

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION

<p>FOOD ANIMAL CONCERNS TRUST, a non-profit corporation, PO Box 75005 Washington, D.C., 20013</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>PANERA BREAD, 1400 South Highway Drive, Fenton, MO 63026, and JAB HOLDING COMPANY, S.A.R.L. 4, Rue Jean Monnet, L-2180 Luxembourg</p> <p style="text-align: center;">Defendants.</p>	<p>Case No. <u>2026-CAB-001839</u></p> <p><u>COMPLAINT</u></p> <p><u>DEMAND FOR JURY TRIAL</u></p>
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Plaintiff Food Animal Concerns Trust (“Plaintiff” or “FACT”) brings this action against Panera Bread and its parent company JAB Holding Company, S.à.r.l. (collectively the “Defendants” or “Panera”) regarding the deceptive marketing and sale of pork, turkey, chicken, and beef products. Panera publicly represents that animal welfare is important to Defendants and that the products at issue are produced in accordance with specific animal welfare standards. Animals in Panera’s supply chain, however, are not raised according to these specific standards, nor in line with consumers’ understanding of humane care. Panera also continues to reference its history of antibiotic-free policies but has quietly rescinded its commitments to antibiotic-free meat products, despite the fact that over-use of antibiotics in agriculture has harmful effects on animal welfare and human health. On behalf of the general public of the District of Columbia, and in the interest of consumers, Plaintiff FACT alleges the following upon personal knowledge, information, and belief.

INTRODUCTION: PANERA’S MARKETING CLAIMS MISLEAD THE PUBLIC

1. This is a consumer protection case concerning deceptive marketing representations about Panera’s pork, turkey, chicken, and beef products (the “Products”).¹
2. The case is brought by Food Animal Concerns Trust (“FACT”), a nonprofit, public interest organization dedicated to consumer protection. FACT seeks no monetary damages, only an end to the deceptive marketing and advertising at issue. FACT brings the case on behalf of the general public of the District of Columbia.
3. Panera is one of the country’s largest restaurant chains. As of 2026, there are 2,248 Panera Bread Locations in the United States.² Panera Bread is part of Panera Brands, “one of the largest fast casual restaurant platforms in the U.S.”³
4. Panera’s marketing and advertising materials represent to consumers that Panera’s menu items are produced in accordance with high animal welfare standards.
5. For example, Panera’s animal welfare representations include claims that Panera sources “high quality ingredients . . . from reputable suppliers that raise animals humanely,”⁴ that it has “long believed in humane treatment of animals,”⁵ and that the brand has “been working to reduce the routine use of antibiotics and close confinement of animals” since 2004.⁶

¹ Panera Bread, *2023 Responsibility Update 5*, <https://www.panerabread.com/content/dam/panerabread/integrated-web-content/documents/press/2024/panerabread-2023-responsibility-update.pdf>. The “Products” include, but are not limited to, “proteins used in salads, sandwiches, Flatbread Pizzas, and Warm Bowls in U.S. company-owned and franchised operations.”

² *Find a Cafe Near You*, Panera Bread, <https://www.panerabread.com/en-us/cafe/locations/> (last visited Mar. 19, 2026).

³ *About Panera*, Panera Bread, <https://www.panerabread.com/en-us/company/our-history.html> (last visited Jan. 8, 2026).

⁴ Panera Bread, *Animal Welfare – Our Beliefs 1* (Jan. 1, 2024), <https://www.panerabread.com/content/dam/panerabread/documents/panera-animal-welfare-beliefs.pdf>.

⁵ *It Just Meals Good™*, Panera Bread, <https://www.panerabread.com/en-us/food-values/food-beliefs.html> (last visited Jan. 8, 2026).

⁶ Animal Welfare – Our Beliefs, *supra* note 4, at 1.

6. Panera also claims to prioritize the Five Freedoms of Animal Welfare, which include providing animals with sufficient space to exercise normal behaviors.⁷
7. Panera’s supply chain, however, includes broiler chickens that are not kept in conditions consistent with its welfare claims.⁸ For example, in 2025, *none* of the chickens raised for meat in Panera’s supply chain met the company’s goal of having just one square foot of space per bird—a goal Panera initially set for 2021, and still asserts that it can meet by 2026. To the contrary, the number of Panera suppliers meeting this (and other) welfare standards *decreased* in the most recent data, between 2023 and 2024.⁹
8. Thus, Panera’s marketing—which suggests that their pork, turkey, chicken, and beef products are sourced in accordance with high animal welfare standards—is false and misleading to D.C. consumers.
9. Along with animal welfare claims, Panera’s marketing and advertising materials make health claims to attract consumers.
10. These materials represent that Panera’s menu items are clean and healthy, and that its goal is to “craft food that [its] guests . . . can also feel great about eating because of the high-quality ingredients.”¹⁰
11. For many years, Panera specifically attracted consumers with antibiotic-free claims such as “no antibiotics ever.”¹¹ It continues marketing these antibiotics policies by touting, in

⁷ *Animal Health & Welfare*, Panera Bread, <https://www.panerabread.com/en-us/food-values/food-beliefs/animal-welfare.html> (last visited Feb. 19, 2026); *Animal Welfare – Our Beliefs*, *supra* note 4, at 2.

⁸ Broiler chickens are selectively bred for meat production, as opposed to chickens bred for egg production. See Vicky Bond, *What Are Broiler Chickens and How Long do They Live?*, Humane League (Mar. 21, 2025), <https://thehumaneleague.org/article/broiler-chickens>.

⁹ Panera Bread, *2024 Responsibility Update 4*, <https://www.panerabread.com/content/dam/panerabread/integrated-web-content/documents/press/2025/Panera-Bread-2024-responsibility-update.pdf>.

¹⁰ *It Just Meals Good™*, Panera Bread, *supra* note 5.

¹¹ Panera Bread, *2014 Responsibility Report 31*, https://www.panerabread.com/foundation/documents/press/2015/PaneraBread_CSR_2014.pdf.

its most recent Responsibility Update, that it is “the first national restaurant brand to serve chicken raised without antibiotics.”¹²

12. Panera makes antibiotic-free claims because it recognizes that using antibiotics on animals threatens human health, “contribut[ing] to antibiotic resistance in animals as well as humans.”¹³ Panera has also recognized that antibiotic use has negative impacts on animal welfare.¹⁴

13. Despite this recognition and its marketing claims, Panera has quietly rescinded its commitments to sell products with turkey and pork raised without antibiotics and narrowed the terms of its antibiotic commitments regarding chicken.¹⁵

14. Panera’s representations about animal welfare and antibiotics constitute false and misleading advertising under D.C. law, as further alleged below.

STATUTORY FRAMEWORK

THE CPPA PROHIBITS MISREPRESENTATIONS ABOUT GOODS OR SERVICES AND EMPOWERS PUBLIC INTEREST ORGANIZATIONS

15. Plaintiff brings this action under the District of Columbia Consumer Protection Procedures Act (“CPPA”), D.C. Code §§ 28-3901–28-3913.

16. The CPPA makes it a violation for “any person” to, *inter alia*:

[R]epresent that goods or services have a source, sponsorship, approval, certification, accessories, characteristics, ingredients, uses, benefits, or quantities that they do not have;

[R]epresent that goods or services are of particular standard, quality, grade, style, or model, if in fact they are of another;

¹² 2024 Responsibility Update, *supra* note 9, at 3.

¹³ 2014 Responsibility Report, *supra* note 11, at 31.

¹⁴ *See id.*

¹⁵ *See* Steve Roach and Madeleine Kleven, *Serving Up Superbugs: Top U.S. Restaurant Chains Graded on Policies Aimed at Stopping Superbugs* 4, FACT (Nov. 2024), <https://static1.squarespace.com/static/61e716dcf11ec140f67ed722/t/673cd84f730b1c2b1d06fce2/1732040793615/SERVING+UP+SUPERBUGS.pdf>.

[M]isrepresent as to a material fact which has a tendency to mislead;

[F]ail to state a material fact if such failure tends to mislead;

[U]se innuendo or ambiguity as to a material fact, which has a tendency to mislead; [or]

[A]dvertise or offer goods or services without the intent to sell them or without the intent to sell them as advertised or offered.

D.C. Code § 28-3904(a), (d), (e), (f), (f-1), (h).

17. A violation of the CPPA may occur regardless of “whether or not any consumer is in fact misled, deceived, or damaged thereby.” *Id.* § 28-3904.

18. The CPPA “establishes an enforceable right to truthful information from merchants about consumer goods and services that are or would be purchased, leased, or received in the District of Columbia.” *Id.* § 28-3901(c). The statute “shall be construed and applied liberally to promote its purpose.” *Id.*

19. Because FACT is a public interest organization, it may act on behalf of the general public and bring any action that an individual consumer would be entitled to bring:

[A] public interest organization may, on behalf of the interests of a consumer or a class of consumers, bring an action seeking relief from the use by any person of a trade practice in violation of a law of the District if the consumer or class could bring an action under subparagraph (A) of this paragraph for relief from such use by such person of such trade practice.

Id. § 28-3905(k)(1)(D)(i). Subparagraph (A) provides: “A consumer may bring an action seeking relief from the use of a trade practice in violation of a law of the District.”

20. A public interest organization may act on behalf of consumers, *i.e.*, the general public of the District of Columbia, so long as the organization has “sufficient nexus to the interests involved of the consumer or class to adequately represent those interests.” *Id.* § 28-3905(k)(1)(D)(ii). As set forth in this Complaint, *see infra* ¶¶ 77–79, Plaintiff

FACT's mission is to advocate for and educate consumers, including consumers within the District of Columbia. FACT thus has a sufficient nexus to D.C. consumers to adequately represent their interests.

21. This is not a class action or an action brought on behalf of a specific consumer or consumers; this is an action brought by FACT on behalf of the general public, *i.e.*, D.C. consumers generally. Plaintiff will not request a class certification.
22. This action does not seek damages. Instead, FACT seeks to end the unlawful conduct directed at D.C. consumers. Remedies available under the CPPA include “[a]n injunction against the use of the unlawful trade practice” and “[a]ny other relief which the court determines proper.” *Id.* § 28- 3905(k)(2)(D), (F).

FACT ALLEGATIONS

I. Panera's Animal Welfare Claims Misrepresent to Consumers That its Products are Produced in Accordance With High Standards Like the Five Freedoms.

23. Panera markets and sells products in the District of Columbia. It seeks to reach the District consumer base online through its company website, corporate responsibility reports, and social media posts.
24. Through its online marketing, Panera makes numerous animal welfare representations.
25. Panera's "Beliefs on Animal Welfare statement," found on its "Animal Welfare" webpage,¹⁶ contains the following representations:
 - Panera is "committed to working with farmers, ranchers, and animal welfare advocates to advance animal welfare."¹⁷

¹⁶ Animal Health & Welfare, *supra* note 7.

¹⁷ Animal Welfare – Our Beliefs, *supra* note 4, at 1.

- Panera has “been working to reduce . . . the close confinement of animals” since 2004.¹⁸
- Panera “strive[s] to source poultry and livestock that have been raised responsibly as defined by the UK Farm Animal Welfare Committee’s Five Freedoms.”¹⁹
- Panera states that the Five Freedoms include:
 - “Freedom from hunger or thirst”;
 - “Freedom from discomfort”;
 - “Freedom from pain, injury or disease”;
 - “Freedom to express normal behavior”; and
 - “Freedom from fear and distress.”²⁰

26. Panera details its “core beliefs regarding the treatment of animals under each Freedom.”²¹ Panera’s elaborations include the following, organized by Freedom:

- Freedom from discomfort
 - “Animals are housed in facilities with appropriate air quality, lighting, and temperature to ensure their physical comfort and wellbeing.”²²
- Freedom to express normal behavior
 - “Animals are provided sufficient space in an environment that promotes natural behaviors”;
 - “Facilities work to reduce the use of close confinement housing structures to help move toward the long-term goal of eliminating them”; and

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.* at 1–2.

²¹ *Id.* at 1.

²² *Id.*

- “Animals receive appropriate enrichments to promote natural behaviors.”²³
- Freedom from fear and distress
 - “Animals are housed, handled, transported, and slaughtered using systems and practices designed to minimize pain, distress, and discomfort.”²⁴

27. Panera also elaborates on how its expectations for, assessments of, and relationships with suppliers ensure that suppliers act in accordance with Panera’s commitments:

- Panera “expect[s] suppliers to adopt [its] principles in their own operations and to create policies and protocols to ensure that animals are humanely raised, transported, and processed.”²⁵
- Panera expects its suppliers to “train managers” on its “animal welfare expectations,” and Panera “collect[s] information on [its] suppliers’ performance.”²⁶
- In addition to assessing supplier performance, Panera is “committed to working with suppliers to continually advance and improve their practices.”²⁷

II. Panera recognizes that antibiotic use harms animal welfare.

28. Panera has also recognized that antibiotic use, discussed in more detail *infra* ¶¶ 29–30, negatively impacts animal welfare, linking its animal welfare commitments to its antibiotic policies. For example, in a 2014 press release concerning animal welfare that included the goal of “no antibiotics ever for pigs,” Executive Vice President, Chief of

²³ *Id.* at 2.

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.* at 2–3.

²⁷ *Id.* at 2.

Transformation and Growth Officer Blaine Hurst describes eliminating the use of antibiotics as “among the most critical animal welfare issues [Panera] can impact.”²⁸

29. In subsequent reports, Panera has continued tying antibiotic use to animal welfare. For example, in a 2016 press release entitled “Panera Bread® Broadens Leadership on Animal Welfare Issue,” Panera states that it is “proud to share its continued progress on animal welfare issues and the reduced use of antibiotics.”²⁹ Panera continues, under the section entitled “2016 Update on Animal Welfare Progress,” to list that “100% of poultry on sandwiches and salads [is] now raised without antibiotics,” “100% of bacon, breakfast sausage and ham served on sandwiches and salad was raised without antibiotics and was gestation crate free,” and “16% of all eggs system-wide were cage free.”³⁰

30. Panera has continued to draw connections between animal welfare and antibiotic-free practices as recently as its 2024 Responsibility Update. In that report, Panera writes, “We remain committed to high-quality ingredients and sourcing practices that support the well-being of people, animals, and the planet. . . . We were the first national restaurant brand to serve chicken raised without antibiotics, and our chicken used on salads and sandwiches continues to meet that standard.”³¹

III. By Panera’s Own Admissions, its Treatment of Animals Raised for Meat does Not Align with its Animal Welfare Representations, and it Continues to Delay Specific Welfare Commitments.

²⁸ Press Release, Panera Bread, *Panera Bread Reports on Progress to Improve Animal Welfare for Poultry and Livestock: No Antibiotics Ever for Pigs, No Gestation Crates for Pregnant Sows by January 2015* (Dec. 17, 2014), <https://www.panerabread.com/content/dam/panerabread/documents/press/2014/animal-welfare-release-12-17-14.pdf>.

²⁹ Press Release, Panera Bread, *Panera Bread® Broadens Leadership on Animal Welfare Issues: Announces Effort to Lead Industry Relative to Broiler Chickens and Continued Progress on Animal Welfare* (Dec. 20, 2016), <https://www.panerabread.com/foundation/documents/press/2016/animal-welfare-press-release-12-20-2016.pdf>.

³⁰ *Id.*

³¹ 2024 Responsibility Update, *supra* note 9, at 3.

31. In December 2016, Panera put forth goals it hoped to achieve by 2024 related to broiler chicken welfare, including:

- “Use new broiler breeds recognized as having higher welfare outcomes”;
- “Provide birds more space (reduced stocking density)”;
- “Offer improved environments, including litter, lighting and enrichment”; and
- “Ensure birds are rendered unconscious using multi-step controlled atmospheric stunning.”³²

32. In August 2021, Panera adjusted the timeline of these goals. Panera stated that its new target date was 2026.³³

33. In 2021, Panera announced that it had achieved its commitment that “100% of steak products sourced are grass fed and pasture raised”³⁴

34. On information and belief, Panera no longer reports grass-fed or pasture-raised metrics for steak products.

35. In its 2023 Responsibility Update, Panera published updates on its broiler chicken goals, including that:

- 4% of chicken was raised with a maximum stocking density of 6.0 lbs./sq. foot;
- 5% of chicken met the Broiler Chicken Commitment’s standards for lighting;
- 100% of chicken met the Broiler Chicken Commitment’s standards for litter;
- 52% of chicken met the Broiler Chicken Commitment’s standards for environmental enrichments;

³² Panera Bread® Broadens Leadership, *supra* note 29.

³³ Panera Bread, *Broiler Welfare Commitment 1*, <https://www.panerabread.com/foundation/documents/press/2021/broiler-hens-08-2021.pdf>.

³⁴ Panera Bread, *Boldly Embracing Change: 2021 Responsibility Report* 18, <https://www.panerabread.com/content/dam/panerabread/integrated-web-content/documents/press/2021/panera-bread-2021-responsibility-report.pdf>

- 1% of chicken was processed in a manner that avoids pre-stun handling and instead utilizes a multi-step controlled-atmosphere processing system that induces an irreversible stun; and
- 0% of chicken was from breeds that demonstrate higher welfare outcomes that meet the criteria of the Better Chicken Commitment.³⁵

36. In 2024, many conditions for animals in Panera’s supply chain worsened. According to its 2024 Responsibility Update:

- 0% of chicken was raised with a maximum stocking density of 6.0lbs./sq. foot;
- 1% of chicken met the Broiler Chicken Commitment’s standards for lighting;
- 100% of chicken met the Broiler Chicken Commitment’s standards for litter;
- 58% of chicken met the Broiler Chicken Commitment’s standards for environmental enrichments;
- 0% of chicken was processed in a manner that avoids pre-stun handling and instead utilizes a multi-step controlled-atmosphere processing system that induces an irreversible stun; and
- 0% of chicken was from breeds that demonstrate higher welfare outcomes that meet the criteria of the Better Chicken Commitment.³⁶

37. As alleged *supra* ¶ 25, Panera’s Animal Welfare Representations state that it “strive[s] to source poultry and livestock that have been raised responsibly as defined by the UK Farm Animal Welfare Committee’s Five Freedoms,”³⁷ and Panera details its core beliefs regarding the treatment of animals under each Freedom.

³⁵ 2023 Responsibility Update, *supra* note 1, at 5.

³⁶ 2024 Responsibility Update, *supra* note 9, at 4.

³⁷ Animal Welfare – Our Beliefs, *supra* note 4, at 1.

38. According to Panera’s own data, however, 0% of broiler chickens used to create Panera products were raised with a maximum stocking density of 6.0 lbs./sq. foot. According to Better Chicken Commitment, 6.0lbs./sq. foot “translates to around 1 square foot per bird, depending on the stage of life.”³⁸ This indicates that 0% of broiler chickens are raised with even 1 square foot of space per bird.
39. High stocking densities create extreme crowding for broiler chickens. Not only does this overcrowding “prevent[] them from getting proper exercise,” but it also harms resting, as chickens are “often trampled by other birds while lying down.”³⁹
40. Panera’s reporting also shows that only 1% of birds meet the Broiler Chicken Commitment’s standard for lighting, which demands that “suppliers provide chickens with eight continuous hours of 50 lux lighting—about 1/20th the brightness of a typical overcast day.”⁴⁰ The Better Chicken Commitment writes that “this might not sound like a lot, but it’s far more than the 5–10 lux they are commonly afforded on standard industry farms.”⁴¹ In addition, the commitment requires that birds are offered sustained darkness, allowing “proper sleep and normal activity patterns” to develop.⁴² Living without these conditions can have “significant physiological and physical ramifications” for overall bird welfare.⁴³
41. Within the “Freedom from discomfort,” Panera states that its animals are “housed in facilities with appropriate air quality, lighting, and temperature to ensure their physical

³⁸ *Frequently Asked Questions*, Better Chicken Commitment, <https://betterchickencommitment.com/us/faq/> (last visited Jan. 8, 2026).

³⁹ Bond, *supra* note 8.

⁴⁰ *Frequently Asked Questions*, *supra* note 38.

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

comfort and wellbeing.”⁴⁴ Panera’s self-reporting that 99% of Broiler Chickens in Panera’s supply chain are living without consistent patterns of light and darkness, or without light equivalent to 1/20th the brightness of overcast skies, indicates that broiler chickens in its supply chain are not living in conditions that “ensure their physical comfort and wellbeing.”⁴⁵

42. Within the “Freedom to express normal behavior,” Panera states that animals “are provided sufficient space in an environment that promotes natural behaviors.”⁴⁶ If 0% of broiler chickens in Panera’s supply chain live in spaces equal to or larger than approximately 1 square foot, Panera does not achieve this freedom.

43. In addition, Panera sources its meat products from suppliers who have been cited for animal welfare violations.

44. As an example, employees of Tyson Foods, one of Panera’s main suppliers of meat products,⁴⁷ have been convicted of animal cruelty for “throwing, punching, kicking, swinging, and shoving chickens” and “running over chickens with farm equipment.”⁴⁸ A different investigation also revealed that the owner of and a manager at a Tyson chicken supplier in Virginia engaged in “pervasive, systemic cruelty, [and] . . . Tyson knew about cruel conditions and practices at the facility.”⁴⁹

IV. The Overuse of Antibiotics Negatively Impacts Human Health and Animal Welfare.

⁴⁴ Animal Welfare – Our Beliefs, *supra* note 4, at 1.

⁴⁵ *See id.*

⁴⁶ *Id.* at 2.

⁴⁷ Waylon Cunningham, *Exclusive: Panera Loosens Ingredients Standards Ahead of IPO*, *Internal Documents Show*, Reuters (Mar. 6, 2024), <https://www.reuters.com/business/panera-loosens-animal-welfare-ingredients-standards-ahead-ipo-internal-documents-2024-03-06/>.

⁴⁸ Animal Welfare Inst., *Tyson Workers Convicted of Animal Cruelty* (2017), <https://awionline.org/awi-quarterly/winter-2017/tyson-workers-convicted-animal-cruelty>.

⁴⁹ *Investigation of Tyson Grower Reveals Mass, Systemic Cruelty*, Animal Outlook: Investigations, <https://animaloutlook.org/investigations/investigation-of-tyson-grower-reveals-mass-systemic-cruelty/> (last visited Mar. 17, 2026).

45. Antibiotic use in animals contributes to human health issues by increasing the risk of antibiotic-resistant bacteria.
46. Antibiotic-resistant bacteria in animals raised for food can be transmitted to humans by direct contact with the animals, uncooked meat, or exposed surfaces, as well as by exposure to animal waste or consumption of undercooked meat.⁵⁰
47. The World Health Organization has strongly recommended that antibiotics not be used “routinely to promote growth and prevent disease in healthy animals,” as this can lead to antibiotics resistance.⁵¹ For instance, the Director-General of the World Health Organization has warned that antibiotics resistance “is as serious a security threat as a sudden and deadly disease outbreak.”⁵²
48. Antibiotics resistance caused by the overuse of antibiotics in animal agriculture can also increase the cost of treating antibiotic-resistant illness in humans.⁵³ According to an article published by the American Journal of Public Health in 2015, “longer, more expensive hospital stays for treating antibiotic resistance cost the US health care sector an estimated \$21 to \$34 billion and eight million additional hospital days annually.”⁵⁴
49. Both raising livestock with antibiotics and purchasing livestock raised with antibiotics contributes to the overuse of antibiotics in the meat trade.
50. Antibiotic use in animals also contributes to animal welfare concerns.

⁵⁰ Michael J Martin, et al., *Antibiotics Overuse in Animal Agriculture: A Call to Action for Health Care Providers*, 105 Am. J. Pub. Health 2409, 2409 (2015).

⁵¹ World Health Org., *Stop Using Antibiotics in Healthy Animals to Prevent the Spread of Antibiotic Resistance* (Nov. 7, 2017), <https://www.who.int/news/item/07-11-2017-stop-using-antibiotics-in-healthy-animals-to-prevent-the-spread-of-antibiotic-resistance>.

⁵² *Id.*

⁵³ Martin, *supra* note 50, at 2409.

⁵⁴ *Id.*

51. In the United States, the overuse of antibiotics is intended to help animals “survive the crowded, unsanitary conditions of factory farms.”⁵⁵ As of 2025, for example, “about three quarters of all beef cattle and pigs are raised in massive facilities, each housing an average of 16,000 animals.”⁵⁶
52. In these conditions, animals can develop many medical ailments, including gut and respiratory infections.⁵⁷ In order to prevent these ailments, many animals are prematurely given antibiotics in their feed and water.⁵⁸ As such, antibiotics are “widely used to prevent illness in livestock, even when the animals are healthy.”⁵⁹
53. Antibiotic resistance, a process in which “bacteria develop ways to overcome the drugs designed to fight them,” can also occur when antibiotics are used to “prevent disease” in farm animals.⁶⁰ Antibiotic resistance can endanger “the animals themselves,” as “antibiotic-resistant bacteria can rapidly spread between” animals.⁶¹ Animals can become sick with illnesses that are not easily treated.⁶²
54. In addition to increasing susceptibility to disease, the overuse of antibiotics is “often used as a cheap substitute for basic animal welfare practices, such as giving animals

⁵⁵ Kenny Torrella, *Big Meat Just Can't Quit Antibiotics*, Vox (Dec. 15, 2023), <https://www.vox.com/future-perfect/2023/1/8/23542789/big-meat-antibiotics-resistance-fda>.

⁵⁶ Food Animal Concerns Trust, *Industrial Animal Agriculture, Animal Welfare, and the Antibiotic Resistance Crisis*, YouTube, at 00:17 (Sept. 17, 2025), <https://www.youtube.com/watch?v=NFUamrc78rI&t=15s>.

⁵⁷ *Id.*, at 00:30.

⁵⁸ *Id.*, at 00:40.

⁵⁹ Bennett Rosenberg, *Growing Use of Antibiotics in Factory-Farmed Animals Threatens Life-Saving Medications*, Environmental Working Group (Nov. 13, 2024), <https://www.ewg.org/news-insights/news/2024/11/life-saving-antibiotics-jeopardy-growing-use-factory-farmed-animals>.

⁶⁰ *Understanding the Problem of Antibiotic Resistance*, American Veterinary Medical Association, <https://www.avma.org/resources/public-health/antibiotic-use-changing-talk-your-veterinarian> (last visited Jan. 8, 2026).

⁶¹ *Id.*

⁶² *Id.*

enough space, keeping their living environments clean, and ensuring that barns are well-ventilated.”⁶³

55. Thus, the overuse of antibiotics allows large agriculture operations to continue treating animals inhumanely.

56. As discussed *supra* ¶ 28, Panera has recognized the connection between antibiotic use and animal welfare for over a decade.

V. Panera’s Quiet Retreat from its Antibiotics Claims Further Misleads Consumers.

57. For years, Panera used the phrase “No Antibiotics Ever” to describe many of its products. In a 2014 press release, Panera writes that “91 percent of Panera’s pork supply received no antibiotics ever,” all hens supplying “shell eggs and hard boiled eggs for Panera also met the standard for no antibiotics ever,” “[i]n 2014, Panera marked 10 years serving chicken that received no antibiotics ever,” and that “[n]early all the roasted turkey also received no antibiotics ever.”⁶⁴ Panera’s “No Antibiotics Ever” policies and marketing continued into the early 2020s.

58. In both its 2022 and 2023 Responsibility Updates, Panera lists what percentage of its chicken, turkey, and pork is raised without antibiotics.

59. In 2021, 100% of all chicken, turkey, and pork were raised without antibiotics.⁶⁵

60. In 2022, 100% of chicken and pork were raised without antibiotics.⁶⁶ 86% of turkey was raised without antibiotics.⁶⁷ Panera stated that “[t]he avian influenza (bird flu) outbreak in 2022 significantly reduced [its] supply of raised-without-antibiotic turkey,”

⁶³ Hannah Ritchie and Fiona Spooner, *Large Amounts of Antibiotics are Used in Livestock, but Several Countries Have Shown This Doesn’t Have to be the Case*, Our World in Data (Dec. 8, 2024), <https://ourworldindata.org/antibiotics-livestock>.

⁶⁴ Panera Bread Reports on Progress, *supra* note 28.

⁶⁵ 2023 Responsibility Update, *supra* note 1, at 5.

⁶⁶ *Id.*

⁶⁷ *Id.*

leading it to “temporarily replace[] . . . [the antibiotic-free turkey] with conventional turkey”⁶⁸

61. In 2023, once again, 100% of all chicken, turkey, and pork was raised without antibiotics.⁶⁹
62. Since 2023, Panera’s antibiotics policies have changed. Panera transitioned from having “strong antibiotics policies across the meats served to only having a clear policy on chicken on sandwiches and salads.”⁷⁰
63. Panera has adopted a new policy that “allows the use of some antibiotics in pork and turkey products.”⁷¹
64. Tyson Foods, one of Panera’s main suppliers, also recently “reintroduced certain antibiotics to its chicken supply chain.”⁷²
65. FACT, alongside various collaborators, confirmed the pork and turkey policies were changed by Panera via email.⁷³
66. In March of 2024, Reuters reported that Panera “loosened its standards for animal welfare and so-called clean ingredients in its food ahead of a planned IPO . . . shaving an estimated \$21 million off its annual costs.”⁷⁴
67. Reuters further described the process behind this “loosening,” explaining that Panera “stores across the U.S. were directed in late February to begin removing signs and artwork that include the phrases ‘No Antibiotics Ever,’ ‘Vegetarian Fed,’ ‘Grass Fed

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ Roach, *supra* note 15, at 4.

⁷¹ Cunningham, *supra* note 47.

⁷² *Id.*

⁷³ Roach, *supra* note 15, at 7.

⁷⁴ Waylon Cunningham, *Exclusive: Panera Loosens Ingredient Standards Ahead of IPO, Internal Documents Show*, Reuters (Mar. 6, 2024), <https://www.reuters.com/business/panera-loosens-animal-welfare-ingredients-standards-ahead-ipo-internal-documents-2024-03-06/>.

Pasture Raised,’ ‘Animal Welfare,’ or any mention of ‘Hormones.’”⁷⁵ This transition, according to internal documents accessed by Reuters, was to be completed by March 27, 2024.⁷⁶

68. Despite this “loosening,” Panera doubled down on its antibiotic free messaging that same year (2024), claiming that “[s]ince 2004, we have been working to reduce the routine use of antibiotics and close confinement of animals.”⁷⁷ This public pronouncement is completely at odds with Panera’s new policy of increasing antibiotic use in the animals raised for the company’s meat products.

69. When asked to comment, a Panera spokesperson said, “[w]e strongly believe in transparency around our ingredients and make that information available to our guests.”⁷⁸

70. Despite this statement, in its 2024 Responsibility Update, Panera does not include information about what percentage of its sourced turkey, chicken, and pork includes antibiotics. The only mention of antibiotics in the report is Panera’s emphasis that it was “the first national restaurant brand to serve chicken raised without antibiotics.”⁷⁹

71. Panera also fails to draw attention to this change in its online advertising materials.

72. By reintroducing animals who have received antibiotics into its supply chain for the Products without transparency—and moreover while still making claims about its history and goals surrounding antibiotic usage—Panera is jeopardizing animals and human health and misleading its consumers.

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ Animal Welfare – Our Beliefs, *supra* note 4, at 1.

⁷⁸ Cunningham, *supra* note 74.

⁷⁹ 2024 Responsibility Update, *supra* note 9, at 3.

PARTIES

73. Defendant Panera Bread was and is a fast-food restaurant chain formed under the laws of the state of Delaware that maintains its corporate headquarters in Fenton, Missouri. Panera Bread has locations across the United States and Canada.
74. Defendant JAB Holding Company was and is a corporation with its principal place of business in Luxembourg.
75. The Defendants market, produce, and sell the Products.
76. The Products are available at Panera restaurants, including restaurants in the district.
77. Plaintiff FACT is a 501(c)(3) nonprofit, public interest organization whose mission is to help consumers make informed food choices and to promote policies that make foods from animals safe and healthy to eat. FACT works to promote truth in advertising, corporate accountability, and environmental sustainability.
78. FACT performs its work throughout the United States, including in the District.
79. FACT represents and advances the rights and interests of consumers by educating consumers on food safety, industrial agriculture, corporate accountability, and environmental sustainability issues.

JURISDICTION

80. This Court has personal jurisdiction over the parties in this case. Plaintiff FACT consents to this Court having personal jurisdiction over the organization.
81. This Court has personal jurisdiction over Panera because Panera has purposefully directed its conduct to the District and has availed itself of the benefits and protections of District of Columbia law. Panera's online marketing and advertising materials are

accessible in the District. Panera Products can be, and are, purchased in the District by District consumers at Panera D.C. locations.

82. This Court has subject-matter jurisdiction over this action under the CPPA, D.C. Code §§ 28-3901–28-3913.

CAUSE OF ACTION

Violations of the District of Columbia Consumer Protection Procedures Act

83. FACT incorporates by reference all the allegations of the preceding paragraphs of this Complaint.

84. FACT is a nonprofit, public interest organization that brings these claims on behalf of the general public of D.C. consumers. *See* D.C. Code § 28-3905(k)(1)(D)(i). Through section 28-3905(k)(1)(D)(i), the CPPA explicitly allows a public interest organization to represent consumers to seek relief from any violation of the CPPA.

85. As set forth above, Panera has advertised and marketed the Products with Animal Welfare Representations when, in fact, the Products are sourced from facilities that do not meet these representations.

86. In addition, Panera sources pork and turkey products that have been given antibiotics, creating risks for both animals and consumers contrary to its welfare and health marketing, and without properly informing consumers that it is walking back years of specific antibiotic-free marketing.

87. Thus, Panera has violated the CPPA by “represent[ing] that goods . . . have a source, . . . characteristics, . . . [or] benefits . . . that they do not have”; “represent[ing] that goods . . . are of particular standard [or] quality . . . if in fact they are of another”; “misrepresent[ing] as to a material fact which has a tendency to mislead”; “fail[ing] to

state a material fact if such failure tends to mislead”; “us[ing] innuendo or ambiguity as to a material fact, which has a tendency to mislead”; and “advertis[ing] or offer[ing] goods . . . without the intent to sell them as advertised or offered.” *Id.* § 28-3904(a), (d), (e), (f), (f-1), (h).

JURY TRIAL DEMAND

88. Plaintiff FACT hereby demands a trial by jury.

PRAYER FOR RELIEF

Wherefore, Plaintiff FACT prays for judgment against Defendant Panera, and requests the following relief:

- a. A declaration that Panera’s conduct is in violation of the CPPA;
- b. An order enjoining Panera’s conduct found to be in violation of the CPPA; and
- c. An order granting Plaintiff FACT costs and disbursements, including reasonable attorney’s fees and expert fees, and prejudgment interest at the maximum rate allowable by law.

Dated: 3/20/2026

Respectfully submitted,

RICHMAN LAW AND POLICY

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