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7 *Counsel for Plaintiff and the Proposed Class*

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION

11 Caley Keene, individually, and on
12 behalf of those similarly situated,

13 Plaintiff,

14 v.

15 PACHA SOAP CO.,

16 Defendant.
17

CASE NO.

CLASS ACTION COMPLAINT

Demand for Jury Trial

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1 Plaintiff Caley Keene brings this action on behalf of herself and all others
2 similarly situated against PACHA SOAP CO. Plaintiff makes the following
3 allegations pursuant to the investigation of counsel and based upon information and
4 belief, except as to the allegations specifically pertaining to herself, which are based
5 on personal knowledge.
6

7 **NATURE OF THE ACTION**

8 1. This case arises from Defendant’s deceptive and misleading practices
9 with respect to its marketing and sale of its personal care products (the “Products” or
10 “Product”).¹

11 2. Defendant manufactures, sells, and distributes the Products using a
12 marketing and advertising campaign focused on consumers seeking personal care
13 products that contain sea salt, mint, and eucalyptus.
14

15 3. Defendant’s marketing efforts stress the purported composition of their
16 Products.
17

18 4. Notably, Defendant engages in a deceptive marketing campaign to
19 convince consumers that the Products contain sea salt, mint, and eucalyptus.

20 5. For example, Defendant prominently emphasizes these ingredients on
21 the front-facing label of its Products:
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¹ The Products include the items identified in Section A of the Facts.



6. However, this is false, misleading, and deceptive because Defendant's Products do not contain any of these ingredients.

7. Reasonable consumers purchased the Products believing, among other things, that they were accurately represented. Specifically, reasonable consumers believed that the Products contained accurate label information and representations and that the Products contained the prominently featured ingredients. Reasonable consumers would not have purchased the Products if they had known about the misrepresentations and omissions, or would have purchased them on different terms.

8. Plaintiff brings this action individually and on behalf of those similarly situated and seeks to represent a Class. Plaintiff seeks damages, interest thereon, reasonable attorneys' fees and costs, restitution, other equitable relief, and disgorgement of all benefits Defendant has enjoyed from its unlawful and/or deceptive business practices, as detailed herein. In addition, Plaintiff seeks injunctive

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1 relief to stop Defendant’s unlawful conduct in the labeling and marketing of the
2 Products.

3 9. Defendant’s conduct violated and continues to violate, *inter alia*, the
4 consumer protection statutes of California. Defendant has been and continues to be
5 unjustly enriched. Accordingly, Plaintiff brings this action against Defendant on
6 behalf of herself and Class Members who purchased the Products during the
7 applicable statute of limitations period (the "Class Period").
8

9 **JURISDICTION AND VENUE**

10 10. This Court has personal jurisdiction over Defendant. Defendant
11 purposefully avails itself of the California consumer market and distributes the
12 Products to many locations within the state, where the Products are purchased by
13 hundreds of consumers every day.
14

15 11. This Court has original subject-matter jurisdiction over this proposed
16 class action pursuant to 28 U.S.C. § 1332(d), which, under the provisions of the Class
17 Action Fairness Act (“CAFA”), explicitly provides for the original jurisdiction of the
18 federal courts in any class action in which at least 100 members are in the proposed
19 Plaintiff’s class and the matter in controversy exceeds the sum of \$5,000,000.00,
20 exclusive of interest and costs. Plaintiff alleges that the total claims of individual
21 members of the proposed Classes (as defined herein) are well in excess of
22 \$5,000,000.00 in the aggregate, exclusive of interest and costs.
23
24

25 12. Venue is proper in this District under 28 U.S.C. § 1391. Plaintiff’s
26 purchases of Defendant’s Products, substantial acts in furtherance of the alleged
27 improper conduct, including the dissemination of false and misleading information
28

1 regarding the nature, quality, and/or ingredients of the Products, occurred within this
2 District and the Defendant conducts business in this District.

3
4 **DIVISIONAL ASSIGNMENT**

5 13. Pursuant to Civil Local Rule 3-2(c-d), a substantial part of the events
6 giving rise to the claims arose in Alameda County, and this action should be assigned
7 to the Oakland Division.

8 **PARTIES**

9 14. Plaintiff Caley Keene is a citizen of California who purchased the
10 Products during the Class Period in California.

- 11 a. In the preceding two years, Plaintiff has purchased Defendant's Product
12 from a variety of retailers in Alameda County. She has purchased the
13 Hand Soap marketed as containing sea salt, eucalyptus, and mint.
- 14 b. Prior to her purchases, Plaintiff reviewed the accompanying labels and
15 disclosures, including Defendant's representation that the Product
16 contained sea salt, mint, and eucalyptus. Plaintiff relied on the claim in
17 deciding to purchase the Product. As such, the claim was part of the
18 basis of the bargain, in that Plaintiff would not have purchased the
19 Product on the same terms had she known that the claim was not true
20 concerning the characteristics of the Product. Accordingly, Plaintiff did
21 not receive the benefit of her bargain. In making her purchase, Plaintiff
22 paid a price premium due to Defendant's false and misleading claim.
- 23 c. Plaintiff purchased the Products for personal use. When Plaintiff saw
24 Defendant's misrepresentations prior to and at the time of purchase, she
25 relied on Defendant's prominent representations and claims about the
26 Products. Specifically, that it contained sea salt, eucalyptus, and mint.
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1 Defendant emphasizes these representations in the marketing and on
2 the labeling of the Product.

3 d. Plaintiff understood these representations to mean that the Product
4 contained sea salt, mint, and eucalyptus. Had Plaintiff known the truth
5 – that it failed to conform to those representations – Plaintiff would not
6 have purchased the Product at a premium price.
7

8 e. Plaintiff brings the claims below seeking damages, actual and statutory,
9 as well as injunctive relief.

10 15. Defendant PACHA SOAP CO. is a corporation organized under the laws
11 of Delaware with its principal place of business in Hastings, Nebraska.

12 a. Defendant produces, markets and distributes the Products in retail
13 stores across the United States including stores physically located in the
14 State of California and this District.
15

16 16. Plaintiff reserves the right to amend this Complaint to add different or
17 additional defendants, including without limitation any officer, director, employee,
18 supplier, or distributor of Defendant who has knowingly and willfully aided, abetted,
19 or conspired in the false and deceptive conduct alleged herein.
20

21 17. Whenever reference is made in this Complaint to any representation,
22 act, omission, or transaction of a defendant, that allegation shall mean that the
23 defendant did the act, omission, or transaction through its officers, directors,
24 employees, agents, and/or representatives while they were acting within the actual or
25 ostensible scope of their authority.
26

27 **FACTS**

28 **A. Defendant Makes, Markets, and Sells the Product to Consumers.**

1 18. Defendant manufactures, labels, distributes, advertises, and sells the
2 Products.

3 19. Defendant markets and labels the Product with the representations and
4 omissions as described herein. Specifically, the Product’s label represents that the
5 Product contains sea salt, mint, and eucalyptus as primary ingredients.
6

7 20. The Products:



19 21. In the above examples, “SEA SALT,” “SWEET MINT,” and
20 “EUCALYPTUS” are emphasized on the Principal Display Panel.
21

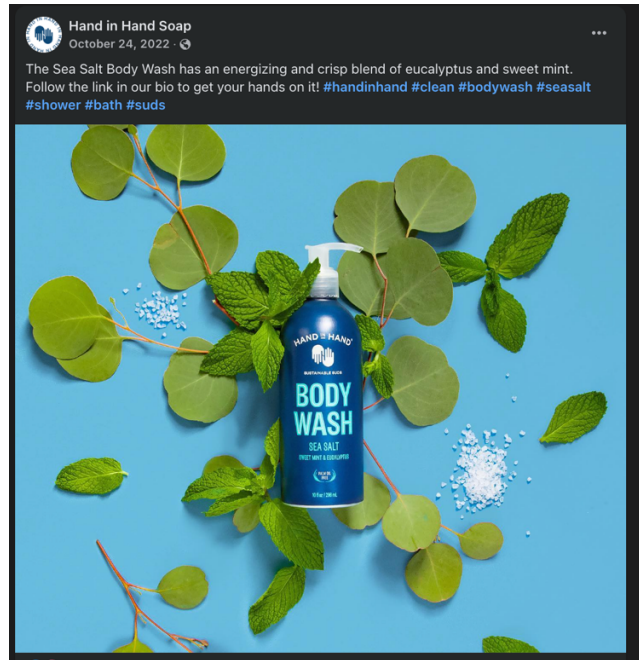
22 22. Additionally, on the majority of the Products, Defendant includes the
23 image of a plant leaf stating “XX% NATURALLY DERIVED.”

24 23. In this way, Defendant’s carefully designed labels and packaging,
25 including the placement of the claims, perpetuate the false notion that the Product
26 contains these three ingredients. Defendant intends that consumers viewing the
27
28

1 Product's labels or packaging will read the claim, understand the representations,
2 and rely on the representations.

3 24. This represents to consumers that the Products contain these specific
4 ingredients.

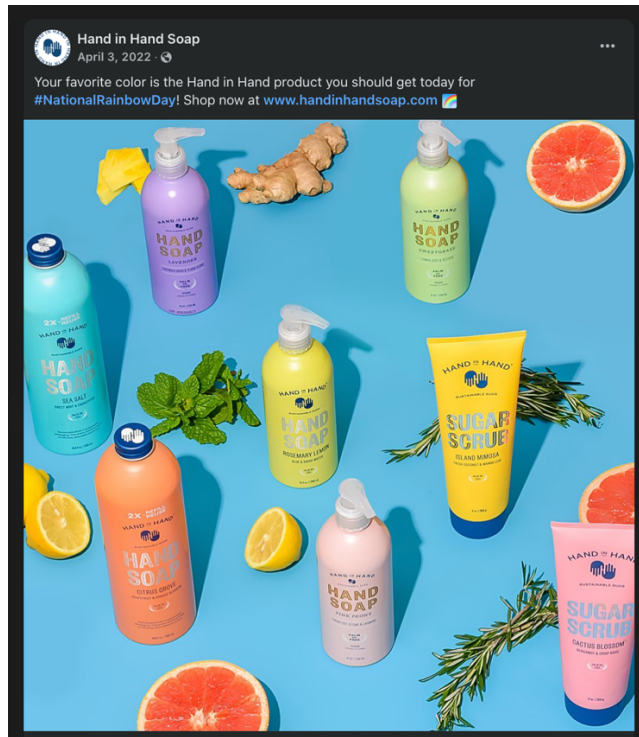
5 25. Defendant also further misrepresents that the Products contain these
6 ingredients in online marketing.
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26. From the label to marketing across multiple platforms, Defendant represents to consumers that ingredients matter, and its Products contain the ingredients emphasized on the Products' front label.

B. The Products Do Not Contain Any of the Ingredients.

27. Defendant's Products do not contain sea salt.

1 28. Defendant's Products do not contain mint.

2 29. Defendant's Products do not contain eucalyptus.

3 30. Instead of containing these specific ingredients, the Products contain
4 synthetic ingredients like fragrance and phenoxyethanol.

5 a. **Fragrance** is a synthetic ingredient that includes unknown and
6 unregulated chemical compounds.
7

8 b. **Phenoxyethanol** is a synthetic substance associated with depressing
9 the central nervous system, vomiting, and diarrhea.² This synthetic
10 chemical concerned the FDA, and the agency warned consumers against
11 using on nursing infants because it "can depress the central nervous
12 system" and "may cause vomiting and diarrhea, which can lead to
13 dehydration in infants."³ Concern for the use of this synthetic ingredient
14 is not restricted to the United States, and after concerns were raised by
15 the European Commission's Scientific Committee on Consumer Safety,
16 France prohibited the labeling and marketing of products containing
17 Phenoxyethanol for use on children that are three years old and
18 younger.⁴
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23 ² 21 C.F.R. §172.515 and *FDA Consumer Update: Contaminated Nipple Cream*, (May
24 2008),
25 <https://web.archive.org/web/20140712202507/https://www.fda.gov/ForConsumers/ConsumerUpdates/ucm049301.htm>.

26 ³ U.S. Food and Drug Administration, For Consumers, *Contaminated Nipple Cream*,
27 <https://web.archive.org/web/20140712202507/https://www.fda.gov/ForConsumers/ConsumerUpdates/ucm049301.htm> (last visited Mar. 17, 2021).

28 ⁴ Agence Nationale de Sécurité du Médicament et des Produits de Santé, Decision of
13 Mars 2019, *available at*
https://www.ansm.sante.fr/content/download/158253/2075101/version/1/file/DPS_Phenoxxyethanol-200319.pdf.

1 31. Unlike Defendant, competitors accurately represent their ingredients on
2 the front labels.



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C. Reasonable Consumers Relied on Defendant’s Misrepresentations.

20 32. Consumers are drawn to products that represent that they have these
21 specific ingredients.

22 33. This increased demand is driven by beliefs that the products are higher
23 quality and provide better performance than products without these ingredients.

24 34. The use of sea salt in personal care products originates in ancient
25 times.⁵

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⁵ Dai D, Ma X, Yan X, Bao X, *The Biological Role of Dead Sea Water in Skin Health: A*

1 35. Sea salt is desired by consumers because of actual and perceived
2 benefits.

- 3 a. Sea salt “improve[s] skin barrier function, enhance[s] stratum corneum
4 hydration, and reduce[s] skin roughness and inflammation.”⁶
5
6 b. Numerous studies show improvements to “functions of skin
7 moisturization, anti-inflammation, skin barrier repair, and anti-
8 pollution.”⁷
9
10 c. “Magnesium, calcium, and potassium are all skin-friendly minerals that
11 can be found in sea salt. These minerals are great benefits of salt water
12 since they help combat acne-causing bacteria and skin infections, as well
13 as speed up the healing process.”⁸
14
15 d. “Sea salt is different from table salt in that it includes additional rich
16 minerals like magnesium, calcium and potassium. These are the same
17 minerals in our bodies that play an important role in our skin’s health
18 function and cellular communication.”⁹
19
20 e. “Sea salt can help absorb dirt, makeup and excess oil. It deeply cleans
21 your pores and acts as an anti-inflammatory. Incorporating a sea salt
22 soap into your daily face care regimen can help fight the bacteria that

23

Review, COSMETICS (2023), 10(1):21, <https://doi.org/10.3390/cosmetics10010021>.

24 ⁶ Proksch E, Nissen HP, Bremgartner M, Urquhart C, *Bathing in a magnesium-rich*
25 *Dead Sea salt solution improves skin barrier function, enhances skin hydration, and*
reduces inflammation in atopic dry skin, INT J DERMATOL. (2005), 44(2):151-157.

26 ⁷ Dai D, Ma X, Yan X, Bao X, *The Biological Role of Dead Sea Water in Skin Health: A*
27 *Review*, COSMETICS (2023), 10(1):21 (“Sea salt... could greatly improve skin hydration,
28 roughness, and reduce skin redness.”).

⁸ DCSI, *Benefits of Salt Water for Skin*, <https://www.mydcsi.com/2020/02/25/benefits-salt-water-for-skin/>.

⁹ *The Magic of Sea Salt for Your Skin*, <https://www.naplessoap.com/blogs/blog/sea-salt-in-skin-care>.

1 causes acne and breakouts. With regular use over time, sea salt can help
2 normalize and balance the skin’s oil production.”¹⁰

3 f. “[It] can help promote blood circulation when used on the legs, arms,
4 feet, shoulders and back. Soaking in a warm bath with sea salt crystals
5 can help ease muscle soreness and body aches.”¹¹

6 g. “Sea salt can naturally cleanse the skin and help rebalance oil
7 production. It also contains antibacterial properties to help discourage
8 the growth of bacteria that cause breakouts.”¹²

9
10 36. Eucalyptus is desired by consumers because of actual and perceived
11 benefits.

12
13 a. Consumers believe that eucalyptus can aid by calming acne-prone skin,
14 providing anti-inflammatory cleansing and refreshing skin, while also
15 hydrating dry and cracked skin.

16 37. Mint is desired by consumers because of actual and perceived benefits.¹³

17 a. “Throughout history, mint has been recognized for its therapeutic
18 properties, particularly in alleviating skin ailments and enhancing
19 complexion. In an era increasingly focused on natural remedies and
20 holistic approaches to skincare, mint leaves stand out for their rich
21 nutritional profile and potent medicinal compounds.”¹⁴

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25 ¹⁰ *Id.*

26 ¹¹ *Id.*

27 ¹² *Why Salty Skin is a Good Thing: The Benefits of Sea Salt in Skincare*,
<https://www.bendsoap.com/blogs/sudsy-scoop/why-salty-skin-is-a-good-thing-the-benefits-of-sea-salt-in-skincare>.

28 ¹³ Oncquest Labs, *Mint Leaf Benefits for Skin*, <https://oncquestlabs.com/blog/mint-leaf-benefits-for-skin/>.

¹⁴ *Id.*

1 b. Mint provides antioxidant protection.

2 i. Mint leaves provide robust antioxidant protection for the skin due
3 to their high content of vitamins C and E, as well as flavonoids.
4 These antioxidants help neutralize free radicals that contribute to
5 skin aging, such as fine lines, wrinkles, and age spots. By
6 combating oxidative stress, mint leaves support skin health by
7 promoting a more youthful appearance and maintaining skin
8 elasticity. Regular use of mint-infused skincare products or
9 homemade treatments can effectively shield the skin from
10 environmental damage while rejuvenating its natural radiance
11 and resilience.
12

13
14 c. Mint has anti-inflammatory properties.

15 i. “Mint leaves are prized for their potent anti-inflammatory
16 properties, primarily attributed to menthol and rosmarinic acid.
17 These compounds soothe and calm irritated skin by reducing
18 redness, swelling, and discomfort. This makes mint an effective
19 natural remedy for conditions like acne, eczema, and sunburn. By
20 alleviating inflammation, mint leaves promote skin healing and
21 overall skin health, enhancing comfort and appearance. Whether
22 applied topically or consumed as part of skincare routines, mint
23 leaves offer a gentle yet powerful solution to mitigate skin
24 inflammation and maintain a balanced complexion.”¹⁵
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¹⁵ *Id.*

1 d. Mint provides Antimicrobial Action.

2 i. “Mint leaves exhibit strong antimicrobial action, which makes
3 them effective in combating various bacteria, fungi, and viruses
4 on the skin’s surface. This antimicrobial activity is primarily due
5 to the presence of compounds like menthol and thymol. By
6 inhibiting the growth of microorganisms, mint leaves help prevent
7 skin infections and promote overall skin health. This natural
8 antimicrobial property also makes mint an excellent choice for
9 maintaining cleanliness and reducing the risk of acne breakouts
10 and other skin irritations. Regular use of mint-infused skincare
11 products or homemade remedies can support clear, healthy skin
12 by keeping harmful microbes at bay.”¹⁶

15 e. Mint assists with skin cleansing.

16 i. “Mint leaves are renowned for their effective skin cleansing
17 properties, helping to purify and refresh the skin naturally. The
18 natural oils and menthol in mint leaves act as gentle yet effective
19 cleansers, helping to unclog pores and remove dirt, oil, and
20 impurities from the skin’s surface. This cleansing action not only
21 promotes clearer skin but also helps prevent acne and breakouts
22 by keeping pores free of debris. Mint leaves can be used in various
23 skincare routines, such as homemade facial masks or cleansers, to
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¹⁶ *Id.*

1 achieve a deeply cleansed and revitalized complexion without
2 stripping the skin of its natural moisture.”¹⁷

3 f. Mint assists with skin toning.

4 i. Mint leaves are excellent natural toners for the skin due to their
5 astringent properties. The menthol in mint helps tighten the skin
6 by constricting the pores, which reduces excess oil and makes the
7 skin appear smoother and more even in texture. This toning effect
8 also helps to firm and refresh the skin, giving it a youthful
9 appearance. Mint leaves can be used as a simple toner by steeping
10 them in hot water, allowing the mixture to cool, and then applying
11 it to the face with a cotton ball. Regular use of mint as a toner can
12 help maintain skin elasticity and improve overall complexion.¹⁸

13 g. Mint assists with skin brightening.

14 i. “Mint leaves contribute to skin brightening through their ability
15 to improve blood circulation and promote cell renewal. Rich in
16 antioxidants like vitamin C, mint helps combat oxidative stress
17 and reduce the appearance of dark spots and pigmentation. The
18 cooling sensation of menthol in mint leaves also refreshes and
19 revitalizes the skin, imparting a radiant glow. Regular use of
20 mint-infused skincare products or homemade treatments can
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28 ¹⁷ *Id.*

¹⁸ *Id.*

1 effectively brighten the complexion, leaving the skin looking more
2 luminous, even-toned, and rejuvenated.”¹⁹

3 h. Mint provides moisturizing and hydrating effects.

4 i. “Mint leaves provide effective moisturization and hydration for
5 the skin without clogging pores, making them suitable for various
6 skin types, including oily and combination skin. The natural oils
7 present in mint leaves help to lock in moisture and maintain
8 skin’s natural barrier function. Additionally, mint leaves have
9 cooling properties that soothe and refresh the skin, providing
10 relief from dryness and irritation. Whether used in DIY face
11 masks, toners, or moisturizers, mint leaves offer a refreshing and
12 hydrating experience, leaving the skin feeling soft, supple, and
13 revitalized. Regular use promotes balanced hydration and healthy
14 skin appearance.”²⁰

15
16
17 i. Mint has healing properties.

18 i. “Mint leaves possess notable healing properties that can benefit
19 the skin in various ways. The natural antioxidants and anti-
20 inflammatory compounds in mint leaves help to soothe and heal
21 minor cuts, wounds, and insect bites. Their cooling effect provides
22 relief from itching and irritation, promoting faster healing. Mint
23 leaves also have antiseptic properties that can cleanse and protect
24 the skin from infections. Whether applied topically as a poultice or
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28 ¹⁹ *Id.*

²⁰ *Id.*

1 infused in skincare products, mint leaves offer a gentle yet
2 effective solution for promoting skin healing and maintaining
3 overall skin health. Regular use can aid in keeping the skin clear,
4 smooth, and resilient against environmental stressors.”²¹

5 j. Mint provides a refreshing sensation.

6
7 i. “Mint leaves provide a refreshing sensation for the skin, thanks to
8 their high menthol content. When applied or used in skincare
9 products, mint leaves impart a cooling and invigorating effect that
10 instantly revitalizes and rejuvenates the skin. This refreshing
11 sensation not only feels pleasant but also helps to soothe and calm
12 irritated skin, making mint leaves a popular choice for skincare
13 routines, especially during hot weather or after prolonged sun
14 exposure. Whether used as a facial mist, infused toner, or in DIY
15 face masks, mint leaves offer a refreshing pick-me-up that leaves
16 the skin feeling cool, refreshed, and energized. Incorporating mint
17 leaves into skincare routines through DIY masks, toners, or
18 topical applications can harness these benefits effectively,
19 promoting healthier, clearer, and more radiant skin naturally.”²²

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22 38. Despite failing to use any of these ingredients, Defendant represented to
23 consumers that the Products contain these three important ingredients.
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28 ²¹ *Id.*

²² *Id.*

1 39. Defendant's deceptive representations and omissions are material in
2 that a reasonable person would attach importance to such information and would be
3 induced to act upon such information in making purchase decisions.

4 40. Plaintiff and the Class Members reasonably relied to their detriment on
5 Defendant's misleading representations and omissions.

6 41. Defendant's illegal, deceptive conduct leads reasonable consumers to
7 believe that the Products contain sea salt, mint, and eucalyptus.

8 42. Defendant's false, misleading, and deceptive misrepresentations and
9 omissions are likely to continue to deceive and mislead reasonable consumers and the
10 general public, as they have already deceived and misled the Plaintiff and the Class
11 Members.
12

13
14 **D. Defendant's Deceptive Conduct Caused Plaintiff's and Class**
15 **Members' Injuries**

16 43. In making the false, misleading, and deceptive representations and
17 omissions described herein, Defendant knew and intended that consumers would pay
18 a premium for Products represented as containing sea salt, mint, and eucalyptus over
19 comparable products not so labeled and marketed.

20 44. As an immediate, direct, and proximate result of Defendant's false,
21 misleading, and deceptive representations, Defendant injured the Plaintiff and the
22 Class Members in that they:

- 23
24 a. Paid a sum of money for Products that were not what Defendant
25 represented;
26
27 b. Paid a premium price for Products that were not what Defendant
28 represented;

1 c. Were deprived of the benefit of the bargain because the Products they
2 purchased were different from what Defendant warranted; and

3 d. Were deprived of the benefit of the bargain because the Products they
4 purchased had less value than what Defendant represented.

5 45. Plaintiff and the Class Members paid for Products that contained sea
6 salt, mint, and eucalyptus but received Products that did not contain any of these
7 three ingredients. The products Plaintiff and the Class Members received were worth
8 less than the products for which they paid.
9

10 46. Based on Defendant's misleading and deceptive representations,
11 Defendant were able to, and did, charge a premium price for the Products over the
12 cost of competitive products not bearing the misrepresentations.
13

14 47. Plaintiff and the Class Members paid money for the Products. However,
15 Plaintiff and the Class Members did not obtain the full value of the advertised
16 Products due to Defendant's misrepresentations and omissions. Plaintiff and the
17 Class Members purchased, purchased more of, and/or paid more for, the Products
18 than they would have had they known the truth about the Products. Consequently,
19 Plaintiff and the Class Members have suffered injury in fact and lost money as a
20 result of Defendant's wrongful conduct.
21

22 48. Defendant knew that consumers will pay more for a product marketed
23 as containing sea salt, mint, and eucalyptus and intended to deceive Plaintiff and
24 putative Class Members by labeling and marketing the Products as purportedly
25 containing these three ingredients.
26

27 49. Plaintiff and Class Members paid for the Products over and above
28 comparable products that did not purport to contain sea salt, mint, and eucalyptus.

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1 Given that Plaintiff and Class Members paid for the Products based on Defendant’s
2 misrepresentations that they contained sea salt, mint, and eucalyptus, Plaintiff and
3 Class Members suffered an injury in the amount paid.

4 50. Additionally, Plaintiff and Class Members paid a premium for the
5 Products over and above comparable products that did not purport to contain sea salt,
6 mint, and eucalyptus. Given that Plaintiff and Class Members paid a premium for
7 the Products based on Defendant’s misrepresentations that they contained sea salt,
8 mint, and eucalyptus. Plaintiff and Class Members suffered an injury in the amount
9 of the premium paid.
10

11 **CLASS DEFINITIONS AND ALLEGATIONS**

12 51. Plaintiff, pursuant to Federal Rule of Civil Procedure 23, brings this
13 action on behalf of the following classes (collectively, the “Class,” “Classes,” and
14 “Class Members”):
15

- 16 a. All persons who purchased Defendant’s Products within the State of
17 California and within the applicable statute of limitations period.
18

19 52. Excluded from the Classes are Defendant, its parents, subsidiaries,
20 affiliates, officers, and directors, those who purchased the Products for resale, all
21 persons who make a timely election to be excluded from the Classes, the judge to
22 whom the case is assigned and any immediate family members thereof, and those
23 who assert claims for personal injury.
24

25 53. The members of the Classes are so numerous that joinder of all Class
26 Members is impracticable. Defendant has sold, at a minimum, millions of units of the
27 Products to Class Members.
28

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1 54. There is a well-defined community of interest in the questions of law and
2 fact involved in this case. Questions of law and fact common to the members of the
3 putative classes that predominate over questions that may affect individual Class
4 Members include, but are not limited to the following:

- 5 a. whether Defendant misrepresented material facts concerning the
6 Products on the label of every product;
7
8 b. whether Defendant's conduct was unfair and/or deceptive;
9
10 c. whether Defendant has been unjustly enriched as a result of the
11 unlawful, fraudulent, and unfair conduct alleged in this Complaint such
12 that it would be inequitable for Defendant to retain the benefits
13 conferred upon them by Plaintiff and the Classes;
14
15 d. whether Plaintiff and the Class are entitled to equitable and/or
16 injunctive relief;
17
18 e. whether Defendant breached express and implied warranties to Plaintiff
19 and the Classes;
20
21 f. whether Plaintiff and the Classes have sustained damages with respect
22 to the claims asserted, and if so, the proper measure of their damages.

23 55. Plaintiff's claims are typical of those of other Class Members because
24 Plaintiff, like all members of the Classes, purchased Defendant's Products bearing
25 the representations that they contained sea salt, mint, and eucalyptus, and Plaintiff
26 sustained damages from Defendant's wrongful conduct.

27 56. Plaintiff will fairly and adequately protect the interests of the Classes
28 and has retained counsel that is experienced in litigating complex class actions.
Plaintiff has no interests which conflict with those of the classes.

1 57. A class action is superior to any other available means for the fair and
2 efficient adjudication of this controversy, and no unusual difficulties are likely to be
3 encountered in the management of this class action. The damages or other financial
4 detriment suffered by Plaintiff and the other Class Members are relatively small
5 compared to the burden and expense that would be required to individually litigate
6 their claims against Defendant, making it impracticable for Class Members to
7 individually seek redress for Defendant's wrongful conduct. Even if Class Members
8 could afford individual litigation, the court system could not. Individualized litigation
9 creates a potential for inconsistent or contradictory judgments, and increases the
10 delay and expense to all parties and the court system. By contrast, the class action
11 device presents far fewer management difficulties, and provides the benefits of single
12 adjudication, economies of scale, and comprehensive supervision by a single court.

15 58. The prerequisites to maintaining a class action for equitable relief are
16 met as Defendant has acted or refused to act on grounds generally applicable to the
17 classes, thereby making appropriate equitable relief with respect to the classes as a
18 whole.

20 59. The prosecution of separate actions by members of the classes would
21 create a risk of establishing inconsistent rulings and/or incompatible standards of
22 conduct for Defendant. For example, one court might enjoin Defendant from
23 performing the challenged acts, whereas another might not. Additionally, individual
24 actions could be dispositive of the interests of the classes even where certain Class
25 Members are not parties to such actions.
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COUNT I
Violation of California’s Unfair Competition Law (“UCL”),
CAL. BUS. & PROF. CODE §§ 17200, et seq.

60. Plaintiff repeats and realleges each and every allegation contained in the foregoing paragraphs as if fully set forth herein.

61. Plaintiff brings this Count individually and on behalf of the members of the Class.

62. Defendant is subject to California’s Unfair Competition Law, Cal. Bus. & Prof. Code §§ 17200, et seq. The UCL provides, in pertinent part: “Unfair competition shall mean and include unlawful, unfair or fraudulent business practices and unfair, deceptive, untrue or misleading advertising”

63. Defendant violated the “unlawful” prong of the UCL by violating California’s Consumer Legal Remedies Acts (“CLRA”) and False Advertising Law (“FAL”), as alleged herein.

64. Defendant’s misrepresentations and other conduct, described herein, violated the “unfair” prong of the UCL in that its conduct is substantially injurious to consumers, offends public policy, and is immoral, unethical, oppressive, and unscrupulous, as the gravity of the conduct outweighs any alleged benefits.

65. Defendant violated the “fraudulent” prong of the UCL by misrepresenting that the Products contained sea salt, mint, and eucalyptus, when, in fact, they contained no sea salt, mint, or eucalyptus.

66. Plaintiff and the Class Members lost money or property as a result of Defendant’s UCL violations because: because: (a) they would not have purchased the Products on the same terms if they knew that the Products did not contain sea salt, mint, and eucalyptus; (b) they paid a substantial price premium compared to other

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1 products due to Defendant’s misrepresentations; and (c) the Products do not have the
2 characteristics, uses, or benefits as promised.

3 67. In accordance with Bus. & Prof. Code § 17203, Plaintiff seeks an order
4 enjoining Defendant from continuing to conduct business through unlawful, unfair,
5 and/or fraudulent acts and practices, and to commence a corrective advertising
6 campaign.
7

8 68. Plaintiff and the Class also seek an order for the restitution of all monies
9 from the sale of the Products, which were unjustly acquired through acts of unlawful
10 competition.
11

12 69. Because Plaintiff and the Class Members’ claims under the “unfair”
13 prong of the UCL sweep more broadly than their claims under the FAL, CLRA, or
14 UCL’s “fraudulent” prong, Plaintiff’s legal remedies are inadequate to fully
15 compensate Plaintiff for all of Defendant’s challenged behavior.
16

17 **COUNT II**
18 **Violation of The False Advertising Law (“FAL”),**
19 **CAL. BUS. & PROF. CODE §§ 17500, *et seq.***

20 70. Plaintiff repeats and realleges each and every allegation contained in
21 the foregoing paragraphs as if fully set forth herein.

22 71. Plaintiff brings this Count individually and on behalf of the members of
23 the Class.

24 72. California’s False Advertising Law, Cal. Bus. & Prof. Code §§ 17500, *et*
25 *seq.*, makes it “unlawful for any person to make or disseminate or cause to be made or
26 disseminated before the public in this state, ... in any advertising device ... or in any
27 other manner or means whatever, including over the Internet, any statement,
28 concerning ... personal property or services, professional or otherwise, or performance

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1 or disposition thereof, which is untrue or misleading and which is known, or which by
2 the exercise of reasonable care should be known, to be untrue or misleading.”

3 73. Defendant committed acts of false advertising, as defined by §§17500, *et*
4 *seq.*, by misrepresenting that the Products contained sea salt, mint, and eucalyptus
5 when they do not contain any of these ingredients.

6
7 74. Defendant knew or should have known through the exercise of
8 reasonable care (i.e. pre-market testing) that its representations about the Products
9 were untrue and misleading.

10 75. Defendant’s actions in violation of §§ 17500, *et seq.* were false and
11 misleading such that the general public is and was likely to be deceived.

12
13 76. Plaintiff and the Class Members lost money or property as a result of
14 Defendant’s FAL violations because: (a) they would not have purchased the Products
15 on the same terms if they knew that the Products did not contain sea salt, mint, and
16 eucalyptus; (b) they paid a substantial price premium compared to other cosmetic
17 products due to Defendant’s misrepresentations; and (c) the Products do not have the
18 characteristics, uses, or benefits as promised.

19
20 77. Defendant profited from the sale of the falsely and deceptively
21 advertised Products to unwary consumers.

22 78. As a result, Plaintiff, the Class, and the general public are entitled to
23 injunctive and equitable relief, restitution, and an order for the disgorgement of the
24 funds by which Defendant was unjustly enriched.

25
26 79. Pursuant to Cal. Bus. & Prof. Code § 17535, Plaintiff, on behalf of
27 herself and the Class, seeks an order enjoining Defendant from continuing to engage
28

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1 in deceptive business practices, false advertising, and any other act prohibited by law,
2 including those set forth in this Complaint.

3 80. Because the Court has broad discretion to award restitution under the
4 FAL and could, when assessing restitution under the FAL, apply a standard different
5 than that applied to assessing damages under the CLRA, and restitution is not
6 limited to returning to Plaintiff and Class Members monies in which they have an
7 interest, but more broadly serves to deter the offender and others from future
8 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

12
13 **COUNT III**
14 **Violation of The Consumer Legal Remedies Act (“CLRA”),**
15 **CAL. CIV. CODE §§ 1750, *et seq.***

16 81. Plaintiff repeats and realleges each and every allegation contained in
17 the foregoing paragraphs as if fully set forth herein.

18 82. Plaintiff brings this Count individually and on behalf of the members of
19 the Class.

20 83. Plaintiff and the other members of the Class are “consumers,” as the
21 term is defined by California Civil Code § 1761(d), because they bought the Products
22 for personal, family, or household purposes.
23

24 84. At all times relevant hereto, the Products manufactured, marketed,
25 advertised, and sold by Defendant constituted “goods,” as defined in Civil Code
26 section 1761(a).
27
28

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1 85. Plaintiff, the other members of the Classes, and Defendant has engaged
2 in “transactions,” as that term is defined by California Civil Code § 1761(e).

3 86. The conduct alleged in this Complaint constitutes unfair methods of
4 competition and unfair and deceptive acts and practices for the purpose of the CLRA,
5 and the conduct was undertaken by Defendant in transactions intended to result in,
6 and which did result in, the sale of goods to consumers.

7
8 87. As alleged more fully above, Defendant has violated the CLRA by
9 deceptively representing to Plaintiff and the other members of the Class that the
10 Products contained sea salt, mint, and eucalyptus when the Products did not contain
11 any sea salt, mint, or eucalyptus.

12
13 88. Defendant’s representations and omissions violate the CLRA in at least
14 the following respects:

- 15 a. In violation of California Civil Code §1770(a)(2), Defendant’s acts and
16 practices constitute improper representations regarding the source,
17 sponsorship, approval, or certification of the goods they sold;
18
19 b. In violation of Civil Code § 1770(a)(5), Defendant represented that the
20 Products have characteristics, ingredients, uses, benefits, and quantities
21 which they do not have;
22
23 c. In violation of Civil Code § 1770(a)(7), Defendant represented that the
24 Products are of a particular standard, quality, or grade, which they are
25 not; and
26
27 d. In violation of Civil Code § 1770(a)(9), Defendant advertised the
28 Products with an intent not to sell the products as advertised.

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1 89. Plaintiff requests that this Court enjoin Defendant from continuing to
2 employ the unlawful methods, acts and practices alleged herein pursuant to
3 California Civil Code § 1780(a)(2). If Defendant is not restrained from engaging in
4 these types of practices in the future, Plaintiff and the other members of the Class
5 will continue to suffer harm. Plaintiff and those similarly situated have no adequate
6 remedy at law to stop Defendant's continuing practices.
7

8 90. Defendant's actions as described herein were done with conscious
9 disregard of Plaintiff's and California Class Members' rights and was wanton and
10 malicious.
11

12 91. Defendant's wrongful business practices constituted, and constitute, a
13 continuing course of conduct in violation of the CLRA since Defendant is still
14 misrepresenting their Products and making material omissions.
15

16 92. Pursuant to California Civil Code § 1780, Plaintiff seeks injunctive
17 relief, reasonable attorneys' fees and costs, and any other relief that the Court deems
18 proper.
19

20 **COUNT IV**
21 **Unjust Enrichment**

22 93. Plaintiff repeats and realleges each and every allegation contained in
23 the foregoing paragraphs as if fully set forth herein.
24

25 94. Plaintiff brings this claim individually and on behalf of the members of
26 the proposed Class against the Defendant.
27

28 95. At all times relevant hereto, Defendant deceptively marketed,
advertised, and sold merchandise to Plaintiff and the Class.

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1 96. Plaintiff and members of the Classes conferred upon Defendant
2 nongratuitous payments for the Products that they would not have if not for
3 Defendant's deceptive advertising and marketing. Defendant accepted or retained the
4 nongratuitous benefits conferred by Plaintiff and members of the Class, with full
5 knowledge and awareness that, as a result of Defendant's deception, Plaintiff and
6 members of the Classes were not receiving a product of the quality, nature, fitness, or
7 value that had been represented by Defendant and reasonable consumers would have
8 expected.
9

10 97. Defendant has been unjustly enriched in retaining the revenues derived
11 from Plaintiff's and Class Members' purchases of the Products. Retention of those
12 monies under these circumstances is unjust and inequitable because of Defendant's
13 misrepresentations about the Products, which caused injuries to Plaintiff and Class
14 Members because they would not have purchased the Products if the true facts had
15 been known.
16

17 98. Because Defendant's retention of the non-gratuitous benefits conferred
18 on it by Plaintiff and members of the Class is unjust and inequitable, Defendant must
19 pay restitution to Plaintiff and members of the Class for its unjust enrichment, as
20 ordered by the Court.
21

22 **RELIEF DEMANDED**

23 WHEREFORE, Plaintiff, individually and on behalf of all others similarly
24 situated, seeks judgment against Defendant, as follows:
25

- 26 a. For an order certifying the Class under Rule 23 of the Federal Rules of
27 Civil Procedure and naming Plaintiff as representative of the Class and
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Plaintiff's attorneys as Class Counsel to represent the members of the Class;

- b. For an order declaring the Defendant's conduct violates the statutes and laws referenced herein;
 - c. For an order awarding, as appropriate, compensatory and monetary damages, statutory damages, restitution or disgorgement to Plaintiff and the Classes for all causes of action;
 - d. For an order requiring Defendant to immediately cease and desist from selling its misbranded Products in violation of law; enjoining Defendant from continuing to label, market, advertise, distribute, and sell the Products in the unlawful manner described herein; and ordering Defendant to engage in corrective action;
 - e. For prejudgment and postjudgment interest on all amounts awarded;
 - f. For an order awarding punitive damages; and
- For an order awarding attorneys' fees and expenses and costs of suit

JURY TRIAL DEMAND

Plaintiff demands a jury trial on all causes of action so triable.

Dated: March 16, 2026

Good Gustafson Aumais LLP

/s/ J. Ryan Gustafson
J. Ryan Gustafson (Cal. Bar No. 220802)
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ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Pacha Soap Products Do Not Contain Advertised Ingredients, Class Action Lawsuit Says](#)
