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18 **UNITED STATES DISTRICT COURT**  
19 **SOUTHERN DISTRICT OF CALIFORNIA**

20 JANET FRY, MICHAEL WALSH, and  
21 JASON FERGUSON on behalf of  
22 themselves, all others similarly situated,  
23 and the general public,

24 Plaintiffs,

25 v.

26 THE COLGATE-PALMOLIVE  
27 COMPANY,

28 Defendant.

Case No.: **'26CV3858 RBM AHG**

**CLASS ACTION**

**COMPLAINT FOR CONSUMER FRAUD  
AND BREACH OF WARRANTY**

**DEMAND FOR JURY TRIAL**

1 Plaintiffs JANET FRY, MICHAEL WALSH, and JASON FERGUSON on behalf of  
2 themselves, all others similarly situated, and the general public, by and through their  
3 undersigned counsel, hereby sue THE COLGATE-PALMOLIVE COMPANY (“Colgate-  
4 Palmolive”), and allege the following upon their own knowledge, or where they lack personal  
5 knowledge, upon information and belief, including the investigation of their counsel.

### 6 **INTRODUCTION**

7 1. Colgate-Palmolive sells a variety of Colgate Total toothpastes that it markets as  
8 delivering oral health benefits including improved gum health and treatment of gingivitis  
9 (the “Products”<sup>1</sup>).

10 2. These representations are misleading, however, because the Products contain  
11 sodium lauryl sulfate (“SLS”), a harsh detergent and known irritant that, at the levels present  
12 in the Products, can damage gum and mouth tissue, inhibit wound healing, trigger  
13 inflammation, cause allergic and contact-sensitivity reactions and epithelial sloughing, and  
14 disrupt the oral microbiome. These are the very conditions Colgate-Palmolive claims the  
15 Products prevent or reduce.

16 3. Plaintiffs bring this action against Colgate-Palmolive on behalf of themselves,  
17 similarly situated Class Members, and the general public to enjoin Colgate-Palmolive from  
18 deceptively marketing the Products in this manner and to recover compensation for injured  
19 Class Members.

### 20 **JURISDICTION AND VENUE**

21 4. This Court has original jurisdiction over this action under 28 U.S.C. §  
22 1332(d)(2) (The Class Action Fairness Act) because the matter in controversy exceeds the  
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24 <sup>1</sup> This includes at least the following varieties in the following flavors:

25 Colgate Total SF (Clean Mint, Whitening, Advanced Whitening, Advanced Deep  
26 Clean, Whitening Gel, and Fresh Mint Stripe); and

27 Colgate Total Active Prevention (Fresh Mint, Clean Mint, Whitening, Advanced  
28 Whitening, Deep Clean, Whitening+Charcoal, Plaque Cleanse, Plaque Pro-  
Release Fresh Mint, and Plaque Pro-Release Whitening).

1 sum or value of \$5,000,000, exclusive of interest and costs and at least one member of the  
2 class of plaintiffs is a citizen of a state different from Colgate-Palmolive. In addition, more  
3 than two-thirds of the members of the class reside in states other than the state in which  
4 Colgate-Palmolive is a citizen and in which this case is filed, and therefore any exceptions  
5 to jurisdiction under 28 U.S.C. § 1332(d) do not apply.

6 5. The Court has personal jurisdiction over Colgate-Palmolive as a result of its  
7 substantial, continuous and systematic contacts with the State, and because Colgate-  
8 Palmolive has purposely availed itself of the benefits and privileges of conducting business  
9 activities within the State, including by marketing, distributing, and selling the Products in  
10 California.

11 6. Venue is proper in this Southern District of California pursuant to 28 U.S.C. §  
12 1391(b) and (c), because Colgate-Palmolive resides (*i.e.*, is subject to personal jurisdiction)  
13 in this district, and because a substantial part of the events or omissions giving rise to the  
14 claims occurred in this district.

15 **PARTIES**

16 7. Plaintiff Janet Fry is a citizen of California who resides in San Diego County,  
17 California.

18 8. Plaintiff Michael Walsh is a citizen of California who resides in Los Angeles  
19 County, California.

20 9. Plaintiff Jason Ferguson is a citizen of California who resides in Santa Cruz  
21 County, California.

22 10. Defendant The Colgate-Palmolive Company is a Delaware corporation with its  
23 principal place of business in New York, New York.

**FACTS**

**I. COLGATE-PALMOLIVE MARKETS THE PRODUCTS AS PROMOTING ORAL HEALTH**

11. During the four years preceding the filing of this Complaint and continuing today, Colgate-Palmolive has manufactured, distributed, and sold the Products in California and throughout the nation.

12. The Products’ labels make largely uniform representations concerning oral health. While the specific language and placement may vary slightly from Product to Product, the overall message is consistent: the Products promote improved gum health and treat gingivitis.

**A. Colgate Total Active Prevention Toothpaste**

13. During the relevant time period, Colgate-Palmolive has sold Colgate Total Active Prevention Toothpaste in several varieties, including at least Fresh Mint, Clean Mint, Whitening, Advanced Whitening, Deep Clean, Whitening+Charcoal, Plaque Cleanse, Plaque Pro-Release Fresh Mint, and Plaque Pro-Release Whitening.

14. As depicted below, the label of Colgate Total Active Prevention Toothpaste contains oral and gum health representations including “Antigingivitis . . . Toothpaste,” “Fight[s] Root Cause of: Gingivitis,” “24 hour antibacterial action against the root cause of many common oral care problems,” “superior performance against many common oral care issues,” including “Gingivitis,” and “3x More Effective at fighting a root cause of many common oral care problems.”



**Colgate** **POWERFUL, PATENTED, PREVENTATIVE TECHNOLOGY**

• Stop problems before they start. This formula contains a unique system that stabilizes our active ingredient and is designed for superior performance against many common oral care issues.

24 hour antibacterial action<sup>1</sup> + long lasting preventative benefits against the root cause of many common oral care problems<sup>2</sup>.

Gingivitis, Plaque, Tartar, Sensitivity, Enamel Erosion, Stains, Bad Breath, Cavities

3x More Effective at fighting a root cause of many common oral care problems<sup>3</sup>.

with 2x daily brushing with 4 weeks continued use. <sup>1</sup>bacterial plaque reduction vs. non-antibacterial fluoride toothpaste with 3 months continued use. <sup>2</sup>vs. non-antibacterial fluoride toothpaste.

**B. Colgate Total SF Toothpaste**

15. Colgate-Palmolive sold Colgate Total SF in several varieties, including at least Clean Mint, Whitening, Advanced Whitening, Advanced Deep Clean, Whitening Gel, and Fresh Mint Stripe varieties, until late 2024 when it rebranded the Total SF products to the Total Active Prevention product line.

16. As depicted below, the label of Colgate Total SF Toothpaste contains oral and gum health representations including “Antigingivitis . . . Toothpaste,” “✓GINGIVITIS,” “Helps Reverse Early Gum Damage,” “Whole Mouth Health,” “Fights bacteria on: ✓GUMS,” and “Helps prevent and reduce gingivitis between teeth.”

**Colgate** **Total** **ANTIBACTERIAL PROTECTION** **24 HR** **CLEAN MINT**

Anticavity, Antigingivitis and Antisensitivity Toothpaste

ADA Accepted American Dental Association

✓ CAVITIES ✓ PLAQUE ✓ GINGIVITIS ✓ ENAMEL  
✓ TARTAR ✓ FRESH BREATH ✓ WHITENS ✓ SENSITIVITY RELIEF

NET WT 5.1 OZ (144 g) PASTE

PROUDLY MADE BY AMERICAN WORKERS

SAVE WATER Save all the tap water brushing

Recyclable Tube Your community may not yet accept tubes for recycling. Check locally. Learn more at Colgate.com/goodness

Whitens Teeth  
Protects Sensitive Teeth  
Prevents Cavities  
Freshens Breath  
Helps Repair Early Enamel Damage  
Helps Reverse Early Gum Damage  
Helps Prevent Plaque Bacteria  
Fights Tartar

Whole Mouth Health<sup>1</sup> Fights bacteria on:  
✓ TEETH ✓ TONGUE  
✓ CHEEKS ✓ GUMS

GLUTEN FREE SUGAR FREE RESPONSIBLY MADE<sup>2</sup>

<p><b>Drug Facts</b></p> <p><b>Active ingredient</b> Stannous Fluoride 0.454% (0.15% w/v fluoride ion)</p> <p><b>Purposes</b> Anticavity, Antigingivitis, Antisensitivity</p> <p><b>Uses</b></p> <ul style="list-style-type: none"> <li>• aids in the prevention of cavities</li> <li>• helps prevent gingivitis</li> <li>• helps interfere with harmful effects of plaque associated with gingivitis</li> <li>• builds increasing protection against painful sensitivity of the teeth to cold, heat, acids, sweets, or contact</li> </ul> <p><b>Warnings</b></p> <p>When using this product for sensitivity, do not use longer than 4 weeks unless recommended by a dentist.</p>	<p><b>Drug Facts (continued)</b></p> <p>Stop use and ask a dentist if the sensitivity problem persists or worsens. Sensitive teeth may indicate a serious problem that may need prompt care by a dentist.</p> <p>Keep out of reach of children. If more than used for brushing is accidentally swallowed, get medical help or contact a Poison Control Center right away.</p> <p>Stop use and ask a dentist if</p> <ul style="list-style-type: none"> <li>• gingivitis, bleeding, or redness persists for more than 2 weeks</li> <li>• you have painful or swollen gums, pus from the gum line, loose teeth, or increasing spacing between the teeth. These may be signs of periodontitis, a serious form of gum disease.</li> </ul> <p><b>Directions</b></p> <ul style="list-style-type: none"> <li>• adults and children 12 years of age and older: apply at least a 1-inch strip of the product onto a soft bristled toothbrush. Brush teeth thoroughly for at least 1 minute twice a day (morning and evening) or as recommended by a dentist.</li> <li>• do not swallow.</li> <li>• children under 12 years of age: consult a dentist.</li> </ul>	<p><b>Drug Facts (continued)</b></p> <p><b>Other information</b></p> <ul style="list-style-type: none"> <li>• products containing stannous fluoride may produce surface staining of the teeth. Adequate toothbrushing may prevent these stains which are not harmful or permanent and may be removed by your dentist.</li> <li>• this Colgate product is specially formulated to help prevent staining.</li> </ul> <p><b>Inactive ingredients</b> Water, Sorbitol, Hydrated Silica, Glycine, PEG-12, Tetrasodium Pyrophosphate, Sodium Lauryl Sulfate, Flavor, Zinc Phosphate, Cellulose Gum, Sodium Citrate, Microcrystalline Cellulose, Sodium Saccharin, Cocamidopropyl Betaine, Propylene Glycol, Xanthan Gum, Citric Acid, Sucralose, Titanium Dioxide.</p> <p><b>Questions? 1-800-468-6502</b></p>	<p>ADA Accepted American Dental Association</p> <ul style="list-style-type: none"> <li>• Helps prevent cavities</li> <li>• Helps prevent and reduce plaque</li> <li>• Helps prevent and reduce gingivitis between teeth</li> <li>• Helps reduce tooth surface stain</li> <li>• Helps reduce bad breath</li> </ul>
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<sup>1</sup>Helps reduce plaque that leads to gingivitis; fortifies enamel; helps relieve sensitivity with continued use. Not intended for prevention or treatment of more serious oral conditions. <sup>2</sup>With twice daily brushing after 4 weeks of use. To learn more, visit www.colgatepalmolive.com/responsibly-made

17. The Products’ oral health representations convey a net impression or takeaway message that the Products benefit oral and gum health.

1 **II. SODIUM LAURYL SULFATE IS AN IRRITANT THAT CAN HARM ORAL**  
2 **HEALTH**

3 18. The mouth is comprised of, *inter alia*, the teeth and its supporting structures,  
4 and the inner lips or oral mucosa, which is comprised of specialized epithelial (skin) cells.

5 19. The specialized tissue surrounding and supporting the teeth is called  
6 periodontium. It is comprised of four main tissues: gingiva (gums), periodontal ligament  
7 (PDL), cementum, and alveolar bone.

8 20. The fibroblast is the most abundant cell type of the periodontium and has a  
9 central role in homeostasis, pathogenesis, and healing. Sixty-five percent of cells in gingival  
10 connective tissue are fibroblasts.<sup>2</sup>

11 21. The penetration of oral mucosa by environmental antigens or carcinogens—and  
12 subsequent host immune responses—are thought to play important roles in the etiology of  
13 several oral mucosal diseases. Accordingly, the oral epithelium is an important physiologic  
14 barrier of the human body.<sup>3</sup>

15 22. Oral mucosal wounds heal more rapidly and with less scar tissue formation  
16 compared to skin wounds, but there are substances that can prolong the healing process of  
17 oral wounds.<sup>4</sup>

18 23. Toothpaste—often referred to in the academic literature as “dentifrice”—has  
19 become a complex healthcare product, often containing more than 20 ingredients, including  
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23 <sup>2</sup> Chuang A.H., et al., “Effect of Sodium Lauryl Sulfate (SLS) on Primary Human Gingival  
24 Fibroblasts in an In Vitro Wound Healing Model,” 184 *Mil. Med.* 97-101, at 97 (2019)  
[“Chuang (2019)”]

25 <sup>3</sup> *See* Paul, N. et al., “Foaming at the Bit: Sodium Lauryl Sulphate (SLS)-free toothpastes,”  
26 202 *NZDA News*, pp. 27-36 (March 2021).

27 <sup>4</sup> Sabri, H., et al., “The Yin and Yang of Sodium Lauryl Sulfate Use for Oral and Periodontal  
28 Health: A Literature Review,” 24 *J. Dent. (Shiraz)*, pp. 262-276 (2023), at 263 (citations  
omitted) [“Sabri (2023)”].

1 formulation excipients and therapeutic or other substances, integrated with the aim of  
2 combatting various oral diseases and conditions while providing cosmetic benefits.<sup>5</sup>

3 24. One condition many toothpastes purport to address, including the Products at  
4 issue here, is gingivitis. Gingivitis is the inflammation or infection of the gums, usually  
5 caused by the buildup of plaque, an aggregation of oral bacterial species embedded in a poly-  
6 carbohydrate matrix, which is attached to the tooth's surface. Gingivitis can lead to  
7 periodontitis, an oral infection that can cause irreversible destruction of tooth-supporting  
8 structures.<sup>6</sup>

9 25. Sodium lauryl sulfate is an anionic surfactant, used to decrease the surface  
10 tension of water, and often used in toothpaste for its cleansing and foaming effects. It has  
11 been a standard surfactant in toothpastes since the 1970s. Most commercially available  
12 toothpastes contain from 0.5 to 2.0% SLS.<sup>7</sup>

13 26. Nevertheless, SLS can irritate mucous membranes in the mouth, cause canker  
14 sores and allergic reactions, inhibit gingival healing, and upset the oral microbiome, even in  
15 low concentrations.<sup>8</sup>

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18 <sup>5</sup> See Kasi S., et al., “Side Effects of Sodium Lauryl Sulfate Applied in Toothpastes: A  
19 Scoping Review,” 35 Am. J. Dent. No. 2, pp. 84-88, at 84 (2022) [“Kasi (2022)”].

20 <sup>6</sup> Sabri (2023), *supra* n.4, at 269.

21 <sup>7</sup> Chuang (2019), *supra* n.2, at 97; *see also* Lippert, F., “An introduction to toothpaste – its  
22 purpose, history and ingredients,” 23 Monographs in Oral Science, Toothpastes, pp. 1-14  
(2013) (C. van Loveren ed.).

23 <sup>8</sup> See Kasi (2022), *supra* n.5. Interestingly, SLS is also responsible for the peculiar, so-called  
24 “orange juice” effect on taste reception, whereby orange juice drunk soon after toothbrushing  
25 is rendered unpleasant and astringent. This is due to both direct inhibition of SLS on taste  
26 receptors and indirectly through its dissolution of phospholipids that normally block bitter  
27 taste receptors. See Salazar, S., et al., “The effectiveness of dentifrices without and with  
28 sodium lauryl sulfate on plaque, gingivitis and gingival abrasion—a randomized clinical  
trial,” 20 Clin. Oral Invest., pp. 443-450 (2016) [“Salazar (2016)”]; DeSimone, JA, et al.,  
“Surface active taste modifiers: a comparison of the physical and psychophysical properties  
of gymnemic acid and sodium lauryl sulfate,” 5 Chem. Senses, No. 4, pp. 317-330 (1980).

1           **A. Mucosal Desquamation (Inner Lip Sloughing) and Aphthous Ulcers**  
2           **(Canker Sores)**

3           27. Due to their ability to solubilize lipid membranes, surfactants can elicit irritant  
4 skin reactions by direct cytotoxicity to oral epithelial cells.<sup>9</sup>

5           28. One of the first reports of negative effects of SLS on oral health was a 1978  
6 “case report [that] established a cause and effect relationship between SLS and desquamation  
7 in a patient taking drugs with anti-sialic activity.”<sup>10</sup> In that patient, “[t]he amount of  
8 sloughing was found to be directly related to the use of the SLS-containing toothpaste,” and  
9 “[w]hen the toothpaste was discontinued, the desquamation was reversed within 24 hours.”<sup>11</sup>

10           29. A pilot study that followed in 1986 compared the effect of a toothpaste  
11 containing 2.4 grams of SLS to one containing “no detergents, preservatives, fluoride or  
12 other therapeutic agents.”<sup>12</sup> Thirty-two healthy dental hygiene students were divided into  
13 two groups, one using the toothpaste containing SLS and the other using the control  
14 toothpaste. After a week, the epithelial cells in their saliva were counted to assess the degree  
15 of mucosal sloughing. “The results showed an increase in epithelial cell count following  
16 expiration of saliva after brushing with an SLS-containing dentifrice for 1 week, compared  
17 with the control.”<sup>13</sup>

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19  
20 <sup>9</sup> Effendy, I., et al., “Surfactants and experimental irritant contact dermatitis,” 33 Contact  
Dermatitis, No. 4, pp. 217-225 (1995).

21 <sup>10</sup> Chuang (2019), *supra* n.2, at 97 (citing Rubright WC, et al., “Oral slough caused by  
22 dentifrice detergents and aggravated by drugs with antisialic activity,” 97 J. Am. Dent.  
23 Assoc., pp. 215-220 (1978)).

24 <sup>11</sup> *Id.*; see also Sabri (2023), *supra* n.4, at 263 (The “side effects of SLS in oral health” that  
25 Rubright *et al* reported “mostly consist of dose-dependent irritative dermal reactions in high-  
26 dose usage as well as oral mucosa desquamation and reduction in the function of the  
protective barrier of oral epithelium due to multi factors.”).

27 <sup>12</sup> Chuang (2019), *supra* n.2, at 97 (citing Searls JC, et al., “The influence of dentifrice  
detergents on oral epithelial slough,” 60 Dent. Hyg. (Chic) 20-3 (1986)).

28 <sup>13</sup> *Id.*

1 30. A few years later, researchers “compared the topical effect of a test dentifrice  
2 with different concentrations of SLS to a placebo dentifrice on visible oral desquamation and  
3 epithelial flakes in saliva. Five dentifrices were used varying only in different concentration  
4 of SLS (0.0, 0.25, 0.5, 1.0, and 1.5%). They demonstrated a dose-response effect with  
5 increasing concentrations of SLS, to the increased incidence of mucosal desquamation.”<sup>14</sup>

6 31. The same researchers “observed [that] the denaturing effect of SLS on the oral  
7 mucin layer, with exposure of underlying epithelium, induced incidence of recurrent  
8 aphthous ulcers (RAU),”<sup>15</sup> known colloquially as canker sores. These results were bolstered  
9 by “clinical double-blind crossover study of 30 patients with frequent occurrences of RAU,”  
10 which “suggested that an SLS-free toothpaste may be recommended for patients with  
11 RAU.”<sup>16</sup>

12 32. Another group of researchers found that SLS-free toothpastes “affected the  
13 ulcer-healing process and reduced pain in the daily lives of patients with RAU,” and that the  
14 “duration of ulcers and mean pain score were significantly decreased during the period using  
15 SLS-free dentifrice compared to two SLS-containing dentifrices at 1.5%.”<sup>17</sup> Similarly, a  
16 2012 study divided 90 patients into 3 groups and analyzed clinical parameters after  
17 intervention, finding statistically significant differences in the healing duration of ulcers and  
18 pain score in the SLS-free group.<sup>18</sup>

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21 <sup>14</sup> *Id.* (citing Herlofson BB, et al., “Desquamative effect of sodium lauryl sulfate on oral  
mucosa,” 51 *Acta. Odontol. Scand.*, pp. 39-43 (1993)).

22 <sup>15</sup> *Id.* (citing Herlofson BB, et al., “Sodium lauryl sulfate and recurrent aphthous ulcers. A  
23 preliminary study,” 52 *Acta. Odontol. Scand.* No. 5, pp. 257-919 (1994)).

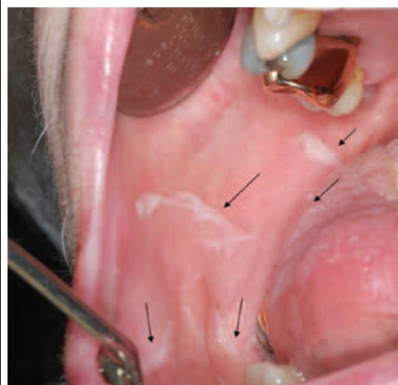
24 <sup>16</sup> *Id.* (citing Herlofson BB, et al., “The effect of two toothpaste detergents on the frequency  
25 of recurrent aphthous ulcers,” 54 *Acta. Odontol. Scand.* No. 3, 150-3 (1996)).

26 <sup>17</sup> Chuang (2019), *supra* n.2, at 100 (citing Healy CM, et al., “Effect of sodium lauryl sulfate-  
free dentifrice on patients with recurrent ulceration,” 5 *Oral. Dis.* No. 1, pp. 39-43 (1999)).

27 <sup>18</sup> Sabri (2023), *supra* n.4, at 267 (citing Shim, Y, et al., “Effect of sodium lauryl sulfate on  
28 recurrent aphthous stomatitis: a randomized controlled clinical trial,” 18 *Oral Diseases*, pp.  
655-660 (2012) [“Shim (2012)”]).

1 33. In a 2013 Letter to the British Dental Journal, two practitioners described a  
2 patient’s oral mucosal peeling, which they opined “may be caused by sodium lauryl sulphate  
3 (SLS) containing oral hygiene products[.]”<sup>19</sup>

4 Oral epitheliolysis (also known as  
5 shedding oral mucosa or oral mucosal  
6 peeling) is a rarely described and often  
7 unrecognised superficial desquamation  
8 of oral mucosa that may be caused by  
9 sodium lauryl sulphate (SLS) contain-  
10 ing oral hygiene products, though some



11 Fig. 1 Grey-white strips of oral epithelium  
12 sloughing from the buccal mucosae and  
13 dorsal tongue

14  
15 34. In addition, “[o]ne of the conditions that can cause erosive and ulcerative  
16 lesions in the oral cavity is hypersensitivity reaction to substances,” and “SLS is known to  
17 be . . . involved in the destruction of the oral mucosal epithelium and has the ability to cause  
18 contact sensitivity-like reactions, as well as allergic contact reactions and irritating reactions  
19 on oral mucosa.”<sup>20</sup> One researcher showed that “high doses of SLS ( $\geq 0.015\%$ ) lead to

20  
21 <sup>19</sup> Hassona, Y. et al., “Oral Mucosal Peeling,” 214 British Dental J., No. 8, p. 374 (Apr. 27,  
22 2013).

23 <sup>20</sup> Sabri (2023), *supra* n.4, at 269 (citing Neppelberg E, et al., “Dual effects of sodium lauryl  
24 sulphate on human oral epithelial structure,” 16 Exp. Dermatol., pp. 574-579 (2007)  
25 [“Neppelberg (2007)”]; Brown RS, et al., “Inflammatory reaction of the anterior dorsal  
26 tongue presumably to sodium lauryl sulfate within toothpastes: a triple case report,” 125 Oral  
27 Surg Oral Med Oral Patho Oral Radio. pp. e17-e21 (2018) [“Brown (2018)”]; Ersoy M., et  
28 al., “The allergy of toothpaste: a case report,” 36 Allergol. Immunopathol. (Madr.), pp. 368-  
370 (2008) [“Ersoy (2008)”]; Rantanen I., et al., “The effects of two sodium lauryl sulphate-  
containing toothpastes with and without betaine on human oral mucosa in vivo,” Swedish  
Dent. J. p. 31 (2003) [“Rantanen (2003)”].

1 epithelial cell degradation.”<sup>21</sup>

2 35. It has also “been shown that the use of toothpaste containing SLS causes more  
3 mouth ulcers in patients than the use of toothpastes without it.”<sup>22</sup>

4 36. The mechanism of SLS’s effect on oral mucosa has been studied. “In one study  
5 in animal models,” researchers “reported that sensitivity to low concentrations of SLS is  
6 much higher for the oral mucosa than the skin,” and “other reports showed that SLS usage  
7 dries up the oral mucosal protective layer and exposes the buccal mucosa and gingiva to  
8 irritants.”<sup>23</sup> “However, SLS may also denature the proteins of mucosa considering its affinity  
9 to them.”<sup>24</sup> SLS “is capable of making gingiva and mucosa vulnerable to exogenous antigens  
10 by denaturing proteins of mucin” (microproteins that occur in secretions of mucous  
11 membranes).<sup>25</sup>

12 37. As a result, “[m]ucosal and skin permeability are increased by SLS . . . .”<sup>26</sup>  
13 “[S]tudies have shown that this substance interrupts the integrity of the cell membrane.”<sup>27</sup>

14  
15 <sup>21</sup> *Id.* (citing Neppelberg (2007), *supra* n.20).

16 <sup>22</sup> *Id.* (citing Dewi TS, “Lesi Erosif Mukosa Oral Sebagai Akibat Penggunaan Pasta Gigi  
17 Mengandung Sodium Lauryl Sulfate,” 2 J. Material Kedokteran Gigi., pp. 75-82 (2013)).

18 <sup>23</sup> *Id.* at 263 (citing Ahlfors EE, et al., “Contact sensitivity reactions in the oral mucosa,” 59  
19 Acta. Odontol. Scand., pp. 248-254 (2002); Rantanen I, et al., “Effects of a betaine-  
20 containing toothpaste on subjective symptoms of dry mouth: a randomized clinical trial,” 4  
21 J. Contemp. Dent. Pract., pp. 11-23 (2003) [“Ahlfors (2002)”]; Macdonald JB, “Oral  
22 leukoedema with mucosal desquamation caused by toothpaste containing sodium lauryl  
23 sulfate,” 97 Cutis pp. E4-E5 (2016); Jensena JL, “Clinical implications of the dry mouth:  
24 oral mucosal diseases,” 842 Ann. N. Y. Acad. Sci., pp. 156-162 (1998) [“Macdonald  
25 (1998)”]).

26 <sup>24</sup> *Id.* (citing Shim (2012)).

27 <sup>25</sup> *Id.* at 269 (citing Siegel IA, et al., “Surfactant-induced alterations of permeability of rabbit  
28 oral mucosa in vitro,” 44 Exp. Mol. Pathol., pp. 132-137 (1986)).

<sup>26</sup> *Id.* (citing Ahlfors (2002), *supra* n.23).

<sup>27</sup> *Id.* at 271 (citing Ghosh, S, et al., “A mulittechnique approach in protein/surfactant  
interaction study: physiochemical aspects of sodium dodecyl sulfate in the presence of  
trypsin in aqueous medium,” 3 Biomacromolcules, pp. 9-16 (2002)).

1 Moreover, “[i]t is suggested that SLS affects the membrane due to its amorphous solid  
2 dispersion property and therefore . . . is a danger to the safety of toothpastes.”<sup>28</sup>

3 **B. Gingival Wound Healing and Periodontitis**

4 38. The “consumption of SLS can increase the duration of [the] wound healing  
5 process.”<sup>29</sup>

6 39. Several *in vitro* studies have demonstrated SLS’s interference with gingival  
7 tissue healing.

8 40. One *in vitro* study showed that applying SLS to cementum, a component of the  
9 periodontium, can lead to its physical change, with five-minute exposure resulting in  
10 exposing collagen and dentinal tubules.<sup>30</sup>

11 41. In another study, human gingival fibroblasts (HGFs) were grown in culture  
12 plates. A 3 mm wound was created on confluent HGFs, and the cells were challenged with  
13 0 (control), 0.01, 0.02, 0.03, 0.03, or 0.05% SLS-containing media once daily for 2 minutes.  
14 The cells were stained every other day and the percent of wound fill area measured. The  
15 results were as follows.

16  
17 [continued]  
18  
19  
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21 <sup>28</sup> *Id.* (citing Chen, Y et al., “Sodium Lauryl Sulfate Competitively Interacts with HPMC-AS  
22 and Consequently Reduces Oral Bioavailability of Posaconazole/HPMC-AS Amorphous  
23 Solid Dispersion,” 13 *Mol. Pharm.*, pp. 2787-2795 (2016); Cvikl, B, et al., “The *in vitro*  
24 impact of toothpaste extracts on cell viability,” 123 *Eur. J. Oral. Sci.*, No. 3, pp. 179-185  
(June 2015) [“Cvikl (2015)”]).


25 <sup>29</sup> *Id.* (citing Chen, L, et al., “Positional differences in the wound transcriptome of skin and  
26 oral mucosa,” 11 *BMC Genomics.*, p. 471 (2010); Politis C, et al., “Wound healing problems  
in the mount,” 7 *Front. Physiol.*, p. 507 (2016); Chuang (2019), *supra* n.2).

27 <sup>30</sup> *Id.* (citing Okte E, et al., “Topography of periodontally involved human root surfaces after  
28 different chemical treatment modalities: an *in vitro* scanning electron microscopic study,”  
42 *J. Oral Sci.* pp. 139-146 (2000)).

**Wound Healing %**

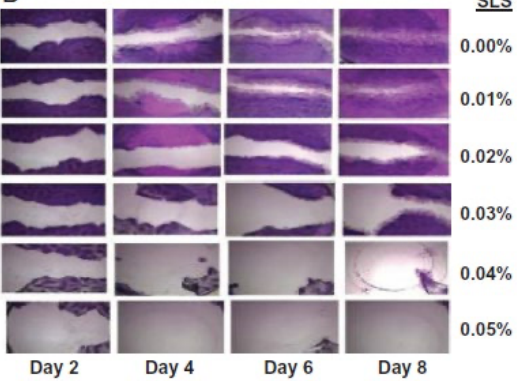
	Day 2	Day 4	Day 6	Day 8
0% SLS	15%	35%	67%	98%
0.01% SLS	10%	20%	65%	84%
0.02% SLS	7%	10%	15%	25%
0.03% SLS	5%	8%		
0.04% SLS				
0.05% SLS				

**A**



Day 0

**B**



**SLS**

0.00%

0.01%

0.02%

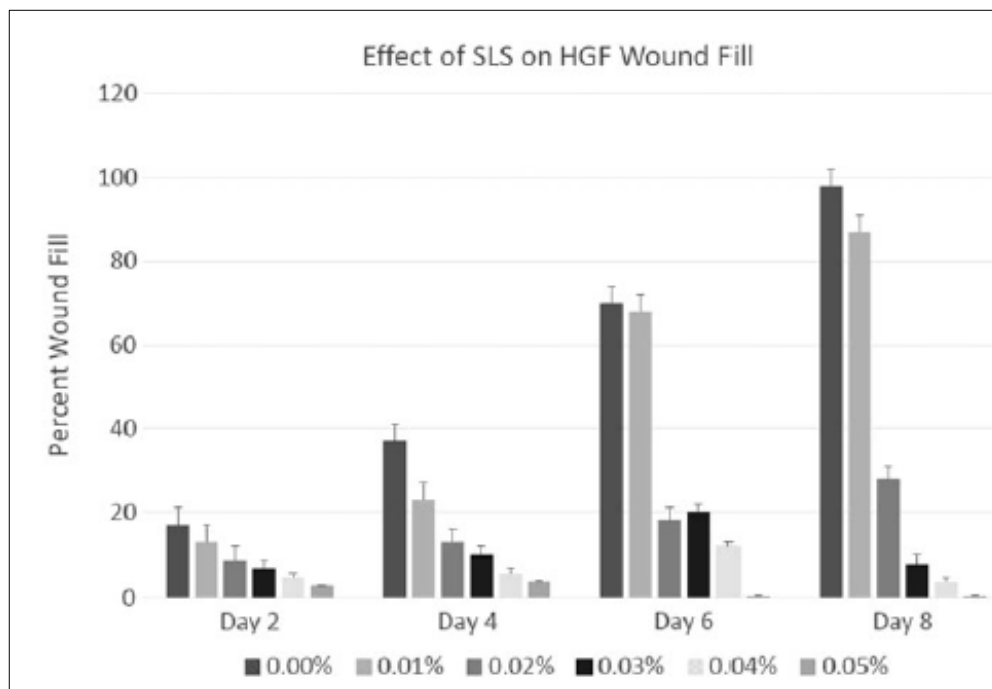
0.03%

0.04%

0.05%

Day 2    Day 4    Day 6    Day 8

Thus, the results showed a dose- and time-dependent inhibition on wound fill by SLS. Moreover, significant inhibitions of wound fills were observed at concentrations of 0.025 and higher, from Day 4. At 0.05% SLS, little wound fill was evident at Day 2, and by Day 4, a large percent of confluent HGF cells had detached.<sup>31</sup>



<sup>31</sup> Chuang (2019), *supra* n.2.

1 42. Another study on *in vitro* exposure of fibroblast cells to various toothpaste  
2 detergents found that SLS’s “half-lethal” concentration was 1%, compared to half-lethal  
3 concentrations of 10% and 70% for alternative detergents, Steareth-20 and cocamidopropyl  
4 betaine, respectively.<sup>32</sup> Thus, “SLS . . . has been shown to have a significant toxic results *in*  
5 *vitro*,” with “the toothpaste containing SLS” having “completely compromised cell  
6 viability.”<sup>33</sup>

7 43. In another study, “SLS showed to be the highest toxic ingredient among the  
8 other toothpaste ingredients” tested, “and it presented more than 90% toxicity at whole  
9 concentrations on human gingival fibroblasts.”<sup>34</sup>

### 10 C. Allergic and Contact-Sensitivity Reactions

11 44. “SLS is known to be an anionic surfactant involved in the destruction of the  
12 oral mucosal epithelium and has the ability to cause contact sensitivity-like reactions, as well  
13 as allergic contact reactions and irritating reactions on oral mucosa.”<sup>35</sup> Some examples are  
14 “erythematous irritating reactions, mouth ulcers, oral inflammation, and leukoedema  
15 following consumption of SLS-containing toothpastes and products.”<sup>36</sup> “Allergies to  
16 toothpastes containing SLS have also been shown to cause oral lesions.”<sup>37</sup>

17 45. There are reports of allergic reactions to SLS in the dental-related academic  
18 literature. For example, some researchers “reported a 19-year-old female case” with

19 \_\_\_\_\_  
20 <sup>32</sup> Cvikl (2015), *supra* n.28.

21 <sup>33</sup> Sabri (2013), *supra* n.4, at 270 (citing Cvikl (2015), *supra* n.28).

22 <sup>34</sup> *Id.* (citing Tabatabaei M et al., “Cytotoxicity of the Ingredients of Commonly Used  
23 Toothpastes and Mouthwashes on Human Gingival Fibroblasts,” 16 *Frontiers Dent.*, pp. 450-  
457 (2019)).

24 <sup>35</sup> *Id.* at 269 (citing Macdonald (1998), *supra* n.23; Brown (2018), *supra* n.20; Ersoy (2008),  
25 *supra* n.20; Rantanen (2003), *supra* n.20); *see also id.* at 271-72 (SLS “can also affect the  
26 oral epithelium negatively, resulting in allergic and hypersensitivity reactions in some  
patients.” (citing Ahlfors (2002), *supra* n.23; Kowitz G et al., “Effects of dentifrices on soft  
tissues of the oral cavity,” 28 *J. Oral Med.*, pp. 105-109 (1973)).

27 <sup>36</sup> *Id.* at 272.

28 <sup>37</sup> *Id.* at 269 (citing Brown (2018), *supra* n.20).

1 exfoliative cheilitis (EC), a “disease that affects the vermilion of one or both lips by  
2 continuous production and therefore, desquamation of thick keratin scales.”<sup>38</sup> “A test patch  
3 revealed the patient was allergic to SLS. Slow healing occurred after cessation of SLS-  
4 containing toothpaste and applying glycerin borax and hydrogen peroxide (1%)  
5 mouthwash.”<sup>39</sup>

#### 6 **D. Disruption of the Oral Microbiome**

7 46. The human mouth has the second-most diverse bacterial community in the  
8 body, comprised of biofilms formed in different oral cavity niches and including  
9 approximately 1,000 species.<sup>40</sup> These “oral microorganisms protect the human body from  
10 invasion by undesirable internal and external perturbations,” but “a disruption of the delicate  
11 equilibrium within the microbial ecosystem contributes to various oral and systemic  
12 diseases,” such as “gingivitis and periodontitis,” which “affect up to 90% of the world  
13 population.”<sup>41</sup>

14 47. In 2024, researchers presented the results of a study of the effect of SLS on the  
15 oral microecology. They systematically investigated the impact of SLS across three systems:  
16 biofilms, animal models, and clinical populations. “SLS was found to kill bacteria in both  
17 preformed biofilms (mature biofilms) and developing biofilms (immature biofilms), and  
18 disturbed the microbial community structure by increasing the number of pathogenic  
19 bacteria. SLS also destroyed periodontal tissue, promoted alveolar bone resorption, and  
20 enhanced the extent of inflammatory response level.”<sup>42</sup>

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23 <sup>38</sup> *Id.* (citing Daley TD, et al., “Exfoliative cheilitis,” 24 J. Oral Pathol. Med. pp. 177-179  
24 (1995))

25 <sup>39</sup> *Id.*

26 <sup>40</sup> Shi Q., et al., “Effects of sodium lauryl sulfate and postbiotic toothpaste on oral  
27 microecology,” 16 J. Oral Microb., pp. 1-15 (2024) (citations omitted).

27 <sup>41</sup> *Id.*, at 1 (citations omitted).

28 <sup>42</sup> *Id.*

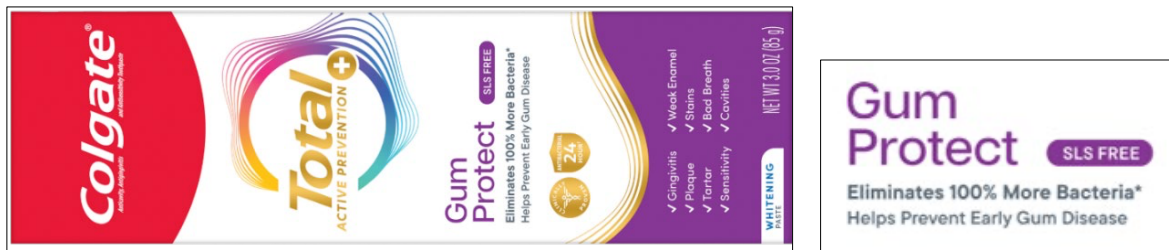
### III. COLGATE-PALMOLIVE’S ORAL HEALTH MESSAGING FOR THE PRODUCTS IS MISLEADING

48. Gum-health toothpaste occupies a unique place in the marketplace because consumers purchase it specifically to improve diseased or vulnerable gum tissue. Consumers therefore reasonably expect those products not to contain ingredients that the scientific literature has repeatedly associated with irritation, epithelial injury, impaired wound healing, oral barrier disruption, or recurrent aphthous ulcers.

49. Each of the Products contains SLS as an ingredient, likely in a concentration range of about 1%-1.5% based on literature regarding commercially available toothpastes. Colgate-Palmolive nevertheless conveys a takeaway message that the Products promote, rather than harm, oral and gum health. Because SLS has known adverse effects on the mouth and gums as described above, these claims are highly misleading.

50. Consumers seeking out gum-health toothpaste are entitled to know the Products contain an ingredient widely recognized in the scientific literature as an oral irritant associated with inflammation, epithelial sloughing, impaired wound healing, recurrent aphthous ulcers, and disruption of the oral mucosal barrier.

51. For this reason, some of Colgate-Palmolive’s other toothpastes marketed to promote gum health specifically call out their lack of SLS, such as the Colgate Total Active Prevention Gum Protect Toothpaste depicted below.



52. Other examples of brands that market SLS-free toothpastes include Biotène, Burt’s Bees, Hello, and Squigle. These companies spend money advertising their products as SLS-free because consumers value that information. Moreover, the existence of a market for SLS-free toothpaste, and manufacturers’ decisions to advertise that feature, demonstrates that consumers consider the presence or absence of SLS to be material.

1 53. Despite marketing the Products with oral and gum health claims, Colgate-  
2 Palmolive does not disclose on its product labeling or adequately on its website information  
3 about the potential harmful effects of SLS on oral and gum health. In fact, Colgate’s website  
4 states that “[u]ltimately . . . SLS is safe and not dangerous.”

5 54. Colgate-Palmolive is under a duty to disclose this information to consumers  
6 because (a) Colgate-Palmolive is revealing *some* information about its products—enough to  
7 suggest they promote oral health—without revealing additional material information, (b)  
8 Colgate-Palmolive’s deceptive omissions concern human health, and specifically the  
9 detrimental health consequences of regularly using the Products, (c) Colgate-Palmolive was  
10 in a superior position to know of the dangers presented by the SLS in its Products, and (d)  
11 Colgate-Palmolive actively concealed material facts not known to Plaintiffs and other Class  
12 Members.

13 55. Average consumers are not familiar with SLS nor aware it is sometimes used  
14 in toothpaste. Moreover, although listed in the Products’ (extremely) small-print ingredient  
15 list, “less than half of consumers read the entire package labeling before taking [over the  
16 counter] medicine.”<sup>43</sup> One study found “only 42% of subjects said they read everything on  
17 the label when taking an [over the counter] medication for the first time and only 26%  
18 reported reading the active ingredients at first use.”<sup>44</sup> It is likely an even smaller proportion  
19 of consumers read the inactive ingredients list on a toothpaste’s often exceedingly small drug  
20 facts label, where SLS is listed on the Products.

21 56. Colgate-Palmolive had other viable alternatives, as alternative surfactants with  
22 lower irritating properties have been investigated and found as alternatives to SLS in  
23 toothpaste. This includes, for example, cocamidopropyl betaine (CAPB), sodium methyl  
24 cocoyl taurate (SMCT), Poloxamer 407 (also known as Pluronic F127), and Steareth-30, a  
25

26 \_\_\_\_\_  
27 <sup>43</sup> Catlin JR et al., “The Effectiveness of Nonprescription Drug Labels in the United States:  
28 Insights from Recent Research and Opportunities for the Future,” 6 *Pharmacy* 119 (2018).

<sup>44</sup> *Id.*

1 non-ionic polyethylene glycol ether of stearic acid, which has been demonstrated to produce  
2 significantly fewer soft tissue lesions compared to SLS-containing toothpaste.<sup>45</sup>

#### 3 **IV. PLAINTIFFS’ PURCHASE, RELIANCE, AND INJURY**

##### 4 **A. Janet Fry**

5 57. Plaintiff Janet Fry regularly purchased Colgate Total Whitening Toothpaste  
6 during the relevant time period, with her last purchase in February 2026. Ms. Fry often made  
7 her purchases from stores such as Costco, Walmart, and Target in San Diego, California.

8 58. When purchasing Colgate Total Whitening Toothpaste, Ms. Fry was looking  
9 for a toothpaste that, *inter alia*, would promote a healthy mouth and gums. In deciding to  
10 purchase the product, Ms. Fry read and relied on labeling claims suggesting the product  
11 promotes oral and gum health, including, “Antigingivitis . . . Toothpaste,” “Fight[s] Root  
12 Cause of: Gingivitis,” “24 hour antibacterial action against the root cause of many common  
13 oral care problems,” “superior performance against many common oral care issues,”  
14 including “Gingivitis,” and “3x More Effective at fighting a root cause of many common  
15 oral care problems.”

16 59. These claims, and the overall oral and gum health takeaway message conveyed  
17 by the product’s labeling, however, were and are deceptive because Colgate Total Whitening  
18 Toothpaste contains SLS, a documented oral irritant.

19 60. Ms. Fry would have avoided purchasing Colgate Total Whitening Toothpaste  
20 if she knew it contained an irritant that can harm oral health, including harming the gums  
21 and causing inflammation. At the time Ms. Fry purchased the product, she was not familiar  
22 with SLS as an ingredient, nor knowledgeable about its detrimental oral health effects, and  
23 did not notice SLS as an inactive ingredient in the Product.

24  
25  
26  
27 <sup>45</sup> Salazar (2016), *supra* n.8; Green A, et al., “A randomised clinical study comparing the  
28 effect of Steareth 30 and SLS containing toothpastes on oral epithelial integrity  
(desquamation),” 80 J. Dent., pp. 533-539 (2019).

1           **B. Michael Walsh**

2           61. Plaintiff Michael Walsh regularly purchased the mint flavor of Colgate Total  
3 Advanced Whitening Toothpaste starting in approximately 2021, with his last purchase in  
4 February or March 2026. Mr. Walsh often made his purchases from stores such as Costco  
5 and Target in Whittier, California.

6           62. When purchasing Colgate Total Advanced Whitening Toothpaste, Mr. Walsh  
7 was looking for a toothpaste that, *inter alia*, would promote a healthy mouth and gums. In  
8 deciding to purchase the product, Mr. Walsh read and relied on labeling claims suggesting  
9 the product promotes oral and gum health, including, “Antigingivitis . . . Toothpaste,”  
10 “Fight[s] Root Cause of: Gingivitis,” “24 hour antibacterial action against the root cause of  
11 many common oral care problems,” “superior performance against many common oral care  
12 issues,” including “Gingivitis,” and “3x More Effective at fighting a root cause of many  
13 common oral care problems.”

14           63. These claims, and the overall oral and gum health takeaway message conveyed  
15 by the product’s labeling, however, were and are deceptive because Colgate Total Advanced  
16 Whitening Toothpaste contains SLS, a documented oral irritant.

17           64. Mr. Walsh would have avoided purchasing Colgate Total Advanced Whitening  
18 Toothpaste if he knew it contained an irritant that can harm oral health, including harming  
19 the gums and causing inflammation. At the time Mr. Walsh purchased the product, he was  
20 not familiar with SLS as an ingredient, nor knowledgeable about its detrimental oral health  
21 effects, and did not notice SLS as an inactive ingredient in the Product.

22           **C. Jason Ferguson**

23           65. Plaintiff Jason Ferguson regularly purchased the clean mint flavor of Colgate  
24 Total Active Prevention Toothpaste throughout the relevant period, with his last purchase in  
25 May 2026. Mr. Ferguson often made his purchases from stores such as Walmart, Walgreens,  
26 and CVS in Santa Cruz, California.

27           66. When purchasing Colgate Total Active Prevention Toothpaste, Mr. Ferguson  
28 was looking for a toothpaste that, *inter alia*, would promote a healthy mouth and gums. In

1 deciding to purchase the product, Mr. Ferguson read and relied on labeling claims suggesting  
2 the product promotes oral and gum health, including “Antigingivitis . . . Toothpaste,”  
3 “Fight[s] Root Cause of: Gingivitis,” “24 hour antibacterial action against the root cause of  
4 many common oral care problems,” “superior performance against many common oral care  
5 issues,” including “Gingivitis,” and “3x More Effective at fighting a root cause of many  
6 common oral care problems.”

7 67. These claims, and the overall oral and gum health takeaway message conveyed  
8 by the product’s labeling, however, were and are deceptive because Colgate Total Active  
9 Prevention Toothpaste contains SLS, a documented oral irritant.

10 68. Mr. Ferguson would have avoided purchasing Colgate Total Active Prevention  
11 Toothpaste if he knew it contained an irritant that can harm oral health, including harming  
12 the gums and causing inflammation. At the time Mr. Ferguson purchased the product, he  
13 was not familiar with SLS as an ingredient, nor knowledgeable about its detrimental oral  
14 health effects, and did not notice SLS as an inactive ingredient in the Product.

15 \* \* \*

16 69. Plaintiffs acted reasonably in relying on the challenged labeling claims, which  
17 Colgate-Palmolive placed on the Products’ labeling with the intent of inducing average  
18 consumers into purchasing the Products.

19 70. Plaintiffs acted reasonably in purchasing the Products, whose labels did not  
20 disclose the negative health effects of SLS, and in fact conveyed to reasonable consumers  
21 that the Products promote a healthy mouth and gums.

22 71. The Products cost more than similar products without misleading labeling and  
23 would have cost less absent Colgate-Palmolive’s affirmative oral health statements and  
24 deceptive omissions regarding the Products’ SLS content.

25 72. Through its misleading labeling and omissions concerning the Products,  
26 Colgate-Palmolive was able to gain a greater share of the toothpaste market than it otherwise  
27 would have, and was able to increase the size of the market.

1 73. Plaintiffs paid more, and would only have been willing to pay less, or would be  
2 unwilling to purchase the Products at all, absent the misleading labeling complained of  
3 herein.

4 74. Instead of receiving products that worked as advertised, the Products Plaintiffs  
5 and other Class Members received expose consumers to adverse oral health effects  
6 inconsistent with their represented benefits. For these reasons, the Products had less value  
7 than what Plaintiffs and other Class Members paid for them.

8 75. Plaintiffs and other Class Members lost money as a result of Colgate-  
9 Palmolive’s deceptive claims, omissions, and practices in that they did not receive what they  
10 paid for when purchasing the Products.

11 76. Plaintiffs still wish to purchase toothpaste products that promote oral and gum  
12 health, and continue to see the Products at the stores in which they regularly shop. Plaintiffs  
13 would purchase the Products in the future if they could be assured they do not contain any  
14 ingredients that undermine the products’ represented efficacy. But unless Colgate-Palmolive  
15 is enjoined in the manner Plaintiffs request, they will not be able to reasonably determine in  
16 the future whether the Products actually promote healthy gums.

17 77. Plaintiffs’ substantive right to a marketplace free of fraud, where they are  
18 entitled to rely on representations such as those made by Colgate-Palmolive with confidence,  
19 continues to be violated every time Plaintiffs are exposed to the Products’ labels.

20 78. Plaintiffs’ legal remedies are inadequate to prevent these future injuries.

21 **CLASS ACTION ALLEGATIONS**

22 79. While reserving the right to redefine or amend the class definition prior to or as  
23 part of a motion seeking class certification, pursuant to Federal Rule of Civil Procedure 23,  
24 Plaintiffs seek to represent a class of all persons in California who, at any time from four  
25 years preceding the date of the filing of this Complaint to the time a class is notified (the  
26 “Class Period”), purchased, for personal or household use, and not for resale or distribution,  
27 any of the Products (the “Class”).  
28

1 80. The Members in the proposed Class are so numerous that individual joinder of  
2 all Members is impracticable, and the disposition of the claims of all Class Members in a  
3 single action will provide substantial benefits to the parties and Court.

4 81. Questions of law and fact common to Plaintiffs and the Class include:

5 a. Whether, through labeling and advertising the Products, Colgate-  
6 Palmolive communicated a takeaway message that the products promote oral and gum  
7 health;

8 b. Whether that message was material, or likely to be material, to a  
9 reasonable consumer, or whether Colgate-Palmolive had reason to believe that it was;

10 c. Whether, due to the Products' SLS content, the challenged labeling is  
11 false, misleading, or reasonably likely to deceive a reasonable consumer;

12 d. Whether Colgate-Palmolive was under a duty to disclose information  
13 about the Products' SLS content;

14 e. Whether Colgate-Palmolive omitted information about the Products' SLS  
15 content;

16 f. Whether Colgate-Palmolive's omission was material, or likely to be  
17 material to a reasonable consumer;

18 g. Whether Colgate-Palmolive's omission was likely to deceive a reasonable  
19 consumer;

20 h. Whether Colgate-Palmolive was unjustly enriched;

21 i. Whether Plaintiffs and other Class Members are entitled to monetary  
22 damages and the measure of those damages; and

23 j. Whether Plaintiffs and other Class Members are entitled to restitution,  
24 disgorgement and/or other equitable and injunctive relief, and its proper scope.

25 82. These common questions of law and fact predominate over questions that affect  
26 only individual Class Members.

27 83. Plaintiffs' claims are typical of other Class Members' claims because they are  
28 based on the same underlying facts, events, and circumstances relating to Colgate-

1 Palmolive’s conduct. Specifically, all Class Members, including Plaintiffs, were subjected  
2 to the same misleading and deceptive conduct when they purchased the Products and  
3 suffered economic injury because the products are misrepresented.

4 84. Plaintiffs will fairly and adequately represent and protect the interests of the  
5 Class, have no interests incompatible with the interests of the Class, and have retained  
6 counsel competent and experienced in class action litigation, and specifically in litigation  
7 involving the false and misleading advertising of consumer goods.

8 85. Class treatment is superior to other options for resolution of the controversy  
9 because the relief sought for each Class Member is small, such that, absent representative  
10 litigation, it would be infeasible for Class Members to redress the wrongs done to them.

11 86. Colgate-Palmolive has acted on grounds applicable to the Class, thereby  
12 making appropriate final injunctive and declaratory relief concerning the Class as a whole.

13 87. As a result of the foregoing, class treatment is appropriate under Fed. R. Civ. P.  
14 23(a), 23(b)(2), and 23(b)(3).

15 **CAUSES OF ACTION**

16 **FIRST CAUSE OF ACTION**

17 **Violations of the Unfair Competition Law, Cal. Bus. & Prof. Code §§ 17200, et seq.**

18 88. Plaintiffs reallege and incorporate the allegations elsewhere in the Complaint  
19 as if set forth fully herein.

20 89. The UCL prohibits any “unlawful, unfair or fraudulent business act or practice.”  
21 Cal. Bus. & Prof. Code § 17200.

22 90. The acts, omissions, misrepresentations, practices, and non-disclosures of as  
23 alleged herein constitute business acts and practices.

24 **Fraudulent**

25 91. A statement or practice is fraudulent under the UCL if it is likely to deceive a  
26 significant portion of the public, applying an objective reasonable consumer test.

27 92. As set forth herein, Colgate-Palmolive’s oral and gum health relating to the  
28 Products are likely to deceive reasonable consumers and the public.

1 **Unlawful**

2 As set forth herein, Colgate-Palmolive’s oral and gum health representations relating  
3 to the Products are “unlawful” under the UCL in that they violate at least the False  
4 Advertising Law, Cal. Bus. & Prof. Code §§ 17500 *et seq.* (“FAL”), Consumers Legal  
5 Remedies Act, Cal. Civ. Code §§ 1750 *et seq.* (“CLRA”), and 21 U.S.C. § 352 (deeming an  
6 over-the-counter drug misbranded if its label is false or misleading).

7 **Unfair**

8 93. Colgate-Palmolive’s conduct with respect to the labeling, advertising, and sale  
9 of the Products with oral and gum health representations was unfair because Colgate-  
10 Palmolive’s conduct was immoral, unethical, unscrupulous, or substantially injurious to  
11 consumers, and the utility of its conduct, if any, did not outweigh the gravity of the harm to  
12 its victims.

13 94. Colgate-Palmolive’s conduct with respect to the labeling, advertising, and sale  
14 of the Products with oral and gum health representations was also unfair because it violated  
15 public policy as declared by specific constitutional, statutory or regulatory provisions,  
16 including but not necessarily limited to the FAL, CLRA, and Federal Food, Drug, and  
17 Cosmetic Act.

18 95. Colgate-Palmolive’s conduct with respect to the labeling, advertising, and sale  
19 of the Products with oral and gum health representations was and is also unfair because the  
20 consumer injury was substantial, not outweighed by benefits to consumers or competition,  
21 and not one that consumers themselves could reasonably have avoided. Specifically, the  
22 increase in profits Colgate-Palmolive obtained through the misleading labeling does not  
23 outweigh the harm to Class Members deceived into purchasing the Products believing they  
24 were healthy and safe for regular use when in fact they contain SLS, which is potentially  
25 injurious to oral and gum health. Consumers could not have reasonably avoided this harm  
26 because SLS and its detrimental effects on oral and gum health is not widely known by  
27 average consumers. Further, the harm could have easily been avoided by Colgate-Palmolive  
28

1 as it would have cost Colgate-Palmolive nothing to refrain from using SLS, the challenged  
2 labeling, or the challenged omissions.

3 \* \* \*

4 96. Colgate-Palmolive profited from the sale of the falsely, deceptively, and  
5 unlawfully advertised Products to unwary consumers.

6 97. Colgate-Palmolive’s conduct caused and continues to cause substantial injury  
7 to Plaintiffs and other Class Members. Plaintiffs have suffered injury in fact as a result of  
8 Colgate-Palmolive’s unlawful conduct.

9 98. Plaintiffs and other Class Members are likely to continue to be damaged by  
10 Colgate-Palmolive’s deceptive trade practices, because Colgate-Palmolive continues to  
11 disseminate misleading information. Thus, injunctive relief enjoining Colgate-Palmolive’s  
12 deceptive practices is proper. In accordance with Bus. & Prof. Code § 17203, Plaintiffs seek  
13 an order enjoining Colgate-Palmolive from continuing to conduct business through  
14 unlawful, unfair, and/or fraudulent acts and practices.

15 99. Plaintiffs, on behalf of themselves and the Class, also seek an order for the  
16 restitution of all monies from the sale of the Products, which were unjustly acquired through  
17 acts of unlawful competition.

18 100. Because Plaintiffs’ claims under the “unfair” prong of the UCL sweep more  
19 broadly than their claims under the FAL, CLRA, or UCL’s “fraudulent” prong, Plaintiffs’  
20 legal remedies are inadequate to fully compensate them for all of Colgate-Palmolive’s  
21 challenged behavior.

22 101. Moreover, because the Court has broad discretion to award restitution under the  
23 UCL and could, when assessing restitution under the UCL, apply a standard different than  
24 that applied to assessing damages under the CLRA or commercial code (for Plaintiffs’ breach  
25 of warranty claims)—and because restitution is not limited to returning to Class Members  
26 monies in which they have an interest, but more broadly serves to deter the offender and  
27 others from future violations—the legal remedies available under the CLRA and commercial  
28

1 code are more limited than the equitable remedies available under the UCL, and are therefore  
2 inadequate.

3 **SECOND CAUSE OF ACTION**

4 **Violations of the False Advertising Law, Cal. Bus. & Prof. Code §§ 17500, et seq.**

5 102. Plaintiffs reallege and incorporate the allegations elsewhere in the Complaint  
6 as if set forth fully herein.

7 103. The FAL provides that “[i]t is unlawful for any person, firm, corporation or  
8 association, or any employee thereof with intent directly or indirectly to dispose of real or  
9 personal property or to perform services” to disseminate any statement “which is untrue or  
10 misleading, and which is known, or which by the exercise of reasonable care should be  
11 known, to be untrue or misleading.” Cal. Bus. & Prof. Code § 17500.

12 104. Colgate-Palmolive’s business practices as alleged herein constitute unfair,  
13 deceptive, untrue, and misleading advertising pursuant to the FAL because Colgate-  
14 Palmolive has advertised the Products in a manner that is untrue and misleading, which  
15 Colgate-Palmolive knew or reasonably should have known, and further omitted material  
16 information from the Products’ labeling. As alleged herein, the advertisements, labeling,  
17 policies, acts, and practices of Colgate-Palmolive relating to the Products were likely to  
18 mislead consumers acting reasonably.

19 105. Plaintiffs suffered injury in fact as a result of Colgate-Palmolive’s actions as set  
20 forth herein because they purchased the Products in reliance on Colgate-Palmolive’s false  
21 and misleading marketing claims stating or suggesting they promote oral and gum health,  
22 and in further reliance on Colgate-Palmolive’s deceptive omission of material information  
23 concerning the detrimental effects of the products’ SLS content.

24 106. Colgate-Palmolive profited from the sale of the falsely and deceptively  
25 advertised Products to unwary consumers.

26 107. Pursuant to Cal. Bus. & Prof. Code § 17535, Plaintiffs seek, on behalf of  
27 themselves and other Class Members, the restitution of all monies from the sale of the  
28

1 Products, which were unjustly acquired through acts of false advertising, and an Order  
2 enjoining Colgate-Palmolive from continuing to engage in such acts.

3 108. Because the Court has broad discretion to award restitution under the FAL and  
4 could, when assessing restitution under the FAL, apply a standard different than that applied  
5 to assessing damages under the CLRA or commercial code (for Plaintiffs’ breach of warranty  
6 claims)—and because restitution is not limited to returning to Class Members monies in  
7 which they have an interest, but more broadly serves to deter the offender and others from  
8 future violations—the legal remedies available under the CLRA and commercial code are  
9 more limited than the equitable remedies available under the FAL, and are therefore  
10 inadequate.

11 **THIRD CAUSE OF ACTION**

12 **Violations of the Consumers Legal Remedies Act, Cal. Civ. Code §§ 1750, *et seq.***

13 109. Plaintiffs reallege and incorporate the allegations elsewhere in the Complaint  
14 as if set forth fully herein.

15 110. The CLRA prohibits deceptive practices in connection with the conduct of a  
16 business that provides goods, property, or services primarily for personal, family, or  
17 household purposes.

18 111. Plaintiffs and other Class Members are “consumers” under Cal. Civ. Code §  
19 1761(d).

20 112. Colgate-Palmolive is a “person” under Cal. Civ. Code § 1761(c).

21 113. The Products are “goods” under Cal. Civ. Code § 1761(a).

22 114. Plaintiffs and other Class Members’ purchases of the Products are  
23 “transactions” under Cal. Civ. Code § 1761(e).

24 115. Colgate-Palmolive’s false and misleading labeling and other policies, acts, and  
25 practices were designed to, and did, induce the purchase and use of the Products for personal,  
26 family, or household purposes by Plaintiffs and other Class Members, and violated and  
27 continue to violate the following sections of the CLRA:  
28

1 a. Section 1770(a)(5): representing that goods have characteristics, uses, or  
2 benefits which they do not have;

3 b. Section 1770(a)(7): representing that goods are of a particular standard,  
4 quality, or grade if they are of another;

5 c. Section 1770(a)(9): advertising goods with intent not to sell them as  
6 advertised; and

7 d. Section 1770(a)(16): representing the subject of a transaction has been  
8 supplied in accordance with a previous representation when it has not.

9 116. Colgate-Palmolive profited from the sale of the deceptively advertised Products  
10 to unwary consumers.

11 117. Colgate-Palmolive’s wrongful business practices constituted, and constitute, a  
12 continuing course of conduct in violation of the CLRA.

13 118. As a result of Colgate-Palmolive’s wrongful behavior, Plaintiffs and the Class  
14 have suffered harm.

15 119. More than 30 days before filing this action, Plaintiffs sent Colgate-Palmolive  
16 notice of its violations of the CLRA but Colgate-Palmolive did not rectify its wrongful  
17 practices. Plaintiffs therefore seek restitution, actual damages, punitive damages, attorneys’  
18 fees, and prospective injunctive relief.

19 120. In compliance with Cal. Civ. Code section 1780(d), an affidavit of venue is filed  
20 concurrently herewith.

21 **FOURTH CAUSE OF ACTION**

22 **Breach of Express Warranties, Cal. Com. Code § 2313**

23 121. Plaintiffs reallege and incorporate the allegations elsewhere in the Complaint  
24 as if set forth in full herein.

25 122. Through the Products’ labeling, Colgate-Palmolive made affirmations of fact  
26 or promises, or descriptions of goods that, *inter alia*, the Products promote oral health,  
27 improve gum health, and reverse gingivitis. These affirmations and descriptions include:

- 28
  - “Antigingivitis . . . Toothpaste”

- 1 • “Fight Root Cause of: Gingivitis”
- 2 • “✓GINGIVITIS”
- 3 • “Helps Reverse Early Gum Damage”
- 4 • “Whole Mouth Health”
- 5 • “Fights bacteria on: ✓GUMS”
- 6 • “Helps prevent and reduce gingivitis between teeth.”

7 123. These representations were part of the basis of the bargain in that Plaintiffs and  
8 the Class purchased the Products in reasonable reliance on those statements. Cal. Com. Code  
9 § 2313(1).

10 124. Colgate-Palmolive breached its express warranties by selling products that, for  
11 the reasons described herein, do not meet the above affirmations, promises, and product  
12 descriptions.

13 125. That breach actually and proximately caused injury in the form of the lost  
14 purchase price that Plaintiffs and Class Members paid for the Products.

15 126. As a result, Plaintiffs seek on behalf of themselves and other Class Members,  
16 actual damages arising as a result of Colgate-Palmolive’s breach of express warranties,  
17 including, without limitation, expectation damages, in an amount to be proven at trial.

18 **FIFTH CAUSE OF ACTION**

19 **Breach of Implied Warranty of Merchantability, Cal. Com. Code § 2314**

20 127. Plaintiffs reallege and incorporate the allegations elsewhere in the Complaint  
21 as if set forth in full herein.

22 128. Colgate-Palmolive is a merchant with respect to the goods of the kind that were  
23 sold to Plaintiffs and other Class Members, and there were, in the sale to Plaintiffs and other  
24 Class Members, implied warranties that those goods were merchantable.

25 129. Specifically, Colgate-Palmolive impliedly warranted to retail buyers that the  
26 Products were merchantable in that they conform to the promises or affirmations of fact  
27 made on the container or label.

1 130. Colgate-Palmolive breached this implied warranty because the Products were  
2 falsely advertised in the manner alleged herein, and thus did not conform to the promises or  
3 affirmations of fact made on the products' labels.

4 131. As an actual and proximate result of Colgate-Palmolive's conduct, Plaintiffs  
5 and other Class Members did not receive goods as impliedly warranted by Colgate-  
6 Palmolive. As a result, Plaintiffs seek, on behalf of themselves and other Class Members,  
7 actual damages, including, without limitation, expectation damages, in an amount to be  
8 proven at trial.

9 **PRAYER FOR RELIEF**

10 132. Wherefore, Plaintiffs, on behalf of themselves, all others similarly situated, and  
11 the general public, pray for judgment against Colgate-Palmolive as to each and every cause  
12 of action, and the following remedies:

13 a. An Order declaring this action to be a proper class action, appointing  
14 Plaintiffs as Class Representatives, and appointing Plaintiffs' undersigned counsel as  
15 Class Counsel;

16 b. An Order requiring Colgate-Palmolive to bear the cost of Class notice;

17 c. An Order compelling Colgate-Palmolive to destroy all misleading and  
18 deceptive advertising materials and product labels, and to recall all offending  
19 products;

20 d. An Order requiring Colgate-Palmolive to disgorge all monies, revenues,  
21 and profits obtained by means of any wrongful act or practice;

22 e. An Order requiring Colgate-Palmolive to pay restitution to restore all  
23 funds acquired by means of any act or practice declared by this Court to be an  
24 unlawful, unfair, or fraudulent business act or practice, or untrue or misleading  
25 advertising, plus pre-and post-judgment interest thereon;

26 f. An Order requiring Colgate-Palmolive to pay compensatory, statutory,  
27 and punitive damages as permitted by law;

28 g. An award of attorneys' fees and costs; and

1 h. Any other and further relief that Court deems necessary, just, or proper.

2 **JURY DEMAND**

3 133. Plaintiffs hereby demand a trial by jury on all issues so triable.

4  
5 Dated: July 2, 2026

/s/ Jack Fitzgerald \_\_\_\_\_

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17 ***Counsel for Plaintiffs***

CIVIL COVER SHEET

The JS 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 by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
JANET FRY, MICHAEL WALSH, and JASON FERGUSON,
on behalf of themselves, all others similarly situated,
and the general public,
(b) County of Residence of First Listed Plaintiff San Diego County
(EXCEPT IN U.S. PLAINTIFF CASES)
(c) Attorneys (Firm Name, Address, and Telephone Number)
Fitzgerald Monroe Flynn PC
2341 Jefferson St., Ste. 200, San Diego, CA 92110
(619) 215-1741

DEFENDANTS
THE COLGATE-PALMOLIVE COMPANY
County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.
Attorneys (If Known)
'26CV3858 RBM AHG

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)
PTF DEF
Citizen of This State [X] 1 [ ] 1
Citizen of Another State [ ] 2 [ ] 2
Citizen or Subject of a Foreign Country [ ] 3 [ ] 3
Incorporated or Principal Place of Business In This State [ ] 4 [ ] 4
Incorporated and Principal Place of Business In Another State [ ] 5 [X] 5
Foreign Nation [ ] 6 [ ] 6

IV. NATURE OF SUIT (Place an "X" in One Box Only) Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Personal Injury, Contract, Labor, etc.

V. ORIGIN (Place an "X" in One Box Only)
[X] 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. § 1332(d)(2) (Class Action Fairness Act)
Brief description of cause:
Misleading Toothpaste Representations

VII. REQUESTED IN COMPLAINT:
[X] CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint:
JURY DEMAND: [X] Yes [ ] No

VIII. RELATED CASE(S) IF ANY (See instructions):
JUDGE DOCKET NUMBER

DATE July 2, 2026 SIGNATURE OF ATTORNEY OF RECORD /s/ Jack Fitzgerald

FOR OFFICE USE ONLY
RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE