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Zimmerman Law Offices files Nationwide Class Action suit against Ulta Beauty for Repackaging and Reselling Used Beauty Products

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Lawsuit claims Ulta surreptitiously put used beauty products back on its store shelves to be sold with other new and unused cosmetic products

Attorney Thomas Zimmerman, Jr. of the Chicago-based Zimmerman Law Offices filed a nationwide class action suit against Ulta Beauty, Inc. ("Ulta"). The suit alleges Ulta has a routine practice of repackaging and resealing beauty products that have previously been purchased, used and returned by Ulta's customers, before returning those used products to its shelves to be purchased by other consumers.

The case, *Meghan DeVries v. Ulta Beauty, Inc.*, was filed on February 8, 2018, in the Circuit Court of Cook County, Illinois.

The suit alleges that, for the past several years, managers at Ulta's retail stores throughout the nation are given a quota as to the number of returned items that can be deemed to be "damaged" and thrown away, and store managers would get lectured by Ulta's upper management if their stores were over the quota. The suit notes that Ulta received and responded to complaints from customers and employees regarding those practices, but it nevertheless continued its corporate policy and practice of surreptitiously reselling used beauty products.

Used beauty products—such as mascara, foundation, and shampoo—were almost always placed back on the shelf since it is difficult to tell if they were used, according to the complaint. The suit further alleges that for beauty products that obviously and visibly appeared to be used, Ulta's employees were instructed to clean those beauty products with cotton swabs to make them look like new, and place them back on Ulta's store shelves for resale.

Consumers expect that beauty products are new and unused when purchased from retailers, because, by nature, used beauty products are unsanitary and unhygienic, and place people at a risk of contracting disease. Attorney Tom Zimmerman noted, "The lawsuit cites to an undercover investigation that found used beauty products at Ulta were contaminated with harmful bacteria, including E. coli and Klebsiella pneumoniae, two types of bacteria normally found in the intestinal tract that are expelled with feces, such that people could literally be applying and smearing someone else's fecal matter directly onto their lips." Attorney Zimmerman continued, "The investigators also noted that used beauty products can contain the herpes simplex virus—which can survive on the surface of a lipstick tube for up to a week—as well as Staphylococcus aureus, which can cause very serious infections, boils and lesions, especially if you have an open cut on your skin or lips, or it gets in your eyes."

The lead plaintiff represents all consumers throughout the United States impacted by Ulta's actions. The lawsuit seeks damages for the money consumers spent to purchase used beauty products from Ulta, and injunctive relief to force Ulta to stop repackaging used beauty products and reselling them as if they were new.

A copy of the complaint is available upon request. Attorney Tom Zimmerman will be available for interviews and the lead plaintiff may also be available to speak with the media on a limited basis.

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