check for \$194,000.00 payable to the Shasta County District Attorney's Office of
8 which \$182,000.00 is for civil penalties and \$12,000.00 is for costs;

9 d) A check for \$194,000.00 payable to the Riverside County District Attorney's Office
10 of which \$182,000.00 is for civil penalties and \$12,000.00 is for costs.

11 e) A check for payable to the Sacramento County District Attorney's Office of
12 \$12,000.00 for costs.

13 f) As reimbursement for the costs of investigation, Defendant shall make checks
14 payable to the following agencies in the following amounts:

15 Sacramento County Department of Weights & Measures: \$5,000.00

16 Yolo County Agricultural Commissioner: \$5,000.00

17 State of California, Department of Agriculture

18 Department of Measurement Standards: \$2,000.00

19 7. Recognizing the infeasibility of identifying injured consumers who suffered actual
20 loss, the impracticality of providing direct restitution to said consumers, and the disproportionate
21 cost of making restitution to individual consumers, which would far exceed the benefit consumers
22 would gain, the Defendants shall pay, pursuant to Business & Professions Code §§17203 and 17535,
23 *cy pres* restitution in the sum of \$50,000. Said *cy pres* restitution shall be distributed to the
24 Consumer Protection Prosecution Trust Fund established in the case of People v. ITT Consumer
25 Financial Corporation (Alameda Superior Court No. 656038 0). The payment required under this
26 paragraph shall be delivered to the Fresno County District Attorney's Office, 929 L Street, Fresno,
27

1 California 93291 to the attention of Edward T. Browne Deputy District Attorney, for distribution to
2 the Consumer Protection Prosecution Trust Fund.

3 8. Except as otherwise expressly provided herein, each party shall bear its own
4 attorneys' fees and costs.

5 9. If an ambiguity arises regarding any provisions of the Stipulated Final Judgment that
6 requires interpretation, there is no presumption that documents should be interpreted against any
7 party. The presumption set forth in Civil Code section 1654 is not applicable.

8 10. The failure of the Plaintiff to enforce any provision of this Stipulated Final Judgment,
9 shall neither be deemed a waiver of such provision, nor shall it in any way affect the validity of this
10 Final Judgment. The failure of the Plaintiff to enforce any provision shall not preclude it from later
11 enforcing the same or other provisions of this Final Judgment.

12 11. Jurisdiction is retained for the purpose of enabling any party to the Stipulated Final
13 Judgment to apply to the Court for such further orders and directions as may be necessary and
14 appropriate for the construction and carrying out of the Stipulated Final Judgment, for the
15 modification or dissolution of any injunctive provisions hereof, for enforcement of compliance
16 herewith, or for the punishment of violations hereof.

17 12. As to the matters alleged in the Complaint, Defendant does not admit liability or
18 wrongdoing. This Final Judgment is a full and final settlement of, and release of, all known civil
19 claims and remedies by or on behalf of THE PEOPLE OF THE STATE OF CALIFORNIA that
20 were, or could have been, brought against PROCTER & GAMBLE under Business and Professions
21 Code section 17200 *et seq.* pertaining to its compliance with Business and Professions Code section
22 12606 and Health and Safety Code section 110375, up to and including the date of entry of this
23 Judgment. This Final Judgment provides full, fair and adequate relief to protect the interests of
24 Plaintiff and members of the public who may have been misled by the packaging of the PROCTER
25 & GAMBLE PRODUCTS referred to in the complaint at any time prior to, and including the date of
26 entry of this Final Judgment.

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13. The parties waive the right to appeal this Stipulated Final Judgment as to both form and content and the serving and filing of a notice of Entry of Judgment.

14. Except as otherwise expressly provided herein, each party shall bear its own attorney's fees and costs.

15. The clerk is directed to enter this Stipulated Final Judgment forthwith.

DATED: JUN 24 2015

TIMOTHY L. FALL
JUDGE OF THE SUPERIOR COURT

SUPERIOR COURT No. CV 15-868

PROOF OF SERVICE

I, RACHEL HUNTER, declare:

I am a citizen of the United States and a resident of the county of Yolo; I am over the age of eighteen years and not a party to the within entitled action; my business address is 301 Second Street, Woodland, California 95695. On June 25, 2015, I served the within document: **NOTICE OF ENTRY OF FINAL JUDGMENT**

- by placing a true copy of the above document in a sealed envelope and deposited the same at the Yolo County Mail Room for posting this business day, in the United States mail at Woodland, California, addressed as follows:

Mr. McGregor Scott, Esq.
Orrick, Herrington & Sutcliffe LLP
400 Capitol Mall, Suite 3000
Sacramento, CA 95814-4497

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 25, 2015 at Woodland, California.

Original Signed By:

RACHEL HUNTER