

[Products Liability Law Daily Wrap Up, INDUSTRY NEWS—COMPLAINTS —HOUSEHOLD PRODUCTS—Fla. Cir.: Class action suit alleges design defects in Electrolux washing machines, \(Jan. 13, 2015\)](#)

Products Liability Law Daily Wrap Up

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By Susan Lasser, J.D.

A husband and wife in Florida have brought a class action against Electrolux Home Products, Inc. (Electrolux) complaining that certain models of the company's front-loading automatic washing machines under certain brand names are defective and that Electrolux concealed information relating to the washing machines' defective condition (*Grasso v. Electrolux Home Products, Inc.*, January 2, 2015).

Background. Nicholas and Wendy Grasso (the Grassos) are Florida residents who purchased in January 2010 an Electrolux-manufactured Frigidaire Washing Machine, Model Number FAFW3511KW0 for approximately \$570 from HH Gregg in Florida. In February 2012, the Grassos began to notice noxious odors on their clothing after it had been washed, but did not realize that the odors were caused by biofilm that had developed in their Frigidaire washing machine. Then in May 2012, the Grassos discovered black streaks on garments and towels removed from the machine and subsequently found mold and mildew deposits around the steel drum inside the machine, along with the noxious odor. The couple purchased many cleaning products to rid the machine of the mold, mildew, and odor problems, but to no avail. Several of their garments were ruined by the biofilm.

They contacted Electrolux to complain during these months. In late February 2012, Ms. Grasso wrote to Electrolux to complain about the smell from her washing machine. Electrolux wrote her back in March and advised that leaving the door of the machine open and wiping around the gasket would "prevent any [biofilm] build-up." However, the machine continued to accumulate mold, mildew, and biofilm despite Ms. Grasso's following the company's instructions. Electrolux did not pay for the machine's replacement and stated that "mold is not covered under the manufacture" warranty.

The Grassos allege that the biofilm build-up was not caused by Ms. Grasso's use of the machine, but rather by the machine's inherently defective design. Moreover, because the Grassos had to leave the door of their machine open, the plastic around the door began to crack. Ms. Grasso wrote to Electrolux on May 31, 2012, to inform the company of that defect, as well. This time, an Electrolux employee named Crystal called Ms. Grasso to inform her that Electrolux would not be replacing her machine or covering the cost to repair it.

Complaint. The Grassos bring their complaint on behalf of purchasers of Electrolux washing machines (for personal or household purposes) in the state of Florida. They claim that although the company "holds itself out to the public as a manufacturer of stylish, cutting-edge, and easy-to-use home appliances, including washing machines," it placed in the stream of commerce washing machines that are defective in several respects that cause them to accumulate mold and mildew. The complaint alleges that the defects include, but are not limited to, the failure of the washing machines: (1) to drain properly and to eliminate moisture following wash cycles; (2) to rinse away and remove dirt, detergent, fabric softeners, and oils that accumulate and contribute to the formation of mold and mildew; (3) to prevent the accumulation of residues that contribute to the formation of mold and mildew; and (4) to clean themselves in a manner necessary for the proper functioning of the machines for the purpose for which they are intended.

The Grassos also allege that the company is aware of the "common defect that creates the mold and mildew problems" and that it has been aware of it for some time. They complain that the remedy offered by the company does not work, and that consumers are informed to leave the door open to the machine between cycles, in spite of Electrolux's own warnings that consumers should *not* leave the door of its washing machines open due to

safety concerns. Further, the couple asserts that following Electrolux's instructions to leave the machines' doors open and regularly wipe down the machines' baskets does not address the defect the Grassos allege is inherent in the washing machines—that its design allows mold and mildew to easily form, no matter how the consumer uses the machine.

The complaint further alleges that consumers spent “countless hours” following the company's instructions; experienced “endless frustration, damaged clothing, and costs associated with attempted repairs; and spent substantial sums on cleaning products attempting to rid their machines of odor, mold, and mildew. The complaint specifically maintains that the washing machines purchased by the consumers failed to work properly due to a defect in design, and not resulting from the ordinary course of usage by the Grassos or class members and that the company failed to adequately design and/or test the washing machines to ensure that they were and are free from defects. Further, the complaint asserts that Electrolux knew, or was reckless in not knowing, that the machines (1) contained an inherent, common defect and (2) were not of merchantable quality or fit for their ordinary purpose.

Causes of action. The complaint alleges three causes of action: the first is for breach of express warranty, and the second is for breach of implied warranty of merchantability. The third cause of action is for declaratory relief: the Grassos and the class seek a declaration that the washing machines contain a common defect in their design and manufacture that will cause the machines to develop biofilm during the useful lives of the products. In addition to the certification of the class and declaratory relief, the complaint seeks damages and the award of reasonable attorneys' fees, costs, and expenses.

The case number is [2015-58-CA-01](#).

Attorneys: John A. Yanchunis (Morgan & Morgan, PA) and Edward A. Wallace (Wexler Wallace LLP) for Wendy and Nicholas Grasso.

Companies: Electrolux Home Products, Inc.

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