

Parents Say Child Died From Exposure To Unilever Cleaners

By **Collin Krabbe**

Law360 (March 28, 2023, 6:09 PM EDT) -- The parents of a deceased five-year-old girl say cleaning products from Unilever's The Laundress brand are responsible for her death, alleging in a lawsuit in New Jersey state court the company misrepresented the products as nontoxic when in fact they were contaminated with dangerous bacteria.

Ashley Sites and Gabriel Yibale filed suit Monday claiming their immunocompromised daughter Elliana died in November 2021 due to *Pseudomonas* and *Klebsiella aerogenes* bacterial infections, among others, from the Laundress products.

The products claimed to be "just for baby," "non-toxic" and "perfect for baby clothes," and relying on these premises, the parents believed they were protecting their child by using Laundress products, according to attorney Gerald Williams, who represents Sites and Yibale.

It wasn't until almost one year later that The Laundress, through Unilever, issued a safety notice saying "we have identified the potential presence of elevated levels of bacteria in some of our products that present a safety concern."

A few weeks later, in December 2022, Unilever recalled about 8 million Laundress products contaminated with bacteria like *Klebsiella aerogenes* and different species of *Pseudomonas*, the suit said.

The recalled Laundress products were identified by lot codes, and the products that Sites and Yibale bought and used are the same as the recalled lot codes, according to the lawsuit. Meanwhile, the parents allege Unilever markets the Laundress products to consumers seeking nontoxic and "eco-friendly alternatives" to other brands.

In fact, Sites and Yibale said the products ranged from about \$15 to \$100, but they believed them to be worth the price for their child's safety and life quality. They meticulously researched brands and ingredient labels and bought their first Laundress product in December 2020, according to the suit, which also says the parents regularly purchased Laundress products from December 2019 through December 2021.

But Elliana developed pneumonia and was diagnosed with Blepharitis, the parents said, adding they did not know the reason for their daughter's decline but kept using the Laundress products. The products were advertised as plant-based and toxin-free, they said.

The child was placed in hospice care in October 2021 and tragically succumbed to the infection the next month, the lawsuit says. The parents allege Unilever, which announced its acquisition of The Laundress in 2019, "intentionally concealed knowledge of toxins contained in its products from consumers."

"Immunocompromised consumers, such as Elliana, were foreseeable consumers of The Laundress products in that they comprised defendant Unilever's targeted consumer group," according to Sites and Yibale. "Thus, defendant Unilever's acts or omissions and reckless indifference to the consequences of its acts and omissions constitutes willful and wanton conduct."

The parents are seeking damages and brought claims for manufacturing defect, design defect, failure to warn, negligence, negligent misrepresentation, negligent infliction of emotional distress, fraudulent concealment, consumer fraud, breach of express warranty, breach of implied warranty, wrongful death and survival action.

A representative for Unilever did not immediately respond to a request for comment on Tuesday. Also named as defendants in the suit are business entities that designed, manufactured, tested, labeled, marketed, sold, supplied or distributed Laundress products from 2019 to 2022.

Sites and Yibale are represented by David Cedar and Gerald Williams of Williams Cedar LLC.

Counsel information for Unilever was not immediately available.

The case is Sites et al. v. Unilever United States Inc. et al., docket number BERL001599-23, in the Superior Court of New Jersey, Bergen County, Law Division.

--Editing by Philip Shea.