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13 Attorneys for Plaintiff

15 **UNITED STATES DISTRICT COURT**
16 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

17 BRIAN KUTZA on behalf of himself and
18 all others similarly situated,

19 Plaintiff,

20 v.

21 WILLIAMS-SONOMA, INC.,

22 Defendant.

CASE NO.: 3:18-cv-3534

CLASS ACTION COMPLAINT

JURY TRIAL DEMAND

1 **CLASS ACTION COMPLAINT**

2 Plaintiff Brian Kutza (“Plaintiff”) brings this action on behalf of himself and all others
3 similarly situated against Williams-Sonoma, Inc. (otherwise referred to as “Defendant” or
4 “Williams Sonoma”). Plaintiff makes the following allegations based upon information and
5 belief, except as to the allegations specifically pertaining to himself, which are based on
6 personal knowledge.
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9 **INTRODUCTION**

10 1. This is a class action lawsuit against Defendant Williams-Sonoma, Inc. for selling
11 its household and personal care products as “natural” when, in fact, they contain unnatural
12 and/or synthetic ingredients.
13

14 2. Founded in 1956, Williams-Sonoma, Inc. is an American publicly traded
15 consumer retail company that is headquartered in San Francisco, California. Williams-
16 Sonoma, Inc. operates a portfolio of brands including Williams Sonoma, which sells upscale
17 products for the kitchen and home. Williams Sonoma’s products range from cookware to
18 household and personal care products that include soaps, lotions, cleaning essentials, and other
19 home keeping products.
20

21 3. Among other purportedly “natural” products, Defendant develops, manufactures,
22 markets, and sells a variety of household and personal care products, including:
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- 24
- 25 • Williams Sonoma Fleur de Sel Hand Soap
 - 26 • Williams Sonoma Fleur de Sel Dish Soap
 - 27 • Williams Sonoma Fleur de Sel All-Purpose Cleaner
 - 28 • Williams Sonoma Fleur de Sel Countertop Spray

- 1 • Williams Sonoma Fleur de Sel Hand Lotion
- 2 • Williams Sonoma Fleur de Sel Room Spray
- 3 • Williams Sonoma French Lavender Hand Soap
- 4 • Williams Sonoma French Lavender Dish Soap
- 5 • Williams Sonoma French Lavender All-Purpose Cleaner
- 6 • Williams Sonoma French Lavender Countertop Spray
- 7 • Williams Sonoma French Lavender Hand Lotion
- 8 • Williams Sonoma French Lavender Room Spray
- 9 • Williams Sonoma Frosted Clove Hand Soap
- 10 • Williams Sonoma Frosted Clove Hand Lotion
- 11 • Williams Sonoma Frosted Clove Dish Soap
- 12 • Williams Sonoma Frosted Clove Room Spray
- 13 • Williams Sonoma Lemongrass Ginger Hand Soap
- 14 • Williams Sonoma Lemongrass Ginger Dish Soap
- 15 • Williams Sonoma Lemongrass Ginger All-Purpose Cleaner
- 16 • Williams Sonoma Lemongrass Ginger Countertop Spray
- 17 • Williams Sonoma Lemongrass Ginger Hand Lotion
- 18 • Williams Sonoma Lemongrass Ginger Room Spray
- 19 • Williams Sonoma Meyer Lemon Hand Soap
- 20 • Williams Sonoma Meyer Lemon Dish Soap
- 21 • Williams Sonoma Meyer Lemon All-Purpose Cleaner
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- 1 • Williams Sonoma Meyer Lemon Countertop Spray
- 2 • Williams Sonoma Meyer Lemon Hand Lotion
- 3 • Williams Sonoma Meyer Lemon Room Spray
- 4 • Williams Sonoma Meyer Lemon Room Spray
- 5 • Williams Sonoma Pink Grapefruit Hand Soap
- 6 • Williams Sonoma Pink Grapefruit Dish Soap
- 7 • Williams Sonoma Pink Grapefruit All-Purpose Cleaner
- 8 • Williams Sonoma Pink Grapefruit All-Purpose Cleaner
- 9 • Williams Sonoma Pink Grapefruit Countertop Spray
- 10 • Williams Sonoma Pink Grapefruit Hand Lotion
- 11 • Williams Sonoma Pink Grapefruit Room Spray
- 12 • Williams Sonoma Pink Grapefruit Room Spray
- 13 • Williams Sonoma Pumpkin Spice Hand Soap
- 14 • Williams Sonoma Pumpkin Spice Hand Lotion
- 15 • Williams Sonoma Pumpkin Spice Dish Soap
- 16 • Williams Sonoma Pumpkin Spice Dish Soap
- 17 • Williams Sonoma Spiced Chestnut Hand Soap
- 18 • Williams Sonoma Spiced Chestnut Hand Lotion
- 19 • Williams Sonoma Spiced Chestnut Dish Soap
- 20 • Williams Sonoma Spiced Chestnut Dish Soap
- 21 • Williams Sonoma Spiced Chestnut Room Spray
- 22 • Williams Sonoma Sunny Orange Citrus Hand Soap
- 23 • Williams Sonoma Sunny Orange Citrus Dish Soap
- 24 • Williams Sonoma Sunny Orange Citrus Hand Lotion
- 25 • Williams Sonoma Sunny Orange Citrus Hand Lotion
- 26 • Williams Sonoma Sunny Orange Citrus Room Spray
- 27 • Williams Sonoma Sunny Orange Citrus Room Spray
- 28 • Williams Sonoma White Gardenia Hand Soap

- 1 • Williams Sonoma White Gardenia Dish Soap
- 2 • Williams Sonoma White Gardenia All-Purpose Cleaner
- 3 • Williams Sonoma White Gardenia Countertop Spray
- 4 • Williams Sonoma White Gardenia Hand Lotion
- 5 • Williams Sonoma White Gardenia Room Spray
- 6 • Williams Sonoma Winter Berry Hand Soap
- 7 • Williams Sonoma Winter Berry Hand Lotion
- 8 • Williams Sonoma Winter Berry Dish Soap
- 9 • Williams Sonoma Winter Berry Room Spray
- 10 • Williams Sonoma Winter Forest Hand Soap
- 11 • Williams Sonoma Winter Forest Hand Lotion
- 12 • Williams Sonoma Winter Forest Dish Soap
- 13 • Williams Sonoma Winter Forest Room Spray

14 (hereinafter the “Products”).

15 4. This action seeks to remedy the unlawful, unfair, deceptive, and misleading
16 business practices of Defendant with respect to the marketing and sale of its household and
17 personal care products, which are sold throughout the State of California and throughout the
18 country.

19 5. Defendant’s marketing materials are replete with statements that the Products are
20 natural, naturally derived or plant-based, and the labels of all of the Products state the products
21 are naturally derived.
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1 6. Williams Sonoma’s website contains numerous claims that the Products “reflects
2 our culinary roots with a bright, clean fragrance that blends into the kitchen naturally.”
3 Williams Sonoma also claims that: “Our exclusive essential oil blends nourish your skin with
4 plant-based ingredients and contain no harmful parabens or chlorine.”
5

6 7. Defendant falsely, misleadingly, and deceptively labels the Products as “natural”
7 and containing “Active Ingredients Derived from Natural Sources.” The Products’ ingredients
8 are not “derived from natural sources” because they contain unnatural and/or synthetic
9 ingredients, such as phenoxyethanol, methylisothiazolinone, sodium lauryl sulfate, sodium
10 laureth sulfate, and/or caprylic/capric triglyceride.
11

12 8. Plaintiff alleges that the Products’ “natural” claims apply to all of the Products’
13 ingredients and not just to the Products’ “active” ingredients. A reasonable consumer would
14 likely be deceived by these “natural” claims to believe that all of the ingredients in the Products
15 are “derived from natural sources.” The ingredient lists on the Products’ labels and
16 Defendant’s website do not differentiate between “active” and “inactive” ingredients.
17 Moreover, the Products contain numerous unnatural and/or synthetic “active” ingredients as
18 well, such as citric acid, dimethicone, lauryl sulfate, potassium sorbate, sodium chloride, and
19 sodium lauryl sulfate.
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22 9. *Phenoxyethanol* is one of the ingredients used in numerous Williams Sonoma
23 Products. Phenoxyethanol is toxic by definition under federal law, based on animal testing
24 demonstrating that the substance is lethal even in very small doses. Even short exposure could
25 cause serious temporary or residual injury. It is toxic to the kidneys, the nervous system, and
26 the liver. It is extremely hazardous in case of eye contact and very hazardous in case of skin
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1 contact (defatting the skin and adversely affecting the central nervous system and peripheral
2 nervous system, causing headaches, tremors, and central nervous system depression). It is also
3 very hazardous in case of ingestion or inhalation. It degrades into substances that are even
4 more toxic. It is a Category 2 germ cell mutagen, meaning that it is suspected of mutating
5 human cells in a way that can be transmitted to children conceived after exposure.
6

7 Phenoxyethanol is an ethylene glycol ether, which is known to cause wasting of the testicles,
8 reproductive changes, infertility, and changes to kidney function. Phenoxyethanol is also
9 Category 2 carcinogen, meaning that it is suspected to induce cancer or increase its incidence.
10

11 10. Case studies indicate that repeated exposure to phenoxyethanol results in acute
12 neurotoxic effects, as well as chronic solvent-induced brain syndrome, constant irritability,
13 impaired memory, depression, alcohol intolerance, episodes of tachycardia and dyspnea, and
14 problems with balance and rash.
15

16 11. Plaintiff purchased the Products in reliance on Defendant's representations that
17 these Products are "natural," "plant-based" and contain "Active Ingredients Derived from
18 Natural Sources." They would not have purchased the Products had they known that they
19 contained unnatural and/or synthetic ingredients.
20

21 12. Plaintiff and the Class reasonably believed Defendant's false and misleading
22 representations. Defendant knew or reasonably should have known that its representations
23 regarding the Products were false, deceptive, misleading, and unlawful under California law.
24

25 13. Plaintiff and the Class Members paid a premium for the Products over
26 comparable products that did not purport to be "natural," "plant-based," and contain "Active
27 Ingredients Derived from Natural Sources." Given that Plaintiff and Class Members paid a
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1 premium for the Products based on Defendants’ representations that they are “natural,” “plant-
2 based,” and contain “Active Ingredients Derived from Natural Sources,” Plaintiff and Class
3 Members suffered an injury in the amount of the purchase price and/or the premium paid.
4

5 14. Plaintiff brings claims against Defendant individually and on behalf the Class
6 Members who purchased the Products during the applicable statute of limitations period (the
7 “Class Period”) for (1) violation of California’s Consumer Legal Remedies Act (“CLRA”),
8 Civil Code §§ 1750, *et. seq.*; (2) violation of California’s False Advertising Law (“FAL”),
9 Business & Professions Code § 17500 *et seq.*; (3) violation of California’s Unfair Competition
10 Law (“UCL”), California Business & Professions Code §§ 17200, *et seq.*; (4) violations of the
11 Magnuson-Warranty Act, 15 U.S.C. §§ 2301, *et seq.*; (5) breach of express warranty; (6) breach
12 of implied warranty of merchantability; (7) unjust enrichment; (8) negligent misrepresentation;
13 and (9) fraud.
14
15

16 **PARTIES**

17 15. Plaintiff Brian Kutza is a California citizen who resides in Pasadena, California.
18 During the class period alleged herein, Plaintiff Kutza purchased several Williams Sonoma
19 Products on numerous occasions from a William Sonoma store in Los Angeles County.
20 Plaintiff Kutza was specifically interested in purchasing natural household and personal care
21 products. Plaintiff Kutza’s purchases include, without limitation, Williams Sonoma Meyer
22 Lemon Hand Lotion, Williams Sonoma Meyer Lemon Hand Soap, Williams Sonoma White
23 Gardenia Dish Soap, Williams Sonoma Fleur de Sel All-Purpose Cleaner, and Williams
24 Sonoma Pink Grapefruit Countertop Spray.
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1 23. The Federal Trade Commission (“FTC”) has warned marketers that the use of the
2 term “natural” may be deceptive:

3 Marketers that are using terms such as natural must ensure that they
4 can substantiate whatever claims they are conveying to reasonable
5 consumers. If reasonable consumers could interpret a natural claim
6 as representing that a product contains no artificial ingredients, then
7 the marketer must be able to substantiate that fact.¹

8 24. Likewise, the Food and Drug Administration (“FDA”) warns that any “natural”
9 labeling on cosmetic products must be “truthful and not misleading.”²

10 25. The Products are manufactured and marketed by Defendant and sold in its
11 William Sonoma stores nationwide as well as direct to consumer through channels such as
12 catalogs and e-commerce.

13 26. Defendant’s marketing materials are replete with statements that the Products are
14 natural, naturally derived, or plant-based, and the labels of all of the Products state the products
15 are naturally derived.
16

17 27. Defendant cultivates the Williams Sonoma image as a natural, non-synthetic,
18 health and eco-friendly brand through its statements. Williams Sonoma’s website contains the
19 following statement: “Completely natural ingredients leave the whole room with a fresh feeling
20 and give you peace of mind too. There are no dangerous chemicals like ammonia or chlorine to
21 worry about, and no lauramide DEA or parabens either – only natural oils, essences and
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¹ 75 Fed. Reg. 63552, 63586 (Oct. 15, 2010).

² FDA, Small Business & Homemade Cosmetics: Fact Sheet, *available at*
<https://www.fda.gov/Cosmetics/ResourcesForYou/Industry/ucm388736.htm#7>.

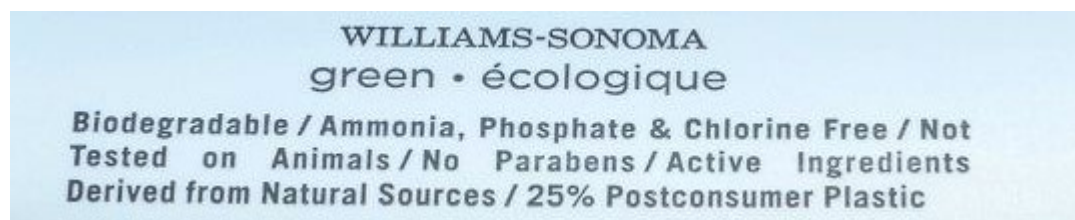
1 cleansing elements. Because these soaps are biodegradable, they're good for the environment
2 too. None of our products are tested on animals.”³

3
4 28. Williams Sonoma's website contains numerous claims that its hand soaps and
5 hand lotions “reflects our culinary roots with a bright, clean fragrance that blends into the
6 kitchen naturally.”

7
8 29. Williams Sonoma's website also contains numerous claims that its dish soaps and
9 countertop sprays “reflects our culinary roots with a clean, simple scent that blends into the
10 kitchen naturally.”

11
12 30. With respect to its room spray products, Williams Sonoma claims its “uplifting
13 seasonal spray is made with plant-based ingredients to create a light, clean scent that gently and
14 evenly dissipates throughout the room.”

15
16 31. The packaging for the Products misrepresents that the Products are “natural” and
17 contain “Active Ingredients Derived from Natural Sources.” Williams Sonoma makes this
18 claim on the packaging of all the Products:



23
24 32. The labeling for the Products claims that they are “natural” and contain “Active
25 Ingredients Derived from Natural Sources.” However, each of these representations is false
26 and misleading. Consumers understand the terms “natural” and “derived from natural sources”

27
28 ³ William Sonoma website: https://www.williams-sonoma.com/shop/homekeeping/hand-dish-soaps-lotions/?cm_type=lnav&isx=0.0.5616

1 to mean, “existing in nature and not made or caused by people; coming from nature” or “not
2 having any extra substances or chemicals added; not containing anything artificial.” Under this
3 definition, and the expectations of reasonable consumers, the Products cannot be considered
4 “natural” or “derived from natural sources” because they contain unnatural and/or synthetic
5 ingredients.
6

7 33. Representing that a product is “natural” and contains “Active Ingredients Derived
8 from Natural Sources” is a statement of fact.
9

10 34. Consumers reasonably believe that a product labeled “natural” and “derived from
11 natural sources” does not contain unnatural and/or synthetic ingredients.
12

13 35. Defendant’s representations that its Williams Sonoma Products contain only
14 natural ingredients are false, misleading, and deceptive because the Williams Sonoma Products
15 contain multiple ingredients that are unnatural and/or synthetic.
16

17 36. Defendant’s Williams Sonoma Products contain the following non-exhaustive list
18 of unnatural, synthetic, and/or chemical ingredients:

- 19 a. **Acrylamide/Ammonium Acrylate Copolymer** is a chemical substance that is a
20 copolymer of acrylamide and ammoniumacrylate monomers.
21
22 b. **Alcohol Denat.:** Denatured alcohol is a mixture of ethanol (ethyl alcohol) with a
23 denaturing agent. Ethanol is considered broadly toxic and linked to birth defects
24 following excessive oral ingestion. Alcohol is a synthetic substance according to federal
25 regulations. *See* 7. C.F.R. 205.603(a)(1).
26
27 c. **Ammonium Lauryl Sulfate** is a synthetic ammonium salt of sulfated ethoxylated lauryl
28 alcohol.

- 1 d. **Benzisothiazolinone** is a chemical substance that can cause irritation to the skin, eyes,
2 or lungs. Exposure can lead to allergic contact dermatitis and skin sensitization. The
3 Scientific Committee on Consumer Safety (EU) has advised that it not be used in
4 personal care items due to lack of data as well as its potential for skin sensitization.⁴
5
- 6 e. **Buteth-3** is a chemical substance that is a polyethylene glycol ether of butyl alcohol.
- 7 f. **Caprylic/Capric Triglyceride** is an artificial compound manufactured by hydrolyzing
8 coconut oil, removing the free glycerin, and separating the medium chain length fatty
9 acids by fractional distillation. The acids are then blended in the proper ratio and re-
10 esterified with glycerin. Glycerin is a synthetic substance according to federal
11 regulations. *See* 7. C.F.R. 205.605(b).
- 12
- 13 g. **Ceteareth-20** is a chemical ingredient. It is the polyethylene glycol ether of cetearyl
14 alcohol; may contain potentially toxic impurities such as 1,4-dioxane. Ceteareth-20 is
15 considered a moderate to severe health hazard by cosmetics researchers and is restricted
16 for use in cosmetics.
- 17
- 18 h. **Cetearyl Alcohol** is a mixture of cetyl and stearyl alcohols. Cetyl alcohol is classified as
19 synthetic by federal regulations. It is chemically synthesized by, for example: catalytic
20 hydrogenation of the triglycerides obtained from coconut oil or tallow, oxidation of a
21 chain growth product of ethylene oligomerized on a triethylaluminum catalyst, reaction
22 of palmitoyl chloride and sodium borohydride, reaction of methylthiopalmite plus
23 Raney nickel. Stearyl alcohol is also produced synthetically.
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28 ⁴ http://ec.europa.eu/health/scientific_committees/consumer_safety/docs/sccs_o_099.pdf

- 1 i. **Cetyl Alcohol** is classified as synthetic by federal regulations. It is chemically
2 synthesized by, for example: catalytic hydrogenation of the triglycerides obtained from
3 coconut oil or tallow, oxidation of a chain growth product of ethylene oligomerized on a
4 triethylaluminum catalyst, reaction of palmitoyl chloride and sodium borohydride,
5 reaction of methylthiopalmite plus Raney nickel.
6
7 j. **Citric Acid** is a synthetic substance (2-hydroxy-propane-1, 2,3-tricarboxylic acid).
8 While the chemical's name has the word "citric" in it, citric acid is no longer extracted
9 from the citrus fruit but industrially manufactured by fermenting certain genetically
10 mutant strains of black mold fungus, *Aspergillus niger*. This is synthetically produced by
11 feeding simple carbohydrates to *Aspergillus niger* mold and then processing the
12 resulting fermented compound. Calcium hydroxide and sulfuric acid are often used in
13 processing citric acid. A technical evaluation report for the substance citric acid
14 compiled by the United States Department of Agriculture, Agricultural Marketing
15 Service ("USDA AMS") for the National Organic Program classified citric acid as
16 "Synthetic Allowed". See page 4, available at
17 <http://www.ams.usda.gov/AMSV1.0/getfile?dDocName=STELPRDC5067876>. As one
18 of the USDA AMS reviewers commented:
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22 [Citric acid] is a natural[ly] occurring substance that
23 commercially goes through numerous chemical processes to get
24 to [its] final usable form. This processing would suggest that it
be classified as synthetic. *Id.* at 3.

25 The report further explains, under the "How Made" question, that citric acid is made –
26 traditionally by extraction from citrus juice, no longer
27 commercially available. It is now extracted by fermentation of a
28 carbohydrate substrate (often molasses) by citric acid bacteria,
Aspergillus niger (a mold) or *Candida guilliermondii* (a yeast).
Citric acid is recovered from the fermentation broth by a lime

1 and sulfuric acid process in which the citric acid is first
2 precipitated as a calcium salt and then reacidulated with sulfuric
acid. *Id.* at 4.

- 3 k. **C12-C15 Alkyl Benzoate** is a synthetic ingredient used as an emollient and texture
4 enhancing ingredient. It is composed of benzoic acid and long-chain (C12-15) alcohols.
- 5
6 l. **Cocamide MEA** is made by mixing fatty acids from coconut oil and monoethanolamine
7 (MEA), this ingredient may contain traces of cocamide diethanolamine (DEA), which,
8 according to the FDA, may lead to the formation of carcinogenic nitrosamines. The
9 Cosmetic Ingredient Review (CIR) Expert Panel has acknowledged that MEA can react
10 with an aldehyde to form DEA, which then can be nitrosated.
- 11
12 m. **Cocamidopropyl Betaine** is a synthetic surfactant produced by reacting coconut oil
13 fatty acids with 3,3-dimethylaminopropylamine, yielding cocamidopropyl
14 dimethylamine. It is then reacted with sodium monochloroacetate to produce
15 cocamidopropyl betaine. Trade associations prohibit cocamidopropyl betaine from
16 being included in products labeled as “natural.”
- 17
18 n. **Cocamidopropyl Hydroxysultaine** is a synthetic ingredient, prohibited by the trade
19 associations from household products and personal care products labeled as “natural.”
- 20
21 o. **Decyl Glucoside** is a synthetic ingredient obtained by the condensation of decyl alcohol
22 and glucose.⁵ Alcohols and glucose are synthetic substances according to federal
23 regulations. 7. C.F.R. 205.603(a)(1) and (a)(11). Or can be produced by reacting
24 glucose and n-butanol in the presence of a strong acid catalyst such as p-toluenesulfonic
25 acid or sulfuric acid, followed by the transglycosidation of the resulting butyl glucoside
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- 1 with fatty alcohol to yield decyl glucoside. Alternatively, it can be produced by reacting
2 highly refined glucose with fatty acids in the presence of an acid catalyst.
- 3
4 p. **Dimethicone** is what chemists call a “silicon-based polymer” – “polymer” meaning it is
5 a large molecule made up of several smaller units bonded together. Simply put,
6 dimethicone is a silicon oil that is man-made in the laboratory.
- 7
8 q. **Disodium Ethanoldiglycinate** is a chelating agent, which is a chemical compound that
9 reacts with metal ions to form a stable, water-soluble complex.
- 10
11 r. **Disodium Laureth Sulfosuccinate** is a chemical that is a disodium salt of an
12 ethoxylated lauryl alcohol bound to sulfosuccinic acid.
- 13
14 s. **Ethanol**, also called alcohol, is a chemical compound. Alcohol is a synthetic substance
15 according to federal regulations. *See* 7. C.F.R. 205.603(a)(1).
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17 t. **Fragrance**. Many of the compounds in Fragrance are carcinogenic or otherwise toxic.
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⁵ <http://www.newdirections.com.au/articles/images/Decyl-Glucoside-and-Other-Alkyl-Glucosides-as-Used-in-Cosmetics.pdf>

1 A factory-produced texturizer that is created by complex processing. It is recognized by
 2 federal regulations as synthetic. *See* 7 C.F.R. § 205.605(b). It is commonly used as a
 3 filler and thickening agent. It requires multiple processing steps in an industrial
 4 environment to create Glycerin. Therefore, it cannot be described as “natural.” A
 5 technical evaluation report compiled by the USDA AMS Agricultural Analytics
 6 Division for the USDA National Organic Program explains that Glycerin is “produced
 7 by a hydrolysis of fats and oils” and is listed in the USDA Organic Program’s National
 8 List as a “synthetic nonagricultural (nonorganic) substance.” The same report lists
 9 several methods of producing Glycerin, each of which involve numerous steps that
 10 include the use of high temperatures and pressure and purification to achieve an end
 11 product.⁶

15 Table 2 Processes for producing glycerin by hydrolysis of fats and oils

16 Lemmens Fryer’s Process	17 Oil or fat is subjected in an autoclave to 18 the conjoint action of heat and pressure 19 (about 100 PSI) in the presence of an 20 emulsifying and accelerating agent, e.g. 21 zinc oxide or hydroxide (sodium 22 hydroxide can be substituted) for about 23 eight hours. The strong solution of 24 glycerin formed is withdrawn and replaced 25 by a quantity of hot, clean and preferably 26 distilled water equal to about one third to 27 one fourth of the weight of the original 28 charge of oil or fat and treatment continued for an additional four hours. The dilute glycerin obtained from the latter part of the process is drawn off and used for the initial treatment of the further charge
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⁶<https://www.ams.usda.gov/sites/default/files/media/Glycerin%20Petition%20to%20remove%20TR%202013.pdf>

1		of oil or fat.
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8	Budde and Robertson's Process	The oils or fats are heated and mechanically agitated with water and sulphuric acid gas, under pressure in a closed vessel or autoclave. The advantage claimed for the process are that the contents of the vessel are free from foreign matter introduced by reagents and need no purification; that the liberated glycerin is in the form of a pure and concentrated solution; that no permanent emulsion is formed and that the fatty acids are not discolored.
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15	Ittner's Process	Coconut oil is kept in an autoclave in the presence of water at 70 atmospheres pressure and 225-245oC temperature and split into fatty acids and glycerin, both being soluble under these conditions in water. The glycerin solution separates in the bottom of the
16		autoclave. The aqueous solution contains at the end of the splitting process more than 30 percent glycerin.
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22	Continuous High Pressure Hydrolysis	In this process a constant flow of fat is maintained flowing upward through an autoclave column tower against a downward counterflow of water at a pressure of 600 PSI maintained at temperature of 480-495oF. Under these conditions, the fat is almost completely miscible in water and the hydrolysis take place in a very short time. The liberated fatty acids, washed free of glycerin by the downward percolating water, leave the top
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1 of the column and pass through a flash
2 tank while the liberated glycerin dissolves
3 in the downward flow of water and is
4 discharged from the bottom of the tower
into the sweet-water storage tank.

- 5
- 6 v. **Glyceryl Stearate** is chemically synthesized by glycerolysis or by esterification of
7 glycerol and stearic acid. There is no chemical difference between glycerol and
8 glycerin. Both are names for the same chemical. Glycerin is a synthetic substance
9 according to federal regulations. *See* 7 § C.F.R. 205.605(b).
- 10
- 11 w. **Green #5** is a synthetic dye produced from petroleum or coal tar sources.
- 12
- 13 x. **Hydrogenated Polyisobutene** is a synthetic polymer used as a skin conditioning agent.
- 14
- 15 y. **Lauramine Oxide** is a tertiary amine oxide. Amine oxides are chemical compounds.
- 16
- 17 z. **Laureth-7** is a polyethylene glycol-based surfactant and synthetic that may contain
18 potential toxic impurities such as 1, 4-dioxane.⁷ Laureth-7 is synonymous with
19 Ethoxylated Alcohol. *See* 40 C.F.R. § 721.643.
- 20
- 21 aa. **Laureth-23** is a synthetic substance. It is a nonionic surfactant prepared from lauryl
22 alcohol and 23 moles of ethylene oxide. Laureth-23 contains an average of 23 repeating
23 ethylene oxide units. Small amounts of 1,4-dioxane, a by-product of ethoxylation, may
24 be found in Laureth-23.
- 25
- 26 bb. **Lauryl Glucoside** is a surfactant derived from genetically modified corn. It is produced
27 by alcoholysis of glucose and lauryl alcohol under acidic conditions. Glucose and
28 alcohol are synthetic substances according to federal regulations. *See* 7 § C.F.R.

⁷ <http://www.ewg.org/skindeep/ingredient/703425/LAURETH-7/#.WgzNz0xFyUk>

1 205.603(a)(1) and (a)(11). Historically, lauryl alcohol was prepared solely from natural
2 products, but is now synthesized from ethylene.⁸

3 cc. **Methylisothiazolinone** is a synthetic cosmetic preservative. It is a powerful biocide that
4 has been linked to brain and nerve cell damage. This synthetic biocide preservative is
5 produced by the controlled chlorination of dimethyl-dithiodipropionamide in solvent and
6 then neutralized.

7
8 dd. **PEG-7 Glyceryl Cocoate**. This synthetic polymer is based on PEG (polyethylene
9 glycol) and fatty acids derived from coconut oil. Due to the presence of PEG, this
10 ingredient may contain potentially toxic manufacturing impurities such as 1,4-dioxane.

11 ee. **PEG-40 Hydrogenated Castor Oil** is a polyethylene glycol derivative of castor oil;
12 may be contaminated with potentially toxic impurities such as 1,4-dioxane.

13 ff. **PEG-200 Hydrogenated Glyceryl Palmate** is a chemical substance that is a
14 polyethylene glycol derivative of hydrogenated palm glyceride. It has an average of 200
15 moles of ethylene oxide.

16 gg. **Phenoxyethanol**. The Food and Drug Administration (“FDA”) has warned that
17 phenoxyethanol is dangerous. Phenoxyethanol is a synthetic substance and adjuvant.
18 *See* 21 C.F.R. § 172.515.⁹ It is produced by reacting phenol with ethylene oxide (a
19 known carcinogen) in the presence of a basic catalyst under pressure and heat. It is

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⁸ <http://www.newdirections.com.au/articles/images/Decyl-Glucoside-and-Other-Alkyl-Glucosides-as-Used-in-Cosmetics.pdf>

28 ⁹ The Federal Trade Commission, recognizing that many of these same ingredients are unquestionably synthetic, has filed complaints against companies that have used these ingredients promoted as natural. <https://www.ftc.gov/news-events/press-releases/2016/04/four-companies-agree-stop-falsely-promoting-their-personal-care>.

1 classified as synthetic by trade associations governing the use of the term “natural” on
2 household and personal care products.

3 hh. **Polyacrylamide** is a synthetic polymer of acrylamide.
4

5 ii. **Polyisobutene** is a synthetic polymer of isobutylene; used as a film-forming agent.

6 jj. **Polysorbate 20** is classified as synthetic by federal regulations and prohibited by trade
7 groups from being in products labeled as “natural.” It is a surfactant produced by
8 reacting sorbitol and its anhydrides with ethylene oxide.
9

10 kk. **Potassium Sorbate** is produced by reacting sorbic acid and potassium hydroxide. It is
11 classified as a chemical preservative under federal regulations

12 ll. **Preservatives** are synthetic substances.
13

14 mm. **Red #33** is a synthetic dye produced from petroleum or coal tar sources.

15 nn. **Sodium Benzoate** is not found to occur naturally according to federal regulations.

16 Instead, it is chemically synthesized by reacting benzoic acid with sodium hydroxide,
17 sodium bicarbonate, or sodium carbonate.
18

19 oo. **Sodium Benzotriazolyl Butylphenol Sulfonate** is a synthetic ingredient. This UV light
20 stabilization ingredient is part of a larger formulation and protects colors and other light-
21 sensitive ingredients from photolytic and/or photo-oxidative degradation and thus
22 improve the stability of formulations which are exposed to UV-A and UV-B light.

23 Sodium Benzotriazolyl Butylphenol Sulfonate is suspected of causing skin or sense
24 organ toxicity.
25

26 pp. **Sodium Carbonate** is a toxic household chemical substance.
27
28

1 qq. **Sodium Chloride.** A synthetic and hazardous chemical substance.¹⁰

2 rr. **Sodium Citrate** is the sodium salt of citric acid synthesized by reacting sodium
3 carbonate with citric acid. It is a recognized synthetic chemical under federal
4 regulations. *See* 7 C.F.R. § 205.605(b). It is usually prepared by reacting sodium
5 carbonate or sodium hydroxide with citric acid, or by reacting sodium sulfate with
6 calcium citrate.

7
8 ss. **Sodium Coco-Sulfate** is synthetic, produced by isolating C12-18 saturated fatty acids
9 from oils, and then sulfonating with chemicals such as sulfuric acid, sulfur trioxide, or
10 chlorosulfonic acid.

11
12 tt. **Sodium Laureth Sulfate** is a chemical derived from ethoxylated lauryl alcohol and
13 used as a surfactant; may be contaminated with potentially toxic manufacturing
14 impurities such as 1,4-dioxane.

15
16 uu. **Sodium Lauryl Sulfate** is a chemical and food additive as stated in C.F.R. § 172.822. It
17 is an active ingredient prepared by sulfation of lauryl alcohol, followed by neutralization
18 with sodium carbonate.¹¹

19
20 vv. **Sodium Lauroyl Sarcosinate** is a synthetic skin conditioning agent.

21
22 ww. **Sodium Xylene Sulfonate** is a chemical used as a hydrotrope, an organic compound
23 that increases the ability of water to dissolve other molecules.

24
25 xx. **Tetrasodium EDTA** is produced synthetically for industrial purposes in the laboratory.
26 It is a preservative made from the known carcinogen formaldehyde and sodium cyanide.

27
28 ¹⁰ https://whatsinproducts.com/files/brands_pdf/1391295214.pdf

¹¹ https://www3.epa.gov/pesticides/chem_search/reg_actions/reregistration/red_G-52_1-Sep-93.pdf

1 It is also a penetration enhancer, meaning it breaks down the skin’s protective barrier,
 2 going directly into the bloodstream.

3 yy. **Tetrasodium Glutamate Diacetate** is a multi-purpose, clear, liquid chelating agent and
 4 preservative booster. As previously explained, a chelating agent is a chemical
 5 compound that reacts with metal ions to form a stable, water-soluble complex.
 6

7 zz. **Tributyl Citrate** is a chemical substance that is a triester of butyl alcohol and citric
 8 acid.
 9

10 aaa. **Trideceth-9** is a chemical substance that is a polyethylene glycol ether of Tridecyl
 11 Alcohol.

12 bbb. **Trisodium Ethylenediamine Disuccinate** is a chelating agent which is a chemical
 13 compound that reacts with metal ions to form a stable, water-soluble complex.
 14

15 ccc. **Yellow #5**, also known as tartrazine or E102, is a synthetic dye produced from
 16 petroleum. It is banned in Austria and Norway, and other European countries have
 17 issued warnings about their possible side effects.
 18

19 ddd. **Yellow #6** is a synthetic dye produced from petroleum.

20 37. No product labeled “natural” or “Active Ingredients Derived from Natural
 21 Sources” should contain any of these ingredients. And yet, the Williams Sonoma Products
 22 contain the following, non-exhaustive, list of unnatural and/or synthetic ingredients:
 23

<u>Product</u>	<u>Synthetic Ingredient</u>

27
 28

1	Williams Sonoma Fleur de Sel Hand Soap	Buteth-3
2		Citric Acid*
3		Decyl Glucoside
4		Glycerin
5		Cocoamidopropyl Betaine
6		Disodium Laureth Sulfosuccinate
7		Fragrance (Parfum)
8		Green #5
9		PEG-200 Hydrogenated Glyceryl Palmate
10		PEG-7 Glyceryl Cocoate
11		Potassium Sorbate*
12		Polysorbate 20
13		Red #33
14		Sodium Benzoate
15	Sodium Benzotriazolyl Butylphenol Sulfonate	
16	Sodium Coco-Sulfate	
17	Sodium Chloride*	
18	Trisodium Ethylenediamine Disuccinate	
19	Tributyl Citrate	
20	Yellow #5	
21	Williams Sonoma Fleur de Sel Dish Soap	Benzisothiazolinone
22		Buteth-3
23		Citric Acid*
24		Cocoamidopropyl Betaine
25		Fragrance (Parfum)
26		Glycerin
27		Green #5
28		Lauryl Glucoside
29		Lauramine Oxide
30		Methisothiazolinone
31		Red #33
32	Sodium Benzotriazolyl Butylphenol Sulfonate	
33	Sodium Coco Sulfate	
34	Tetrasodium EDTA	
35	Tributyl Citrate	
36	Yellow #5	
37	Williams Sonoma Fleur de Sel All-Purpose	Benzisothiazolinone

* Denotes Active Ingredient. Again, Plaintiff allege that the Products’ “natural” claims apply to all of the Products’ ingredients and not just to the Products’ “active” ingredients. A reasonable consumer would likely be deceived by these “natural” claims to believe that all of the ingredients in the Products are “derived from natural sources.” The ingredient lists on the Products’ labels and Defendant’s website do not differentiate between “active” and “inactive” ingredients.

1	Cleaner	Buteth-3
2		Decyl Glucoside
3		Disodium Ethanoldiglycinat
4		Fragrance
5		Glycerin
6		Green #5
7		Methylisothiazolinone
8		Polysorbate 20
9		Red #33
10	Williams Sonoma Fleur de Sel Countertop Spray	Sodium Benzotriazolyl Butylphenol Sulfonate
11		Sodium Citrate
12		Tributyl Citrate
13		Yellow #5
14	Williams Sonoma Fleur de Sel Hand Lotion	Benzisothiazolinone
15		Citric Acid*
16		Fragrance (Parfum)
17		Glycerin
18		Green #5
19		Laureth-23
20		Methylisothiazolinone
21		Red #33
22		Sodium Carbonate
23	Williams Sonoma Fleur de Sel Room Spray	Yellow #5
24	Williams Sonoma French Lavender Hand Soap	Acrylamide/Ammonium Acrylate Copolymer
25		C12-C15 Alkyl Benzoate
26		Caprylic/Capric Triglyceride
27		Cetareth-20
28		Cetearyl Alcohol
		Dimethicone*
		Fragrance (Parfum)
		Glycerin
		Glyceryl Stearate
		Hydrogenated Polyisobutene
		Alcohol Denat.
		Fragrance (Parfum)
		Peg-40 Hydrogenated Castor Oil
		Trideceth-9
		Buteth-3
		Citric Acid*
		Cocamidopropyl Betaine
		Disodium Laureth Sulfosuccinate
		Fragrance

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	<p>Glycerin Green #5 Peg-200 Hydrogenated Glyceryl Palmate Peg-7 Glyceryl Cocoate Potassium Sorbate* Red #33 Sodium Benzoate Sodium Benzotriazolyl Butylphenol Sulfonate Sodium Chloride* Sodium Laureth Sulfate Tetrasodium Edta Tributyl Citrate</p>
<p>Williams Sonoma French Lavender Dish Soap</p>	<p>Ammonium Lauryl Sulfate Benzisothiazolinone Buteth-3 Cocamide MEA Cocamidopropyl Betaine Fragrance Glycerin Green 5 Methylisothiazolinone Red 33 Sodium Benzotriazolyl Butylphenol Sulfonate Sodium Xylene Sulfonate Tetrasodium EDTA Tributyl Citrate</p>
<p>Williams Sonoma French Lavender All-Purpose Cleaner</p>	<p>Benzisothiazolinone Buteth-3 Decyl Glucoside Disodium Ethanoldiglycinate Fragrance Glycerin Green 5 Methylisothiazolinone Polysorbate 20 Red 33 Sodium Benzotriazolyl Butylphenol Sulfonate Sodium Citrate Tributyl Citrate</p>
<p>Williams Sonoma French Lavender Countertop Spray</p>	<p>Benzisothiazolinone Buteth-3</p>

1		Citric Acid*
2		Decyl Glucoside
3		Disodium Ethanoldiglycinate
4		Fragrance
5		Glycerin
6		Green 5
7		Methylisothiazolinone
8		Polysorbate 20
9		Red 33
10		Sodium Benzotriazolyl Butylphenol
11		Sulfonate
12		Sodium Citrate
13		Tributyl Citrate
14	Williams Sonoma French Lavender Hand	Ammonium Acrylate/Acrylamide Copolymer
15	Lotion	C12-C15 Alkyl Benzoate
16		Caprylic/Capric Triglyceride
17		Ceteareth-20
18		Cetearyl Alcohol
19		Cetyl Alcohol
20		Dimethicone*
21		Fragrance
22		Glycerin
23		Glyceryl Stearate
24		Green #5
25		Hydrogenated Polyisobutene
26		Laureth-7
27		Phenoxyethanol
28		Polyacrylamide
		Potassium Sorbate*
		Red #33
		Sodium Benzoate
21	Williams Sonoma French Lavender Room	Alcohol Denat.
22	Spray	Fragrance (Parfum)
23		Peg-40 Hydrogenated Castor Oil
24		Trideceth-9
25	Williams Sonoma Frosted Clove Hand Soap	Citric Acid*
26		Cocamidopropyl Hydroxysultaine
27		Fragrance (Parfum)
28		Glycerin
		Potassium Sorbate*
		Sodium Benzoate
		Sodium Chloride*
		Tetrasodium Glutamate Diacetate

1	Williams Sonoma Frosted Clove Hand Lotion	Acrylamide/Ammonium Acrylate Copolymer
2		C12-C15 Alkyl Benzoate
3		Caprylic/Capric Triglyceride
4		Cetearyl Alcohol
5		Cetyl Alcohol
6		Dimethicone*
7		Fragrance (Parfum)
8		Glyceryl Stearate
9		Hydrogenated Polyisobutene
10	Williams Sonoma Frosted Clove Dish Soap	Phenoxyethanol
11		Polysorbate 20
12		Potassium Sorbate*
13		Sodium Benzoate
14		Tetrasodium Glutamate Diacetate
15	Williams Sonoma Frosted Clove Dish Soap	Benzisothiazolinone
16		Citric Acid*
17		Fragrance (Parfum)
18		Glycerin
19		Lauramine Oxide
20		Lauryl Glucoside
21		Methylisothiazolinone
22		Polysorbate 20
23		Sodium Chloride*
24		Sodium Lauryl Sulfate*
25		Tetrasodium Glutamate Diacetate
26	Williams Sonoma Frosted Clove Room Spray	Alcohol Denat.
27		Fragrance (Parfum)
28		Peg-40 Hydrogenated Castor Oil
29		Trideceth-9
30	Williams Sonoma Lemongrass Ginger Hand Soap	Citric Acid*
31		Fragrance
32		Glycerin
33		Green #5
34		Potassium Sorbate*
35		Red #33
36		Sodium Benzoate
37		Sodium Chloride*
38		Sodium Coco Sulfate,
39		Coco/Sunfloweramidopropyl Betaine
40		Sodium Cocoamphodiacetate Cocoyl Proline
41		Trisodium Ethylenediamine Disuccinate
42		Yellow #5
43	Williams Sonoma Lemongrass Ginger Dish	Benzisothiazolinone

1	Soap	Citric Acid*
2		Cocamidopropyl Betaine
3		Fragrance
4		Green #5
5		Lauramine Oxide
6		Lauryl Glucoside
7		Methylisothiazolinone
8		Red #33
9	Williams Sonoma Lemongrass Ginger All-Purpose Cleaner	Sodium Coco Sulfate
10		Sodium Lauroyl Sarcosinate
11		Tetrasodium EDTA
12		Yellow #5
13	Williams Sonoma Lemongrass Ginger All-Purpose Cleaner	Benzisothiazolinone
14		Decyl Glucoside
15		Disodium Ethanoldiglycinate
16		Fragrance
17		Glycerin
18		Green #5
19		Methylisothiazolinone
20		Polysorbate 20
21		Red #33
22	Williams Sonoma Lemongrass Ginger Countertop Spray	Sodium Citrate
23		Yellow #5
24	Williams Sonoma Lemongrass Ginger Countertop Spray	Benzothiazolinone
25		Citric Acid*
26		Decyl Glucoside
27		Disodium Ethanoldiglycinate
28		Glycerin
29		Green #5
30		Methylisothiazolinone
31		Red #33
32		Sodium Citrate, Fragrance
33		Yellow #5
34	Williams Sonoma Lemongrass Ginger Hand Lotion	Ammonium Acrylate/Acrylamide Copolymer
35		C12-C15 Alkyl Benzoate
36		Caprylic/Capric Triglyceride
37		Ceteareth-20
38		Cetearyl Alcohol
39		Cetyl Alcohol
40		Dimethicone*
41		Fragrance
42		Glycerin
43		Glyceryl Stearate

1		Green #5
2		Hydrogenated Polyisobutene
3		Laureth-7
4		Phenoxyethanol
5		Polyacrylamide
6		Potassium Sorbate*
7		Sodium Benzoate
8		Yellow #5
9	Williams Sonoma Lemongrass Ginger Room Spray	Alcohol Denat. Fragrance (Parfum) Peg-40 Hydrogenated Castor Oil Trideceth-9
10	Williams Sonoma Meyer Lemon Hand Soap	Buteth-3 Citric Acid* Cocamidopropyl Betaine Disodium Laureth Sulfosuccinate Fragrance Glycerin PEG-200 Hydrogenated Glyceryl Palmate PEG-7 Glyceryl Cocoate Potassium Sorbate* Sodium Benzoate Sodium Benzotriazolyl Butylphenol Sulfonate Sodium Chloride* Sodium Laureth Sulfate Tetrasodium EDTA Tributyl Citrate Yellow #5 Yellow #6
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20	Williams Sonoma Meyer Lemon Dish Soap	Ammonium Lauryl Sulfate Benzisothiazolinone Cocamide MEA Cocamidopropyl Betaine Fragrance, Cocamidopropyl Betaine Glycerin Methylisothiazolinone Sodium Xylene Sulfonate Tetrasodium Edta Yellow #5 Yellow #6
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27	Williams Sonoma Meyer Lemon All-Purpose Cleaner	Benzisothiazolinone Buteth-3 Decyl Glucoside
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	Disodium Ethanoldiglycinate Fragrance Glycerin Methylisothiazolinone Polysorbate 20 Sodium Benzotriazolyl Butylphenol Sulfonate Sodium Citrate Tributyl Citrate Yellow #5 Yellow #6
Williams Sonoma Meyer Lemon Countertop Spray	Benzisothiazolinone Buteth-3 Citric Acid* Decyl Glucoside Disodium Ethanoldiglycinate Fragrance Glycerin Methylisothiazolinone Polysorbate 20 Sodium Benzotriazolyl Butylphenol Sulfonate Sodium Citrate Tributyl Citrate Yellow #5 Yellow #6
Williams Sonoma Meyer Lemon Hand Lotion	Caprylic/Capric Triglyceride C12-C15 Alkyl Benzoate Hydrogenated Polyisobutene Glyceryl Stearate Cetearyl Alcohol Glycerin Cetareth-20 Dimethicone* Fragrance Polyacrylamide Ammonium Acrylate/Acrylamide Copolymer Cetyl Alcohol Laureth-7 Sodium Benzoate Potassium Sorbate* Phenoxyethanol Yellow #5

1		Yellow #6
2	Williams Sonoma Meyer Lemon Room Spray	Alcohol Denat. Fragrance (Parfum) Peg-40 Hydrogenated Castor Oil Trideceth-9
3		
4	Williams Sonoma Pink Grapefruit Hand Soap	Buteth-3 Citric Acid* Cocamidopropyl Betaine Disodium Laureth Sulfosuccinate Fragrance Glycerin Glyceryl Cocoate PEG-200 Hydrogenated Glyceryl Palmate PEG-7 Potassium Sorbate* Red #33 Sodium Benzoate Sodium Benzotriazolyl Butylphenol Sulfonate Sodium Chloride* Sodium Laureth Sulfate Tetrasodium EDTA Tributyl Citrate Yellow #5
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16	Williams Sonoma Pink Grapefruit Dish Soap	Ammonium Lauryl Sulfate Benzisothiazolinone Buteth-3 Cocamidopropyl Betaine Cocamide MEA Fragrance Glycerin Methylisothiazolinone Red #33 Sodium Benzotriazolyl Butylphenol Sulfonate Sodium Xylene Sulfonate Tetrasodium Edta Tributyl Citrate
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23		
24	Williams Sonoma Pink Grapefruit All- Purpose Cleaner	Benzisothiazolinone Buteth-3 Decyl Glucoside Disodium Ethanoldiglycinate Fragrance Glycerin Methylisothiazolinone
25		
26		
27		
28		

1		Polysorbate 20
2		Red #33
3		Sodium Benzotriazolyl Butylphenol
4		Sulfonate
5		Sodium Citrate
6		Tributyl Citrate
7		Yellow #5
8	Williams Sonoma Pink Grapefruit Countertop	Benzisothiazolinone
9	Spray	Buteth-3
10		Citric Acid*
11		Decyl Glucoside
12		Disodium Ethanoldiglycinate
13		Fragrance
14		Glycerin, Tributyl Citrate
15		Methylisothiazolinone
16		Red #33
17		Sodium Benzotriazolyl Butylphenol
18		Sulfonate
19		Sodium Citrate
20		Yellow #5
21	Williams Sonoma Pink Grapefruit Hand	Ammonium Acrylate/Acrylamide Copolymer
22	Lotion	C12-C15 Alkyl Benzoate
23		Caprylic/Capric Triglyceride
24		Cetareth-20
25		Cetearyl Alcohol
26		Cetyl Alcohol
27		Dimethicone*
28		Fragrance
29		Glycerin
30		Glyceryl Stearate
31		Hydrogenated Polyisobutene
32		Laureth-7
33		Phenoxyethanol
34		Polyacrylamide
35		Potassium Sorbate*
36		Red #33
37		Sodium Benzoate
38		Yellow #5
39	Williams Sonoma Pink Grapefruit Room	Alcohol Denat.
40	Spray	Fragrance (Parfum)
41		Peg-40 Hydrogenated Castor Oil
42		Trideceth-9
43	Williams Sonoma Pumpkin Spice Hand Soap	Citric Acid*

1		Cocamidopropyl Hydroxysultaine
2		Fragrance
3		Glycerin
4		Potassium Sorbate*
5		Sodium Benzoate
6	Williams Sonoma Pumpkin Spice Hand Lotion	Sodium Chloride*
7		Tetrasodium Glutamate Diacetate
8		Acrylamide/Ammonium Acrylate Copolymer
9		C12-C15 Alkyl Benzoate
10		Caprylic/Capric Triglyceride
11		Cetareth-20
12		Cetearyl Alcohol
13		Cetyl Alcohol
14		Dimethicone*
15		Fragrance
16		Glycerin
17		Glyceryl Stearate
18		Hydrogenated Polyisobutene
19		Phenoxyethanol
20		Polysorbate 20
21		Potassium Sorbate*
22		Sodium Benzoate
23	Williams Sonoma Pumpkin Spice Dish Soap	Tetrasodium Glutamate Diacetate
24		Benzisothiazolinone
25		Citric Acid*
26		Fragrance
27		Glycerin
28		Lauramine Oxide
		Lauryl Glucoside
		Methylisothiazolinone
		Polysorbate 20
		Sodium Chloride*
		Sodium Lauryl Sulfate*
		Tetrasodium Glutamate Diacetate
	Williams Sonoma Spiced Chestnut Hand Soap	Buteth-3
		Citric Acid*
		Cocamidopropyl Betaine
		Disodium Laureth Sulfosuccinate
		Fragrance
		Glycerin
		Peg-200 Hydrogenated Glyceryl Palmate
		Peg-7 Glyceryl Cocoate
		Potassium Sorbate*
		Sodium Benzoate

1		Sodium Benzotriazolyl Butylphenol Sulfonate
2		Sodium Chloride*
3		Sodium Laureth Sulfate
4		Tetrasodium Edta
5		Tributyl Citrate
6	Williams Sonoma Spiced Chestnut Hand	Ammonium Acrylate/Acrylamide Copolymer
7	Lotion	C12-C15 Alkyl Benzoate
8		Caprylic/Capric Triglyceride
9		Ceteareth-20
10		Cetearyl Alcohol
11		Cetyl Alcohol
12		Dimethicone*
13		Fragrance
14		Glycerin
15		Glyceryl Stearate
16		Hydrogenated Polyisobutene
17		Laureth-7
18		Phenoxyethanol
19		Polyacrylamide
20		Potassium Sorbate*
21		Sodium Benzoate
22	Williams Sonoma Spiced Chestnut Dish Soap	Ethanol
23		Fragrance
24		Preservative (Non-Paraben 0.20%).
25	Williams Sonoma Spiced Chestnut Room	Alcohol Denat.
26	Spray	Fragrance (Parfum)
27		Peg-40 Hydrogenated Castor Oil
28		Trideceth-9
29	Williams Sonoma Sunny Orange Citrus Hand	Citric Acid*
30	Soap	Cocamidopropyl Hydroxysultaine
31		Glycerin
32		Fragrance (Parfum)
33		Potassium Sorbate*
34		Sodium Benzoate
35		Sodium Chloride*
36		Tetrasodium Glutamate Diacetate
37	Williams Sonoma Sunny Orange Citrus Dish	Benzisothiazolinone
38	Soap	Citric Acid*
39		Fragrance (Parfum)
40		Glycerin
41		Lauramine Oxide
42		Lauryl Glucoside
43		Methylisothiazolinone

1		Polysorbate 20
2		Sodium Chloride*
3		Sodium Lauryl Sulfate*
4		Tetrasodium Glutamate Diacetate
5	Williams Sonoma Sunny Orange Citrus Hand Lotion	Acrylamide/Ammonium Acrylate Copolymer
6		C12-C15 Alkyl Benzoate
7		Caprylic/Capric Triglyceride
8		Cetareth-20
9		Cetearyl Alcohol
10		Cetyl Alcohol
11		Dimethicone*
12		Fragrance (Parfum)
13		Glycerin
14		Glyceryl Stearate
15		Phenoxyethanol
16		Polysorbate 20
17		Potassium Sorbate*
18		Sodium Benzoate
19		Tetrasodium Glutamate Diacetate
20	Williams Sonoma Sunny Orange Citrus Room Spray	Alcohol Denat.
21		Benzisothiazolinone
22		Citric Acid*
23		Fragrance (Parfum)
24		Methylisothiazolinone
25		Peg-40 Hydrogenated Castor Oil
26		Sodium Citrate
27		Trideceth-9
28	Williams Sonoma White Gardenia Hand Soap	Citric Acid*
29		Cocamidopropyl Hydroxysultaine
30		Potassium Sorbate*
31		Sodium Benzoate
32		Sodium Chloride*
33		Tetrasodium Glutamate Diacetate
34	Williams Sonoma White Gardenia Dish Soap	Benzisothiazolinone
35		Citric Acid*
36		Fragrance (Parfum)
37		Glycerin
38		Lauramine Oxide
39		Lauryl Glucoside
40		Methylisothiazolinone
41		Polysorbate 20
42		Sodium Chloride*
43		Sodium Lauryl Sulfate*

1		Tetrasodium Glutamate Diacetate
2	Williams Sonoma White Gardenia All-	Benzisothiazolinone
3	Purpose Cleaner	Decyl Glucoside
4		Fragrance
5		Methylisothiazolinone
6		Polysorbate 20
7		Sodium Citrate
8		Tetrasodium Glutamate Diacetate
9	Williams Sonoma White Gardenia Countertop	Benzisothiazolinone
10	Spray	Citric Acid*
11		Decyl Glucoside
12		Fragrance
13		Methylisothiazolinone
14		Sodium Citrate
15		Tetrasodium Glutamate Diacetate
16	Williams Sonoma White Gardenia Hand	Acrylamide/Ammonium Acrylate Copolymer
17	Lotion	C12-C15 Alkyl Benzoate
18		Caprylic/Capric Triglyceride
19		Ceteareth-20
20		Cetearyl Alcohol
21		Cetyl Alcohol
22		Dimethicone*
23		Fragrance (Parfum)
24		Glycerin
25		Glyceryl Stearate
26		Phenoxyethanol
27		Polysorbate 20
28		Potassium Sorbate*
		Sodium Benzoate
		Tetrasodium Glutamate Diacetate
	Williams Sonoma White Gardenia Room	Alcohol Denat.
	Spray	Fragrance (Parfum)
		Peg-40 Hydrogenated Castor Oil
		Trideceth-9
	Williams Sonoma Winter Forest Hand Soap	Citric Acid*
		Cocamidopropyl Betaine
		Disodium Laureth Sulfosuccinate
		Fragrance
		Glycerin
		Peg-200 Hydrogenated Glyceryl Palmate
		Peg-7 Glyceryl Cocoate
		Potassium Sorbate*
		Sodium Benzoate

1		Sodium Chloride*
2		Sodium Laureth Sulfate
3	Williams Sonoma Winter Forest Hand Lotion	Tetrasodium EDTA
4		Ammonium Acrylate/Acrylamide Copolymer
5		C12-C15 Alkyl Benzoate
6		Caprylic/Capric Triglyceride
7		Ceteareth-20
8		Cetearyl Alcohol
9		Cetyl Alcohol
10		Dimethicone*
11		Fragrance
12		Glycerin
13		Glyceryl Stearate
14		Hydrogenated Polyisobutene
15		Laureth-7
16		Phenoxyethanol
17		Polyacrylamide
18		Potassium Sorbate*
19		Sodium Benzoate
20	Williams Sonoma Winter Forest Dish Soap	Benzisothiazolinone
21		Citric Acid*
22		Decyl Glucoside
23		Disodium Ethanoldiglycinate
24		Fragrance/Parfum
25		Glycerin
26		Methylisothiazolinone
27		Sodium Citrate
28	Williams Sonoma Winter Forest Room Spray	Alcohol Denat.
29		Fragrance (Parfum)
30		Peg-40 Hydrogenated Castor Oil
31		Trideceth-9
32	Williams Sonoma Winter Berry Hand Soap	Citric Acid*
33		Cocamidopropyl Hydroxysultaine
34		Fragrance (Parfum)
35		Glycerin
36		Potassium Sorbate*
37		Sodium Benzoate
38		Sodium Chloride*
39		Tetrasodium Glutamate Diacetate
40	Williams Sonoma Winter Berry Hand Lotion	Acrylamide/Ammonium Acrylate Copolymer
41		C12-C15 Alkyl Benzoate
42		Caprylic/Capric Triglyceride
43		Ceteareth-20

1		Cetearyl Alcohol
2		Cetyl Alcohol
3		Dimethicone*
4		Fragrance (Parfum)
5		Glycerin
6		Glyceryl Stearate
7		Phenoxyethanol
8		Polysorbate 20
9		Potassium Sorbate*
10		Sodium Benzoate
11		Tetrasodium Glutamate Diacetate
12	Williams Sonoma Winter Berry Dish Soap	Benzisothiazolinone
13		Citric Acid*
14		Fragrance (Parfum)
15		Glycerin
16		Lauramine Oxide
17		Lauryl Glucoside
18		Methylisothiazolinone
19		Polysorbate 20
20		Sodium Chloride*
21		Sodium Lauryl Sulfate*
22		Tetrasodium Glutamate Diacetate
23	Williams Sonoma Winter Berry Room Spray	Alcohol Denat.
24		Fragrance (Parfum)
25		Peg-40 Hydrogenated Castor Oil
26		Trideceth-9

38. Given the significant presence of these unnatural and/or synthetic ingredients in the Products, Defendants’ representations that they are “natural” and contain “Active Ingredients Derived from Natural Sources” are deceptive and misleading.

39. The term “synthetic” is also defined by federal statute as “a substance that is formulated or manufactured by a chemical process or by a process that chemically changes a substance extracted from naturally occurring plant, animal, or mineral sources, except that such term shall not apply to substances created by naturally occurring biological processes.” 7 U.S.C. § 6502(21).

1 40. Surveys and other market research, including expert testimony Plaintiff intends to
2 introduce, will demonstrate that the terms “Active Ingredients Derived from Natural Sources”
3 are misleading to a reasonable consumer because the reasonable consumer believes that the
4 terms “Active Ingredients Derived from Natural Sources” when used to describe a good such as
5 the Products, means that it is free of synthetic ingredients.
6

7 41. Consumers lack the meaningful ability to test or independently ascertain or verify
8 whether a product is natural, especially at the point of sale. Consumers would not know the
9 true nature of the ingredients merely by reading the ingredients label.
10

11 42. Discovering that the ingredients are not natural and are actually synthetic requires
12 a scientific investigation and knowledge of chemistry beyond that of the average consumer.
13 That is why, even though all of the ingredients listed above are identified on the back of the
14 Products’ packaging in the ingredients listed, the reasonable consumer would not understand –
15 nor are they expected to understand - that these ingredients are synthetic.
16

17 43. Moreover, the reasonable consumer is not expected or required to scour the
18 ingredients list on the back of the Products in order to confirm or debunk Defendant’s
19 prominent claims, representations, and warranties that the Products are “natural” and contain
20 “Active Ingredients Derived from Natural Sources”
21

22 44. Defendants did not disclose that any of the ingredients listed above are unnatural
23 and/or synthetic ingredients. A reasonable consumer understands Defendant’s “Active
24 Ingredients Derived from Natural Sources” claim to mean that the Products are “Derived from
25 Natural Sources,” and do not contain unnatural and/or synthetic ingredients.
26
27
28

1 49. Plaintiff also seeks to represent a Subclass of all persons in California who
2 purchased the Products during the class period (the “California Subclass”). Excluded from the
3 California Subclass are Defendants, its affiliates, employees, officers and directors, persons or
4 entities that purchases the Products for resale, and the Judge(s) assigned to this case.
5

6 50. At this time, Plaintiff does not know the exact number of members of the
7 aforementioned classes; however, given the nature of the claims and the number of Williams
8 Sonoma retail stores in the United States that sell the Products as well as sales through direct to
9 consumer channels such as catalogs and e-commerce, Plaintiff believes that Class and Subclass
10 members are so numerous that joinder of all members is impracticable.
11

12 51. There is a well-defined community of interest in the questions of law and fact
13 involved in this case. Questions of law and fact common to the members of the putative classes
14 that predominate over questions that may affect individual Class members include, but are not
15 limited to the following:
16

- 17 (a) whether Defendant misrepresented and/or failed to disclose material facts
18 concerning the Products;
19 (b) whether Defendant’s conduct was unfair and/or deceptive;
20 (c) whether Defendant has been unjustly enriched as a result of the unlawful,
21 fraudulent, and unfair conduct alleged in this Complaint such that it would be
22 inequitable for Defendant to retain the benefits conferred upon them by Plaintiff and the
23 classes;
24 (d) whether Defendant violated the Magnuson-Moss Warranty Act;
25
26
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28

1 (e) whether Defendant breached express and implied warranties to Plaintiff
2 and the classes;

3 (f) whether Plaintiff and the classes have sustained damages with respect to
4 the common law claims asserted, and if so, the proper measure of their damages.
5

6 52. With respect to the California Subclass, additional questions of law and fact
7 common to the members that predominate over questions that may affect individual members
8 include whether Defendant violated the California Consumer Legal Remedies Act, as well as
9 California's False Advertising Law and Unfair Competition Law.
10

11 53. Plaintiff's claims are typical of those of other class members because Plaintiff,
12 like all members of the classes, purchased, in a typical consumer setting, Defendant's Products
13 bearing the natural representations and other representations, and Plaintiff sustained damages
14 from Defendant's wrongful conduct.
15

16 54. Plaintiff will fairly and adequately protect the interests of the classes and have
17 retained counsel that is experienced in litigating complex class actions. Plaintiff has no
18 interests which conflict with those of the classes.
19

20 55. A class action is superior to other available methods for the fair and efficient
21 adjudication of this controversy.
22

23 56. The prerequisites to maintaining a class action for equitable relief are met as
24 Defendant has acted or refused to act on grounds generally applicable to the classes, thereby
25 making appropriate equitable relief with respect to the classes as a whole.
26

27 57. The prosecution of separate actions by members of the classes would create a risk
28 of establishing inconsistent rulings and/or incompatible standards of conduct for Defendant.

1 For example, one court might enjoin Defendant from performing the challenged acts, whereas
2 another might not. Additionally, individual actions could be dispositive of the interest of the
3 classes even where certain Class or Subclass members are not parties to such actions.
4

5 **COUNT I**

6 **(Violation of California’s Consumer Legal Remedies Act)**

7 58. Plaintiff incorporates by reference and re-allege herein all paragraphs alleged
8 above.
9

10 59. Plaintiff Kutza brings this cause of action on behalf of himself and members of
11 the California Subclass against Defendant.

12 60. This cause of action is brought pursuant to California’s Consumers Legal
13 Remedies Act, Cal. Civ. Code §§ 1750-1785 (the “CLRA”).
14

15 61. Plaintiff Kutza and the other members of the California Subclass are
16 “consumers,” as the term is defined by California Civil Code § 1761(d), because they bought
17 the Williams Sonoma Products for personal, family, or household purposes.
18

19 62. Plaintiff Kutza, the other members of the California Subclass, and Defendant
20 have engaged in “transactions,” as that term is defined by California Civil Code § 1761(e).

21 63. The conduct alleged in this Complaint constitutes unfair methods of competition
22 and unfair and deceptive acts and practices for the purpose of the CLRA, and the conduct was
23 undertaken by Defendant in transactions intended to result in, and which did result in, the sale
24 of goods to consumers.
25

26 64. As alleged more fully above, Defendant has violated the CLRA by falsely
27 representing to Plaintiff Kutza and the other members of the California Subclass that the
28

1 Products are “natural” and contain “Active Ingredients Derived from Natural Sources,” when in
2 fact they are made with unnatural and/or synthetic ingredients.

3 65. As a result of engaging in such conduct, Defendant has violated California Civil
4 Code § 1770(a)(5), (a)(7) and (a)(9).
5

6 66. CLRA § 1782 NOTICE. On February 15, 2018, CLRA demand letter was sent to
7 Defendant via certified mail that provided notice of Defendant’s violation of the CLRA and
8 demanded that within thirty (30) days from that date, Defendant correct, repair, replace or other
9 rectify the unlawful, unfair, false and/or deceptive practices complained of herein. The letter
10 also stated that if Defendant refused to do so, a complaint seeking damages in accordance with
11 the CLRA would be filed. Defendant received the letter on February 20, 2018. Defendant has
12 failed to comply with the letter. Accordingly, pursuant to California Civil Code § 1780(a)(3),
13 Plaintiff Kutza, on behalf of himself and all other members of the California Subclass, seek
14 injunctive relief, compensatory damages, punitive damages, and restitution of any ill-gotten
15 gains due to Defendant’s acts and practices.
16
17
18

19 **COUNT II**

20 **(Violation of California’s False Advertising Law)**

21 67. Plaintiff incorporates by reference and re-allege herein all paragraphs alleged
22 above.
23

24 68. Plaintiff Kutza brings this cause of action on behalf of himself and members of
25 the California Subclass.

26 69. California’s False Advertising Law (“FAL”), Cal. Bus. & Prof. Code §§ 17500, *et*
27 *seq.*, makes it “unlawful for any person to make or disseminate or cause to be made or
28

1 73. Plaintiff incorporates by reference and re-allege herein all paragraphs alleged
2 above.

3 74. Plaintiff Kutza brings this cause of action on behalf of himself and members of
4 the proposed California Subclass.
5

6 75. By committing the acts and practices alleged herein, Defendant has violated
7 California's Unfair Competition Law ("UCL"), Cal. Bus. & Prof. Code §§ 17200-17210, as to
8 the California Subclass, by engaging in unlawful, fraudulent, and unfair conduct.
9

10 76. Defendant has violated the UCL's proscription against engaging in unlawful
11 conduct as a result of:

12 (a) its violations of the CLRA, Cal. Civ. Code § 1770(a)(5), (a)(7), and
13 (a)(9), as alleged above; and

14 (b) its violations of the FAL, Cal. Bus. & Prof. Code § 17500 *et seq.* as
15 alleged above.
16

17 77. Defendants' acts and practices described above also violate the UCL's
18 proscription against engaging in fraudulent conduct.

19 78. As more fully described above, Defendant's misleading marketing, advertising,
20 packaging, and labeling of the Products is likely to deceive reasonable consumers. Indeed,
21 Plaintiff Kutza and the other members of the California Subclass were unquestionably deceived
22 regarding the nature of the Products, as Defendant's marketing, advertising, packaging, and
23 labeling of the Products misrepresents and/or omits the true facts concerning the characteristics
24 of the Products. Said acts are fraudulent business practices.
25

26 79. Defendant's acts and practices described above also violate the UCL's
27 proscription against engaging in unfair conduct.
28

1 80. Plaintiff Kutza and the other California Subclass members suffered a substantial
2 injury by virtue of buying the Products that they would not have purchased absent Defendant's
3 unlawful, fraudulent, and unfair marketing, advertising, packaging, and labeling or by virtue of
4 paying a premium price for the unlawfully, fraudulently, and unfairly marketed, advertised,
5 packaged, and labeled Williams Sonoma Products.
6

7 81. There is no benefit to consumers or competition from deceptively marketing and
8 labeling the Products, which purport to be "natural" and contain "Active Ingredients Derived
9 from Natural Sources," when these unqualified claims are false.
10

11 82. Plaintiff Kutza and the other California Subclass members had no way of
12 reasonably knowing that the Products they purchased were not as marketed, advertised,
13 packaged, or labeled. Thus, they could not have reasonably avoided the injury each of them
14 suffered.
15

16 83. The gravity of the consequences of Defendant's conduct as described above
17 outweighs any justification, motive, or reason therefore, particularly considering the available
18 legal alternatives which exist in the marketplace, and such conduct is immoral, unethical,
19 unscrupulous, offends established public policy, or is substantially injurious to Plaintiff Kutza
20 and the other members of the California Subclass.
21

22 84. Defendant's violations of the UCL continue to this day.
23

24 85. Pursuant to California Business and Professional Code § 17203, Plaintiff Kutza
25 and the California Subclass seek an order of this Court that includes, but is not limited to, an
26 order requiring Defendants to:
27

28 (a) provide restitution to Plaintiff Kutza and the other California

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Subclass members;

- (b) disgorge all revenues obtained as a result of violations of the UCL; and
- (c) pay Plaintiff’s and the California Subclass attorneys’ fees and costs.

COUNT IV

**(Violation of The Magnuson-Moss Warranty Act,
15 U.S.C. §§ 2301, et seq.)**

86. Plaintiff incorporates by reference and re-allege herein all paragraphs alleged above.

87. Plaintiff brings this claim individually and on behalf of the members of the proposed Class and California Subclass against Defendant.

88. The Williams Sonoma Products are consumer products as defined in 15 U.S.C. § 2301(1).

89. Plaintiff and the Class and California Subclass members are consumers as defined in 15 U.S.C. § 2301(3).

90. Defendant is a supplier and warrantor as defined in 15 U.S.C. § 2301(4) and (5).

91. In connection with the sale of the Products, Defendant issued written warranties as defined in 15 U.S.C. § 2301(6), by making express warranties that the Products are “natural” and contain “Active Ingredients Derived from Natural Sources.”

92. The Products do not conform to the express warranties because each of the express warranties is false and misleading. The Products contain unnatural and/or synthetic ingredients.

93. By reason of Defendants’ breach of warranties, Defendant violated the statutory rights due Plaintiff and the Class and California Subclass members pursuant to the Magnuson-

1 Moss Warranty Act, 15 U.S.C. §§ 2301, et seq., thereby damaging Plaintiff and the Class and
2 California Subclass members.

3 94. Plaintiff and the Class and California Subclass members were injured as a direct
4 and proximate result of Defendant's breach because they would not have purchased the
5 Products if they knew the truth about the unnatural and/or synthetic ingredients in the product.
6

7 **COUNT V**

8 **(Breach of Express Warranty)**

9 95. Plaintiff incorporates by reference and re-allege herein all paragraphs alleged
10 above.
11

12 96. Plaintiff brings this claim individually and on behalf of the members of the
13 proposed Class and California Subclass against Defendant.

14 97. Defendant, as the designer, manufacturer, marketer, distributor, and/or seller,
15 expressly warranted that the Products were "natural" and contain "Active Ingredients Derived
16 from Natural Sources."
17

18 98. Defendant's express warranties, and its affirmations of fact and promises made to
19 Plaintiff and the Class regarding the Products, became part of the basis of the bargain between
20 Defendant and Plaintiff and the Class, thereby creating an express warranty that the Products
21 would conform to those affirmations of act, representations, promises, and descriptions.
22

23 99. The Products do not conform to the express warranty because they contain
24 unnatural and/or synthetic ingredients.
25

26 100. As a direct and proximate cause of Defendant's breach of express warranty,
27 Plaintiff and Class members have been injured and harmed because (a) they would not have
28

1 purchased the Products on the same terms if they knew the truth about the Products unnatural
2 and/or synthetic ingredients; (b) they paid a substantial premium based on Defendant’s express
3 warranties; and (c) the Products do not have the characteristics, uses, or benefits as promised.
4

5 **COUNT VI**

6 **(Breach of Implied Warranty of Merchantability)**

7 101. Plaintiff incorporates by reference and re-allege herein all paragraphs alleged
8 above.

9 102. Plaintiff brings this claim individually and on behalf of the members of the
10 proposed Class and California Subclass against Defendant.
11

12 103. Defendants, as the designer, manufacturer, marketer, distributor, and/or seller,
13 impliedly warranted that the Williams Sonoma Products were “natural” and contain “Active
14 Ingredients Derived from Natural Sources.”
15

16 104. Defendants breached the warranty implied in the contract for the sale of the
17 Williams Sonoma Products because the goods were not “adequately contained, packaged, and
18 labeled as the agreement may require,” and the goods did not “conform to the promise or
19 affirmations of fact made on the container or label.” *See* U.C.C. § 2-314(2) (listing
20 requirements for merchantability). As a result, Plaintiff and Class members did not receive the
21 goods as impliedly warranted by Defendant to be merchantable.
22

23 105. Plaintiff and Class members purchased the Williams Sonoma Products in reliance
24 upon Defendant’s skill and judgment in properly packaging and labeling the Williams Sonoma
25 Products.
26

27 106. The Williams Sonoma Products were not altered by Plaintiff or Class members.
28

1 from Natural Sources.” These misrepresentations caused injuries to Plaintiff and Class
2 members because they would not have purchased the Williams Sonoma Products if the true
3 facts were known.
4

5 115. Because Defendant’s retention of the non-gratuitous benefits conferred on them
6 by Plaintiff and Class members is unjust and inequitable, Defendant must pay restitution to
7 Plaintiff and Class members for its unjust enrichment, as ordered by the Court.
8

9 **COUNT X**

10 **(Negligent Misrepresentation)**

11 116. Plaintiff incorporates by reference and re-allege herein all paragraphs alleged
12 above.

13 117. Plaintiff brings this claim individually and on behalf of the members of the
14 proposed Class and California Subclass against Defendant.
15

16 118. As discussed above, Defendant misrepresented that the Williams Sonoma
17 Products were “natural” and contain “Active Ingredients Derived from Natural Sources.”
18

19 119. At the time Defendant made these representations, Defendant knew or should
20 have known that these representations were false or made them without knowledge of their
21 truth or veracity.

22 120. At an absolute minimum, Defendant negligently misrepresented and/or
23 negligently omitted material facts about the Williams Sonoma Products.
24

25 121. The negligent misrepresentations and omissions made by Defendant, upon which
26 Plaintiff and Class members reasonably and justifiably relied, were intended to induce and
27 actually induced Plaintiff and Class members to purchase the Williams Sonoma Products.
28

1 122. Plaintiff and Class members would not have purchased the Williams Sonoma
2 Products if the true facts had been known.

3 123. The negligent actions of Defendants caused damage to Plaintiff and Class
4 members, who are entitled to damages and other legal and equitable relief as a result.
5

6 **COUNT XI**

7 **(Fraud)**

8 124. Plaintiff incorporates by reference and re-allege herein all paragraphs alleged
9 above.

10 125. Plaintiff brings this claim individually and on behalf of the members of the
11 proposed Class and California Subclass against Defendant.

12 126. As discussed above, Defendant provided Plaintiff and Class members with false
13 or misleading material information about the Products and failed to disclose material facts
14 about the Products, including but not limited to the fact that the Products contain unnatural
15 and/or synthetic ingredients.
16

17 127. The misrepresentations and omissions made by Defendant, upon which Plaintiff
18 and class members reasonably and justifiably relied, were intended to induce and actually
19 induced Plaintiff and class members to purchase the Products.
20

21 128. The fraudulent actions of Defendant caused damage to Plaintiff and class
22 members, who are entitled to damages and other legal and equitable relief as a result.
23

24 **PRAYER FOR RELIEF**

25 WHEREFORE, Plaintiff, individually and on behalf of all others similarly situated,
26 seeks judgment against Defendant, as follows:
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- a. For an order certifying the nationwide Class and the California Subclass under Rule 23 of the Federal Rules of Civil Procedure; naming Plaintiff as Class and California Subclass representatives; and naming Plaintiff’s attorneys as Class Counsel to represent the Class and California Subclass members;
- b. For an order declaring the Defendant’s conduct violates the statutes referenced herein;
- c. For an order finding in favor of Plaintiff, the nationwide Class, and the California Subclass on all counts asserted herein;
- d. For an order awarding compensatory, statutory, treble, and punitive damages in amounts to be determined by the Court and/or jury;
- e. For prejudgment interest on all amounts awarded;
- f. For an order of restitution and all other forms of equitable monetary relief;
- g. For an order requiring Defendant to undertake a corrective advertising campaign;
- h. For injunctive relief as pleaded or as the Court may deem proper; and
- i. For an order awarding Plaintiff and the Class and California Subclass their reasonable attorneys’ fees and expenses and costs of suit.

JURY DEMAND

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Plaintiff hereby demands a trial by jury as to all claims in this action.

Dated: June 13, 2018

Respectfully submitted,

/s/ James A. Morris Jr.

James A. Morris, Esq.

Shane E. Greenberg, Esq.

MORRIS LAW FIRM

4111 W. Alameda Avenue Suite 611

Burbank, CA 91505

Tel: 747-283-1144

Fax: 747-283-1143

Attorneys for Plaintiff BRIAN KUTZA

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CLRA Venue Declaration Pursuant to California Civil Code Section 1780(d)

I, James A. Morris, declare as follows:

1. I am counsel for Plaintiff, and I am the owner of Morris Law Firm. I make this declaration to the best of my knowledge, information, and belief of the facts stated herein.

2. The complaint filed in this action is filed in the proper place for trial because the Defendant is headquartered in this District and the misrepresentation at issue emanated from this District. Furthermore, Plaintiff Kutza alleges that they made several purchases of Defendant's Williams Sonoma Products from various stores within this State.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct, executed on June 13, 2018, at Burbank, California.

/s/ James A. Morris Jr.
James A. Morris, Jr.

CIVIL COVER SHEET

The JS-CAND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Brian Kutza on behalf of himself and all others similarly situated.

(b) County of Residence of First Listed Plaintiff Los Angeles County (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) Morris Law Firm, 4111 W. Alameda Avenue Suite 611, Burbank, CA 91505 (747) 283-1144

DEFENDANTS

Williams-Sonoma, Inc.

County of Residence of First Listed Defendant San Francisco (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Large table with categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, HABEAS CORPUS, OTHER, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation-Transfer
8 Multidistrict Litigation-Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 U.S.C. Section 1331

Brief description of cause: False advertising, unfair competition, and fraud.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S), IF ANY (See instructions):

JUDGE DOCKET NUMBER

IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)

(Place an "X" in One Box Only) SAN FRANCISCO/OAKLAND SAN JOSE EUREKA-MCKINLEYVILLE

DATE 06/13/2018

SIGNATURE OF ATTORNEY OF RECORD

/s/ James A. Morris, Jr.

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-CAND 44

Authority For Civil Cover Sheet. The JS-CAND 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the “defendant” is the location of the tract of land involved.)
- c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section “(see attachment).”
- II. Jurisdiction.** The basis of jurisdiction is set forth under Federal Rule of Civil Procedure 8(a), which requires that jurisdictions be shown in pleadings. Place an “X” in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- (1) United States plaintiff. Jurisdiction based on 28 USC §§ 1345 and 1348. Suits by agencies and officers of the United States are included here.
 - (2) United States defendant. When the plaintiff is suing the United States, its officers or agencies, place an “X” in this box.
 - (3) Federal question. This refers to suits under 28 USC § 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 - (4) Diversity of citizenship. This refers to suits under 28 USC § 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS-CAND 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an “X” in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an “X” in one of the six boxes.
- (1) Original Proceedings. Cases originating in the United States district courts.
 - (2) Removed from State Court. Proceedings initiated in state courts may be removed to the district courts under Title 28 USC § 1441. When the petition for removal is granted, check this box.
 - (3) Remanded from Appellate Court. Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 - (4) Reinstated or Reopened. Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 - (5) Transferred from Another District. For cases transferred under Title 28 USC § 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 - (6) Multidistrict Litigation Transfer. Check this box when a multidistrict case is transferred into the district under authority of Title 28 USC § 1407. When this box is checked, do not check (5) above.
 - (8) Multidistrict Litigation Direct File. Check this box when a multidistrict litigation case is filed in the same district as the Master MDL docket. Please note that there is no Origin Code 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC § 553. Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an “X” in this box if you are filing a class action under Federal Rule of Civil Procedure 23. Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction. Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS-CAND 44 is used to identify related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- IX. Divisional Assignment.** If the Nature of Suit is under Property Rights or Prisoner Petitions or the matter is a Securities Class Action, leave this section blank. For all other cases, identify the divisional venue according to Civil Local Rule 3-2: “the county in which a substantial part of the events or omissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated.”
- Date and Attorney Signature.** Date and sign the civil cover sheet.

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____ .

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: