

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

MELISSA MOORE, individually and on behalf of  
others similarly situated,

Plaintiff,

v.

MADISON REED, INC., a Delaware corporation,

Defendant.

Case No. 1:22-CV-115 (GLS/DJS)

**CLASS ACTION COMPLAINT**

**JURY TRIAL DEMANDED**

Plaintiff Melissa Moore (“Plaintiff”), by and through her undersigned counsel, alleges the following class action complaint against defendant Madison Reed, Inc., (“Defendant” or “Madison Reed”), based upon her personal knowledge and the investigation of her counsel. Plaintiff believes that substantial evidentiary support will exist for the allegations set forth herein after a reasonable opportunity for discovery.

**INTRODUCTION**

1. Over time, consumers have become significantly more aware and sensitive to ingredients contained in consumable goods. Today’s consumers strive to buy products that deliver optimum results while using less toxic ingredients than the ingredients used in similar products in the past.

2. Founded in 2014, Defendant manufactures and sells Madison Reed Hair Color Products (the “Products”).

3. Trying to meet today’s consumers demands, Defendant claims to sell “salon” quality hair color products that use ingredients that are less “harsh” on hair health, as well as the health of the user, than traditionally-formulated hair color products.

4. Because traditional permanent hair color products are known to contain chemicals that tend to irritate, including the very toxic and noxious/harsh smelling ammonia, Defendant's Products were a refreshing and highly-welcomed addition to the hair color market.

5. In delivering its healthful product messaging, Defendant has touted, and continues to tout, that the Products are free of certain "harsh ingredients" traditionally found in hair color products. Specifically, Defendant states that the Products are free of certain ingredients that it has educated consumers to be "harsh" over the course of at least five years like certain "offending," irritating, and virtually unknown to the reasonable consumer, chemicals like PPD, resorcinol, parabens, phthalates, SLS, etc. Defendant also touts that the Products are "free of" the more commonly known chemical ammonia, which has traditionally been viewed by consumers as being bad for application on hair and the human body.

6. Why Defendant touts the Products are "Free of ammonia" is no mystery since that it is generally known to be one of the "harsher" ingredients in permanent hair dyes, which exhibits a potent enough smell to clear a room.

7. Defendant likely touts that the Products are "Free of" PPD because it tends to cause an allergic reaction in many users, except that Defendant replaced PPD with an ingredient that still causes an allergic reaction in a whopping 1 out of every 2 individuals allergic to PPD. Defendant makes other representations about its removal of certain other "harsh" ingredients that it replaces with ingredients unknown to reasonable consumers that are no less harsh or harmful.

8. Defendant makes these representations prominently on the Products' website and labeling, as well as through the marketing of the Products by mail, online, and via television and radio. In fact, Defendant has run commercials on SiriusXM for years now, narrated by Defendant's founder Amy Errett, boasting that the Products do not contain "harsh" ingredients like "ammonia" and, instead, that they are

full of “good” ingredients. As of the filing of this Complaint, these commercials continue to run daily on an almost hourly basis.

9. Importantly, and as shown below through publicly-available reviews of the Products by consumers, Defendant’s marketing and advertising campaign has been very effective in convincing consumers that the Products are gentler, safer and healthier than other permanent hair dyes on the market.

10. Unfortunately for consumers who have purchased the Products, such as Plaintiff, Defendant’s representations about the Products’ ingredients’ positive effect on hair and human health do not allow for consumers to realize the danger that its Products pose consumers such as, among other things, hair loss, scalp irritation and overall damage to their hair. In fact, one of the chemicals Defendant used to replace ammonia, which it has called “harsh” for years now in its advertising, is not only made from ammonia, but it has also been shown through scientific studies to cause hair loss and more damage to hair than the chemical it replaced. Defendant is well-aware of these studies.

11. Defendant is also aware of the danger posed by the Products because thousands of consumers have reported their hair falling, as well as scalp irritation and itchiness, shortly after or during actual use of the Products. These complaints have been made directly to Defendant and on publicly-accessible consumer product review sites. And if there is any doubt whether Defendant is aware of reviews posted on third-party sites, like Trustpilot ([www.trustpilot.com](http://www.trustpilot.com)) for example, Defendant has gone onto these websites and responded directly to aggrieved consumers on numerous occasions.

12. Despite the above, Defendant provides no warning about these consequences, and in fact continues to make numerous assertions about the gentle, safe and healthy nature of the Products on its website, and via other forms of advertising and marketing. For example, Defendant’s website makes statements relating to how its Products do not contain the “usual harsh ingredients” generally found in hair color products and instead that they are “packed with all of the things healthy hair loves.” On its

“Ingredients” webpage, which is prominently titled “Ingredients with Integrity,” Defendant states that it has “a keen interest in your well-being. That’s why we design our products with ingredients that nurture your hair and avoid those that don’t.” Defendant also represents that its Products meet “*the strict safety standards put forth by the European Union (EU), which bans chemicals not proven to be safe.*” (emphasis added).

13. Defendant also provides no warning on its labeling about the risks to the hair and scalp, and its ingredient list is barely intelligible due to the sheer volume of highly complex chemicals listed in it, which the reasonable consumer is not likely to know about.

14. For example, the reasonable consumer reading the ingredient list would not know that the “ammonia” Defendant stated that the Products were “Free of” on its front label would need to be replaced with an ingredient that performs a similar function to ammonia. The reasonable consumer would also not know that ammonia was replaced by a product called ethanolamine, a known irritant, because this product is virtually unknown to the reasonable consumer. The reasonable consumer would also not know that ethanolamine is made from ethylene oxide, recognized by the U.S. Environmental Protection Agency as a carcinogen, and ammonia. The reasonable consumer would also not know that it is purchasing a product that contains an ammonia derivative because the name “ethanolamine” does not convey the fact that it is related to ammonia. Finally, the reasonable consumer would also not know that studies have shown that ethanolamine can cause hair loss and more damage to hair than ammonia itself.

15. The reasonable consumer would not know that the “PPD” Defendant stated that the Products were “Free of” on its front label, and elsewhere, would be replaced with an ingredient that would need to perform a function similar to PPD. The reasonable consumer would not know that PPD was replaced by PTDS, a chemical virtually unknown to the reasonable consumer. To add further to the confusion, PTDS is disclosed in the ingredient list as Toluene 2,5-Diamine Sulfate. Sadly, PTDS causes



allergic reactions in 50% of the users that are allergic to PPD. Also, because the name Toluene 2,5-Diamine Sulfate is wholly-distinct from the name PPD, it makes it virtually impossible for consumers to know to research Toluene 2,5-Diamine Sulfate to see if could also cause an allergic reaction. For similar reasons, Defendant's disclosure of resorcinol's replacement in the ingredient list fails to protect Defendant from liability.

16. Defendant also highlights on its website, the radio, online and via mailers the fact that the Products do not contain ammonia, PPD, and resorcinol, and fails to warn consumers about the known risk factors of these ingredients' replacements.

17. Despite being aware of the issues with its Products, Defendant conceals and fails to disclose that the Products cause hair loss, breakage and shedding, by intentionally blaming other risk factors such as "pregnancy" or "stressors" like "weight loss, heightened stress, high fevers, surgery, recovering from an illness and stopping hormonal birth control pills." Defendant even goes as far as blaming hair breakage on certain types of "pillowcases."

18. Undeterred by established medical science, Defendant even attempts to convince consumers that its Products do not cause hair loss because the hair dye cannot penetrate the scalp. This statement is contradicted by a process called "dermal absorption" whereby a chemical enters the body through skin. Dermal absorption is universally recognized by the medical community and U.S. governmental agencies. Interestingly, Defendant's statement also appears to be belied by a representation on Defendant's website where it states that the Products use some type of "cream-based formula" that "blocks the hair dye from penetrating the scalp."

19. Defendant is also aware that the Products cause hair loss and scalp irritation from thousands of its clients, yet does nothing about it.

20. For example, as shown below, there have been numerous complaints posted on Defendant's Facebook page about these problems. Some of the complaints even include before and after photos of consumers that show the incredible amount of hair loss suffered after using the Products. On occasion, Defendant will even respond to these complaints, thereby explicitly acknowledging the reports of the damage to hair and scalp associated with the Products. Defendant has also responded to similar complaints that have been posted on its own blog.

21. By way of just one example, here is a complaint left on Defendant's blog:

***Funny how you fail to mention that ethanalamine the product you use in your ammonia free hair color can cause hair loss.....I found out the hard way....shame on you for not warning people that this could be a problem so if they start experiencing decreased volume in their hair they can STOP USING YOUR PRODUCT BEFORE they really damage their hair!***

(emphasis added). The following is Defendant's unempathetic response to the above complaint:

Hi Gilda, we are sorry about your experience. We do see you were already assisted by a team member but if you need any additional assistance, please let us know.

22. Thankfully, consumer product review websites have spread the word about the hair loss and scalp irritation caused by the Products. One such site, highya ([www.highya.com](http://www.highya.com)), cites research indicating that ethanalamine, ammonia's replacement, can damage hair more so than ammonia and can even lead to hair loss.<sup>1</sup> In addition, customer reviews posted on highya's website also confirm the damage to hair and scalp caused by the Products. One such review, simply titled "Hair loss," states that after using it on two different occasions a year apart, the user experiences hair loss each time, as well as an itchy scalp. In another review, titled "Madison Reed made me go bald, avoid!", the reviewer states that the Products "ruined my life."

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<sup>1</sup> <https://www.highya.com/madison-reed-reviews> (last visited on Feb. 7, 2022).

23. To date, Defendant has not recalled the Products, has not provided any warnings of the known risks, has not reformulated the Products, has denied that the Products cause the reported health issues, has not offered its customers any compensation for their damages and continues to tout via radio commercials, its website, mailers and elsewhere that the Products contain “good” ingredients and are devoid of “harsh ingredients.”

24. Had Plaintiff and the Class (as defined below) members known that the Products would cause hair loss, scalp irritation and other problems, they would not have purchased the Products or would have paid substantially less for them.

25. Plaintiff and the Class members have been damaged and suffered an injury in fact caused by the Products’ failure to perform as advertised by Defendant; Defendant’s representations about the Products that prevented consumers from realizing the risks that the Products could cause, among other things, hair loss and scalp irritation; and Defendant’s failure to warn consumers of said risks. Accordingly, Plaintiff and the Class members seek compensatory damages, as well as equitable and injunctive relief, and any other relief the Court may deem appropriate.

### **JURISDICTION AND VENUE**

26. This Court has personal jurisdiction over the parties in this case. Plaintiff is a citizen of Albany, New York, which is located in Albany County.

27. Defendant’s principal place of business is in San Francisco, California, in San Francisco County. Defendant purposefully avails itself of the New York consumer market and sells the Products in numerous retail locations throughout New York, where the Products are purchased by consumers every day.

28. This court has jurisdiction pursuant to 18 U.S.C. §1332(d), which under the provisions of the Class Action Fairness Act (“CAFA”), explicitly provides for the original jurisdiction of the Federal

Courts in any class action in which any member of the plaintiff class is a citizen of a State different from any defendant, and in which the matter in controversy exceeds the sum of \$5,000,000, exclusive of interest and costs.

29. Venue is proper in this District under 28 U.S.C. § 1391(a). Substantial acts in furtherance of the alleged improper conduct occurred within this jurisdiction. Plaintiff resides within this jurisdiction and bought Defendant's Products within this jurisdiction.

### **PARTIES**

#### **Plaintiff**

30. Plaintiff is a citizen of New York. Plaintiff purchased a Madison Reed "radiant Hair Color Kit" (Medium Golden Brown) online from Ulta ([www.ulta.com](http://www.ulta.com)) on October 27, 2020. As described in further detail below, she relied on a host of Defendant's false, misleading, and deceptive written misrepresentations on its website, in deciding to purchase the Products, as well as the packaging of the Product that stated it was "Free of" "ammonia," "PPD" and "resorcinol" prior to using it, believing that it was better for her hair and less harmful to her health. However, after using Defendant's hair color product for the first time, Plaintiff's scalp became irritated and she suffered hair loss. She would go on to buy another kit on May 13, 2021 from Ulta to give the Product another try but, in the end, she did not use it for fear that she would have another adverse reaction.

31. Since using the Products, Plaintiff has gone to a professional salon to have her hair dyed and she has not suffered any adverse reactions.

32. Had Plaintiff known the truth that the Products were not better for her hair or less harmful to her health, and that she risked scalp irritation or hair loss, she would not have purchased Defendant's Products or would have paid substantially less for them.

33. Plaintiff would purchase the Products again in the future if the Products were reformulated so that they truly contain ingredients that are better for hair health and less harmful to human health than traditional hair color products. Plaintiff does not have the requisite experience or knowledge to discern from the Product packaging whether the Products have been improved so that they contain ingredients that are, in fact, gentler, safer, and healthier than ingredients in traditional hair color products.

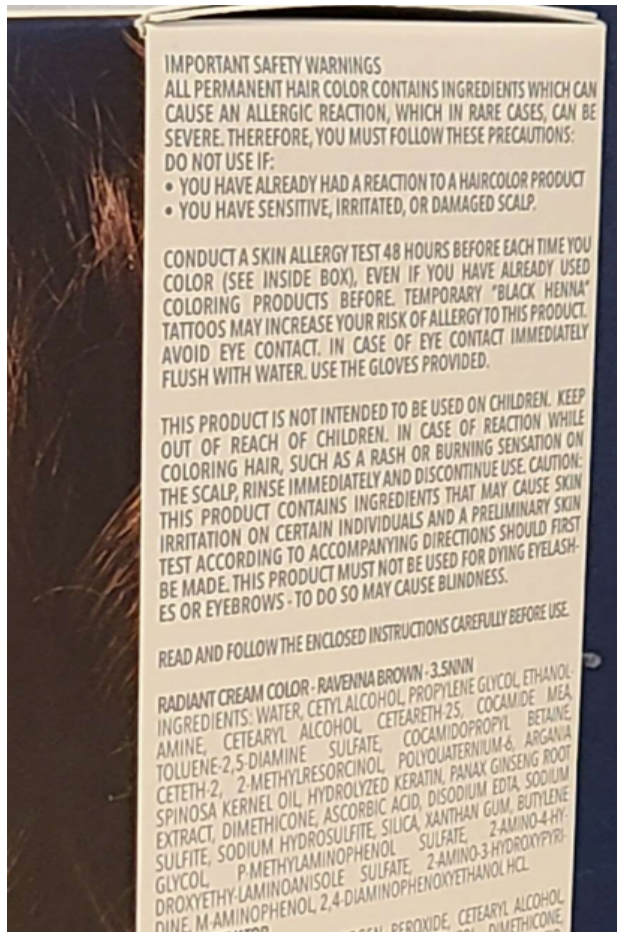
34. Moreover, Plaintiff still faces the risk of actual and imminent future harm because even though she is now aware of the ingredients ethanolamine, PTDS and 2-methyresorcinol and could in the future confirm using the ingredient list whether they are present in the Product or not, she does not have the requisite experience and knowledge to know whether any future replacements of these harmful ingredients will be better or worse for her health assuming that Defendant reformulates the Products' formula.

35. For example, Defendant replaced ammonia with ethanolamine. However, Defendant could have also replaced ammonia with a couple of other ingredients that perform a similar function to ethanolamine (and ammonia). Moreover, depending on those other potential replacement ingredients' usage, they can actually be worse to hair and human health than ethanolamine (or ammonia). Thus, even in the event that Plaintiff can now read the ingredient list to see whether ethanolamine is present or not, Plaintiff would not have the requisite experience or knowledge to know whether the lack of ethanolamine means (i) that there are no other ingredients present that would be required to open the cuticle, like ethanolamine or ammonia, (ii) whether ethanolamine was replaced by another ingredient and the name of its replacement or (iii) in the event ethanolamine is not listed on the ingredient list, whether any potential replacement of it is better or worse to hair and human health than ethanolamine (or ammonia).

36. In other words, because Plaintiff is not a chemist working in the cosmetics industry, she still faces an actual and imminent risk of future harm because she will not be able to determine whether a

reformulation of the Products lacking the disclosure of “ethanolamine” in the ingredient list will be safer than the Products’ present formula or will be as presently represented by Defendant that it is gentler, safer and healthier and does not contain “harsh ingredients.” For the same reasons, she faces an actual and imminent risk of future harm regarding any potential replacements to PTDS and 2-methyresorcinol, and all of the other “harsh ingredients” removed by Defendant from the Products.

37. To further illustrate the very confusing nature of the Products’ ingredient list that renders it wholly-unintelligible to the reasonable consumer, below is a photograph of it on the Products’ labeling:<sup>2</sup>



<sup>2</sup> Copied from a filing by Defendant in *Brown v. Madison Reed, Inc.*, Case No. 3:21-cv-01233-WHO, Dkt. 30.



READ AND FOLLOW THE ENCLOSED INSTRUCTIONS

**RADIANT CREAM COLOR - RAVENNA BROWN - 3.5N/1N**  
INGREDIENTS: WATER, CETYL ALCOHOL, PROPYLENE GLYCOL, ETHANOL, AMINE, CETEARYL ALCOHOL, CETEARETH-25, COCAMIDE MEA, TOLUENE-2,5-DIAMINE SULFATE, COCAMIDOPROPYL BETAINE, CETETH-2, 2-METHYLRESORCINOL, POLYQUATERNIUM-8, ARGANIA SPINOSA KERNEL OIL, HYDROLYZED KERATIN, PANAX GINSENG ROOT EXTRACT, DIMETHICONE, ASCORBIC ACID, DISODIUM EDTA, SODIUM SULFITE, SODIUM HYDROSULFITE, SILICA, XANTHAN GUM, BUTYLENE GLYCOL, P-METHYLAMINOPHENOL SULFATE, 2-AMINO-4-HYDROXYETHYLAMINOANISOLE SULFATE, 2-AMINO-3-HYDROXYPYRIDINE, M-AMINOPHENOL, 2,4-DIAMINOPHENOXETHANOL HCL.

**COLOR ACTIVATOR**  
INGREDIENTS: WATER, HYDROGEN PEROXIDE, CETEARYL ALCOHOL, SODIUM LAURETH SULFATE, PROPYLENE GLYCOL, DIMETHICONE, OXYQUINOLINE SULFATE, PENTASODIUM PENTATE, PHOSPHORIC ACID, TETRASODIUM EDTA, ETIDRONIC ACID.

**ARRIER CREAM**  
INGREDIENTS: WATER, MINERAL OIL, GLYCERIN, PVP, PEG-40 HYDROGENATED CASTOR OIL, STEARIC ACID, ARGANIA SPINOSA (ARGAN) KERNEL OIL, ACRYLATES/C10-30 ALKYL ACRYLATE CROSSPOLYMER, GLYCERYL STEARATE, PEG-100 STEARATE, DISODIUM EDTA, ETHYLHEXYLGLYCERIN, SODIUM HYDROXIDE, PHENOXYETHANOL, FRAGRANCE.

**CLEANSING WIPES**  
INGREDIENTS: WATER, ISOPROPYL ALCOHOL, GLYCERIN, POLYSORBATE-20, SODIUM COCYL GLUTAMATE, SODIUM LAURYL GLUTAMATE, DI-SODIUM COCYL GLUTAMATE, TETRASODIUM GLUTAMATE DIACETATE, ETHYLHEXYLGLYCERIN, PHENOXYETHANOL, FRAGRANCE.

**SHAMPOO**  
INGREDIENTS: WATER, SODIUM LAUROYL METHYL ISETHIONATE, COCA-MIDOPROPYL BETAINE, SODIUM COCOYL ISETHIONATE, DISODIUM ETHYLHEXYLGLYCERIN, PHENOXYETHANOL, FRAGRANCE.

INGREDIENTS: WATER, SODIUM LAUROYL METHYL ISETHIONATE, COCA-MIDOPROPYL BETAINE, SODIUM COCOYL ISETHIONATE, DISODIUM ETHYLHEXYLGLYCERIN, PHENOXYETHANOL, FRAGRANCE.

**SHAMPOO**  
INGREDIENTS: WATER, SODIUM LAUROYL METHYL ISETHIONATE, COCA-MIDOPROPYL BETAINE, SODIUM COCOYL ISETHIONATE, DISODIUM ETHYLHEXYLGLYCERIN, PHENOXYETHANOL, FRAGRANCE.

**CONDITIONER**  
INGREDIENTS: WATER, ALOE BARBADENSIS LEAF JUICE, CETEARYL ALCOHOL, STEARALKONIUM CHLORIDE, HYDROLYZED LUPINE SEED EXTRACT, HYDROLYZED RICE PROTEIN, KERATIN, HYDROLYZED SPINOSA (ARGAN) KERNEL OIL, HYDROLYZED QUINOA, GLYCERIN, PANHENOL, COCAMIDOPROPYL HYDROXYSULTAINE, GUAR HYDROXYPROPYLTRIMONIUM CHLORIDE, TRIDECETH-12, POLYQUATERNIUM-10, SODIUM COCOYL GLUTAMATE, PHENOXYETHANOL, ETHYLHEXYLGLYCERIN, TRIMETHYLSILOXYAMODIMETHICONE, C11-15 PARETH-7, COCAMIDOPROPYL DIMETHYLAMINE, BUTYLENE GLYCOL, BENZYL ALCOHOL, CAPRYLHYDROXAMIC ACID, SODIUM CHLORIDE, FRAGRANCE.

38. The reasonable consumer would have to obtain a degree in chemistry to make heads or tails of anything in the ingredient list except for “water,” and perhaps just a couple more commonly known ingredients; not to mention the fact that it would be virtually impossible to link the “Free of” ingredients on the front label with their replacements on the ingredient list because the names of some of the “harsh ingredients” are so different from their replacements that it is virtually impossible to know that they are somehow related to one another, i.e. ethanolamine vs. ammonia.

39. Moreover, while standing in a store aisle trying to make a decision about what hair color product to buy, it would be unreasonable for Plaintiff to be required to research via her smartphone (assuming she even has one handy and can get a signal inside the store) the dozens of chemicals that appear in the Products’ ingredient list in order to determine whether Defendant’s prominently disclosed statements on its front label, which imply a positive message when it states that the Products are “Free of” ammonia, PPD, resorcinol, etc. (since Defendant would never advertise that it is “Free of” ingredients that are considered to be good), in order to confirm whether a reformulation of the Products (i) has replaced the replacement chemicals with something else, (ii) assuming that the reasonable consumer can even determine that from its research while standing in a store aisle, what the replacement chemicals were replaced with and (iii) whether any studies have shown whether the replacement of any of the replacement chemicals was less/more “harsh” than the ingredient it replaced. In other words, Plaintiff and the Class members should be required to jump through such hoops to research a \$25 consumer product.

40. Thus, the conspicuous “Free of” ammonia,<sup>3</sup> PPD and resorcinol on the Products’ front label communicated to Plaintiff and members of the Class the false message that the Products were safer because

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<sup>3</sup> Unlike ethanolamine, reasonable consumers are well-aware of ammonia and its harmful properties, especially the reasonable consumer of permanent hair color products that tends to be an older adult with plenty of life experience. A highly corrosive and caustic chemical that may be used for household cleaning, the reasonable consumer has likely seen its packaging, which comes with very strict and ominous warnings about its toxic nature as well as instructions on what to do if



they did not contain those ingredients, even though their replacements were just as bad, some even much worse since they were partly composed of known carcinogens, than the ingredients they replaced; and the misleading quality of that messaging is not effectively cured by implicitly disclosing replacement ingredients, which are virtually unknown to the reasonable consumer, in a sea of highly complex, also virtually unknown, chemicals in an ingredient list containing dozens upon dozens of ingredients on the side of the package.

41. As the result of Defendant's negligent, reckless, and/or knowingly deceptive conduct as alleged herein, Plaintiff was injured when she paid the purchase price or a price premium for the Products that did not deliver what it promised. They paid the above sum on the assumption that the labeling of the was accurate and that it was gentler, safer and healthier because it did not contain certain ingredients, even though the replacement for those ingredients were just as bad, some even worse, than the ingredients it replaced.

42. Plaintiff would not have paid the money she paid for the Product had she known that the Product was not safe and, that among other things, the ammonia was replaced by a more dangerous chemical made using the very chemical she was trying to avoid: ammonia.

### **Defendant**

43. Defendant is a Delaware corporation with its principal place of business at 430 Shotwell Street, San Francisco, CA 94110, which is located in San Francisco County.

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applied to skin, inhaled or ingested. In addition, the extremely potent, noxious odor is not only indicative of its poisonous and harmful nature, but is probably one of consumers' most despised qualities of permanent hair color products and one which they would try to avoid if possible. In fact, it was this reason why Defendant chose to advertise that the was Products were free from ammonia versus the many other chemicals listed on the ingredient list.

## COMMON FACTUAL ALLEGATIONS

### I. Defendant's Representations Regarding the Company

44. Defendant markets itself as an “honest” company that delivers a better hair color product than those using traditional ingredients and formulas.

45. On its website ([www.madison-reed.com](http://www.madison-reed.com)), Defendant describes itself as follows:

We started Madison Reed with a simple mission:

To provide the best, most luxurious hair color, *made with ingredients you can feel good about.*

*We are a hair color company built on integrity, innovation, and love*—for you and for your hair color. *We've partnered with honest and transparent manufacturers in Italy*—operating under strict EU regulations—to formulate a collection of professional, high-performance hair color and care products.

(available at <https://www.madison-reed.com/learn-more>)(last visited on January 11, 2021)(emphasis added).

46. Defendant also states that:

At the forefront of innovation, we created the first ever Smart 8-Free permanent hair color *free of harsh ingredients: ammonia, paraben, resorcinol*, PPD, phthalates, gluten, SLS, and titanium oxide. And we added hair-loving nutrients including keratin, argan oil, and ginseng root extract to protect and pamper your hair.

*Id.* (emphasis added).

### II. Defendant's Representations Regarding the Products' Quality and Safety

47. Defendant markets that its Madison Reed hair color products are better for hair health and less harmful for human consumption than hair color products made using traditional formulas and ingredients.

48. For example, in a television commercial promoting the Products called “Better Ingredients,” Defendant states:

Healthy, shiny, rich with color, beautiful hair is simply captivating. And now you can get exquisite, salon color like this at home. Introducing Madison Reed, gorgeous hair

color you'll only find online. ***We started by throwing out the usual harsh ingredients, instead Madison Reed is packed with all the things healthy hair loves.***

Madison Reed, *Better Ingredients*, iSpot.tv (2015) <https://ispot.tv/a/73x8>.

49. In a promotional message delivered by Madison Reed's founder and Chief Executive Officer, Defendant discusses the Products and the health-driven reasons for the founding of the company as follows:

And for those people that don't know, ***one of the big purpose-driven pieces of Madison Reed is a set of ingredients in our hair color that I believe you could feel good about because we've taken out many of the harsh chemicals.***

\* \* \*

And then one morning, on the way to go to work and I was a venture capitalist at the time, she [referring to her daughter] said the following, mommy are you going to do it? ***And I said, do what? And she said, help women and save their lives. So when your kid says that to you, . . . you pay attention to those words.***

Madison Reed, *The Year of You: A Message From Our CEO*, YouTube (Jan. 2, 2018), <https://youtu.be/qgSPf7rz8Ks> (starting at 00:01:54).

50. For years now, Defendant has bombarded the airwaves, typically on news channels transmitted via SiriusXM, with its uniform, nationwide marketing campaign centered on its representations that it has removed the "harsh" ingredients typically present in hair color products like "ammonia" and replaced them with "good stuff." In fact, as of the date of the filing of this Complaint, Defendant continues that satellite radio advertising campaign to this very day touting that the Products are made from "good" ingredients. Plaintiff does not have copies of these commercials, and they are not publicly available in any type of archive known to Plaintiff. However, copies of the commercials are likely in the possession of Defendant and certainly discoverable should this matter proceed to trial.

51. Importantly, as shown below in numerous customer reviews, consumers have purchased the Products believing that they were gentler, safer and healthier in light of Defendant's advertising campaign.

52. Defendant delivers similar messaging through its website [www.madisonreed.com](http://www.madisonreed.com). For example, in the “Ingredients” tab (which can be found under the “About” tab), below the heading “*Ingredients With Integrity*,” Defendant states:

*We have a keen interest in your well-being.* That's why we design our products with ingredients that nurture your hair and avoid those that don't. Our Italian color-makers bring a detailed eye and generations of experience to their craft. The result is innovative color made with an unwavering commitment to quality that meets the strict safety standards put forth by the European Union (EU), *which bans chemicals not proven to be safe.*<sup>4</sup> And, we can all appreciate that.

(available at <https://www.madison-reed.com/hair-dye-ingredients>)(last visited on July 31, 2020)(emphasis added).

53. In a description of the product on a third-party retail website, Defendant lists as one of seven “Key Benefits” of its “Radiant Hair Color Kit:” “Free of: ammonia,” “PPD,” “Resorcinol.” See Madison Reed Hair Color Product Listing on Ulta.com (available at <https://www.ulta.com/radiant-hair-color-kit?productId=xlsImpprod15741035>)(last visited on Feb. 7, 2022).<sup>5</sup>

54. As depicted below, the Products’ packaging also reinforces its pervasive marketing message that the products are gentler, safer and healthier, and free of “harsh” ingredients, by placing a promise on the front label of the Products, in the first bold white letters on the front label appearing against a dark background, that among other things, it is “Free of ammonia, parabens, resorcinol, PPD, phthalates, etc.”

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<sup>4</sup> Likely realizing the falsity, or at a minimum misleading nature, of this representation, Defendant has removed it from its website. See ¶53, *infra*.

<sup>5</sup> Likely realizing the misleading nature of this representation, Defendant has probably asked Ulta to revise these statements since they no longer appear on the Ulta website.



55. Defendant’s website is also chock full of false representations about the safety and healthfulness of the Products. For example, on the Madison Reed’s website under the “about” tab a page titled “Story,” as depicted below, Defendant boasts about having removed “harsh” ingredients like ammonia, resorcinol, PPD, parabens, phthalates, etc. from the Products and replaced them with good ones. Defendant attempts to further sell consumers that representation by noting that it has partnered with “honest and transparent manufacturers . . . operating under strict EU regulations” applicable to the production of hair dyes.

**WE STARTED MADISON REED WITH A SIMPLE MISSION:**

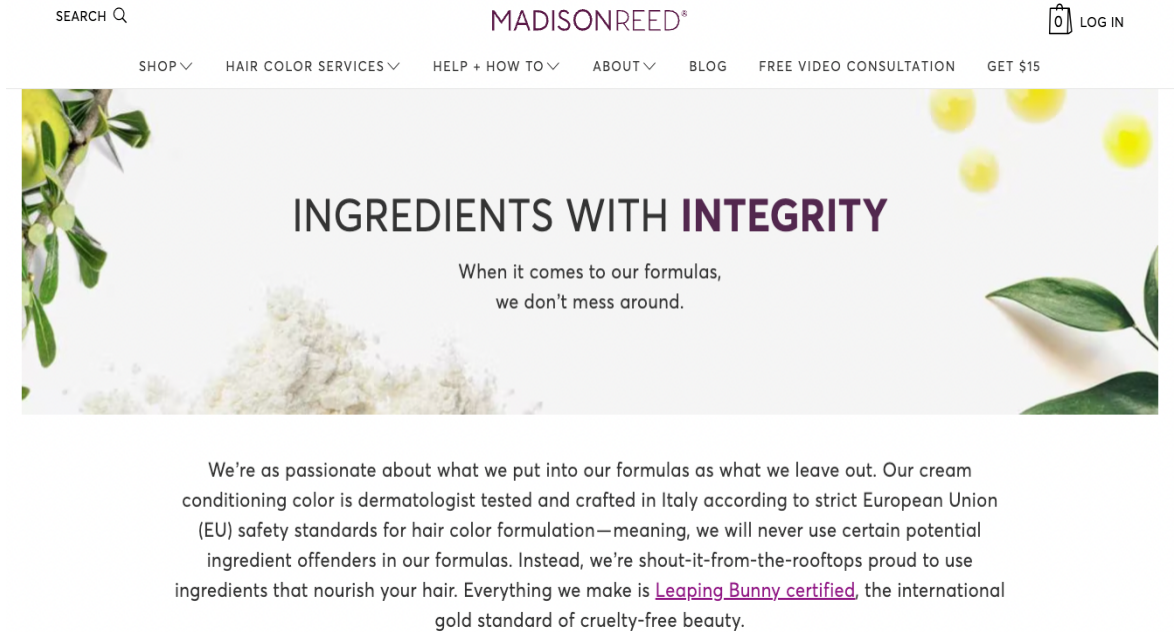
To provide the best, most  
luxurious hair color, made with  
ingredients you can feel good  
about.

We are a hair color company built on integrity, innovation, and love—for you and for your hair color. We’ve partnered with honest and transparent manufacturers in Italy—operating under strict EU regulations—to formulate a collection of professional, high-performance hair color and care products.

At the forefront of innovation, we created the first ever Smart 8-Free permanent hair color free of harsh ingredients: ammonia, parabens, resorcinol, PPD, phthalates, gluten, SLS, and titanium dioxide. And we added hair-loving nutrients including keratin, argan oil, and ginseng root extract to protect and pamper your hair.

Screenshot of Defendant’s Website around September 2020

56. In another webpage on its site, as depicted below, Defendant states that, “When it comes to our formulas, we don’t mess around.” Defendant also states that, “We’re as passionate about what we put into our formulas as what we leave out.” Boasting once again that the Products abide by strict European Union (EU) safety standards for hair color formulation, Defendant states that it “*will never use certain potential ingredient offenders in our formulas,*” as well as that it is “*shout-it-from-the-rooftops proud to use ingredients that nourish your hair.*” (emphasis added).



Screenshot of Defendant’s Website around September 2020.

57. On that same page, as depicted below, Defendant represents that the Products contain a conditioner that provides “conditioning benefits to the hair” that “creates a barrier on the scalp from the dyes to the formula.” Why Defendant would want to highlight this attribute of its products is confusing because according to an article posted on the Madison Reed blog by dermatologist Dr. Zoe Diana Draelos hair dyes cannot enter the body through the scalp. *See* Dr. Zoe Diana Draelos, What Causes Hair Loss? Reasons & Solutions, Explained, Madison Reed Blog (June 16, 2021), <https://www.madison-reed.com/blog/reasons-and-solutions-for-hair-loss> (last visited on Feb. 7, 2022). Indeed, in another article posted on the Madison Reed blog, Dr. Draelos specifically states that ethanolamine, Madison Reed’s replacement for ammonia “cannot penetrate the scalp . . . .” *See* Dr. Zoe Diana Draelos, All About Ammonia-Free Hair Color, Madison Reed Blog (June 23, 2021), <https://www.madison-reed.com/blog/reasons-and-solutions-for-hair-loss> (last visited on Feb. 7, 2022). However, this position regarding ethanolamine’s penetrability into the human body is directly contradicted by at least one



source known to Plaintiff: the New Jersey Department of Health and Senior Services. See Hazardous Substance Fact Sheet (available at <https://www.nj.gov/health/eoh/rtkweb/documents/fs/0835.pdf> (stating that “Ethanolamine can affect you when breathed in and *by passing through your skin.*)(emphasis added) (last visited on Feb. 7, 2022). Moreover, to the extent that Defendant is taking the position that the scalp is somehow less penetrable than the skin on other parts of the human body, that theory has been debunked. See Nina Otberg, et al., *The role of hair follicles in the percutaneous absorption of caffeine*, BRITISH JOURNAL OF CLINICAL PHARMACOLOGY, (Dec. 7, 2007)(available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2291387/>)(last visited on Feb. 7, 2022)(finding that a substance applied to the scalp appeared in the blood stream four times quicker when applied to open hair follicles versus hair follicles that were blocked with a “varnish-wax-mixture”). The above statements on Madison Reed’s blog appear to be yet another attempt by Defendant to conceal the adverse reactions caused by the Products.

### CREAM CONDITIONING FORMULA

The delivery system of any hair color formula plays a key role not just in the performance of the color, but also in how the color affects the health of the hair and scalp. Because our Radiant Hair Color is a unique cream conditioning formula, it has clear benefits over gel hair color formulas commonly found in other hair color brands. The cream-based formula of our Radiant Hair Color:

- Creates a more consistent and uniform color result
- Achieves superior gray coverage
- Provides conditioning benefits to hair
- Helps creates a barrier on the scalp from the dyes in the formula
- Helps avoid overlap with prior applications of hair color, and therefore less likely to overprocess hair over time

Screenshot of Defendant’s Website around September 2020.

58. On that same page, as depicted below, Defendant represents that the Products contain a conditioner that provides “conditioning benefits to the hair” that “creates a barrier on the scalp from the dyes to the formula.”<sup>6</sup> Also, that the Products are not only devoid of “harsh ingredients,” but that they

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<sup>6</sup> This statement is belied by Defendant’s statement in another portion of its website where it argues that hair dyes cannot penetrate the scalp. See ¶¶57, 85 *supra*.



were tested under the supervision of an independent dermatologist by the name of Dr. Zoe Draelos.<sup>7</sup> Importantly, Defendant also assures consumers that the independent study confirmed that the Products are “*non-damaging to hair and . . . non-damaging to scalp health.*” (emphasis added).

#### DERMATOLOGIST TESTED

We didn't just formulate our hair color without harsh ingredients,\* we went even further and tested our permanent hair color formula under the supervision of an independent dermatologist, Dr. Zoe Draelos, to clinically confirm the safety and benefits of our Smart 8-Free formula Radiant Hair Color on the hair and scalp. The study demonstrated that when used as directed, Radiant Hair Color is non-damaging to hair and is non-damaging to scalp health. \* Free of ammonia, PPD, resorcinol, parabens, phthalates, gluten, SLS, and titanium dioxide

#### Screenshot of Defendant's Website around September 2020.

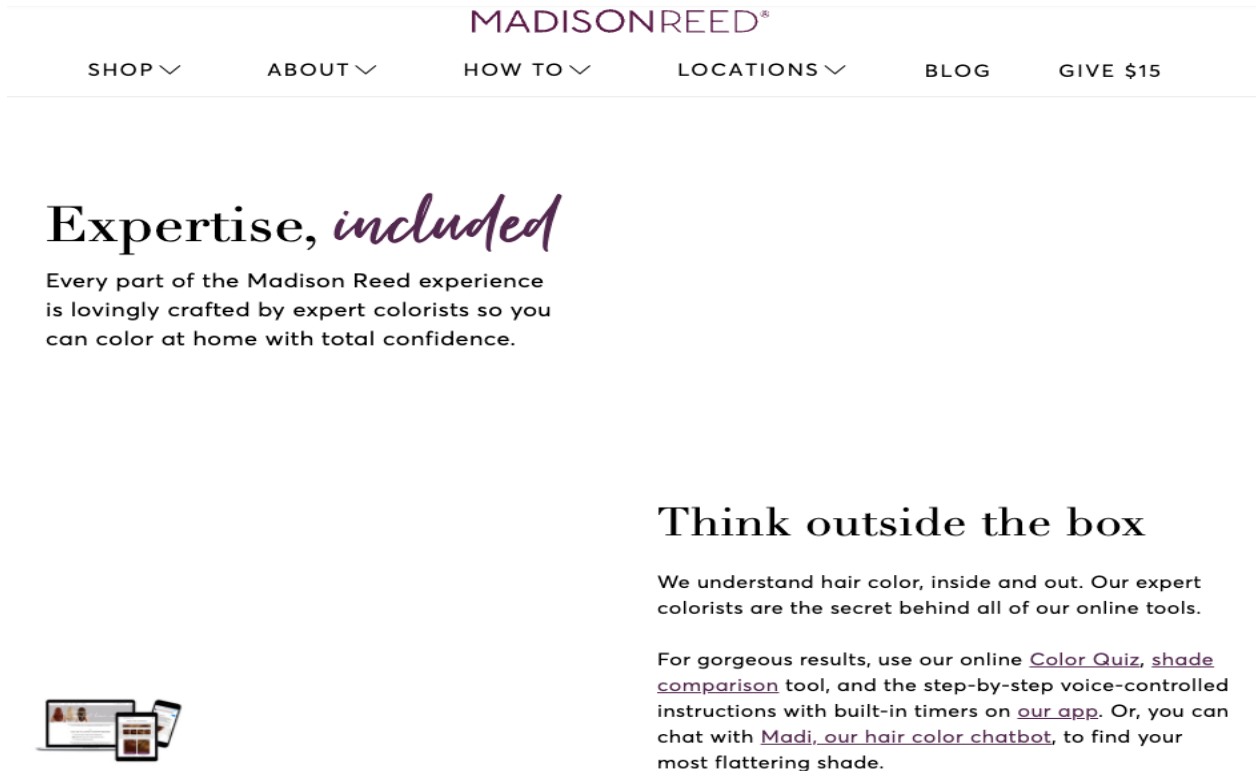
59. In addition, as depicted above, Defendant once again educates consumers about the fact that, among others “bad” ingredients, the Products are free of the “harsh” ingredients: ammonia, PPD, resorcinol, parabens and phthalates. Defendant's persistent and ubiquitous years-long education of “ammonia” as a “harsh” versus non-harsh ingredient, i.e. an ingredient gentle on hair, reinforced for consumers the messaging that a product that does not contain ammonia is safer than the hair color products that contain them. The fact that almost *all* hair color products on the market contain “ammonia” as an ingredient, a fact that Defendant clearly knows and exploited, further drove home the point for consumers that Defendant's Product is the gentler, safer and healthier choice for hair, scalp and human health.

60. As depicted below, Defendant continues to drive its messaging that its products are safer and better than other products by representing that they have been “crafted by expert colorists so you can color at home with total confidence.” Again, by aligning itself with “experts,” like the “honest and

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<sup>7</sup> Although Defendant claims on its website that Dr. Draelos is “independent,” Defendant dedicates an entire webpage on its site to Dr. Draelos that sings her praises. The webpage also provides links to several articles posted by Draelos on Defendant's website, all of which appear to be pro-Madison Reed pieces written to address certain issues with the Products, including hair loss and the use of ethanolamine over ammonia. [https://www.madison-reed.com/blog/author/zoe-diana-draelos-md?utm\\_source=google&utm\\_medium=cpc&utm\\_campaign=Madison+Reed-GGL-Core-NB-DSA-SEM-New-NA-NA-NA&utm\\_content=&gclid=Cj0KCQiArt6PBhCoARIsAMF5wajq-9NUuDL6QXezCkvVzPMnJzaUBMVk7W2IFXagRVqp9T30botJZmwaArImEALw\\_wcB&gclsrc=aw.ds](https://www.madison-reed.com/blog/author/zoe-diana-draelos-md?utm_source=google&utm_medium=cpc&utm_campaign=Madison+Reed-GGL-Core-NB-DSA-SEM-New-NA-NA-NA&utm_content=&gclid=Cj0KCQiArt6PBhCoARIsAMF5wajq-9NUuDL6QXezCkvVzPMnJzaUBMVk7W2IFXagRVqp9T30botJZmwaArImEALw_wcB&gclsrc=aw.ds) (last visited on Feb. 7, 2022).

transparent manufacturers in Italy” touted above, Defendant continues to sell consumers on the fact that they can trust that the Products are going to be gentler, safer and healthier because no expert colorist acting reasonably under the circumstances would ever want to apply a product on a customer’s hair that would cause an adverse reaction, such as hair loss, scalp irritation, damage to hair, etc. Indeed, any expert colorist not seeking to avoid harm to its clients’ hair or scalp would soon be out of employment, or worse.



Screenshot of Defendant’s Website around September 2020.

61. In a blog post by Defendant on October 7, 2020, titled “Ingredients That Love Your Hair Back,” and in more posts since then, Defendant reinforces its healthfulness messaging with the following:

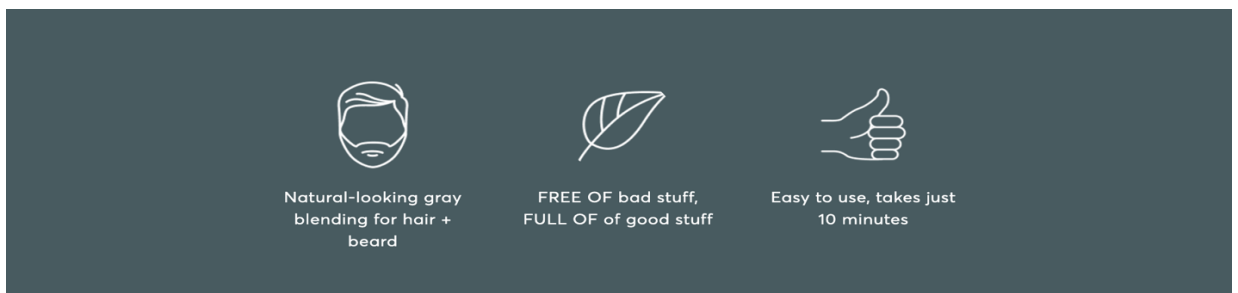
This Saturday, October 10th, is National Love Your Hair Day, so we wanted to take a minute to shout out our favorite hair-loving ingredients that make our formulas so special. *Yes, our hair color is free of ammonia, PPD, resorcinol, parabens, phthalates, gluten, SLS, and titanium dioxide—but we’re as passionate about what we put into our color as what we leave out.*

\* \* \*

Our color is crafted in Italy according to strict European Union (EU) safety standards for hair color formulation—meaning, *we will never use certain potential ingredient offenders in our formulas. We opt for nourishing*

*ingredients instead, so after you use our Radiant Hair Color, your hair won't feel dry or straw-like the way it sometimes can after coloring. No thank you!* Your strands will actually look and feel healthier, thanks to three hero ingredients—keratin, argan oil, and ginseng root extract.

62. Defendant entered the men's hair and beard color market in 2020 with the same messaging it has been delivering to women consumers since its founding. As depicted in in the screenshot of Defendant's website below, Defendant states that its Products for men are free of "bad stuff" and full of "good stuff."



(available at <https://www.madison-reed.com/product/mens-medium-brown>)(last visited on Feb. 7, 2022). Similar messaging to men has also been delivered via radio commercials by Defendant's CEO. And although technically marketed to men, there is nothing preventing a woman from using these products.

63. Depicted below, in six separate photographs, is an advertisement Defendant sent consumers via U.S. Mail around January 2021, with its infamous tagline, "Goodbye Harsh Ingredients" and a list of those ingredients. The mailer also delivered consumers, in writing, its "100% Money Back Guarantee." The flyer also delivers the messaging that consumers' experience will be comparable to that of a professional beauty salon.







**INGREDIENTS WITH INTEGRITY**  
WHEN IT COMES TO OUR FORMULAS, WE DON'T MESS AROUND

<p><b>FREE OF</b></p> <ul style="list-style-type: none"> <li>ammonia</li> <li>PPD</li> <li>resorcinol</li> <li>parabens</li> <li>phthalates</li> <li>gluten</li> <li>SLS</li> <li>titanium dioxide</li> </ul>	<p><b>FULL OF</b></p> <ul style="list-style-type: none"> <li>keratin</li> <li>argan oil</li> <li>ginseng root extract</li> </ul>
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**MADISONREED®**

**SALON-GORGEOUS COLOR  
WHETHER YOU DO IT, OR WE DO IT**



**COLOR AT HOME**

Delivered to your door, on your schedule, starting at \$22



**VISIT A HAIR COLOR BAR**

Services starting at \$55-\$60\*, or get a FREE consultation and shop hair color & care

**10% OFF + FREE SHIPPING\*\***  
on a hair color kit at Madison-Reed.com, or 10% off a service at a Madison Reed Hair Color Bar

use code:

M235Z5QJ3V

\*\*New customers only. Get 10% off plus free shipping at Madison-Reed.com or redeem in store for 10% off products and services at any Madison Reed Hair Color Bar location. Not combinable with other offers. Valid through 4.31.21  
\*\$55 in GA, TX, PA, CO, and \$60 in CA, NY, DC, VA, MD, FL, CT

Madison-Reed.com



**DO IT**

I love Madison Reed! The color is rich and natural-looking. My hair feels and looks wonderful, like I stepped out of a salon. I'm a customer for life!

This page: Alesha uses Radiant Hair Color in Positano Black 2NNA + Color Reviving Gloss in Espresso  
Front cover: chloehunter Hannah uses Radiant Hair Color in Pescano Black 2NNA, Olivia uses Radiant Hair Color in Smooth Blonde 10NDV, Sonia uses Light Washable Belayer Hair-Washing Kit in Luscious Cool Sulfur, Alesha uses Radiant Hair Color in Positano Black 2NNA + Color Reviving Gloss in Espresso, Grace uses Radiant Hair Color in Venetia Brown 4NDV, and Soohi uses Radiant Hair Color in Sandino Red 6NCG


**YOUR BEST HAIR COLOR EVER...  
*you got this***

-  Hair color as easy and affordable as it is natural-looking & beautiful
-  55+ salon-gorgeous shades with 100% gray coverage, odor-free
-  Easy to find your perfect shade with online color quiz & virtual hair color try-on tool
-  Consult with a colorist 7 days a week via phone or chat, or in person at a Hair Color Bar
-  Visit a Madison Reed Hair Color Bar for a service or a free consultation
-  We want you to love your hair. If you don't—we'll refund your money, 100%




64. Depicted below is a page of Defendant’s website around the date of the filing of this Complaint where it continues to conceal the risks of damage to hair and scalp, among other adverse reactions, caused by its Products by touting that they are made with ingredients that are “non-damaging to hair---goodbye harsh ingredients.” Also appearing on this page is Defendant’s “100% Money Back Guarantee” in the event a consumer is “not happy” with the Products.

### WHY MADISON REED?



Gorgeous, lasting, high-quality hair color, every time



Non-damaging to hair\*—goodbye harsh ingredients\*\*


\*According to an independent clinical study

\*\*Free of: ammonia, PPD, resorcinol, parabens, phthalates, gluten, SLS, titanium dioxide

Full of: keratin, argan oil, and ginseng root extract for shine, softness + extra nourishment


No odor, Leaping Bunny certified, cruelty free

[SEE LESS ^](#)



Easy application + unlimited help from licensed colorists

[ASK A COLORIST >](#)



**LOVE YOUR HAIR**  
**100%**  
**MONEY BACK GUARANTEE**

**We want you to love your hair.** If you don’t—a professional colorist will consult with you to find a solution you do love.

And if you’re still not happy? We’ll refund your money on your first box, 100%.

[FIND YOUR PERFECT SHADE](#)

### Screenshot of Madison Reed's Website Taken January 2022

65. Finally, as depicted below, statements that Defendant “design[s its] products with ingredients that nurture your hair and avoid those that don’t,” and that it adheres to strict safety standards that “ban ... chemicals not proven to be safe,” have appeared on Defendant’s website as far back as 2016. Although the representation regarding adhering to standards that “ban chemicals not proven to be safe” probably does not appear on Defendant’s website as of the date of this Complaint because it realized that the statement was either false or misleading, the statement was still there until July 31, 2020 and likely after that.

## Ingredients with Integrity



We offer luxurious at-home hair color with a low chemical profile. It's as simple as that. We design our products with ingredients that nurture your hair and avoid those that don't. Our Italian hair color-makers bring a detailed eye and generations of experience to their craft. The result is innovative color made with an unwavering commitment to quality that meets the strict safety standards set by the European Union (EU), which bans chemicals not proven to be safe. We can all appreciate that.

### Screenshot of Madison Reed's Website Around 2016

66. Unfortunately for consumers, and in direct contrast to the above statements made on Defendant’s website, the Products are, in fact, not “non-damaging” to hair or the scalp and are not “free” of “harsh ingredients.”

67. In fact, instead of “saving” women’s lives, the Products actually endanger them, as well as damage their scalp and hair, thereby injuring thousands of unsuspecting consumers.

68. Indeed, as described below, the Products contain a replacement for ammonia called ethanolamine that is known to cause hair loss and damage to hair as evidenced by studies performed on it and as experienced first-hand by Plaintiff, and ironically, is made from the “harsh” ingredient Defendant

claimed to have removed only to replace it with its derivative. Defendant is well-aware of the studies that have shown this.

69. PPD's replacement, PTDS, is not substantially less allergic than PTDS and, as shown below in publicly-available product reviews, consumers have suffered allergic reactions to the Products thinking that it does not contain PPD, or any replacement of it likely to also cause an allergic reaction. By way of analogy, it is as if a product claimed to be free of allergy-causing peanuts but the nut used in its place is also very likely to cause an allergic reaction. Finally, resorcinol's replacement, 2-methylresorcinol, is just as harmful as the ingredient it replaced.

### **III. Defendants' Replacement of Ammonia with Ethanolamine**

70. Ammonia is used in hair dye in order to open up the hair's cuticle (or outside protective coating) so that the dye can deposit onto the hair. Although Defendant does not use ammonia in its Products, it uses a chemical called ethanolamine to achieve the same effect. Ethanolamine is produced through a chemical reaction of ethylene oxide (a human carcinogen according to the EPA)<sup>8</sup> with ammonia, which is ironic because this is the ingredient that Defendant routinely boasts it got rid of due to its "harshness."

71. Ethanolamine, which unsurprisingly has an ammonia-like odor, has been given a toxicity rating that is no better than that of ammonia by the Environmental Working Group ("EWG"), a "non-profit, non-partisan organization dedicated to protecting human health and the environment."<sup>9</sup> EWG's "Skin Deep" database, which houses toxicity reports for many chemicals used in products meant for human consumption, gives ethanolamine a toxicity rating of 5-6 (10 being the most toxic)(available at

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<sup>8</sup> See Ethylene Oxide (available at <https://www.epa.gov/sites/production/files/2016-09/documents/ethylene-oxide.pdf>)(last visited on Feb. 7, 2022).

<sup>9</sup> EWG is a 501(c)(3) nonprofit corporation. EWG compiles and maintains the Skin Deep® cosmetic database that gives people practical solutions to protect themselves and their families from everyday exposures to potentially toxic chemicals in personal care and beauty products.



<https://www.ewg.org/skindeep/ingredients/702286-ethanolamine/>)(last visited on Feb. 7, 2022), while ammonia is rated 2-6 (<https://www.ewg.org/skindeep/ingredients/700353-AMMONIA/>)(last visited on Feb. 7, 2022). Thus, according to EWG, Defendant replaced ammonia with a chemical that is no less toxic.

72. Indeed, several studies that have been brought to Defendant’s attention, have shown that ethanolamine is more harmful to hair and human health than ammonia.<sup>10</sup>

73. For example, one study found that hair color products that contain ethanolamine versus ammonia are more likely to cause hair loss. See Jung-A Seo et al., *Hydrogen Peroxide and Monoethanolamine Are the Key Causative Ingredients for Hair Dye-Induced Dermatitis and Hair Loss*, JOURNAL OF DERMATOLOGICAL SCIENCE (Apr. 2012)(available at <https://pubmed.ncbi.nlm.nih.gov/22269445/>)(last visited on Feb. 7, 2022).

74. In another study, researchers applied different methods to measure hair cuticle damage and protein loss, and found that ethanolamine is more irritating and more damaging to hair than ammonia; in some extreme cases the damage was as much as 85% more. See Aarron D. Bailey, et al., *Comparison of Damage to Human Hair Fibers Caused by Monoethanolamine- And Ammonia-Based Hair Colorants*, JOURNAL OF COSMETIC SCIENCE (Jan.-Feb. 2014) (available at <https://pubmed.ncbi.nlm.nih.gov/24602818/>)(last visited on Feb. 7, 2022).<sup>11</sup>

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<sup>10</sup> Defendant has also been made aware of certain other health risks associated with ethanolamine. For example, that there is also limited evidence that ethanolamine is a teratogen (a chemical that interferes with fetus development) in animals. In fact, the New Jersey Department of Health (the “NJDOH”) states that “[u]ntil further testing has been done, it should be treated as a possible teratogen in humans.” N.J. Dept of Health and Senior Services Hazardous Fact Sheet - Ethanolamine (available at <https://www.nj.gov/health/eoh/rtkweb/documents/fs/0835.pdf>)(last visited on Feb. 7, 2022). Also, that the NJDOH also states that ethanolamine “may damage the liver and kidneys,” and that high exposure of this chemical “may affect the nervous system.” Id. Interestingly, ammonia, the purportedly “harsher” chemical that Defendant got rid of and replaced with ethanolamine, causes only one chronic symptom according to the NJDOH: an “asthma-like allergy with shortness of breath, wheezing, coughing and/or chest tightness.” (available at <https://www.nj.gov/health/eoh/rtkweb/documents/fs/0084.pdf>)(last visited on Feb. 7, 2022).

If given the choice between the two risks, either an asthma-like allergy on the one hand or damage to the liver, kidney or nervous system on the other, a consumer would probably rather risk using ammonia over ethanolamine.

<sup>11</sup> Ethanolamine is commonly referred to as “monoethanolamine” or “MEA” in order to distinguish itself from diethanolamine (DEA) and triethanolamine (TEA).

**IV. Defendants' Replacement of PPD with PTDS**

75. PPD, a/k/a p-phenylenediamine, is a permanent hair dye typically found in hair color products. PPD is rated seven out of ten in EWG's Skin Deep database (available at <https://www.ewg.org/skindeep/ingredients/704389-PPHENYLENEDIAMINE/>)(last visited on Feb. 7, 2022) and is most commonly associated with allergic reactions. Madison Reed has replaced PPD with toluene-2,5-diamine sulfate ("PTDS"), arguably to lower the risk of an allergic reaction.

76. First, the "Skin Deep" database rated PTDS's toxicity as being no better than PPD – it received a 4-7 toxicity rating depending on usage. [https://www.ewg.org/skindeep/ingredients/706579-TOLUENE25DIAMINE\\_SULFATE/](https://www.ewg.org/skindeep/ingredients/706579-TOLUENE25DIAMINE_SULFATE/)(last visited on Feb. 7, 2022).

77. In addition, a study found that almost half of the people who are allergic to PPD are also allergic to PTDS. See Andrew Scheman et al., *Alternative Hair-Dye Products for Persons Allergic to Para-Phenylenediamine*, DERMATITIS (Jul.-Aug. 2011)(available at <https://pubmed.ncbi.nlm.nih.gov/21781634/>)(last visited on Feb. 7, 2022).

78. Thus, replacing PPD with PTDS does not meaningfully lower the risk that the Products may still cause allergic reactions in some users, and PTDS appears to be just as toxic to the human body as PPD.

**V. Defendant's Replacement of Resorcinol with 2-methylresorcinol**

79. Finally, resorcinol reacts with a hair color developer (often hydrogen peroxide) to bond the dye permanently to the hair. Instead of using resorcinol, Madison Reed uses 2-methylresorcinol in its place. Although the Skin Deep Database rates 2-methylresorcinol more favorably than resorcinol, the EWG notes that there is not enough data concerning this substance and, accordingly, such data gaps are a concern. See EWG Skin Deep: 2-methylresorcinol (available at <https://www.ewg.org/skindeep/ingredients/700027-2METHYLRESORCINOL/>) (last visited on Feb. 7, 2022).

80. In addition, 2-methylresorcinol was listed as a potential endocrine disruptor<sup>12</sup> by The Endocrine Disruptor Exchange (“TEDX”).<sup>13</sup> See TEDX List of Potential Endocrine Disruptors (available at <https://endocrinedisruption.org/popup-chemical-details?chemid=188>)(last visited on Feb. 7, 2022). Specifically, TEDX relied on a couple of studies that found that 2-methylresorcinol can disrupt the thyroid’s function. DG Arnott et al., *The effect of compounds allied to resorcinol upon the uptake of radioactive iodine by the thyroid of the rat*, BIOCHEMICAL JOURNAL (1952)(available at <https://portlandpress.com/biochemj/article/50/4/473/47469/The-effect-of-compounds-allied-to-resorcinol-upon>)(last visited on Feb. 7, 2022); RH Lindsay, et al., *Antithyroid effects of coal-derived pollutants*, JOURNAL OF TOXICOLOGY AND ENVIRONMENTAL HEALTH (1992)(available at [https://docksci.com/antithyroid-effects-of-coal-derived-pollutants\\_5e7382b2097c479a378b4583.html](https://docksci.com/antithyroid-effects-of-coal-derived-pollutants_5e7382b2097c479a378b4583.html)) (last visited on Feb. 7, 2022).

81. Thus, Defendant’s representations that the Products are free of “resorcinol” appear only to provide consumers with a false sense of hope that whatever has been used to replace it is less harmful. However, that is not the case, thereby making Defendant’s statements in this regard false and misleading.

82. In sum, while Defendant touts that it has a “keen interest in [consumers’] well-being,” that its products are free of many “harsh” ingredients and Defendant’s own founder and CEO has stated that the company was founded to “help save women’s lives” from certain unhealthy chemicals contained in traditional hair color products, Defendant’s replacement ingredients are no better than the ingredients they have replaced. For these reasons, Defendant has unlawfully deceived consumers and violated numerous California consumer protection laws.

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<sup>12</sup> Endocrine disruptors are chemicals that can interfere with the body’s endocrine (hormonal) systems. These disruptions can cause cancerous tumors, birth defects and other developmental disorders.

<sup>13</sup> For 16 years through December 2019, TEDX operated as a science-based, nonprofit research institute with a mission to reduce the production and use of chemicals that interfere with healthy hormone function. TEDX used systematic review methods developed by the US National Toxicology Program to answer questions about the hazards chemicals pose. TEDX was forced to shut down due its operations due to lack of funding.

VI. **Defendant Failed to Warn Consumers of the Health Risks Associated with the Products**

83. Madison Reed Products, which were purportedly created to “save women’s lives” from the harmful chemicals typically found in hair dyes, are not free of “harsh ingredients” as Defendant claims. Rather, the Products are formulated with ingredients that can cause scalp irritation, excessive shedding, hair loss, thinning, dryness, breakage and/or balding during normal use by consumers. Despite this, as shown above, since 2016 Defendant has represented that the Products are gentler, safer and healthier for hair and human health.

84. Rather than recall the Products, admit to problems with the Products, stop advertising that the products are gentler, safe or healthier or provide adequate warnings regarding the risks associated with the application of the Products to the hair and scalp, Defendant has doubled down over the course of at least five years on its efforts to convince consumers that the Products and their ingredients are superior and safer to other haircare products on the market. Indeed, on its website, Defendant has provided numerous reasons why its users are losing their hair such as that hair loss is a normal part of the hair life cycle, hormonal changes due to pregnancy and a host of stressors including “weight loss, heightened stress, high fevers, surgery, recovering from an illness and stopping hormonal birth control pills.”<sup>14</sup> Incredibly, Defendant goes as far as recommending that people suffering of hair breakage can help their condition by choosing the right “pillowcases for your bed.”<sup>15</sup>

85. Undeterred by medical science, Defendant even attempts to convince consumers through its dermatologist, Dr. Draelos, that the Products’ ingredient ethanolamine cannot cause hair loss because it “cannot penetrate the scalp and reach the follicle where the hair grows.”<sup>16</sup> This appears to be contradicted by a condition called “dermal absorption.” Dermal absorption is the process by which a

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<sup>14</sup> <https://www.madison-reed.com/blog/the-full-report-on-thinning-hair> (last visited on Feb. 7, 2022)

<sup>15</sup> *Id.*

<sup>16</sup> <https://www.madison-reed.com/blog/reasons-and-solutions-for-hair-loss> (last visited on Feb. 7, 2022)

chemical enters through skin and travels into the body that is universally recognized by the medical community and U.S. government agencies dedicated to medical science like the Center for Disease Control.<sup>17</sup> Thus, if Defendant truly believes that its hair dye cannot penetrate the scalp, then why does it represent to consumers that the Products use a “cream-based formula” that “creates a barrier on the scalp from the dyes in the formula.” *See* ¶57, *supra*.

**V. Thousands of Consumers Have Publicly Reported Hair and Scalp Injuries Resulting from Their Use of the Products**

86. As amply demonstrated below, Defendant is aware of the detrimental issues with its Products, as well as the damage that it has caused consumers who have bought the Products believing that they were gentler, safer and healthier, but conceals and fails to disclose that the Products can and have caused significant and adverse reactions.

87. Indeed, below are just some of the consumer complaints on the internet about the adverse side effects associated with use of the Products dating back to as early as January 2016.<sup>18</sup> They come from a variety of sources, including Defendant’s own website and Facebook page.<sup>19</sup>

88. Interestingly, the complaints below confirm several things: Defendant’s “heavily-advertised,” “highly advertised,” “hype[d]” healthfulness campaign has led consumers to buy the Products believing they are gentler, safer and healthier than traditional hair color products; the Products have caused severe damage to hair and injuries to scalp; Defendant’s misleading statements have led people who are allergic to PPD to use it only to suffer the allergic reaction they were looking to avoid in the first place

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<sup>17</sup> <https://www.cdc.gov/niosh/topics/skin/default.html#:~:text=Dermal%20absorption%20happens%20when%20a,include%20pesticides%20and%20organic%20solvents>. (last visited on Feb. 7, 2022)

<sup>18</sup> Plaintiff was able to obtain access to the complaints herein because they are publicly available. Thus, it is likely that there are many more that are in Defendant’s sole possession, custody and control, and may only be obtained through discovery. In addition, there would likely be more customer complaints on Defendant’s website; however, as noted by several of the complaints listed here, Defendant apparently makes it very difficult for consumers to leave complaints on its website. Defendant’s alleged concealment of bad customer reviews speaks volumes of its unfair conduct and active concealment of known adverse reactions to, and design defects of, the Products.

<sup>19</sup> These were copied directly from the internet and have not been altered in any way, including by the addition of [sic] where it may be appropriate to do so.

and, most important, Defendant is well-aware of the problem with the Products (including how people allergic to PPD used it to only find out the hard way that they are also allergic to PTDS), yet Defendant has failed to do anything to fix it (even denying aggrieved consumers refunds at times).

89. The complaints also confirm that: Defendant attempts to conceal the problems with the Products by making it “very difficult” for consumers to leave negative reviews on the Madison Reed website, which explains why it shows only *five* reviews regarding hair loss versus the hundreds of complaints available on other customer product review sites; Defendant does not provide injured consumers with the type of customer support it states its “professional colorists” will provide them; Defendant does not stand behind the Products; consumers who had used other at-home hair dyes in the past, or who had their hair colored at salons for years, had never suffered the harm to hair and scalp they suffered with the gentler/safer/healthier Madison Reed Products; Defendant tends to not want to honor its “100% Money Back Guarantee” and Defendant often answers negative reviews with unempathetic responses that fail to own that the Products are, in fact, as Madison Reed represents them to be.

90. Sadly, some of the complaints also document some of consumers’ pleas to Defendant to reformulate the Products to help prevent any further instances of, among other things, hair loss, scalp irritation and damage to hair. Some complaints even speak of how the Defendant should be sued via a class action lawsuit, as well as taken out of business for their misleading and unfair conduct. Sadly, these complaints have fallen on deaf ears. Listed below are complaints from as early as 2016 from the consumer product review website, I Read Labels For You ([www.ireadlabelsforyou.com](http://www.ireadlabelsforyou.com)):

- (a) January 2016: “I have been having an allergic reaction to Madison Reed hair color for a month now. It’s just as bad as PPD! Never will dye again! Going gray! Not worth it!” <https://ireadlabelsforyou.com/madison-reed-hair-dye-review/> (last visited on Feb. 7, 2022)
- (b) April 2016: “This is interesting stuff. I have used Madison Reed hair color twice this year. I don’t have any burning or irritation when using it, but especially since the second coloring 3 weeks ago, I have lost massive amounts of hair. 😞 It has been freaking me

out because I couldn't pinpoint anything different in my diet, routine etc. Now I am wondering if it is due to this hair color. I have very thick hair, and it is now extremely thin at the front, and I have had to change my parting to cover it. I am wondering if it is because with the second coloring, I focused mostly on my roots, especially at the front. Anyone else experienced this?" *Id.*

- (c) April 2016: "Hi Donna, So sorry to hear about your hair loss. In my previous comment, I completely forgot to mention that I lost LOTS of hair as well after using Madison Reed only once. Thankfully it stopped after 2-4 washes. I guess during my HORRIBLE chemical reaction, my scalp was SO swollen that my hair roots became so weak. While my scalp was swollen and itchy there were wet areas all over my head and red bumpy rashes as well. I have found a temporary dye product, Sontint Reflex. I have also order a new product, Hairprint, which I found through this site. I hope it works!" *Id.*
- (d) September 2016: I hate to say this...i REALLY do...but the link to my hair loss...seems to be Madison Reed products. I see pics of me BEFORE i started using it...(FIFTEEN Kits so far)...and then, i see MUCH Hair Loss over the next few years. At first I was thinking it was lack of nutrients, perhaps Thyroid...but no! After going to Dr's. my only conclusion is the Product is the Hair Thinning Agent. I did not color my hair for two months. I tracked every brushing/every washing...nary a strand of baby fine...(but ALOT ) of hair came out. I found a kit from Madison Reed that I forgot was in the other bathroom, and I used it...and due to my hair being so fine, it takes to the color Fast. I noticed my scalp BURNING, and then, as I gently rinsed my hair and applied the conditioner...GASP!!! handfuls of LONG Strands of my hair slid right out!!! I have Videos, Pictures and Wittnesses to attest to my hair loss...YET...i look at pics of me Before using Madison Reed Products...and there is NO thinning spots. NONE. One cannot argue with results. I am really bummed out, because I liked the idea of having an Exclusive Product, delievered right to my door. I know what i experienced. I am VERY upset. All i am asking from them now at this point, is to refund all of my monies spend on Madison Reed Product, thus far. My scalp is bumpy/itchy and it was NOT like that before I embarked on "doing my hair", with Madison Reed Product. I would rather have Greys than Nothing!! *Id.*
- (e) January 2017: Hello everyone. I am touching bases. It is Jan.04, 2017... my head STILL has serious bumps, and underneath the skin are big mounds, I can feel them. I have these burning headaches, and Madison Reed is STILL ignoring me. I texted the Dermatologist today asking for an Emergency Appointment. I had so hoped that I would just heal up and get on with life. That is not the way things are going. I pray that these bumps are not skin cancer, but I do know this...they are NOT Normal, and they were NOT there until that day..in Sept. when I turned 60, and I put Genova Red coloring on my head. I want to make it clear that I only put the Genova Red on my hair for less than five minutes, and my head was burning as if on fire!! Upon rinsing this mixture out, big Clumps of hair came out in my hands, down the drain it went, and hairs are STILL falling out, but not quite as badly as in the months previous to now. Friends noticed the thinning of my hair, and as I have stated, I thought that may have been due to Stress. Of course, I reconciled myself with the "no ammonia" advertising, "surely it



is Not the Madison Reed Hair Product”! I told myself. Well, for Baby Fine hair...this stuff is hard core!! My scalp itches like crazy, but I do not scratch it. The last thing I need is a Secondary Infection. I would NOT recommend this product to anyone. I go to their site and see all these happy women, with their hair looking so wonderful, and I get Literally sick to my stomach, after all I have been through. I have a BAG of my hair, and there are Still big patches of Bald Spots on my head, this Chemical Burn was Very Serious. I have some new Greys at the temple and I wear them with Pride!!! Never again will I let an Advertising Ploy lure me into using a Chemical Alteration that is dangerous to my well being. This scenario has been literally One of the very Worst situations I have endured in my life. The “cavalier” attitude that the aforementioned company has about this situation is off the charts not only Insensitive but apparently they must think that either I will die very soon, or I will stop this crusade of Insight. THEY KNOW...about the contraindications of this product, why else would anyone put out a “Powder” Root touch up? Their offer to PAY for my Dermatology Appointment, apparently has been forgotten as my emails, phone calls and texts are being Ignored. I am sharing this true story to prevent some other person from the Horrible experience that I am having. *Id.*

- (f) January 2017: Madison Reed uses a PPD derivative called PPD-sulfate. Someone at Madison Reed confirmed this. This version of PPD tricked some people’s bodies into thinking they were different substances and they didn’t react to the allergy but 43% of people in their study still reacted. 43%!!!! That is HUGE! Needless to say I had a horrible reaction to the PPD derivative and a week later am still itchy and red all over. This product is should NOT be recommended if you have a hair allergy. They are being very sneaky about all of this. *Id.*
- (g) April 2017: To be linear...the severe chemical burn on my head/scalp from the Madison Reed Product, caused me to get a Fungal Infection, due to my Immune System being shut down. I am awaiting my Biopsy and Blood reports. I was fine before I used this product. I have been a very sick woman, indeed. This stuff is Poison! *Id.*
- (h) April 2017: Judith, SO sorry to hear about your story. I feel so lucky since I only had to deal with the painful reaction I had to Madison Reed products for a week. My entire face was SO swollen, my scalp hurt, and itched so much. To make things worst, there was this clear and yellow stuff coming through my scalp. I hope you get better soon! *Id.*
- (i) May 2017: Luciana, if you have survived cancer...the LAST product you need to use is the Madison Reed product. Read the product information that Irina has provided on the processes used to derive the chemicals in madison reed hair coloring and the Ratings in the official Data Bases such as Skin Deep Data Base. The American Cancer Society tells of people who are in contact with hair dye per their jobs, and the high incidences of Cancer onset. If ANYONE on this blog spot has “contact dermatitis, then presents with “Granuloma Annulare”, know this....”Granuloma Annulare” is the body’s Response to a serious...i mean DEADLY....blood disease. I was told by the “Derm-“atologists that these bumps/plaques/rash did not mean “anything”. Look up the



article from 2011 in the Journal of American Medical Association entitled “underlying hematopoietic malignancy and “underlying Myelodysplastic Syndrome” At the top of this thread is a comment about someone’s aunt and grandmother using the Permanent Hair Dye, and dying of Blood Cancers. The first thing that happens when using this product, as I myself have indeed experienced, is hair thinning, then scalp Scald, all the while, one’s Immune System is being Shut Down. I had a Very Strong Immune System until the Deep Tissue Burn by this aforementioned product. Thanks to Irina, her research and Principled Integrity, we the women, are able to convene digitally to compare experiences. Should anyone develop a RASH...and then especially if one is subjected to a slack and Inept bunch of “Derm” atologists who cannot connect the dots on what I call “The First Causation”...Please post it, and know that our very lives are in danger from this product and the end result is NOT worth whatever propaganda their advertising tactics use, which is literally a ploy to make us feel bad/ugly for being the way we just “are”, to buy their products. They are gaining by our natural fears of growing older, our looks changing and our desire to keep our youth. I was telling these Doctors here that I have been sick ever since I started using said product, ignorantly I attributed this to stress, but, that was indeed NOT the case. [jamanetwork.com/journals/jamadermatology/fullarticle/426712](http://jamanetwork.com/journals/jamadermatology/fullarticle/426712). *Id.*

- (j) May 2017: Judith, I am sorry to learn about your issues and wish you the best in your recovery. It is frustrating when you try a product and don’t know the full ramifications because it is being touted as natural and healthy when it is indeed not. Yes, we are searching for ways to cover up the inevitable and I am trying to cover those grey and get lighter. I only used the MR product twice all over and once around the root area. Never again. I did notice that my hair was so brittle and breaking and dull-looking. Every time I comb my hair, I get more hair coming out. It is scary. I am in the process of getting it restored. My naturopathic doctor has me on “Viviscal” to help with this. What I did not realize was that it was from the MR product. Thankfully, I am off the product and hope that my hair will start to grow back with a halt to the hair loss. Thank you for your help and again, sorry for your situation. *Id.*
- (k) August 2017: I’ve used Madison Reed twice and I love how the color turns out but the first time I used it, I lost a lot of hair. I though maybe it was because I hadn’t washed my hair in a few days or brushed it. This second time (its been almost 3 months) I’m still losing hair, not as much as before but its to the point where its super thin in the front and i can see my scalp. My once thick hair is very thin. I have to assume its the hair dye because nothing else has changed in my diet or routine. I didn’t have any allergic reaction besides the hair loss. I just wanted to post this because I can’t find anywhere else where people have had this reaction besides me. *Id.*
- (l) November 2017: I would STOP using this Permanent Dye....yesterday~~~ Dye = Die. The process that is used in Madison Reed...is Toxic to the Immune System. I am still sick due to the Deep Tissue Burn, my Immune System Attacked me...and now, I have Sarcoidosis from the whole thing. I kept a Log and ALL of my hair as it fell out. I would take pictures, and call an Attorney. Please keep Irina and all of us up to date. M.R. are Criminals...THAT is why their “Brush on Root Touch Up” what a

crock....THEY KNOW!!! They do not care....they are all about the Profit. “The Love of Money is the Root....of All Evil”. *Id.*

- (m) January 2018: Don’t walk, RUN away from Madison Reed products. They masquerade as a natural alternative. Madison Reed products are dangerous. I know. I have been harmed by them. They contain: lye, known carcinogens and petroleum based irritants. Worst of all, they will not respond after the sale, they will not help. They are a scam. *Id.*
- (n) January 2018: I have a bad PPD allergy and went from brown to platinum. Now I need to go back! Just tried Madison reed on a patch test and had a terrible rash reaction in that spot. So my search for a good brown PPD and TDS free dye continues! Chime in if you have found anything good! *Id.*
- (o) February 2018: Just touching bases....my Immune System is still not restored due to the Deep Tissue Burn caused by the Madison Reed Product. I hope no one else is subject to this horrid thing to happen when we just “Trusted” that Product. I have a lawyer now...the damage done to my body from using this product is just Unreal! Thank You, Irina for your Integrity. *Id.*
- (p) May 2018: Hello, Irina and this Group! I am still alive although not unscathed. I will post the update in the next few days. Suffice it to state that I wish I had Never used Madison Reed Hair Product. The Dysregulation of my Immune System, after the use of said product almost Killed me! I appreciate this forum, am sorry for the others who have been injured by bad product and I look forward to updating info in the hopes of helping others. *Id.*
- (q) July 2018: This day....I find, thanks to someone who contacted me via Disqus, that there is, Indeed, a Class Action Suit against Madison Reed. The suffering caused by this product for Me...has been Great. *Id.*

There are many more similar customer reviews on the site that continue all the way through late 2021.

91. Listed below are just a handful of the comments that can be found on the consumer product review website, Truth In Aging ([www.truthinaging.com](http://www.truthinaging.com)), which start around January 2018 and go all the way through late 2021.

- January 2018: The Madison Reed hair dye caused a severe reaction on my skin. Luckily, I did a patch test on my forearm. Within hours there was: pain, welts, redness itching and swelling. I could not sleep without icing the sight. Madison Reed was completely silent. They would not help or respond to any of my requests for help. Unlike their marketing campaign, they are completely apathetic. They sell a dangerous product and refuse to be responsible. Never again. B warned!

[https://www.truthinaging.com/review/madison-reed-hair-color#comment\\_holder](https://www.truthinaging.com/review/madison-reed-hair-color#comment_holder) (last visited on Feb. 7, 2022)

- January 2018: Madison Reed products are Dangerous! They do not stand behind their products. My eyes swelled shut. I had welts, pain and and ungodly itch for months. I went to doctors, dermatologists and pharmacists. What else would you expect from: lye, carcinogens and petroleum based irritants. *Id.*
- January 2018: Madison Reed is a dangerous product that will harm your skin. *Id.*
- July 2018: Made my hair fall out in buckets .. stay away!! *Id.*
- August 2018: Used Madison Reed and my hair just fell out in buckets!!. Anyone here who was damaged by this product please go to Madison Reed Damage on Facebook
- book or follow up on Madison reed Damages on Twitter. We need enough women to stand together to voice the damages dones by this product. You are not alone. *Id.*
- August 2018: Used Madison Reed and my hair just fell out in buckets!!. Anyone here who was damaged by this product please go to Madison Reed Damage on Facebook book or follow up on Madison reed Damages on Twitter. We need enough women to stand together to voice the damages dones by this product. You are not alone. *Id.*
- June 2019: I used Madison Reed for about 6 months. My hair also fell out in buckets. It's brittle, dry and frizzy looking. I have never had problem hair - it's fine but a lot of it. It's horrible!!!! I just went back to the salon and had about 4 inches cut off. I'm heartbroken and told all of my friends to stop using too! *Id.*

92. Below are just a handful of the reviews that were posted on the consumer product review website, highya ([www.highya.com](http://www.highya.com)), where consumers have posted Madison Reed Product reviews for the period from March 2017 through January 2022.

- July 2018: I have very stubborn greys and bought into the claims the Madison Reed would cover my greys while leaving me with healthy looking hair. The greys are covered, but I am left with dry, dull, "crispy" hair that feels like straw. I've never had a problem with hair loss. Until I used colored it with Madison Reed's product. When I wash it clumps of hair end up in my hands because it breaks so easily. I have resorted to only using a wide tooth comb when combing out my hair to try and prevent further breakage and hair loss, but it just keeps falling out. I lack words to say just how much I regret this decision to use their product. <https://www.highya.com/madison-reed-reviews#reviews> (last visited on Feb. 7, 2022)
- August 2018: I am experiencing hair loss by the handfuls every day, after using Madison Reed a half dozen times. I have NEVER experienced losing hair like this! At

all. I stopped using it over a month ago and am trying to baby my hair now back to its pre-Madison Reed health. I DO NOT recommend! *Id.*

- November 2018: I've been dying my hair since high school (20+ years) and was hoping for a real solution to my uneven color and gray roots but instead ended up with results exactly like the brands sold at drugstores and low-end beauty supply stores. I have medium dark brown hair with a moderate amount of gray and even after leaving on roots the extra ten minutes, the gray hair is still noticeable and now has a reddish hue. My scalp also has never burned so much compared to other products I've used. Definitely not worth the extra money and it turns out it really IS too good to be true. *Id.*
- January 2019: The hair color arrives in fancy packaging with two pairs of gloves, barrier cream, shampoo, and conditioner. I have medium golden brown hair and lots of grey roots. The grey coverage was not better than store-bought brands. I developed a scalp rash and around my face. My scalp is red and itchy all the time. I tried canceling my subscription, but the buttons are greyed out (disabled) on the website. The company marketing is very clever. *Id.*
- August 2019: My hair fell out in clumps after using their Sardinia red hair color. My thick beautiful hair is now thin and brittle. I lost about 30% of my hair. I can't believe they tout their products as all-natural and this happens. Not only did my hair fall out in spots but my scalp is still tingling and sore. I'm going to have to see a dermatologist about it. I pray it's nothing more serious. Please be warned about this company. They know this is happening and aren't doing anything about it. *Id.*
- August 2019: Garnier discontinued the hair color I have been using for over a decade and I have been on the hunt for a replacement. I thought I'd try Madison Reed because they said they were healthier for hair. I will say, that I enjoyed the packaging and the fact that my hair didn't smell too chemically the next day. But I found the color to be much farther from the example on the website. And afterward, I noticed an increase in how much hair was on my hands in the shower and my sink after styling. About a week later I noticed I could see much more of my scalp than I used to and started investigated what could have caused it. It seems, instead of ammonia, Madison Reed uses ethanolamine to help the dye attach to the hair. One of the side effects from this chemical is hair loss! I'm hoping it'll grow back, but I just used Madison Reed last month, so it'll be a few months before I know for sure. It looks like I will continue to search for a replacement color elsewhere. *Id.*
- October 2019: Don't use it. After one use the end of my hair turned white and split. I had to cut off 2-3 inches of my hair to make the mess look decent again. Who wants bangs that are 2 inches long? What a mess. It burned my skin during the application and after one week the grey hair is back. *Id.*
- October 2019: I used Madison Reed after a friend swore it was all-natural and made her hair soft. I had some highlights I wanted to cover up. I used it, and almost

immediately, my scalp started to burn worse than it ever has with traditional hair color. Also, it started washing off after one wash and the areas where my highlights were are almost a greenish tint. The worst part is that it ruined the ends of my hair. I have a haircut in a week, and I seriously don't even want to wait that long. I'll have to wear it up until then. I'm actually furious. *Id.*

- December 2019: I used this brand for a few years. I really liked the color and the process. Some time after switching to MR I started losing clumps of hair. I saw doctors, got medical tests, took supplements, saw more doctors, did hair treatments, etc. You name it, I did it. I continued to use MR hair dye and my hair continued to fall out. I had thick beautiful hair when I started MR, Now my hair is much less dense, and thin. It never occurred to me that this "safe" "nourishing" MR color was causing the damage. Until while doing some research, I found out what they substitute for the ammonia, which is ethanolamine, is very damaging and has been found to cause hair loss. I was shocked. I stopped using this dye as soon as I found out several months ago. I am so upset that a company that touts itself as being a safer, better alternative uses a chemical known to cause hair loss. I would not wish hair loss on anyone. I have yet to see if it will be reversible. I strongly do not recommend this product. *Id.*
- December 2019: This company is absurd! I used MR for an entire year before I realized that in the back of my head, my scalp was totally showing through! I can't believe it took me so long to notice that I was balding on top and in the back! I guess it was gradual and happened a little with every time I dyed it. Now I am unmistakably balding, which is so traumatizing. Because I've been growing my hair out, I quit going to the salon. So when I finally returned, in tears, my hairstylist said, "Oh wow. Oh man, I've never seen your scalp show through before." I've been taking biotin supplements for six weeks and see NO change at all. I'm devastated. *Id.*
- January 2020: I first used MR over 2 years ago. Over time I noticed my hair thinning and strands falling out more often than usual. I just thought since I was getting older it was normal. Then, a couple of weeks ago, I was going to a Christmas party so I thought I would dye my hair to cover my grays and look nice. My hair is falling out so much. My hair used to be so thick. I can see my scalp. When I run my fingers through my hair, it feels like there is barely anything there. It just keeps coming out. I've been saving the hair that has fallen out in the past week in a bag and the amount of hair is heartbreaking. I am devastated. My scalp is tingling and it's all I can think about. If I'm going to keep losing it until I am bald? I am 43 years old. I am going to the doctors to see if there is anything I can do. I do not recommend trying this hair color and taking that risk to ANYONE. *Id.*
- April 2020: I thought it was me, but my hair fell out for months after using the Madison Reed product back in 2016. I had to cut my hair significantly and stop using hair color altogether. I would not recommend this product. *Id.*
- May 2020: The first time I used this product, I was slightly disappointed that my hair appeared darker instead of the burgundy shade I picked from the quiz. Still, I was really

impressed with the box presentation and also, how soft and shiny my hair was. I left a great review because of that. So I contacted them and a very nice consultant suggested a brighter red. She gave me specific instructions on how to apply the new color when it arrived. I waited a few months to re-dye just to be safe, and also make sure the red took, even though the original color had faded within a week. Immediately after dyeing and washing the dye out, my hair started falling out in clumps! Like...right at the root! It's now been a month, and it's still falling out like crazy! My once thick, curly hair is now super thin. You can see my scalp in all the places it has fallen out. I've also had intense headaches, burning, and even woke up one night in a cold sweat. It is absolutely devastating to see my hair fall out like this, and feel so off physically. I was 100% fine and loving my hair right up to the moment I used this. Now I have to go to the doctor tomorrow to see if anything can be done to save my hair! And by the way, the red never took. My hair color was the same as before I dyed it! *Id.*

- May 2020: My first and only application of Madison Reed color was 5 weeks ago. I was very pleased with the color and application. I have thick medium length hair. Three weeks ago I noticed an alarming amount of hair in my brush, drain, and on wood floors. The only new product I have used was MR color. *Id.*
- August 2020: I ordered the color they suggested but it came out very reddish and did not cover my grays. They contacted me and sent me a free box, tray, and brush. I am going to throw it away! Shortly after I colored my hair with the first box, my hair started falling off in clumps and it is now extremely dry. I am not sure what I am going to do at this point. My hairline has receded quite a bit and my hair looks overall awful. *Id.*

Below are additional reviews of the Products relating to damage to hair and scalp that have been posted on the product review website, Trustpilot ([www.trustpilot.com](http://www.trustpilot.com)), for the period from June 2020 through February 2022.

- YIKES. Don't try this Madison Reed right before you have somewhere important to be. This is was my first try with Madison Reed and I used the 7NCG Genova Red, which was the color that the quiz suggested to me, as well as the provided shampoo and conditioner. My hair came out WAY darker than expected, not red hardly at all, and feels like straw. I have been dying my hair with L'Oreal Preference Mega Reds MR1 Light Intense Copper, which is also a level 7 dye (with a 20 vol developer, both from Sally Beauty) for over 5 years, so I'm not a newbie. This Madison Reed color is more like a level 5-6. Really disappointed and frustrated that I have to correct this dye job and hopefully not damage my hair. Proceed with caution. <https://www.trustpilot.com/review/madison-reed.com> (last visited on Feb. 7, 2022).
- July 2020: I had used Robert Craig hair coloring for twenty years with positive results, but they quit the business so I decided to try Madison Reed Hair Coloring after reading all the hype about their products. Well, their colorant totally destroyed my hair texture, it dried out my hair horribly and it has never been the same since. I decided to leave a negative product review on their website but found it impossible to do. I chatted with



a customer representative hoping I could get the connection to leave my product review but that was a deadend. Finally, I gave up. *Id.*

- July 2020: This is, without exaggerations, the most horrendous experience I have ever had with a salon - ever. My hair is in very good condition as I do the minimal to it, just getting my roots colored and that's it. I never have done all over color and I've always had decent experiences with having my roots done with the exception of the occasional disappointment with coverage here or there. I went into their salon close to where I live and had nothing but good expectations based on the hype I've seen and read. WOW, I wish I could just go back in time a couple of weeks and cancel my appointment. I specifically told the colorist "absolutely no red". What I ended up with is a bright orange, bozo the clown color that is absolutely nauseating. I wish that was the worse part but it isn't. My hair is absolutely destroyed. It is now a dried up mess with a ton of breakage which will probably take the next couple of years to grow out/back. Their product, despite what they say, it extremely caustic and very, very damaging. Do yourself a favor and go to a trusted salon with lots of great reviews and don't take a chance with these people. I am absolutely disgusted over this experience and will make sure to let everyone know about it. It is simply unacceptable. A refund is just not enough for the grief your company has caused me. *Id.*
- August 2020: Every time I wash and then comb my hair a lot falls out. This has happened since I used Madison Reed. *Id.*
- August 2020: I am extremely disappointed with this product. I used Novara Light Brown - 6.5NNN permanent color. In the 4 weeks since I used the product, I have been losing significant amounts of hair. I have since read many other reviews from women having the same experience. I called customer service and after a lengthy wait, the rep came on and said they would refund me. Very little concern, sympathy, or apology for my experience. *Id.*
- September 2020: DO NOT USE THIS PRODUCT! I experienced significant hair loss after using. Customer Service is horrible and they genuinely don't give a damn about your complains / experience. *Id.*
- September 2020: I would definitely give Madison Reed many negative stars. Shortly after using their hair color I suffered severe hair loss. They refunded my money and told me to go to a doctor. I see my dermatologist next month and if she can confirm that she thinks my hair loss is due to using Madison Reed hair color I will take action. *Id.*
- September 2020: I already have very thin hair but after using Madison Reed hair color my hair is even worse. I experienced a huge amount of hair loss during the rinsing and shampooing part of the at home coloring process and I'm just sick about it. My hair feels so dry and fragile. I will NEVER use this awful product again! *Id.*

- October 2020: I have used this horrible product for 4 months now and ever since my hair has been falling out in large amounts and the texture of hair has gotten dry and frizzy. The color does not last more than 2-3 weeks. Last used the product 3 weeks ago and still experiencing significant hair loss. I tried but it is so difficult to write a review on their site. Stay Away from this product which has ethanolamine instead of ammonia which is known to cause more hair loss. *Id.*
- October 2020: The absolute worst of the worst. I have always had thin, fine hair. I believed their claims they were “natural” and decided to give it a try thinking this product might help my become healthier and fuller while covering a few grays. Well... After using this product only ONCE not only did I experience severe hair loss, much of the hair that has not fallen out has broken off and changed texture, too. I turn 50 soon and I’m left wondering if my hair will ever recover from the extreme damage using this product only one time has caused. BUYER BEWARE if you care about your hair. *Id.*
- October 2020: I used this product once and during the rinsing stage my hair fell out in clumps. It is still extremely damaged, dry and falls out more then it used to. I almost passed out after seeing how much hair I loss after the initial wash. This was not an allergy, no other issues. This is the unnatural ingredient list they use. I tried it bc it was natural, that is a lie as well. *Id.*
- November 2020: I just applied Madison Reed dye and when I was washing it out in the shower my hair came out in clumps! Stay away from this dye. I wish I'd read these other reviews before buying Madison Reed dye. I'm going back to my old store-bought hair dye. *Id.*
- November 2020: Handfuls of my hair came out when shampooing our the touch up color, I’m praying I don’t lose any more. Do not use this product! *Id.*
- November 2020: Just finished my 7th time coloring my hair with Madison Reed. Handfuls of hair came out of my head after coloring and shampooing. I’ve noticed a halo around my head in the past several months when I put my hair up, but thought I was just being too rough when putting my hair up. One of my friends even commented about all the broken hair around the crown of my head. It has now been confirmed that it is this hair dye. Terrible. I hope my hair can recover from this. I never leave reviews, but had to share! *Id.*
- January 2021: I got the mens product for my beard. I was not hugely surprised the color did not take as grey doesnt absorb well. What I did not expect was my face to get red, blotchy and itchy but it is A MESS. I called M.R. to ask for advice as I am sure this has happened to other. After being on hold for 10 mon and then being put on hold again for 12 min I was told someone would get back to me "when they can". I have since gotten a form letter email stating that someone will be in touch within 3 days. Questionable product but terrible customer service. *Id.*

- January 2021: Beware, your hair may fall out! I used this product for almost 2 years, I wanted something that was gentle and no ammonia, I liked the smell and color results. It was gradual but over time I notice that I was losing more and more hair, and soon other people were noticing. I am 58 so I also thought it was an age thing. I did some research and asked questions and this was Madison Reed's response from a licensed colorist and I quote. "One notable ingredient that didn't make the top five is ethanolamine. Madison Reed uses it as a substitute for ammonia and states that it gives users "pleasant, predictable results". However, research indicates that this ingredient (along with hydrogen peroxide) can damage hair more than ammonia and even lead to hair loss. This is a symptom many Madison Reed customers complained about." I stopped immediately and thought you all should know. *Id.*
  - January 2021: Hair loss and I didn't have it to lose!!! Color was great with very little color in the tub with washing. I have to say the smell not being overwhelming during coloring was strange. I would never use again as I see my scalp now and I'm about to turn 40 this year! I have never had thick hair as I said but the loss has been extremely noticeable. It is everywhere!!!! *Id.*
  - February 2021: I bought two different Madison Reed colors. Two boxes each color, spent over \$100... First one turned out two shades lighter than the box.. the second shade turned a shade darker than the box... needless to say I was unhappy... a week after I noticed a huge amount of hair fallout and I have thick hair so fallout is normal but the amount falling out right now is ridiculous! I would never buy again... Ulta does not refund hair color and Madison Reed does not do anything. *Id.*
  - February 2021: I don't normally write reviews but this must be told!! I purchased this color last year and used it twice. The outcome was okay color that didn't cover my gray. The most horrible thing is that I am losing mounds of hair. My hairdresser noticed it also and we couldn't figure out why! My medications are the same ones I've been taking for years and my diet hadn't changed. Bottom line it's whatever's in this hair dye. I wish I could sue these horrible people for this horrible product!!!! *Id.*
  - March 2021: Stay away. Yep - read the other reviews. Stay away. My hair is literally half the volume it once was and continues to fall out, it's AWFUL. *Id.*
  - March 2021: The customer service at Walnut Creek, CA is atrocious. Even worse I've been going to them for a couple of years and my hair has fallen out and is so thin. I also had bald patches that needed cortisone injections. During the pandemic I gave it a rest and noticed my hair started to grow back. I thought it may be the hair color then I did some research and sure enough! Glad I figured it out. Never Again Madison Reed thins your hair and makes it fall out. *Id.*
- (a) Madison Reed replied to above consumer as follows: Hello, we are so sorry about your experience and would love to help. Can you please reach out to us at 866-817-8014 so that we may send you detailed ingredients pertaining to

the specific products you used and suggested next steps. We look forward to hearing from you. *Id.*

- March 2021: Only gave 1 star so I could write this review. Oh how I wished I'd done my due diligence and read reviews prior to using this product! As an older woman, my hair was my ONLY beauty asset! Very long and thick and compliments were often received. I know it's vain, but my hair was the ONLY thing that made me feel special, at least with respect to my appearance. I've lost half of the hair I had and as an older woman, I doubt it will ever grow back. Also skin still irritated well over a month's time. SHAME ON YOU MADISON REED FOR TOUTING YOUR PRODUCT IS SAFE. I HOPE YOU GET 'YOURS' SOMEDAY! To make things worse, I now have a lump in my left groin muscle. Lymph nodes acting up. I'm very concerned about the ethanolamine that's probably circulating throughout my lymphatic system, blood and skin. If anyone has initiated or knows about a class-action lawsuit, please advise. I know when Plaintiff prevail, they rarely come out with much in the way of \$\$\$\$. The attorneys are the winners, but IT'S WORTH IT TO GO AFTER THIS COMPANY ANY PUT THEM OUT OF BUSINESS *Id.*
- March 2021: I have very thick curly hair. My hair has always been soft and shiny. I used this product to cover my gray and my hair has become crunchy and is now falling out in clumps. I now have thin limp hair. *Id.*
- April 2021: I noticed as soon as I rinsed the dye out that my hair was coming out in clumps. Now 5 days later my hair is half the volume it was prior to using this product, My hair is almost to my waist and now I'm worried I will have to cut it several inches. It is fried, and tons of breakage every where. I wish I had read reviews, because if I had known this would happen I would have never bought it. It also did not cover my greys and I have several places the color didn't take. Although that may have been my fault. Either way. my hair is so thin and I feel like crying over it. *Id.*
- April 2021: I have used the Madison Reed hair color 6 times to cover my grey hair during the COVID locked down. During this time, I noticed hair loss and a gradual thinning of my hair. Also, my hair became dry, coarse and frizzy. Prior to the lockdown, my hair was professionally colored every 4-5 weeks and it was full, healthy and shiny. I believed the damage to my hair is caused by the use of the Madison Reed hair color. This product is not good for your hair! *Id.*
- April 2021: I'm horrified that I have lost so much hair using Madison-Reed hair color during the pandemic. I should have read reviews! I'm in my 60s, but I never lost hair or ended up with broken and frizzy hair going to my hair salon for decades to get my gray hair colored. My hair is super thick and fell to my mid-back, but after using Madison-Reed about 4 times, my hair began breaking and falling out. I thought it was my imagination. Not. It's also expensive. Whatever they use to substitute for ammonia -- ethanolamine -- is really damaging. Never again. *Id.*

- April 2021: I lost hair with this too. At first I thought it was my age, nutritional deficiencies, etc. But when I found the perfect hair color brand, I no longer had a problem. *Id.*
- April 2021: I just found this site as I also have noticed extreme hair loss after each color. Literally my hair comes out in clumps as I wash off the color. I'll be switching to an all organic salon and hope that my hair will restore. *Id.*
- April 2021: I had beautiful long, shiny, healthy hair. Due to the pandemic I had to color at home like many women. Welp I got Madison Reed and my hair is falling out and so fried and broken. It looks and feels awful. Not to mention my drain and vacuum keeps getting clogged due to all my hair loss. So disappointing. Please ladies beware. *Id.*
- April 2021: Terrible. I love the color and the feeling after the application; however I am Losing my hair like crazy went to the doctor all my vitamins levels are fine .. my only change was that since November I have been using Madison Reed ... I have to stop using it immediately and I hope my hair can get strengths back /.. I have curly hair very full and now it looks fragile and terrible. *Id.*
- April 2021: I am the husband who has been coloring my wife's hair during the pandemic and she has developed considerable hair loss. The only reason I am writing this review is because her only concern is whether Madison Reed has had any class action suit against them. That, and the fact that she just said she is going to buy a wig tomorrow. The lawsuit idea may not be a bad idea considering the volume of women that have the same problem. Whatever is in your hair dye that causes hair loss, PLEASE stop using it in your formulation! *Id.*
- April 2021: I have always had thick beautiful hair and as I now see I am also experiencing extreme hair loss!! I wish I could sue this company for all the false claims!!!! So angry as my hair was so thick and beautiful before using this terrible product! *Id.*
- May 2021: I don't know how they stay in business. I've been coloring my hair for years, both at the salon and using do-it-yourself hair color. I had hoped to find something that would be more gentle in my hair. In fact, my hair became dry and brittle, like a scouring pad. Who is having good results with this product? Anyone? *Id.*
- May 2021: This product is absolute garbage. I never write reviews, but in this case I must. I had long thick hair my entire life. Thick to the point where I would have to get it thinned out during hair cuts to make it less heavy for my head. I started using Madison Reed during the pandemic to cover up my greys and over time it completely fried my hair. I've lost so much hair using this product that my hair colorist was shocked when she saw the condition of my hair. My hair is a quarter of what it used to be, a QUARTER. No hair product has ever had a bad effect on my hair. So when I started using this I didn't think twice. After my doctor ruled out everything, this is the only

only thing that has changed. I pray that my hair grows back. Please if there is a class action lawsuit against them someone let me know. They need to be either fined out shut down. *Id.*

- May 2021: Like many I have experienced extreme hair loss from this product. I had so much bloodwork to see what was going on.... the doctors came up with that I'm perfectly healthy. So I stopped coloring my hair with this for a while. My hair loss stopped. Then once again I used a box of this color and I was shocked at how much hair fell out as I brushed my hair after washing the color out. Horrible. Don't take chances with this product! *Id.*
- May 2021: I used Madison Reed during the pandemic like many other women and had long hair that had been colored and highlighted but it had been over a year since I had done anything and my hair was in pretty decent condition and I had never had issues with coloring my hair even my stylists commented on how good condition and thick my hair was . After using the product all of my hair began breaking off in mass quantities and falling out in the shower, I thought it was due to my diet or pillowcase or something else, but no it wasn't everything got worse as I colored my hair with their product. My hair is lifeless, limp, has no body and literally is like a scouring pad when wet and will come out in clumps. I'm older and I'm so worried what was my best asset won't grow back ever. I'm devastated and would have never used this had I known it had chemicals in it that could caused damage to my hair. This has cause me so much anxiety and stress I only hope to warn other women against the same pain and shock of losing their beautiful hair too *Id.*
- May 2021: I bought Siena Brown at Ulta. When I mixed the color and developer, it had a very strong tobacco scent. I didn't know it's supposedly scent free. When I rinsed and shampooed, there was a very large amount of hair fallout. I've been coloring my hair for over 35 years and have never had this much hair come out after coloring. My hair was incredibly soft and super shiny. The tobacco scent finally faded after washing my hair 2 days after coloring. Again, I had an abnormal amount of hair fallout after shampooing. I use Native strengthening shampoo and conditioner and normally have very little fallout. The ingredients used are worse than boxed drugstore dye. I contacted MR through chat and was told their licensed colorists are busy and someone will email me in 3+ days. I'm panicking over how much hair am I going to end up losing. DO NOT BUY THIS!!! My reply from their licensed colorist: Thank you for contacting Madison Reed. We're sorry to hear about your experience. In the case of a sensitivity while coloring hair, we recommend discontinuing use. Do they really think I would go out and buy this again? I was asking for help to stop my hair from falling out due to their hair color. They also told me that if I still have the packaging I can get a refund from Ulta. Who keeps their used hair color after using it 2 days ago? *Id.*
- May 2021: Sadly, I have to echo all the other bad reviews. I had been coloring my hair at home for over 20 years. I have never had an issue. Since using this product, I now have extreme hair breakage and hair loss. I have now spent a couple of hundred dollars on products to try and restore my hair. *Id.*



- May 2021: This product has damaged my hair. Everytime I brush it SO much hair comes out. *Id.*
- May 2021: I saw the heavily advertised photos and info about this wonderful hair color with “gentle” ingredients. I bought into the hype and ordered a kit. So incredibly disappointed and I wish I had researched further before ordering. I followed the directions and after rinsing began to see large amounts of hair falling towards the drain. I was horrified because I have soft, fine hair and can’t afford to lose any. As the weeks have passed I am still shedding hair on my pillow and clothes. This has NEVER happened in all my years of coloring using Ion at Sally’s Beauty Supply. On top of all the hair shedding, there was almost zero coverage of my grays at the roots. Thanks for making a complete mess of my hair. Change your formula and stop doing this to people!! *Id.*
- May 2021: Madison Reed has been disastrous for my hair. I started using the product during Covid. My hair has slowly turned dry, frizzy, is falling out and most awful of all has “broken” off at around 3 inches from root. I have colored my hair for 20 years mostly just covering emerging grey at roots. It has always been in great condition. I never put two and two together until I was alerted by my hairdresser that something very bad to is taken place and had I changed my hair color product? I decided to really look into reviews by customers of Madison Reed. Prior to this moment I relied on the Madison Reed website and all the good things they say are genuine reviews of their product. I have previously used Vivitone and my hair was always shiny and great! Sadly the store that supplied it closed during the pandemic and I felt safer receiving something by mail order to avoid shops and stores. This was a big mistake . Somehow I got sucked into the repeat subscription but fully intend to stop and return the latest box that arrived yesterday! *Id.*
- June 2021: I bought this color because it claimed to be more gentle. Very familiar with coloring from a box, but during lock down, and my hair dresser was closed, I bought this product. I have lost at least half my hair from it breaking off at the root portion that I colored. The rest is a frizzy mess. I decided to look it up before I used it again. They don't tell you they use chemicals that are worse than most other dyes. Truly should be a crime to misrepresent themselves like that. And it is a very difficult return process. *Id.*
- June 2021: This is the worst home hair coloring experience I’ve ever gotten. I tried it because I saw so many advertisements that it’s healthier for you. NO IT IS NOT! After leaving the color dye on for less than 15 mins my scalp started to itch so I decided to rinse it off sooner than the recommended 35 mins. Thank god it did! My hair fell out in clumps! When I tell you clumps, 1/4 of my hair fell out in the shower! This is the worst worst product ever! I never write reviews but I had to so I can warn other people not to use these products. I feel so terrible because my hair is so dry and brittle now. I cannot even brush it without 10-15 strands coming out each time. It’s been a few days

and my hair is still falling out. Please STAY AWAY! Don't fall for their advertisements like I did! Biggest mistake of my life! NEVER AGAIN! *Id.*

- June 2021: I've colored my own hair many times without issue. I had started being a little fancy and going to a salon before the pandemic. My roots were getting crazy, so I tried this brand. I followed the instructions, but holy moly, I've never experienced damage like this before, not even when I bleached my own hair. I had to pre-condition my hair before shampooing for weeks. The color was off too. I reached out to their CS and instead of offering me a refund, they suggested I order more color to dye it again. There was no way.... It's almost impossible to leave a negative review on their site. And while I've unsubscribed from their emails multiple times, I still get marketing emails from them. *Id.*
- June 2021: MASSIVE hair fall out after usage. If Madison Reed boasts that they are 'better for your hair' color, then as customers we have the right to ask what Madison Reed is doing to continuously improve and investigate the formula to ensure it is the safest and best possible permanent hair care solution for people. If the company has removed ammonia in exchange for other potentially more harmful ingredients, that is simply a marketing ploy. Please be cautious especially when using the darker colors, hair color is toxic, I'm not sure this is a safer replacement. I have large bald patches on my head and all over thinning since using regularly. I have lost more than 50% of my hair. I started using Madison Reed every 4 weeks about one year ago. *Id.*
- June 2021: ethanolamine makes your hair fall out! I had beautiful hair, used Madison Reed and 50% of my hair has fallen out. Ethanolamine kills your hair from the root. This is a horrible product. Even though they refunded my monday, it will take me YEARS to get my hair back. They should be out of business! *Id.*
- June 2021: Madison Reed's hair dye has ruined my hair. I used this product when my hair was shorter and the color was good, but during COVID I let my hair grow out. From the roots to the end, my hair like never before is super dry, frizzy, lacking in body, the color looks awful and fads quickly on longer hair. Trying to get help from the 'colorist' is a joke. The person I talked with on the phone didn't understand the difference between roots, and the rest of the hair. Seriously. And when I explained that the product wasn't working, her solution, buy more products. Nope. No. Nada. *Id.*
- June 2021: Worst hair color I've ever tried. Completely ruined my hair ! I thought it would be better than other hair colors since it's supposedly more natural but the opposite is true. It made my hair thin, dry and brittle and it falls out when I comb it as a result. If I could give it 0 stars I would. Stay away. *Id.*
- June 2021: I had to spend 20 minutes trying to get a refund with their 100% guarantee. Then was told because I used the gift card but received a credit that the card couldn't be refunded back to the person who bought it. So now I am stuck with \$100 card from a company that makes products that damaged my hair. *Id.*

- July 2021: I too started using this hair color during covid as it was highly advertised on social media as paraben free, ammonia free. So thinking I was treating my hair better was absolutely untrue. I finally learned over a year later that ETHANOLAMINE, which is the ingredient used in their color IS WORSE THAN AMMONIA OR BLEACH. it is more toxic and damaging to your hair. So, my beautiful curly wavy hair which I've been coloring for over thirty years is now brittle, breaking and coming off in chunks. I didn't add that my color is now brassy and horrible, reddish, when I was always a dirty blonde. I thought it was stress, hormones, but no, it was this horrible fraudulent product. I'm just sorry I took so long to figure it out. If others want to take action in closing this company permanently, I would suggest coming together. Post it on social media, let people know to stay away. *Id.*
- July 2021: I wish I would have read these reviews before using Madison Reed. I have dyed my hair every 4 weeks for the last six months with their dye and my hair is literally a quarter the thickness it was before using it. It didn't occur to me that it could be the hair dye until recently, because I have dyed my hair for years and have never experienced hair loss like this. They need to be shut down. Do NOT use. *Id.*
- July 2021: I've been using this product for a few months..but recently I've noticed a change in my hair. It's THINNING!! This last dye, I lost so much hair in the shower!! (Clumps) I wasn't sure what was the cause but now reading the reviews, it's definitely this product. I'd say run and don't use this! *Id.*
- July 2021: This is so upsetting!!! I usually went into a salon for coloring my grays but during Covid I relied upon at home color. I tried Madison Reed because it's supposed to be safe. I noticed my hair has become ridiculously frizzy and dry (somethings I've never had to deal with before). I put it all together after doing some research and realized it's the color formula! This is the worst my hair has ever been and I don't know how to get my hair's life and health back !!! *Id.*
- July 2021: Please note that I never leave reviews but after my experience with Madison Reed I had to. To start, when I showed my colorist the color that I wanted she explained to me that they didn't have the color but she showed me a shade of reddish/pink that I agreed to. The lady that washed my hair put the dye on my hair in the sink the same way that one would apply shampoo (she rubbed it all over my hair). First of all she got it all over my forehead and if that wasn't bad enough the product burned so badly and when I alerted my hairwasher she simply clarified out loud that it burned and then all she cared about after that was that the other customers heard her say that my hair was burning. Her solution was to simply wipe the color off of my forehead but it did nothing to help me with the burning sensation at my roots. She then washed out the color and she soaked the back of my shirt in the process. I have had my hair bleached and dyed before and I have never felt a burning sensation. Beyond this she finally let me go where I blowdried my hair at the station. While I blow dried my hair my colorist came by to comment that my hair color was darker than the color that we had agreed on, she then said I will see you later and she left. I paid and I left as a very unsatisfied customer and my hair is still burning, not as badly but it is still burning. For reference, I purchased

a Balayage Highlights package, however I did not walk out of the salon with a balayage. Instead I left with a head full of copper red hair that looks nothing like the color in the picture that my colorist and I agreed on. *Id.*

- July 2021: I'm living a nightmare! My sister and I both started using Madison Reed about a year and a half ago, I can honestly say both of us have the worst hair we've ever had!! I have lost between a third and a half of my hair and my sis has bald spots and always wears a ball cap when she goes out of the house. I never put it together that it could be the hair dye because it claims to be one of the most non toxic dyes on the planet. I spent a little over 500.00 to do a complete thyroid blood work/dr. visit to see if that was the cause of my hair loss. The lab results showed normal thyroid function. Thank God I stumbled on this blog!!! It has to be the ethanolumine, a powerful chemical that opens up the hair cuticle to absorb the dye. I had no idea that this could be causing these problems until I read all these other testimonies of hair loss, dry and brittle hair!! I have to put coconut oil in my hair every day or it's just a fuzzy mess!! I'm done with permanent hair dyes, none of them are safe!! I'm actually going to give henna a try, I know it's messy and not easy to rinse out but it has to be better than going bald!! *Id.*
- July 2021: This place is the worse. I used this product based on them claiming their products are non-toxic as Im going through fertility and keeping away from all toxic products. I colored my hair twice and my hair is falling out in chunks. I'm DISGUSTED by their repetitive response. They need to be closed forever!!! On top of it the hair colorist didn't even know what she was doing and when I had my hair blowout, I can do a better job instead of paying \$30. The worse blowout I've had. *Id.*
- July 2021: This company does a great job of advertising but its product is horrible. I have colored my hair for 25+ years and have never had this experience before. I have used Madison Reed 3 times and the root touch up a couple of times. I loved the color but my hair is looking terrible. Dry, brittle, fuzzy, life-less, and thinning. I have rarely written a review but this info really needs to get to the public. Don't use this product!! I usually use henna or color from the co-op, but on occasion have used drug store brands and also did in my younger days. They never effected my hair this way. Don't be swayed by the advertising...listen to all these reviews. *Id.*
- August 2021: I saw ads for this hair dye for years and after noticing more grays I decided to try it at home and subsequently in a Madison Reed salon. I liked the initial color at home, but I noticed that my hair was very dry and despite a recent cut, I needed to trim off inches and inches of dried ends which is not a good look with curls. I tried the color a second time in the salon. The woman who did my hair did not protect my skin and I ended up with a ring of red around my head days before an important event. She also used the wrong color and after two weeks the color turned burnt orange, which does not mix well with the grays that are growing in. To make matters worst, I had so much hair breakage that I went from a thick head of curly hair to male pattern baldness in both the front and top of my scalp. Currently I have to wear my hair in a comb over to cover the bald spots. I have had three children and none of the hair loss, which

commonly commonly occurs post-partum. I know that I am not prone to hair breakage and thinning. I am so disappointed, it will take me years to grow back the hair that I have lost. I would absolutely skip this product. *Id.*

- August 2021: I have been using madison reed color for the past 2 years and now know why my hair is falling out!!! I am so mad!! I though it was from a change in hormones but no! Please someone tell me there is a class action suit for this. Damn this company for their unhealthy product. My scalp itches and hurts. All I want to do is start over like I never saw it before. *Id.*
- August 2021: Wish I had never used Madison Reed. It's THE WORST thing for hair. I had gorgeous healthy hair prior to using. Madison Reed made my hair dry, brittle and frizzy (something I've never experienced). It also cause my hair to come out in clumps! I went to get my thyroid checked and all was well. Realized my hair was coming out after each use. BEWARE! *Id.*
- August 2021: I had high hope from Madison Reed. It turned out the worst hair dye in my life. I had very beautiful long hair, sleek and shine. I colored my hair before and I had never experienced like this one. I am in agony looking at my frizzy, dried, brittle hair. I even cried twice. Now, I need to cut my long hair and regrow them. It took several years to get this long and I had designer cut with beautiful layers. Now my hair look so ugly and I hate to go out. Drug store color boxes did not even give me this result. I can't articulate how bad it is. You ruined my life.. *Id.*
- August 2021: I've colored my hair for the last 12 years and never experienced any hair loss. The first time I used this the color turned out well and I didn't notice any hair loss. The second time the color didn't cover as well and I noticed some hair loss. The last time I used it I swear a third of my hair fell out. It didn't break off it fell out from the roots. It's unbelievable that this product caused this much hair loss. Don't use if you have normal or thinning hair. It will take years to regrow what I've lost and of course I just sent for two additional bottles. That will be the last two I ever buy. *Id.*
- August 2021: I want to sue Madison Reed , There hair color has caused me significant hair loss , my hair is so dry and brittle breaking off and falling out by the roots from using your hair color that you Say was healthier for my hair. it's a lie. You reply back to people saying its something there doing and I say bull crap. I have been coloring my hair for 20 years and have used hair color from boxes at walmart and hair color from Sallys Beauty and have never experienced hair loss . I think Madidson Reed deserve to be sued look at all the all the women's hair you have damaged on here. They have contacted this company including myself and they ignore out pleas, and try to tell us its you not us , well I am telling you they need to be sued , its the only way to get this off the market and also that chemical they use in this hair color is known to cause hair loss. I have gone to drs and had a barrage of blood test done on thyroid, and all other levels of in blood that could cause this severe hair loss and everything has come back normal. "ethanolamine or MEA: This ingredient is popularly used in non ammonia hair colorants. According to several scientific studies this chemical has an 85% chance

of causing dermatitis and hair loss compared to ammonia based colorants, which are not harmful because of the small amounts of ammonia present in the formulations. This chemical also has an odorless fume, which means the fume could cause respiratory distress even if you don't smell it." *Id.*

- August 2021: Wow! I wondered my hair has been so unmanageable and tangled! I'm glad I came here and looked for reviews. Now I realize that it is dry, damaged and brittle from using Madison Reed twice. I was better off with box dyes from Walmart but I thought I was paying extra for a better quality dye. I went to get my hair cut today and it was so embarrassing how tangled it was. I NEVER had this problem before. I will never use Madison Reed again. *Id.*
- August 2021: I have been coloring my hair for 15 yrs max.. Thought I'd try a more expensive brand and after using 3 times my hair is in horrible condition and irreparable. It's dry, damaged and as these other women say— I can't even get a comb through the brittleness. I have to use my fingers only. It's not even stylable. I'm putting coconut oil on it to keep it from breaking off, but it doesn't help. Your company has ruined my beautiful hair. This product needs to be stopped now and it's consumers be compensated for what will be years to regrow. You have no idea how much a woman's hair means to her. DO NOT USE THIS PRODUCT. They need to be shut down until their product can be proven safe for hair bc it is not. REPEAT— DO NOT USE THIS PRODUCT *Id.*
- September 2021: Hair loss. Massive breaking. All during the month after using it .so much hair loss everyday.. breaking from the top.. not the ends long pieces coming out.. Sad only reason I used it was no animal testing. Will find another product. Update..... I called the customer service number below as they asked in the reply. What a joke!!!! The so called colorist knows nothing about nothing. And just tell u " I don't know why it's falling out". They play dumb when you ask what is in the product. They make sure they tell u no refunds. Don't waste your time. I been coloring my hair for 35 yrs and NEVER had this issue. She was trying to use reverse psychology on me by saying that anyone who colors hair should expect hair breakage. US old hair coloring pros know when we are getting bull shi\*\*ed. I just hung up. They really have no idea that the reply are being sent out. I had to read it word from word to her. I don't think these are real hair colorists that take the calls. She had no idea what is in hair coloring. <https://www.trustpilot.com/review/madison-reed.com?page=2> (last visited on Feb. 7, 2022).
- September 2021: I started using Madison Reed when Covid. My hair started falling out by handfuls daily. Then my hair started breaking. It is so thin that I now look haggard. I hate it!!! I also thought it was thyroid or hormones or something. It my husband said that it only started after using this dye. I looked at my calendar and guess what? He's right!!!!!! I will be canceling my subscription for dye!!!!!! I am not sure what I am going to do now! I almost have no hair left where my thick bangs were! And my hair is soooooo thin when it used to be so thick!!!! 🙄🙄🙄 *Id.*



- September 2021: If you're reading this, chances are it's too late. I like the color, which was determined by their questionnaire color guide. But I was alarmed by the amount of hair I lost in the shower rinsing the dye out and now the next day I am surprised at how frizzy and dry my hair feels. Hopefully it doesn't get any worse and I really feel for the ladies who have written worse reviews. I wish I'd done my research beforehand! I had left my hair uncolored for six years and now at 42 this was my first attempt at gray coverage, but I'd rather have healthy graying hair for free. I am going to need to think about repairing the damage and what to do for root coverage. I was hoping the at home subscription was a low maintenance option but I won't use again. *Id.*
- September 2021: My poor hair! :( So much hair loss, brittle, faded after 2 weeks. I thought I was going crazy and I wasn't using their product right. But after looking for reviews I'm so disappointed and sad for all of us that have ruined hair. I will be canceling my subscription today. *Id.*
- September 2021: The replies from Madison Reed indicate that the hair is breaking and not falling out with the root. Not true. I can see the roots on the hairs that have fallen out in CLUMPS. Looks like everyone is having the same results. Sounds like a class action lawsuit is needed, or M-R should halt selling the product until they can fix the issue. *Id.*
- September 2021: I HAVE NEVER LEFT A NEGATIVE REVIEW FOR ANY PRODUCT OR SERVICE, BUT THIS HAS BEEN DISTURBING ENOUGH TO JUSTIFY IT! I have used Madison Reed for 5 years and although I've been happy with the color and the lack of odor . . . after reading these other reviews . . . I'm realizing the hair loss I've experienced for the last 5 years may also be related to the product . . . having said that and having not made the hair loss connection . . . the last box of Modena 5.555 N that I purchased had a STRONG CHEMICAL SMELL that caused a chemical sensitivity reaction . . . after contacting customer service over half a dozen times and requesting to speak with a manager several times . . . the issue has simply been dismissed and blamed on "me" . . . that I've somehow just developed a sensitivity to the product instead of them looking into WHY after 20 boxes and 5 years of using their product that never had a strong chemical smell and caused no reaction ever . . . and this last box did have a STRONG chemical smell and caused a reaction . . . that they'd have more concern of what went wrong on their end . . . the color specialists I've spoken to have been professionally polite but can only give their "generic response" which is insulting and instead of getting a courtesy call from a supervisor . . . I receive "generic response" emails brushing it off implying "it's me . . . not them" . . . VERY DISAPPOINTING how they treat loyal, long-term customers and now realizing my hair loss may actually be connected to their hair color as well . . . this may end up being a blessing in disguise! I WOULD LOVE TO KNOW WHICH OTHER HAIR COLOR BRAND EVERYONE HAS SWITCHED TO? *Id.*
- September 2021: I am so upset! My friend referred me to Madison Reed. Unfortunately I took her advise and used this very bad-for-your-hair product and now I'm suffering the consequences of using it. My hair has fallen out at least 60%. Not only has it fallen

out but my hair is overall chemically damaged. It is so horrible! When I put my hair in a NOW THIN pony tail you can see my scalp. Yes that's how bad. This should be taken off the market. I hope a class action lawsuit is brought against this company. Especially after reading all of these reviews. Clearly it's happening to other people too. *Id.*

- September 2021: i am so happy that my friends have also researched and connected that their hair loss is due to MR. they also cancelled their memberships!! shame on you MR, shame on you[.] we have also concluded that the "wash" received is so light as to not pull the hair out ....which also means they don't pull the excess color out! *Id.*
- September 2021: I have colored my hair for quite a few years, first with L'Oreal or Garner and then started having it done at an Aveda salon. Never had one bit of trouble with hair dye. During the pandemic in 2020 I decided to try Madison Reed to save the cost of the salon. Huge mistake. I started using it in October of 2020 and a couple of months later I started noticing that my hair was getting really thin. By late spring of 2021 I couldn't even pull it back into a ponytail because I would have bare scalp showing. I never put two and two together since I had never had a bad experience with hair color. Suddenly last month a lightbulb went off over my head and I started to research MR and their ingredient ethanalamine which they use in place of ammonia. It's known to cause hair loss. I went through chemo in 2007 and lost all my hair so to say that this has been devastating is an understatement. I've lost 50% of my hair and I only hope and pray it grows back. I had a friend ask her hair stylist about Madison Reed and she said it's 50/50. People either love it or their hair falls out. There should be a class action lawsuit filed against them. *Id.*
- September 2021: Hello everyone! I reviewed this company a few months ago for the same reasons I'm seeing with all of you... Hair loss and the dry frizzy mess of what's left on your head. I wanted you all to know that there is hope on the other side. I stopped using the dye in June and my hair is growing back! I have a ton of new growth...little baby hair sprouting out all over my head. There is hope.. ditch Madison Reed and replace with professional demi or permanent color. I promise your hair will grow back. Lets sue these jerks!.. Class action lawsuit anyone??? *Id.*
- October 2021: I have been a loyal customer of Madison Reed since March 2019. I love the products & the way it makes my hair feel healthier than other boxed colors or even professional coloring. I have never had any problems. I HAVE been experiencing hair loss noticeably. I just chalked it up to getting older. I didn't realize the extent of my hair loss until I saw a picture of myself outside in the sunlight which showed my entire scalp on top. I ended up having to photoshop the picture to make it look like I had hair. My hairdresser used to tell me how thick my hair was. I stopped seeing her when I went to Madison Reed because I no longer needed the coloring treatment. I have been taking hair vitamins, tried Rogaine and other hair loss methods. Nothing has been working. Last night it dawned on me. Could my "safe" hair color be causing my hair loss? I was so shocked to find out that the product Ethanalamine that is used in place of Amonia is more harmful and has a higher rate of causing hair loss. I am so saddened and

disappointed in this. I do not know what to do about my hair loss and I do not know what products are truly safe for hair color. *Id.*

Reply from Madison Reed

Oct 5, 2021

We're so sorry to hear about your experience and would love to help. Please reach out to us at 866-817-0814 so that we may suggest next steps. We look forward to hearing from you. Here at Madison Reed, it is always our goal to give you the best, most accurate information on hair color + care, which is why we are working with a research and clinical board-certified dermatologist, Dr. Zoe Diana Draelos, MD. We'd like to provide the following information from this esteemed professional:

<https://www.madison-reed.com/blog/all-about-ammonia-free-hair-color>

<https://www.madison-reed.com/blog/reasons-and-solutions-for-hair-loss><sup>20</sup>

- October 2021: I have been going to Madisson Reid for a few months 2 times a month . My hair was in good condition when I started . Last time I went my head was burning and I told them .She offered me something to scratch my head. Ive had hair loss about 25 percent ,my hair is getting so thin as it continued to fall out. Last month some broke off from the top. They take no responsibility. Im ending my membership.ive had my hair colored for years never an experience like this. Until Madison Reid. Im praying my hair grows back . .I loved the red color selection. Im so disappointed.im thank ful for this site . At least I know it is not just me . It fell out after going from may to September. The replacement for ammonia evidently causes hair loss. I wonder how long it will be till others figure it out. Im a healthy woman , these people should be shut down ! This is so embarrassing. I will be wearing hats this winter or a wig to give my hair a rest. *Id.*
- October 2021: I can't believe I fell for it. You would think after the 2020 and 2021 experience we've all been living in that I would stop believing marketing just because somebody tells me it's so. 🙄 I've been coloring my hair for 30 years and because of Covid I decided to use a healthy hair coloring kit. Enter madison reed My first use was late summer 2020. In November 2020 is when I realized my hair was falling out... A lot. It freaked me out so I decided not to go to the salon to have them pull on my hair and continue to use the product. I'm horrified at how thin my hair is. I used to have beautiful long hair and now it's super thin and I have to always gently pull it back so that I don't feel the hair falling on my arms. That causes me to panic more. All this time I thought it was my nutrition and I kept trying to eat healthier and healthier. I thought maybe it was my hormones or my thyroid. Tonight I was praying and asking God to help me know what I have to do to stop my hair from falling out and it crossed my mind to check out MR. I found this site. Thank you so much for being willing to share your journey. There was one post that said she started in January but by

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<sup>20</sup> *Id.* Defendant, again, attempts to rely on its purportedly independent dermatologist to conceal the truth from injured consumers that its non-“harsh” ingredients can, and as is evident by this review do, cause hair loss.

September the hair was growing back. Gosh I hope I don't have to wait that long to start to see a change. Thank you so much for sharing your testimonies and yes I'm up for a class action lawsuit. If I knew how to do it I would bring it. *Id.*

- October 2021: Well apparently I'm part of the MR Me Too movement. Handfuls of hair coming out when I shampoo and when I brush in the morning. I thought I'd found a great way to save money and prolong the going grey option. Right now I'd welcome any gray as long as it stayed on my head. I'm truly hoping others make the connection before it's too late. *Id.*
- October 2021: You will lose money and hair trying to save money here[.] My experience with MR is that it reconfirms you should spend money to get a reliable, if pricey, salon that knows what it is doing, to treat your hair, and not economize. MR products have made my hair feel like straw, and given my hair a texture that it never in my life had. I went here to save money, and instead, fear I will need to cut my very long and FORMERLY healthy hair to give it a chance to be healthy again. I had to have it corrected twice, because the color was so weird and ashy, but getting it to go to the color it was supposed to be made my hair like sticky straw. It has utterly changed the texture of my hair. They emphasize that they don't use ammonia, and make that one of their primary selling points, but what they do use is far worse. Ethanolamine is what they use instead. Trustpilot doesn't allow links, but if you go to the NIH Medical Library site called PubMed, and enter hydrogen peroxide and monoethanolamine, and hair dye, and monoethanolamine and ammonia, into the search bar, you will find studies which tell you that data indicate finding ways to lower the toxicity of the ammonia would be better for our health than using monoethanolamine. I wish I had paid more attention to this, as the other data you will find if you go to that site is that MR's chem is a known cause of hair loss and dermatitis (itchy scalp, or worse, highly allergic and irritated scalp or area that it touches). Several other studies exist which indicate that over time, exposure to ethanolamine can cause nerve damage, which makes me wonder how long before stylists employed by MR will start to find themselves experiencing weird neurological symptoms. **DO NOT USE THESE PRODUCTS**, is my suggestion, and be sure to research whatever you do choose to use. *Id.*
- October 2021: I must say their false advertising is expertly done, as I ended up getting my hair colored at the color bar. The hair dresser didn't seem very experienced and recommended a shade I believe it was called Tuscany brown. He assured me it would look great. I thought it was too dark and wanted something a lot lighter. Went with the recommendation. Had a permanent full hair color done. Sat in a chair for a long time with no one checking in while the staff was somewhere in the back. A fellow customer asked me questions about their products as there was no staff around! Finally someone came to wash off the hair. I was then motioned towards a blow drying station where I could blow dry my hair. Looked at the color in the mirror and didn't like it at all. Way too dark, actually a very ugly shade of brown. No shine, very dull. Hair texture felt very rough. Since then, I have had lumps of hair fall out whenever I run my fingers through my hair or comb/brush it. Hair is lifeless and limp. It did cover the greys. Now

I'm letting the hair grow, which it thankfully is doing. Will get hair cuts at a professional salon and leaving the grey on top alone while the color hopefully fades. This will take over a year to recover from. Then only a professional hair stylist at a professional salon will ever color my hair. Even the hair colors sold at grocery stores are better than Madison Reed! *Id.*

- November 2021: I couldn't figure out why I was losing hair! After thinking back on what I might have done differently, it occurred to me that I had tried Madison Reed hair color back in August and was unimpressed by the color. I hadn't made the hair loss connection until recently, but I dyed my hair in August and by the end of the month I was losing more hair than I'd ever lost in my life. It's now October and my hair has never looked this thin. Do NOT use this product, you will regret it! *Id.*
- November 2021: Like the others, my hair is destroyed. The texture has changed ... think "straw consistency" And yes, it is falling out. I quit using Madison Reed a while back. What's left of my long hair will take years to grow out, if ever. Hair breakage and hair loss. Think twice before using this product. *Id.*
- November 2021: Horrified. Devastated. Can't stop crying. I went to Madison Reed yesterday for a color touch up and blow dry after agonizing for weeks about trying a new place. I simply wanted to touch up my color and tone down some brassiness from a previous color at my regular salon. I love my regular stylist but she's an hour away, and with the price of gas I thought I'd try to stretch out my appointments with her by supplementing with a quick touch up at a newly opened Madison Reed near my home. I am still crying as I'm writing this. I have 1/2 the hair I used to have after yesterday. After a horrible personal situation 2 years ago, my hair was falling out in clumps from the stress. It took a year for my hair to begin to grow back in and it was looking great. My soul was healing, I felt healthy again and my hair was once again thick and healthy, and even my friends were commenting how great it looked. That was yesterday. Today I look like I have an illness. I keep looking at it and crying combing my fingers through it asking myself what happened. I am stunned at how bad it looks and feels. I don't even have the energy for a lawyer. I just feel devastated and stupid for falling for what feels like a scam. I don't have allergies, and have been coloring my hair for 30 years with no issues. I can't stop crying. I also am not one to write reviews, good or bad. I made this account at 5:00 am this morning after being up all night, specifically to write this in an effort to help others. Should be criminal to do this to people. And, by the way, to the Madison Reed people who will eventually read this, spare me the further insult of "a number to call" and a link for an article written by a dermatologist. *Id.*
- November 2021: I used MR 9N today for the first time. I am 59 years old and have been coloring my hair with Preference by L'Oréal in between salon visits of highlight and lowlights. My hair is long and very thick. I have never experienced hair loss until I used MR. very disappointed in this product. I have never seen so much hair come out from coloring. I followed directions to a T. I never use warm or hot water because it can cause damage. I use cool to wash and cold to rinse. It will do none of us any justice to speak to MR because you can not put the hair back. My hair was shiny and full of



life. Now... feels like wet straw... even when dry. I also use pureology shampoo which is the best of the best. I will send pics and data to BBB. This company should be stopped until they figure out why their \$26.00 box of color is horrible when compared to others that do not damage hair and cost only \$10.00. I will spread the word. Vent over. *Id.*

- November 2021: It just keeps getting worse. I lost so much hair with using MR, had scalp burns, as previously noted in my 1st review. Well here I am 2 months later and the hair that didn't fall out is like straw. It is so dry and brittle. I have spent a ton on Masques for my hair. My goal is to get back to lap swimming and I am afraid to even venture back into the pool because of the further damage that may happen. I can not believe how awful this product is, and every time I hear an ad on Siriusxm I want to pay for an ad to tell people to stay far away from this product. Don't do it!!!! *Id.*
- November 2021: I wish I could give -10 stars. I have a very long black hair. Decided to give some bust to it. Worst decision in my life. Now i need to cut off 5 inches. This staff does not cover gray hairs at all and sucked the life out of my beautiful shiny hair... Now it's super dry, can't even style it; lost half of my hair during one use. Still crying. Please; if You love your hair; DO NOT BUY THIS PRODUCT IT WILL DAMAGE YOUR HAIR 100%!!!! And please, do NOT even dare to replay with the same old message:" you can reach us out this and this number" I do NOT care. This company ruined my hair. So what can You all do if i give u a call? Refund? At least mofos!!!! I let my hair growing for over 10 years. Do i think a customer service attendant can help me with that in 2 min????!! I am surprised this company haven't been shut down already. I am contacting my lawyer and once again DO NOT DARE TO LEAVE THE MESSAGE I CAN CALL THE CUSTOMER SERVICE!!!!!!!!!!!!!!!!!!!! Cheaters 🍌 *Id.*
- November 2021: I have been using MR (and signed up for membership to get discounts), before the pandemic and noticed my hair is a lot thinner and also, my hair started falling out! I couldn't figure out what's causing my hair loss until I searched the website for MR reviews, I thought this product is safe as it's free of ammonia, but not so as it contain a chemical more damaging than ammonia. I still have a box left of 6NGV, Root Touch Up, Prosecco Reviving Gloss, Dorato Color Therapy and shampoo. Don't use this product. I will try to contact MR and get refunds or something. Will provide an update later. *Id.*
- December 2021: Don't spend your money on this! This product is the worst I have ever used. I had massive amounts of hair loss and my hair was as dry as a straw bail. I have had much better results after using the grocery store brands. *Id.*
- December 2021: Do not bother posting your blog response about hair breakage vs hair loss for me, MR. you have no idea what you have done to my confidence and self esteem in the last three weeks since I made the biggest mistake of my life using your product on my very healthy, well maintained, color treated for over 25 years professionally head of hair. Stupidest "whim" of my life to trust your brand. I am now

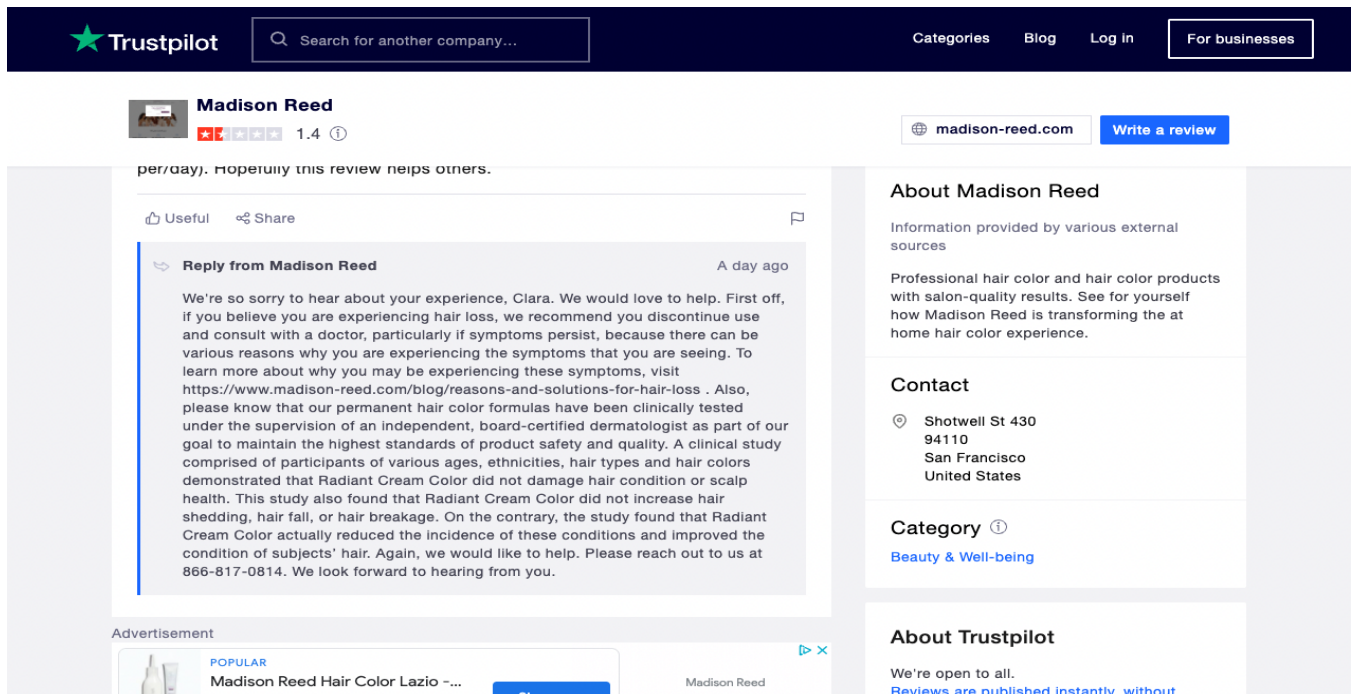


down 75% of my already thin and fine hair. I cannot believe you are still selling this product and sleeping at night. *Id.*

- December 2021: I also have experienced hair loss after using Madison Reed. I spoke with doctors and looked at every other possible cause but found no answer. Then I realized that the hair loss began shortly after I started to use this product. If anyone has suggestions on how to regrow hair after using this product, please advise! I'm now currently using Rogaine and am hoping for the best. *Id.*
- December 2021: I'm sorry that I have to give it a whole star. Before the pandemic, I was getting salon color and my hair was very thick and healthy. After using MR for a year, I have less than half the hair I had a year ago. And the hair I have left is in terrible shape. I finally was able to get to my salon and my stylist was horrified by my hair loss and hair texture. I'm really surprised that this company is still in business. *Id.*
- December 2021: I feel like I finally know what happened to my beautiful hair after reading these reviews. I had gorgeous curly hair down to my shoulder blades, that I've been having professionally colored in a salon for the past five years until I started using Madison reed. Ever since then my hair started shedding non stop, so incredibly hard to detangle in the shower, it's so brittle and dry and I would have easily lost 30 to 40%. I've been chalking it up to the stress of the pandemic and all the things, but now I'm certain it's Madison reed. I don't want an article to read and I don't want a number to call I just wanted to share with the rest of you that I know exactly how you're feeling and that hopefully we're all on a journey towards healing our hair without Madison Reed. *Id.*
- January 2022: Wow! I started using MR about 2 months ago when I was interested in getting "safe" salon color at home. I am sad that I too was fooled. Since using the product, I have lost so much hair! And it continues to significantly break! I have been worried about my health...only to find this site and realize that it is the MR hair color!! I am devastated! I had thick, long healthy hair 2 months ago :( This product should not be used by anyone! MR - you should be put out of business! Absolutely Terrible! *Id.*
- January 2022: This is one of the first negative reviews I've written in my life. I am writing in hopes of saving people from going through what I went through. Madison-reed presents itself as a company with smart safe products that will protect your hair. I took their color advice and dyed my hair. Almost immediately afterward my hair started falling out. It has been over a month and it is still breaking and falling out every single day in large amounts. I have dyed my hair for years with a different dye and this has never happened. Please do not use this product if you care about your hair at all. It is damage wrapped up in a pretty package. *Id.*
- January 2022: DO NOT USE MR! I wouldn't give a star, but in order to write a review, it is necessary. I lost HALF of my hair after using their products. I wish I would have found these reviews before hand. I am completely devastated. *Id.*

- January 2022: My hair was so thick that I was always charged extra when going to the salon for highlights. When the pandemic started, there was a time when my salon closed and I started coloring my hair at home. I wanted salon quality so I signed up with Madison Reed. Almost immediately, my hair started to fall out in CLUMPS, especially when I used their shampoo. I should've stopped using it right away but since it had never happened, I thought maybe it was a 1-time fluke or even my hair just having to get used to a new product. I used it a few more times but didn't use their shampoo. My hair still fell out by the handful. I cancelled my subscription and started using over-the-counter coloring and the problem stopped. Since I stopped using, my hair stopped falling out in gobs (now, it's the normal few strands per/day). Hopefully this review helps others. *Id.*

Defendant is aware of the above-described issues with the Products since it has responded to many of the complaints left on the Trust Pilot website. In fact, here is the response to the last complaint shown above where Defendant once again, continues to try to convince consumers that the Products are safe:



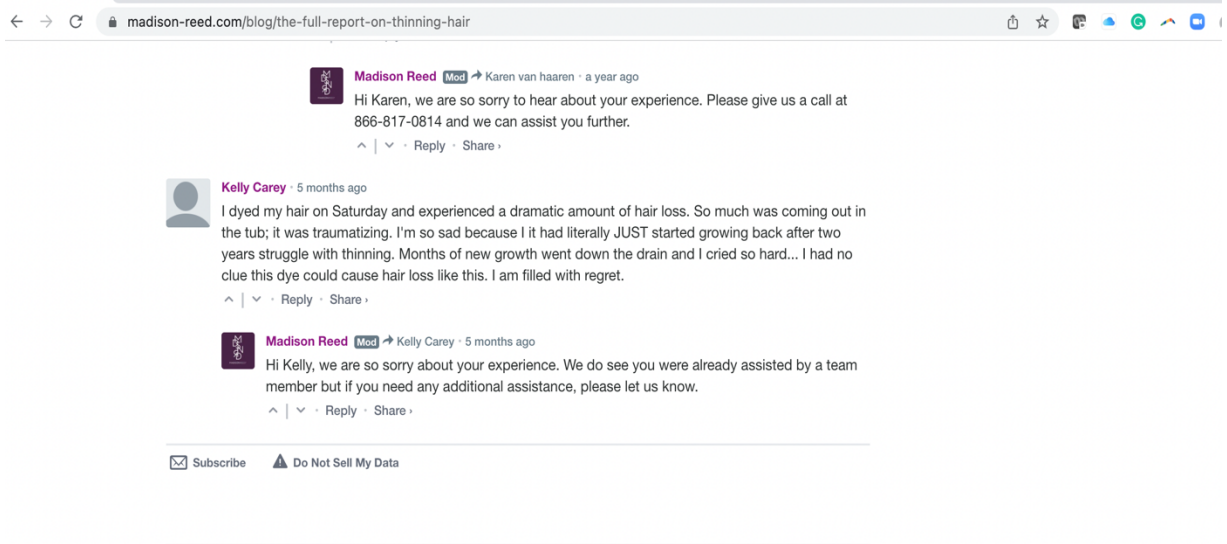
Screenshot of Defendant’s Response to a Customer Complaint Taken on February 2, 2022

93. Aggrieved consumers who have suffered hair loss and damage to their scalps have also posted complaints on Defendant’s website, which Defendant has responded to proving yet again that it is very aware of the health hazards caused by its purportedly gentler, safer and healthier products. Unfortunately, because, as noted by several of the complaints above, Madison Reed makes it difficult for

customers to leave reviews on its website, the screenshot of Defendant’s website below likely shows only a sliver of the negative reviews that should be available to consumers for their consideration if Madison Reed were to allow injured users to post their complaints:

The screenshot shows a web browser window with the address bar displaying "madison-reed.com/blog/the-full-report-on-thinning-hair". The page content includes several user comments and replies from Madison Reed:

- Xanthe Dehner Neal** (2 years ago): "So does this mean that Madison Reed hair color does NOT cause or accelerate hair loss? I love the color coverage but, I am now nervous of some online posts I've read about certain ingredients in this hair color that have been linked to hair loss."
  - Madison Reed** (Mod) (2 years ago): "Hi Xanthe, everyone is different, and all permanent hair color contains ingredients which may cause a sensitivity. Information on our safety precautions and ingredients can be found on this page of our website: <https://www.madison-reed.co...> Please reach out to us if you have any specific ingredient questions or concerns, 866-817-0814 I
- Rena Pryor** (8 months ago): "It made 70% of my har fall out."
  - Madison Reed** (Mod) (8 months ago): "Hi Renae, we are so sorry to hear about your experience. We could not locate an account under your name. Please give us a call at 866-817-0814 and we can assist you further."
- Gilda Libero** (a year ago): "Funny how you fail to mention that ethanolamine the product you use in your ammonia free hair color can cause hair loss.....I found out the hard way...shame on you for not warning people that this could be a problem so if they start experiencing decreased volume in their hair they can STOP USING YOUR PRODUCT **BEFORE** they really damage their hair!"
  - Madison Reed** (Mod) (a year ago): "Hi Gilda, we are sorry about your experience. We do see you were already assisted by a team member but if you need any additional assistance, please let us know."
- Maye** (a year ago): "Hello Gilda, I am reaching out to you because I too have loss almost half the thickness of my hair since I started using Madison Reed about 2 years ago. I thought I'd do some research on any links with hair loss in connection with Madison Reed, especially since this I had so much hair loss and my next touch up on my roots is around the corner. I was so shocked to read your comment, only to find out about ethanolamine and it's links to hair loss! I have a huge question... has your hair grown back since you stopped using this product 5 months ago?? Do you notice any difference or does it look like your hair is permanently damaged?? Please let me know. I hope you get this message."
  - Madison Reed** (Mod) (a year ago): "Hi Maye, we are sorry to hear about your experience. Please give us a call at 866-817-0814 so we can assist you further. Everyone is different, and all permanent hair color contains ingredients which may cause a sensitivity. Information on our safety precautions and ingredients can be found on this page of our website: <https://www.madison-reed.co...> . We also have this helpful blog which may provide you with additional information: <https://www.madison-reed.co...> If you have any other questions or concerns, please consult your personal physician or allergist. You can also provide them with a full list of ingredients by specific shade, which are located on every [Madison-Reed.com](https://www.madison-reed.com) product page (please note: ingredients vary by shade and product)."
- Karen van haaren** (a year ago): "I have also lost half my hair using Madison Reed. I use to have long extremely thick hair, not anymore. Don't use this their products."



### Related Articles



### Screenshot of Defendant’s Website Taken On February 2, 2022

94. Below is the latest complaint, only two days old, left by another injured Madison Reed Product user on a third-party site:

- February 5, 2022: This product is AWFUL! I used it once on my beard today and my face has been burning and swollen ever since. There are red spots where my beard has fallen out. This time an allergic reaction, it’s a chemical burn!! Natural my ass! I want my money back. <https://www.trustpilot.com/review/madison-reed.com> (last visited Feb. 7, 2022).

95. The high number of frequent and detailed complaints dating back to 2016 indicate that the problems caused by the Products were known to Defendant, yet Defendant did nothing to address these problems and has continued to conceal from consumers the risk of adverse effects from using the Products

as directed by Defendant, including by failing to provide any warnings on its labeling, advertising or website.

96. Moreover, the customer reviews make crystal-clear that Defendant is well-aware that it has a huge problem on its hands due to the countless injuries that its purportedly gentler and safer products have caused, and continue to cause, people on a daily basis, which will only grow as Madison Reed continues to grow its business. Remarkably, Defendant remains steadfast in its defense of its dangerous Products and messaging by continuing to shift any blame to consumers or to other extraneous factors, by misstating universally accepted principles of medical science, i.e. denying that dermal absorption can occur through the scalp, and by vigorously defending litigation commenced against it because of its misrepresentations of the Products, in an effort to clear its hair dyes of any wrongdoing so that it can continue to turn a profit.

97. While Defendant cannot deny notice of the numerous complaints associated with use of its Products, it has yet to take responsibility for the hair loss, hair damage, excessive shedding, and scalp irritation caused by the Products. Instead of recalling the Products and taking other necessary steps to protect consumers, such as providing a warning of their health and safety risks, Defendant continues to misrepresent that the Products are safe when used as intended, thereby leaving unsuspecting consumers to suffer the consequences.

98. Plaintiff is in the same Class as all other consumers who purchased the Products during the relevant time period. Plaintiff and Class members purchased products that caused scalp irritation, hair loss, balding, or otherwise failed to perform as they were intended, i.e., promoting healthy hair. Plaintiff and the Class members were in fact misled by Defendant's omissions and misrepresentations in respect to the Product. Plaintiff and Class members would have purchased other hair color products if they had not been deceived by the misleading and deceptive marketing and/or labeling of the Products.



99. Plaintiff and Class members have been injured by the misrepresentations and omissions described herein. Defendant misleads consumers into thinking they are purchasing a premium product that is gentler, safer and healthier than other hair dyes on the market. However, users have revealed that, in fact, the Products cause hair loss, scalp irritation, thinning, breakage, and balding during normal use. Furthermore, consumers have also shown that refraining from using the Products reverses shedding and hair loss.

100. Remarkably, Defendant remains steadfast in its defense of its dangerous Products and messaging by continuing to shift any blame to consumers or to other extraneous factors, by misstating universally accepted principles of medical science, i.e., denying that dermal absorption can occur through the scalp and vigorously defending itself against litigation called for and filed by aggrieved consumers in an effort to clear its hair dyes of any defects so that it can continue to turn a profit.

101. While Defendant cannot deny notice of the numerous complaints associated with use of its Products, it has yet to take responsibility for the hair loss, hair damage, excessive shedding, and scalp irritation caused by the Products. Instead of recalling the Products and taking other necessary steps to protect consumers, such as providing a warning of their health and safety risks, Defendant continues to misrepresent that the Products are safe when used as intended, thereby leaving unsuspecting consumers to suffer the consequences.

102. Plaintiff is in the same Class as all other consumers who purchased the Products during the relevant time period. Plaintiff and Class members purchased products that caused scalp irritation, hair loss, balding, or otherwise failed to perform as they were intended, i.e., promoting healthy hair. Plaintiff and the Class members were in fact misled by Defendant's omissions and misrepresentations in respect to the Product. Plaintiff and Class members would have purchased other hair color products if they had not been deceived by the misleading and deceptive marketing and/or labeling of the Products.



103. Plaintiff and Class members have been injured by the misrepresentations and omissions described herein. Defendant misleads consumers into thinking they are purchasing a premium product that is gentler, safer and healthier than other hair dyes on the market. However, users have revealed that, in fact, the Products cause hair loss, scalp irritation, thinning, breakage, and balding during normal use. Furthermore, consumers have also shown that refraining from using the Products reverses shedding and hair loss.

VII. **Plaintiff's Reasonable Reliance On Defendants' False and Misleading Statements**

104. Prior to the COVID-19 pandemic lockdown in New York, which began around March 2020, Plaintiff would dye her hair at professional hair salons. At no time during any of those visits did she suffer the scalp irritation and hair loss she suffered after using the Products.

105. Around September 2020, and after not having her dyed since prior to the lockdown, Plaintiff began considering coloring her hair at home. Thus, she began researching at-home hair color products on the internet. At some point during her research, she came across Defendant's website, which she recalls having heard advertised via satellite radio and had seen on social media platforms like Facebook.

106. On Defendant's website, Plaintiff learned many things about the Company and the Products that led her to form the opinion that Madison Reed Products were gentler, safer and healthier than other hair dye companies she was researching.

107. For example, on the webpage depicted below, Defendant read the following regarding Madison Reed's "Story," where it boasts about having removed "harsh" ingredients like ammonia, resorcinol, PPD, parabens, phthalates, from the Products and replaced them with "good" ones. Plaintiff believed these statements were truthful. The veracity of those statements was reinforced by Defendant's

representation that it had made the products alongside “honest and transparent manufacturers . . . operating under strict EU regulations” applicable to the production of hair dyes.

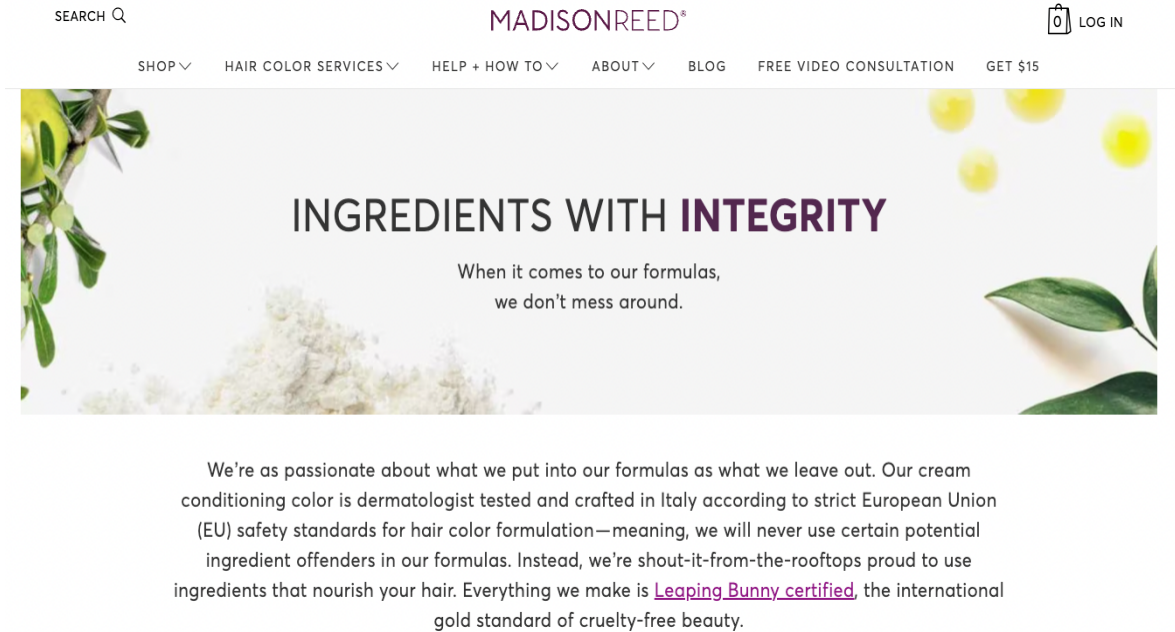
**WE STARTED MADISON REED WITH A SIMPLE MISSION:**

**To provide the best, most  
luxurious hair color, made with  
ingredients you can feel good  
about.**

We are a hair color company built on integrity, innovation, and love—for you and for your hair color. We’ve partnered with honest and transparent manufacturers in Italy—operating under strict EU regulations—to formulate a collection of professional, high-performance hair color and care products.

At the forefront of innovation, we created the first ever Smart 8-Free permanent hair color free of harsh ingredients: ammonia, parabens, resorcinol, PPD, phthalates, gluten, SLS, and titanium dioxide. And we added hair-loving nutrients including keratin, argan oil, and ginseng root extract to protect and pamper your hair.

108. Plaintiff also visited Defendant’s webpage (depicted below) where it discussed the Products’ ingredients. There she viewed statements like, “Ingredients With Integrity,” as well as Defendant’s representation that, “When it comes to our formulas, we don’t mess around.” Also, Defendant’s representation that “We’re as passionate about what we put into our formulas as what we leave out.” Boasting once again that the Products abide by strict European Union (EU) safety standards for hair color formulation, Plaintiff believed Defendant when it stated that it “will never use certain potential ingredient offenders in our formulas.” Also, that Defendant is “shout-it-from-the-rooftops proud to use ingredients that nourish your hair.”



Screenshot of Defendant's Website around September 2020.

109. On the webpage depicted below, Defendant also represents that the Products are not only devoid of “harsh ingredients,” but that they were tested under the supervision of independent dermatologist Dr. Draelos. Importantly, Defendant also assures consumers that the independent study confirmed that the Products are “non-damaging to hair and . . . non-damaging to scalp health.” (emphasis added). As detailed below in over one hundred consumer reviews, this statement is untruthful.

#### DERMATOLOGIST TESTED

We didn't just formulate our hair color without harsh ingredients,\* we went even further and tested our permanent hair color formula under the supervision of an independent dermatologist, Dr. Zoe Draelos, to clinically confirm the safety and benefits of our Smart 8-Free formula Radiant Hair Color on the hair and scalp. The study demonstrated that when used as directed, Radiant Hair Color is non-damaging to hair and is non-damaging to scalp health. \* Free of ammonia, PPD, resorcinol, parabens, phthalates, gluten, SLS, and titanium dioxide

Screenshot of Defendant's Website around September 2020.

110. On that same page, as depicted below, Plaintiff learned that the Products use a cream-based formula that provides “conditioning benefits to the hair” that “creates a barrier on the scalp from the dyes

to the formula.”<sup>21</sup> Also, that the Products are not only devoid of “harsh ingredients,” but that they were tested under the supervision of an independent dermatologist by the name of Dr. Zoe Diana Draelos.<sup>22</sup> She also learned that the results of that study confirmed that the Products are “*non-damaging to hair and . . . non-damaging to scalp health.*”

### CREAM CONDITIONING FORMULA

The delivery system of any hair color formula plays a key role not just in the performance of the color, but also in how the color affects the health of the hair and scalp. Because our Radiant Hair Color is a unique cream conditioning formula, it has clear benefits over gel hair color formulas commonly found in other hair color brands. The cream-based formula of our Radiant Hair Color:

- Creates a more consistent and uniform color result
- Achieves superior gray coverage
- Provides conditioning benefits to hair
- Helps creates a barrier on the scalp from the dyes in the formula
- Helps avoid overlap with prior applications of hair color, and therefore less likely to overprocess hair over time

Screenshot of Defendant’s Website around September 2020.

111. In addition, as depicted above, Plaintiff was once again educated about the fact that, among others purportedly “bad” ingredients, the Products were free of certain “harsh” ingredients: ammonia, PPD, resorcinol, parabens and phthalates. Thus, due to Defendant’s education of consumers about “harsh” vs. “good” hair dyes, Plaintiff was led to believe that a product not containing, among other things, ammonia, PPD and resorcinol, would be safer than those containing them. The fact that Plaintiff learned through her research that most hair dyes contain ammonia, Defendant’s representation further drove home

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<sup>21</sup> This statement is contradicted by Defendant’s statement in another portion of its website where it argues that hair dyes cannot penetrate the scalp. See ¶¶57, 85.

<sup>22</sup> Although Defendant claims on its website that Dr. Draelos is “independent,” Defendant dedicates an entire webpage on its site to Dr. Draelos that lists all of the doctor’s accomplishments. The webpage also provides links to several articles posted by Draelos on Defendant’s website, all of which appear to have been written to address certain issues relating to the Products, including hair loss and the use of ethanolamine over ammonia. [https://www.madison-reed.com/blog/author/zoe-diana-draelos-md?utm\\_source=google&utm\\_medium=cpc&utm\\_campaign=Madison+Reed-GGL-Core-NB-DSA-SEM-New-NA-NA-NA&utm\\_content=&gclid=Cj0KCCQiArt6PBhCoARIsAMF5wajq-9NUuDL6QXezCkvVzPMnJzaUBMVk7W2IFXagRVqp9T30botJZmwaArImEALw\\_wcB&gclsrc=aw.ds](https://www.madison-reed.com/blog/author/zoe-diana-draelos-md?utm_source=google&utm_medium=cpc&utm_campaign=Madison+Reed-GGL-Core-NB-DSA-SEM-New-NA-NA-NA&utm_content=&gclid=Cj0KCCQiArt6PBhCoARIsAMF5wajq-9NUuDL6QXezCkvVzPMnJzaUBMVk7W2IFXagRVqp9T30botJZmwaArImEALw_wcB&gclsrc=aw.ds) (last visited on Feb. 7, 2022).

the point for her that a product without ammonia, i.e. Defendant's Product, was the better choice for her hair and her health.

112. As depicted on Defendant's webpage below, in addition to representing that the Products' safety was confirmed by "independent" scientific testing, Defendant also represented that the Products had been "crafted by expert colorists so you can color at home with total confidence." This led Plaintiff to believe that her experience at home would be free of any issues; just the way it had always been for her when having her hair dyed at professional salons in the past. The fact that she also read representations on the site that Madison Reed Products delivered "salon" quality results further cemented her belief that she would have no problems with her use of Defendant's hair dye.



## Expertise, *included*

Every part of the Madison Reed experience is lovingly crafted by expert colorists so you can color at home with total confidence.



## Think outside the box

We understand hair color, inside and out. Our expert colorists are the secret behind all of our online tools.

For gorgeous results, use our online [Color Quiz](#), [shade comparison](#) tool, and the step-by-step voice-controlled instructions with built-in timers on [our app](#). Or, you can chat with [Madi, our hair color chatbot](#), to find your most flattering shade.

Screenshot of Defendant's Website around September 2020.

113. Plaintiff also read a post by Defendant, uploaded onto its blog on October 7, 2020, which also delivered the Defendant’s years-long healthfulness messaging. Titled “Ingredients That Love Your Hair Back,” Defendant stated the following:

This Saturday, October 10th, is National Love Your Hair Day, so we wanted to take a minute to shout out our favorite hair-loving ingredients that make our formulas so special. ***Yes, our hair color is free of ammonia, PPD, resorcinol, parabens, phthalates, gluten, SLS, and titanium dioxide—but we’re as passionate about what we put into our color as what we leave out.***

\* \* \*

Our color is crafted in Italy according to strict European Union (EU) safety standards for hair color formulation—meaning, ***we will never use certain potential ingredient offenders in our formulas. We opt for nourishing ingredients instead, so after you use our Radiant Hair Color, your hair won’t feel dry or straw-like the way it sometimes can after coloring. No thank you!*** Your strands will actually look and feel healthier, thanks to three hero ingredients—keratin, argan oil, and ginseng root extract.

114. In making her decision to purchase the Products, Plaintiff relied on the above statements that she read on Defendant’s website, as well as Defendant’s blog post. They led Plaintiff to believe that the Products were gentler, safer, and healthier alternatives to traditional hair color products. A significant portion of targeted consumers, acting reasonably in the circumstances, could be, and have been, misled like Plaintiff by the label’s representation that the Product was Free of the commonly known harsh ingredient ammonia, among others, and the website statements identified above that the Products would be gentler, safer, and healthier than other hair coloring products when the Products in truth are not.

115. On October 27, 2020, Plaintiff finally decided to purchase a Madison Reed color kit on from the Ulta Beauty website ([www.ulta.com](http://www.ulta.com)). During her application of the Product, Defendant immediately started losing hair. Indeed, as she began rinsing the color out, clumps of hair were coming off of her scalp. Moreover, as she raked her fingers through her hair, she observed strands of hair on her hands in amounts that were much higher than the number of strands that would typically come out during the typical hair washing. During the following days, Plaintiff also noticed major hair loss near her hair line. Plaintiff also suffered scalp irritation.



116. Plaintiff purchased another color kit on May 13, 2021, thinking she would give the Product a second chance but, in the end, she decided not to use it for fear that she would have another adverse reaction.

**FED. R. CIV. P. 9(b) ALLEGATIONS**

117. Rule 9(b) of the Federal Rules of Civil Procedure provides that “[i]n alleging fraud or mistake, a party must state with particularity the circumstances constituting fraud or mistake.” To the extent necessary, as detailed in the paragraphs above and below, Plaintiffs have satisfied the requirements of Rule 9(b) by establishing the following elements with sufficient particularity:

118. WHO: Defendant made material misrepresentations and/or omissions of fact in its labeling and marketing of the Products as to demonstrate that they are safe, gentle and healthy, as well as free of the “harsh ingredients” typically found in hair dyes.

119. WHAT: Defendant’s conduct here was and continues to be fraudulent because it has the effect of deceiving consumers into believing that the Products are safe, gentle and non-irritating, “free of harsh ingredients,” superior to other products containing “harsh ingredients” as “ammonia, PPD, resorcinol,” among others. Defendant knew or should have known this information is material to the reasonable consumer and impacts the purchasing decision, and yet it omits a necessary warning that users of the Products risk suffering hair loss, scalp irritation and other adverse reactions when the Products are used as intended.

120. WHEN: Defendant made material misrepresentations and/or omissions detailed herein continuously throughout the applicable Class period.

121. WHERE: Defendant’s material misrepresentations and/or omissions were made on the labeling and packaging of its Products, which are sold nationwide and are visible to the consumer on the front of the labeling and packaging of the Products at the point of sale in every transaction. Defendant’s

material misrepresentations and/or omissions were also part of a uniform, five-plus year advertising campaign subject to widespread dissemination via Defendant's own website, radio, advertising materials mailed to consumers, the websites of resellers of the Products, television, YouTube and signage appearing both in and outside of Defendant's retail locations throughout the country, which delivered the Product's central messaging that they were gentler, safer and healthier than other hair dyes on the market because they did not contain the usual "harsh ingredients" found in those types of hair products.

122. HOW: Defendant made written misrepresentations and/or failed to disclose material facts regarding the true risks of normal use of the Products.

123. WHY: Defendant engaged in the material misrepresentations and/or omissions detailed herein for the express purpose of inducing Plaintiff and other reasonable consumers to purchase and/or pay for the Products. Defendant profited by selling the Products to many thousands of consumers.

### **CLASS ALLEGATIONS**

124. Plaintiff bring this action under Fed. R. Civ. P. 23(a)(1)-(4) & (b)(3) on her behalf, and on behalf of all others similarly situated, initially defined as follows:

During the fullest period allowed by law, all persons who purchased Defendant's Products in the state of New York (the "Class").

125. Excluded from the Class are any of Defendant's officers, directors, or employees; officers, directors, or employees of any entity in which Defendant currently has or has had a controlling interest; and Defendant's legal representatives, heirs, successors and assigns.

126. At this time, Plaintiff does not know the exact number of members in the Class; however, given the nature of the claims and the number of stores and online sales platforms selling the Products, Plaintiff believes that members of the Class are so numerous that joinder of all members is impracticable.

127. There is a well-defined community of interest in the questions of law and fact involved in this case. Questions of law and fact common to the members of the Class that predominate over questions that may affect individual Class members include:

- (a) Whether the Products are defective such that they cause hair loss, scalp irritation or other adverse reactions;
- (b) Whether Defendant had exclusive knowledge that the Products were defective, but failed to disclose the defect to the public;
- (c) Whether Defendant omitted material facts and/or failed to warn reasonable consumers regarding the known risks of using the Products;
- (d) Whether Defendant's conduct constitute violations of the laws asserted herein;
- (e) Whether Defendant participated in and pursued the common course of conduct complained of herein;
- (f) Whether Defendant's labeling, marketing, advertising, and/or selling of its Products as being free from "ammonia, "resorcinol" and "PPD," as well as other statements made by Defendant stating that the Products were better for hair health and less harmful to human health than traditional hair color products, even though it was aware of the risks of adverse reactions that the Products could cause, constitute an unfair consumer sales practice;
- (g) Whether Plaintiff and the other Class members have been injured and the proper measure of their losses as a result of those injuries; and
- (h) Whether Plaintiff and the other Class members have been injured and the proper measure of their losses as a result of those injuries.

128. Plaintiff's claims are typical of those of the Class because Plaintiff, like all members of the Class, purchased Defendant's Products and sustained damages from Defendant's wrongful conduct, to wit, irritation to her scalp, hair loss, and whatever hair remained turned dry and brittle.

129. Plaintiff will fairly and adequately protect the interests of the Class and have retained counsel that is experienced in litigating complex class actions. Plaintiff has no interests which conflict with those of the Class.

130. A class action is superior to other available methods for the fair and efficient adjudication of this controversy.

131. The prerequisites to maintaining a class action for injunctive relief are met as Defendant has acted or refused to act on grounds generally applicable to the Class, thereby making appropriate final injunctive relief and declaratory relief with respect to the Class as a whole.

132. The prosecution of separate actions by members of the Class would create a risk of establishing inconsistent rulings and/or incompatible standards of conduct for Defendant. For example, one court might enjoin Defendant from performing the challenged acts, whereas another might not. Additionally, individual actions could be dispositive of the interests of the Class even where certain Class members are not parties to such actions.

## **TOLLING OF THE STATUTE OF LIMITATIONS**

### **I. Plaintiff Is Entitled to Equitable Tolling Under the Discovery Rule**

133. Plaintiff and the Class members did not discover, and could not have discovered, through the exercise of reasonable diligence, the full and complete nature of the defect and risks associated with normal and foreseeable use of the Products.

134. Within the period of any applicable statutes of limitation, Plaintiff and the other Class members could not have discovered through the exercise of reasonable diligence that Defendant was--and still is--concealing and misrepresenting the true risks associated with normal use of the Products.

135. Plaintiff and the Class members had no realistic ability to discern the risks associated with normal and foreseeable use of the Products until--at the earliest--after they suffered severe, adverse reactions to the Products. And even then, Plaintiff and the Class members had no basis to discover their causes of action because of Defendant's misleading statements and active concealment of the true nature of the defect and risks associated with normal and foreseeable use of the Products.

136. Plaintiff and the Class members also did not discover, and did not know facts that would have caused a reasonable person to suspect that the Products did contain irritants that cause significant risk of adverse reactions and that the Products are not safe, gentle and healthy, and free of harsh ingredients as labeled and marketed.

137. All applicable statutes of limitation have been tolled by operation of the discovery rule.

**II. Plaintiff Is Entitled to Equitable Tolling Because Of Defendant's Fraudulent Concealment**

138. All applicable statutes of limitation have been tolled by Defendant's knowing, active and ongoing fraudulent concealment and denial of the facts alleged herein throughout the period relevant to this action.

139. Instead of adequately disclosing that the Products are not safe, gentle and/or free from harsh ingredients and warn of the risks of adverse reactions as discussed herein, Defendant falsely represented that the Products are safe, gentle and “free of harsh” ingredients.

140. Despite knowing about the product defect, Defendant concealed--and continues to conceal--the nature of the defect and risks associated with use of the Products. Defendant seeks to downplay the severity of the problem; mislead consumers by representing that adverse physical reactions are related to

“pregnancy,” “stressors” and “pillowcases” rather than the Products; have not notified or warned Plaintiff, Class members, and the public of the full and complete nature of the defect and have not issued a recall for the Products. Moreover, as complained of in the customer reviews listed above, Defendant further conceals consumers’ adverse reactions to the Products by making it difficult for consumers to post complaints on the Madison Reed website.

141. Any applicable statute of limitations has therefore been tolled by Defendant's knowledge, active concealment, and denial of the facts alleged herein, which conduct remains ongoing.

**III. Defendant Is Estopped from Relying on Any Statutes of Limitations Defense**

142. Defendant is, and at all relevant times has been, under a continuous duty to disclose to Plaintiff and the other Class Members the true character, quality, and nature of defect plaguing the Products.

143. Defendant actively concealed the true character, quality, and nature of the Products and knowingly made misrepresentations about the safety, quality, reliability, characteristics, and performance of the Products.

144. Plaintiff and the Class members reasonably relied upon Defendant's representations and/or active concealment of these facts.

145. Based on the foregoing, Defendant is estopped from relying on any statutes of limitations in defense of this action.

**CLAIM I**  
**VIOLATION OF THE MAGNUSON-MOSS WARRANTY ACT**  
**15 U.S.C. § 2301**  
**(On Behalf of Plaintiff and the Class)**

146. Plaintiff, individually and on behalf of the Class members, repeats and realleges the foregoing paragraphs as though fully set forth herein.

147. Plaintiff brings this count against Defendant on behalf of members of the Class.



148. This Court has jurisdiction to decide claims brought under 15 U.S.C. § 2301 by virtue of 28 U.S.C. § 1332 (a)-(d).

149. The Products are consumer products as defined in 15 U.S.C. § 2301(1).

150. Plaintiff and the Class members are consumers as defined in 15 U.S.C. § 2301(3), and are persons entitled under the applicable state laws to enforce against the warrantor the obligations of its express and implied warranties.

151. Plaintiff and the Class members purchased Products costing more than \$5 and their individual claims are greater than \$25 as required by 15 U.S.C. §§ 2302(e) and 2310(d)(3)(A).

152. Defendant is a supplier and warrantor as defined in 15 U.S.C. §§ 2301(4) and (5). The Magnus-Moss Warranty Act, 15 U.S.C. § 2310(d)(1), provides a cause of action for any consumer, who is damaged by the failure of a warrantor to comply with a written or implied warranty.

153. Defendant made promises and representations in an express warranty provided to all consumers, which became the basis of the bargain between Plaintiff, Class Members, and Defendant.

154. Defendant's written affirmations of fact, promises and/or descriptions as alleged--including promises that the Products (i) promote healthy hair by “never us[ing] certain potential ingredient offenders” in the Products’ formulas,” instead using “ingredients that nourish your hair,” (ii) do not contain “harsh ingredients,” (iii) are “made with better ingredients,” (iv) are “dermatologist tested” to be “non-damaging to hair and . . . scalp health,” (v) are free of ingredients that “irritate” like ammonia and sodium lauryl sulfate, (vi) are “crafted by expert colorists so you can color at home with total confidence,” (vii) are “tested and crafted . . . according to strict European Union (EU) safety standards for hair color formulation,” (viii) are made with a “commitment to quality that meets the strict safety standards put for the [EU], which bans chemicals not proven to be safe,” (ix) use a “cream-based formula” that blocks the

dye from entering the body through the scalp and (ix) are “Free of ammonia” “resorcinol” “PPD,” among other harsh ingredients--are each a “written warranty.”

155. The affirmations of fact, promises, and/or descriptions constitute a “written warranty” within the meaning of the Magnuson-Moss Act, 15 U.S.C. §2301(6).

156. Further, Defendant provided Plaintiff and the other Nationwide Class members with an implied warranty of merchantability in connection with the purchase of the Products that is an “implied warranty” within the meaning of the Magnuson-Moss Warranty Act, 15 U.S.C. § 2301(7).

157. As a part of the implied warranty of merchantability, Defendant warranted to Plaintiff and Class members that the Products were of merchantable quality (i.e., a product of a high enough quality to make it fit for sale, usable for the purpose it was made, of average worth in the marketplace, or not broken, unworkable, contaminated or flawed or containing a defect affecting the safety of the product), would pass without objection in the trade or business, and were free from material defects, and reasonably fit for the use for which they were intended.

158. Defendant breached all applicable warranties, as described in more detail above, and is therefore liable to Plaintiff and the Class pursuant to 15 U.S.C. § 2310(d)(1). Without limitation, the Products suffer from latent and/or inherent defects that cause substantial hair loss, hair breakage, and scalp irritation, among other things, rendering the Products unfit for their intended use and purpose. This defect substantially impairs the use, value, and safety of the Products.

159. Any effort to limit the implied warranties in a manner that would exclude coverage of the Products is unconscionable, and any such effort to disclaim, or otherwise limit, coverage for the defective Products is null and void. Any limitations on the warranties are procedurally unconscionable. There was unequal bargaining power between Defendant, on the one hand, and Plaintiff and the other Nationwide

Class members, on the other. Moreover, any limitations on the warranties are substantively unconscionable.

160. Moreover, because Defendant provides consumers with a written “100% Money Back Guarantee” in connection with the Products, any efforts to disclaim any implied warranties concerning the Products are unlawful under 15 U.S.C. § 2308(a) and, thus, null and void.

161. Following numerous reports of injuries caused by the Products, Defendant knew that the Products were defective and would continue to pose safety risks. Defendant failed to disclose the product defect to Plaintiff and the Class members. Thus, Defendant's enforcement of the durational limitations on those warranties is harsh and shocks the conscience.

162. Plaintiff and each of the other Class members have had sufficient direct dealings with Defendant and its agents (authorized retailers) to establish privity of contract.

163. Nonetheless, privity is not required here because Plaintiff and each of the other Class members are intended third-party beneficiaries of contracts between Defendant and its authorized retailers, and specifically of the implied warranties. Authorized retailers, such as Ulta Beauty and Target, among many others, were not intended to be the ultimate consumers of the Products and have no rights under the warranty agreements provided with the Products; the warranty agreements were designed for and intended to benefit consumers.

164. All conditions precedent to seeking liability under this claim for breach of express and implied warranty have been performed by or on behalf of Plaintiff and others in terms of paying for the goods at issue.

165. Pursuant to 15 U.S.C. § 2310(e), Plaintiff and the Class members are entitled to bring this class action and are not required to give Defendant notice and an opportunity to cure until such time as the

Court determines the representative capacity of Plaintiff and the Class members pursuant to Rule 23 of the Federal Rules of Civil Procedure.

166. Furthermore, affording Defendant an opportunity to cure its breach of written warranties would be unnecessary and futile here. Defendant was placed on reasonable notice of the defect in the Products and breach of the warranties based on numerous complaints received directly and indirectly from Plaintiff and the Class members, and have had ample opportunity to cure the defect for Plaintiff and the Class members, but have failed to do so. Instead, Defendant has doubled down on its efforts to convince consumers of the Products' safe and gentle nature, including public statements denying that there are any issues with the Products and blaming those issues on factors unrelated to the Products.

167. By downplaying, concealing and misrepresenting the Products' safety and risks of use, and attempting to shift the blame to consumers, rather than the Products, Defendant failed to provide consumers with adequate information, and continued to perpetuate a false public perception that there was little or no risk of harm from the use of its Products.

168. Under the circumstances, the remedies available under any informal settlement procedure would be inadequate and any requirement that Plaintiff and the Class resort to an informal dispute resolution procedure and/or afford Defendant a reasonable opportunity to cure the breach of warranty is excused and thereby deemed satisfied.

169. For the reasons set forth above, Plaintiff does not have to give notice of its violations of its express and implied warranties and demanding that Defendant correct such violations.

170. Defendant's breaches of warranty have caused Plaintiff and the Class members to suffer injuries, paying for defective Products, and entering into transactions they would not have entered into at all, or not for the consideration paid. As a direct and proximate result of Defendant's breaches of warranty, Plaintiff and the Class members have suffered damages and continue to suffer damages, including

economic damages in terms of the cost of the Products and the cost of efforts to mitigate the damages caused by same.

171. The amount in controversy of Plaintiff individual claims meets or exceeds the sum of \$25. The amount in controversy of this action exceeds the sum of \$50,000, exclusive of interest and costs, computed on the basis of all claims to be determined in this lawsuit. Plaintiff, individually and on behalf of the Class members, seeks all damages permitted by law and equity in an amount to be proven at trial.

172. In addition, pursuant to 15 U.S.C. § 2310(d)(2), Plaintiff and the Class members are entitled to recover a sum equal to the aggregate amount of costs and expenses (including attorneys' fees based on actual time expended) determined by the Court to have reasonably been incurred by Plaintiff and the other Class members in connection with the commencement and prosecution of this action.

**CLAIM II**  
**NEGLIGENCE**  
**(On Behalf of Plaintiff and the Class)**

173. Plaintiff, individually and on behalf of the Class members, repeats and realleges the foregoing paragraphs as though fully set forth herein.

174. Plaintiff brings this count against Defendant on behalf of members of the Class.

175. Defendant negligently formulated, manufactured, tested, marketed, promoted, distributed, and sold the Products to Plaintiff and the Class members.

176. At all times relevant and material hereto, Defendant had a duty to exercise reasonable care in the formulation, manufacture, testing, advertising, marketing, labeling, packaging, distribution, promotion and sale of the Products, such that they would not have the propensity to cause adverse reactions, such as hair loss, hair damage, hair thinning, balding, excessive shedding, scalp irritation, and other adverse reactions.

177. Defendant knew or should have known that its Products could and had caused these adverse reactions, and that the Products were unsafe when used for their ordinary and intended purpose.

178. Defendant owed a duty of care to Plaintiff and Class members who were the likely and foreseeable purchasers and customers of the Products.

179. Defendant breached its duty of care to Plaintiff and Class Members by, among other things, placing Products that were defective or unreasonably dangerous into the stream of commerce; failing to take all necessary steps to ensure that the Products they sold were safe; failing to take all necessary steps to ensure that that the Products functioned as specified, promised, and intended; and failing to take all necessary steps to ensure that the Products did not suffer from the common, uniform defects discussed herein.

180. Defendant further breached its duty and was negligent in its actions, misrepresentations, and omissions in numerous ways including, but not limited to, the following:

- (a) Failing to use due care in the formulation, design, development, and manufacture of the Products, to prevent and/or minimize the risk of injury and adverse reactions to individuals;
- (b) Failing to test the Products properly and thoroughly before releasing them on the market;
- (c) Failing to exercise due care when labeling, advertising, and promoting the Products as gentler, safer and healthier and did not contain “ammonia,” even though it contained a product that is partly composed of ammonia, is unknown to reasonable consumers and its name is unrelated to the term “ammonia,” which made it virtually impossible that a consumer reading the Products’ ingredients’ list would now that it is a derivate of ammonia and that it also contains what the U.S. government has recognized as a carcinogen; and



(d) Negligently continuing to formulate, design, manufacture, market, distribute, and sell the Products after Defendant knew or should have known of the risks of adverse reactions associated with using the Products.

181. Defendant's negligence was the direct, actual, and proximate cause of the foreseeable damages and injuries suffered by Plaintiff and the Class members.

182. Defendant's negligence is ongoing and continuing because Defendant continues to mislead consumers about the defects in the Products, which pose an unreasonable risk of serious foreseeable harm.

183. As a direct and proximate result of Defendant's negligence, Plaintiff and the Class members have suffered and will continue to suffer, significant damages, loss, and injury in an amount to be determined a trial.

**CLAIM III**  
**NEGLIGENCE - FAILURE TO WARN**  
**(On Behalf of Plaintiff and the Class)**

184. Plaintiff, individually and on behalf of the Class, repeats and realleges the foregoing paragraphs as though fully set forth herein.

185. Plaintiff brings this count against Defendant on behalf of members of the Class.

186. At all times referenced herein, Defendant was responsible for designing, formulating, testing, manufacturing, inspecting, distributing, marketing, and supplying or selling the Products to Plaintiff and the Class members.

187. At all times material hereto, Plaintiff's and the Class members' use of the Products in a manner that was intended or reasonably foreseeable by Defendant involved risk of adverse reactions, such as hair loss, hair damage, hair thinning, balding, excessive shedding, or scalp irritation.

188. At all times material hereto, the risk of these adverse reactions was known or should have been known by Defendant, in light of the generally recognized and prevailing knowledge available at the time of manufacture and design, as described herein.

189. Defendant, as the developer, manufacturer, distributor, and seller of the Products, had a duty to warn Plaintiff and the Class members of all dangers associated with intended use of the Products.

190. After receiving multiple complaints of hair loss, hair damage, hair thinning, balding, excessive shedding, or scalp irritation, and after a significant number of online postings reporting these adverse reactions from using the Products, a duty arose to provide a warning to consumers that use of the Products has resulted in, among other things, hair loss or scalp irritation.

191. Defendant was under a continuing duty to warn and instruct the intended and foreseeable users of the Products, including Plaintiff and the Class members, of the defective condition of the Products and the risks associated with using the Products. Plaintiff was entitled to know that the Products, in their ordinary use, were not reasonably safe for their intended and ordinary purposes and uses.

192. Defendant was also under a duty to warn users of the Products, including Plaintiff and the Class members, that “ammonia,” was replaced by a product called ethanolamine, which is partly composed of ammonia, and studies have shown that it can cause hair loss and up to 85% more damage to hair than ammonia itself. In addition, ethanolamine is virtually unknown to the reasonable consumer and, thus, the reasonable consumer is unaware that it is worse for hair than ammonia itself. This duty was heightened by the fact that the disclosure of ethanolamine in the ingredients list did not apprise consumers that ethanolamine was ammonia’s replacement because reasonable consumers would not know that ammonia would be replaced by an ingredient derived from ammonia, and because the name ethanolamine is wholly-distinct from the name “ammonia,” thereby preventing consumers from knowing that the two ingredients were somehow related.

193. Defendant was negligent and breached its duty of care by negligently failing to give adequate warnings to purchasers and users of the Products, including Plaintiff and the Class members, about the risks, potential dangers, adverse reactions and defective condition of the Products after Defendant knew, or by the exercise of reasonable care, should have known of the inherent defects and resulting dangers and adverse reactions associated with the Products.

194. Despite the multitude of consumer complaints about adverse reactions from using the Products, Defendant has failed to recall the Products or to adequately warn consumers of the damage that its Products can and have caused.

195. Instead, Defendant doubled down on its efforts to convince consumers that the Products, and their ingredients, are superior to other hair care products on the market as confirmed through independent dermatologist testing showing that the Products are “non-damaging to hair and . . . to scalp health,” and by attempting to shift the blame for hair loss and damage on other factors like pregnancy, stressors and the type of pillowcase consumers sleep on.

196. Defendant was further negligent and breached its duty of care by negligently blaming consumers and other risk factors for hair loss, and failing to warn purchasers and users of the Products, including Plaintiff and the Class members, about the risks, potential dangers and defective condition of the Products.

197. Defendant knew, or by the exercise of reasonable care, should have known of the inherent design and/or manufacturing defects and resulting dangers associated with using the Products as described herein, and knew that Plaintiff and the Class members could not reasonably be aware of those risks. Defendant failed to exercise reasonable care in providing the Plaintiff and the Class members with adequate warnings.

198. As a direct and proximate result of Defendant's failure to adequately warn consumers that use of the Products could cause the adverse reactions described herein, Plaintiff and the Class members have suffered damages as set forth herein.

**CLAIM IV**  
**NEGLIGENCE - DESIGN DEFECT**  
**(On Behalf of Plaintiff and the Class)**

199. Plaintiff, individually and on behalf of the Class, repeats and realleges the foregoing paragraphs as though fully set forth herein.

200. Plaintiff brings this count against Defendant on behalf of members of the Class.

201. Defendant, as the designer, developer, manufacturer, seller, and distributor of the Products, had a duty to exercise reasonable care in designing the products, including by not replacing what Defendant routinely referred to as “harsh” ingredients with chemicals that were just as harsh, some even harsher, than those they replaced.

202. Defendant owed a duty of care to Plaintiff and the Class members who were the likely and foreseeable purchasers and customers of the Products.

203. As alleged herein, the Products have a design defect which posed a substantial likelihood of harm, including hair loss, hair breakage, and scalp irritation, among other adverse reactions, described herein.

204. Defendant failed to exercise reasonable care in designing the Products, as evidenced by the Products' defect.

205. The defect causes the Products to be unreasonably dangerous and a substantial factor in causing Plaintiff and the Class members to experience hair loss, hair breakage and damage, excessive shedding, and scalp irritation when used as intended or in a reasonably foreseeable manner.

206. These unreasonably dangerous design defects were present in the Products when they were placed into the stream of commerce by Defendant.

207. The Products were used as intended or in a reasonably foreseeable manner by Plaintiff and the Class members.

208. It was feasible to design the products in a safer manner, including with ingredients and a formulation that did not cause adverse reactions.

209. Defendant is liable to Plaintiff and the Class members for the dangerous design of the products.

210. As a direct and proximate result of Defendant's conduct, Plaintiff and the Class members have been injured and sustained damages.

**CLAIM V**  
**NEGLIGENT MISREPRESENTATION**  
**(On Behalf of Plaintiff and the Class)**

211. Plaintiff, individually and on behalf of the Class members, repeat and reallege the foregoing paragraphs as though fully set forth herein.

212. Plaintiff brings this count against Defendant on behalf of members of the Class.

213. As set forth above, Defendant repeatedly advertised, on the Products' labels, on its website and through a national advertising campaign, among other things, that the Products are safe, gentle and non-irritating, free of "harsh ingredients," "dermatologist tested" to be "non-damaging to hair and . . . scalp health," and "free" of ingredients that "irritate" like, among others, "ammonia."

214. Contrary to Defendant's representations, the Products do not have such qualities described on Defendant's website or in Defendant's uniform marketing and advertising campaign. Rather, the Products are defective because they have the propensity to cause, and have caused, adverse reactions, such

as hair loss, hair breakage and scalp irritation, rendering the Products unsafe and unsuitable for consumer use as marketed by Defendant.

215. Defendant failed to disclose this defect associated with the Products and, instead, continuously and repeatedly blamed consumers for their injuries and factors unrelated to the Products, while representing that its products have been “dermatologist tested” to be “non-damaging to hair and . . . scalp health,” so that it could continue to profit at the expense of unwitting consumers.

216. Defendant also failed to disclose that “ammonia,” was replaced by a product virtually unknown by the reasonable consumer called ethanolamine, which is partly composed of ammonia, and studies have shown that it can cause hair loss and more damage to hair than ammonia itself. This duty was heightened by the fact that the disclosure of ethanolamine in the ingredients list did not apprise consumers that ethanolamine was ammonia’s replacement because reasonable consumers would not know that ammonia would have to be replaced by an ingredient derived from ammonia, and because the name ethanolamine is wholly-distinct from the name “ammonia,” thereby preventing consumers from knowing that the two ingredients were somehow related. Even if consumers would have known that ammonia would need to be replaced with a comparable ingredient, they would not have known it was ethanolamine since their respective names are wholly-distinct from one another.

217. Defendant also failed to disclose that “PPD,” was replaced by an unknown product called PTDS, which causes allergic reactions in 50% of the users that are allergic to PPD. This duty was heightened by the fact that the disclosure of PTDS in the ingredients list did not apprise consumers that PPD was PTDS’s replacement because reasonable consumers would not know that PTDS would have to be replaced by an ingredient comparable to PTDS and because the name PTDS, which is actually reported in the ingredient list as Toluene 2,5-Diamine Sulfate, is wholly-distinct from the name PPD, thereby



making it impossible for consumers to research whether Toluene 2,5-Diamine Sulfate could also cause an allergic reaction.

218. After a multitude of complaints, Defendant did not recall the products or warn consumers of the adverse reactions associated with use of the Products. Rather than inform consumers about the dangers associated with using the Products, Defendant doubled down on its efforts to shift the blame to consumers, attempting to convince them that the adverse reactions they experienced were related to “pregnancy,” “stressors” and even “pillowcases.”

219. Defendant owed a duty of care to Plaintiff and Class members who were the likely and foreseeable purchasers and customers of the Products.

220. Defendant breached this duty of care by misrepresenting the qualities and safety of the Products. Defendant misrepresented the Product as safe, gentle and non-irritating, and stated that the Products do not contain “harsh” ingredients, are “free of” ammonia, resorcinol and PPD, and are “non-damaging to hair and . . . scalp health,” when the Products can and have caused thousands of women to experience hair loss and breakage, and scalp irritation, among other adverse reactions.

221. By downplaying, concealing and misrepresenting the Products' safety and risks of use, and attempting to shift the blame to consumers, rather than the Products, Defendant further failed in its duty to provide consumers with adequate information, and continued to perpetuate a false public perception that there was little or no risk of harm from the use of its Products.

222. At the time Defendant made these false representations to consumers, Defendant knew, or in the exercise of reasonable diligence should have known, that these representations were incorrect as the Products were unreasonably dangerous and had caused injuries to consumers.

223. Defendant, and its employees in charge of labeling and marketing, made such statements in a careless and reckless manner, throughout the class period.

224. Defendant knew, or in the exercise of reasonable diligence should have known, that the ordinary consumer would be misled by these false representations.

225. The misrepresentations made by Defendant, upon which Plaintiff and the Class members reasonably and justifiably relied, were intended to induce, and did actually induce Plaintiff and the Class members to purchase the Products.

226. Plaintiff and the Class members did in fact rely on Defendant's false and misleading statements to their detriment. Plaintiff and the Class members purchased and used Defendant's Products believing that they were free of "harsh" ingredients and would, and could not, not cause adverse reactions, such as hair loss, hair breakage or scalp irritation.

227. Plaintiff and the Class members did not know that Defendant's representations were false and, therefore, were justified in their reasonable reliance.

228. Had Plaintiff and the Class members known the truth about the qualities of and adverse reactions associated with the Products, they would not have purchased the Products on the same terms or for the same price.

229. As a direct and proximate result of Defendant's negligent misrepresentations described herein, Plaintiff and the Class members sustained injuries and damages as alleged herein.

230. Plaintiff and the Class members are entitled to compensatory damages, and exemplary and punitive damages together with interest, and such other and further relief as this Court deems just and proper.

**CLAIM VI**  
**NEW YORK DECEPTIVE TRADE PRACTICES ACT**  
**New York Gen. Bus. Law § 349, et seq.**  
**(On behalf of Plaintiff and the Class)**

231. Plaintiff, individually and on behalf of the Class members, repeat and reallege the foregoing paragraphs as though fully set forth herein.

232. Plaintiff brings this count against Defendant on behalf of members of the Class.

233. The New York Deceptive Acts and Practices Act makes unlawful “[d]eceptive acts or practices in the conduct of any business, trade or commerce.” N.Y. Gen. Bus. Law § 349.

234. Defendant engaged in deceptive acts or practices in the conduct of its business, trade, and commerce or furnishing of services, in violation of N.Y. Gen. Bus. Law § 349, as described herein.

235. Defendant's foregoing acts and practices, including its omissions, were directed at consumers.

236. Defendant's representations and omissions were material, in part, because they concerned an essential part of the Products' functionality and safety, and also because they were likely to deceive reasonable consumers.

237. Defendant's foregoing deceptive acts and practices, including their omissions, were and are deceptive acts or practices in violation of New York's General Business Law § 349, Deceptive Acts and Practices, N.Y. Gen. Bus. Law § 349, et. seq., in that:

- (a) Defendant designed, formulated, manufactured, labeled, packaged, marketed, advertised, distributed and sold the Products when they knew, or should have known, that the Products have the propensity to cause, and have caused, adverse reactions, such as hair loss, hair breakage and scalp irritation, rendering the Products unsafe and unsuitable for consumer use as marketed by Defendant.
- (b) Defendant knew or should have known that the Products that the Products have the propensity to cause, and have caused, adverse reactions, such as hair loss, hair breakage and scalp irritation, which was unknown to and would not easily be discovered by Plaintiffs and Class Members, and would defeat their ordinary, foreseeable and reasonable expectations concerning the performance of the Products;

(c) Defendant knew or should have known that the Products that the Products have the propensity to cause, and have caused, adverse reactions, such as hair loss, hair breakage and scalp irritation, but nevertheless, failed to disclose and/or concealed that the Products can cause, and had caused, adverse reactions when used as intended.

238. Further, as described herein, despite the product reformulations as a result of consumer concerns, and admissions that its products contain known allergens, Defendant has engaged in a desperate campaign to convince consumers that the hair loss they have suffered while using the Products because of “pregnancy,” “stressors” and even “pillowcases,” because the Products have been “dermatologist tested” to be “non-damaging to hair . . . and scalp health.”

239. Defendant's efforts to conceal and downplay the complaints of consumers who have experienced adverse reactions as a result of using the Products has resulted in a pointed attack on unwitting consumers, and a dubious attempt to shift the blame to consumers for these adverse reactions.

240. Plaintiff and the Class members suffered damages when they purchased the Products.

241. Defendant's unconscionable, deceptive and/or unfair practices caused actual damages to Plaintiff and New York Class members.

242. Defendant's foregoing deceptive acts and practices, including their omissions, were likely to deceive, and did deceive, consumers acting reasonably under the circumstances.

243. Plaintiff reserves the right to allege other violations of the law, which constitute other unlawful business acts and practices. As alleged herein, Defendant continues to misrepresent the Products' abilities and continues to deny that the Products have the propensity to cause, and have caused, adverse reactions. Further, Defendant has not recalled its Products nor provided any remedial efforts, including a warning disclosing their risks, and Defendant's conduct is ongoing and continues to this date.

244. Defendant recklessly disregarded Plaintiffs and New York Class members' rights.

245. Defendant's knowledge of the Products' deceptive claims and health and safety risks put it on notice that the Defendant's Products were not as it advertised.

246. In accordance with subsection (h) of section 349, Plaintiff seeks an order enjoining Defendant from continuing these unlawful deceptive acts and practices. Absent enjoining these unlawful deceptive acts and practices, Defendant will continue their false and misleading marketing of the Products and, in doing so, irreparably harm each of the Class members.

247. As a direct and proximate result of Defendant's deceptive acts and practices, Plaintiff and the Class members have suffered and will continue to suffer injury, ascertainable losses of money or property, and monetary and non-monetary damages, including from not receiving the benefit of their bargain in purchasing the Products, and increased time and expense in treating the damage that the Products caused. Moreover, Plaintiff, and the Class members, are entitled to equitable relief because their remedies at law are inadequate in that: money damages paid to Plaintiff and the Class members for monies paid for the purchase of the products that were not as represented, as well as for losses due to the payment of monies for medical treatment, among other things, are retrospective and are an inadequate remedy for any prospective injuries that Plaintiff and the Class members may suffer at the hands of Defendant, which Plaintiff has standing to bring as alleged above (*See* ¶¶33-39, *supra*).

248. By reason of the foregoing, Plaintiff and the Class members also seek actual damages or statutory damages of \$50 per violation, whichever is greater, as well as punitive damages. N.Y. Gen. Bus. Law § 349(h).

**CLAIM VII**  
**NEW YORK DECEPTIVE SALES PRACTICES ACT**  
**New York Gen. Bus. Law § 350, et seq.**  
**(On Behalf of Plaintiff and the Class)**

249. Plaintiff, individually and on behalf of the Class members, repeat and reallege the foregoing paragraphs as though fully set forth herein.

250. Plaintiff brings this count against Defendant on behalf of members of the Class.

251. Section 350 prohibits “[f]alse advertising in the conduct of any business, trade or commerce or in the furnishing of any service.” N.Y. Gen. Bus. Law § 350.

252. New York General Business Law section 350-a defines “false advertising” as “advertising, including labeling, of a commodity, or of the kind, character, terms or conditions of any employment opportunity if such advertising is misleading in a material respect.” N.Y. Gen. Bus. Law § 350-a.

253. The section also provides that advertising can be false by omission, as it further defines “false advertising” to include “advertising [that] fails to reveal facts material in the light of such representations with respect to the commodity . . . to which the advertising relates.” *Id.*

254. Defendant's labeling, marketing, and advertising of the Products, as alleged herein, are “misleading in a material respect,” and are thus “false advertising.” As more fully set forth above, Defendant repeatedly advertised, both on the Product labels and on its website, through a national advertising campaign, among other items, that the Products are gentle, safe and healthy, “free” of “harsh ingredients” like ammonia, superior to other products and that they are “dermatologist tested” to be “non-damaging to hair and . . . scalp health.”

255. These claims are false as the Products do not have the gentle, safe, healthy and non-“harsh” qualities described on the Product labels or in Defendant's uniform marketing and advertising campaign. Rather, the Products are defective because they have the propensity to cause, and have caused, adverse reactions, such as hair loss, hair breakage, and scalp irritation, rendering the Products unsafe and unsuitable for consumer use as marketed by Defendant.

256. While engaged in the conduct of business, trade, and commerce, Defendant did attempt to directly and/or indirectly induce consumers to purchase the Products by its labeling. In doing so, Defendant utilized false labeling which did not represent the true nature and quality of the Products, but rather mislead



consumers into believing that the Products were safe and gentle and did not cause adverse reactions. The false labeling was materially misleading and materially deceiving to reasonable consumers at large acting reasonably under the circumstances.

257. Further, as described herein, despite the product reformulations as a result of consumer concerns, and admissions that its products contain known allergens, Defendant has engaged in a desperate campaign to convince consumers that the hair loss they have suffered while using the Products is due to other factors like pregnancy, “stressors” and even the type of pillowcase consumers sleep on.

258. Defendant's efforts to conceal and downplay the complaints of consumers who have experienced adverse reactions as a result of using the Products has culminated in a pointed attack on unwitting consumers, and a dubious attempt to shift the blame to consumers for these adverse reactions.

259. Defendant's conduct caused and continues to cause injury to consumers to this day, including Plaintiff and the Class members, in that they were misled to believe that they were purchasing Products that were gentle, safe and healthy, and did not have the propensity to cause, and had not caused, adverse reactions.

260. In making and disseminating the false labeling and statements alleged herein, Defendant knew, or should have known, that its practices were materially deceptive and misleading in violation of N.Y. Gen. Bus. Law § 350, et seq.

261. Plaintiff and the Class members based their decision to purchase the Products in substantial part on Defendant's labeling, advertisements, material representations and omitted facts. The annual revenue to Defendant attributable to the sale of the Products is over \$100 million.

262. Based on all of the foregoing, Defendant has violated New York General Business Law § 350, causing Plaintiff and the Class members to sustain injury in fact -- the loss of monies paid for the Products.

263. The misrepresentations and non-disclosures by Defendant of the material facts described and detailed herein constitute false and misleading advertising and, therefore, constitute violations of N.Y. Gen. Bus. Law § 350, et seq.

264. Plaintiff seeks an order enjoining Defendant from continuing this false advertising. Absent enjoining this false advertising, Defendant will continue to mislead Plaintiff and the Class members and, in doing so, irreparably harm each of the Class members. Moreover, Plaintiff, and the Class members, are entitled to equitable relief because their remedies at law are inadequate in that: money damages paid to Plaintiff and the Class members for monies paid for the purchase of the products that were not as represented, as well as for losses due to the payment of monies for medical treatment, among other things, are retrospective and are an inadequate remedy for any prospective injuries that Plaintiff and the Class members may suffer at the hands of Defendant, which Plaintiff has standing to bring as alleged above (*See* ¶¶33-39, *supra*).

265. As a direct and proximate result of Defendant's violation of New York General Business Law section 350, Plaintiff and the Class members have also suffered an ascertainable loss of monies.

266. By reason of the foregoing, Plaintiff and the Class members also seek actual damages or statutory damages of \$500 per violation, whichever is greater, as well as punitive damages. N.Y. Gen. Bus. Law § 350-e(3).

**CLAIM VIII**  
**FRAUD**  
**(On Behalf of Plaintiff and the Class)**

267. Plaintiff repeats and realleges the foregoing paragraphs as though fully set forth herein.

268. Plaintiff brings this count against Defendant on behalf of members of the Class.

269. As described herein, Defendant knowingly made material misrepresentations and omissions regarding the Products in their marketing and advertising materials.

270. Defendant made these material misrepresentations and omissions in order to induce Plaintiff and Class members to purchase the Products.

271. Among other representations and omissions, Defendant repeatedly advertised, both on the Product labels and on its website, through a widespread, national uniform advertising campaign, among other things, that the Products are gentler, safer and healthier than traditional hair color products, that they were “Free of” “harsh ingredients” like ammonia, PPD and resorcinol, among others, and that, instead, they were made with “good ingredients,” they use a “cream-based” formula that creates a barrier between the hair dye and the scalp and they were “clinically” confirmed by an “independent” dermatologist to be “non-damaging to hair and . . . scalp health.”

272. The Products do not have the safe, gentle, non-irritating qualities described on the Product labels or in Defendant's uniform marketing and advertising campaign. Rather, the Products are defective because they have the propensity to cause, and have caused, adverse reactions, such as hair loss, hair breakage and scalp irritation, rendering the Products unsafe and unsuitable for consumer use as marketed by Defendant.

273. Defendant failed to disclose this defect associated with the Products and, instead, continuously, and repeatedly blamed consumers and other factors for their hair loss and injuries.

274. Despite the thousands of consumers that have complained about the Products, Defendant has not recalled them and has also failed to warn them of the adverse reactions associated with use of the Products.

275. Indeed, rather than inform consumers about the dangers associated with using the Products, Defendant doubled down on its efforts to shift the blame to consumers, attempting to convince them that

the adverse reactions they experienced were related to pregnancy, “stressors” and even the type of pillowcase used to sleep on.

276. Defendant's efforts to conceal and downplay the complaints of consumers who have experienced adverse reactions as a result of using the Products has resulted in a pointed attack on unwitting consumers, and a dubious attempt to shift the blame to consumers for these adverse reactions.

277. By downplaying, concealing, and misrepresenting the Products' safety and risks of use, and attempting to shift the blame to consumers and certain extraneous factors, rather than the Products, Defendant fraudulently misrepresented material facts about the Products' dangers, and continued to perpetuate a false public perception that there was little or no risk of harm from the use of its Products.

278. The misrepresentations made by Defendant, upon which Plaintiff and the Class members reasonably and justifiably relied, were material and were intended to induce, and did actually induce, Plaintiff and the Class members to purchase the Products.

279. Had Plaintiffs known the truth about the qualities of and adverse reactions associated with the Products, they would not have purchased the Products.

280. Defendant's fraudulent actions and omissions caused damage to Plaintiff and the Class members, who are entitled to damages and other legal and equitable relief as a result.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff demands judgment individually and on behalf of the proposed Class as follows:

A. An order certifying the proposed Class; appointing Plaintiff as representative of the Class; and appointing her undersigned counsel as Class counsel;

B. A declaration that Defendant is financially responsible for notifying members of the Class of the pendency of this suit;

C. A declaration that Defendant has committed the violations of law alleged herein;

D. An order enjoining Defendant's unlawful and deceptive acts and practices, requiring Defendant to remove language from the Products' packaging, marketing, and advertising that represents that the Products contain ingredients that are gentler, safer, and/or healthier than ingredients in traditional hair color products;

E. An order awarding declaratory relief, and any further retrospective or prospective injunctive relief permitted by law or equity, and injunctive relief to remedy Defendant's past conduct;

F. An order requiring Defendant to pay actual, statutory, punitive, and all other damages in an amount to be determined by the Court or a jury;

G. An order of restitution and all other forms of equitable monetary relief;

H. An order awarding Plaintiff and the Class the reasonable costs and expenses of suit, including their attorneys' fees;

I. An order awarding pre- and post- judgment interest to the extent the law allows; and

J. Any further relief that the Court may deem appropriate.

**JURY TRIAL DEMANDED**

Plaintiff demands a trial by jury for all claims so triable.

DATED: February 7, 2022

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By: /s/ Carlos F. Ramirez

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