



pay a premium for, products that are safe and responsibly made, including products that will not negatively affect the environment.

3. As a result, demand has increased for “green” products that are non-toxic, safe, and environmentally friendly.

4. Earth Friendly develops, manufacturers, markets, distributes, and sells a variety of personal, family, or household products under its ECOS brand, including:

- ECOS® All-Purpose Cleaner - Parsley Plus®
- ECOS® All-Purpose Cleaner - Orange Plus®
- ECOS® Cream Cleanser - Lemon
- ECOS® Fruit + Veggie Wash
- ECOS® Furniture Polish + Cleaner - Orange
- ECOS® Shower Cleaner - Tea Tree
- ECOS® Stain + Odor Remover - Lemon
- ECOS® Stainless Steel Cleaner + Polish
- ECOS® Toilet Cleaner - Cedar
- ECOS® Window Cleaner - Vinegar
- ECOS® Between Baths™ Grooming Spray - Peppermint
- ECOS® Kitty Litter Deodorizer
- ECOS® Hypoallergenic Laundry Detergent with Enzymes - Magnolia & Lily
- ECOS® Liquidless Laundry Detergent Squares - Lavender Vanilla
- ECOS® Liquidless Laundry Detergent Squares - Free & Clear
- ECOS® Liquidless Laundry Detergent Squares - Magnolia & Lily
- ECOS® Hypoallergenic Laundry Detergent Pack - Free & Clear
- ECOS® Hypoallergenic Hand Soap - Free & Clear
- ECOS® Hypoallergenic Pet Shampoo - Peppermint
- ECOS® Hypoallergenic Pet Shampoo – Fragrance Free
- ECOS® Pet Stain & Odor Remover
- ECOS® Hypoallergenic Dish Soap - Lavender
- ECOS® Hypoallergenic Dish Soap - Bamboo Lemon
- ECOS® Hypoallergenic Dish Soap - Grapefruit
- ECOS® Hypoallergenic Dish Soap - Apricot
- ECOS® Hypoallergenic Dish Soap - Pear
- ECOS® Hypoallergenic Dishmate Dish Soap – Free & Clear
- ECOS® Hypoallergenic Dishmate Dish Soap – Grapefruit
- ECOS® Hypoallergenic Dishmate Dish Soap – Almond
- ECOS® Wave® Dishwasher Gel - Free & Clear
- ECOS® Wave® Dishwasher Packs - Free & Clear
- ECOS® WaveJet® Rinse Aid

- ECOS® Hypoallergenic Hand Soap - Lavender
- ECOS® Hypoallergenic Hand Soap - Lemongrass
- ECOS® Hypoallergenic Hand Soap – Orange Blossom
- ECOS® Hypoallergenic Laundry Detergent - Lavender
- ECOSNEXT™ Hypoallergenic Liquidless Laundry Detergent - Magnolia & Lily
- ECOSNEXT™ Hypoallergenic Liquidless Laundry Detergent – Lavender Vanilla
- ECOSNEXT™ Hypoallergenic Liquidless Laundry Detergent – Free & Clear
- ECOS® Hypoallergenic Laundry Detergent with Enzymes - Free & Clear
- ECOS® Hypoallergenic Laundry Detergent with Enzymes - Lavender
- ECOSBreeze® Odor Eliminator - Magnolia & Lily
- ECOSBreeze® Odor Eliminator - Lemongrass
- ECOSBreeze® Odor Eliminator – Lavender Vanilla
- ECOS® Hypoallergenic Dish Soap - Free & Clear
- ECOS® Hypoallergenic Laundry Detergent - Magnolia & Lily
- ECOS® Hypoallergenic Laundry Detergent - Lemongrass
- ECOS® Hypoallergenic Baby Laundry Detergent - Free & Clear
- ECOS® Hypoallergenic Baby Laundry Detergent - Lavender Chamomile
- ECOS® Baby Bottle & Dish Wash - Free & Clear
- ECOS® Baby Stain & Odor Remover
- ECOS® Baby Toy & Table Cleaner - Free & Clear

(hereinafter the “ECOS Products” or the “Products”).<sup>1</sup>

5. This action seeks to remedy the unlawful, unfair, deceptive, and misleading business practices of Earth Friendly with respect to the marketing and sale of its household cleaning products, which are sold throughout the State of Missouri, the State of California, and the United States.

6. In an effort to increase profits and to gain an advantage over its lawfully acting competitors, Earth Friendly falsely and misleadingly markets and labels the Products as “non-toxic,” “safer,” “made without known carcinogens, reproductive toxins, or endocrine disruptors,” “climate positive,” “Earth Friendly,” and/or “sustainable.” Contrary to these representations, the Products are plainly *not* “non-toxic,” “safer,” and environmentally friendly

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<sup>1</sup> Plaintiffs reserve the right to amend this Complaint to include any additional household cleaning items sold by ECOS that are within the scope of this Complaint.

because the Products can cause harm to humans, animals, and/or the environment. This marketing and labeling deceives consumers into believing that they are receiving non-toxic, safe, and environmentally friendly Products, but Earth Friendly's Products do not live up to these claims.

7. Conscious of consumers' increased interest in more "green" products that are non-toxic, safe, and environmentally-friendly and willingness to pay more for products perceived to meet this preference, Earth Friendly misleadingly, illegally, and deceptively seeks to capitalize on these consumer "green" trends.

8. Plaintiffs purchased the Products in reliance on Earth Friendly's representations that these Products are "non-toxic," "safer," "made without known carcinogens, reproductive toxins, or endocrine disruptors," "climate positive," "Earth Friendly," and/or "sustainable." They would not have purchased the Products if they had known that they were toxic, harmful, dangerous, and environmentally damaging.

9. Consumers expect products that are marketed as "non-toxic," "safer," "made without known carcinogens, reproductive toxins, or endocrine disruptors," "climate positive," "Earth Friendly," and/or "sustainable" to not contain toxic, harmful, dangerous, and environmentally damaging ingredients such as phenoxyethanol, methylisothiazolinone, cocamidopropyl betaine, and lauramine oxide.

10. *Phenoxyethanol* is one of the ingredients used in numerous ECOS Products. Phenoxyethanol is toxic by definition under federal law, based on animal testing demonstrating that the substance is lethal even in very small doses. Even short exposure could cause serious temporary or residual injury. It is toxic to the kidneys, the nervous system, and the liver. It is extremely hazardous in case of eye contact and very hazardous in case of skin contact (defatting

the skin and adversely affecting the central nervous system and peripheral nervous system, causing headaches, tremors, and central nervous system depression). It is also very hazardous in case of ingestion or inhalation. It degrades into substances that are even more toxic. It is a Category 2 germ cell mutagen, meaning that it is suspected of mutating human cells in a way that can be transmitted to children conceived after exposure. Phenoxyethanol is an ethylene glycol ether, which is known to cause wasting of the testicles, reproductive changes, infertility, and changes to kidney function. Phenoxyethanol is also Category 2 carcinogen, meaning that it is suspected to induce cancer or increase its incidence.

11. Case studies indicate that repeated exposure to phenoxyethanol results in acute neurotoxic effects, as well as chronic solvent-induced brain syndrome, constant irritability, impaired memory, depression, alcohol intolerance, episodes of tachycardia and dyspnea, and problems with balance and rash.

12. Plaintiffs and the Class reasonably believed Earth Friendly's false and misleading representations. Earth Friendly knew or reasonably should have known that its representations regarding the Products were false, deceptive, misleading, and unlawful under Missouri law, California law, and common law.

13. Earth Friendly misrepresented, and/or concealed, suppressed, or omitted material facts in connection with the sale, distribution, and/or advertisement of the Products.

14. Plaintiffs and the Class Members paid a premium for the Products over comparable products that did not purport to be "non-toxic," "safer," "made without known carcinogens, reproductive toxins, or endocrine disruptors," "climate positive," "Earth Friendly," and/or "sustainable." Given that Plaintiffs and Class Members paid a premium for the Products based on Earth Friendly's representations that they are non-toxic, safe, and

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