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2 ENVIRONMENTAL WORLD WATCH, INC.
3 2600 West Olive Avenue
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CONFORMED COPY
OF ORIGINAL FILED
Los Angeles Superior Court

5 Counsel For Plaintiff:
6 Environmental World Watch, Inc.

JUN 09 2009

John A. Clarke, Executive Officer/Clerk
By [Signature] Deputy

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 COUNTY OF LOS ANGELES - UNLIMITED

9 ENVIRONMENTAL WORLD WATCH,)
10 INC., IN THE PUBLIC INTEREST;)

CASE NO. **BC415355**

11 PLAINTIFF,)

COMPLAINT FOR DAMAGES:

12 vs.)

COMPLAINT FOR VIOLATION OF
PROPOSITION 65, THE SAFE
DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986 (Health
& Saf. Code, §§ 25249.5, et seq.)

13 THE PROCTER AND GAMBLE)
14 DISTRIBUTING COMPANY; THE)
15 PROCTER AND GAMBLE)
16 MANUFACTURING COMPANY; FRITO-)
17 LAY, INC.; H.J. HEINZ COMPANY, LP;)
18 COROZONAS FOOD, INC.; GRUMA)
19 CORPORATION, KETTLE FOODS, INC.;)
20 LANCE, INC.; RESERVE BRANDS, INC.;)
21 SNAK KING CORPORATION;)
22 SNYDER'S OF HANOVER, INC.; POST)
23 FOODS DIVISION OF RALCORP)
24 HOLDINGS, INC.; GENERAL MILLS,)
25 INC.; GENERAL MILLS SALES, INC.;)
26 KELLOGG USA, INC.; and DOES 1-100,)

1. VIOLATION OF HEALTH AND SAFETY CODE 25249.6
2. FRAUDULENT CONCEALMENT

27 DEFENDANTS,)

28 COME NOW the Plaintiffs, ENVIRONMENTAL WORLD WATCH, INC. and respectfully
alleges as follows:

GENERAL ALLEGATIONS

1
2 1. Plaintiff ENVIRONMENTAL WORLD WATCH, INC. ("EWW") is a corporation
3 qualified to do business in the State of California and county of Los Angeles. EWW brings this action
4 in the public interest as defined under Health & Safety Code §25249.7(d)

5 2. Defendant THE PROCTER AND GAMBLE DISTRIBUTING COMPANY and THE
6 PROCTER AND GAMBLE MANUFACTURING COMPANY (collectively hereinafter referred to as
7 "P&G") are and at all times mentioned herein were qualified to do business in California, and at all
8 times mentioned herein has conducted business throughout California, including the county of Los
9 Angeles.

10 3. Defendant FRITO-LAY, INC. ("FRITO-LAY") is and at all times mentioned herein was
11 qualified to do business in California and at all times mentioned herein has conducted business
12 throughout California, including the county of Los Angeles.

13 4. Defendant H.J. HEINZ COMPANY, LP ("HEINZ") is and at all times mentioned herein
14 was qualified to do business in California and at all times mentioned herein has conducted business
15 throughout California, including the county of Los Angeles.

16 5. Defendant COROZONAS FOOD, INC. ("COROZONAS") is and at all times mentioned
17 herein was qualified to do business in California and at all times mentioned herein has conducted
18 business throughout California, including the county of Los Angeles.

19 6. Defendant GRUMA CORPORATION dba Mission Foods Corporation ("GRUMA") is
20 and at all times mentioned herein was qualified to do business in California and at all times mentioned
21 herein has conducted business throughout California, including the county of Los Angeles.

22 7. Defendant KETTLE FOODS, INC. ("KETTLE") is and at all times mentioned herein
23 was qualified to do business in California and at all times mentioned herein has conducted business
24 throughout California, including the county of Los Angeles.

1 8. Defendant LANCE, INC. ("LANCE") is and at all times mentioned herein was qualified
2 to do business in California and at all times mentioned herein has conducted business throughout
3 California, including the county of Los Angeles.

4 9. Defendant RESERVE BRANDS, INC. ("RESERVE") is and at all times mentioned
5 herein was qualified to do business in California and at all times mentioned herein has conducted
6 business throughout California, including the county of Los Angeles.

7 10. Defendant SNAK KING CORPORATION ("SNAK KING") is and at all times
8 mentioned herein was qualified to do business in California and at all times mentioned herein has
9 conducted business throughout California, including the county of Los Angeles.

10 11. Defendant SNYDER'S OF HANOVER, INC. ("SNYDERS") is and at all times
11 mentioned herein was qualified to do business in California and at all times mentioned herein has
12 conducted business throughout California, including the county of Los Angeles.

13 12. Defendant POST FOODS DIVISION OF RALCORP HOLDINGS, INC. ("POST") is
14 and at all times mentioned herein was qualified to do business in California and at all times mentioned
15 herein has conducted business throughout California, including the county of Los Angeles.

16 13. Defendant GENERAL MILLS, INC. AND GENERAL MILL SALES, INC. (hereinafter
17 collectively referred to as "GENERAL MILLS") is and at all times mentioned herein was qualified to do
18 business in California and at all times mentioned herein has conducted business throughout California,
19 including the county of Los Angeles.

20 14. Defendant KELLOGG USA, INC. ("KELLOGG") is and at all times mentioned herein
21 was qualified to do business in California and at all times mentioned herein has conducted business
22 throughout California, including the county of Los Angeles.

23 15. The true names and capacities, whether corporate, associated or otherwise, of Defendants
24 DOES 1 - 100, inclusive, are unknown to Plaintiff, who therefore sues said Defendants by such fictitious
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1 names. Plaintiff will seek leave of Court to amend this complaint to show the true names and capacities
2 of such Defendants when the same have been ascertained. Plaintiff is informed, believes, and thereon
3 alleges that each fictitiously named defendant is responsible in some manner for the occurrences herein
4 alleged and the damages caused thereby.

5 16. At all times mentioned herein, the term "Defendants" includes the following: THE
6 PROCTER AND GAMBLE DISTRIBUTING COMPANY; THE PROCTER AND GAMBLE
7 MANUFACTURING COMPANY; FRITO-LAY, INC.; H.J. HEINZ COMPANY, LP; COROZONAS
8 FOOD, INC.; GRUMA CORPORATION, KETTLE FOODS, INC.; LANCE, INC.; RESERVE
9 BRANDS, INC.; SNAK KING CORPORATION; SNYDER'S OF HANOVER, INC.; POST FOODS
10 DIVISION OF RALCORP HOLDINGS, INC.; GENERAL MILLS, INC.; GENERAL MILLS SALES,
11 INC.; KELLOGG USA, INC., and DOES 1-100.

12 17. At all times mentioned each Defendant was a "person in the course of doing business"
13 within the meaning of Health & Safety Code, §25249.11, subd. (b). EWW is informed, believes, and
14 thereon alleges that at all times mentioned herein each Defendant had ten or more employees.

15 18. Defendants did not first give clear and reasonable warning in any manner or in any
16 medium to persons in California who consume their products that their products contain acrylamide and
17 the acrylamide contained in their consumer products causes cancer before Defendants knowingly and
18 intentionally exposed such individuals to the acrylamide contained in their products.

19 19. Further, on information and belief Defendants have not given clear and reasonable
20 warning in any manner or in any medium to persons in California who consume their products that their
21 products contain acrylamide, even after the purported "Consent Judgments" entered by this court in
22 "People v. The Procter and Gamble Co, et al", (BC338956 and Lead Case 337618 (dismissed)).

23 20. EWW files this new COMPLAINT after dismissing a previous complaint without
24 prejudice, alleging substantially identical statutory violations as against P&G and FRITO-LAY
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1 (Environmental World Watch, Inc. v. The Procter and Gamble Distributing Company, Frito-Lay, Inc., et
2 al. Los Angeles Superior Court Case No. BC337618, related to LASC Case No. BC338956).

3 21. The Attorney General of California (hereinafter referred to as the "AG") took over those
4 cases pursuant to the relevant statutory provision and requested that EWW dismiss its complaint such
5 that the AG could pursue the matter. EWW complied with the request of the AG.
6

7 22. Thereafter, the AG continued to litigate the matter to Consent Judgment entered into
8 Consent Judgments with defendants THE PROCTER AND GAMBLE DISTRIBUTING COMPANY;
9 THE PROCTER AND GAMBLE MANUFACTURING COMPANY; FRITO-LAY, INC.; H.J. HEINZ
10 COMPANY, LP; KETTLE FOODS, INC.; LANCE, INC. and others on or about February 2008.

11 23. EWW believes that these Consent Judgments are void under Villarruel v. Arreola, (1977)
12 66 Cal.App.3d 309 and EWW will file the appropriate motion with this court to vacate said judgments.
13

14 24. EWW believes that the acrylamide contained in defendants products causes cancer and
15 has caused or will cause an "unreasonable risk", in that the Defendants posses the technical knowledge
16 to lower asparagine levels which remove and/or drastically lower acrylamide levels, a known carcinogen
17 and acute end-point toxin in the ready for sale product.
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19 25. The Court has jurisdiction over this lawsuit pursuant to Cal. Const., art. VI, § 10, which
20 grants the Superior Court original jurisdiction in all causes except those given by statute to other trial
21 courts.

22 **FIRST CAUSE OF ACTION**

23 (BY EWW AGAINST ALL DEFENDANTS FOR
24 VIOLATION OF PROPOSITION 65 (Health & Saf.
25 Code, §§ 25249.6, et seq.)
26

27 26. Plaintiff refers to and incorporate by reference herein, paragraphs 1 through 25, inclusive
28 of the General Allegations as if set forth in full.

1 27. Defendants are and at all times mentioned herein were engaged in the business of
2 manufacturing and/or distributing food products, including various products, that contain potato, corn
3 and wheat as the basic ingredient in California.

4 28. Defendant P&G is a business entity that manufactures, sells and/or distributes to
5 consumers within the State of California snack food products that contain acrylamide, including but not
6 limited to potato chips products. These products include, but are not limited to, the following: Original
7 Pringles; Sour Cream & Onion Pringles, Jalapeno Pringles, Prints Pringles, White Cheddar Pringles,
8 Chili Cheese Pringles, Pizzalicious Pringles, Cheezums Pringles, Ranch Pringles, Spicy Cajun Pringles,
9 Fiery Hot Pringles, Barbecue Pringles, Salt & Vinegar Pringles, Reduced Fat Pringles, and Snack Stacks
10 Pringles.
11

12 29. Defendant FRITO-LAY is a business entity that manufactures, sells and/or distributes to
13 consumers within the State of California, snack food products that contain acrylamide including but not
14 limited to, corn chips, tortilla chips and potato chips. These products include, but are not limited to, the
15 following: Lay's Potato Chips, Doritos, Tostitos Tortilla Chips, Cheetos, Fritos Corn Chips, Sunchips,
16 Baked!, Baken-Ets, Chester's Snacks, Flat Earth, Funyuns, Maui Style, Miss Vickie's, Munchies,
17 Munchos, Rold Gold, Ruffles Potato Chips, Sabritones, Santitas, Stacy's, and Tostitos Tortilla Chips.
18

19 30. Defendant HEINZ is a business entity that manufactures, sells, and or distributes food
20 products that contain acrylamide to consumers within the State of California, including but not limited
21 to, potato products. These products include, but are not limited to, the following: Tgi Friday Potato
22 Skins, Bagel Bites Brand, Ore-Ida Abc Fun Shapes, Ore-Ida Crispers, Ore-Ida Waffle Fries, Ore-Ida
23 Cottage Fries, Ore-Ida Crispy Crunchies, Ore-Ida Tater Tots, Ore-Ida Mini Tater Tots, Ore-Ida Onion
24 Tater Tots, Ore-Ida Crispy Crowns, Ore-Ida Pixie Crinkles, Ore-Ida Extra Crispy Easy Fries, Ore-Ida
25 Roasted Garlic And Parmesan Potatoes, Ore-Ida Roasted Original, and Ore-Ida Golden Twirls.
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1 31. Defendant COROZONAS is a business entity that manufactures, sells, and or distributes
2 snack food products that contain acrylamide to consumers within the State of California, including but
3 not limited to potato and tortilla chips. These products include, but are not limited to, the following
4 chips: Slightly Salted Chips, Italiano 4 Cheese, Mediterranean Garlic & Herb, Pacific Rim Barbecue,
5 Spicy Rio Habanero, Original, Margarita Lime, Squeeze Of Lime, and Lightly Salted.
6

7 32. Defendant GRUMA is a business entity that manufactures, sells, and or distributes snack
8 food products that contain acrylamide to consumers within the State of California, including but not
9 limited to tortilla chips. These products include, but are not limited to, the following: Mission Tortilla
10 Chips and Strips.

11 33. Defendant KETTLE is a business entity that manufactures, sells, and or distributes snack
12 food products that contain acrylamide to consumers within the State of California, including but not
13 limited to, potato chips. These products include, but are not limited to, the following: Kettle Sweet
14 Onion, Death Valley, Backyard Barbeque, Sour Cream, Onion & Chive, Buffalo Bleu, Cheddar Beer,
15 Classic Barbeque, Dill And Sour Cream, Honey Dijon, Island Jerk, Lightly Salted, New York Cheddar,
16 Salt & Fresh Ground Pepper, Sea Salt And Vinegar, Spicy Thai, Tuscan Three Cheese, Unsalted, Yogurt
17 And Green Onion, Sea Salt And Vinegar, Baked, Aged White Cheddar, Hickory Honey, Lightly Salted,
18 Baked, Chipotle Chili, Organic Lightly Salted, Organic Sea Salt & Black Pepper, Organic Black Bean,
19 Tortilla Blue Corn, Tortilla Chili Lime, Tortilla Multi Grain, Yellow Corn.
20

21 34. Defendant RESERVE BRANDS is a business entity that manufactures, sells, and or
22 distributes snack food products that contain acrylamide to consumers within the State of California,
23 including but not limited to, potato and other snack chips. These products include, but are not limited to,
24 the following: Sweet Onion Poppers, Honey Barbeque Poppers, Salt & Vinegar Poppers, Habanero
25 Poppers, Cinnamon Sugar Bursts, White Cheddar Bursts, and Dulce De Leche Bursts
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1 35. Defendant SNAK KING is a business entity that manufactures, sells, and or distributes
2 snack food products that contain acrylamide to consumers within the State of California, including but
3 not limited to, potato, tortilla and other snack chips. These products include, but are not limited to, the
4 following: El Sabroso Guacachips, El Sabroso Fiesta Tortilla Chips, El Sabroso Salsitas, El Sabroso
5 Santa Fe Reds Tortilla Chips, El Sabroso Jalapenitos, El Sabroso - White Corn Tortilla Strips, El
6 Sabroso - Reduced Fat Tortilla Chips, El Sabroso - Restaurant Style Tortilla Chips, El Sabroso - Tortilla
7 Rounds, El Sabroso - No Salt Tortilla Chips, El Sabroso Hot Cheese Curls, Snak King Cheese Curls,
8 Snak King Hot Fries, and Snak King Cheese Puffs.

10 36. Defendant LANCE is a business entity that manufactures, sells, and or distributes snack
11 food products that contain acrylamide to consumers within the State of California, including but not
12 limited to, popcorn, and potato and other snack chips. These products include, but are not limited to, the
13 following: White Cheddar Popcorn, Stormy Salt & Vinegar Rumble Potato Chips, Wild Sour Cream &
14 Onion Rumble Potato Chips, Chargin' Cheddar Sour Cream Rumble Potato Chips, Cheddar Charged
15 Cheese Puffs, and Triple Cheese Twisters.

17 37. Defendant SNYDERS is a business entity that manufactures, sells, and or distributes
18 snack food products that contain acrylamide to consumers within the State of California, including but
19 not limited to, pretzels and other snack chips. These products include, but are not limited to, the
20 following: Butter Snaps, Homestyle Pretzels, Mini Pretzels, Dipping Sticks, Olde Tyme Pretzels, Rods,
21 Honey Wheat Sticks, Pumpnickel & Onion Sticks, Olde Tyme Sticks, Snaps Sourdough Hards Box,
22 Thins, Unsalted Mini Pretzels, Garlic Bread Nibblers, Honey Mustard & Onion Nibblers, Sourdough Fat
23 Free Nibblers, Butter Sesame Sticks, Mini Pretzels, Snaps Pretzels, Sticks Pretzels, Pumpnickel &
24 Onion Pretzel Crackers, Butter Sesame Pretzel Crackers, Original Pretzel Crackers, Barbeque Potato
25 Chip, Original Potato Chip, Hot Buffalo Wing Potato Chip, Jalapeno Potato Chip, Kosher Dill Potato
26 Chip, Ripple Potato Chip, Salt & Vinegar Potato Chip, Sour Cream & Onion Potato Chip, Fire Roasted
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1 Salsa, White Corn Tortillas, Yellow Corn Tortillas, Restaurant Style Tortillas, Smokey BBQ Potato
2 Chips, Organic Honey Wheat Sticks, Organic Oat Bran Sticks, Organic Pumpernickel & Onion Sticks,
3 Apple Cinnamon Cheddairs, Zesty Cheddar Cheddairs, Creamy Cucumber and Dill Veggie Crisps,
4 Tomato, Romano & Olive Oil Soy Crisps, Parmesan, Garlic & Olive Oil Soy Crisps, Veggie Crisps,
5 Sundried Tomato & Pesto Veggie Crisps, Cheddar & Jalapeno Veggie Crisps, CheddAirs, Potato Chips
6 Lightly Salted, Potato Chips French Onion, Potato Chips Sweet Barbeque, Barbeque Potato Chip,
7 Original Potato Chip, Butter Flavored Popcorn, Cheese Twist, White Cheddar Puffs, and Aged
8 Cheddar Puffs.
9

10 38. Defendant POST is a business entity that manufactures, sells, and or distributes snack
11 food products that contain acrylamide to consumers within the State of California, including but not
12 limited to, breakfast cereals. These products include, but are not limited to, the following: Grape-Nuts,
13 Honey Bunches Of Oats, Pebbles; Post Alpha-Bits, Post Bran Flakes, Post Golden Crisp, Post
14 Honeycomb, Post Raisin Bran, Post Selects, Post Shredded Wheat, Post Waffle Crisp, and Trail Mix
15 Crunch.
16

17 39. Defendant GENERAL MILLS is a business entity that manufactures, sells, and or
18 distributes snack food products that contain acrylamide to consumers within the State of California,
19 including but not limited to, breakfast cereals. These products include, but are not limited to, the
20 following: Basic 4, Boo Berry, Buc-Wheats, Bunuelitos, Cheerios, Chex, Cinnamon Toast Crunch,
21 Cocoa Puffs, Cookie Crisp, Count Chocula, Crazy Cow, Fiber One, Franken Berry, French Toast
22 Crunch, General Mills Kaboom, Golden Grahams, Hidden Treasures, Honey Nut Cheerios, Honey Nut
23 Clusters, Jurassic Park Crunch, Kix, Lucky Charms, Oatmeal Crisp, Raisin Nut Bran, Reese's Puffs,
24 Total, Trix, and Wheaties.
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1 40. Defendant KELLOGGS is a business entity that manufactures, sells, and or distributes
2 snack food products that contain acrylamide to consumers within the State of California, including but
3 not limited to, breakfast cereals. These products include, but are not limited to, the following: All-Bran
4 Products, Apple Jacks Cereal, Crunchmania Products, Kellogg's Cereals and Snacks, Kellogg's Cereal
5 Straws, Kellogg's Cocoa Krispies Cereal, Kellogg's Corn Flake Crumbs, Kellogg's Corn Flakes Cereal,
6 Kellogg's Corn Pops Cereal, Kellogg's Cracklin' Oat Bran Cereal, Kellogg's Crispix Cereal, Kellogg's
7 Froot Loops Cereal, Kellogg's Frosted Flakes Cereal, Kellogg's Honey Smacks Cereal, Kellogg's
8 Keebler Cookie Crunch Cereal, Kellogg's Low Fat Granola, Kellogg's Mini-Wheats Cereal, Kellogg's
9 Mueslix Cereal, Kellogg's Nutri-Grain Products, Kellogg's Product 19 Cereal, Kellogg's Raisin Bran
10 Cereal, Kellogg's Raisin Bran Crunch Cereal, Kellogg's Smart Start Cereal, Kellogg's Smorz Cereal,
11 Kellogg's Special K Products, Rice Krispies Cereal and Treats.

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13
14 41. Acrylamide is a chemical known and listed under Proposition 65 as causing cancer. On
15 January 1, 1990, acrylamide first appeared on the Governor's Proposition 65 list as a chemical known to
16 cause cancer. (Cal. Code Regs., tit 22, §12000, subd. (b).) Pursuant to Health & Saf.
17 Code, § 25249.9, twenty months after first appearing on the Governor's Proposition 65 list, acrylamide
18 became subject to Proposition 65 warning requirements.

19
20 42. Recent scientific studies released by the Office of Environmental Health Hazard
21 Assessment ("OEHHA") and the Food and Drug Administration ("FDA") reveal that even at "lower
22 bound" estimates of acrylamide intake, the level of exposure to acrylamide through the ingestion of
23 certain heated above 275 F. vegetable and grain products is far greater than the no significant risk level
24 ("NSRL"), or the allowed 'safe harbor', for acrylamide.

25
26 43. The current OEHHA safe harbor or NSRL of acrylamide intake is .2 ug/day and not any
27 level as referred to as a future or planned level by OEHHA. The fact that a NSRL of .49 ug/day is
28 contained and used as a warning trigger in the voidable Consent Judgments serves corroborates that the

1 authors of the aforementioned Consent Judgment anticipated that OEHHA would render a decision on
2 alternative risk thresholds. This however did not occur. The current NSRL is the daily intake level
3 calculated to result in one excess case of cancer in an exposed population of 100,000, assuming lifetime
4 (70-year) exposure at the level in question.

5 44. Because Defendants' products contain levels of acrylamide that did exceed the NSRL for
6 acrylamide, and still do exceed the levels requiring warnings in Proposition 65; these factors required
7 Defendants to first give clear and reasonable warnings to persons in California who consume their
8 products that their products contain acrylamide and that the acrylamide contained in their products
9 causes cancer before Defendants knowingly and intentionally exposed such individuals to the
10 acrylamide contained in their products.

11 45. Defendants did not first give clear and reasonable warning in any manner or in any
12 medium to persons in California who consume their products that their products contain acrylamide and
13 the acrylamide contained in their products causes cancer before Defendants knowingly and intentionally
14 exposed such individuals to the acrylamide contained in their products.

15 46. Defendants packaged their products without the warnings required by Cal. Code Regs.,
16 tit. 22, § 12601, which would have supplied the persons who actually ate the products and suffered
17 exposure to acrylamide with important health information required by said regulation. The exposures
18 took place off Defendants' properties and away from any source of conspicuous warning such as a sign
19 at the point of sale.

20 47. Therefore, EWW is informed, believes, and thereon alleges that from 1991 to the present,
21 Defendants have knowingly and intentionally exposed persons who consume their products in California
22 to acrylamide, a chemical known and listed under Proposition 65 as causing cancer, without first giving
23 clear and reasonable warning of such to the persons exposed or the persons who purchased their
24 products.

1 products. The persons exposed are persons who consumed Defendants' products by eating them.
2 Defendants thereby violated Proposition 65. The route of exposure was through ingestion.

3 48. Plaintiff's allegations concern a "consumer product exposure." A "consumer product
4 exposure" is an exposure that results from a person's acquisition, purchase, storage, consumption or
5 other reasonably foreseeable use of a consumer good or product. Since Defendants' products identified
6 in Paragraphs 28 through 40 contain acrylamide, the reasonably foreseeable use and consumption by
7 eating of said products resulted in exposures to acrylamide through ingestion.
8

9 49. EWW commenced the original action that forms the basis of the previously dismissed
10 complaint more than sixty (60) days after the date that EWW gave notice of the alleged violations the
11 defendants in that action and to the Attorney General, and to applicable district attorneys and city
12 attorneys in whose jurisdictions these exposures are alleged to have occurred.
13

14 50. EWW has commenced this action more than sixty (60) days after giving notice of the
15 alleged violations to all of the Defendants herein, and to the Attorney General, and to applicable district
16 attorneys and city attorneys in whose jurisdictions these exposures are alleged to have occurred.
17

18 51. EWW is informed, believes, and thereon alleges that the neither the Attorney General,
19 nor any applicable district attorney or city attorney, is diligently and effectively prosecuting an action for
20 the violations as alleged in the EWW notices in conformity with the alleged violation of applicable
21 warning statutes based on the supporting facts and for the relevant time period.

22 52. Plaintiff further alleges that defendants have and are in violation of this warning statute
23 and at all times relevant to the original action and complaint on August 3, 2005, Defendants knew they
24 were exposing persons who consumed their products to acrylamide without first giving clear and
25 reasonable warnings to persons who purchased their products in violation of, including but not limited
26 to, California Code of Regulations §12601(b)(5).
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1 SECOND CAUSE OF ACTION

2 (By Plaintiff Against ALL DEFENDANTS For Fraudulent Concealment)

3 53. Plaintiff refers to and incorporate by reference herein, paragraphs 1 through 52, inclusive
4 of allegations as if set forth in full.

5 54. As set forth herein above, Defendants had both an implied and statutory duty to warn the
6 individually named plaintiff concerning the nature of the exposures from their facility, under Health &
7 Safety Code §25249.6. Defendants' failure to so warn constitutes a concealment of material information
8 with the intent to deceive Plaintiff, and cause them to refrain from taking steps to protect themselves,
9 their property and their families. Further, in failing to warn and thereby concealing the toxic nature of
10 their exposures, Defendants intended that Plaintiff would refrain from reporting Defendants' conduct to
11 relevant authorities or taking legal action for damages or other relief.
12

13 55. In reliance on Defendants' failure to warn or apprise Plaintiff of the extent of Defendants'
14 conduct and to toxic nature of their exposures, Plaintiff reasonably believed, until recently, that it was
15 safe for their persons to consume the products that Defendants' continue to place into commerce in
16 California absent the prerequisite warnings alleged herein, nor take legal action until recently.
17

18 56. As a result, Plaintiff on behalf of the People of the State Of California has suffered
19 damages and injury as alleged herein subject to proof at the time of trial.
20

21
22 WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

23 ON THE FIRST CAUSE OF ACTION

- 24 1. For general damages according to proof;
25 2. For special damages according to proof;
26 3. For punitive damages according to proof;
27 4. For all equitable relief available according to proof;
28


- 1 5. For all penalties available under statute;
- 2 6. For PLAINTIFF reasonable attorney's fees;
- 3 7. For costs of suit herein incurred; and
- 4 8. For such other and further relief as the Court deem proper.

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7 ON THE SECOND CAUSE OF ACTION

- 8 1. For general damages according to proof;
- 9 2. For special damages according to proof;
- 10 3. For punitive damages according to proof;
- 11 4. For all equitable relief available according to proof;
- 12 5. For all penalties available under statute;
- 13 6. For PLAINTIFF reasonable attorney's fees;
- 14 7. For costs of suit herein incurred; and
- 15 8. For such other and further relief as the Court deem proper.

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19 Dated: June 9, 2009

ENVIRONMENTAL WORLD WATCH, INC.

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21 By: 
22 Matthew E. Jackson, Esq.
23 Attorney for Plaintiff
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