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Lawsuits Targeting Manufacturers and Sellers of Hair Relaxer Products Consolidated in Chicago Federal Court

Over 50 product liability lawsuits aimed at manufacturers, sellers, and distributors of chemical hair relaxer products have been consolidated before a federal court judge in Chicago. The cases allege that the products, primarily marketed and sold to black women, are linked to an increased risk of developing cancer and other reproductive health complications – allegations the defendants vigorously dispute. The United States Judicial Panel on Multidistrict Litigation (JPML) consolidated the scores of chemical hair relaxer cases originally filed across the country into a multidistrict litigation (MDL) on February 6, 2023, and transferred the cases to U.S. District Court for the Northern District of Illinois Judge Mary M. Rowland.

The lawsuits represent a budding mass tort alleging that the chemical hair relaxing products cause cancer, uterine fibrosis, endometriosis, and other reproductive health complications. An influx of filings followed soon after an October 17, 2022, study published in the *Journal of the National Cancer Institute* suggesting the first epidemiologic evidence of an association between the use of straightening products and uterine cancer. The study titled, "Use of Straighteners and Other Hair Products and Incident Uterine Cancer," contained admittedly novel findings and suggested future research was needed, but nevertheless observed that straightening product use was positively associated with uterine cancer. While the researchers found "no differences in the hazard ratios between racial and ethnic groups," they hypothesized that "the adverse health effects associated with straightener use could be more consequential for African American and/or Black women because of the higher prevalence and frequency of hair product use, younger age of initiating use, and harsher chemical formulations . . . than other races and ethnicities."

The lawsuits name numerous chemical hair relaxer manufacturers and suppliers. The defendants opposed the MDL consolidation based on the grounds that there are numerous competing differing facts in the individual cases and that there is not a common chemical amongst the defendants' products that is linked to the alleged increased risk. The JPML

disagreed and held that by consolidating these cases, it will streamline discovery and pre-trial proceedings by eliminating duplicative discovery efforts and filings. The MDL currently consists of 53 individual cases, but it is expected that the number will grow.

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