

Latest Influencer Marketing Class Actions Pinpoint 5 Themes

By **Caitlin Zeytoonian and Elizabeth Bresnahan** (July 8, 2025, 3:14 PM EDT)

A wave of class actions targeting influencer marketing practices has emerged in the first half of 2025, signaling what could be a popular trend in consumer class action litigation. With demands for substantial monetary and injunctive relief and significant brand damage at stake, influencer marketing lawsuits can be detrimental for brands and influencers alike.

Until recently, scrutiny of influencer marketing has primarily come from two sources: the Federal Trade Commission and the National Advertising Division. Now, private plaintiffs are increasingly stepping into the arena.

In the first six months of 2025, consumer plaintiffs have filed several class actions against brands and influencers for engaging in allegedly deceptive influencer marketing in violation of the FTC's Guides Concerning the Use of Endorsements and Testimonials in Advertising, as well as state consumer protection and advertising laws.[1]

Dubreu v. Celsius

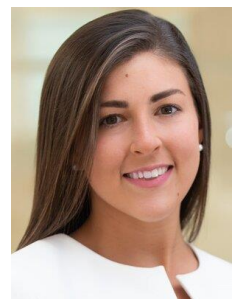
In this putative class action filed in January in the U.S. District Court for the Central District of California, California resident Mariana Dubreau sued popular energy drink company Celsius Holdings Inc. and three influencers on behalf of herself and proposed classes of similarly situated consumers in California and in the U.S.[2]

The lawsuit alleges that Celsius and the named influencer defendants "devised a scheme" through which the influencers promoted Celsius products on social media without disclosing their material connection to the company, resulting in artificially inflated prices and sales.

According to the complaint, the influencer defendants promoted the company's drinks while posing as disinterested consumers in violation of federal and California state consumer protection laws. The plaintiff seeks damages in excess of \$450 million. The defendants moved to dismiss the case on May 12.

Bengoechea v. Shein

In February, seeking to represent a nationwide class and various state subclasses, residents of California, Illinois and Pennsylvania sued e-commerce platform Shein and seven influencers in the U.S. District Court for the Northern District of Illinois.[3]



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This lawsuit alleges that the influencer defendants promoted Shein's products on social media but failed to disclose their material connection to the company by either omitting those disclosures altogether or burying disclosure language in violation of the FTC's guidance that such disclosures be clear and conspicuous.

According to the complaint, the named influencer defendants presented themselves as ordinary consumers of Shein's products rather than paid brand ambassadors, which led to artificial inflation of Shein's prices. The plaintiffs seek damages in excess of \$500 million. The defendants **moved** to stay the case and compel arbitration on June 11.

Negreanu v. Revolve Group Inc.

In April, a California consumer filed a putative class action in the Central District of California targeting the fashion retailer Revolve Group and three influencers.[4] The plaintiff seeks to represent a nationwide class and a Florida subclass, and claims that Revolve and the named influencer defendants misled consumers through undisclosed influencer partnerships.

Notably, the complaint alleges that Revolve charges 10% to 40% more than its competitors for similar products and asserts that Revolve's influencers use proper disclosures when promoting other brands but conspicuously omit them for Revolve, suggesting deliberate instruction from Revolve to "disguise the advertising." The plaintiff seeks damages exceeding \$50 million.

Sulici v. Alo Yoga

In April, consumer plaintiffs in Florida and Illinois filed suit against activewear retailer Alo Yoga and 14 influencers in the Northern District of Illinois.[5] Seeking to represent a nationwide class and numerous state subclasses, the plaintiffs allege that the named influencer defendants promoted Alo's products on social media without adequately disclosing the sponsored nature of their relationships with the brand.

According to the complaint, the named influencer defendants promoted Alo while presenting themselves as authentic yoga practitioners and fitness enthusiasts rather than paid endorsers. The plaintiffs seek damages in excess of \$75 million.

Pop v. Beach Bunny Swimwear Inc.

In May, a consumer in California sued popular swimwear brand Beach Bunny and several influencer defendants in the Central District of California.[6]

The plaintiff seeks to represent a nationwide class and a California subclass, and alleges that the named influencer defendants promoted Beach Bunny's swimwear products on social media while failing to clearly disclose their paid partnerships with the brand. The plaintiff seeks damages in excess of \$25 million.

Common Themes

There are several notable similarities across these recent cases. Together, they attempt to transform arguably routine business practices into a new focus area for consumer class actions. And if successful, these cases could form the blueprint for future influencer marketing class actions.

First, these cases all name both the brand and individual influencers as defendants. By naming both the corporate entity and individual influencers, the plaintiffs cast a wider net for potential liability and damages. For individual influencer defendants, liability could extend not only to business earnings, but to personal assets — presenting an added layer of exposure.

In addition to potentially increasing the pool of available assets for potential recovery, this approach may also add a new layer of complexity in defense strategies and settlement negotiations.

Second, these lawsuits consistently frame undisclosed influencer partnerships as deceptive business practices that allow companies to charge premium pricing. And the plaintiffs collectively leverage the FTC's Endorsement Guides as the baseline for proper influencer marketing disclosures, arguing that noncompliance with the guides violates various state consumer protection laws.

Notably, however, the guides themselves are not binding and do not independently have the force of law — an issue that may present significant hurdles for plaintiffs to overcome.

Third, in each case, the plaintiffs allege that the named influencer defendants either inadequately disclosed their relationship with the brand or omitted the required disclosures altogether, rendering any disclosures ineffective and insufficient to satisfy the clear and conspicuous standard set out in the FTC's Endorsement Guides.

By focusing on the adequacy and placement of disclosures, rather than simply their existence, plaintiffs create multiple channels through which violations may be identified. The highly individualized nature of issues like disclosure adequacy and effectiveness and sales transactions, however, may present challenges for plaintiffs at the class certification stage.

Fourth, these cases are all grounded in the same price premium theory. The plaintiffs argue that they either would not have purchased the products at all or, in the alternative, would have paid lower prices for the products had they known that the endorsements in question were sponsored. This theory relies on certain assumptions regarding modern consumer sophistication in the social media context and assumes that sponsorship disclosures materially affect consumer behavior.

Empirical evidence and expert testimony are likely to play a critical role in the outcome of these cases if they proceed beyond the motion to dismiss stage.

Finally, these recent cases were filed in the Northern District of Illinois or the Central District of California, which are jurisdictions widely recognized for vigorous consumer protection enforcement and robust class action litigation. If successful, these cases could pique the interest of more plaintiffs law firms, leading to a proliferation of similar lawsuits both in these jurisdictions and across the country.

Key Takeaways

The nearly identical legal theories, procedural strategies and damages calculations in these lawsuits reflect what appears to be a standardized and easily replicable formula. Although it remains to be seen whether these cases will progress past the motion to dismiss stage, their emergence suggests a coordinated approach to test what could become an increasingly popular area of consumer class action litigation.

Now is the time to identify and cure gaps in compliance.

Practical Tips

Monitor social media representations and disclosures.

Companies should be in the know about what influencers and other social media personalities are saying about their brand and their products. By keeping abreast of these developments and training employees to be able to spot potential red flags, companies will be better positioned to swiftly identify and remedy potentially misleading or inadequate disclosures.

Provide clear guidance and guardrails.

Companies relying on influencers and social media endorsements must take steps to ensure that influencers and anyone else promoting their brand or their products understand the basic requirements of endorsement marketing — regardless of the form of compensation. This includes gifting, free access to events and other nontraditional forms of compensation.

In today's world, it is not enough to simply advise influencers that compliance with the Endorsement Guides is required. Rather, companies can mitigate risk by providing detailed guidance and training to influencers, including specific examples of permissible disclosure language and direction on how such disclosures should appear, in both form and substance.

Correspondingly, by participating in trainings and carefully adhering to guidance, content creators can mitigate their own personal exposure.

Insist on robust influencer agreements.

Comprehensive influencer agreements can serve as powerful tools to align companies and influencers on key elements of an endorsement relationship from the outset. This includes the specific services being provided, content approval rights, the terms of the parties' relationship, the allocation of risk, ownership of social media content, and applicable disclosure obligations.

Because this area of law is rapidly changing, companies should stay apprised of how these dynamics are playing out in the real world, and be prepared to adjust their templates and even supplement their contracts as the situation evolves.

Stay apprised of social media activity more generally.

Social media influencers often promote multiple brands and products. Companies should actively monitor what influencers promoting their brand are saying on social media more generally. Now that individual influencers are being named in consumer-driven lawsuits, it could put a target on the backs of other companies with which the influencer is affiliated.

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[1] For more information on the Endorsement Guides, please see our prior thought leadership here: [FTC Updates Endorsement Guides, Proposes Endorsement-Related Rule](#).

[2] *Dubreu v. Celsius*, Case No. 5:25-cv-00180 (C.D. Cal., Jan. 22, 2025).

[3] *Bengoechea v. Roadget Business Pte. Ltd. d/b/a Shein*, Case No. 1:25-cv-01402 (N.D. Ill., Feb. 10, 2025).

[4] *Negreanu v. Revolve Group Inc.*, Case No. 2:25-cv-03186 (C.D. Cal., Apr. 11, 2025).

[5] *Sulici v. Color Image Apparel d/b/a Alo Yoga*, Case No. 1:25-cv-03928 (N.D. Ill., Apr. 11, 2025).

[6] *Pop v. Beach Bunny Swimwear Inc.*, Case No. 2:25-cv-04085 (C.D. Cal., May 7, 2025).