

## Class Action Lawsuit Alleges That Target-Brand Flushable Wipes Are Not Suitable For Flushing And Can Clog Pipes And Damage Sewer And Septic Systems

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A class action lawsuit filed against **Target Corporation** alleges that the retail giant misled consumers by marketing its up & up® brand pre-moistened fabric wipes as “**flushable**” and safe for sewer and septic systems, even though that was not true. In particular, the plaintiff contends that the representations on the packaging of the up & up® wipes and on Target’s website that the wipes are “flushable,” “break apart after flushing,” and are “sewer and septic safe” are false and misleading. Indeed, the lawsuit alleges that precisely the opposite is true: that the wipes do not disperse after flushing and instead result in clogged sewer lines and septic systems, causing sewage backups and even flooding.

The lawsuit also alleges that so-called “flushable” wipes like Target’s are a public health hazard because they are clogging pumps at municipal waste-treatment facilities. Cities across the country have allegedly been forced to expend hundreds of thousands, and in some cases millions, of taxpayer dollars in labor and equipment costs to try to deal with the problem. State and local wastewater management officials in Ohio and many other states have purportedly urged wipes sellers to remove the flushability claims from their packaging and started public relations campaigns warning consumers that the wipes are not toilet safe. According to the complaint, the wipes industry has so far resisted removing these claims and sales for flushable wipes are on the rise.

The lead plaintiff purchased up & up® brand flushable wipes from a Target store located in Boardman, Ohio. According to the lawsuit, the plaintiff used the wipes primarily for potty training his daughter and disposed of the wipes by flushing them down his toilet as directed by the up & up® wipes packaging. As alleged in the complaint, on or around summer 2013, the plaintiff started noticing problems with the plumbing in his house, such as the tub not draining and toilet not flushing properly. In November 2013, the plaintiff hired a plumber to diagnose the problem. The plumber discovered that the up & up® flushable wipes the plaintiff had disposed of via his toilet had not dispersed and had instead caked together in the plumbing and septic system, causing the problems previously observed. The plumber flushed the pipes and septic system and charged the plaintiff approximately \$210 for labor and service. The plumber also informed the plaintiff that the septic system could be permanently damaged due to the wipes and that then it may cost as much as \$20,000 to acquire a replacement system.

The civil action was filed in the U.S. District Court for the Northern District of Ohio, Youngstown Division on behalf of all consumers in Ohio that purchased Target-brand up & up® flushable wipes.

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