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J&J's OGX Joins Brands Alleged To Cause Hair Loss In US Class Action Complaints

by [Ryan Nelson](#)

Formaldehyde donor DMDM hydantoin may be the ingredient in OGX hair-care products responsible for “hundreds if not thousands” of cases of hair loss and other injuries, plaintiff La Wanda Renee Key suggests in her 5 March class action complaint in California federal court.

Johnson & Johnson's OGX shampoo and conditioner products should carry warnings about a defect that has caused “hundreds if not thousands” of US consumers to suffer hair loss, scalp irritation and other adverse reactions, according to a plaintiff in California's Northern District.

Filed by La Wanda Renee Key on 5 March, the [class action complaint](#) against Johnson & Johnson Consumer Inc. alleges that OGX claims about smoothing, nourishing, softening, repairing and/or reviving hair are false and misleading due to an ingredient or combination of ingredients in the brand's products that damages hair, among other unwanted effects.

The plaintiff identifies one possible culprit – the formaldehyde donor DMDM hydantoin, “a well-known human carcinogen.”

J&J/OGX's deceptive advertising and failure to warn about alleged product defects constitute violations of California consumer protection laws, common law fraud, and unjust enrichment, Key says.

Key's suit is highly similar to proposed class actions targeting Unilever plc in federal courts around the US. Plaintiffs in those cases also flag DMDM hydantoin as an unsafe ingredient in TRESemme Keratin shampoos that consumers should be warned about. (Also see "[US Proposed Class Action: Preservative Choice Makes Unilever's TRESemme Keratin Products 'Defective'](#)" - HBW Insight, 18 Jan, 2021.)

According to plaintiffs, use of the preservative poses “an entirely unnecessary risk because



various safer natural alternatives exist.”

The plaintiffs seek to represent nationwide classes and state subclasses, with the goal of obtaining injunctive relief, attorney’s fees and costs, and any other relief deemed appropriate.

DevaCurl’s owner characterizes the allegations in New York federal court as “farfetched and impossibly broad.”

OGX SHAMPOOS AND CONDITIONERS ARE BUILT AROUND THE BRAND’S ‘EXOTIC INGREDIENTS’ AND LOVE FOR ‘BEING DIFFERENT’

products are deceptively represented as safe and gentle when in reality they have been widely linked to injuries and ought to bear warnings about risks. (Also see "[DevaCurl Faces Multiple Class Actions As Latest Brand Linked To Hair Loss](#)" - HBW Insight, 18 Feb, 2020.)

Meanwhile, Deva Concepts, LLC aims to dismiss a consolidated class action complaint in New York’s Southern District alleging that 30 DevaCurl hair-care

According to plaintiffs, “tens of thousands of customers who purchased and used the Products have reported hair loss, hair damage and thinning, balding, excessive shedding, and scalp irritation.”

The complainants name some “harsh” ingredients in DevaCurl products, including propylene glycol and cocamide betaine, which are allergens and irritants, they say.

“In fact, propylene glycol has fallen out of favor in the cosmetic industry because it can cause irritation, penetrate the skin and scalp and weaken the protein and cellular structure of the skin, causing hair loss,” the plaintiffs allege.

They also point to formaldehyde donors, which DevaCurl “slyly” did away with during the class period, “self-servingly” promoting the reformulation as a product quality and performance enhancement and a response to requests for gentler preservative ingredients, according to plaintiff filings.

In its 28 January [dismissal motion](#), Deva Concepts characterized the allegations as “farfetched and impossibly broad.”

The defendant rejects plaintiffs' contention that its "100% Sulfate Paraben Silicone Free" claim on DevaCurl product labeling amounts to an unspoken claim that the products are safer and less harsh than competing offerings. The only other DevaCurl claim at issue – insofar as plaintiffs allege to have actually read and relied on it – is a statement about the products being formulated specifically for curly hair.

According to Deva Concepts' filing, "Plaintiffs rely entirely on general allegations that fail to raise their claims above a speculative level. They attempt to cover holes in their pleading with citations to mostly disreputable sources that show the potential for a link between certain ingredients and adverse physical reactions, but Plaintiffs fail to allege any facts – like medical diagnoses, test results, articles or studies – that establish that the Products' ingredients invariably, ordinarily, or even probably cause physical reactions of the severity or pervasiveness claimed in the Complaint."

Monat Global Corp. has attempted four times to dismiss a consolidated class action complaint in Florida's Southern District concerning Monat hair-care treatment systems that plaintiffs say cause hair loss and other adverse reactions contrary to the company's safety and hair-growth claims.

Evidently all four motions to dismiss – in 2018, 2019 and twice in 2020 – were unsuccessful, though visibility into the ongoing case is limited as many documents are under seal. (Also see "[Monat Can't Shed Class Action Linking Its Products To Hair Loss](#)" - HBW Insight, 28 Oct, 2019.)