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13 *Plaintiff listed on signature page]*

14  
15 **UNITED STATES DISTRICT COURT**  
16 **CENTRAL DISTRICT OF CALIFORNIA**  
17

18 CHELSEA GREY, individually and on  
19 behalf of all others similarly situated,  
20  
21 Plaintiff,  
22  
23 v.  
24 THE HONEST COMPANY, INC.,  
25  
26 Defendant.  
27  
28

Case No. 2:17-cv-02335

**CLASS ACTION COMPLAINT**

**JURY TRIAL DEMANDED**

1 Plaintiff Chelsea Grey (“Plaintiff”) brings this action on behalf of herself and  
2 all others similarly situated against Defendant The Honest Company, Inc. (“Honest”  
3 or “Defendant”). Plaintiff makes the following allegations pursuant to the  
4 investigation of her counsel and based upon information and belief, except as to the  
5 allegations specifically pertaining to herself, which are based on personal  
6 knowledge.

### 7 NATURE OF THE ACTION

8 1. This is a class action lawsuit against Defendant for cheating customers  
9 by underfilling bottles of Honest-brand Dish Soap stating that they contain “26.5 fl.  
10 oz.” of dish soap. On March 23, 2017, the Wall Street Journal reported that “Honest  
11 dish soap was sold in bottles stating they contained 26.5 fluid ounces and had been  
12 on the market for several years. The bottles actually contained 24 fluid ounces of  
13 cleaner, or roughly 10% less liquid, according to people familiar with the matter.”<sup>1</sup>

14 2. A spokeswoman for Honest stated that “[t]he company is rolling out  
15 new dish soap in revised packaging with labels stating the bottles contain 24-fluid  
16 ounce ... to eliminate a small inconsistency between physical fill volume and labeled  
17 fill volume.”<sup>2</sup>

18 3. Plaintiff and class members were injured because they received 10%  
19 less dish soap than they were promised on the label of each bottle purchased.

20 4. Plaintiff assert claims on behalf of herself and all similarly situated  
21 purchasers of Honest-brand Dish Soap for breach of express warranty, breach of the  
22 implied warranty of merchantability, unjust enrichment, negligent misrepresentation,  
23  
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25 <sup>1</sup> See Serena NG, *Jessica Alba’s Startup Pulls Bottles of Dish Soap that were*  
26 *Underfilled*, Wall Street Journal, Mar. 23, 2017,  
27 <https://www.wsj.com/articles/jessica-albas-startup-pulls-bottles-of-dish-soap-that-were-underfilled-1490300097>.

28 <sup>2</sup> *Id.*

1 fraud, and violation of the Florida Deceptive and Unfair Trade Practices Act  
2 (“FDUTPA”).

3 **THE PARTIES**

4 5. Plaintiff Chelsea Grey is a citizen of Florida who resides in Sanford,  
5 Florida. In or about January 2017, Plaintiff purchased a bottle of Honest-brand Dish  
6 Soap labeled as containing “26.5 fl. oz.,” at a Target retail store located in Sanford,  
7 Florida. Plaintiff purchased her Honest-brand Dish Soap for household and personal  
8 use. Moreover, she purchased her Honest-brand Dish Soap after reading the label on  
9 the bottle that said it contained 26.5 fluid ounces and the corresponding “unit price”  
10 listed on the store shelf. These representations were substantial factors influencing  
11 her decision to purchase Honest-brand Dish Soap. Plaintiff purchased a bottle of  
12 Honest-brand Dish Soap that was underfilled. She would not have purchased  
13 Honest-brand Dish Soap if she had known that the bottles were underfilled.

14 6. Defendant Honest is incorporated in Delaware, and has its corporate  
15 headquarters at Playa Vista, California. Honest markets and sells Honest-brand Dish  
16 Soap both online and in numerous brick and mortar stores including Target and  
17 Whole Foods.

18 **JURISDICTION AND VENUE**

19 7. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §  
20 1332(d)(2)(A) because this case is a class action where the aggregate claims of all  
21 members of the proposed class are in excess of \$5,000,000.00, exclusive of interest  
22 and costs, and most members of the proposed class are citizens of states different  
23 from Defendant. This Court also has supplemental jurisdiction over state law claims  
24 pursuant to 28 U.S.C. § 1367.

25 8. Pursuant to 28 U.S.C. § 1391(b)(2), this Court is the proper venue for  
26 this action because Defendant resides in this District.

1 **CLASS REPRESENTATION ALLEGATIONS**

2 9. Plaintiff seeks to represent a class defined as all persons in the United  
3 States who purchased Honest-brand Dish Soap (the “Class”). Excluded from the  
4 Class are persons who made such purchase for purpose of resale.

5 10. Plaintiff also seeks to represent a subclass of all Class members who  
6 purchased Honest-brand Dish Soap in Florida (the “Florida Subclass”).

7 11. Members of the Class and Florida Subclass are so numerous that their  
8 individual joinder herein is impracticable. On information and belief, members of  
9 the Class and Florida Subclass number in the millions. The precise number of Class  
10 members and their identities are unknown to Plaintiff at this time but may be  
11 determined through discovery. Class members may be notified of the pendency of  
12 this action by mail and/or publication through the distribution records of Defendant  
13 and third party retailers and vendors.

14 12. Common questions of law and fact exist as to all Class members and  
15 predominate over questions affecting only individual Class members. Common legal  
16 and factual questions include, but are not limited to: whether Honest-brand Dish  
17 Soap bottles are underfilled; whether Defendant warranted that Honest-brand Dish  
18 Soap bottles contained 26.5 fluid ounces of dish soap; whether Defendant breached  
19 this warranty; and whether Defendant committed statutory and common law fraud by  
20 doing so.

21 13. The claims of the named Plaintiff are typical of the claims of the Class  
22 in that the named Plaintiff purchased Honest-brand Dish Soap in reliance on the  
23 representations and warranties described above and suffered a loss as a result of that  
24 purchase.

25 14. Plaintiff is an adequate representative of the Class and the Florida  
26 Subclass because her interests do not conflict with the interests of the Class members  
27 she seeks to represent, she has retained competent counsel experienced in  
28

1 prosecuting class actions, and she intends to prosecute this action vigorously. The  
2 interests of Class members will be fairly and adequately protected by Plaintiff and  
3 her counsel.

4 15. The class mechanism is superior to other available means for the fair  
5 and efficient adjudication of the claims of Class members. Each individual Class  
6 member may lack the resources to undergo the burden and expense of individual  
7 prosecution of the complex and extensive litigation necessary to establish  
8 Defendant's liability. Individualized litigation increases the delay and expense to all  
9 parties and multiplies the burden on the judicial system presented by the complex  
10 legal and factual issues of this case. Individualized litigation also presents a  
11 potential for inconsistent or contradictory judgments. In contrast, the class action  
12 device presents far fewer management difficulties and provides the benefits of single  
13 adjudication, economy of scale, and comprehensive supervision by a single court on  
14 the issue of Defendant's liability. Class treatment of the liability issues will ensure  
15 that all claims and claimants are before this Court for consistent adjudication of the  
16 liability issues.

17 **COUNT I**

18 **Breach Of Express Warranty**

19 16. Plaintiff hereby incorporates by reference the allegations contained in  
20 all preceding paragraphs of this complaint.

21 17. Plaintiff brings this claim individually and on behalf of the proposed  
22 Class and Florida Subclass against Defendant.

23 18. Defendant, as the designer, manufacturer, marketer, distributor, and/or  
24 seller, expressly warranted that Honest-brand Dish Soap bottles contained 26.5 fluid  
25 ounces of dish soap.

26 19. In fact, that express warranty is false. Particularly, Honest-brand Dish  
27 Soap is underfilled by 10%.





1 of dish soap when it only contained 24 fluid ounces. This misrepresentation caused  
2 injuries to Plaintiff and Class members because they would not have purchased  
3 Honest-brand Dish Soap if the true facts were known, or would have only been  
4 willing to pay a lower price.

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

9 **COUNT IV**

10 **Violation Of The Florida Deceptive And Unfair Trade Practices Act, Fla.**

11 **Stat. §§ 501.201, et seq.**

12 37. Plaintiff hereby incorporates by reference the allegations contained in  
13 all preceding paragraphs of this complaint.

14 38. Plaintiff brings this claim individually and on behalf of the members of  
15 the proposed Florida Subclass against Defendant.

16 39. This cause of action is brought pursuant to the Florida Deceptive and  
17 Unfair Trade Practices Act, Fla. Stat. §§ 501.201, *et seq.* (the "Act"). The express  
18 purpose of the Act is to "protect the consuming public ... from those who engage in  
19 unfair methods of competition, or unconscionable, deceptive, or unfair acts or  
20 practices in the conduct of any trade or commerce." Fla. Stat. §§ 501.202(2).

21 40. Plaintiff and Class members are "consumers" within the meaning of Fla.  
22 Stat. §§ 501.203(7).

23 41. Defendant was engaged in "trade or commerce" as defined by Fla. Stat.  
24 §§ 501.203(8).

25 42. The sale of Honest-brand Dish Soap constituted "consumer  
26 transactions" within the scope of Fla. Stat. §§ 501.201 to 501.213.



1           43. Fla. Stat. §§ 501.204(1) declares unlawful “unfair methods of  
2 competition, unconscionable acts or practices, and unfair or deceptive acts or  
3 practices in the conduct of any trade or commerce.”

4           44. Defendant has violated the Act by engaging in the unfair and deceptive  
5 practices as described herein which offend public policies and are immoral,  
6 unethical, unscrupulous, and substantially injurious to consumers. Specifically,  
7 Defendant represented that Honest-brand Dish Soap contained 26.5 ounces of dish  
8 soap when it did not.

9           45. Defendant’s unfair and deceptive practices are likely to mislead -- and  
10 have misled -- the Plaintiff and Class members acting reasonably under the  
11 circumstances, and violates Fla. Stat. §§ 501.204.

12           46. Defendant’s conduct proximately caused the injuries to Plaintiff and the  
13 Class.

14           47. Plaintiff and the Class have been aggrieved by Defendant’s unfair and  
15 deceptive practices in that (a) they would not have purchased Honest-brand Dish  
16 Soap had they known the bottles were underfilled, and (b) they were shorted on the  
17 amount of dish soap they received because the 26.5 fl. oz. bottles were underfilled.

18           48. The damages suffered by Plaintiff and the Class were directly and  
19 proximately caused by the deceptive, misleading, and unfair practices of Defendant,  
20 as more fully described herein.

21           49. Pursuant to Fla. Stat. §§ 501.211(1), Plaintiff and the Class seek a  
22 declaratory judgment and court order enjoining the above-described wrongful acts  
23 and practices of Defendant and for restitution and disgorgement.

24           50. Additionally, pursuant to Fla. Stat. §§ 501.211(2) and 501.2105,  
25 Plaintiff and the Class make claims for damages and attorneys’ fees and costs.  
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**COUNT V**

**Negligent Misrepresentation**

51. Plaintiff hereby incorporates by reference the allegations contained in all preceding paragraphs of this complaint.

52. Plaintiff brings this claim individually and on behalf of the proposed Class and Florida Subclass against Defendant.

53. As discussed above, Defendant misrepresented that Honest-brand Dish Soap bottles contained 26.5 fluid ounces of dish soap.

54. At the time Defendant made this representation, Defendant knew or should have known that it was false or made them without knowledge of their truth or veracity.

55. At an absolute minimum, Defendant negligently misrepresented and/or negligently omitted material facts about Honest-brand Dish Soap.

56. The negligent misrepresentations and omissions made by Defendant, upon which Plaintiff and Class members reasonably and justifiably relied, were intended to induce and actually induced Plaintiff and Class members to purchase Honest-brand Dish Soap.

57. Plaintiff and Class members would not have purchased Honest-brand Dish Soap if the true facts had been known.

58. The negligent actions of Defendant caused damage to Plaintiff and Class members, who are entitled to damages and other legal and equitable relief as a result.

**COUNT VI**

**Fraud**

59. Plaintiff hereby incorporates by reference the allegations contained in all preceding paragraphs of this complaint.



- 1 D. For compensatory, statutory, and punitive damages in amounts to be  
2 determined by the Court and/or jury;  
3 E. For prejudgment interest on all amounts awarded;  
4 F. For an order of restitution and all other forms of equitable monetary  
5 relief;  
6 G. To engage in a corrective advertising campaign; and  
7 H. For an order awarding Plaintiff, the Class, and the Florida Subclass their  
8 reasonable attorneys' fees and expenses and costs of suit.

9  
10 **JURY DEMAND**

11 Plaintiff demands a trial by jury on all causes of action and issues so triable.

12  
13 Dated: March 24, 2017

Respectfully submitted,

14 **BURSOR & FISHER, P.A.**

15  
16 By: /s/ L. Timothy Fisher  
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