

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. _____

MICHELLE SCHRIVER, CAROLINA)	<u>CLASS ACTION</u>
GONZALEZ, ACHOREA TISDALE, and)	
TRACY ALLISON, individually and on)	JURY TRIAL DEMANDED
behalf of all others similarly situated,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
UNILEVER UNITED STATES, INC.,)	
)	
Defendant.)	
)	

CLASS ACTION COMPLAINT

Plaintiffs Michelle Schriver, Carolina Gonzalez, Achorea Tisdale, and Tracy Allison (together, “Plaintiffs”) bring this action on behalf of themselves and all others similarly situated, against Defendant Unilever United States, Inc. (“Unilever” or “Defendant”). Plaintiffs make the following allegations based upon (a) personal knowledge, (b) the investigation of counsel, and (c) information and belief.

NATURE OF THE ACTION

1. This is a class action lawsuit by Plaintiffs, and others similarly situated, who purchased for normal household use Defendant’s dry shampoo products that are defective because they contain benzene, a known human carcinogen, and which were formulated, designed, manufactured, marketed, advertised, distributed, and sold by Defendant.
2. Defendant distributes, markets, and sells to consumers across the United States, both in retail establishments and online, including in Florida, certain dry shampoo products under

its various brands, including Suave, TIGI, TRESemmé, Dove, Nexxus, and Living Proof (the “Products”).

3. The presence of benzene in the Products renders them adulterated, misbranded, and illegal to sell under federal and state law.

4. Given the highly dangerous levels of benzene recently found in some of its competitors’ aerosol products, as well as Unilever’s need to recall certain of its own aerosol spray deodorant products due to the presence of benzene, Unilever knew or should have known of the dangerous and carcinogenic effects of benzene and should have known that it was producing products that contained, or had a material risk of containing, benzene.

5. Instead of disclosing this fact to consumers, Defendant represented that its Products are safe and effective for their intended use, touting its “strict quality controls” to “limit the presence of benzene” in its products.¹ Nevertheless, Unilever has produced, marketed, labeled, distributed, and sold millions of dry shampoo Products that contained, or had a material risk of containing, benzene.

6. The presence of benzene in Defendant’s Products was not disclosed to consumers in the Products’ labeling, advertising or otherwise, in violation of state and federal law. Plaintiffs and the putative class suffered economic damages due to Defendant’s misconduct (as set forth below) and seek injunctive relief and restitution for the full purchase price of the Products. Plaintiffs allege the following based upon personal knowledge as well as investigation by counsel, and as to all other matters, upon information and belief. Plaintiffs further believe that substantial evidentiary support will exist for the allegations set forth herein after a reasonable opportunity for

¹ See <https://www.unilever.com/brands/whats-in-our-products/your-ingredient-questions-answered/controlling-impurities/> (last visited Nov. 9, 2022).

discovery.

JURISDICTION AND VENUE

7. The Court has jurisdiction over this action pursuant to 28 U.S.C. §1332(d), because at least one putative class member is of diverse citizenship from Defendant, there are more than 100 class members nationwide, and the aggregate amount in controversy exceeds \$5,000,000, exclusive of costs and interest.

8. The Court has personal jurisdiction over Defendant because Defendant has purposefully availed itself of the privilege of conducting business activities in the state of Florida. Defendant has marketed, promoted, distributed, and sold the Products in Florida, and Defendant has sufficient minimum contacts with this state and/or sufficiently availed itself of the markets in this state through promotion, sales, distribution, and marketing to render the exercise of jurisdiction by this Court permissible.

9. Venue is proper in this District, pursuant to 28 U.S.C. §1391, because a substantial part of the acts or omissions giving rise to the claims brought herein occurred or emanated within this District, Defendant has marketed, advertised, and sold the Products in this District, and Defendant has caused harm to class members who reside in this District. In addition, two of the Plaintiffs are residents of this District.

PARTIES

10. At all relevant times, Plaintiff Michelle Schriver (for purposes of this paragraph, “Plaintiff”) was a citizen and resident of West Palm Beach, Florida. Plaintiff has purchased for household use Defendant’s Products, including Dove Dry Shampoo Volume and Fullness, for approximately 3 years. Plaintiff purchased 3-packs of the Product every 3 months on amazon.com. She received her last shipment in September 2021. She spent approximately \$14 on each 3-pack of the Product. Based on the false and misleading claims by Defendant, at the time of purchase,

Plaintiff was unaware that Defendant's Products were adulterated with benzene. Plaintiff purchased Defendant's Products on the assumption that the labeling of Defendant's Products was accurate and that the products were unadulterated, safe, and effective. Plaintiff would not have purchased Defendant's Products had she known they contained benzene, a known human carcinogen. As a result, Plaintiff suffered injury in fact when she spent money to purchase Products she would not otherwise have purchased absent Defendant's misconduct, as alleged herein.

11. At all relevant times, Plaintiff Carolina Gonzalez (for purposes of this paragraph, "Plaintiff") was a citizen and resident of Miami, Florida. Plaintiff has purchased for household use Defendant's Products, including TIGI Bed Head Matte Dry Shampoo for women, Oh Bee Hive!, from amazon.com in November 2020. She has spent approximately \$10 on Defendant's Products. Based on the false and misleading claims by Defendant, at the time of purchase, Plaintiff was unaware that Defendant's Products were adulterated with benzene. Plaintiff purchased Defendant's Products on the assumption that the labeling of Defendant's Products was accurate and that the products were unadulterated, safe, and effective. Plaintiff would not have purchased Defendant's Products had she known they contained benzene, a known human carcinogen. As a result, Plaintiff suffered injury in fact when she spent money to purchase Products she would not otherwise have purchased absent Defendant's misconduct, as alleged herein.

12. At all relevant times, Plaintiff Achorea Tisdale (for purposes of this paragraph, "Plaintiff") was a citizen and resident of Sacramento, California. Plaintiff has purchased for household use Defendant's Products approximately every 2 months for approximately the past 2 years, including Dove Dry Shampoo Volume and Fullness, which she purchased at Target on November 19, 2021. Plaintiff has purchased Defendants product at Target and Walmart in Sacramento, California. She has spent approximately \$5-10 on each one of Defendant's Products.

Based on the false and misleading claims by Defendant, at the time of purchase, Plaintiff was unaware that Defendant's Products were adulterated with benzene. Plaintiff purchased Defendant's Products on the assumption that the labeling of Defendant's Products was accurate and that the products were unadulterated, safe, and effective. Plaintiff would not have purchased Defendant's Products had she known they contained benzene, a known human carcinogen. As a result, Plaintiff suffered injury in fact when she spent money to purchase Products she would not otherwise have purchased absent Defendant's misconduct, as alleged herein.

13. At all relevant times, Plaintiff Tracy Allison (for purposes of this paragraph, "Plaintiff") was a citizen and resident of Champaign, Illinois. Plaintiff has purchased for household use Dove Dry Shampoo Volume and Fullness twice on amazon.com, the first time on February 14, 2021, and the second time on September 3, 2021. She has spent an approximate total of \$20 on Defendant's Products. Based on the false and misleading claims by Defendant, at the time of purchase, Plaintiff was unaware that Defendant's Products were adulterated with benzene. Plaintiff purchased Defendant's Products on the assumption that the labeling of Defendant's Products was accurate and that the products were unadulterated, safe, and effective. Plaintiff would not have purchased Defendant's Products had she known they contained benzene, a known human carcinogen. As a result, Plaintiff suffered injury in fact when she spent money to purchase Products she would not otherwise have purchased absent Defendant's misconduct, as alleged herein.

14. Defendant is a Delaware corporation with its principal place of business in Englewood Cliffs, New Jersey. Defendant sells dry shampoo Products throughout the United States, including in the state of Florida.

15. Defendant is part of the Unilever Group, an international consumer goods company that is comprised of two parent companies, Unilever N.V. in Rotterdam, Netherlands and Unilever

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