

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No.: 0:21-md-03015-SINGHAL/Valle

IN RE:

JOHNSON & JOHNSON SUNSCREEN
MARKETING, SALES PRACTICES AND
PRODUCTS LIABILITY LITIGATION

MDL Case No.: 3015

Theodore H. Frank,

Objector.

DECLARATION OF JOHN M. ANDREN

I, John M. Andren, declare as follows:

1. I have personal knowledge of the facts set forth herein and, if called as a witness, could and would testify competently thereto.

2. My business address is Hamilton Lincoln Law Institute, 1629 K St. NW, Suite 300, Washington, DC 20006. My telephone number is (703) 582-2499. My email address is john.andren@hlli.org.

3. I am an attorney with the Hamilton Lincoln Law Institute (“HLLI”) representing objector Theodore H. Frank in this matter.

4. I intend to appear at the Fairness Hearing, on behalf of objector Theodore H. Frank.

5. On July 7, 2022, I visited the website www.neutrogena.com. Once there I clicked “SHOP NOW” to view all Neutrogena products listed on Neutrogena’s website. The products were advertised as “25% OFF SITEWIDE.” I then sorted the products listing by “price – low to high” and counted how many items were available for under \$5. I excluded products labeled as discontinued or out of stock, as such items were not available for purchase. I counted six items that were priced and available for purchase under \$5 based on their 25% reduced sale price. To determine how many products Neutrogena had available for purchase total, I clicked through each page and counted every product that was available for purchase (*i.e.*, not out of stock or discontinued). I counted 205 products available for purchase. I then refined my search to sun related products to look at sunscreen options. No Neutrogena sunscreens were priced below \$5.

6. On July 7, 2022, I visited the website www.aveeno.com. I clicked a “Where to Buy” link and then scrolled down on the “Where to Buy” page. At the bottom of the page, I clicked “View Products” to see the entire Aveeno products catalogue currently for sale. I counted the number of products available for sale on Aveeno’s Products page. There were 121 products total available for purchase. I then clicked the menu bar in the top right corner and on the site map that appeared selected “Skin,” followed by “By Concern,” and finally “Sun Protection.” Once on the Sun Protection products page, I filtered the products further by selecting “Sunscreen” under “Product Type” in the filter menu. This generated six sunscreen products. Aveeno does not sell its own products directly to consumers

online, necessitating the use of third-party retailers. I clicked “Buy Now” on each sunscreen to check prices. None of the Aveeno sunscreens were available to buy online from third party retailers for under \$5.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on July 7, 2022, in Cashiers, North Carolina.

/s/John M. Andren
John M. Andren