

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

THE PROCTER & GAMBLE COMPANY,

Plaintiff and
Counterclaim
Defendant,

v.

HELLO PRODUCTS, LLC,

Defendant and
Counterclaim
Plaintiff.

No. 14 Civ. 649 (VM) (RLE)

STIPULATED PERMANENT
INJUNCTION ORDER

WHEREAS, on January 31, 2014, Plaintiff The Procter & Gamble Company ("P&G") filed a Complaint against Defendant Hello Products, LLC ("Hello") alleging causes of action relating to the "99% Natural" language on the label of the Hello toothpaste product formulations marketed by Hello on or about January 31, 2014 (the "Product"), and related claims concerning advertising and promotion for the Product (hereinafter, the "99% Natural Claim"); and

WHEREAS, Hello on March 17, 2014 answered P&G's Complaint and also filed Counterclaims against P&G alleging breach of contract, promissory estoppel, and equitable estoppel; and

WHEREAS, P&G indicated its intent to seek a permanent injunction in connection with such causes of action; and

WHEREAS, Hello denies and disputes the allegations of the complaint filed by P&G, but in the interests of resolving this dispute, is prepared to agree to the terms of this Stipulated Permanent Injunction; and

WHEREAS the parties understand that by consenting to this Stipulated Permanent Injunction, Hello does not admit any liability; and

WHEREAS the parties understand that by consenting to this Stipulated Permanent Injunction, nothing contained herein shall be construed as an admission by either party, or be admissible as evidence of any wrongdoing by Hello;

IT IS HEREBY STIPULATED by and between P&G, on the one hand, and Hello, on the other hand, that the Court enter this Order permanently enjoining Hello as follows:

1. Hello will not make or disseminate the 99% Natural Claim; and will not make or disseminate the statement that the Product “is more natural than Crest,” or that the Product “is more natural than ‘x’,” where “x” is a term which Hello intends to be understood by consumers to refer to “Crest” (the “Comparative Claim”), or the phrase “chemistry, not chemicals” in reference to the Product, in new product labeling, advertising, promotion, interviews, press statements, graphics, photos and decorations, and will not further publish any such claim (or any such statement) in any advertising or promotional materials, including in television, print or in-store advertising, on its corporate Facebook page, its corporate Twitter account, any other social media, or its corporate website at www.hello-products.com/. For purposes of clarity, to the extent that any third party references the 99% Natural Claim or the Comparative Claim in any form of media, Hello agrees that it shall not further disseminate materials containing that claim.

2. Specifically, as to its prior advertising and promotion:

(a) Hello has represented that it has removed from copy on its corporate website at <http://hello-products.com/> any references to “99% Natural.”

(b) Hello has represented that it has ceased use of the phrase “chemistry, not chemicals” in advertising and promotional materials for its toothpaste product.


(c) Hello has represented that it has removed from copy on its corporate website at <http://hello-products.com/>, its Facebook page, and its corporate Twitter account graphics, pictures, photographs and copy that reference the phrase “chemistry, not chemicals.”

(d) Hello has represented that it has removed from copy on its corporate website at <http://hello-products.com/>, links to any media that reference the claims and/or phrases identified in paragraphs 1 and 2(a) - (c) above, including but not limited to the USA Today article (<http://www.usatoday.com/story/money/business/2013/09/30/baverman-column-entrepreneurs-and-startups/2862461/>) and the Yahoo! Finance article (<http://finance.yahoo.com/blogs/daily-ticker/seriously-friendly-david-down-goliaths-oral-hygiene-meet-154244666.html>).

3. Hello represents that all labeling of the Product will include language on the front of its product package indicating that it contains fluoride.

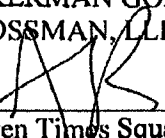
Dated: June 4, 2015
New York, New York

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SO ORDERED: 

4 June 2015
The Honorable Victor Marrero 
United States District Judge