

AROMA NATURALS
v.
OUR SECRET, LTD
(United States District Court for the Central District of California - Southern Division)
00-cv-591

Action for False Advertising under the Lanham Act (15 U.S.C. Sec. 1125(a)).

Our Secret is a manufacturer of candles. The company in 1996 began to make and sell a line of candles called “Aromatherapy” candles. These candles contain essential oils, a product that is obtained from natural plants, and synthetic fragrances in a blend to yield a variety of fragrances. The line includes candles named “Happy Heart,” “Zest for Life,” “Mood Mender”, “Air of Romance,” and several others. The aromatherapy candles are sold throughout the United States through a wide variety of stores. Our Secret advertises these candles through different channels including product brochures and catalogs.

In mid-2000 Aroma Naturals, also a manufacturer of aromatherapy candles, located in Irvine, California brought suit against Our Secret alleging that it was engaging in false advertising for use of the designation “aromatherapy” as used on candles. Aroma Naturals contended that an aromatherapy candle must contain all essential oil as the fragrance component. It maintained that the use of the “aromatherapy” label on a candle with some man-made fragrance compound deceived consumers who expected that an “aromatherapy” candle would have only “natural” ingredients.

Our Secret brought a motion for summary judgment on the false advertising claim, which also was the basis for a claim under the California false advertising statute, Cal. Civil Code Sec. 17200. The Court ruled in favor of Our Secret and held that the word “aromatherapy” has no established meaning to consumers. The word is ambiguous and does not connote any particular product characteristics. Our Secret had pointed out that there was no government or industry standard that defined the term “aromatherapy”. A survey taken by Aroma Naturals failed to specifically address the question as to what the term meant to a consumer. Without any well-understood meaning, the advertisements of Our Secret that used the term to denominate its candles could not deceive and therefore could not be false.

The case was settled by a bankruptcy trustee after financial difficulties were encountered by Our Secret.