

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

Elizabeth Salazar and Sadie Fletcher,  
individually and on behalf of all others  
similarly situated,

Plaintiffs,

- against -

The Procter & Gamble Company,

Defendant

1:22-cv-05036

Hon. Jorge L. Alonso

First Amended  
Class Action Complaint

Jury Trial Demanded

Plaintiffs Elizabeth Salazar (“Plaintiff Salazar”) and Sadie Fletcher (“Plaintiff Fletcher”) (“Plaintiffs”) allege upon information and belief, except for allegations about Plaintiffs, which are based on personal knowledge:

1. The Procter & Gamble Company (“Defendant”) manufactures, markets, and sells women’s hygiene products represented as “Pure Cotton\*” under the Tampax brand (“Product”).



2. Other statements include “Tampons Free of Dyes, Fragrances & Chlorine Bleaching,” “\*Contains 100% Organic Cotton Core,” a picture of cotton, and “90% Plant Based Applicator.”

## **I. PURE COTTON**

3. Consumers understand “pure” consistent with its dictionary definitions as “not altered from an original or natural state,” “not mixed with anything else” and “clean and not harmful in any way.”
4. Consumers value personal care products labeled as “pure” because non-pure ingredients are associated with detrimental health and environmental effects.
5. Sales of personal care products based on pure components are growing twice the rate of traditional personal care products.
6. According to Nielsen, whether personal care products contain components in their pure state is of high importance to half the public.
7. Academic studies indicate that consumers will pay at least ten percent more for personal care products with claims that state or imply the use of components which have not significantly altered from their original state.
8. By describing the Product as “Pure Cotton\*,” consumers will expect all of its components to be made from cotton
9. Despite the front label promise the Product was “Pure Cotton,” the non-core ingredients are not pure because they are significantly altered from their original or natural state.

**INGREDIENTS/INGREDIENTES:** Cotton,  
Polypropylene, Polyester/Poliéster,  
Glycerin, Paraffin, Titanium Dioxide

**INGREDIENTS: COTTON, POLYPROPYLENE,  
POLYESTER, GLYCERIN, PARAFFIN, TITANIUM  
DIOXIDE**

10. Polypropylene is a synthetic resin built up by the polymerization of propylene.
11. Polyester is a synthetic fiber made from petroleum. Polyester is not a “pure” ingredient because it is created through a chemical reaction between ethylene glycol and more terephthalic acid.
12. While glycerin can be sourced from vegetable oils, its extensive use by the personal care industry means it must be obtained as a byproduct in biodiesel production.
13. This is done through hydrogenolysis, a chemical reaction in which a carbon-carbon or carbon-heteroatom single bond is cleaved or undergoes lysis by hydrogen.
14. Paraffin is a solid mixture of hydrocarbons obtained from petroleum characterized by relatively large crystals.
15. Titanium dioxide is a mineral from mined ilmenite ore.
16. Converting this to a pigment involves chemical reactions and significant heat, either through a sulfate process with concentrated sulphuric acid or a chloride process using chlorine gas.
17. Both methods involve chemical reactions and significant heat, but the chloride process is more widely used.
18. This entails mixing raw materials with gaseous chlorine at roughly 1000°C in a fluidized bed reactor in the presence of coke as a reducing agent.
19. The result is a gas stream of titanium tetrachloride, which after hydrolysis, produces titanium dioxide pigment.
20. The non-cotton ingredients are not pure, and according to the European Union, titanium

dioxide is potentially harmful to consumers.

21. Only a small asterisk next to “cotton” refers to a smaller statement indicating the entire Product is not “pure,” only that it “Contains [a] 100% Organic Cotton Core.”

## **II. MISLEADING STATEMENT ABOUT COLORING**

22. The statement, “Tampons Free of Dyes, [] & Chlorine Bleaching” appeals to the majority of purchasers who seek personal care products without added coloring.
23. Though it may be literally true that the Product is “Free of Dyes, [] & Chlorine Bleaching,” this statement is misleading because it contains titanium dioxide, a synthetically prepared powder used as a white pigment.
24. The use of titanium dioxide serves the identical purpose of dye and chlorine bleaching with respect to the Product’s components such as the string.

## **III. PLANT-BASED APPLICATOR**

25. Recent years have seen increased attention at the environmental harm caused by single-use plastics.
26. This includes the fossil fuels used to produce them, disposal in oceans and disruption to marine life, and release of chemicals they contain.
27. Consumer awareness of these issues drives them towards attempting to reduce their use of plastic.
28. According to British organization Natracare, female consumers “see the words ‘plant-based’ on [a] box and they think that they are choosing an ecological alternative to oil-based plastic tampon applicators.”<sup>1</sup>
29. This was confirmed by survey results showing almost 80 percent of consumers thought

---

<sup>1</sup> Applicators Unwrapped: The Truth About “Plant-Based” Plastic Tampon Applicators.

“plant-based plastic” meant a compostable and biodegradable alternative to plastic.

30. Only 11 percent of respondents correctly knew that plant-based plastic is no different from regular plastic.
31. According to Natracare, “‘plant-based’ refers to the source of the material itself, not how the resulting plastic will behave after it’s been thrown away.”
32. Plant-based applicators contain identical chemical residues, regardless of their source.
33. While plant-based plastic may be created from agricultural scraps, such as sugarcane, corn, wheat or food waste, the resulting polypropylene (or polyethylene), “persists in the environment in just the same way [as regular plastic].”
34. This means it will behave identically to oil-based polypropylene, and “will never biodegrade. Instead, it will break down into microplastic particles over hundreds of years.”
35. According to laboratory testing conducted by Dr. David Santillo of Greenpeace, the tampon applicators marketed as made from plant-based plastic “were still the same old plastic.”
36. Dr. Santillo stated that these applicators “will likely persist in the natural environment in exactly the same way as ‘conventional’ plastic applicators.”
37. Dr. Santillo lamented how companies are selling plant-based applicators to consumers “as a positive environmental choice [which] is misleading.”
38. Compostable and biodegradable plastics exist and are commercially and technically feasible.

#### **IV. CONCLUSION**

39. Defendant makes other representations and omissions which are false and misleading.
40. Defendant sold more of the Product and at higher prices than it would have in the absence

of this misconduct, resulting in additional profits at the expense of consumers.

41. As a result of the false and misleading representations, the Product is sold at a premium price, approximately no less than \$11.49 for 24 tampons, excluding tax and sales, higher than similar products, represented in a non-misleading way, and higher than it would be sold for absent the misleading representations and omissions.

#### Jurisdiction and Venue

42. Jurisdiction is based on the Class Action Fairness Act of 2005 (“CAFA”). 28 U.S.C. § 1332(d)(2).
43. The aggregate amount in controversy exceeds \$5 million, including any statutory damages, exclusive of interest and costs.
44. Plaintiffs are citizens of Illinois.
45. Defendant is an Ohio corporation with a principal place of business in Cincinnati, Ohio, Hamilton County.
46. The class of persons Plaintiffs seek to represent includes persons who are citizens of different states from which Defendant is a citizen.
47. The members of the class Plaintiffs seek to represent are more than 100, because the Product has been sold at thousands of locations and online in the States covered by the classes Plaintiffs seek to represent with these representations for several years.
48. The Product is available to consumers from third-parties, including grocery stores, dollar stores, warehouse club stores, drug stores, big box stores, and online.
49. Venue is in this District because Plaintiff Salazar resides in this District and the actions giving rise to these claims occurred within this District.
50. Venue is in this District, with assignment to the Eastern Division, because a substantial

part of the events or omissions giving rise to these claims occurred in Cook County, including Plaintiff Salazar's purchase, transactions and/or use of the Product and awareness and/or experiences of and with the issues described here.

Parties

51. Plaintiff Salazar is a citizen of Park Forest, Cook County, Illinois.
52. Plaintiff Fletcher is a citizen of Benton, Franklin County, Illinois.
53. Defendant The Procter & Gamble Company is an Ohio corporation with a principal place of business in Cincinnati, Ohio, Hamilton County.
54. Defendant operates the Tampax brand of women's personal care products.
55. Plaintiffs seek to purchase personal care products which (1) contain pure components, which they understand to refer to substances which have not been significantly altered from their initial state, and have no possibility of harm, (2) lack added coloring, and (3) are better for the environment than alternatives.
56. Plaintiff Salazar purchased the Product on one or more occasions within the statutes of limitations for each cause of action alleged, at stores including CVS, 1 Main St, Park Forest, Illinois between 2020 and 2022, and/or among other times.
57. Plaintiff Fletcher purchased the Product on one or more occasions within the statutes of limitations for each cause of action alleged, at stores including Walmart, 919 Giacone Dr, Benton, Illinois between 2020 and 2022, and/or among other times.
58. Plaintiffs relied on the words, terms coloring, descriptions, layout, placement, packaging, tags, and/or images on the Product, on the labeling, statements, omissions, claims, statements, and instructions, made by Defendant or at its directions, in digital, print and/or social media, which accompanied the Product and separately, through in-store, digital,

audio, and print marketing.

59. Plaintiffs bought the Product at or exceeding the above-referenced price.
60. Plaintiffs chose between Defendant's Product and products represented similarly, but which did not misrepresent their attributes and/or components.
61. Plaintiffs paid more for the Product than they would have paid absent the false and misleading statements and omissions.

Class Allegations

62. Plaintiffs seek certification under Fed. R. Civ. P. 23 of the following classes:

**Illinois Class:** All persons in Illinois who purchased the Product during the statutes of limitations for each cause of action alleged; and

**Consumer Fraud Multi-State Class:** All persons in the States of Utah, West Virginia, Wyoming, Arkansas, Ohio, Nevada, South Carolina, and Mississippi who purchased the Product during the statutes of limitations for each cause of action alleged.

63. Common questions of issues, law, and fact predominate and include whether Defendant's representations were and are misleading and if Plaintiffs and class members are entitled to damages.
64. Plaintiffs' claims and basis for relief are typical to other members because all were subjected to the same unfair, misleading, and deceptive representations, omissions, and actions.
65. Plaintiffs are adequate representatives because their interests do not conflict with other members.
66. No individual inquiry is necessary since the focus is only on Defendant's practices and the class is definable and ascertainable.



67. Individual actions would risk inconsistent results, be repetitive and are impractical to justify, as the claims are modest relative to the scope of the harm.
68. Plaintiffs' counsel is competent and experienced in complex class action litigation and intends to protect class members' interests adequately and fairly.

Illinois Consumer Fraud and Deceptive Business Practices Act  
("ICFA"), 815 ILCS 505/1, et seq.

69. Plaintiffs incorporate by reference all preceding paragraphs.
70. Plaintiffs read and relied on the labeling indicated above and believed the Product was pure, without added coloring, and was better for the environment because it was made with plant-based plastics.

Violation of State Consumer Fraud Acts  
(Consumer Fraud Multi-State Class)

71. The Consumer Fraud Acts of the States in the Consumer Fraud Multi-State Class are similar to the consumer protection statute invoked by Plaintiffs and prohibit the use of unfair or deceptive business practices in the conduct of commerce.
72. The members of the Consumer Fraud Multi-State Class reserve their rights to assert their consumer protection claims under the Consumer Fraud Acts of the States they represent and/or the consumer protection statute invoked by Plaintiffs.
73. Defendant intended that members of the Consumer Fraud Multi-State Class would rely upon its deceptive conduct.

Unjust Enrichment

74. Defendant obtained benefits and monies because the Product was not as represented and expected, to the detriment and impoverishment of Plaintiffs and class members, who seek restitution and disgorgement of inequitably obtained profits.

Jury Demand and Prayer for Relief

Plaintiffs demand a jury trial on all issues.

**WHEREFORE**, Plaintiffs pray for judgment:

1. Declaring this a proper class action, certifying Plaintiffs as representatives and the undersigned as counsel for the class;
2. Awarding monetary damages, statutory and/or punitive damages and interest;
3. Awarding costs and expenses, including reasonable fees for Plaintiffs' attorneys and experts; and
4. Other and further relief as the Court deems just and proper.

Dated: February 15, 2024

Respectfully submitted,

REESE LLP

*/s/ Michael R. Reese*

---

Michael R. Reese (N.D. Ill. # 90785808)  
100 W 93rd St, 16<sup>th</sup> Floor  
New York, New York 10025  
(212) 643-0500  
*mreese@reesellp.com*

Spencer Sheehan  
SHEEHAN & ASSOCIATES, P.C.  
60 Cuttermill Rd Ste 412  
Great Neck, New York 11021  
(516) 268-7080  
*spencer@spencersheehan.com*

James Chung  
CHUNG LAW FIRM P.C.  
43-22 216<sup>th</sup> Street  
Bayside, New York 11361  
(718) 461-8808  
*jchung\_77@msn.com*

*Counsel for Plaintiffs and the Proposed Classes*