

# Lawsuit Turns the Heat up on Celsius Influencer Campaign

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Feeling a little sluggish, a woman in California went onto Instagram to see what other people were doing to give themselves a little energy boost. When she learned that three of the influencers she followed – Devon Windsor, Emily Tanner, and Erika Wheaton – were all drinking Celsius energy drinks, the woman went to the store to buy an assortment of those drinks.

Although we don't know whether the California woman got the energy boost she needed, we do know that she felt betrayed when she later learned that the influencers had been paid to promote the energy drinks. According to a class action complaint, none of the influencers disclosed that the posts were sponsored, as required by the FTC's Endorsement Guides.

The woman claims that she "would not have purchased the Celsius products if she knew that the Influencers were paid to endorse Celsius." She also alleges that Celsius sells those products "at inflated prices, exclusively because of the way the Celsius products are advertised on social media and the misleading content of the advertisement."

The complaint alleges that Celsius and the three influencers – each of whom are also individually named in the complaint – have violated the FTC Act and various California laws by promoting the energy drinks through undisclosed sponsored posts. The plaintiff seeks "to recover the difference between the price paid and the market value of the products as purchased."

The factual allegations in this case aren't that different from the ones in other cases we've covered, but there are at least two things worth noting. First, although most cases have been brought by the FTC or NAD, we're starting to see plaintiffs' attorneys bring cases with creative allegations of how consumers are damaged. Second, although most complaints target companies, this one also names individual influencers.

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