

Yeshiva University, Cardozo School of Law

LARC @ Cardozo Law

AEJ Blog

Journal Blogs

4-19-2021

A Hairy Situation for Well-Known Hair-Care Brand: DevaCurl

Jannah Eichenbaum

Cardozo Arts & Entertainment Law Journal

Follow this and additional works at: <https://larc.cardozo.yu.edu/aelj-blog>



Part of the [Law Commons](#)

Recommended Citation

Eichenbaum, Jannah, "A Hairy Situation for Well-Known Hair-Care Brand: DevaCurl" (2021). *AEJ Blog*. 286.

<https://larc.cardozo.yu.edu/aelj-blog/286>

This Article is brought to you for free and open access by the Journal Blogs at LARC @ Cardozo Law. It has been accepted for inclusion in AELJ Blog by an authorized administrator of LARC @ Cardozo Law. For more information, please contact christine.george@yu.edu, ingrid.mattson@yu.edu.

A *Hairy* Situation for Well-Known Hair-Care Brand: DevaCurl

BY [JANNAH EICHENBAUM](#)/ ON APRIL 19, 2021



Photo from Ayesha Malik

Anyone with curly hair knows that using the right haircare products can be the difference between a good hair day and a bad hair day. Ordinary drug store products often do not cut it because they can contain harsh chemicals that dry out the hair and damage curls.¹ As such, those concerned with providing the upmost care for their precious ringlets look for products specifically advertised to contain just the right ingredients, optimal for their unique curl type.² Many are even willing to pay top dollar for products that promise to deliver luscious frizz free locks.³ However, when these products do not work as advertised things can get well – a bit *hairy*.

Such was the case in January 2020 when YouTube influencer, Ayesha Malik, posted a now viral video titled, “*Why I Stopped Using DevaCurl*.”⁴ In the video Malik described the excessive dandruff, hair loss, hair dryness and the straightening out of her curls that she experienced while using DevaCurl products, a leading line of hair care products designed for curly hair, which she was formerly paid to promote.⁵

Soon after Malik’s video, thousands of others took to social media to come forward with their “DevaDamage” stories.⁶ Victims even came forward with personal accounts and pictures on

various Facebook support groups like, "*Hair Damage & Hair Loss from DevaCurl – You're not CRAZY or ALONE!*" which now has close to 60,000 members.⁷ The Facebook account details DevaCurl users horror stories from using the products sharing side effects ranging from itchy scalps to misshapen curls to balding.⁸ Some members even discuss chopping off their hair in hopes of one day recovering their curls.⁹

In addition to taking to social media, some victims decided to pursue legal action. Several class action lawsuits were filed against Deva Concepts, LLC,¹⁰ in New York, California, and Florida.¹¹ The lead plaintiffs allege that DevaCurl's product advertisements are misleading.¹² Specifically that their "No-Poo" and "Low-Poo" cleansers which are advertised to be free of "sulfates, parabens, and silicones," ideal for maintaining healthy curls, are not as gentle on hair as the products labels claim.¹³ The plaintiffs further allege that the packaging of the products lists no warning label to alert purchasers of the potential side effects that many of its users experienced.¹⁴ Moreover, aside from the physical damage to their hair, some of the class members claim they have faced severe emotional damage and embarrassment from the hair loss they experienced as a result of using DevaCurl products.¹⁵

In response, DevaCurl has assured customers that their products "meet the requirements of the Independent Cosmetic Ingredient Review and are proven to be safe."¹⁶ The company added that after an investigation by outside experts that they can confirm that their products are not to blame for these complaints.¹⁷ The company went so far as to say that giving birth, stress, losing weight, or dandruff may explain why some customers are experiencing these side effects.¹⁸

Unfortunately, this is not the only class action lawsuit of its kind. A similar class action lawsuit was filed in December 2015 against another hair-care brand, WEN, created by celebrity stylist Chaz Dean, with users similarly claimed caused hair loss and scalp irritation.¹⁹ Like the claims against DevaCurl, the WEN plaintiffs alleged that they experienced these side-effects after using the brands sulfate free hair cleanser and that the product labels failed to warn consumers of these possible side effects.²⁰ In 2016, the WEN lawsuit was settled out of court for \$26 million and could result in the payment of up to \$20,000 for some affected class members depending on the number and types of hair products used.²¹

Therefore, given the similarity of the claims we can probably expect a similar outcome for members of the DevaCurl class actions. As of now, the parties agreed to mediate the case prior to DevaCurl's January 2021 deadline to file a motion to dismiss.²² While the legal battle moves forward hopefully the only other thing getting *straightened* out for the victims is the amount they will be awarded in damages!

Jannah Eichenbaum Neumark is a third-year law student at the Benjamin N. Cardozo School of Law and a staff editor on the Cardozo Arts & Entertainment Law Journal. Jannah hopes

**to
pursue a career in litigation upon her graduation. As a former DevaCurl user Jannah is open to
suggestions for new products!**

1. Lexi Novak, 10 Commandments of Curl Hair, *allure* (Jan. 14, 2013), <https://www.allure.com/gallery/the-ten-commandments-of-curly-hair>.
2. Madge Maril, The 22 Best Products for Curly Hair, *bazar* (Jul. 20, 2020), <https://www.harpersbazaar.com/beauty/hair/g32917760/best-products-for-curly-hair/>.
3. Katie Dingwall, Curly-haired women spend big on product, *fashion network* (Mar. 3, 2017), <https://us.fashionnetwork.com/news/Curly-haired-women-spend-big-on-product,799075.html>.
4. Ayesha Malik, Why I Stopped Using DevaCurl, YouTube (Jan. 31, 2020), <https://www.youtube.com/watch?v=nuo8UCcyDhg>.
5. *Id.*
6. Yola Robert, DevaCurl Is Under Fire From Their Loyal Customers For Alleged Hair Loss Damage- Here's What We Know, *Forbes*, <https://www.forbes.com/sites/yolarobert1/2020/02/14/devacurl-is-under-fire-from-their-loyal-customers-for-alleged-hair-loss-and-damageheres-what-we-know/?sh=4e685c6c5e0f> (last visited Apr. 11, 2020).
7. Hair Damage & Hair Loss from DevaCurl – You're not CRAZY or ALONE!, *facebook* (Apr. 14, 2020), <https://www.facebook.com/groups/486634018576633>.
8. Courtney Rubin, Did a Cult Hair-Care Line Cause Thousands of Women to Lose Their Hair?, *ny times* (Apr. 1, 2020), <https://www.nytimes.com/2020/04/01/style/deva-curl-hair-loss.html>.
9. *Id.*
10. DevaCurl's parent company. See Christen A. Johnson, DevaCurl customers are quitting the brand, alleging products cause hair loss, skin reactions and health issues: 'I could feel balls of hair just falling out,' *Chicago tribune* (Mar. 6, 2020, 5:00 A.M.), <https://www.chicagotribune.com/lifestyles/ct-life-devacurl-scandal-0306-20200306-2yxsvhaw4fgnzergqsiqbv4u7y-story.html>
11. Corrado Rizzi, Multiple Class Action Lawsuits Allege DevaCurl Products Cause Scalp Irritation, Hair Loss, Balding [UPDATE], *ClassAction.org*, <https://www.classaction.org/blog/multiple-class-action-lawsuits-allege-devacurl-products-cause-scalp-irritation-hair-loss-balding> (last updated Jan. 7, 2021).
12. *Id.*
13. *Id.* See also Priscilla DeGregory, DevaCurl products are causing hair loss, lawsuit claims, *ny post* (Oct. 27, 2020, 7:41 PM), <https://nypost.com/2020/10/27/devacurl-hair-care-products-causing-hair-loss-suit-claims/>.
14. Rizzi, *supra* note 11.

15.Id.

16. See also Priscilla DeGregory, DevaCurl products are causing hair loss, lawsuit claims, ny post (Oct. 27, 2020, 7:41 PM), <https://nypost.com/2020/10/27/devacurl-hair-care-products-causing-hair-loss-suit-claims/>.

17.Id.

18. Rizzi, *supra* note 11.

19. Wen Hair Care Side Effects – FDA Investigation & Lawsuit, consumer safety guide, <https://www.consumersafetyguide.com/wen-hair-care/> (last visited Apr. 11, 2021); WEN CLASS ACTION, James h. Brown & Associates, <https://www.jameshbrown.com/class-action-lawyers/wen-class-action/> (last visited Apr. 11, 2021).

20. Thatiana Diaz, DevaCurl Creates “Curl Care Council” Following Hair-Loss Allegations, refinery 29, <https://www.refinery29.com/en-us/2020/02/9363703/devacurl-hair-loss-damage-controversy> (last updated Feb 11, 2020 3:50 PM); Anne Bucher, WEN Hair Care Products Class Action Settlement, top class actions (Nov. 9, 2016), <https://topclassactions.com/lawsuit-settlements/closed-settlements/348988-wen-hair-care-products-class-action-settlement/>.

21. Wen Hair Care Side Effects – FDA Investigation & Lawsuit, consumer safety guide, <https://www.consumersafetyguide.com/wen-hair-care/> (last visited Apr. 11, 2021).

22. Rizzi, *supra* note 11.