

# **If you purchased a NUK Orthodontic Pacifier in CA, FL, IL, MA, MI, MN, MO, NJ, NY, or WA, a class action lawsuit may affect your rights.**

**SI DESEA RECIBIR ESTA NOTIFICACIÓN EN ESPAÑOL, LLÁMENOS O VISITE NUESTRA PÁGINA WEB**

*A federal court has authorized this Notice. This is not a solicitation from a lawyer. If you are a class member, your legal rights are affected whether you act or not. Please read this Notice carefully.*

In this lawsuit Plaintiffs allege that Defendants, Newell Brands Inc. and its subsidiary NUK USA LLC (“Defendants”), violated state consumer protection laws in California, Florida, Illinois, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, and Washington by misleading consumers through use of the word “orthodontic” on packaging for NUK Orthodontic Pacifiers. Plaintiffs allege the “orthodontic” label on NUK Orthodontic Pacifiers is misleading and represents oral health benefits that do not exist and caused consumers to pay more than they otherwise would have. Plaintiffs are seeking recovery for alleged advertising-related economic losses only. Defendants contend that the labeling on NUK Orthodontic Pacifiers is not misleading in any way and that the word “orthodontic” accurately describes their product. Defendants deny Plaintiffs’ allegations of any wrongdoing and deny that they violated any state consumer protection laws.

Defendants’ “orthodontic” pacifiers at issue are sold under the NUK brand name and include the following products, as well as any other NUK-branded pacifiers that have an "orthodontic" label: NUK Orthodontic Pacifiers, NUK Space™ Orthodontic Pacifiers, NUK Latex Orthodontic Pacifiers, NUK Sports Orthodontic Pacifiers, NUK Confetti Orthodontic Pacifiers, NUK Fashion Orthodontic Pacifiers, NUK Sensitive™ Orthodontic Pacifiers, and NUK Juicy Orthodontic Pacifiers.

- **If you have not purchased a NUK Orthodontic Pacifier in one of the 10 states and during the periods listed below, this notice can be disregarded.**
- No judge or jury has concluded that Defendants did anything wrong, and there is no guarantee that class members will recover a portion of the price they paid for their NUK Orthodontic Pacifier. Any potential recovery of money will depend on the outcome of trial or any settlement that is reached.
- This Notice is being provided, as ordered by the Court, to notify class members of class action litigation, so they can make informed decisions about their rights as the lawsuit moves forward. You are a class member if you purchased a NUK Orthodontic Pacifier in any of the following states beginning in the time periods listed below and ending on May 14, 2026:
  - California (since October 16, 2019)
  - Florida (since October 16, 2019)
  - Illinois (since October 16, 2019)
  - Massachusetts (since October 16, 2019)
  - Michigan (since October 16, 2019)
  - Minnesota (since October 16, 2019)
  - Missouri (since October 16, 2019)
  - New Jersey (since October 16, 2019)
  - New York (since October 16, 2019)
  - Washington (since October 16, 2019)
- If you purchased a NUK Orthodontic Pacifier in any other state or your purchase was outside the noted time periods, you are not a class member and are not affected by this Notice or this lawsuit. If you are a class member your legal rights are affected by this Notice and this lawsuit whether you act or not. *If you are a class member, please read this notice carefully.*

**Questions? Call 1-800-627-0569 or visit [www.NUKOrthodonticPacifierLawsuit.com](http://www.NUKOrthodonticPacifierLawsuit.com)**

<b>YOUR RIGHTS AND CHOICES</b>		<b>DEADLINE</b>
<b>Do Nothing</b>	<p><b>Stay in this lawsuit. Await the outcome. Give up the right to sue separately.</b></p> <p>If you do nothing, you may become entitled to money awarded to Plaintiffs if they prevail from a trial or as part of a settlement. But you will never be able to sue Defendants separately over the legal claims in this lawsuit and will be bound by any judgment.</p>	
<b>Exclude Yourself (Opt Out)</b>	<p><b>Get out of this lawsuit. Get no money if any is awarded. Keep the right to sue Defendants separately.</b></p> <p>If you ask to be excluded from the lawsuit and money is later awarded to Plaintiffs, you will not receive any money. You will keep any rights to sue Defendants separately over the legal claims in this lawsuit.</p>	<b>August 24, 2026</b>

- To prevail in the lawsuit, Plaintiffs must prove the claims against Defendants at a trial to be scheduled at a later date. If Plaintiffs prevail and they are awarded money from Defendants, then class members will be notified about how to submit a claim and receive money.

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**Questions? Call 1-800-627-0569 or visit [www.NUKOrthodonticPacifierLawsuit.com](http://www.NUKOrthodonticPacifierLawsuit.com)**

## BASIC INFORMATION

### 1. Why should I read this Notice?

A federal court has preliminarily established, or “certified,” this case as a class action lawsuit. The Court has authorized this Notice regarding the certification of this case and about class members’ rights and options. The class consists of persons who purchased NUK Orthodontic Pacifiers in any of the following states during the noted time periods: California (since October 16, 2019), Florida (since October 16, 2019), Illinois (since October 16, 2019), Massachusetts (since October 16, 2019), Michigan (since October 16, 2019), Minnesota (since October 16, 2019), Missouri (since October 16, 2019), New Jersey (since October 16, 2019), New York (since October 16, 2019), and Washington (since October 16, 2019). Persons who purchased NUK Orthodontic Pacifiers in other states or the purchase was made outside the noted time periods are not part of the class and are not affected by this Notice or this lawsuit.

Judge Andrea Wood of the United States District Court for the Northern District of Illinois Eastern Division (the “Court”) is overseeing this case. The case is known as *Benson et al. v. Newell Brands Inc. et al.*, Case No. 1:19-cv-06836. The people who sued are called Plaintiffs. The companies they are suing, Newell Brands Inc., and its subsidiary Graco Children’s Products, Inc., are called Defendants.

### 2. What is this lawsuit about?

In this lawsuit Plaintiffs allege that Defendants violated state consumer protection laws in California, Florida, Illinois, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, and Washington by misleading consumers through use of the word “orthodontic” on packaging for NUK Orthodontic Pacifiers. Plaintiffs allege that the word “orthodontic” leads consumers to believe that NUK Orthodontic Pacifiers promote healthy oral development better than other pacifiers, and Plaintiffs allege that this is not true. Plaintiffs allege the use of the word “orthodontic” on NUK Orthodontic Pacifier packaging is misleading and caused consumers to pay more than they otherwise would have. Plaintiffs are seeking recovery for alleged advertising-related economic losses only.

Defendants contend that the labeling on NUK Orthodontic Pacifiers is not misleading in any way and that the word “orthodontic” accurately describes their product. Defendants deny Plaintiffs’ allegations of any wrongdoing and deny that they violated any state’s consumer protection laws. The Court has not decided who is right.

### 3. What is a class action?

In a class action lawsuit, one or more people called “Class Representatives” (in this case Shelly Benson and Lisa Caparelli) sue on behalf of other persons with similar claims. Here, those persons together are “Ten-State Class” members. One court resolves the issues for all members of the Ten-State Class, except for those who exclude themselves (“opt-out”) from the lawsuit.

The Court decided this lawsuit can proceed as a class action. More information about why the Court is allowing this lawsuit to proceed as a class action is in the Court’s Memorandum Opinion and Order, which you may view at [www.NUKOrthodonticPacifierLawsuit.com](http://www.NUKOrthodonticPacifierLawsuit.com).

### 4. Is there any money available now?

No. The Court has not decided whether Defendants did anything wrong, or whether any members of

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the Ten-State Class are entitled to relief. Therefore, no money is available to Ten- State Class members and there is no guarantee that there ever will be. If money becomes available, if you are a Ten-State Class member you may have to take other steps, such as submitting a claim form, in order to get your potential monetary award (money). If so, class members will be notified of any additional steps they must take. You can stay informed of the progress of this case by visiting the website [www.NUKOrthodonticPacifierLawsuit.com](http://www.NUKOrthodonticPacifierLawsuit.com) or by calling 1-800-627-0569.

## **WHO IS IN THE CLASS?**

### **5. Am I part of this lawsuit?**

The Court has decided that members of the Ten-State Class are:

All persons who purchased in the State of California, Florida, Illinois, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, or Washington any of the NUK- branded Orthodontic Pacifiers, within the applicable statute of limitations, until May 14, 2026.

Defendants' "orthodontic" pacifiers at issue are sold under the NUK brand name and include the following products, as well as any other NUK-branded pacifiers that have an "orthodontic" label: NUK Orthodontic Pacifiers, NUK Space™ Orthodontic Pacifiers, NUK Latex Orthodontic Pacifiers, NUK Sports Orthodontic Pacifiers, NUK Confetti Orthodontic Pacifiers, NUK Fashion Orthodontic Pacifiers, NUK Sensitive™ Orthodontic Pacifiers, and NUK Juicy Orthodontic Pacifiers.

### **6. What if I am still not sure if I am included in the Ten-State Class?**

If you are unsure whether you are included in the Ten-State Class you can visit the website [www.NUKOrthodonticPacifierLawsuit.com](http://www.NUKOrthodonticPacifierLawsuit.com) or call toll-free 1-800-627-0569, or write to NUK Notice Administrator, PO Box 3507, Portland, OR 97208-3507, for more information.

## **YOUR RIGHTS AND OPTIONS**

If you are a member of the Ten-State Class, you must decide whether to stay in the Ten-State Class, or whether to exclude yourself. You have to decide this no later **August 24, 2026**.

### **7. What happens if I do nothing at all?**

If you are a member of the Ten-State Class and do nothing, you will stay in the Ten-State Class. If you stay in, you will be legally bound by all of the decisions that the Court makes, and if Plaintiffs obtain money later on, you may be entitled to a potential monetary award (money). Regardless of the outcome of the lawsuit, however, if you do nothing, and thereby remain in the Ten-State Class, you will never be able to sue (or continue to sue) Defendants about the legal claims in this case.

### **8. What happens if I exclude myself?**

If you exclude yourself from the Ten-State Class and the Ten-State Class is awarded money later on, you will not be eligible to claim any of that money. You also will not be legally bound by the Court's judgments if you exclude yourself. You will be able to sue (or continue to sue) Defendants on your own about the legal claims that are involved in this case, now or in the future, assuming your claims are not time-barred or otherwise prohibited (you should consult your own lawyer to make such a determination).

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## 9. How do I request to be excluded?

To exclude yourself, you must send a letter with the following information:

- Your name and address;
- A statement that you wish to be excluded from the Ten-State Class in *Benson et al. v. Newell Brands Inc., et al.*, Case No. 1:19-cv-06836; and
- Your signature.

You must mail your Exclusion Request postmarked by **August 24, 2026**, to:

NUK Notice Administrator  
P.O. Box 3507  
Portland, OR 97208-3507

## THE LAWYERS REPRESENTING MEMBERS OF THE CLASS

### 10. Do members of the class have a lawyer in this case?

Yes. The Court appointed Melissa Weiner of Pearson Warshaw, LLP<sup>1</sup> and Edwin Kilpela Jr. of Wade Kilpela Slade<sup>2</sup> as “Class Counsel.” They are experienced in handling similar class action cases. You will not be charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

### 11. How will the lawyers be paid?

If Class Counsel obtains money for the Ten-State Class, they may ask the Court for fees and expenses. You will not have to pay these fees and expenses. If the Court grants their request, the fees and expenses will either be deducted from any money obtained for the Ten-State Class or paid separately by Defendants.

### 12. May I get my own lawyer?

If you are a Ten-State Class member, you are not required to hire your own lawyer because Class Counsel is working on your behalf. But if you want your own lawyer, you may hire one at your own expense.

## A TRIAL

### 13. How and when will the Court decide who is right?

To prevail in the lawsuit, Plaintiffs must prove their claims at a trial to be scheduled at a later date. During the trial, the judge and/or jury will hear evidence in order to determine whether Plaintiffs or Defendants are right about the claims in the lawsuit. There is no guarantee that Plaintiffs will win any money for the Ten-State Class.

### 14. Do I have to come to the trial?

If there is a trial, class members will not need to attend unless you choose to do so, or you are asked to attend by the Court. You and/or your own lawyer are welcome to attend at your own expense. If

<sup>1</sup> Pearson Warshaw, LLP was previously Pearson, Simon & Warshaw, LLP.

<sup>2</sup> Edwin Kilpela, Jr. was previously an attorney at Carlson Lynch, LLP.

you are interested in attending, please check the website or call the toll-free number and ask to be kept informed of the trial schedule.

### **15. Will I get money after the trial?**

If Plaintiffs obtain money as a result of the trial, then class members will be notified about how to submit a claim to participate in a claims process. We do not know how long this will take. Information will be posted on the website [www.NUKOrthodonticPacifierLawsuit.com](http://www.NUKOrthodonticPacifierLawsuit.com) as it becomes available. You can access the website whether you stay in the lawsuit or exclude yourself.

### **GETTING MORE INFORMATION**

### **16. How do I get more information?**

You can call toll-free 1-800-627-0569, write to NUK Notice Administrator, PO Box 3507, Portland, OR 97208-3507; or go to [www.NUKOrthodonticPacifierLawsuit.com](http://www.NUKOrthodonticPacifierLawsuit.com), where you will find answers to common questions and other important documents in the case.

You may also contact Class Counsel.

**PLEASE DO NOT TELEPHONE THE COURT OR THE COURT'S CLERK OFFICE TO  
INQUIRE ABOUT THIS LAWSUIT**