IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT INDEPENDENCE
(EC)

STATE OF MISSOURI, ex rel., Attorney General Catherine L. Hanaway,	)	
Plaintiff,	)	Case No.: 2616-CV37161
v.	)	
THOOLI LLC d/b/a HERB DEPOT,	)	
Defendant.	)	

FIRST AMENDED PETITION FOR
INJUNCTION, CIVIL PENALTIES, AND OTHER RELIEF

I. INTRODUCTION

1. The days of "hemp shops" masquerading as legal marijuana dispensaries are over in Missouri. For too long, these shops have used deceptive tactics designed to make it difficult—if not impossible—for Missourians to distinguish their unregulated hemp businesses from state-licensed marijuana businesses. These shops offer intoxicating products that look and smell like marijuana; they refer to those products as cannabis; and they set up their stores to mimic—and even call them—dispensaries. Even worse, in some cases, including this one, these shops go one step further by actually advertising, selling, and offering for sale marijuana. Missourians sought to prevent this exact type of conduct when they voted to legalize adult-use marijuana under a comprehensive regulatory system designed to "protect public health by ensuring the safety of marijuana and products containing marijuana." Mo. Const. Art. XIV, § 2.1.

2. Defendant Thooli LLC d/b/a Herb Depot brands itself as a "dispensary," which creates the false impression that it is a licensed, state-regulated marijuana dispensary facility. It is not. In addition, despite being limited by federal and state law to selling "hemp," Herb Depot refers to a category of its products as "cannabis," which, when combined with its "dispensary" moniker, deceptively suggests that its unregulated products have been approved by the Department of Health and Senior Services ("DHSS"). They have not. And on top of that, Herb Depot operates true to its name by openly advertising, selling, and offering to sell marijuana to Missouri consumers. Herb Depot therefore is just like any other illegal drug dealer; the only difference is that it reassures its customers with *inaccurate* lab test results and falsely claims that those results show its unregulated marijuana products are federally legal. They are not.

3. The State brings this action to stop Herb Depot's unlawful practices, which threaten irreparable harm to the public's wellbeing.

II. PARTIES

4. Plaintiff Catherine L. Hanaway is the Attorney General of the State of Missouri and brings this action on behalf of the State of Missouri pursuant to Chapter 407 of the Revised Statutes of Missouri.

5. Defendant Thooli LLC d/b/a Herb Depot is a Missouri limited liability with its principal place of business at 12500 E. Highway 40, Independence, Missouri 64055.

III. JURISDICTION AND VENUE

6. This Court has subject matter jurisdiction pursuant to Article V, § 14 of the Missouri Constitution and § 478.070, RSMo.

7. This Court also has subject matter jurisdiction pursuant to the Missouri Merchandising Practices Act (MMPA), specifically § 407.100, RSMo, which authorizes the Attorney General to seek injunctive relief, civil penalties, and other relief against those who have violated, are violating, or are about to violate the MMPA.

8. This Court further has subject matter jurisdiction pursuant to § 195.253, RSMo, and § 195.310, RSMo, which, together, authorize the Attorney General to bring a suit in equity to enjoin any store, shop, building, or other structure or place that is being used for the purpose of possessing, keeping, transporting, distributing, or manufacturing controlled substances.

9. This Court has personal jurisdiction over Herb Depot pursuant to § 506.500.1, RSMo, because the causes of action set forth in this Petition arise from Herb Depot's transaction of business within Missouri and its use and possession of real estate situated in Missouri, specifically its business operations within Missouri, including its online operations through the website herbdepotcannabis.com and its brick-and-mortar operations at the premises commonly known as 12500 E. Highway 40, Independence, Missouri 64055.

10. Venue is proper in this Court pursuant to § 407.100.7, RSMo, which provides that "[a]ny action under this section may be brought in the county in which the defendant resides, in which the violation alleged to have been committed occurred, or in which the

defendant has his principal place of business." Herb Depot has its principal place of business in Jackson County and has, in Jackson County, violated the provisions of Chapter 407 of the Revised Statutes of Missouri.

11. Venue is also proper in this Court because the Herb Depot store that constitutes a public nuisance—and that the State seeks to enjoin from continuing to be used to illegally possess, keep, and distribute controlled substances—is located in Jackson County. § 195.310, RSMo.

12. Venue is further proper in this Court because Herb Depot is a resident of this state and resides in Jackson County. § 508.010.2(1), RSMo.

IV. BACKGROUND

Federal Law

13. Federal law distinguishes between "marijuana," "hemp," and "cannabis."

14. For purposes of simplicity, under current federal law:

a. "Marijuana" means any part of the plant Cannabis sativa L. with a delta-9 tetrahydrocannabinol ("delta-9 THC") concentration of *more than* 0.3% on a dry weight basis, 21 U.S.C. § 802(16);

b. "Hemp" means any part of that plant with a delta-9 THC concentration of *not more than* 0.3% on a dry weight basis, 7 USC § 1639*o*; and

c. "Cannabis" refers to any form of that plant with a delta-9 THC concentration that *has not yet been determined*, 7 C.F.R. § 990.1.

15. At the federal level, hemp is legal, but marijuana and cannabis—at least until its delta-9 THC concentration has been determined to be not more than 0.3% on a dry weight basis, at which point it is hemp and no longer cannabis—are not. *See* 21 U.S.C. § 812.

16. Federal law requires that lab tests for hemp products be conducted using post-decarboxylation testing methodology or other similarly reliable methods that consider "the potential conversion of THCA [a/k/a THC-acid] in hemp into THC." 7 C.F.R. § 990.25(g). In addition, federal law further requires that lab test results for hemp products "reflect the total available THC derived from the sum of the THC and THCA content." *Id.*

17. Federal law provides a formula for calculating the post-decarboxylation total THC in hemp products, which is: Total THC = delta-9 THC + (THCA * 0.877). 7 C.F.R. § 990.1.

Missouri Law

18. Consistent with federal law, Missouri law distinguishes between hemp (which Missouri calls "industrial hemp"), on the one hand, and marijuana, on the other hand, based on delta-9 THC concentration. If a product's delta-9 THC concentration does not exceed 0.3% on a dry weight basis, it is hemp; otherwise, it is marijuana. *See* Mo. Const. art. XIV, § 2.2; § 195.010(24), RSMo; 19 CSR 100-1.010(48) (Division of Cannabis Regulation's marijuana regulations).

19. As relevant in this case, Missouri differs from federal law only in how it treats marijuana: In Missouri, like many other states, the purchase, possession, and

consumption of marijuana by persons over 21 years of age is legal. *See* Mo. Const. art. XIV, § 2.10.

20. The only businesses legally permitted to sell marijuana or cannabis to consumers in Missouri using the name "dispensary" are ones licensed by DHSS. *See, e.g.*, Mo. Const. art. XIV, § 2.2.

V. FACTUAL ALLEGATIONS

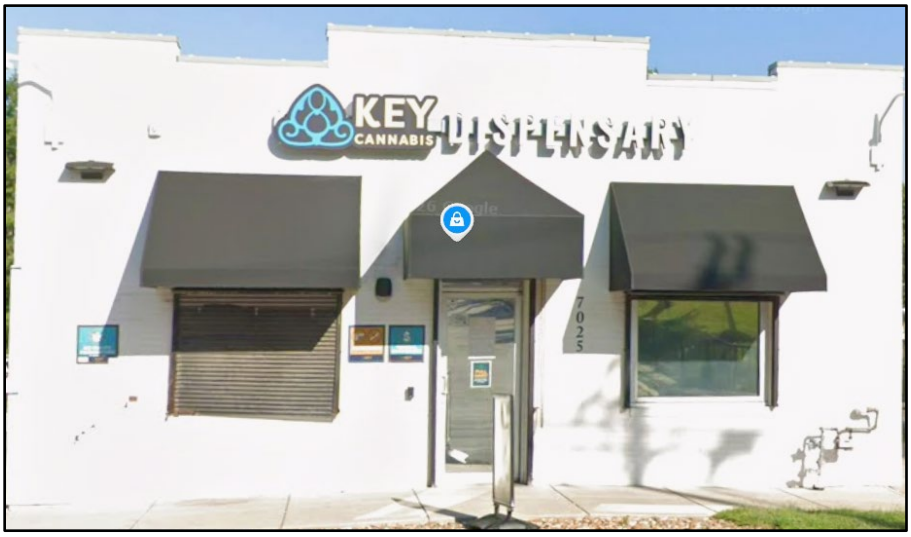
21. Herb Depot is not licensed by DHSS to sell or dispense marijuana or cannabis at any place. Despite not being licensed to do so, Herb Depot operates a "cannabis dispensary" in Jackson County, Missouri at 12500 E. Highway 40, Independence, Missouri 64055.

22. Photographs of Herb Depot's Independence store are reproduced below.



23. By hanging signage declaring its store to be a "cannabis dispensary," Herb Depot creates the impression that it is a state-licensed marijuana dispensary, as evidenced by the similarities of its storefront to those of actual state-licensed marijuana dispensaries in Jackson County, such as Key Cannabis Dispensary.

24. A representative photograph of a Key Cannabis Dispensary store in Kansas City is reproduced below.



25. In addition to its physical dispensary in Missouri, Herb Depot maintains a website—herbdepotcannabis.com—which can be and has been accessed from within the state of Missouri.

26. Herb Depot boasts on its website that "HerbDepotCannabis is built on trust – from carefully curated strains to rigorous lab testing, every product is chosen to deliver safe, consistent effects."

27. Herb Depot's website offers consumers the ability to purchase its products online for pickup at its cannabis dispensary in Jackson County, Missouri.

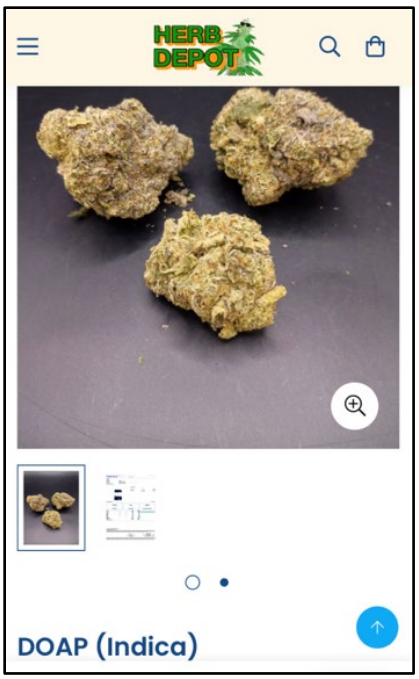
28. For most products advertised, sold, and offered for sale on Herb Depot's website, Herb Depot includes photographs of the products along with the lab test results for those products, which purportedly establish that the products are hemp with a delta-9 THC concentration of 0.3% or less on a dry weight basis.

29. Upon information and belief, despite representing to consumers that the lab test results on its website demonstrate that its products are "safe," Herb Depot does not perform any due diligence to verify the accuracy of those results.

30. Herb Depot's lack of due diligence is evidenced by the lab test results themselves because, as can be gleaned from the face of those results, numerous products advertised, sold, and offered for sale by Herb Depot are not hemp but, rather, are marijuana with a delta-9 THC concentration greater than 0.3% on a dry weight basis.

31. In other words, Herb Depot is currently advertising, selling, and offering for sale marijuana products to Missouri consumers in violation of federal and Missouri laws and regulations.

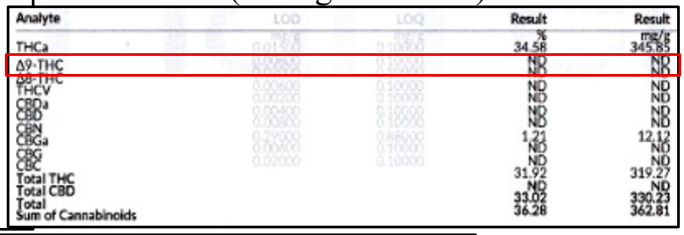
32. For instance, one product that Herb Depot is advertising, selling, and offering for sale to Missouri consumers is a flower strand called "DOAP," a photograph of which is reproduced on the next page.



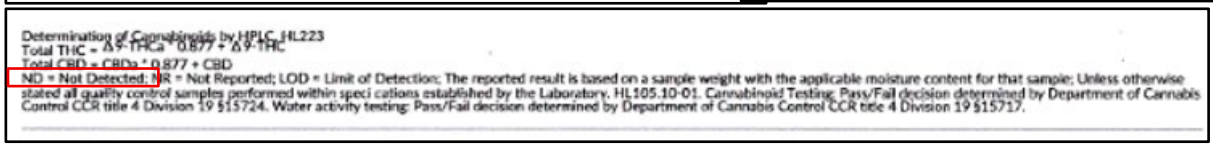
33. In addition to the image of DOAP, Herb Depot's website contains the lab test results for DOAP, which report that DOAP does not have a detectable delta-9 THC concentration.



(Enlarged Results)



Analyte	Result %	Result mg/g
THCa	34.58	345.85
Δ9-THC	ND	ND
Δ8-THC	ND	ND
THCV	ND	ND
CBDa	ND	ND
CBD	ND	ND
CBN	ND	ND
CBGa	1.21	12.12
CBG	ND	ND
CBC	ND	ND
Total THC	31.92	319.27
Total CBD	ND	ND
Total Sum of Cannabinoids	33.02 36.28	330.23 362.81



34. Despite the lab test results not reporting DOAP's delta-9 THC concentration, the results do report DOAP's THCA concentration as being 34.58% and its total THC concentration as being 31.92%. With that reported information, DOAP's delta-9 THC concentration can be calculated using the formula provided by federal law, which is also contained on the bottom of the lab test results, as follows:

Total THC = **delta-9 THC%** + (THCA * 0.877)

31.92% = **delta-9 THC%** + (34.58% * 0.877)

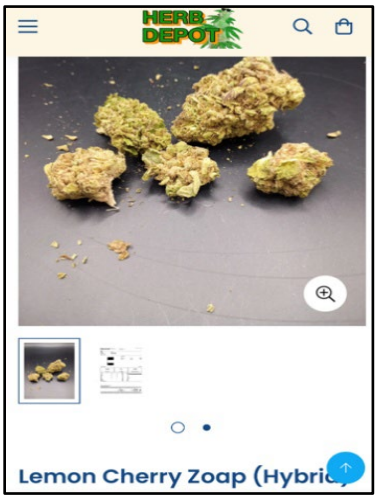
31.92% = **delta-9 THC%** + 30.32666%

31.92% - 30.32666% = **delta-9 THC%**

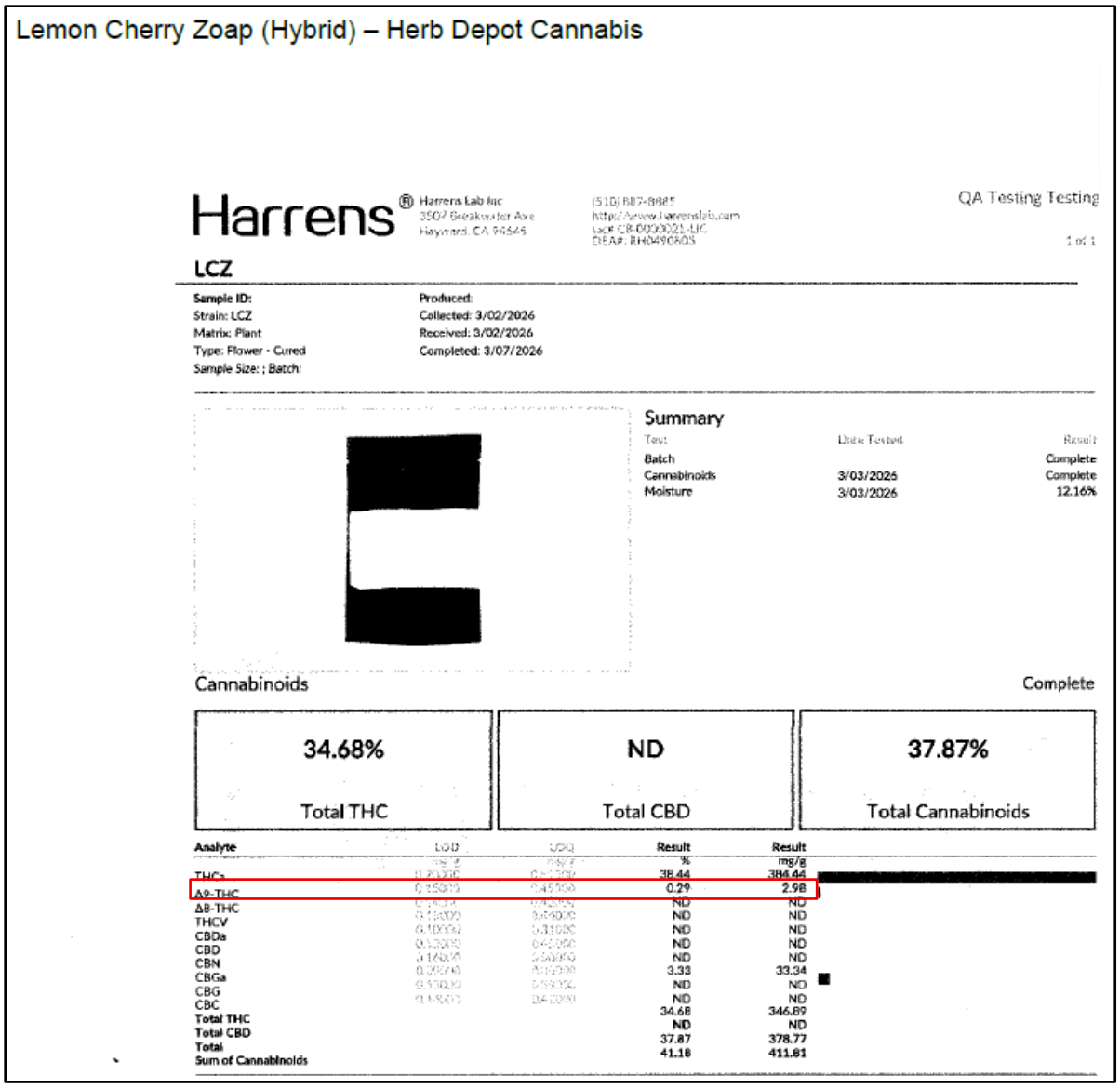
1.59334% = **delta-9 THC%**

35. As this demonstrates, DOAP is marijuana under federal and Missouri law because it has a delta-9 THC concentration of *more than* 0.3% on a dry weight basis.

36. Other examples on Herb Depot's website are more egregious because the lab test results for numerous products affirmatively—and falsely— report that the products' delta-9 THC concentration does not exceed 0.3% on a dry weight basis. One such product is a flower strand called "Lemon Cherry Zoap," a photograph of which is reproduced below.



37. The lab test results contained on Herb Depot's website for Lemon Cherry Zoap report that Lemon Cherry Zoap has a delta-9 THC concentration of 0.29%.



Lemon Cherry Zoap (Hybrid) – Herb Depot Cannabis

Harrens® Harrens Lab Inc
3927 Breakwater Ave
Hayward, CA 94545
(510) 887-8885
http://www.harrenslab.com
Lic# C8-0000021-LIC
DEA#: RH0490605

QA Testing Testing

1 of 1

LCZ

Sample ID:
Strain: LCZ
Matrix: Plant
Type: Flower - Cured
Sample Size: ; Batch:

Produced:
Collected: 3/02/2026
Received: 3/02/2026
Completed: 3/07/2026

Summary

Test	Date Tested	Result
Batch		Complete
Cannabinoids	3/03/2026	Complete
Moisture	3/03/2026	12.16%

Cannabinoids — Complete

34.68%	ND	37.87%
Total THC	Total CBD	Total Cannabinoids

Analyte	LOD	LOQ	Result %	Result mg/g
THCa	[illegible]	[illegible]	38.44	384.44
Δ9-THC	[illegible]	[illegible]	0.29	2.98
Δ8-THC	[illegible]	[illegible]	ND	ND
THCV	[illegible]	[illegible]	ND	ND
CBDa	[illegible]	[illegible]	ND	ND
CBD	[illegible]	[illegible]	ND	ND
CBN	[illegible]	[illegible]	ND	ND
CBGa	[illegible]	[illegible]	3.33	33.34
CBG	[illegible]	[illegible]	ND	ND
CBC	[illegible]	[illegible]	ND	ND
Total THC			34.68	346.89
Total CBD			ND	ND
Total			37.87	378.77
Sum of Cannabinoids			41.18	411.81

38. However, the formula provided by federal law, which is also contained on the bottom of the lab test results, shows that the delta-9 THC concentration for Lemon Cherry Zoap reported on the results is inaccurate, as follows:

Total THC = **delta-9 THC%** + (THCA * 0.877)

34.68% = **delta-9 THC%** + (38.44% * 0.877)

34.68% = **delta-9 THC%** + 33.71188%

34.68% - 33.71188% = **delta-9 THC%**

0.96812% = **delta-9 THC%**

39. Thus, like DOAP, Lemon Cherry Zoap is marijuana under federal and Missouri law because it has a delta-9 THC concentration of more than 0.3% on a dry weight basis.

40. Additional marijuana products that Herb Depot is falsely advertising, selling, and offering for sale as hemp based on lab test results inaccurately reporting a delta-9 THC concentration that does not exceed 0.3% on a dry weight basis include the following: (a) AK 47 flower; (b) Gelonade flower; (c) Lemon Tree flower; (d) LCG4 1 gram pre-roll; (e) Berry Drip concentrate; (f) Oreoz concentrate; (g) Cherry Bomb concentrate; (h) OG Morrocan hash; (i) Cookie Morrocan hash; (j) Gush Mintz Static hash; (k) Lemon Cherry Gelato 2 gram vape; (l) Gumbo 2 gram vape; (m) Lip Smacker 2 gram vape; (n) Golden Ticket 2 gram vape; and (o) Coochie Runtz 2 gram vape.

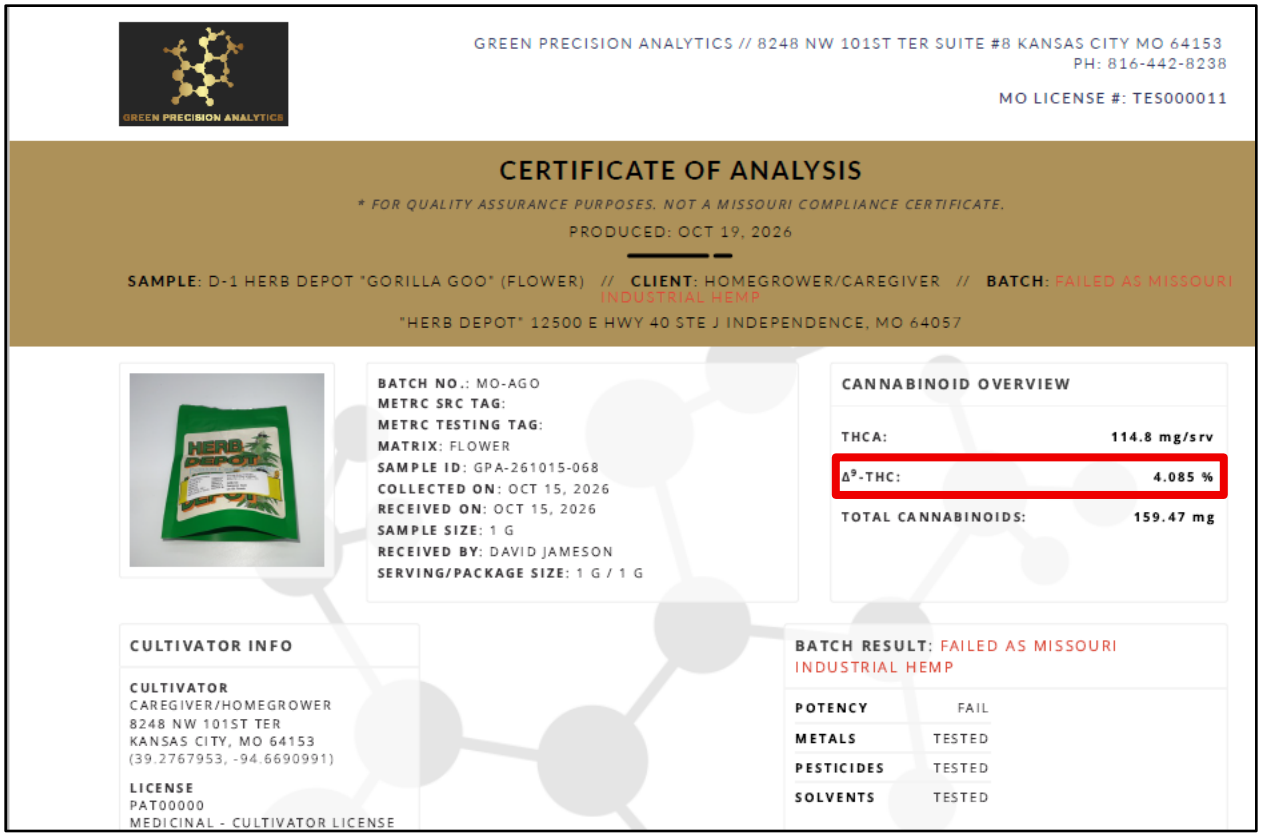
41. The Attorney General's Office recently confirmed that Herb Depot is selling and offering for sale marijuana at its store in Jackson County, Missouri at 12500 E. Highway 40, Independence, Missouri 64055 by having its investigators make undercover purchases at that store and send those products to a state-licensed lab for testing.

42. On or about October 8, 2026, investigators purchased two randomly selected "hemp flower" products from Herb Depot's Jackson County store: (a) a hybrid strand called "Gorilla Goo"; and (b) a hybrid strand called "Ameretto Di Limon."

43. On the packaging for the Gorilla Goo product, Herb Depot represented that the product had a delta-9 THC concentration of 0.21% on a dry weight basis.



44. That representation was false, as reflected by lab test results that show Herb Depot's Gorilla Goo product is not hemp flower, as advertised, but rather is marijuana flower with a delta-9 THC concentration of more than 10 times the legal maximum for hemp products, as shown on the next page.



GREEN PRECISION ANALYTICS // 8248 NW 101ST TER SUITE #8 KANSAS CITY MO 64153
PH: 816-442-8238

MO LICENSE #: TES000011

CERTIFICATE OF ANALYSIS

* FOR QUALITY ASSURANCE PURPOSES. NOT A MISSOURI COMPLIANCE CERTIFICATE.

PRODUCED: OCT 19, 2026

SAMPLE: D-1 HERB DEPOT "GORILLA GOO" (FLOWER) // CLIENT: HOMEGROWER/CAREGIVER // BATCH: FAILED AS MISSOURI INDUSTRIAL HEMP

"HERB DEPOT" 12500 E HWY 40 STE J INDEPENDENCE, MO 64057

BATCH NO.: MO-AGO
METRC SRC TAG:
METRC TESTING TAG:
MATRIX: FLOWER
SAMPLE ID: GPA-261015-068
COLLECTED ON: OCT 15, 2026
RECEIVED ON: OCT 15, 2026
SAMPLE SIZE: 1 G
RECEIVED BY: DAVID JAMESON
SERVING/PACKAGE SIZE: 1 G / 1 G

CANNABINOID OVERVIEW

THCA:	114.8 mg/srv
Δ9-THC:	4.085 %
TOTAL CANNABINOIDS:	159.47 mg

CULTIVATOR INFO

CULTIVATOR
CAREGIVER/HOMEGROWER
8248 NW 101ST TER
KANSAS CITY, MO 64153
(39.2767953, -94.6690991)

LICENSE
PAT00000
MEDICINAL - CULTIVATOR LICENSE

BATCH RESULT: FAILED AS MISSOURI INDUSTRIAL HEMP

POTENCY	FAIL
METALS	TESTED
PESTICIDES	TESTED
SOLVENTS	TESTED

45. The packaging for the Ameretto Di Limon product did not disclose any delta-9 THC content at all.



46. The lab test results below show that Herb Depot's Ameretto Di Limon product is marijuana flower with a delta-9 THC concentration of more than 9% on a dry weight basis—over 30 times the legal maximum for hemp products.



GREEN PRECISION ANALYTICS // 8248 NW 101ST TER SUITE #8 KANSAS CITY MO 64153
PH: 816-442-8238
MO LICENSE #: TES000011

CERTIFICATE OF ANALYSIS

* FOR QUALITY ASSURANCE PURPOSES. NOT A MISSOURI COMPLIANCE CERTIFICATE.

PRODUCED: OCT 19, 2026

SAMPLE: D-2 "ADL 4.5G" (FLOWER) // CLIENT: HOMEGROWER/CAREGIVER // BATCH: FAILED AS MISSOURI INDUSTRIAL HEMP

"HERB DEPOT" 12500 E HWY 40 STE J INDEPENDENCE, MO 64057

BATCH NO.: MO-AGO
METRC SRC TAG:
METRC TESTING TAG:
MATRIX: FLOWER
SAMPLE ID: GPA-261015-072
COLLECTED ON: OCT 15, 2026
RECEIVED ON: OCT 15, 2026
SAMPLE SIZE: 1 G
RECEIVED BY: DAVID JAMESON
SERVING/PACKAGE SIZE: 1 G / 1 G

CANNABINOID OVERVIEW

THCA:	156.8 mg/srv
Δ^9-THC:	9.422 %
TOTAL CANNABINOIDS:	253.54 mg

CULTIVATOR INFO

CULTIVATOR
CAREGIVER/HOMEGROWER
8248 NW 101ST TER
KANSAS CITY, MO 64153
(39.2767953, -94.6690991)

LICENSE
PAT00000

BATCH RESULT: FAILED AS MISSOURI INDUSTRIAL HEMP

POTENCY	FAIL
METALS	TESTED
PESTICIDES	TESTED
SOLVENTS	TESTED

VI. CAUSES OF ACTION

Count One:
Violation of the Missouri Merchandising Practices Act
Unlawful Unfair Practices

47. The State incorporates by reference all other allegations in this Petition as if fully set forth herein.

48. The Missouri Merchandising Practices Act ("MMPA") makes it unlawful for any person to engage in any deceptive or unfair practice in connection with the sale or advertisement of merchandise in trade or commerce in or from the State of Missouri,

regardless of whether such practice is committed before, during, or after the sale or advertisement. § 407.020.1, RSMo.

49. As a for-profit business entity, Herb Depot is a "person" within the meaning of the MMPA. § 407.010(5), RSMo.

50. The marijuana and hemp products that Herb Depot advertises, sells, and offers for sale constitute "merchandise" for purposes of the MMPA. § 407.010(4), RSMo.

51. Herb Depot's acts of selling and offering for sale marijuana and hemp to consumers are each a "sale" within the meaning of the MMPA. § 407.010(6), RSMo.

52. Herb Depot's signage on its storefront, as well as the contents of its website, are "advertisements" for purposes of the MMPA because they are used to induce, directly or indirectly, persons to acquire merchandise as defined under the MMPA. § 407.010(1), RSMo.

53. Herb Depot's advertisements, sales, and offers for sale of marijuana and hemp are in trade or commerce in or from the State of Missouri, including because they directly or indirectly affect the people of Missouri. § 407.010(7), RSMo.

54. It is an unfair practice under the MMPA to engage in any practice which violates state or federal law intended to protect the public, and presents a risk of or causes substantial injury to consumers. 15 CSR 60-8.090.

55. It is also an unfair practice under the MMPA to engage in any practice which offends any public policy as it has been established by the Constitution, statutes, or common law of this state, and presents a risk of or causes substantial injury to consumers. 15 CSR 60-8.020.

56. Herb Depot's conduct of advertising, selling, and offering for sale marijuana without a license from DHSS is an unfair practice under the MMPA because it offends the public policy established by Article XIV of the Missouri Constitution, Chapter 195 of the Revised Statutes of Missouri, and the Missouri Division of Cannabis's Marijuana Regulations; because it is a violation of the federal Controlled Substances Act and Chapter 579 of the Revised Statutes of Missouri, both of which are intended to protect the public; and because it presents a risk of substantial injury to Missouri consumers.

57. Advertising, selling, and offering for sale marijuana products, while falsely claiming they are hemp products, presents a risk of substantial injury to consumers because consumers are misled into believing that such products are less potent than they actually are.

58. Advertising, selling, and offering for sale marijuana products, while falsely claiming they are hemp products, presents a risk of substantial injury to consumers because consumers are misled into believing that such products are federally legal, when they are not.

59. Advertising, selling, and offering for sale marijuana without a license from, or regulation by, DHSS presents a risk of substantial injury to consumers because marijuana obtained from illicit sources is of uncertain quality and safety and is not subject to testing by a marijuana testing facility, as defined in the Missouri Constitution, to ensure public health, and may contain undisclosed types or concentrations of psychoactive substances, as was the case with the products that the Attorney General's investigators purchased from Herb Depot's store in Jackson County.

60. Herb Depot's conduct of advertising itself as a "cannabis dispensary" is also an unfair practice under the MMPA because it offends the public policy established by Article XIV of the Missouri Constitution, Chapter 195 of the Revised Statutes of Missouri, and the Missouri Division of Cannabis's Marijuana Regulations.

61. The Missouri Constitution and the Missouri Division of Cannabis's Marijuana Regulations establish the public policy of the state of Missouri to limit the category of businesses legally permitted to sell marijuana or cannabis to consumers using the name "dispensary" to those that are licensed by DHSS. Mo. Const. art. XIV, § 2.2; 19 CSR 100-1.180.

62. Chapter 195 of the Revised States of Missouri further establishes the public policy of the state of Missouri to confine the use of the term "dispense" to connote the delivery of narcotics or controlled dangerous drugs, including Schedule I controlled substances like marijuana. *See* § 195.010(12), RSMo; § 195.017.2(5)(ff).

63. Herb Depot's conduct of advertising itself as a "cannabis dispensary" without a license from, or regulation by, DHSS presents a risk of substantial injury to consumers—who are given the opposite impression—because Herb Depot's unregulated marijuana and hemp products are obtained from sources that are not subject to oversight by DHSS.

64. Because Herb Depot's practices, as set forth in this count, are unfair and thus unlawful under the MMPA, § 407.020.1, RSMo, the State is entitled to injunctive relief and civil penalties pursuant to § 407.100, RSMo.

65. Herb Depot's unfair and unlawful practices, including those that flout the State's marijuana laws and regulations, irreparably harm the public's health and safety,

which cannot be adequately compensated by money damages, thus leaving the State without an adequate remedy at law.

Count Two:
Violation of the Missouri Merchandising Practices Act
Unlawful Deceptive Practices

66. The State incorporates by reference all other allegations in this Petition as if fully set forth herein.

67. Under the MMPA, "[d]eception is any method, act, use, practice, advertisement or solicitation that has the tendency or capacity to mislead, deceive, or cheat, or that tends to create a false impression." 15 CSR 60-9.020(1).

68. By representing that the lab test results on its website demonstrate that its products are "safe," Herb Depot has engaged in a deceptive practice because the lab test results are false and have the tendency or capacity to mislead and deceive consumers and create a false impression that the lab test results accurately represent the cannabinoid concentration of the products at issue, when they do not.

69. By failing to perform any due diligence to verify the accuracy of the lab test results on its website, Herb Depot has engaged in a deceptive practice because the lab test results are false and have the tendency or capacity to mislead and deceive consumers and create a false impression that the products Herb Depot is advertising, selling, and offering for sale are hemp, when, in truth and in fact, those products are marijuana.

70. By misrepresenting the contents of its products on its packaging, Herb Depot has engaged in a deceptive practice because the information on its packaging is false and has the tendency or capacity to mislead and deceive consumers and create a false

impression that its products have cannabinoid concentrations and, therefore, physical effects, materially different from those they actually do have.

71. By failing to perform any due diligence to verify the accuracy of the information on its packaging, Herb Depot has engaged in a deceptive practice because the information on its packaging is false and has the tendency or capacity to mislead and deceive consumers and create a false impression that the products Herb Depot is advertising, selling, and offering for sale are hemp, when, in truth and in fact, those products are marijuana.

72. Herb Depot has also engaged in a deceptive practice by referring to hemp and marijuana products that it advertises, sells, and offers for sale as "cannabis." Such advertisements are deceptive, unethical, and have the tendency to mislead and deceive consumers because consumers may believe that such products (a) are not legally categorized as marijuana, when they are; (b) are state-regulated marijuana subject to Missouri's constitutional, statutory, and regulatory requirements, assuring quality and safety, when they are not; and/or (c) are sold by a licensed dispensary subject to oversight by DHSS, when they are not. In these ways, such representations tend to create a false impression in the minds of Missouri consumers.

73. Herb Depot has further engaged in a deceptive practice by calling itself a "dispensary" because doing so is deceptive, unethical, and has the tendency or capacity to mislead and deceive consumers and create a false impression that Herb Depot is licensed and regulated by DHSS and therefore permitted to sell marijuana, when it is not.

74. Because Herb Depot's practices, as set forth in this count, are deceptive and therefore unlawful under the MMPA, § 407.020.1, RSMo, the State is entitled to injunctive relief and civil penalties pursuant to § 407.100, RSMo.

75. Herb Depot's deceptive and unlawful practices, including those that flout the State's marijuana laws and regulations, irreparably harm the public's health and safety, which cannot be adequately compensated by money damages, thus leaving the State without an adequate remedy at law.

Count Three:
Statutory Drug-Den Public Nuisance

76. The State incorporates by reference all other allegations in this Petition as if fully set forth herein.

77. In Missouri, drug dens are, by statute, *per se* public nuisances. Under § 195.253.1, RSMo, "[a]ny store, shop, warehouse, dwelling, building, vehicle, boat, aircraft, or other structure or place, which is resorted to for the purpose of possessing, keeping, transporting, distributing or manufacturing controlled substances shall be deemed a public nuisance."

78. For purposes of § 195.253, RSMo, a "controlled substance" is "a drug, substance, or immediate precursor in Schedules I through V listed in" Chapter 195 of the Revised Statutes of Missouri. § 195.010(6), RSMo.

79. Under § 195.017, marijuana is classified as a Schedule I controlled substance. § 195.017.2(5)(ff), RSMo.

80. Herb Depot possesses, keeps, and distributes marijuana at the premises commonly known as 12500 E. Highway 40, Independence, Missouri 64055 (the "Premises").

81. Missouri law authorizes the Attorney General to "prosecute a suit in equity to enjoin" such a drug-den public nuisance. § 195.253.2, RSMo.

82. § 195.310, RSMo, authorizes this Court to restrain or enjoin violations of sections 195.010 to 195.320 of the Revised Statutes of Missouri, including the public nuisance prohibition in section 195.253.

83. Herb Depot knew, and had reason to believe, that it was (and is) illegally selling marijuana from the Premises, including because in or around March 2026 the Attorney General demanded that Herb Depot cease and desist from selling or offering for sale all products with a delta-9 THC concentration of more than 0.3% on a dry weight basis.

84. Herb Depot's possession and distribution of illegal marijuana at the Premises irreparably harms the public's health and safety, which cannot be adequately compensated by money damages, thus leaving the State without an adequate remedy at law.

VII. PRAYER FOR RELIEF

WHEREFORE, the State prays that this Court enter judgment:

(a) Finding that Herb Depot violated the Missouri Merchandising Practices Act, § 407.020, RSMo, *et seq.*;

(b) Issuing a temporary restraining order, preliminary injunction, and permanent injunction, pursuant to § 407.100, RSMo, prohibiting, restraining, and enjoining Herb Depot and its officers, agents, servants, employees and

attorneys, as well as those persons in active concert or participation with them who receive actual notice, from engaging in the unlawful practices described above, including: from advertising, selling, or offering for sale marijuana (including specifically, but without limitation, flower products at the Premises whatsoever); from advertising, selling, or offering for sale any products without performing due diligence to verify the accuracy of the information on its packaging; from representing that the lab test results on its website demonstrate that its products are safe; from advertising, selling, or offering for sale so-called hemp products without performing due diligence to verify the accuracy of the lab test results for those products; from referring to its business or operations as a dispensary or cannabis dispensary; and from referring to its products as cannabis.

(c) Requiring Herb Depot, pursuant to § 407.100.6, RSMo, to pay the State of Missouri a civil penalty of $1,000.00 per violation of the Missouri Merchandising Practices Act that the Court finds to have occurred.

(d) Requiring Herb Depot, pursuant to § 407.130, RSMo, to pay all court, investigative, and prosecution costs of this case.

(e) Requiring Herb Depot, pursuant to § 408.040, RSMo, to pay pre- and post-judgment interest.

(f) Finding that Herb Depot has used its cannabis dispensary at the Premises (12500 E. Highway 40, Independence, Missouri 64055) for the purpose of possessing, keeping, and distributing a controlled substance, *to wit*,

marijuana, and, therefore, that the store is a public nuisance under § 195.253.1, RSMo.

(g) Issuing a temporary restraining order, preliminary injunction, and permanent injunction, pursuant to § 195.253.2, RSMo, and § 195.310, RSMo, ordering that Herb Depot's cannabis dispensary at the Premises (12500 E. Highway 40, Independence, Missouri 64055) not be used to distribute any marijuana, cannabis, or so-called hemp products unless and until the public nuisance at the Premises is abated by Herb Depot having those products tested by a state-licensed lab to determine which, if any, of those products are hemp, rather than marijuana, and destroying all marijuana at the Premises.

(h) Granting such other and further relief as the Court deems just and proper.

VIII. JURY DEMAND

The State demands a trial by jury on all issues so triable.

Dated: October 30, 2026

Respectfully submitted,

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