

DIET APP COMPANY NOOM, INC. HIT WITH \$100M CLASS ACTION SUIT FOR BAIT AND SWITCH ENROLLMENT SCAM

Complaint Details How the Fast-Growing Diet Marketer Lures New Customers with Promise of Free or Low-Cost Trial Periods But Then Enrolls Them In Expensive Plans

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(May 12, 2020, New York, NY) – Noom, Inc., the latest app-based dieting fad with more than 50 million users worldwide, engages in a deceptive marketing scheme to automatically enroll customers in pricey weight loss plans, charges a nationwide class action lawsuit filed today in Federal Court in New York City by class action *Super Lawyers* Wittels McInturff Palikovic. The lawsuit alleges that Noom’s advertised promise of easy to cancel and “risk free” trial plans is just the opposite, as canceling a Noom trial plan turns out to be as difficult as trying to lose weight. Once the company captures prospective customers’ credit card information, would-be dieters find themselves automatically enrolled in weight-loss programs they never wanted.

“Instead of losing extra pounds, the only thing weightwatchers lose by signing up with Noom is their hard-earned dollars,” says class lawyer Steven L. Wittels. “As the Company’s coffers have grown fat, so too have the number of online complaints about its underhanded business practices,” Wittels adds.

The class action reveals that thousands of unhappy customers have already complained of being unwittingly enrolled by Noom’s costly and non-refundable automatic renewal scheme. The complaint details how many customers sign up thinking they will receive personal coaching and an individually customized weight-loss plan but are surprised to later discover that the “coach” who greets them at the start of their trial period is actually a computer bot which, of course, fails to deliver the promised individualized attention.

Brought on behalf of all Noom customers nationwide, the class action lawsuit details the various ways the company’s marketing practices violate consumer fraud laws in New York and California, and state law everywhere. The lawsuit spells out how the company fails to get customers’ consent before automatically enrolling them in costly multi-month plans in direct violation of California’s Automatic Purchase Renewal Statute.

“Our class action aims to get refunds for all Noom customers who were illegally enrolled in Noom’s app-based weight-loss programs,” explains class lawyer Tiasha Palikovic. “The diet pusher preys on people eager to lose weight by offering them a trial period that is supposed to be low cost or free. But after it dupes customers into handing over their payment information for these supposedly “risk free” trials, the minute those trials end Noom makes unauthorized charges of up to \$199 for multi-month plans.”

The New York-based Noom -- with revenues now topping \$237 million per year -- touts its user support as one of the factors helping quadruple the company’s revenue in 2019. But the truth is

that user support is precisely what this diet app lacks, as users soon discover that customer service is virtually non-existent because Noom fails to provide a phone number, email, or even physical address where it can be reached. Indeed, the only way Noom’s customers can engage with the company is by sending messages to its bots. In addition, users are never told that a smart phone app is the only way to access the diet program, nor are they ever told that the only way to cancel their trial membership is through a third party.

The suit maintains that Noom owes hundreds of dollars to each class member deceived into automatic enrollment. The class action also asks for punitive damages, interest, costs, restitution, and an injunction to stop the unlawful behavior.

“Unless this case is certified as a class action,” says class attorney J. Burkett McInturff, “this diet hawker will continue to profit from its unlawful marketing practices with impunity. With vulnerable customers looking for a health panacea, it is more important than ever to ensure that businesses don’t abuse the internet to entice customers into automatic nonrefundable enrollments they didn’t authorize.”

The plaintiffs’ legal team, Steven L. Wittels, Tiasha Palikovic, and J. Burkett McInturff, have requested a jury trial.

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About Wittels McInturff Palikovic

Steven L. Wittels, named a “Super Lawyer” eight years running (2013-2020) for his class action litigation success, is a nationally recognized class action attorney who concentrates on consumer fraud, civil rights, and general public interest cases. The firm represents victims of consumer fraud, employment discrimination, labor and wage violations, predatory lending, whistleblower retaliation, mass torts, and other wrongdoing. Mr. Wittels was a lead trial counsel in the largest employment class action ever tried to verdict in New York--which resulted in a \$253 million jury award against Novartis. Tiasha Palikovic and J. Burkett McInturff are both rising stars in the class action arena, having obtained settlements for victims of consumer fraud and employment discrimination totaling more than \$100 million in the past four years.