

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

Tonya Akes, individually and on behalf of all  
others similarly situated,

Case No. 3:22-cv-869

*Plaintiff,*

v.

Beiersdorf, Inc.

**JURY TRIAL DEMANDED**

**JULY 11, 2022**

*Defendant.*

**Class Action Complaint**

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**I. Introduction.**

1. Defendant makes, distributes, sells, and markets “Coppertone Sport Mineral” sunscreen. Defendant sells several products in the “Coppertone Sport Mineral” line. One of those products, the “Coppertone Sport Mineral FACE” lotion, is prominently labelled “FACE.” The front of the product also prominently touts that the sunscreen “Won’t Run Into Eyes” and is “Oil Free.”



2. These prominent representations lead reasonable consumers to believe that the Sport Mineral FACE lotion is specifically designed for the face. And based on this reasonable belief, they are willing to pay more for the product. In fact, per ounce, the Sport Mineral FACE

lotion costs twice as much as Coppertone's regular (i.e., non-face) Sport Mineral lotion. But reasonable consumers buy it anyway, because they want a product that is specifically formulated for use on their face.

3. The truth, however, is that the Coppertone Sport Mineral FACE lotion is exactly the same as the regular Coppertone Sport Mineral lotion. Defendant is putting the same sunscreen into two different bottles with different labels. Consumers are being deceived and overcharged.

## **II. Parties.**

4. Plaintiff Tonya Akes is a citizen of California (domiciled in Fresno).

5. The proposed class(es) include citizens of numerous states.

6. Defendant Beiersdorf, Inc. is a Delaware corporation with its principal place of business in Wilton, Connecticut. Defendant makes, labels, distributes, sells, and markets the Coppertone Sport Mineral FACE products. Defendant is responsible for the making, labelling, distribution, selling, and marketing of the Coppertone Sport Mineral FACE products throughout the applicable statute of limitations period.

## **III. Jurisdiction and venue.**

7. This Court has subject matter jurisdiction under 28 U.S.C. § 1332(d)(2). The amount in controversy exceeds the sum or value of \$5,000,000, exclusive of interest and costs, and the matter is a class action in which one or more members of the proposed class(es) are citizens of a state different from the Defendant.

8. The Court has personal jurisdiction over Defendant. Defendant has its principal place of business here.

9. Venue is proper under 28 U.S.C. § 1391(b)(1) and 28 U.S.C. § 1391(d). Defendant would be subject to personal jurisdiction in this District if this District were a separate

state. Defendant has its principal place of business here. And Defendant sells the Coppertone Sport Mineral FACE products here.

**IV. Facts.**

**A. Defendant makes, markets, distributes and sells Coppertone Sport Mineral and Coppertone Sport Mineral FACE sunscreen lotions.**

10. Defendant makes, markets, distributes and sells the Coppertone Sport Mineral line of sunscreens.

11. The Coppertone Sport Mineral line of sunscreens includes various products such as lotions and spray bottles, each with various SPF ratings.

12. One of the products in the Coppertone Sport Mineral line is the regular Coppertone Sport Mineral lotion. It comes in 5-ounce bottles. An example is shown below:<sup>1</sup>

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<sup>1</sup> <https://www.walmart.com/ip/Coppertone-Sport-Mineral-Sunscreen-SPF-50-Lotion-Zinc-Oxide-UVA-UVB-Protection-5-fl-oz/286215538>

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