

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION**

| | |
|--|---|
| <p>GMO FREE USA d/b/a TOXIN FREE USA, P.O. Box 8273, New Fairfield, CT 06812,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>COSTCO WHOLESALE CORPORATION, 999 Lake Drive, Issaquah, WA 98027, and NICE-PAK PRODUCTS, INC., One Blue Hill Plaza, Suite 1569, Pearl River, NY 10965</p> <p style="text-align: center;">Defendant.</p> | <p style="text-align: center;">COMPLAINT</p> <p style="text-align: center;"><u>DEMAND FOR JURY TRIAL</u></p> <p style="text-align: right;">2025-CAB-003307</p> |
|--|---|

PREAMBLE

Plaintiff GMO Free USA d/b/a Toxin Free USA (“TFUSA” or “Plaintiff”) brings this action against Defendants Costco Wholesale Corporation and Nice-Pak Products, Inc. (collectively “Costco” or “Defendants”) regarding the false and deceptive marketing and sale of Kirkland Signature Baby Wipes (the “Product”). Costco represents to District of Columbia consumers that the Products are “plastic free” and “made with Naturally Derived Ingredients.” Plaintiff’s testing, however, reveals that the Products contain significant levels of microplastics, exposure to which can cause a range of harmful human health consequences—especially when exposure begins at a young age. The presence of microplastics is especially concerning considering that the Product is meant for use on newborns and young children, that children are more vulnerable to exposure to microplastics, and that microplastics build up over time and accumulate in the body, increasing the risk of disease later in life. This Complaint is on behalf of the general public of the District of Columbia, in the interest of consumers. This is not a class

action, and no class certification will be sought. Plaintiff alleges the following based upon personal knowledge, information, belief, and the investigation of Counsel:

INTRODUCTION

27. This is a consumer protection action concerning marketing representations by Defendants regarding the false and deceptive marketing and sale of its Kirkland Signature Baby Wipes Product.¹ The case is brought by TFUSA, a nonprofit public interest organization. TFUSA does not seek monetary damages; instead, TFUSA seeks an order declaring that Costco's representations about their "plastic free" Product is unlawful under the D.C. Consumer Protection Procedures Act ("CPPA"), D.C. Code §§ 28-3901–13, as well as an injunction that will end the deceptive advertising and marketing at issue.

28. This is not a class action and TFUSA will not seek class certification.

29. Costco markets and sells the Product throughout the District of Columbia.

30. On the Product packaging, Costco represents that the Product is "plastic free," "made with Naturally Derived Ingredients," and "helps maintain healthy skin."²

31. Via Costco's consumer-facing website, Costco represents that the Kirkland Signature brand as committed to "purity" and "quality" through its "plant-based and plastic free" baby wipes.³

32. The same website represents that the baby wipe Product is "made with soft fibers that are derived from trees grown in environmentally managed forests and made into plant-based

¹ Plaintiff alleges that any Costco baby wipe Products that contain microplastics are within the scope of this Complaint. Plaintiff reserves the right to add future Products as a result of further discovery. Plaintiff also notes that Costco products are sold under the private label brand, Kirkland Signature. *See Kirkland Signature means quality and value*, Costco, <https://www.costco.com/kirkland-signature.html> (last visited May 14, 2025).

² *Kirkland Signature Baby Wipes Fragrance Free, 900-count*, Costco Wholesale, <https://www.costco.com/kirkland-signature-baby-wipes-fragrance-free%2C-900-count.product.100801219.html>

³ *Id.*

material in an eco-responsible manner.”⁴

33. The Costco website and on-package representations at issue in this action are accessible to consumers in the District of Columbia.

34. Consumers within the District and across the country believe that plastic pollution—particularly through microplastics—presents significant harm to human health and the environment.

35. Consumers within the District and across the country are also interested in products that are better for their health and are increasingly concerned about what they knowingly—and unknowingly—absorb through their skin.

36. Further, consumers within the District and across the country are increasingly worried about the products, substances, and chemicals they expose to newborns and young children.

37. Due to these concerns, many consumers are reevaluating their purchasing choices and the effects of those choices on their health, their families’ health, and the environment.

38. Because of growing concerns about environmental and human health harms, consumers are willing to seek out less harmful services or products. Consumers prefer to support companies that protect their health and share their values, including a commitment to reducing impact on the environment and protecting the health of newborns and young children.

39. For these reasons, it is increasingly beneficial for companies that sell products for use with newborns, babies, and young children to advertise themselves as “plastic-free,” “pure,” and “safe,” despite the reality that their products contain microplastics.⁵

⁴ *Id.*

⁵ See, e.g., *How To Protect Your Child From Microplastics*, Pure Earth Collection, <https://www.pureearthcollection.com/how-to-protect-your-childs-exposure-to-microplastics/> (last visited May 12, 2025) (exemplifying how companies are aware of consumer concern over their children’s plastic exposure).

40. Microplastics have become increasingly pervasive, with recent studies finding microplastics in every human placenta and testicle studied,⁶ as well as in every blood sample taken.⁷

41. Plastic pollution is now so widespread that a 2019 study commissioned by World Wildlife Fund International estimated that the average person could be consuming upwards of 5 grams of plastic every week, which is equivalent to roughly the weight of an entire credit card.⁸

42. Once microplastics enter the bloodstream, they can spread all throughout the body. These microplastics put stress on the body's immune system and have been found to increase the rate at which cancer cells spread.⁹

43. Research has found that microplastics exposure, even in low doses, during the early developmental stage can induce long-term and devastating health effects, including higher likelihoods of illness later in life.¹⁰

18. Further, newborns and young children are more susceptible to microplastics absorption through the skin because their most superficial layer of skin is thinner and more permeable compared to adults.¹¹

⁶ Damian Carrington, *Microplastics Found in Every Human Testicle in Study*, The Guardian (May 20, 2024), <https://www.theguardian.com/environment/article/2024/may/20/microplastics-human-testicles-study-sperm-counts>; Michael Haederle, *Microplastics in Every Human Placenta, New UNM Health Sciences Research Discovers*, UNM Health Sciences Newsroom (Feb. 20, 2024), <https://hsc.unm.edu/news/2024/02/hsc-newsroom-post-microplastics.html>.

⁷ *Microplastics Found in Human Hearts*, Plastic Pollution Coalition (Aug. 18, 2023), <https://www.plasticpollutioncoalition.org/blog/2023/8/18/microplastics-found-in-human-hearts>.

⁸ *You May be Eating a Credit Card's Worth of Plastic Each Week: Study*, Reuters (June 11, 2019), <https://www.reuters.com/article/world/you-may-be-eating-a-credit-cards-worth-of-plastic-each-week-study-idUSKCN1TD002/>.

⁹ Simon Ducroquet & Shannon Osaka, *The Plastics We Breathe*, WASH. POST (June 10, 2024), <https://www.washingtonpost.com/climate-environment/interactive/2024/microplastics-air-human-body-organs-spread/>.

¹⁰ Nur Hanisah Amran et al., *Exposure to Microplastics during Early Developmental Stage: Review of Current Evidence*, 10 TOXICS 597, 597 (Oct. 5, 2022), <https://pmc.ncbi.nlm.nih.gov/articles/PMC9611505/>.

¹¹ *Id.*

19. Lastly, exposure to microplastics in infancy induces numerous changes to the digestive, reproductive, central nervous, immune, and circulatory systems of children, which can have negative health consequences later in life.¹²

20. Contrary to Costco's marketing representations to consumers, the Product is exposing newborns and children to significant levels of microplastics.

21. Testing through an independent third-party lab revealed the presence of microplastics in the Product at levels 1153.1x the level of microplastics particles in the control (laboratory grade isopropyl alcohol).

22. No reasonable consumer who sees Costco's representations would expect that the Product exposes them, their babies, or their family to microplastics.

23. Costco promotes the Product as "plant-based" and "plastic free" on the Product's packaging and on the Costco website, even though microplastics have been found in the Product.

24. By misrepresenting the nature and quality of the Product, Costco is able to capture the growing market of D.C. consumers who are concerned about microplastics/plastic pollution and seek to support businesses with practices that are friendly to the environment and human health.

25. Costco's false and misleading representations and material omissions violate the CPPA.

26. Because Costco's marketing and advertising tend to mislead and are deceptive about the true nature and quality of the Products and business, TFUSA brings this deceptive advertising case on behalf of itself and the general public pursuant to the CPPA.

¹² *Id.*

FACT ALLEGATIONS

I. Defendants Make False and Deceptive Representations About the Plastic Content of the Product.

27. Costco makes affirmative on-package representations about the safety of the Product—namely, that the Product is “plastic free” and made with “plant-based material.”



28. Costco also makes on-package representations that its Product is “made with Naturally Derived Ingredients.”



29. Costco’s website states that the “wipes are made from 100% renewable resources” and represents that the Product is “suitable for sensitive skin.”¹³

30. The representations made by Costco, *see supra*, are intended to, and do, lead D.C. consumers to believe that the Product is free from man-made microplastics that are harmful to human health. In reality, the Product *does* contain microplastics, which are unnatural and accumulate in the body and lead to extensive potential negative health impacts.

¹³ *Kirkland Signature Baby Wipes Fragrance Free, 900-count, supra note 2.*

II. Defendants' Representations are Material to Consumers.

31. Costco's representations that the Product is safe and free from plastics are material to D.C. consumers who care about making environmentally conscious and health-conscious purchasing decisions.

32. Infant safety in particular remains a top concern for parents, with the global market for such products at an estimated value of \$255.83 billion in 2024.¹⁴

33. One study found that "61% of Americans are concerned about the products they put in, on and around their bodies" and "81% assume the personal care products they use adhere to strict quality and safety standards."¹⁵

34. Other research has found that "[c]onsumers want brands and retailers to be more transparent and open about their products."¹⁶ In fact, "1 in 3 U.S. consumers use online resources to see how ingredients are sourced."¹⁷ Also, "72% of U.S. shoppers said brand transparency is 'extremely important' or 'important.'"¹⁸

35. In fact, Costco's website evinces acknowledgement of this consumer trend by stating that: "More than ever, parents...want products for their children that deliver outstanding cleansing, but are also respectful of the environment."¹⁹

¹⁴ Nicholas Morine, *Parents Seeking Safety, Value, and a Return to Nature When Buying Products for Their Babies*, RetailWire (Jan. 3, 2025), <https://retailwire.com/parents-safety-value-products-babies/>.

¹⁵ *Most Americans Are Concerned About the Safety of Many Consumer Products – Yet Few Research Claims*, NSF (May 16, 2019), <https://www.nsf.org/news/most-americans-are-concerned-about-the-safety-of-many-consumer-products>.

¹⁶ Elizabeth Christenson, *Transparency Influences Shopper's Beauty, Personal Care Purchases*, Drug Store News (Nov. 15, 2022), <https://drugstorenews.com/transparency-influences-shoppers-beauty-personal-care-purchases>.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Kirkland Signature Baby Wipes Fragrance Free, 900-count*, *supra* note 2.

36. In addition, consumers seek “natural” products and are often willing to pay more for these products.²⁰

37. Regarding microplastics specifically, one survey found that consumers would be willing to pay “higher prices” for “products [that are] certified microplastic-free.”²¹

38. Consumers in general are seeking to avoid plastics. In fact, one study found that “a third of adults in the United States say they have reduced their use of plastic products over the past five years.”²²

39. Here, Defendants are selling a Product meant to be used on newborns and young children and makes specific representations about the plastic content—or supposed lack thereof—in its Product. Thus, Defendants’ representations are material to consumers.

III. Despite Defendants’ Representations, the Product Contains Significant Levels of Microplastics, Posing a Significant Risk to Newborn Health.

40. TFUSA purchased Costco’s Kirkland Signature Baby Wipes to evaluate it for microplastics.

41. Testing conducted by an independent laboratory found microplastics in the Product at levels 1153.1x the level of microplastics particles in the control (laboratory grade isopropyl alcohol).

42. Microplastics are any plastics less than five millimeters in length that come from larger plastic debris that degrades into smaller pieces over time.²³

²⁰ Allison Rittman, *Consumers Seek Trust and Reliability in “Natural” Labels*, Prepared Foods (June 13, 2023), <https://www.preparedfoods.com/articles/128258-consumers-seek-trust-and-reliability-in-natural-labels>.

²¹ Scott Indrisek, *How concerned are Americans about microplastics?*, Stagwell (Dec. 22, 2024), <https://www.stagwellmarketingcloud.com/blog/microplastic-cookware-anxiety>.

²² Bella Isaacs-Thomas, *1 in 3 Americans say they’ve reduced how much plastic they’re using*, PBS (Apr. 3, 2024), <https://www.pbs.org/newshour/science/1-in-3-americans-say-theyve-reduced-how-much-plastic-theyre-using>.

²³ Vedant Sharma, *Microplastic: A Potentially Silent But Deadly Killer*, Pre-Collegiate Global Health Review (Oct. 14, 2021), <https://www.pghr.org/post/microplastic-a-potentially-silent-but-deadly-killer>.

43. Microplastics have been shown to leach hazardous chemicals, and have been linked to cancer, weakened immune systems, endocrine and reproductive problems, nervous system problems, hearing loss, and metabolic disturbances, among other harmful health effects.²⁴

44. Microplastics exposure, even in low doses, during the early developmental stage can induce long-term and devastating health effects.²⁵

45. These hazardous substances are particularly harmful to “pregnant people . . . and in babies, children, and youth whose hormone systems are [] extremely active to guide healthy growth and development.”²⁶

46. Microplastics exposure during the neonatal period is linked to the development of multiple illnesses in adulthood.²⁷

47. Microplastics can be inhaled through the respiratory system as well as absorbed through the skin.²⁸

48. Newborns and young children are more susceptible to microplastics absorption through the skin because their most superficial layer of skin is thinner and more permeable compared to adults.²⁹

²⁴ *Id.*; Yage Li, et al., *Leaching of Chemicals from Microplastics: A Review of Chemical Types, Leaching Mechanisms and Influencing Factors*, *Sci. Total Env't* (Oct. 15, 2023), <https://pubmed.ncbi.nlm.nih.gov/37820817/>. Plastics themselves, of course, “may contain any mix of more than 16,000 different chemicals, and at least 4,200 [] are highly hazardous to human and environmental health.” See *New Report: Plastic Chemicals are Numerous and Hazardous*, Plastic Pollution Coalition (Mar. 20, 2024), <https://www.plasticpollutioncoalition.org/blog/2024/3/20/new-report-plastic-chemicals-are-numerous-and-hazardous>.

²⁵ Nur Hanisah Amran, et al., *supra* note 10.

²⁶ *From Womb to World, Plastics Harm Babies: How to Protect Their Health*, Plastic Pollution Coalition (May 12, 2024), <https://www.plasticpollutioncoalition.org/blog/2024/5/12/from-womb-to-world-plastics-harm-babies>.

²⁷ Nur Hanisah Amran, et al., *supra* note 10.

²⁸ *Id.*

²⁹ *Id.*

49. Exposure to microplastics in infancy induces numerous changes to the digestive, reproductive, central nervous, immune, and circulatory systems of children, which can have negative health consequences later in life.³⁰

50. Additionally, many animals, especially marine life, ingest plastic materials that enter the natural environment, wreaking havoc on their digestive systems and overall health. Plastic, when ingested, can cause wildlife to choke, sustain internal injuries, suffer from starvation, and experience reproductive issues, all of which can lead to death.³¹

IV. Defendants Are Misleading D.C. Consumers About the Product.

51. Consumers see Costco's assurance about the absence of plastic in the Product and reasonably believe that the Product would not contain and subsequently expose them or their children to any level of microplastics, which accumulate in the body and lead to extensive negative health impacts later in life.

52. Yet, TFUSA's testing shows that the Product contains microplastics.

53. As such, the presence of microplastics in the Product render the "plastic free" representation false.

54. Also, consumers would not expect a Product that is marketed as being made with natural and purified ingredients to contain a man-made pollutant like microplastics.

55. Further, given Costco's representations concerning safety and the environment, consumers would also not expect the Product to contain microplastics since microplastics have negative consequences on human health and the environment.

³⁰ *Id.*

³¹ *Ocean Plastics Pollution*, Center for Biological Diversity, https://www.biologicaldiversity.org/campaigns/ocean_plastics/ (last visited Apr. 4, 2025).

56. D.C. Consumers are, therefore, at risk of real, immediate, and ongoing harm if the Product continues to be sold with the misleading representations and omissions.

STATUTORY FRAMEWORK

57. This action is brought under the District of Columbia Consumer Protection Procedures Act (“CPPA”), D.C. Code § 28-3901–13.

58. The CPPA makes it a violation for “any person” to, *inter alia*:

Represent that goods or services have a source, sponsorship, approval, certification, accessories, characteristics, ingredients, uses, benefits, or quantities that they do not have;

Represent that goods or services are of a particular standard, quality, grade, style, or model, if in fact they are of another;

Misrepresent as to a material fact which has a tendency to mislead;

Fail to state a material fact if such failure tends to mislead;

Use innuendo or ambiguity as to a material fact, which has a tendency to mislead; or

Advertise or offer goods or services without the intent to sell them or without the intent to sell them as advertised or offered.

D.C. Code § 28-3904(a), (d), (e), (f), (f-1), (h).

59. While the CPPA enumerates a number of specific unlawful trade practices, *see* D.C. Code § 28-3904, the enumeration is not exclusive; a main purpose of the CPPA is to “assure that a just mechanism exists to remedy all improper trade practices.” D.C. Code § 28-3901 (b)(1); *see also, e.g., Dist. Cablevision Ltd. P’ship v. Bassin*, 828 A.2d 714, 722-23 (D.C. 2003); *Osbourne v. Capital City Mortg. Corp.*, 727 A.2d 322, 325-26 (D.C. 1999); *Atwater v. D.C. Dep’t of Consumer & Reg. Affairs*, 566 A.2d 462, 465 (D.C. 1989).

60. A violation of the CPPA may occur regardless of “whether or not any consumer is in fact misled, deceived or damaged thereby.” *Id.* § 28-3904.

61. The CPPA “establishes an enforceable right to truthful information from merchants about consumer goods and services that are or would be purchased, leased, or received in the District of Columbia.” *Id.* § 28-3901(c). The statute “shall be construed and applied liberally to promote its purpose.” *Id.*

62. Plaintiff in this case is a nonprofit, public interest organization statutorily empowered pursuant to D.C. Code Section 28-3905(k)(1)(C) & (D) to represent the interests of District of Columbia consumers.

63. Because Plaintiff is a public interest organization, TFUSA may act on behalf of the general public and bring any action that an individual consumer would be entitled to bring:

[A] public interest organization may, on behalf of the interests of a consumer or a class of consumers, bring an action seeking relief from the use by any person of a trade practice in violation of a law of the District if the consumer or class could bring an action under subparagraph (A) of this paragraph for relief from such use by such person of such trade practice.

Id. § 28-3905(k)(1)(D)(i). Subparagraph (A) provides: “A consumer may bring an action seeking relief from the use of a trade practice in violation of a law of the District.” Pursuant to § 28-3901(c), placing misinformation into the D.C. marketplace is a trade practice in violation of the CPPA. Accordingly, Plaintiff has standing to challenge Costco’s misrepresentations about the Product in the District.

64. A public interest organization (*see* D.C. Code § 28-3901(15)) may act on behalf of the interests of consumers, *i.e.*, the general public of the District of Columbia, so long as the organization has “sufficient nexus to the interests involved of the consumer or class to adequately represent those interests.” *Id.* § 28-3905(k)(1)(D)(ii). As set forth in this Complaint, *see infra*, Plaintiff is an organization dedicated to consumer advocacy and has previously represented

consumers in similar actions under the CPPA. TFUSA has a sufficient nexus to D.C. consumers to represent their interests adequately.

65. Alternatively, a nonprofit organization (*see* D.C. Code § 28-3901(14)) that has purchased or received a good in order to test or evaluate its qualities, as Plaintiff TFUSA has done here, has standing under the CPPA to act on behalf of itself and the general public and bring an action as a “tester” organization:

A nonprofit organization may, on behalf of itself or any of its members, or on any such behalf and on behalf of the general public, bring an action seeking relief from the use of a trade practice in violation of a law of the District, including a violation involving consumer goods or services that the organization purchased or received in order to test or evaluate qualities pertaining to use for personal, household, or family purposes.

Id. § 28-3905(k)(1)(C).

66. This is not a class action, or an action brought on behalf of any specific consumer, but an action brought by Plaintiff on behalf of the general public, *i.e.*, D.C. consumers generally. No class certification will be requested.

67. CPPA claims challenging the use of certain advertising terms “as false and misleading” are “not preempted by federal law.” *Toxin Free USA v. J.M Smucker Co.*, 2019 D.C. Super. LEXIS 15, at *14 (Nov. 6, 2019) (Pan, J.).

68. This action does not seek money damages. Instead, Plaintiff seeks to end the unlawful conduct directed at D.C. consumers, *i.e.*, Defendants’ false and deceptive marketing of the Product. Remedies available under the CPPA include “[a]n injunction against the use of the unlawful trade practice.” *Id.* § 28-3905(k)(2)(D), (F). TFUSA also seeks declaratory relief in the form of an order holding Costco’s conduct to be unlawful in violation of the CPPA and requests its attorneys’ fees and costs incurred in bringing this action.

72. The beneficiaries of this action are District of Columbia consumers, and this case concerns representations made in the District of Columbia, to residents of the District of Columbia, and with the intent that residents would act upon those representations and purchase products within the District of Columbia.

73. The District has a strong interest in protecting its consumers through enforcement of the CPPA. The general public of the District has a corresponding interest in the vigorous enforcement of laws established to protect District consumers.

74. TFUSA, which has agreed to represent the interest of those consumers, has an interest in vindicating rights conferred by the CPPA as related to misrepresentations made to D.C. consumers. Plaintiff has an interest in prosecuting this case within the District, which is where the alleged injuries occurred and where the relevant Products were advertised for purchase and/or purchased.

75. This Court has subject-matter jurisdiction over this action under the CPPA, D.C. Code § 28-3901–13.

PARTIES

76. Plaintiff Toxin Free USA is a 501(c)(3) non-profit organization whose mission is to harness independent science and agroecology concepts to advocate for clean and healthy food and ecological systems. Toxin Free USA educates consumers about the potential hazards of synthetic ingredients, pesticides and biocides, and genetically engineered organisms (“GMOs”).

77. In 2020, Toxin Free USA expanded its public education mission beyond GMOs and GMO-related pesticides, establishing a complementary arm to the existing organization on the basis that it is impossible to have clean food and a clean environment without addressing the many

toxins and pesticides, such as PFAS chemicals, that have become pervasive in our food system and environment.

78. Toxin Free USA performs its work and advocates for consumers throughout the United States, including in the District of Columbia.

79. TFUSA's website, publications, public education, research, network building, and mobilization activities provide an important service to consumers and community activists every month.

80. On March 19, 2025, TFUSA purchased Costco's Kirkland Signature Baby Wipes through the Costco Wholesale website.

81. Testing commissioned by TFUSA through a third-party lab revealed the presence of microplastics in the Product at levels 1153.1x the level of microplastics particles in the control (laboratory grade isopropyl alcohol).

82. Defendant Costco Wholesale Corporation is incorporated and headquartered in Washington.

83. Defendant Nice-Pak Products, Inc. is a New York corporation that manufactures the Product for sale under the Kirkland Signature label at stores operated by Defendant Costco Wholesale Corporation throughout the United States, including in D.C.

84. Defendants market and sell the Product in stores and online in the District of Columbia.

85. Through its misrepresentations, Defendants have caused harm to the general public of the District of Columbia.

CAUSE OF ACTION

Violations of the District of Columbia Consumer Protection Procedures Act

86. Plaintiff incorporates by reference all the allegations of the preceding paragraphs of this Complaint.

87. Plaintiff is a nonprofit, public interest organization that brings these claims on behalf of the general public of D.C. consumers. *See* D.C. Code § 28-3905(k)(1)(D).

88. Through section 28-3905(k)(1)(D), the CPPA explicitly allows for public interest standing and allows a public interest organization to stand in the shoes of consumers to seek relief from any violation of the CPPA.

89. Additionally, pursuant to section 28-3905(k)(1)(C), the CPPA explicitly allows a nonprofit organization acting on behalf of the general public to establish “tester” standing, which Plaintiff has established here.

90. Defendants are each a “person” and a merchant that provides “goods” within the meaning of the CPPA. *See* D.C. Code § 28-3901(a)(1), (3), (7).

91. As alleged in this Complaint, Defendants have falsely and deceptively represented, through false statements, material omissions, and ambiguous language, that the Product is safe and does not contain plastics, which inherently includes microplastics.

92. Thus, Defendants have violated the CPPA by “represent[ing] that goods . . . have a source . . . [or] characteristics . . . that they do not have”; “represent[ing] that goods . . . are of a particular standard, quality, grade, style, or model, if in fact they are of another”; “misrepresent[ing] as to a material fact which has a tendency to mislead”; “fail[ing] to state a material fact if such failure tends to mislead”; “us[ing] innuendo or ambiguity as to a material fact, which has a tendency to mislead”; and “advertis[ing] . . . goods . . . without the intent to sell them as advertised.” D.C. Code § 28-3904(a), (d), (e), (f), (f-1), (h).

JURY TRIAL DEMAND

93. Plaintiff hereby demands a trial by jury.

PRAYER FOR RELIEF

Wherefore, Plaintiff prays for judgment against Defendants and requests the following relief:

- A. A declaration that Costco's conduct is in violation of the CPPA;
- B. An order enjoining Costco's conduct found to be in violation of the CPPA; and requiring redress of consumer misunderstanding about the safety of the Products;
- C. An order granting TFUSA costs and disbursements, including reasonable attorneys' fees and expert fees, and prejudgment interest at the maximum rate allowable by law.

DATED: May 23, 2025

RICHMAN LAW & POLICY



Kim E. Richman (D.C. Bar No. 1022978)
1 Bridge Street, Suite 83
Irvington, NY 10533
T: (914) 693-2018
krichman@richmanlawpolicy.com

Attorney for Plaintiff