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## Celeb-Endorsed Lip Balm Causes Blisters, Rashes, Suits Say

By **Jody Godoy**

Law360, New York (January 20, 2016, 8:55 PM ET) -- The maker of a popular brand of lip balm endorsed by Kim Kardashian, Miley Cyrus and other celebrities was hit with four proposed class actions in less than two weeks claiming the product causes its users' lips and skin to dry severely and develop rashes and blisters.



Photographs depicting the reported side effects associated with using EOS lip balm. (Source: Court documents)

Rachel Cronin filed suit in California federal court on Jan. 12 alleging EOS Products LLC knew about the potential health effects of its flavored lip balm but failed to warn consumers in violation of state statutes. The firm that represents Cronin, Geragos & Geragos APC, followed up by filing two more suits in New York and Illinois federal courts this week, with another firm adding a fourth suit on behalf of a minor in Florida federal court.

The suits all allege violations of the states' unfair business laws. The actions filed by Geragos & Geragos also claim the cosmetic company breached express and implied warranties, committed fraud on consumers, unjustly gained from the sales and asked the court to order EOS to warn consumers of the risks of using the products.

Cronin alleges in her suit that after she used the product her lips became rough, and as she used more they started to crack and bleed and she developed blisters and a rash on her lips and around her mouth that lead her to seek medical help.

She claims she wouldn't have bought the EOS, or "evolution of smooth," product at all had

she been warned instead of led to believe the product was "healthy" and "organic" as the company claimed.

Nicole Caggiano, who filed suit in Manhattan, claims she used the product on several occasions last year and each time ended up with blisters on her lips that turned to dark scabs.

Samatha Tipirneni claims in her Illinois suit that she experienced similar symptoms after using the product.

The California consumer additionally alleges violation of the state's Consumers Legal Remedies Act, while the New York woman added false advertising and negligent product design claims to her version of the suit.

The three women each seek to represent a national class as well as subclasses for consumers in their state who bought the product.

In Florida federal court, Melisa Menz claims she bought the lip balm for her adolescent daughter believing it to be an "age-appropriate" alternative to lipstick but that the product caused rashes and blisters. The parent claims the company contravened Florida's Deceptive and Unfair Trade Practices Act and negligently misrepresented its product.

EOS Spokeswoman Nancy Chan told Law360 the company believes the suits are meritless.

"Our products are made with the highest quality ingredients and meet or exceed all safety and quality standards set out by our industry and validated by rigorous testing conducted by an independent lab," Chan said. "The health and well-being of our customers is our top priority."

Counsel for the plaintiffs did not immediately reply to requests for comment.

Cronin, Tipirneni and Caggiano are represented by Mark J. Geragos, Ben J. Meiselas, Frida Hjort and Tina Glandian of Geragos & Geragos APC.

Caggiano is additionally represented by Raymond C. Silverman and Melanie H. Muhlstock of Parker Waichman LLP, and Tipirneni is additionally represented by R. Seth Crompton and Eric D. Holland of the Holland Law Firm.

Menz is represented by Joshua H. Eggnatz and Michael J. Pascucci of Eggnatz Lopatin & Pascucci LLP.

The cases are Rachael Cronin v. EOS Products LLC, case number 2:16-cv-00235, in U.S. District Court for the Central District of California; Caggiano v. EOS Products LLC, case number 1:16-cv-00408, in U.S. District Court for the Southern District of New York; Tipirneni v. EOS Products LLC, case number 2:16-cv-02022, in U.S. District Court for the Central District of Illinois and Menz v. EOS Products LLC, case number 8:16-cv-00128, in U.S. District Court for the Middle District of Florida.

--Editing by Emily Kokoll.

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