UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO) OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

APPLICATION SERIAL NO. 77847201

MARK: SIMPLY ORGANIC GURL

77847201

CORRESPONDENT ADDRESS:

HUGH D JAEGER HUGH D JAEGER PA PO BOX 432 WAYZATA, MN 55391-0432 CLICK HERE TO RESPOND TO THIS LETTER: http://www.uspto.gov/trademarks/teas/response_forms.jsp

APPLICANT: Simply Organic, Inc.

CORRESPONDENT'S REFERENCE/DOCKET

NO:

N/A

CORRESPONDENT E-MAIL ADDRESS:

OFFICE ACTION

ISSUE/MAILING DATE:

THIS IS A SUBSEQUENT FINAL ACTION.

This Office action is in response to applicant's communication filed on April 16, 2012.

The applicant (1) amended the identification of goods; and (2) argued against the Section 2(d) refusal. No. (1) is acceptable. The applicant's amended identification of goods has been entered into the record.

Refusal Under Section 2(d) – Likelihood of Confusion

Registration was refused under Trademark Act Section 2(d), 15 U.S.C. §1052(d), because the mark for which registration is sought so resembles the mark shown in U.S. Registration No. 3251714 as to be likely, when used on the identified goods, to cause confusion, or to cause mistake, or to deceive.

The examining attorney has considered the applicant's arguments carefully but has found them unpersuasive. For the reasons set forth below, the refusal under Trademark Act Section 2(d) is now made **FINAL** with respect to U.S. Registration No. 3251714. *See* 15 U.S.C. §1052(d); 37 C.F.R. §2.64(a).

The applicant has applied to register SIMPLY ORGANIC GURL (Standard Character Drawing) for "Organic hair care products, namely, shampoos, conditioners, setting gels, styling gels, heat activated hair setting preparations, hair sprays; organic skin, body and facial care products, namely, lotions, moisturizers, toners, exfoliators, hand creams, foot creams, shaving creams, cleansers, scrubs, beauty

masks, vanishing creams, anti-aging cleansers, anti-wrinkle creams, lip balms, bar soaps, liquid soaps, deodorants."

U.S. Registration No. 3251714 is ORGANIC GIRL (Standard Character Drawing) for "Body lotion; Body scrub."

Prior Office actions have explained at length the similarities of the applicant's and the registrant's marks. To summarize, the dominant wording in the marks are phonetic equivalents: "ORGANIC GURL" and "ORGANIC GIRL."

As discussed in the October 12, 2011 Office action, the specimen submitted with the amendment to allege use shows that the applicant emphasizes the wording "ORGANIC GURL" in the display of its mark. The wording "ORGANIC GURL" is written in large font horizontally across the face of the bottle. The word "SIMPLY" is in much smaller font and is written vertically next to the word "ORGANIC." Consumers who take a quick glance at the bottle are likely to see the applicant's mark as "ORGANIC GURL" rather than as "SIMPLY ORGANIC GURL."

With respect to a comparison of the applicant's and the registrant's goods, the goods are identical in part. Both the applicant and the registrant manufacture/sell body "lotions" and body "scrubs."

To the extent the goods are not identical, they are highly related. The goods of the parties need not be identical or directly competitive to find a likelihood of confusion. *See Safety-Kleen Corp. v. Dresser Indus., Inc.*, 518 F.2d 1399, 1404, 186 USPQ 476, 480 (C.C.P.A. 1975); TMEP §1207.01(a)(i). Rather, it is sufficient to show that because of the conditions surrounding their marketing, or because they are otherwise related in some manner, the goods would be encountered by the same consumers under circumstances such that offering the goods under confusingly similar marks would lead to the mistaken belief that they come from, or are in some way associated with, the same source. *In re Iolo Techs., LLC*, 95 USPQ2d 1498, 1499 (TTAB 2010); *see In re Martin's Famous Pastry Shoppe, Inc.*, 748 F.2d 1565, 1566-68, 223 USPQ 1289, 1290 (Fed. Cir. 1984); TMEP §1207.01(a)(i).

Attached to the August 3, 2010 Office action is a representative sample of third-party marks registered for use in connection with the same or similar goods as those of both applicant and registrant. This evidence shows that the goods listed therein, namely, body lotions and/or body scrubs (registrant's goods), and hair, skin, body, and/or facial care products (applicant's goods), are of a kind that may emanate from a single source under a single mark. *See In re Davey Prods. Pty Ltd.*, 92 USPQ2d 1198, 1203 (TTAB 2009); *In re Albert Trostel & Sons Co.*, 29 USPQ2d 1783, 1785-86 (TTAB 1993); *In re Mucky Duck Mustard Co.*, 6 USPQ2d 1467, 1470 n.6 (TTAB 1988); TMEP §1207.01(d)(iii).

The Internet evidence attached to this Office action consists of website excerpts from http://skinbotanica.com/sumbody.html; http://skinbotanica.com/sumbody.html; http://www.sephora.com/shop-toadstoolsoaps; http://www.sephora.com/shower-products.html; and http://www.sephora.com/shower-products.html; and http://www.malibuc.com/content/default.aspx, all online websites where body and hair care products can be purchased. This evidence establishes that the same entity commonly manufactures the relevant goods and markets the goods under the same mark and that the relevant goods are sold or provided through the same trade channels and used by the same classes of consumers in the same fields of use. Therefore, applicant's and registrant's goods are considered related for likelihood of confusion purposes.

| See, e.g., In re Davey Prods. Pty Ltd., 92 USPQ2d 1198, 1202-04 (TTAB 2009); In re Toshiba Med. Sys. Corp., 91 USPQ2d 1266, 1268-69, 1271-72 (TTAB 2009).

The applicant argues in its April 16, 2012 response that, "There is no likelihood of confusion, and there never has been any confusion."

The test under Trademark Act Section 2(d) is whether there is a likelihood of confusion. It is unnecessary to show actual confusion in establishing likelihood of confusion. TMEP §1207.01(d)(ii); *e.g., Weiss Assocs. Inc. v. HRL Assocs. Inc.*, 902 F.2d 1546, 1549, 14 USPQ2d 1840, 1842-43 (Fed. Cir. 1990). The Trademark Trial and Appeal Board stated as follows:

[A]pplicant's assertion that it is unaware of any actual confusion occurring as a result of the contemporaneous use of the marks of applicant and registrant is of little probative value in an ex parte proceeding such as this where we have no evidence pertaining to the nature and extent of the use by applicant and registrant (and thus cannot ascertain whether there has been ample opportunity for confusion to arise, if it were going to); and the registrant has no chance to be heard from (at least in the absence of a consent agreement, which applicant has not submitted in this case).

In re Kangaroos U.S.A., 223 USPQ 1025, 1026-27 (TTAB 1984).

For the foregoing reasons, the Section 2(d) refusal is maintained and made **FINAL**.

Appeal Will Be Resumed

On February 16, 2011, the applicant filed a Notice of Appeal with the Trademark Trial and Appeal Board (the "Board"). On September 21, 2011, the Board remanded the application to the examining attorney for consideration of the applicant's amendment to allege use. In a non-final Office action dated October 12, 2011, the examining attorney raised a new issue with respect to this application. While the applicant's April 16, 2012 response satisfactorily addresses the identification of goods issue raised in the October 12 Office action, its arguments fail to overcome the Section 2(d) refusal. Accordingly, the applicant is hereby notified that the appeal will be resumed with respect to the Section 2(d) likelihood of confusion refusal. TMEP §715.04(b). **The applicant should not file a second Notice of Appeal with the Board.**

If the applicant has any questions concerning this Office action, please telephone the assigned examining attorney.

/Barbara A. Gaynor/
Barbara A. Gaynor
Trademark Examining Attorney
Law Office 115
571-272-9164
barbara.gaynor@uspto.gov

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/mailing date before using TEAS, to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.

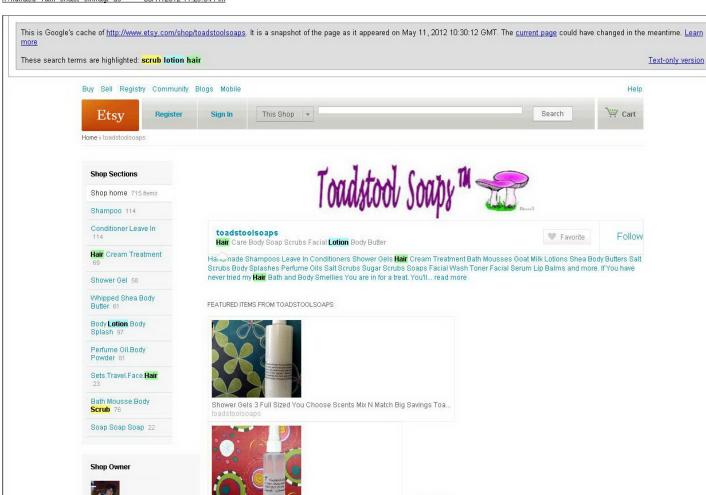
All informal e-mail communications relevant to this application will be placed in the official application record.

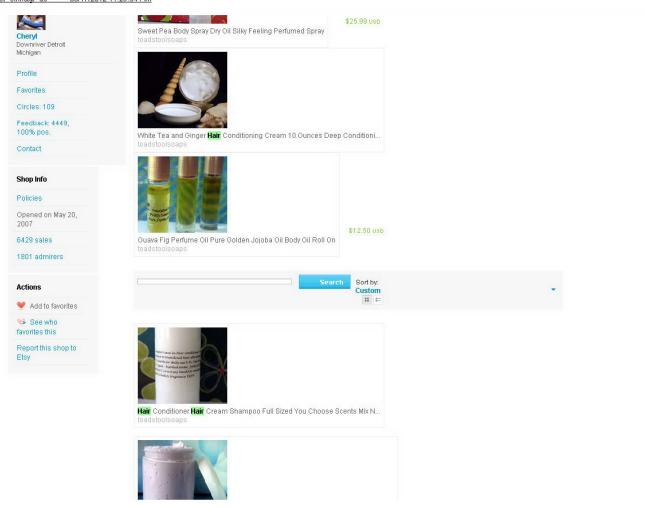
WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

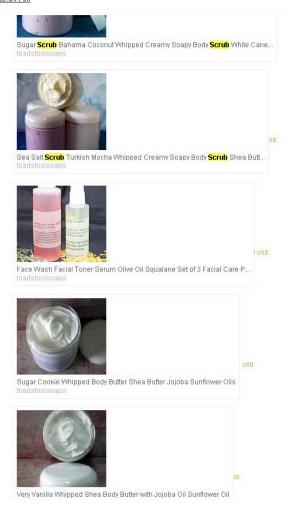
PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using Trademark Applications and Registrations Retrieval (TARR) at http://tarr.uspto.gov/. Please keep a copy of the complete TARR screen. If TARR shows no change for more than six months, call 1-800-786-9199. For more information on checking status, see http://www.uspto.gov/trademarks/process/status/.

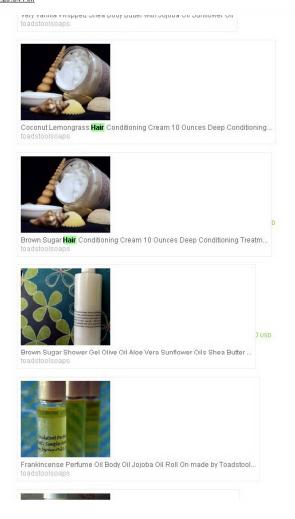
TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at http://www.uspto.gov/teas/eTEASpageE.htm.

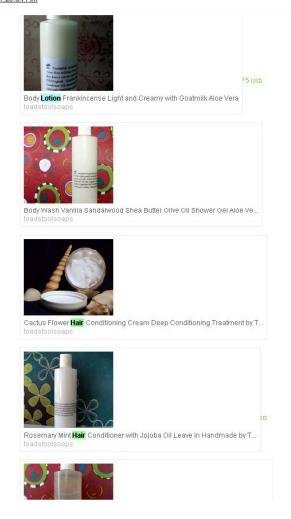
Evidence obtained from the Internet may be used to support a determination under Trademark Act Section 2(d) that goods are related. *See, e.g., In re G.B.I. Tile & Stone, Inc.*, 92 USPQ2d 1366, 1371 (TTAB 2009); *In re Paper Doll Promotions, Inc.*, 84 USPQ2d 1660, 1668 (TTAB 2007).

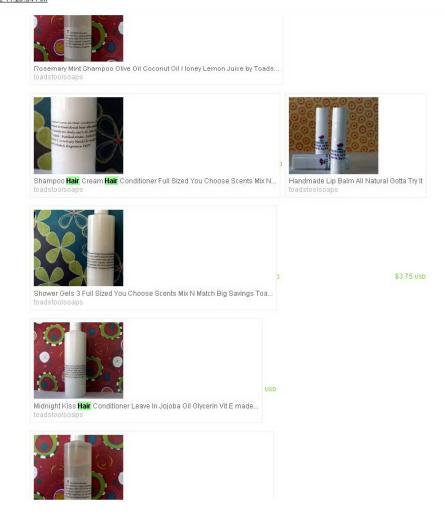






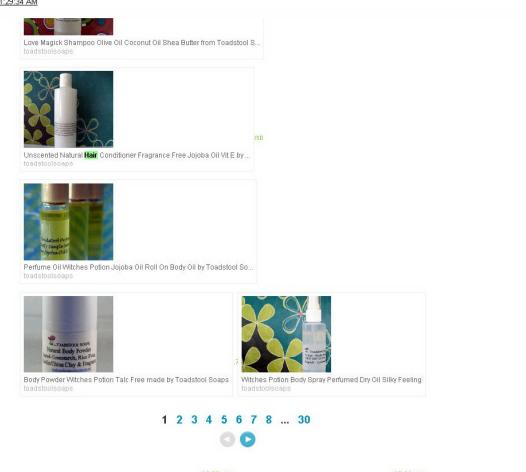




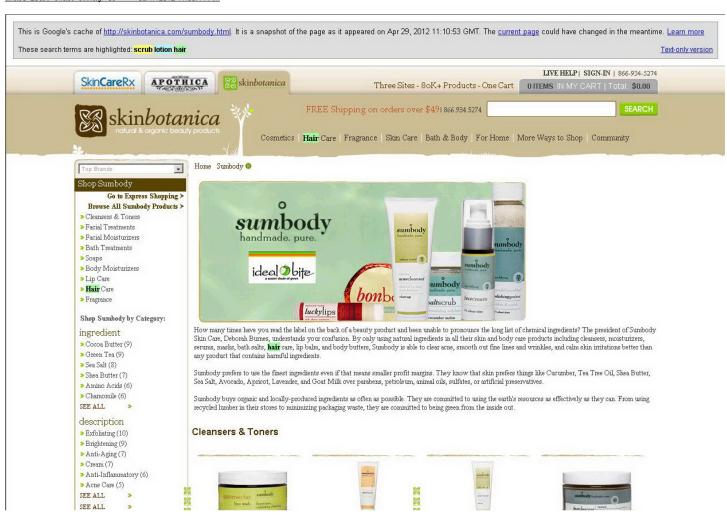


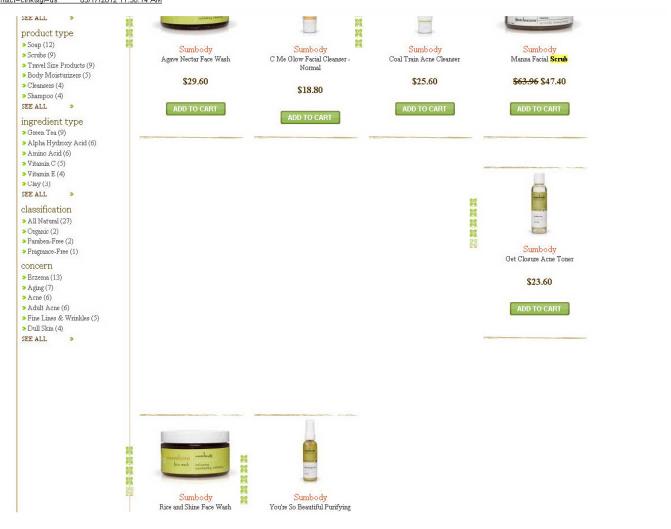
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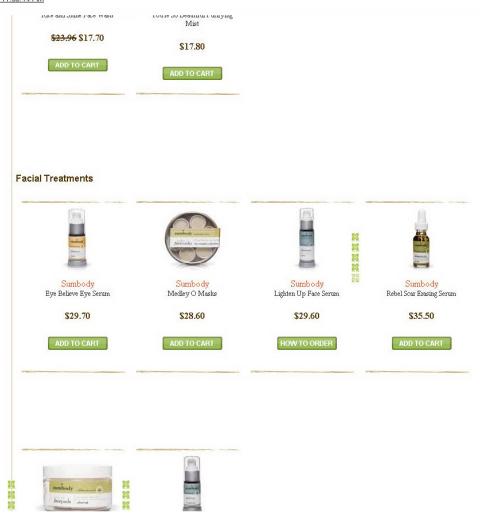
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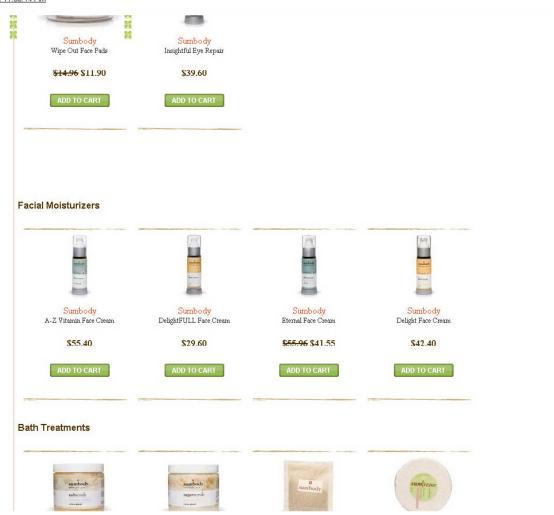


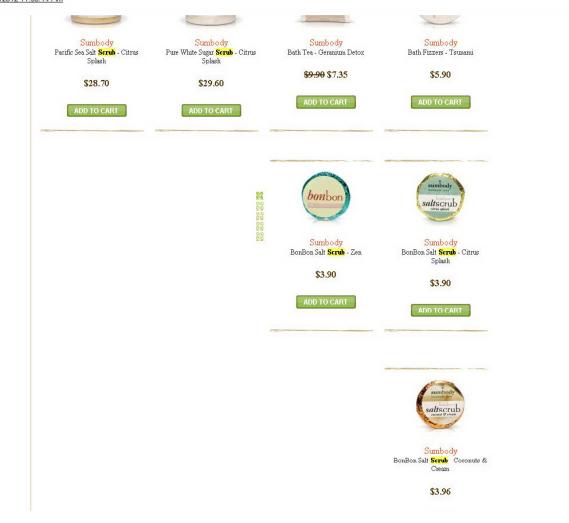
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Sumbody Sumsoap - Mint Cloud

\$7.20

ADD TO CART



Sumbody Sumsoap - Zen

\$9.60 ADD TO CART



Sumbody Sumsoap - Goats In The Figs

\$6.80

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Sumbody Sumsoap - Milky Rich

\$6.80

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Sumbody Sumsoap - Raspberries & Cream

\$6.80

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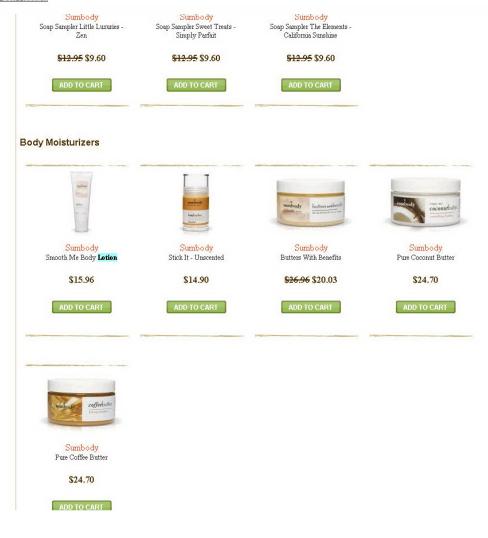


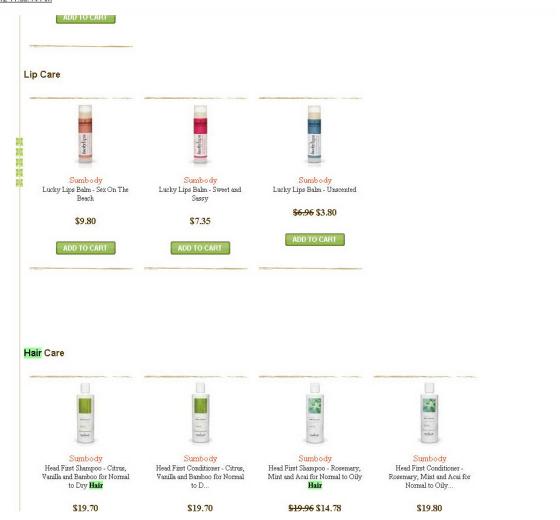


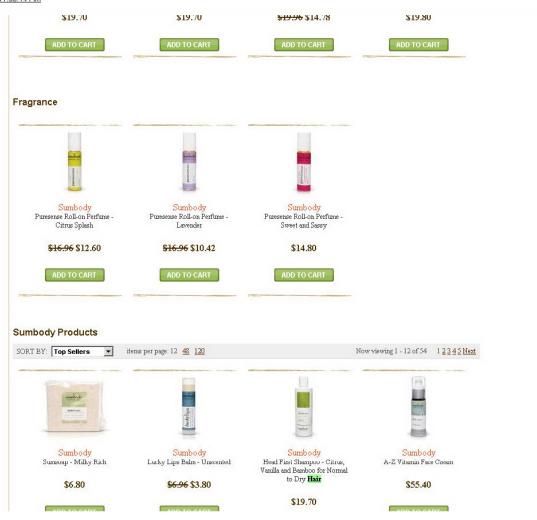
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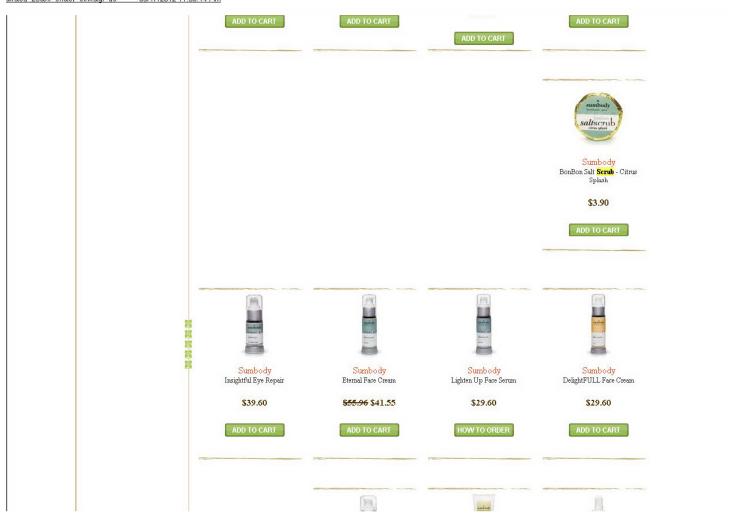
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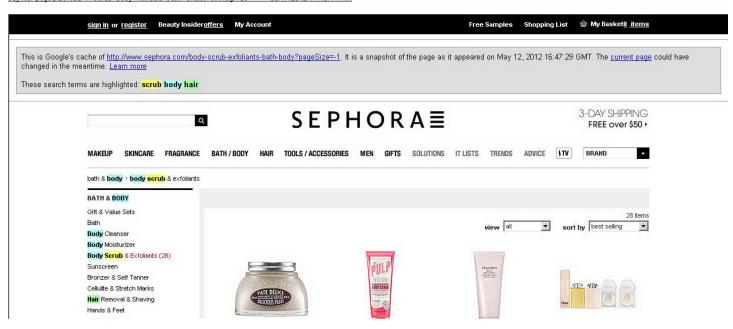


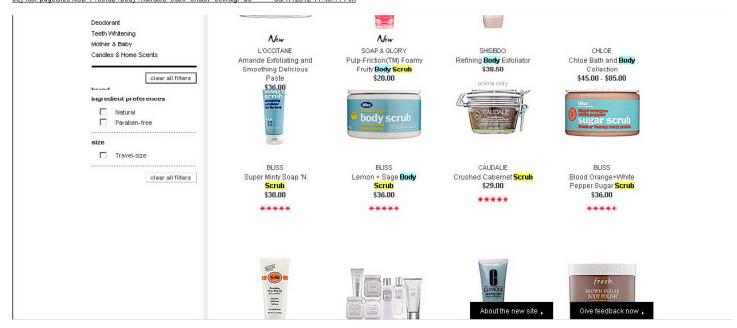
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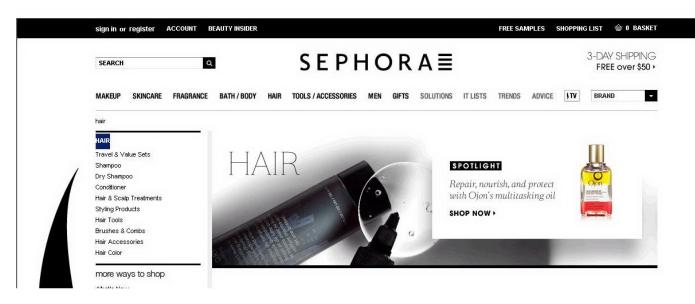
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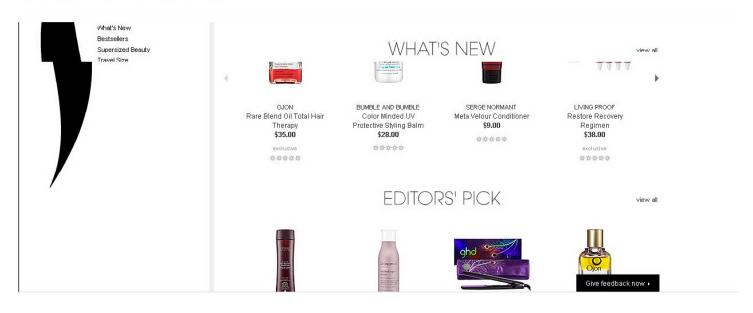
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Learn more

These search terms are highlighted: scrub hody hair

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Do you want to know about specials & new products? JOIN our ANNOUNCEMENT LIST

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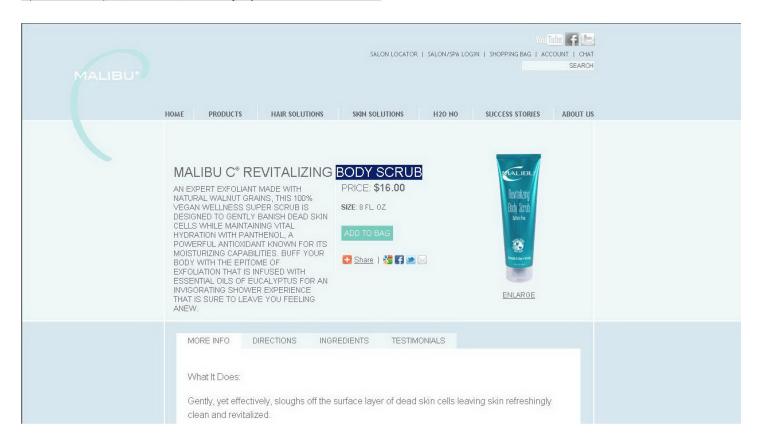
Contains conditioners that penetrate, stimulate, and restore the scalp and hair to its natural beauty and health.

CONTAINS: Olive oil, borage oil, avocado oil, virgin coconut oil, shea butter, cocoa butter, ottamin E oil, mountain spring water, beasway, pure essential oil of holy basil, lecthin, glucose enzyme, and rosemary extract, 85% organic ingredients. (Read The Power of Butters; Masks, & Scrubs:)

SUGAR SCRUB WITH SHEA BUTTER

A scrumptious delight that revitalizes while it enhances circulation and skin renewal. This unique blend of exfoliating sugars, botanicals, butters,





Features & Benefits:

- $\bullet\,$ Ultra-fine, natural walnut grains gently buff away only the top layer of dead cells without irritating or drying skin
- · Leaves skin feeling radiantly smooth with a polished texture
- Panthenol (Pro Vitamin B5) infuses vital moisture to skin
- · Helps normalize the natural exfoliation rate of skin
- · Pure essential oil of eucalyptus stimulates the senses
- · Gentle formula mild enough for everyday use
- Paraben-Free, Propylene Glycol-Free, DEA-Free, Gluten-Free
- 100% Vegan

Wellness Ingredients:

- Panthenol This powerful antioxidant is also known as Pro Vitamin B5. A fast-penetrating moisturizer that can be beneficial to soothe burns (chemical/thermal/sun). Promotes healthy
- Walnut Grains Gently buff away only the top layer of dead cells without irritating or drying skin.

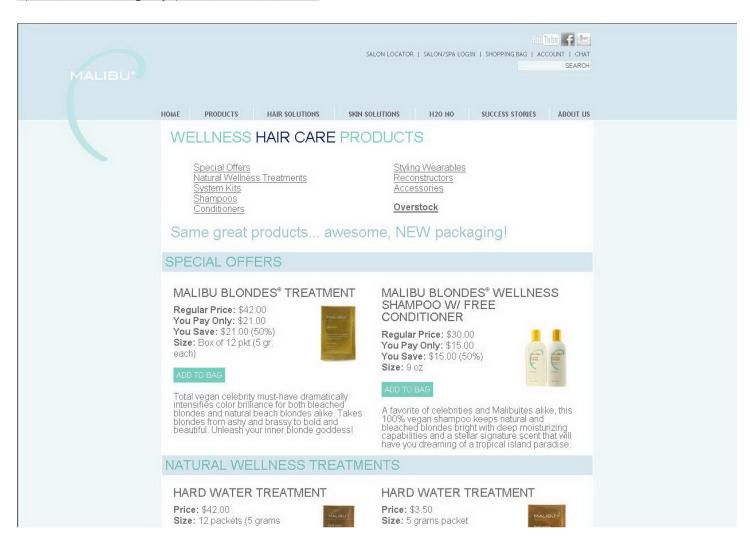
Who Needs It

All ages and all skin types who desire a mild exfoliant for the body.

@ MALIBU WELLNESS INC. | PRIVACY POLICY | TERMS

All content on this site is for information only and is not intended to substitute for the advice available from your own medical professional. The information contained herein should not be used as a medical diagnosis and should not be used as prescription for any medication. It is very important to read the information on every product package. If you have or suspect a medical problem, you should promptly contact your health care provider. Claims made above have not been reviewed by FDA.

Malibu Wellness' vitamin technology is a patented technology protected by patent #5,804,172.



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When horrendous hard water gives your hair a truly tough time, this weekly natural wellness treatment restores the life of weighed down locks for body, bounce and sheer brilliance.

When horrendous hard water gives your hair a truly tough time, this weekly natural wellness treatment restores the life of weighed down locks for body, bounce and sheer brilliance.

MALIBU BLONDES® TREATMENT

Regular Price: \$42.00 You Pay Only: \$21.00 You Save: \$21.00 (50%) Size: Box of 12 pkt (5 gr.

each)



ADD TO BAG

Total vegan celebrity must-have dramatically intensifies color brilliance for both bleached blondes and natural beach blondes alike. Takes blondes from ashy and brassy to bold and beautiful. Unleash your inner blonde goddess!

SCALP THERAPY TREATMENT

Price: \$54.00 Size: Box of 12 pkt (5 gr. each)





The ultimate flake fighter that naturally soothes and satisfies while instantly delivering vital nutrients to your starved scalp to help relieve symptoms associated with common scalp conditions.

WEAVES & EXTENSIONS TREATMENT

MALIBU BLONDES® TREATMENT

Price: \$3.50 Size: 5 grams packet



Total vegan celebrity must-have dramatically intensifies color brilliance for both bleached blondes and natural beach blondes alike. Takes blondes from ashy and brassy to bold and beautiful. Unleash your inner blonde goddess!

SCALP THERAPY TREATMENT

Price: \$4.50 Size: 5 grams packet



The ultimate flake fighter that naturally soothes and satisfies while instantly delivering vital nutrients to your starved scalp to help relieve symptoms associated with common scalp conditions.

WEAVES & EXTENSIONS TREATMENT

Price: \$42.00

Size: Box of 12 pkt (5 gr.

each)



Naturally normalizes chemically damaged and distressed human and synthetic hair to restore the health and overall well being while safely and gently removing malicious hard water minerals that cause discoloration.



Price: \$3.50 Size: 5 grams packet

ADD TO BAG



Naturally normalizes chemically damaged and distressed human and synthetic hair to restore the health and overall well being while safely and gently removing malicious hard water minerals that cause discoloration.

COLOR CORRECTION TREATMENT

Price: \$42.00

Size: Box of 12 pkt (5 gr.

each)

ADD TO BAG

Need a color do-over? This easy-fix treatment is your first step to color success as it helps remove undesirable color and color-blockers while instantly hydrating and restoring the manageability and shine of your tresses.



Price: \$3.50

Size: 5 grams packet

ADD TO BAG



Need a color do-over? This easy-fix treatment is your first step to color success as it helps remove undesirable color and color-blockers while instantly hydrating and restoring the manageability and shine of your tresses.

COLOR PREPARE TREATMENT

Price: \$42.00

Size: Box of 12 pkt (5 gr.

each)

ADD TO BAG

Eco-chic treatment primes hair for color perfection while drawing out all color-blocking elements to ensure optimal coverage and extended color vibrancy.

COLOR PREPARE TREATMENT

Price: \$3.50

Size: 5 grams packet

ADD TO BAG



Eco-chic troatmont primes hair for color perfection while drawing out all color-blocking elements to ensure optimal coverage and extended color vibrancy.

RELAXER TREATMENT

RELAXER TREATMENT

Price: \$42.00

Size: Box of 12 pkt (5 gr.

each)



ADD TO BAG

Rest assured the integrity of your hair will be preserved with this therapeutic blend of bottanicals and antiboxidants to nurture and nourish your dried-out scalp and banish breakage.

Price: \$3.50 Size: 5 grams packet

ADD TO BAC

MALIBU Marian Marian Marian Andrews An

Rest assured the integrity of your hair will be preserved with this therapeutic blend of botanicals and antioxidants to nurture and nourish your dried-out scalp and banish breakage.

SWIMMERS TREATMENT

Price: \$42.00

Size: Box of 12 pkt (5 gr.

each)



ADD TO BAG

Ditch damage and discoloration with this musthave tune-up tool for swimmers' hair that instantly kicks crunchy, gummy, lifeless locks into tip top shape to reveal the ultimate in softness, swing and shine.

SWIMMERS NATURAL WELLNESS TREATMENT

Price: \$3.50

Size: 5 grams packet

ADD TO BAG



Ditch damage and discoloration with this musthave tune-up tool for swimmers' hair that instantly kicks crunchy, gummy, lifeless locks into tip top shape to reveal the ultimate in softness, swing and shine

PERM PARTNER TREATMENT

Price: \$42.00

Size: Box of 12 pkt (5 gr

each)



PERM PARTNER

Price: \$3.50

Size: 5 grams packet



ADD TO BAG

Ensure the success of your service with this preparatory perm treatment that effectively removes pesky perm solution blockers, including medication and hard water minerals that hinder texturizing services and cramp your style.

Ensure the success of your service with this preparatory perm treatment that effectively removes pesky perm solution blockers, including medication and hard water minerals that hinder texturizing services and cramp your style.

SYSTEM KITS

MALIBU C° HARD WATER WELLNESS KIT

Regular Price: \$40.00 You Pay Only: \$29.00 You Save: \$11.00 (28%)



Size: Each ADD TO BAG

The number one defense system against malicious minerals and other elements hiding in your water, this 100% vegan total wellness kit is predictably popular as it instantly removes and prevents pesky buildup to unleash perfectly

MALIBU C® SWIMMERS WELLNESS KIT

Regular Price: \$40.00 You Pay Only: \$29.00 You Save: \$11.00 (28%)

Size: each



ADD TO BAG

The ultimate tune-up tool for keeping your hair in tip-top shape, this exclusive, 100% vegan kit created especially for swimmers helps you look and feel your best both in and out of the pool.

MALIBU BLONDES® WELLNESS KIT

Regular Price: \$44.00 You Pay Only: \$30.00 You Save: \$14.00 (32%)

Size: Kit



A favorite of Malibu celebrities and bombshell

MALIBU C° COLOR WELLNESS KIT

Regular Price: \$39.50 You Pay Only: \$30.00 You Save: \$9.50 (24%)

Size: Kit



Create a "fresh from the salon" look with the only 100% vegan, at-home maintenance system that keeps your color treated hair refreshed and radiant between salon visits and preps hair for your next color service.

MALIBU C° SCALP WELLNESS SYSTEM KIT

Regular Price: \$44.00 You Pay Only: \$30.00 You Save: \$14.00 (32%)

Size: Kit



The frontrunner in its class, this 100% vegan, supreme system feeds the scalp with wellness ingredients to help banish flaking, itching and irritation while awakening the senses with refreshing essential oils of spearmint and eucalyptus. Your scalp will thank you.

blonde beauties alike, this 100% vegan beach blonde maintenance system breathes new life into tresses to reveal haute hues and shimmering shine, creating "Oh my God" hair that's sure to

SHAMPOOS

MALIBU C° COLOR WELLNESS SHAMPOO

Price: \$15.00 Size: 9 ounce

ADD TO BAG

Gently preserve and extend the life and vibrancy of color treated hair with this exclusive moisturerich, pure wellness cleanser that is 100% vegan and features the sweet, sugared scent of mango and lychee essential oils for an aromatic salon-like experience.

MALIBU BLONDES® WELLNESS SHAMPOO W/ FREE CONDITIONER

Regular Price: \$30.00 You Pay Only: \$15.00 You Save: \$15.00 (50%)

Size: 9 oz

ADD TO BAG

A favorite of celebrities and Malibuites alike, this 100% vegan shampoo keeps natural and bleached blondes bright with deep moisturizing capabilities and a stellar signature scent that will have you drearning of a tropical island paradise.

MALIBU C° HARD WATER WELLNESS SHAMPOO

Price: \$13.00 Size: 9 ounce

ADD TO BAG

MALIBU C° COLOR WELLNESS SHAMPOO

Price: \$36.00 Size: 33.8 ounce

ADD TO BAG



Gently preserve and extend the life and vibrancy of color treated hair with this exclusive moisture-rich, pure wellness cleanser that is 100% vegan and features the sweet, sugared scent of mango and lychee essential oils for an aromatic salon-like experience.

MALIBU BLONDES® WELLNESS SHAMPOO

Price: \$36.00 **Size**: 33.8 ounce

ADD TO BAG



A favorite of celebrities and Malibuites alike, this 100% vegan sharmpoo keeps natural and bleached blondes bright with deep moisturizing capabilities and a stellar signature scent that will have you dreaming of a tropical island paradise.

MALIBU C° HARD WATER WELLNESS SHAMPOO

Price: \$32,00 **Size**: 33.8 ounce

ADD TO BAG



The perfect defense against dull, dry, discolored, damaged locks caused by malicious minerals hiding in your water, this 100% vegan super shampoo boasts top-notch cleansing capabilities without harsh chemicals or sulfates and features the sweetly scented aroma of Orange Dreamsicle that will blast you back to your youth.

MALIBU C° SCALP WELLNESS SHAMPOO

Price: \$13.00 Size: 9 oz

ADD TO BAG



This gentle, 100% vegan scalp shampoo free of harsh chemicals and sulfates does double-duty as it soothes the scalp with pure wellness ingredients to help relieve flaking, itching and irritation while leaving hair full of body and shine. Essential oils for spearmint and eucalyptus create an invigorating experience that engages the senses and leaves you feeling refreshingly

MALIBU C° UN-DO-GOO CLARIFYING SHAMPOO

Price: \$13.00 Size: 9 ounce

ADD TO BAG



Superior to clarifying shampoos for the removal of styling product resins from the hair, this uniquely gentle, 100% vegan wellness shampoo blends an exclusive sulfate-free cleansing system with soothing botanicals plus moisture-boosting vitamins to immediately remove product buildup and instantly restore maximum manageability. Experience the savory scent of

MALIBU C° SWIMMERS WELLNESS SHAMPOO

Price: \$13.00 Size: 9 ounce

ADD TO BAG



The perfect defense against dull, dry, discolored, damaged locks caused by malicious minerals hiding in your water, this 100% vegan super shampoo boasts top-notch cleansing capabilities without harsh chemicals or sulfates and features the sweetly scented aroma of Orange Dreamsicle that will blast you back to your youth.

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Price: \$32.00 Size: 33.8 ounce

ADD TO BAG



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MALIBU C° UN-DO-GOO CLARIFYING SHAMPOO

Price: \$32.00 Size: 33.8 ounce

ADD TO BAG



Superior to clarifying shampoos for the removal of styling product resins from the hair, this uniquely gentle, 100% vegan wellness shampoo blends an exclusive sulfate-free cleansing system with soothing botanicals plus moisture-boosting vitamins to immediately remove product buildup and instantly restore maximum manageability. Experience the savory scent of

MALIBU C® SWIMMERS WELLNESS SHAMPOO

Price: \$32.00 **Size:** 33.8 ounce

ADD TO BAG





The top of the line shampoo for both competitive and recreational swimmers alike, this ultra-mild, 100% vegan, rich lathering cleanser is completely free of sulfates and harsh aggressors, yet boasts the ability to combat the damaging effects of harsh elements from the pool and reveal totally transformed tresses. Bonus: Also doubles as a decadently divine

MALIBU C® SWIMMERS WATER **ACTION SHAMPOO**

Price: \$6.00 Size: 3.4 fl. oz tube



The top of the line shampoo for both competitive and recreational swimmers alike, this ultra-mild, 100% vegan, rich lathering cleanser is completely free of sulfates and harsh aggressors, yet boasts the ability to combat the damaging effects of harsh elements from the pool and reveal totally transformed tresses.



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MALIBU C° COLOR WELLNESS CONDITIONER

Price: \$15.00 Size: 9 ounce



Take color treated hair to a whole new level with this 100% vegan super hydrating color protection and preservation conditioner that readily replenishes vital moisture and yields superior softness and full-blown fabulousness. Say goodbye to dried-out, damaged, thirsty locks and say hello to a truly glamorous you.

MALIBU BLONDES® WELLNESS CONDITIONER

MALIBU C° COLOR WELLNESS CONDITIONER

Price: \$36.00 Size: 33 8 ounce



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MALIBU BLONDES® WELLNESS CONDITIONER

Price: \$15.00 **Size:** 9 oz

ADD TO BAG



Fabulously famed with paramount conditioning capabilities, this 100% vegan conditioner created especially for natural, highlighted and bleached blondes alike offers a mega-dose of hydrating antioxidants that deeply penetrate and fortify strands for maximized moisture retention to reveal beachy blonde shades fully-loaded with shimmer, shine and sheer brilliance.

MALIBU C[®] HARD WATER WELLNESS CONDITIONER

Price: \$13.00 Size: 9 ounce

ADD TO BAG



Preserve the health of your tresses with this 100% vegan super-charged conditioner that plays defense against waterborne elements that dry, damage and discolor hair while infusing vital moisture back into troubled tresses with total wellness ingredients that strengthen hair from roots to ends. Don't let malicious minerals and other elements in your shower suck the life out of

MALIBU C° SCALP WELLNESS CONDITIONER

Price: \$13.00 Size: 9 oz

ADD TO BAG



Soothe and nurture your sensitive scalp with this 100% vegan calming conditioner that offers your much-needed daily dose of nourishing antioxidants. Free of harsh chemicals, medicines and other hair and scalp drying agents, this cooling conditioner relieves flaking, itching and irritation and offers relief and relaxation with pure essential oils of spearmint and eucalyptus.

MALIBU C° SWIMMERS



ADD TO BAG



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Price: \$32.00 Size: 33.8 ounce

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MALIBU C° SWIMMERS

WELLNESS CONDITIONER

Price: \$13.00 Size: 9 ounce

ADD TO BAG



Shape up hard to manage swimmers' hair with this top of the line 100% vegan conditioner jampacked with a miracle working mixture of powerful proteins and antioxidants that infuse unmatched hydration into tired, trashed tresses for unparalleled comb-through, maximum manageability and superior swimmers' strands.

MALIBU C° SWIMMERS ACTION CONDITIONER

Price: \$6.00 Size: 3.4 fl. oz tube

ADD TO BAG



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WELLNESS CONDITIONER

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MALIBU C° LEAVE-IN CONDITIONER MIST

Price: \$12.00 Size: 8 oz

ADD TO BAG



Super-charged, 100% vegan detangler that doubles as a nutrient-rich thirst-quencher for overworked, dehydrated tresses is jam-packed with antioxidant vitamins and offers fade-fighting properties and combats damage from roots to tips —we've got you covered!

STYLING WEARABLES

MALIBU C° LEAVE-IN CONDITIONER MIST

Price: \$12.00 Size: 8 02

ADD TO BAG



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MALIBU C° VOLUMIZING THICK-IN STYLING WEARABLE

Price: \$14.50 Size: 8 02

ADD TO BAG



Create body and bounce with this 100% vegan multipurpose styling lotion that immediately injects volume and shine into lifeless locks and helps prevent against thermal damage and helps protect against color fading. Bonus

upa - vio vo gor you covolou:

MALIBU C® GELOTION STYLING WEARABLE

Price: \$14.50 Size: 8 oz

ADD TO BAG

Your styling new best friend, this 100% vegan lightweight design gel is a multi-use styling tool that offers various levels of hold depending on application and provides protection from heat, pollution and other environmental aggressors, offering natural inhibitors that help protect against color fading. Formulated with true wellness ingredients, this must-have hair magic

RECONSTRUCTORS

MALIBU C® MIRACLE REPAIR

Price: \$24.00 Size: Box of 12 packets (0.5

ounce each)



Witness a deep conditioning miracle with this 100% vegan treatment ideal for feeding nutrient-starved strands that is packed with gluten-free plant proteins and enriched with Pro Vitamin B5 for mega-moisturizing. Wellness tip: Use immediately following your favorite Malibu CB Natural Wellness Treatment orce a week for a sweet tease of our famous in-salon Malibu MakeOver. Your hair will thank you.

Witness a deep conditioning miracle with this 100% vegan treatment ideal for feeding nutrient-starved strands that is packed with dutten free

MALIBU C® MIRACLE REPAIR

Price: \$39.90 Size: 33.8 ounce



Price: \$2.00 Size: 0.5 ounce



Witness a deep conditioning miracle with this 100% vegan treatment ideal for feeding nutrient-starved strands that is packed with gluten-free plant proteins and enriched with Pro Vitamin B5 for mega-moisturizing. Wellness tip: Use immediately following your favorite Malibu C® Natural Wollnoss Troatment once a wook for a sweet tease of our famous in-salon Malibu MakeOver. Your hair will thank you.

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ACCESSORIES

MALIBU SHOWER CADDY

Price: \$6.99 Size: Each

ADD TO BAG

Malibu's shower caddy makes for easy and convenient access to your Wellness Actives in your shower!

PUMP FOR MALIBU C[®] 33.8 OUNCE PRODUCTS

Price: \$2.18 Size: Each

ADD TO BAC

Easy disponsing pump for 33.8 ounce size of Malibu shampoos and conditioners.



"JUST ADD WATER" - WATER TESTING KIT

Price: \$4.00 Size: Each

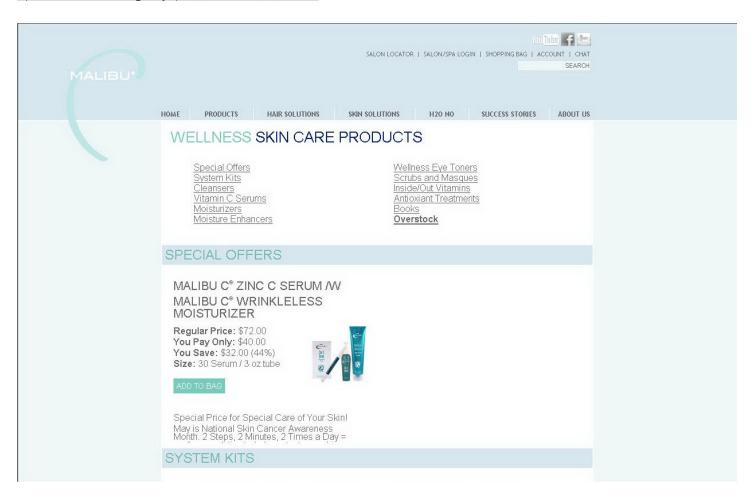
ADD TO BAG

This kit is a tool to test hardness of water (the presence of calcium and magnesium) and the presence of chlorine - the two factors that most adversely affect hair, scalp and skin issues. YOUR HAIR WILL TELL WHEN YOUR WATER IS WELL!

$@\,\mathsf{MALIBU}\,\,\mathsf{WELLNESS}\,\,\mathsf{INC},\,\mathsf{I}\,\,\underline{\mathsf{PRIVACY}}\,\,\mathsf{POLICY}\,\,\mathsf{I}\,\,\underline{\mathsf{TERMS}}\\$

All content on this site is for information only and is not intended to substitute for the advice available from your own medical professional. The information contained herein should not be used as a medical diagnosis and should not be used as presoription for any medication. It is very important to read the information on every product package. If you have or suspect a medical problem, you should promptly contact your health care provider. Claims made above have not been reviewed by FDA.

Malibu Wellness' vitamin technology is a patented technology protected by patent #5,804,172.



MALIBU C® WRINKLELESS SKIN CARE KIT

A complete system of wellness skin care formulated with the most vital and pure ingredients superior to all other skin care products as it offers normal, dry, or mature skin an advanced, freshly activated vitamin-based ingredient technology that is results driven.

• Malibu C® Pure Blend Facial Cleanser - 3

Price: \$80.00 Size: Kit



MALIBU C° SWIM & SPORT SKIN

CARE KIT Price: \$82.00 Size: Kit

ADD TO BAG



A complete wellness skin care kit formulated especially for the athlete, competitive and recreational swimmer exposed to pools, open water, sun and pollution.

- Malibu C® Pure Blend Facial Cleanser 3
- Malibu C® Zinc C Serum 30 ml



A complete system of wellness skin care formulated with pure and vital ingredients to soothe and improve the appearance of inked

Kit Contains

MALIBU C® PURE BLEND FACIAL CLEANSER

Price: \$10.00 Size: 3 fl. oz





MALIBU C® SENSITIVE & PROBLEMATIC SKIN KIT

Price: \$82.00 Size: Kit



A complete system of wellness skin care that is superior to all other skin care products as it is formulated with the most vital and pure wellness ingredients using an advanced freshly activated vitamin-based technology that delivers results for sensitive and problematic skin.

• Malibu C® Pure Blend Facial Cleanser - 3

CARE KIT **Price:** \$78.00 Size: Kit

MALIBU C® INK WELL™ SKIN



- Malibu C® Hydrating Body Wash 3 fl oz
 Malibu C® Zinc C Serum 1 fl oz
 Malibu C® Wrinklel ess Moisturizer 3 fl oz

Purely popular, this 100% vegan, deep cleaning face wash boasts colossal cleansing capabilities and is moisture-rich, free of sulfates and loaded with antioxidants including Pro Vitamin B5 and grape seed extract plus organic aloe to gently remove impurities, makeup and surface residue and reveal an unprecedentedly pristine complexion.

VITAMIN C SERUMS

MALIBU C° ZINC C SERUM

Price: \$34.00 Size: 30 mL

Surpassing all other Vitamin C-containing skincare in performance and protection, this silky serum is famous for delivering a daily dose of Vitamin C coupled with natural zinc in the purest, most precise form thanks to our innovative instant-activation technology. Multidimensional benefits help relieve symptoms of inflammation, rechess sensitivity and irritation. Think doubleduly damage control for even the most problemprone skin.

MALIBU C® VITAMIN C SERUM

Price: \$32.00 Size: 30 mL

Super serum that features a brilliant breakthrough in scientific technology and offers fresh-activation for the purest, most precise potency of nature-identical Vitarnin C ideal to naturally nourish and help improve the appearance of skin affected by wrinkles, fine lines, age spots and keratosis, among others. Jump-start your anti-aging regimen with this stellar skincare staple

MOISTURIZERS

MALIBU C® WRINKLELESS MOISTURIZER

Price: \$38.00 Size: 3 fl. oz

A lightweight liquid luxury, this 100% vegan wellness moisturizer helps reveal healthier, more radiant skin. The rich antioxidant benefits of sure Vitamin E and Pro Vitamin BS blogded with

MALIBU C° SENSITIVE SKIN OIL-FREE MOISTURIZER

Price: \$38.00 Size: 3 fl. oz

Supremely satisfying, this 100% vegan, oil free creamy face moisturizer helps reduce and prevent flare-ups associated with delicate, inflamed, oily or problematic skin. Enriched with plant-derived Shea Butter and Panthenol to



pure Vitamin E and Pro Vitamin B5 blended with organic aloe replenish vital moisture for soft, supple-feeling skin while helping to improve the appearance of skin affected by signs of

MALIBU C° BODY COVER MOISTURIZER

Price: \$10.00 Size: 3 fl. oz

ADD TO BAG

Relieve dehydrated skin with this decadent whipped body butter that goes on creamy and smooth, immediately absorbing into the skin without leaving greasy reside behind, for immediately noticeable thirst-quenching capabilities. Light signature sweet scent of essential orange oil helps make this extremely habit-forming in the best way possible.

plant-derived Shea Butter and Panthenol to deeply hydrate and replenish moisture to driedout, dehydrated skin for perennial pampering that leaves your complexion crystal clear and your

MALIBU C° HAND GUARDIAN LOTION

Price: \$16.00 **Size:** 3 fl. oz

ADD TO BAG

Multipurpose luxurious lotion designed to shield skin, this 100% vegan famed formula is unbellevably therapeutic and is jam-packed with miraculous moisturizers and noteworthy nutrients including organic aloe and Shea Butter to leave your skin supremely soft and smooth. Especially beneficial for skin exposed to chemicals, chlorinated water and environmental aggressors.

MOISTURE ENHANCERS

MALIBU C° FACE & BODY MOISTURE MIST

Price: \$16.00 Size: 8 oz

ADD TO BAG



Naturally noteworthy, this skincare staple offers your daily dose of antioxidants to nurture malnourished complexions and quench the thirst of dehydrated skin. Generously drench from head to toe for optimum hydration. Spritz throughout the day for a moisturizing pick-me upl Think instant burst of botanicals for an unbeatable boost of mega moisture.

WELLNESS EYE TONERS

MALIBU C° EYE TONER SERUM

INCLINE OF THE COLUMN CONTROL

Price: \$18.00 Size: 10 ml



A skincare must-have, this 100% vegan extremely light liquid wonder is fabulously formulated with organic aloe that immediately absorbs into skin to soothe your delicate undereye area and reduce the appearance of fine lines, wrinkles and crow's feet, boasting the ability to de-puff fatigued peepers and reveal luminous youth. You're sure to be bright eyed.

SCRUBS AND MASQUES

MALIBU C® BOTANICAL FACIAL **SCRUB**

Price: \$16.00 Size: 3 fl. oz



Buff away dead skin cells with this 100% vegan, plant-rich hydrating facial scrub that gently exfoliates only the surface layers of skin with finely crushed almond meal, yielding colossal clearising capabilities and pore-purifying properties and is loaded with beautifying botanicals including jojoba esters and allatonin for maximized moisture retention sure to reveal

MALIBU C° ALGAE CLAY **EXFOLIATING MASQUE**

Price: \$20.00 Size: 3 fl. oz



MALIBU C® REVITALIZING BODY **SCRUB**

Price: \$16.00 Size: 8 fl. oz



An expert exfoliant made with natural walnut grains, this 100% vegan wellness super scrub is designed to gently banish dead skin cells while maintaining vital hydration with Panthenol, a powerful aritioxidant known for its moisturizing capabilities. Buff your body with the epitome of exfoliation that is infused with essential oils of eucalyptus for an invigorating shower experience

Direct from Mother Nature herself, this 100% vegan face and neck masque naturally draws out toxins and impurities and boasts a blend of bentonite and kaolin clays coupled with rich red algoe straight from the sea to calm and soothe even the most hard to handle complexion. Think miracle mud mask made with Malibu magic.

INSIDE/OUT VITAMINS

MALIBU C° VITAMIN C INSIDE/OUT

Price: \$16.00 Size: 3 ounce



Promote internal and external health with 100% Promote Internal and external health with 100% vegan wellness super sprinkles. This handy, multi-use shaker provides your daily dose of Vitamin C, helping to boost your immune system and scavenging free radicals known to cause aging of skin and numerous cancers. Bonus: Sprinkle into bath water to soothe and improve appearance of skin affected by oczoma, psoriasis and diaper rash, among others. Generously sprinkle on food and into water to

ANTIOXIANT TREATMENTS

MALIBU C° TRANSPARENT C FACIAL & FULL BODY MASQUE

Price: \$5.00 Size: 5 grams packet



The ultimate spa treatment, this 100% vegan antioxidant therapy system deeply penetrates problem-prone skin and fortifies full-body wellness, featuring fresh-activation for the purest, most precise potency of nature-identical Vitamin C and other vital nutrients including natural zinc and organic also for head to too hydration

MALIBU C® TRANSPARENT C FACIAL & FULL BODY MASQUE

Price: \$60.00 Size: Box of 12 packets (5 grams each)



The ultimate spa treatment, this 100% vegan antioxidant therapy system deeply penetrates problem-prone skin and fortifies full-body wellness, featuring fresh-activation for the purest, most precise potency of nature-identical Vitamin C and other vital nutrients, including natural zinc

and organic aloe for head to toe hydration.

MALIBU C® INK WELL RECOVERY GEL

Price: \$5.00

Size: 5 grams packet

ADD TO BAG

Do it well with the ultimate therapeutic recovery gel that is 100% vegan and formulated especially for tathos, permanent make-up and piercings to soothe and improve the appearance of the skin at an accelerated rate while helping to reduce the presence of bacteria following inking and piercing procedures. Revive color vibrancy on new and old ink, this dynamite gel features fresh

and organic aloe for head to toe hydration.

MALIBU C® INK WELL RECOVERY GEL

Price: \$60.00

Size: Box of 12 packets (5

grams each)

ADD TO BAG

Do it well with the ultimate therapeutic recovery gel that is 100% vegan and formulated especially for tattoos, permanent make-up and piercings to soothe and improve the appearance of the skin at an accelerated rate while helping to reduce the presence of bacteria following inking and piercing procedures. Revive color vibrancy on new and old ink, this dynamite gel features fresh



BOOKS

"YOU'RE NOT AGING... YOU'RE JUST OXIDIZING" BY TOM PORTER PDF E-BOOK CD

Price: \$20.00 Size: each

ADD TO BAG



Discover how Tom's "2 Steps in 2 Minutes 2 Times a Day" can help reverse your signs of aging and provide solutions to many common skin conditions. Quiz yourself to assess how fast your skin is oxidizing and discover how your environment and activities may be accelerating your signs of aging. Provided on CD in Adobe PDF format.

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