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9

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
COUNTY OF SAN DIEGO

11 **MIRAY ATAMIAN, Individually and on**
12 **behalf of all others similarly situated,**

13 **Plaintiff,**

14 **v.**

15 **OLAPLEX, INC.; and OLAPLEX**
16 **HOLDINGS, INC.,**

17 **Defendants.**
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ELECTRONICALLY FILED
Superior Court of California,
County of San Diego
04/19/2024 at 04:27:32 PM
Clerk of the Superior Court
By Jimmy Siharath, Deputy Clerk

Case No.: 37-2024-00018492-CU-BT-CTL

**CLASS ACTION COMPLAINT FOR
DAMAGES AND INJUNCTIVE RELIEF
FOR VIOLATIONS OF:**

- 1) **CONSUMERS LEGAL REMEDIES
ACT (“CLRA”), CAL. CIVIL CODE §§
1750, *ET SEQ.*;**
- 2) **CALIFORNIA BUS. & PROF. §§
17533.7 (CALIFORNIA’S “MADE IN
USA” STATUTE); AND,**
- 3) **CALIFORNIA’S UNFAIR
COMPETITION LAW (“UCL”), BUS. &
PROF. §§ 17200, *ET SEQ.*;**
- 4) **INTENTIONAL
MISREPRESENTATION;**
- 5) **NEGLIGENT MISREPRESENTATION.**

JURY TRIAL DEMANDED

1 INTRODUCTION

- 2 1. Plaintiff Miray Atamian (“Plaintiff”) brings this Class Action Complaint for damages and
3 equitable remedies resulting from the conduct of Olaplex, Inc. (“Olaplex”) and Olaplex
4 Holdings, Inc. (“Olaplex Holdings”) (together the “Defendants”) concerning alleged unlawful
5 labeling of Defendants’ consumer packaged goods, such as hair treatment, shampoo and
6 conditioner products with the designation and representation that the products are/were “Made
7 in USA”.
- 8 2. Upon information and belief, the products are sold through (1) Defendants’ own website; (2)
9 third-party retailers such as Sephora; (3) professional hair salons; (4) third-party websites such
10 as, Amazon.com; and (5) several stores and other distribution points throughout the United
11 States.¹ For instance, several of Defendants’ products are sold at Waylon Salon & Boutique,
12 located at 5726 La Jolla Blvd., #105, San Diego, CA 92037.
- 13 3. Plaintiff alleges as follows upon personal knowledge as to herself and her own acts and
14 experiences, and, as to all other matters, upon information and belief, including investigation
15 conducted by her attorneys.
- 16 4. As stated by the California Supreme Court in *Kwikset v. Superior Court* (January 27, 2011)
17 51 Cal. 4th 310, 328-29:

18 **Simply stated: labels matter.** The marketing industry is based on the
19 premise that labels matter, that consumers will choose one product over
20 another similar product based on its label and various tangible and
21 intangible qualities that may come to associate with a particular
22 source...In particular, **to some consumers**, the “Made in U.S.A.” label
23 matters. A range of motivations may fuel this preference, from the
24 desire to support domestic jobs to beliefs about quality, to concerns
25 about overseas environmental or labor conditions, to simple patriotism.
The Legislature has recognized the materiality of this representation by
specifically outlawing deceptive and fraudulent “Made in America”
representations. (Cal. Bus. & Prof. Code section 17533.7; see also Cal.
Civ. Code § 1770, subd. (a)(4) (prohibiting deceptive representations

26 ¹ Plaintiff seeks class wide relief on behalf of all purchasers of any of Defendants' products that are
27 substantially similar to the consumer-packaged goods purchased by Plaintiff and labeled as “Made in
28 USA,” or some derivative thereof, that are foreign made or include foreign made components in
violation of California law(s), not only the specific Olaplex No. 3 Hair Perfector (the “Product”)
purchased by Plaintiff.

1 of geographic origin)). The object of section 17533.7 “is to protect
2 consumers from being misled when they purchase products in the belief
3 that they are advancing the interest of the United States and its
industries and workers...” (emphasis added).

- 4 5. The “Made in USA” claim (or some derivative thereof) is printed on certain of Defendants’
5 products, including the product purchased by Plaintiff.
- 6 6. Contrary to Defendants’ express representations, the Product purchased by Plaintiff includes
7 numerous foreign ingredients.
- 8 7. Also, contrary to Defendants’ express representations, substantially similar products, include
9 numerous foreign ingredients, which substantially similar products include, but are not limited
10 to all sizes, configurations and/or other variations of Olaplex’s hair care products in addition
11 to each and every product found at: <https://olaplex.com> that are substantially similar to the
12 Product purchased by Plaintiff and labeled as “Made in USA,” or some derivative thereof,
13 that are foreign-made or incorporates foreign-made components (the “Class Products”).
- 14 8. Defendants’ conduct of advertising (whether directly through its own website or through third-
15 party retailers) and selling deceptively labeled products bearing the representation that such
16 products are “Made in USA” is in violation of: (1) California’s Consumer Legal Remedies
17 Act (“CLRA”), Cal. Civ. Code §§ 1750, *et seq.*; (2) California Bus. & Prof. § 17533.7,
18 (California’s “MUSA” Statute); and (3) California’s Unfair Competition Law (“UCL”), Bus.
19 & Prof. Code §§ 17200, *et seq.*
- 20 9. This conduct caused Plaintiff, and others similarly situated, damages, and requires restitution
21 to remedy past harm.
- 22 10. Unless otherwise indicated, the use of Defendant’s name in this Complaint includes all agents,
23 employees, officers, members, directors, heirs, successors, assigns, principals, trustees,
24 sureties, subrogees, representatives and insurers of Defendants.

25 **JURISDICTION AND VENUE**

- 26 11. Jurisdiction is proper pursuant to this Court’s general jurisdiction.
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12. The Court has jurisdiction over Plaintiff’s claims arising from Defendants’ alleged unlawful business practices under California’s CLRA, the MUSA Statute, the UCL, and common law claims.

13. This Court has personal jurisdiction over Defendants because Defendants conduct substantial business in the State of California and within the County of San Diego, and has sufficient minimum contacts with this State and the County of San Diego, and otherwise purposefully avails itself of the markets in this State and the County of San Diego through the promotion, sale, and marketing of its products in this State and within the County of San Diego.

14. Venue is proper in this Court pursuant to California Code of Civil Procedure section 395(a) because Defendants are authorized to conduct business in this district and has intentionally availed itself of the laws and markets within the County of San Diego, does substantial business within the County of San Diego; and are subject to personal jurisdiction in the County of San Diego.

PARTIES

15. Plaintiff Miray Atamian is, and at all relevant times was, an individual residing California.

16. Olaplex, Inc. is a Delaware corporation, with a business address in California.

17. Olaplex Holdings, Inc. is a Delaware corporation and has a business address in California.

18. Upon information and belief, Olaplex Holdings, Inc. owns Olaplex, Inc.

19. Upon information and belief, Olaplex is a leading company in the United States that markets and sells premium hair care products and engages in the development, processing, marketing, sale, and distribution of functional and premium hair care products to a broad range of consumers, including California consumers, through multiple channels of distribution.

20. Plaintiff is further informed and believes that Defendants conduct business through internet sales and wholesale orders, and at numerous professional salons, specialty beauty stores, such as Sephora, and other stores and distribution points within California.

1 21. One of the products sold by Defendants is the Olaplex’s No. 3 Hair Perfector, which was
2 purchased by Plaintiff on or about February 7, 2019 and then again on December 13, 2022.²

3 **NATURE OF THE CASE**

4 22. At all times relevant, Defendants have made material misrepresentations regarding its Class
5 Products, including the Product purchased by Plaintiff, it manufactures, markets and sells.
6 Specifically, Defendants packaged, advertised, marketed, promoted, and sold its Class
7 Products as “Made in USA,” or some derivative thereof, when in fact that is not true.

8 23. Although Defendants represent that its Class Products are “Made in USA” (or some derivate
9 thereof), Defendants’ Class Products are wholly and/or substantially manufactured or
10 produced with components that are manufactured, grown and/or sourced from outside of the
11 United States.

12 24. Each consumer, including Plaintiff, was exposed to virtually the same material
13 misrepresentations, as the similar labels were prominently placed on all of Defendants’ Class
14 Products that were sold, and are currently being sold to consumers throughout California.

15 25. As a consequence of Defendants’ unfair and deceptive practices, Plaintiff and other similarly
16 situated consumers purchased Defendants’ Class Products under the false impression and in
17 reliance upon Defendants’ express representations that the products were actually made in the
18 USA.

19 26. As a result, Plaintiff and other similarly situated consumers overpaid for the Defendants’ Class
20 Products, and/or purchased the Class Products under the false belief that the product they
21 purchased was made in the USA and did not contain key ingredients from outside the United
22 States.

23 27. Had Plaintiff and other consumers similarly situated been made aware that Defendants’ Class
24 Products contained a substantial amount of ingredients sourced from outside of the United
25 States, they would not have purchased the Class Products.

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27 ² Prior to suit, after following service of a pre-litigation demand from Plaintiff, the Parties entered
28 into a tolling agreement, whereby Plaintiff’s claims relating to her purchases of Hair Perfector No. 3
Hair Repairing Treatment would be tolled through and including April 19, 2024.

1 28. As a result of Defendants’ false or misleading statements and/or failure to disclose the true
2 nature of its Class Products, as well as Defendants’ other conduct described herein, Plaintiff
3 and other similarly situated consumers purchased at least many thousands of units of
4 Defendants’ Class Products within California and throughout the United States and have
5 suffered, and continue to suffer, harm, including the loss of money and/or property.

6 29. Defendants’ conduct as alleged herein violates several California laws, as more fully set forth
7 herein.

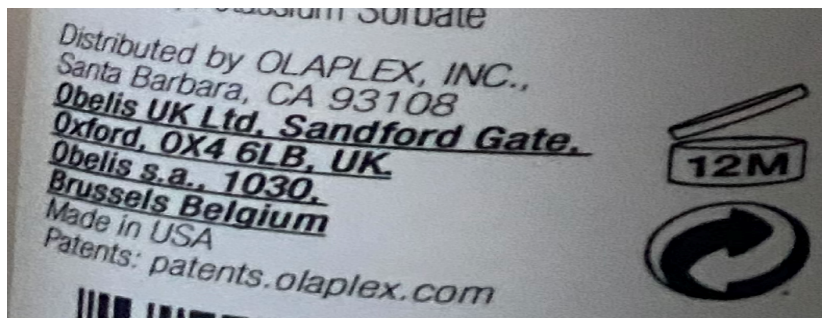
8 30. This action seeks, among other things, equitable relief; restitution of all amounts illegally
9 retained by Defendants; and disgorgement of all ill-gotten profits from Defendants’
10 wrongdoing alleged herein.

11 **FACTUAL ALLEGATIONS**

12 31. Plaintiff re-alleges and incorporates by reference all of the above paragraphs of this Complaint
13 as though fully stated herein.

14 32. Defendants manufacture, market and/or sell various products that have been and are currently
15 still represented as “Made in USA.”

16 33. Defendants make these representations on the labels of the Class Products themselves, which
17 each contain a substantially similar statement of “Made in USA”. An example of such
18 representation is depicted below:



1 34. Defendants also include similar representations accompanying the advertising of its products
2 on Amazon.com.³

3 35. Even after Plaintiff’s purchase of the Product, Defendants continued to represent on its own
4 website that some of its products were Made in USA or derivatives thereof.

5 36. Contrary to such representations, Defendants’ Class Products are wholly and/or substantially
6 manufactured or produced with components that are manufactured outside of the United
7 States.

8 37. Based upon information and belief, the offending Product purchased by Plaintiff contains
9 foreign ingredients not made in the United States.

10 38. Despite the clear representation that the Class Products were “Made in USA,” upon
11 information and belief, the Class Products (including the Product) consist of foreign
12 components (not found domestically), which is not properly disclosed on the label of the Class
13 Products. Such foreign components make up more than 10% of the final wholesale value of
14 the manufactured product.

15 39. Based upon information and belief, the offending Product purchased by Plaintiff, and
16 Defendants’ Class Products that are substantially similar and contain foreign ingredients, are
17 wholly or partially made of and/or manufactured with foreign materials, contrary to
18 Defendants’ “Made in USA” (or similar words) representations.

19 40. Defendants have marketed and represented to the general public via its Class Products’ labels,
20 its Amazon.com store that the Class Products are “Made in USA.”

21 41. As such, Defendants have inaccurately stated the true country of origin of the offending
22 products. Defendants possesses superior knowledge of the true facts that were not disclosed,
23 thereby tolling the running of any applicable statute of limitations.
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26 ³ See, e.g., https://www.amazon.com/Olaplex-Hair-Perfector-Repairing-Treatment/dp/B00SNM5US4/ref=sr_1_2?crid=2VU0K9LTHRK4O&keywords=olaplex&qid=1674604303&srefix=olaplex%2Caps%2C130&sr=8-2&th=1 (last visited Jan. 24, 2023) (noting
27 “Country of Origin: USA” and also displaying the Product’s packaging bearing the “Made in USA”
28 representation).

1 42. Therefore, each and every one of Olaplex’s products, regardless of type, configuration or size,
2 including but not limited to the aforementioned Products, containing foreign ingredients,
3 components or raw materials and any reference to “Made in USA” or any derivative thereof,
4 are in violation of California law.

5 43. Most consumers possess limited knowledge of the likelihood that products, including the
6 component products therein, claimed to be made in the United States are in fact manufactured
7 in foreign countries. This is a material factor in many individuals’ purchasing decisions, as
8 they believe they are purchasing superior goods while supporting American companies and
9 American jobs.

10 44. Consumers generally believe that “Made in USA” products are of higher quality than their
11 counterparts that are made with foreign components.

12 45. On information and belief, Defendants charged more money for its Class Products in
13 comparison to Defendants’ competitors during the entirety of the relevant four-year statutory
14 time period, based on the false “Made in USA” designation (or some derivative thereof).
15 California laws are designed to protect consumers from such false representations and
16 predatory conduct.

17 46. On or about February 7, 2019, Plaintiff searched online looking to buy a new hair care product.
18 During her online search, Plaintiff came across the Product and desired to purchase it for her
19 personal use.

20 47. Olaplex markets and advertises various products on Amazon.com, including the Product
21 purchased by our client, as being “Made in USA.”

22 48. This representation, which is displayed prominently on the containers of Olaplex products,
23 including the packaging of the Product purchased by Plaintiff, which is visible on
24 Amazon.com’s website, conveys important information to consumers regarding the quality
25 and characteristics of Olaplex’s products.

26 49. Specifically, the term “Made in USA” conveys to a reasonable consumer, including Plaintiff,
27 that Olaplex’s products, including the Product, are made entirely in the United States and
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made of ingredients from the United States, and therefore are of superior quality (i.e., contain better grown or manufactured ingredients compared to non-USA made products or raw materials) and made pursuant to United States labor and quality standards.

50. Relying on these representations, Plaintiff purchased the Product through Amazon.com on February 7, 2019 for \$28.00, excluding tax.

51. Plaintiff purchased the Product again on December 13, 2022, for \$25.50, excluding tax.

52. At the time of each of Plaintiff’s purchases, the description of the offending Product described the product as having an origin of being made in “USA,” and also contained a picture of the Product showing the label which indicated “Made in USA.”

53. After purchasing the Product for a second time in December of 2022, Plaintiff was surprised to later find out, that contrary to Olaplex’s “Made in USA” representations, upon information and belief, many, if not all, products produced, distributed and sold by Olaplex contain or are made with several ingredients that are not “Made in USA.”

54. For example, upon information and belief, the Product contains: (1) Propylene Glycol, (2) Stearamidopropyl Dimethylamine Ascorbic Acid, (3) Phytantriol, (4) Aloe Barbadensis Leaf Juice, (5) Panthenol, and (6) Simmondsia Chinensis (Jojoba) Seed Oil, which in this instance, among other ingredients in the Product, are not from the United States.

55. Despite over six key ingredients in the Product originating from outside the United States, Olaplex’s label on the Product states “Made in USA.”

56. Similarly, upon information and belief, Olaplex’s substantially similar No. 4 Bond Maintenance Shampoo contains Sodium Lauroyl Methyl Isethionate, Cocamidopropyl Hydroxysultaine, Potassium Cocoyl Glycinate, Disodium Cocoyl Glutamate, Sodium Lauroyl Sarcosinate, Potassium Cocoate, Cocamidopropylamine Oxide, Sodium Cocoyl Glutamate, Guar Hydroxypropyltrimonium Chloride, Panthenol, Acetic Acid, Helianthus Annus (Sunflower) Seed Oil, Tocopherol, Prunus Armeniaca (Apricot) Kernel Oil, Pseudozyma Epicola/Camellia Sinensis Seed Oil, Pseudozyma Epicola/Argania Spinosa Kernel Oil, Propanediol, Helianthus Annus (Sunflower) Seed Extract, and Morinda Citrifolia Fruit

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Extract, which in this instance, among other ingredients in the product, are not from the United States, yet Olaplex’s label also states “Made in USA.”

57. Upon information and belief, Olaplex’s substantially similar No. 5 Bond Maintenance Conditioner is also mislabeled as it contains Caprylic/Capric Triglyceride, Panthenol, Hydroxypropyl Guar, Camellia Sinensis Seed Oil, Crambe Abyssinica Seed Oil, Persea Gratissima (Avocado) Oil, Vitis Vinifera (Grape) Seed Oil, and Ahnfeltiopsis Concinna Extract, Silica, which in this instance, among other ingredients in the product, are not from the United States, yet its label states “Made in USA.”

58. Upon information and belief, Olaplex’s substantially similar No. 7 Bonding Oil contains Coco-Caprylate, Propanediol, Helianthus Annuus (Sunflower) Seed Oil, Moringa Oleifera Seed Oil, Punica Granatum Seed Oil, Morinda Citrifolia Fruit Powder, Fragrance (Parfum), Hexyl Cinnamal, Eclipta Prostrata Extract, and Melia Azadirachta Leaf Extract, which in this instance, among other ingredients in the product, are not from the United States, yet its label states “Made in USA.”

59. Defendants’ representations concerning the Product were untrue and/or deceptive and misleading because the Product actually was made and/or contained components made outside of the United States. Accordingly, Defendants are not entitled to lawfully make representations that the product was “Made in USA.”

60. Upon information and belief, the Class Products contain articles, units, or parts obtained from outside the United States constitute more than 10% of the final wholesale value of the manufactured product.

61. Such representations that the Product was made in the USA were material to Plaintiff in making her decision to purchase the Product. Indeed, in making the decision to purchase Defendants’ Product, Plaintiff relied upon the advertising and/or other promotional materials prepared and approved by Defendants and their agents and disseminated through its Class Products’ packaging containing the misrepresentations alleged herein.

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62. Had Plaintiff been made aware that the Product was not actually “Made in USA,” she would not have purchased the Product.
63. Plaintiff would not have purchased Defendants’ Product, but for the “Made in USA” representations on Defendants’ Product’s label and on the website in which Plaintiff purchased the Product.
64. As a result, Plaintiff was harmed because Plaintiff’s money was taken by Defendant as a result of Defendants’ false “Made in USA” designation set forth on Defendants’ Product and elsewhere.
65. In each case when Plaintiff and putative Class members purchased a Class Product, they relied upon Defendants’ “Made in USA” representation in their purchasing decision, which is typical of most U.S. consumers.
66. Consequently, Plaintiff and other similarly situated consumers were deceived as a result of Defendants’ actions.
67. Plaintiff believed at the time she purchased the Product that she was purchasing a superior quality product, supporting U.S. jobs and the U.S. economy, supporting ethical working conditions, and also buying US quality ingredients as opposed to ingredients made outside the United States.
68. Component parts manufactured in the USA are subject to strict regulatory requirements, including but not limited to environmental, labor, safety and quality standards.
69. Foreign made component parts are not subject to the same U.S. standards and as a result can be potentially much more dangerous to consumers, especially when consumed like Defendants’ products.
70. Additionally, foreign made component parts are also generally of lower quality than their U.S. made counterparts, and routinely less reliable and of less quality than their U.S. made counterparts.

1 71. The false or misleading representation that these products are “Made in USA” results in lower
2 overall customer satisfaction than if the products were truly “Made in USA” and/or consisting
3 of component parts made in the United States.

4 72. On information and belief, Defendants’ Class Products containing the foreign ingredients,
5 including the Product purchased by Plaintiff, are not worth the purchase price paid by Plaintiff
6 and putative Class members.

7 73. The precise amount of damages will be proven at the time of trial.

8 74. Plaintiff and Class members were harmed as a result of Defendants’ false or misleading “Made
9 in USA” representations alleged herein.

10 **CLASS ACTION ALLEGATIONS**

11 75. Plaintiff re-alleges and incorporates by reference all of the above paragraphs of this Complaint
12 as though fully stated herein.

13 76. Plaintiff brings this action individually and on behalf of all others similarly situated against
14 Defendant, pursuant to California Code of Civil Procedure Section 378.

15 77. Plaintiff represents, and is a member of the class (“the Class”) consisting of:

16 All persons within the United States who bought one or more of
17 Defendants’ Products that included “Made in USA” (or similar
18 language) on the Product or packaging of the Product, since February
19 7, 2019 to the present.

20 78. Excluded from the Class are Defendants and any of their officers, directors, and employees.

21 79. Plaintiff reserves the right to modify or amend the Class definition before the Court determines
22 whether certification is appropriate.

23 80. This action has been brought and may properly be maintained as a class action under the
24 provisions of § 382 of the California Code of Civil Procedure because there is a well-defined
25 community of interest in the litigation and the proposed Class is easily ascertainable.

26 81. **Ascertainability.** Plaintiff does not know the number of members in the Class, but Plaintiff
27 currently believes that there are hundreds of thousands, if not more, members of the Class
28 within the State of California and through the United States. Because of the nature of

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Defendants’ products, Defendants and Defendants’ distributors must keep detailed and accurate records of distribution in order to accurately and effectively execute a recall if so, ordered by the Food and Drug Administration or any other organization. Therefore, the members of the Class are ascertainable through Defendants’ records and/or Defendants’ agents’ records regarding retail and online sales, as well as through public notice. This matter should therefore be certified as a Class action to assist in the expeditious litigation of this matter.

82. **Numerosity.** The members of the Class are so numerous and geographically disbursed that joinder of all Class members is impractical, and the disposition of their claims in the Class action will provide substantial benefits both to the parties and to the court.

83. **Existence and Predominance of Common Questions of Law and Fact.** There is a well-defined community of interest in the questions of law and fact involved affecting the parties to be represented. Common questions of fact and law exist in this matter that predominate over questions that may affect individual Class members, including, but not limited to, the following:

- a. Whether Defendants’ Products are or have been represented as “Made in USA” country of origin designation (or some derivative thereof);
- b. Whether foreign components make up more than 10% of the final wholesale value of the Defendants’ Products;
- c. Whether Defendants’ acts, transactions, or course of conduct constitute the violations of the laws alleged herein;
- d. Whether Defendants, through their conduct, received money that, in equity and good conscience, belongs to Plaintiff and members of the Class;
- e. Whether the members of the Class sustained and/or continue to sustain damages attributable to Defendants’ conduct, and, if so, the proper measure and appropriate formula to be applied in determining such damages; and
- f. Whether the members of the Class are entitled to equitable relief.

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84. **Typicality.** As a person who purchased one or more of Defendants’ Products, that were advertised with a “Made in USA” country of origin designation (or some derivative thereof), but contain foreign-made ingredients and/or composed of foreign-made component parts, Plaintiff is asserting claims that are typical of the Class. Plaintiff’s claims involve the same violations of law by Defendants as other Class members’ claims. Plaintiff and members of the Class also sustained damages arising out of Defendants’ common course of conduct complained herein.

85. **Adequacy of Representation.** Plaintiff will fairly and adequately represent and protect the interests of other members of the Class in that Plaintiff has no interests antagonistic to any member of the Class. Further, Plaintiff has retained counsel experienced in handling class action claims and claims involving violations of the consumer laws, including violations of the California Business and Professions Code.

86. **Superiority.** A class action is superior to all other available means for the fair and efficient adjudication of this controversy. Individualized litigation would create the danger of inconsistent and/or contradictory judgments arising from the same set of facts. Individualized litigation would also increase the delay and expense to all parties and court system and the issues raised by this action. The damages or other financial detriment suffered by individual Class members may be relatively small compared to the burden and expense that would be entailed by individual litigation of the claims against the Defendants. The injury suffered by each individual member of the proposed class is relatively small in comparison to the burden and expense of individual prosecution of the complex and extensive litigation necessitated by Defendants’ conduct. It would be virtually impossible for members of the proposed Class to individually redress effectively the wrongs to them. Even if the members of the proposed Class could afford such litigation, the court system could not. Individualized litigation increases the delay and expense to all parties, and to the court system, presented by the complex legal and factual issues of the case. By contrast, the class action device presents far

1 fewer management difficulties, and provides the benefits of single adjudication, economy of
2 scale, and comprehensive supervision by a single court.

3 87. Unless the Class is certified, Defendants will retain monies received as a result of Defendants’
4 unlawful and deceptive conduct alleged herein.

5 88. Further, Defendants have acted or refused to act on grounds that are generally applicable to
6 the class so that declaratory relief is appropriate to the Class as a whole.

7 **FIRST CAUSE OF ACTION**

8 **VIOLATION OF CALIFORNIA CONSUMERS LEGAL REMEDIES ACT**

9 **CAL. CIV. CODE SECTION 1750, *ET SEQ.***

10 89. Plaintiff re-alleges and incorporates by reference all of the above paragraphs of this Complaint
11 as though fully stated herein.

12 90. California Civil Code Section 1750 *et seq.*, entitled the Consumers Legal Remedies Act
13 (“CLRA”), provides a list of “unfair or deceptive” practices in a “transaction” relating to the
14 sale of “goods” or “services” to a “consumer.”

15 The Legislature’s intent in promulgating the CLRA is expressed in Civil Code Section 1760,
16 which provides, *inter alia*, that its terms are to be:

17 *Construed liberally and applied to promote its underlying purposes,*
18 *which are to protect consumers against unfair and deceptive business*
19 *practices and to provide efficient and economical procedures to secure*
20 *such protection.*

21 91. Defendants’ actions, representations, and conduct have violated, and continue to violate the
22 CLRA, because they extend to transactions that intended to result, or which have resulted in,
23 the sale of goods to consumers.

24 92. Plaintiff and the Class Members are not sophisticated experts with independent knowledge of
25 corporate branding, labeling and packaging practices.

26 93. Plaintiff and the Class Members are California consumers who purchased Class Products for
27 personal, family or household purposes.

28 94. Defendant is a “person” as defined by Cal. Civ. Code § 1761(c).

1 95. The Class Products that Plaintiff and other Class Members purchased from Defendants
2 constitute “goods” as defined pursuant to Civil Code Section 1761(a).

3 96. Plaintiff, and the Class members, are each a “consumer” as defined pursuant to Civil Code
4 Section 1761(d).

5 97. Each of Plaintiff’s and the Class members’ purchases of Defendants’ products constituted a
6 “transaction” as defined pursuant to Civil Code Section 1761(e).

7 98. Civil Code Section 1770(a)(2), (4), (5), (7) and (9) of the CLRA provides that:

8 The following unfair methods of competition and unfair or deceptive
9 acts or practices undertaken by any person in a transaction intended to
10 result or which results in the sale or lease of goods or services to any
11 consumer are unlawful:

12 (2) [m]isrepresenting the source, sponsorship, approval, or certification
13 of goods or services;

14 (4) [u]sing deceptive representations or designations of geographic
15 origin in connection with goods or services;

16 (5) [r]epresenting that goods or services have sponsorship, approval,
17 characteristics, ingredients, uses, benefits, or quantities which they do
18 not have or that a person has a sponsorship, approval, status, affiliation,
19 or connection which he or she does not have;

20 (7) [r]epresenting that goods or services are of a particular standard,
21 quality, or grade...; [and]

22 (9) [a]dvertising goods or services with intent not to sell them as
23 advertised.”

24 99. Olaplex failed to comply with Civil Code Section 1770(a)(2), (4), (5), (7) and (9) by
25 marketing and representing that its Class Products are “Made in USA” when in fact they
26 actually contain foreign-made components or manufactured ingredients.

27 100. Plaintiff further alleges that Defendants committed these acts knowing the harm that would
28 result to Plaintiff and Defendant engaged in such unfair and deceptive conduct
notwithstanding such knowledge.

101. Plaintiff further alleges that Defendants committed these acts knowing the harm that would
result to Plaintiff and Defendants engaged in such unfair and deceptive conduct
notwithstanding such knowledge.

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102. Defendants knew or should have known that its representations about the Class Products as described herein violated state and federal consumer protection laws, and that these statements would be relied upon by Plaintiffs and Class members.

103. As a direct and proximate result of Defendants’ violations of Cal. Civ. Code §§ 1750, *et seq.*, Plaintiff and each Class member have suffered harm in the form of paying monies to Defendants for the Class Product when they otherwise would not have paid for it if they knew it was illegally labeled and contained foreign ingredients.

104. Plaintiff and the Class suffered monetary harm caused by Defendants because (a) they would not have purchased the Class Products on the same terms absent Defendants’ illegal and misleading conduct as set forth herein; (b) they paid a price premium for the Class Products due to Defendants’ misrepresentations and deceptive packaging containing representations that the products were “Made in USA”; and (c) the Class Products contained foreign ingredients and subparts that were not properly disclosed.

105. Plaintiff was therefore harmed because Plaintiff’s money was taken by Defendant as a result of Defendants’ false “Made in USA” representations set forth on online and on the labels of the Class Products.

106. Plaintiff and Class members reasonably relied upon Defendants’ representations regarding Defendants’ Product, and Plaintiff and the Class reasonably expected that the Product would not be illegally labeled in a misleading manner. Thus, Plaintiff and the Class reasonably relied to their detriment on Defendants’ misleading representations.

107. Pursuant to California Civil Code § 1782(a), on or about January 4, 2023, Plaintiff sent Defendant a notice and demand for corrective action (“CLRA Demand”), via Certified Mail, advising Olaplex of its violations of the CLRA and demanding that it cease and desist from such violations and make full restitution by refunding the monies received therefrom.

108. As the alleged violations were not cured by Olaplex within 30 days of the CLRA Demand, Plaintiff, on behalf of herself and the Class, also seeks damages and attorneys’ fees pursuant to California Civil Code § 1782(d).

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109. As a direct and proximate result of Defendants’ violations of the CLRA, Plaintiff and members of the Class are entitled to a declaration that Defendants violated the Consumer Legal Remedies Act.

110. Under Cal. Civ. Code § 1780(a) and (b), Plaintiff and the putative Class are entitled to, and seek injunctive relief prohibiting such conduct in the future as well as damages.

111. Attached hereto as **Exhibit A** is a sworn declaration from Plaintiff pursuant to Cal. Civ. Code § 1780(d).

SECOND CAUSE OF ACTION
VIOLATION OF BUSINESS & PROFESSIONS CODE
BUS. & PROF. CODE, SECTION 17533.7

112. Plaintiff re-alleges and incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

113. Business & Professions Code § 17533.7(a) provides:

It is unlawful for any person, firm, corporation, or association to sell or offer for sale in this state any merchandise on which merchandise or on its container there appears the words ‘Made in U.S.A.,’ ‘Made in America,’ ‘U.S.A.,’ or similar words if the merchandise or any article, unit, or part thereof, has been entirely or substantially made, manufactured, or produced outside of the United States.

114. Defendants violated Bus. & Prof. Code § 17533.7 by selling and offering to sell products in the State of California with the “Made in USA” country of origin designation as fully set forth herein. The Class Products at issue in this matter are manufactured outside of the United States and/or contain ingredients that are manufactured outside of the United States in violation of California law.

115. On information and belief, Defendants’ violations of Bus. & Prof. Code § 17533.7 as set forth herein were done with awareness of the fact that the conduct alleged was wrongful and was motivated solely for Defendants’ self-interest, monetary gain and increased profit.

1 116. Plaintiff further alleges that Defendants committed these acts knowing the harm that would
2 result to Plaintiff and Defendant engaged in such unfair and deceptive conduct
3 notwithstanding such knowledge.

4 117. Plaintiff and the Class did not get the benefit of their bargain because they bargained for
5 products that were made in the United States, but they got products that contained foreign
6 ingredients.

7 118. As a direct and proximate result of Defendants' violations of Bus. & Prof. Code § 17533.7,
8 pursuant to Bus. & Prof. Code § 17535 Plaintiff and the Class are entitled to
9 restitution of excess monies paid to Defendants by Plaintiff and the Class relating
10 to the false "Made in USA" representations set forth online and on the labels
11 and/or packaging of the Class Products.

12 119. Pursuant to Bus. & Prof. Code § 17535, Plaintiff and the putative Class are entitled to, and
13 seek, injunctive relief prohibiting such conduct in the future as well as public injunctive relief.

14 120. In prosecuting this action for the enforcement of important rights affecting the public interest,
15 Plaintiff seeks the recovery of attorneys' fees, which is available to a prevailing plaintiff in
16 class action cases such as this matter.

17 **THIRD CAUSE OF ACTION**

18 **VIOLATION OF BUSINESS & PROFESSIONS CODE**

19 **BUS. & PROF. CODE, SECTION 17200, ET SEQ.**

20 121. Plaintiff re-alleges and incorporates by reference all of the above paragraphs of this Complaint
21 as though fully stated herein.

22 122. Plaintiff brings this claim individually and on behalf of the Class for Defendants' violations
23 of California's Unfair Competition Law, Cal. Bus. & Prof. Code §§ 17200, *et seq.*

24 123. Plaintiff and Defendants are each "person[s]" as defined by California Business & Professions
25 Code § 17201.

26 124. California Business & Professions Code § 17204 authorizes a private right of action on both
27 an individual and representative basis.

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125. “Unfair competition” is defined by Business and Professions Code Section § 17200 as encompassing several types of business “wrongs,” four of which are at issue here: (1) an “unlawful” business act or practice, (2) an “unfair” business act or practice, (3) a “fraudulent” business act or practice, and (4) “unfair, deceptive, untrue or misleading advertising.”

126. The definitions in § 17200 are drafted in the disjunctive, meaning that each of these “wrongs” operates independently from the others.

127. By and through Defendants’ conduct alleged in further detail above and herein, Defendants engaged in conduct which constitutes unlawful, unfair, and/or fraudulent business practices prohibited by Bus. & Prof. Code § 17200, *et seq.*

A. “Unlawful” Prong

128. Beginning at a date currently unknown through the time of this Complaint, Defendants have committed acts of unfair competition, including those described above, by engaging in a pattern of “unlawful” business practices, within the meaning of Bus. & Prof. Code § 17200 *et seq.*

129. Defendants are alleged to have violated California law because the Class Products are advertised and labeled as being “Made in USA,” when in fact they contain foreign ingredients.

130. Specifically, by manufacturing, distributing, and/or marketing Defendants’ Class Products with a false country of origin designation, Defendants are in violation of California’s CLRA, Civil Code § 1750, *et seq.*, and California’s Made in the USA Statute, Bus. & Prof. Code §§ 17533.7 by falsely representing that Class Products referenced herein are “Made in USA” when, in fact, Defendants’ products are foreign-made and/or composed of component parts manufactured and/or grown outside of the United States.

131. Defendants had other reasonably available alternatives to further its business interests, other than the unlawful conduct described herein, such as appropriately labeling its Class Products.

132. Instead, Defendants deliberately and illegally misled consumers for Defendants’ own economic gain.

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133. Plaintiff and Class members reserve the right to allege other violations of law, which constitute other unlawful business practices or acts, as such conduct is ongoing and continues to this date.

B. “Unfair” Prong

134. Beginning at a date currently unknown and continuing up through the time of this Complaint, Defendants have committed acts of unfair competition that are prohibited by Bus. & Prof. Code section 17200, *et seq.*

135. Defendants engaged in a pattern of “unfair” business practices that violate the wording and intent of the statutes by engaging conduct and practices that threaten an incipient violation of law/s or violate the policy or spirit of law/s by manufacturing, distributing, and/or marketing Defendants’ products with an inaccurate or misleading country of origin designation, in violation of the CLRA and California’s Made in the USA Statute.

136. Additionally, Defendants engaged in a pattern of “unfair” business practices that violate the wording and intent of the abovementioned statute/s by engaging in practices that are immoral, unethical, or unscrupulous, the utility of such conduct, if any, being outweighed by the alleged harm done to consumers and against public policy by manufacturing, distributing, and/or marketing Defendants’ Class Products with an inaccurate country of origin designation.

137. Defendants also engaged in a pattern of “unfair” business practices that violate the wording and intent of the above mentioned statute/s by engaging in practices, including manufacturing, distributing, marketing, and/or advertising Defendants’ products with an inaccurate or misleading country of origin designation, wherein: (1) the injury to the consumer was substantial; (2) the injury was not outweighed by any countervailing benefits to consumers or competition; and (3) the injury was not of the kind that consumers themselves could not have reasonably avoided.

138. Without limitation, it is an unfair business act or practice for Defendants to knowingly mislabel its Class Product leading consumers to believing they are getting a product made in

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the United States that does not contain foreign ingredients. Plaintiff could not have reasonably avoided the injury suffered.

139. Plaintiff reserves the right to allege further conduct that constitutes other unfair business acts or practices.

140. In addition, Defendants’ advertising is unfair, deceptive, untrue or misleading in that consumers are led to believe that Defendants’ Class Products are “Made in USA, when Defendants’ products are foreign-made and/or composed of component parts manufactured and/or grown outside of the United States.

141. Plaintiff, a reasonable consumer, and the public would likely be, and, in fact were, deceived and misled by Defendants’ advertising as they would, and did, interpret the representation in accord with its ordinary usage, that the products are actually made in the USA.

142. Plaintiff and the Class are not sophisticated experts about the corporate branding, labeling, and packaging practices of the Class Products. Plaintiff and the Class acted reasonably when they purchased the Class Products based on their belief that Defendants’ representations were true and lawful.

143. Plaintiff and the Class lost money or property as a result of Defendants’ UCL violations because (a) they would not have purchased the Class Products on the same terms absent Defendants’ illegal conduct as set forth herein, or if the true facts were known concerning Defendants’ representations; (b) they paid a price premium for the Class Products due to Defendants’ alleged misrepresentations; and (c) the Class Products did not have the quantities and ingredients as represented.

144. Defendants’ alleged unlawful and unfair business practices and unfair, deceptive, untrue or misleading advertising presents a continuing threat to the public in that Defendant continues to engage in unlawful conduct resulting in harm to consumers.

145. Such acts and omissions by Defendants are unlawful and/or unfair and constitute a violation of Business & Professions Code §§ 17200, *et seq.* Plaintiff reserves the right to identify additional violations by Defendants as may be established through discovery.

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146. As a direct and proximate result of the aforementioned acts and representations described above and herein, Defendants received and continues to receive unearned commercial benefits at the expense of their competitors and the public.

147. As a direct and proximate result of Defendants' unlawful, unfair and fraudulent conduct described herein, Defendants have been and will continue to be enriched by the receipt of ill-gotten gains from customers, including Plaintiff, who unwittingly provided money to Defendants based on their representations.

148. Plaintiff was harmed because Plaintiff's money was taken by Defendants as a result of Defendants' misleading representations set forth on the Defendants' Products.

149. The conduct of Defendants as set forth above demonstrates the necessity for granting injunctive relief restraining such and similar acts of unfair competition pursuant to California Business and Professions Code. Unless enjoined and restrained by order of the court, Defendants will retain the ability to, and may engage in, said acts of unfair competition, and misleading advertising. As a result, Plaintiff and the Class are entitled to injunctive and monetary relief.

150. Pursuant to Bus. & Prof. Code § 17203, Plaintiff and the putative Class are entitled to, and seek, injunctive relief prohibiting such conduct in the future as well as public injunctive relief, concerning Defendants' advertising and sale of the products and "Made in USA".

151. In prosecuting this action for the enforcement of important rights affecting the public interest, Plaintiff seeks the recovery of attorneys' fees, which is available to a prevailing plaintiff in class action cases such as this matter.

FOURTH CAUSE OF ACTION

INTENTIONAL MISREPRESENTATION

(PROPOSED NATIONWIDE CLASS APPLYING CALIFORNIA LAW)

152. Plaintiff repeats, re-alleges, and incorporates herein by reference the above allegations as if fully stated herein.

1 153. Beginning at a date currently unknown and continuing to the time of the filing of this
2 Complaint, Defendants knowingly represented to Plaintiff and others similarly situated,
3 through product packaging and advertising materials, that Defendants' Products were Made
4 in USA or a derivative thereof.

5 154. Defendants acted intentionally by willfully and purposefully printing advertisements on its
6 labels of the products, including for sales of the Products on Amazon.com.

7 155. However, as described above, the representations of "Made in USA" are false or misleading.

8 156. Defendants knew such representations were false, and continued over a period of years to
9 label its Products as Made in USA.

10 157. Defendants further knew that retailers were advertising its Product as in false or misleading
11 ways, because Defendants designed, manufactured, and affixed the product labeling to its
12 Products before supplying the Products to the retailers.

13 158. Plaintiff and the putative Class members saw, believed, and relied upon Defendants'
14 representations in making the decision to purchase Defendants' Product.

15 159. As a proximate result of Defendants' intentional misrepresentations, Plaintiff and the putative
16 Class members were damaged in an amount to be determined at trial.

17 160. By engaging in the acts described above, Plaintiff and the putative Class are therefore entitled
18 to recover exemplary or punitive damages.

19
20 **FIFTH CAUSE OF ACTION**

21 **NEGLIGENT MISREPRESENTATION**

22 **(PROPOSED NATIONWIDE CLASS APPLYING CALIFORNIA LAW)**

23 161. Plaintiff re-alleges and incorporates by reference all of the above paragraphs of this Complaint
24 as though fully stated herein.

25 162. Defendants have represented to the public, including Plaintiffs, through its website and by
26 other means, that Defendants' Products are "Made in USA" or a derivative thereof, which is
27 misleading when, upon information and belief, a substantial portion of the ingredients are
28 sourced from outside of the United States.

1 163. Plaintiff alleges that Defendants made those representations herein with the intent to induce
2 the public, including Plaintiffs and the putative class members, to purchase Defendants'
3 Products.

4 164. Plaintiffs and other similarly situated persons, saw, believed, and relied upon Defendants'
5 advertising representations, and purchased Defendants' Products as a result of such reliance.

6 165. At all times relevant, Defendants made such representations alleged herein when Defendants
7 knew or should have known such representations were inaccurate and misleading.

8 166. As a proximate result of Defendants' negligent misrepresentations, Plaintiff and other
9 consumers similarly situated were induced to purchase, purchase more of, or pay more for
10 Defendants' Products, due to the unlawful acts of Defendants, in an amount to be determined
11 at trial, during the Class Period.

12
13 **PRAYER FOR RELIEF**

14 **WHEREFORE**, Plaintiff respectfully requests the Court grant Plaintiff and the Class
15 members the following relief against Defendants and each of them:

- 16 • That the Court determine that this action may be maintained as a Class Action by certifying
17 this case as a Class Action;
- 18 • That the Court appoint Plaintiff to serve as the Class representative in this matter;
- 19 • That the Court appoint Plaintiff's Counsel as Class Counsel in this matter;
- 20 • That Defendants' wrongful conduct alleged herein be adjudged and decreed to violate the
21 consumer protection statutory claims asserted herein;
- 22 • An Order declaring that Defendants' conduct violated the CLRA, California Civil Code §§
23 1750, *et seq.*, and awarding injunctive relief pursuant to Cal. Civ. Code § 1780(a) and (b);
- 24 • An Order declaring that Defendants' conduct violated Business & Professions Code §
25 17533.7; and awarding injunctive relief pursuant to Bus. & Prof. Code § 17535;
- 26 • An Order declaring that Defendants' conduct violated California's Unfair Competition
27 Law, California Business & Professions Code §§ 17200, *et seq.*; and awarding injunctive
28 relief pursuant to Bus. & Prof. Code § 17203;

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- An Order requiring Defendants to disgorge all monies, revenues, and profits obtained by means of any wrongful act or practice;
- An Order requiring imposition of a constructive trust and/or disgorgement of Defendants' ill-gotten gains and to pay restitution to Plaintiff and all members of the Class and to restore to Plaintiff and members of the Class all funds acquired by means of any act or practice declared by this court to be an unlawful, fraudulent, or unfair business act or practice, in violation of laws, statutes or regulations, or constituting unfair competition; plus, pre-and post-judgment interest thereon;
- For pre and post-judgment interest on all amounts awarded;
- For an order of restitution and all other forms of equitable monetary relief, as pleaded, including awarding such relief pursuant to Bus. & Prof. Code § 17535; California Civil Code § 1780(a); and/or Bus. & Prof. Code § 17203;
- For public injunctive relief as pleaded or as the Court may deem proper;
- That Defendants be enjoined from continuing the wrongful conduct alleged herein and required to comply with all applicable laws;
- That Plaintiff and each of the other members of the class recover their costs of suit, including reasonable attorneys' fees and expenses pursuant to, *inter alia*, California Code of Civil Procedure § 1021.5 and California Civil Code § 1780; and
- That Plaintiff and the members of the Class be granted any other relief the Court may deem just and proper.

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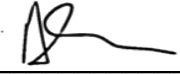
TRIAL BY JURY

167. Pursuant to the Seventh Amendment to the Constitution of the United States of America,
Plaintiff is entitled, and demands, a trial by jury.

Dated: April 19, 2024

Respectfully submitted,

KAZEROUNI LAW GROUP, APC

By: 

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