

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
CIVIL ACTION NO.:

2684CV1906 D

COMMONWEALTH OF MASSACHUSETTS,

Plaintiff,

v.

CITY LINE DISTRIBUTORS LLC
a/k/a PRIME SOURCE FOODS
a/k/a NAVIS FOOD PARTNERS,

20 Industry Drive
West Haven, CT 06516

- and -

POULTRY PRODUCTS COMPANY
OF NEW ENGLAND LLC
a/k/a PRIME SOURCE FOODS
a/k/a NAVIS FOOD PARTNERS,

31 Jack's Bridge Road
Londonderry, NH 03053

Defendants.

ASSURANCE OF
DISCONTINUANCE
Pursuant to G.L. c. 93A, § 5



I. INTRODUCTION

The Massachusetts Attorney General's Office, on behalf of the Commonwealth of Massachusetts ("Massachusetts"), has investigated, pursuant to the Massachusetts Consumer Protection Act, G.L. c. 93A ("Chapter 93A"), certain methods, acts, and practices of City Line Distributors LLC ("City Line") and Poultry Products Company of New England LLC ("Poultry Products"), each a/k/a Prime Source Foods and/or Navis Food Partners (City Line and Poultry Products, together "Prime Source Foods"), in promoting the sale of, offering for sale, and selling meat

in Massachusetts of a breeding pig or calf raised for veal kept on a farm and confined in a cruel manner (“Covered Meat”); and/or shell eggs or egg products intended to be used for human food from hens kept on a farm and confined in a cruel manner (“Covered Eggs and Egg Products”); all contrary to the requirements of the Massachusetts Act to Prevent Cruelty to Farm Animals, St. 2016, c. 333, as amended by St. 2021, c. 108 (the “Massachusetts Act to Prevent Cruelty to Farm Animals”), enacted in Massachusetts by ballot initiative in 2016, and in violation of Chapter 93A.

The Massachusetts Attorney General’s Office alleges that Prime Source Foods engaged in unfair or deceptive practices that included, without limitation, engaging in anticompetitive practices through their selling of Covered Meat and Covered Eggs and Egg Products contrary to the requirements of the Massachusetts Act to Prevent Cruelty to Farm Animals, and therefore gaining an unfair pricing advantage over sellers that sold Covered Meat and Covered Eggs and Egg Products derived from animals that were not so confined, and by misleading Massachusetts consumers through deceptively promoting the sale of and selling such Covered Meat and Covered Eggs and Egg Products as produced in accordance with Massachusetts’ statutory requirements meant to phase out extreme methods of farm animal confinement.

Based on its investigation, the Massachusetts Attorney General’s Office alleges that Prime Source Foods violated Chapter 93A, § 2(a), and the Massachusetts Attorney General’s regulations, 940 CMR 3.16 and 940 CMR 6.00, among other laws and regulations, regarding the marketing and sale in Massachusetts of meat and eggs not produced in accordance with the state’s statutory requirements for producing such meat and eggs.

In lieu of further litigation and in recognition of Prime Source Foods’ cooperation with the Massachusetts Attorney General’s investigation, the Massachusetts Attorney General’s Office, acting within its authority under G.L. c. 12, § 11D, agrees to accept this Assurance of Discontinuance on the

terms and conditions contained herein. The Massachusetts Attorney General's Office and Prime Source Foods each voluntarily enter into this Assurance of Discontinuance.

This Assurance of Discontinuance does not constitute an admission by Prime Source Foods of any fact or non-compliance with any state or federal law, rule or regulation. Prime Source Foods neither admits nor denies the Massachusetts Attorney General's allegations, except Prime Source Foods admits personal and subject matter jurisdiction in the matter. Prime Source Foods enters into this Assurance of Discontinuance for settlement purposes only, and this Assurance of Discontinuance is made without trial or adjudication of any issue of fact or law.

Where the Massachusetts Attorney General's Office believes City Line and/or Poultry Products is not in compliance with terms of this Assurance of Discontinuance, prior to seeking judicial intervention, except when a temporary restraining order is sought, the Massachusetts Attorney General's Office shall notify City Line and/or Poultry Products of its concerns. The Massachusetts Attorney General's Office will provide ten (10) days for City Line and/or Poultry Products to respond after such notification, and the Massachusetts Attorney General's Office and City Line and/or Poultry Products shall meet and confer within two (2) weeks of such notification.

This Assurance of Discontinuance and any statements contained herein can only be used for purposes of enforcing compliance with this Assurance of Discontinuance and cannot be used otherwise as an admission by any defendant of any fact or principle of law or as evidence of any liability, fault, or wrongdoing; however, pursuant to Chapter 93A, § 5, any violation by Prime Source Foods of this Assurance of Discontinuance after it becomes effective shall constitute *prima facie* evidence of a violation of Chapter 93A, § 2(a), in any civil action or proceeding that hereafter may be commenced by the Commonwealth of Massachusetts or the Massachusetts Attorney General's Office against Prime Source Foods, and Prime Source Foods reserves any defenses to any such actions.

To the extent the terms of this Assurance of Discontinuance cite the Massachusetts Act to Prevent Cruelty to Farm Animals, or the implementing regulations under 330 CMR 35.00, as of the effective date of this Assurance of Discontinuance as set forth Section III(10) below, any changes or modifications to the Massachusetts Act to Prevent Cruelty to Farm Animals or the implementing regulations under 330 CMR 35.00 shall supersede and become incorporated into the corresponding terms of this Assurance of Discontinuance.

II. ALLEGED VIOLATIONS BY PRIME SOURCE FOODS

The Massachusetts Attorney General's Office alleges that:

1. Prime Source Foods is comprised of City Line Distributors LLC, with a principal place of business at 20 Industry Drive, West Haven, CT 06516, and maintaining an agent for service in the Commonwealth c/o National Registered Agents, Inc., 155 Federal Street, Ste. 700, Boston, MA 02110; and Poultry Products Company of New England LLC, with a principal place of business at 31 Jack's Bridge Road, Londonderry, NH 03053, and maintaining an agent for service in Massachusetts c/o McLane Middleton, Professional Association, 30 Trade Center, Ste. 7000, Woburn, MA 01801. Prime Source Foods is in the business of, among others, food distribution, selling proteins and provisions in New England and surrounding areas, including to customers in Massachusetts.

2. At various times, Prime Source Foods has promoted the sale of, offered for sale, and sold in Massachusetts: (i) meat of a breeding pig and/or calf raised for veal that was kept on a farm and confined so as to prevent such animal from lying down, standing up, fully extending limbs, or turning around freely, or of the immediate offspring of a breeding pig that was kept on a farm and confined so as to prevent such animal from lying down, standing up, fully extending limbs, or turning around freely; (ii) whole eggs in their shell form intended for use as human food and produced by an egg-laying chicken, turkey, duck, goose, or guinea fowl kept on a farm for the purpose of commercial egg

production and confined so as to prevent it from lying down, standing up, fully extending limbs, or turning around freely; and (iii) eggs, broken from their shells, of an egg-laying chicken, turkey, duck, goose, or guinea fowl kept on a farm for the purpose of commercial egg production, intended for human food, whether in liquid, solid, dried or frozen form, whether raw or cooked, and with the yolks and whites separated, mixed or mixed and strained, and not including combination food products, such as pancake mixes, cake mixes, cookies, pizzas, cookie dough, ice cream or other similar food products that are comprised of more than egg products, sugar, salt, water, seasoning, coloring, flavoring, preservatives, stabilizers and similar food additives, produced by such egg-laying hen that was confined so as to prevent it from lying down, standing up, fully extending limbs, or turning around freely. The foregoing sales contravened the requirements of the Massachusetts Act to Prevent Cruelty to Farm Animals.

3. As such, Prime Source Foods has engaged in unfair or deceptive acts and practices in Massachusetts in violation of Chapter 93A, by, without limitation: (i) gaining an unfair advantage in the marketplace over sellers that sold Covered Meat and Covered Eggs and Egg Products derived from animals that were not so confined due to the increased cost to produce compliant product, increased cost reflected in the price charged by purveyors selling product in compliance with the Massachusetts Act to Prevent Cruelty to Farm Animals; and (ii) making misleading statements about the manner in which such Covered Meat and Covered Eggs and Egg Products were sourced, including by marketing its non-compliant Covered Meat and Covered Eggs and Egg Products under the name “Prime Source Foods,” when on the contrary the source of such foods was not of the highest quality or value and was instead wholly unacceptable under Massachusetts law, and by representing in advertising that products it sells, including the products from farm animals confined in a cruel manner contrary to the requirements of the Massachusetts Act to Prevent Cruelty to Farm Animals, are “all natural,” even

though the source animals were raised in conditions that failed to accommodate natural behavior, and that its provisions “provid[e] superior selection,” even though the food products sold to Massachusetts customers failed to comport with the requirements adopted by Massachusetts residents as set forth in the Massachusetts Act to Prevent Cruelty to Farm Animals.

4. In making their purchasing decisions, Massachusetts consumers reasonably rely on the representations of purveyors of Covered Meat and Shell Eggs and Egg Products regarding the products they sell and on purveyors not selling Covered Meat and Shell Eggs and Egg Products that are produced in a manner that subjects the farm animals that are the source of such products to cruel confinement contrary to the requirements of the Massachusetts Act to Prevent Cruelty to Farm Animals.

III. ASSURANCES, ACCEPTANCE AND ADDITIONAL TERMS

1. Each of the Prime Source Foods entities, that is City Line and Poultry Products, voluntarily and knowingly is entering into this Assurance of Discontinuance by signing this document, where indicated below. Without admitting any of the above alleged violations of any law, each of City Line and Poultry Products, agrees to the provisions below. The Massachusetts Attorney General’s Office therefore accepts this Assurance of Discontinuance pursuant to Chapter 93A, § 5, in lieu of further proceedings.

2. Each of the Prime Source Foods entities hereby makes the following assurances:

A. Each of City Line and Poultry Products shall refrain from promoting, selling, and/or shipping to consumers in Massachusetts, other than for transshipment, any Whole Pork

Meat,¹ Whole Veal Meat,² Shell Eggs,³ and/or Egg Products,⁴ that do not comply with the Massachusetts Act to Prevent Cruelty to Farm Animals, as may from time to time be amended.

B. Each of City Line and Poultry Products shall use reliable and effective enterprise resource planning systems, as may be amended from time to time to improve their effectiveness (the “Prime Source Foods ERP Systems”) to manage and integrate controls to prevent the sale and shipment to customers in Massachusetts of Whole Pork Meat, Whole Veal Meat, Shell Eggs, and/or Egg Products, that do not comply with the Massachusetts Act to Prevent Cruelty to Farm Animals, as may from time to time be amended. Prime Source Foods hereby further assures the Commonwealth that it has created and has in place, and will maintain, effective mechanisms to exclude such products from availability for sale in Massachusetts as follows: (1)

¹ “Whole Pork Meat” is “[a]ny Uncooked cut of pork (including bacon, ham, chop ribs, riblet, loin, shank, leg, roast, brisket, steak, sirloin or cutlet) that is comprised entirely of Pork Meat, except for seasoning, curing agents, coloring, flavoring, preservatives and similar Meat additives. Whole Pork Meat does not include combination food products (including soups, sandwiches, pizzas, hot dogs or similar processed or prepared food products) that are comprised of more than Pork Meat, seasoning, curing agents, coloring, flavoring, preservatives and similar Meat additives.” Pork Meat is defined as the “Meat of a pig of the porcine species intended for use as human food.” Whole Pork Meat, Pork Meat, and Uncooked are defined in the Massachusetts Act to Prevent Cruelty to Farm Animals, 330 CMR 35.02 (Definitions); as of May 14, 2026.

² “Whole Veal Meat” is “[a]ny Uncooked cut of veal (including chop, ribs, riblet, loin, shank, leg, roast, brisket, steak, sirloin or cutlet) that is comprised entirely of Veal Meat, except for seasoning, curing agents, coloring, flavoring, preservatives and similar Meat additives. Whole Veal Meat does not include combination food products (including soups, sandwiches, pizzas, hot dogs or similar processed or prepared food products) that are comprised of more than Veal Meat, seasoning, curing agents, coloring, flavoring, preservatives and similar Meat additives.” Veal Meat is defined as the “Meat of a Calf Raised for Veal and intended for use as human food.” Whole Veal Meat, Veal Meat, Calf Raised for Veal, and Uncooked are defined in the Massachusetts Act to Prevent Cruelty to Farm Animals, 330 CMR 35.02 (Definitions); as of May 14, 2026.

³ “Shell Eggs” are “[a] whole egg of an Egg-laying Hen in its shell form, intended for use as human food.” An “Egg-laying Hen” is “[a]ny female domesticated chicken, turkey, duck, goose, or guinea fowl kept for the purpose of commercial egg production.” Both terms are defined in the Massachusetts Act to Prevent Cruelty to Farm Animals, 330 CMR 35.02 (Definitions); as of May 14, 2026.

⁴ “Egg Products” are “Eggs of an Egg-laying Hen broken from the shells, intended for human food, whether in liquid, solid, dried or frozen form, whether raw or cooked, and with the yolks and whites in their natural proportions or with the yolks and whites separated, mixed or mixed and strained; provided, however, that Egg Products shall not include combination food products, including pancake mixes, cake mixes, cookies, pizzas, cookie dough, ice cream or other similar food products that are comprised of more than Egg Products, sugar, salt, water, seasoning, coloring, flavoring, preservatives, stabilizers and similar food additives. Egg Products and Eggs of an Egg-laying Hen are defined in the Massachusetts Act to Prevent Cruelty to Farm Animals, 330 CMR 35.02 (Definitions); as of May 14, 2026.

the Prime Source Foods ERP Systems shall serve to restrict such non-compliant products from being displayed on any of City Line and Poultry Products's public-facing e-commerce sites for shipment to Massachusetts-based customers; (2) the Prime Source Foods ERP Systems shall serve to prevent sales associates and other employees of City Line and Poultry Products from adding such non-compliant products to orders for sales into Massachusetts; and (3) all product orders, notwithstanding how they are initiated, are and will be entered into the Prime Source Foods ERP Systems before entering Prime Source Foods' warehouse management system for allocation and shipping. If the Prime Source Foods ERP Systems detect that a non-compliant product is positioned to be shipped to a customer in Massachusetts, the Prime Source Foods ERP Systems will automatically remove all such non-compliant products from the order before the packing process begins.

C. Each of City Line and Poultry Products shall refrain from publishing or broadcasting any advertisements in Massachusetts that promote the sale of any Whole Pork Meat, Whole Veal Meat, Shell Eggs, and/or Egg Products, that do not comply with the Massachusetts Act to Prevent Cruelty to Farm Animals, as may from time to time be amended, including, without limitation, shall refrain from representing in any way, including without limitation by using pictures or other non-verbal communication devices, directly or by implication, that such non-compliant products are "all natural" or that Prime Source Foods provisions "provid[e] superior selection." Nothing in this paragraph shall preclude Prime Source Foods from publishing advertisements in Massachusetts regarding its offering for sale and selling Whole Pork Meat, Whole Veal Meat, Shell Eggs, and/or Egg Products, that comply with the Massachusetts Act to Prevent Cruelty to Farm Animals, as may from time to time be amended, as long as (i) any such representations are factually true and accurate, do not deceive

or mislead consumers, and Prime Source Foods possesses adequate substantiation consisting of competent and reliable evidence providing a reasonable basis to support any such claims, with such substantiation to be provided to the Massachusetts Attorney General's Office promptly upon written demand; or (ii) any such advertisements consist of non-actionable, aspirational statements in Massachusetts, as to which an explanation of the basis for asserting that such advertisements contain only non-actionable, aspirational statements shall be provided to the Massachusetts Attorney General's Office promptly upon written demand.

D. Each of City Line and Poultry Products shall promptly advise any successors and assigns, and any employees engaged or who later may be engaged in the promotion and/or sale of any Whole Pork Meat, Whole Veal Meat, Shell Eggs, and/or Egg Products in Massachusetts, of Prime Source Foods' obligations to comply with the Massachusetts Act to Prevent Cruelty to Farm Animals, as may from time to time be amended.

3. Acceptance of this Assurance of Discontinuance by the Massachusetts Attorney General's Office shall constitute satisfaction of any claims which could have been brought against City Line, Poultry Products, and/or any of their parent or affiliated companies, or any of their current or former principals, officers, directors, employees, agents, distributors, successors or assigns by the Massachusetts Attorney General's Office as of the date of such acceptance regarding Prime Source Foods' sale, provision, advertising, and marketing of Whole Pork Meat, Whole Veal Meat, Shell Eggs, and/or Egg Products in Massachusetts. The acceptance of this Assurance of Discontinuance by the Massachusetts Attorney General's Office shall not be deemed or construed as approval by the Massachusetts Attorney General's Office of any of Prime Source Foods' activities, and City Line and/or Poultry Products, and any of their subsidiaries, officers, employees, agents, and assigns, shall not make any representation to the contrary.

4. Nothing contained herein shall be construed to deprive any person of any existing private rights. Pursuant to Chapter 93A, § 5, evidence of a violation of this Assurance of Discontinuance shall be *prima facie* evidence of a violation of Chapter 93A, § 2(a) in any subsequent proceeding brought by the Massachusetts Attorney General. This Assurance of Discontinuance and any statements contained herein cannot be used as an admission by any defendant of any fact or of any principle of law, and Prime Source Foods otherwise disputes the allegations set forth herein.

5. Promptly after the execution of this Assurance of Discontinuance, City Line and Poultry Products shall inform in writing all of their employees who are senior leadership officers (CEO and President) or marketing managers involved in their business in Massachusetts of the relevant terms of this Assurance of Discontinuance, and shall, for a period of three years from the date of this Assurance of Discontinuance, promptly inform in writing all new employees who are senior leadership officers (CEO and President) or marketing managers involved in their business in Massachusetts, of the relevant terms of this Assurance of Discontinuance. Prime Source Foods shall within 10 business days of receipt of a written request by the Massachusetts Attorney General's Office provide suitable proof to the Massachusetts Attorney General's Office that such notice of the relevant terms of this Assurance of Discontinuance has been provided in accordance with this paragraph.

6. This Assurance of Discontinuance shall be binding on each of City Line and Poultry Products, and each's agents, servants, employees, and successors, whether by sale of assets, merger or otherwise.

7. Pursuant to G.L. c. 93A, § 5, City Line and Poultry Products, jointly and severally, shall pay to Massachusetts the sum of \$495,653 (the "AOD Payment Requirement"), representing Massachusetts's costs of investigation, reasonable attorneys' fees, and/or appropriate civil penalties in the matter. The AOD Payment Requirement shall be made by Electronic Funds Transfer ("EFT") to

Massachusetts in accordance with current EFT procedures, using the following account information:

Commonwealth of Massachusetts, Office of the Attorney General
ABA#: 011075150
ACCOUNT#: 00088882022
SANTANDER BANK
75 STATE STREET
BOSTON, MA 02109
TIN: 046002284

and shall include the following in the payment information: "EPD, Commonwealth v. City Line Distributors LLC, et al." Any payments received by the Commonwealth after 4:00 P.M. (Eastern Time) will be credited on the next business day. Such payment shall be made promptly upon the filing of this Assurance of Discontinuance with the Court. At the time of payment, Prime Source Foods shall send notice, by electronic mail, that such payment has been made to the Commonwealth to Assistant Attorney General I. Andrew Goldberg, Environmental Protection Division at andy.goldberg@mass.gov and shall include all payment information stated in this Paragraph in addition to the amount of the payment.

8. At her sole discretion, the Attorney General may use or distribute the payment described in the foregoing paragraph in any amount, allocation or apportionment and for any purpose permitted by law, including but not limited to: (a) payments to or for consumers and for the facilitation this Assurance; (b) payments to the General Fund of the Commonwealth of Massachusetts; (c) payments to the Local Consumer Aid Fund established pursuant to G.L. c. 12, § 11G; or (iv) for programs or initiatives in furtherance of the protection of the people of the Commonwealth.

9. This Assurance of Discontinuance may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same Assurance of Discontinuance. All notices and documents required by this Assurance of Discontinuance shall be provided in writing to the parties as follows, unless one party notifies the others in writing of a

new address or representative:

a. If to the Commonwealth:

I. Andrew Goldberg
Assistant Attorney General
Environmental Protection Division
Office of the Attorney General
One Ashburton Place, 18th Floor
Boston, MA 02108
andy.goldberg@mass.gov

b. If to either defendant

Eric P. Christofferson, Esq.
DLA Piper LLP (US)
33 Arch Street, 26th Floor
Boston, MA 02110-1447
eric.christofferson@us.dlapiper.com

10. This Assurance of Discontinuance shall be filed in the Superior Court of Suffolk County, Massachusetts. Pursuant to Chapter 93A, § 5, any violation by City Line and/or Poultry Products of this Assurance of Discontinuance after it becomes effective, shall constitute *prima facie* evidence of a violation of Chapter 93A, § 2(a), in any civil action or proceeding that hereafter may be commenced by the Commonwealth of Massachusetts or the Massachusetts Attorney General's Office. The terms of this agreement shall take effect as of the date this Assurance of Discontinuance is filed in the Superior Court of Suffolk County, Massachusetts, and shall continue for a period of ten (10) years

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from the date this Assurance of Discontinuance is entered on the docket, at which point this Assurance of Discontinuance shall automatically become null and void and have no further force and effect.

Dated: June 30, 2026

CITY LINE DISTRIBUTORS LLC
a/k/a PRIME SOURCE FOODS
a/k/a NAVIS FOOD PARTNERS

COMMONWEALTH OF MASSACHUSETTS

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

- and -

POULTRY PRODUCTS COMPANY
OF NEW ENGLAND LLC
a/k/a PRIME SOURCE FOODS
a/k/a NAVIS FOOD PARTNERS

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