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**CONFORMED COPY**  
OF ORIGINAL FILED  
Los Angeles Superior Court

SEP 14 2016

Sherri R. Carter, Executive Officer/Clerk  
By: Moses Soto, Deputy

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

13 **COUNTY OF LOS ANGELES**

14 CONSUMER ADVOCACY GROUP, INC.,  
15 in the public interest,

16 Plaintiff,

17 v.

18 TAWA SUPERMARKET, INC. dba 99  
19 RANCH MARKET and dba 168 MARKET,  
20 a California Corporation; WALONG  
21 MARKETING, INC., a California  
22 Corporation; and DOES 1-20;

23 Defendants.

CASE NO.

**BC 6 3 4 0 1 1**

COMPLAINT FOR PENALTY AND  
INJUNCTION

Violation of Proposition 65, the Safe  
Drinking Water and Toxic Enforcement  
Act of 1986 (*Health & Safety Code*, §  
25249.5, *et seq.*)

ACTION IS AN UNLIMITED CIVIL  
CASE (exceeds \$25,000)

24 Plaintiff CONSUMER ADVOCACY GROUP, INC. alleges a cause of action against  
25 Defendants TAWA SUPERMARKET, INC. dba 99 RANCH MARKET and dba 168 MARKET,  
26 WALONG MARKETING, INC., and DOES 1-20 as follows:

27 **THE PARTIES**

- 28 1. Plaintiff CONSUMER ADVOCACY GROUP, INC. ("Plaintiff" or "CAG") is an  
organization qualified to do business in the State of California. CAG is a person within  
the meaning of Health and Safety Code section 25249.11, subdivision (a). CAG, acting

COPY

1 as a private attorney general, brings this action in the public interest as defined under  
2 Health and Safety Code section 25249.7, subdivision (d).

3 2. Defendant TAWA SUPERMARKET, INC. dba 99 RANCH MARKET, and dba 168  
4 MARKET is a California Corporation, doing business in the State of California at all  
5 relevant times herein.

6 3. Defendant WALONG MARKETING, INC. is a California Corporation, doing business  
7 in the State of California at all relevant times herein.

8 4. Plaintiff is presently unaware of the true names and capacities of defendants DOES 1-  
9 20, and therefore sues these defendants by such fictitious names. Plaintiff will amend  
10 this complaint to allege their true names and capacities when ascertained. Plaintiff is  
11 informed, believes, and thereon alleges that each fictitiously named defendant is  
12 responsible in some manner for the occurrences herein alleged and the damages caused  
13 thereby.

14 5. At all times mentioned herein, the term "Defendants" includes TAWA  
15 SUPERMARKET, INC. dba 99 RANCH MARKET and dba 168 MARKET, WALONG  
16 MARKETING, INC., and DOES 1-20.

17 6. Plaintiff is informed and believes, and thereon alleges that each of the Defendants at all  
18 times mentioned herein have conducted business within the State of California.

19 7. Upon information and belief, at all times relevant to this action, each of the Defendants,  
20 including DOES 1-20, was an agent, servant, or employee of each of the other  
21 Defendants. In conducting the activities alleged in this Complaint, each of the  
22 Defendants was acting within the course and scope of this agency, service, or  
23 employment, and was acting with the consent, permission, and authorization of each of  
24 the other Defendants. All actions of each of the Defendants alleged in this Complaint  
25 were ratified and approved by every other Defendant or their officers or managing  
26 agents. Alternatively, each of the Defendants aided, conspired with and/or facilitated  
27 the alleged wrongful conduct of each of the other Defendants.

1 8. Plaintiff is informed, believes, and thereon alleges that at all relevant times, each of the  
2 Defendants was a person doing business within the meaning of Health and Safety Code  
3 section 25249.11, subdivision (b), and that each of the Defendants had ten (10) or more  
4 employees at all relevant times.

5 **JURISDICTION**

6 9. The Court has jurisdiction over this lawsuit pursuant to California Constitution Article  
7 VI, Section 10, which grants the Superior Court original jurisdiction in all causes except  
8 those given by statute to other trial courts. This Court has jurisdiction over this action  
9 pursuant to Health and Safety Code section 25249.7, which allows enforcement of  
10 violations of Proposition 65 in any Court of competent jurisdiction.

11 10. This Court has jurisdiction over Defendants named herein because Defendants either  
12 reside or are located in this State or are foreign corporations authorized to do business in  
13 California, are registered with the California Secretary of State, or who do sufficient  
14 business in California, have sufficient minimum contacts with California, or otherwise  
15 intentionally avail themselves of the markets within California through their  
16 manufacture, distribution, promotion, marketing, or sale of their products within  
17 California to render the exercise of jurisdiction by the California courts permissible  
18 under traditional notions of fair play and substantial justice.

19 11. Venue is proper in the County of Los Angeles because one or more of the instances of  
20 wrongful conduct occurred, and continues to occur, in the County of Los Angeles and/or  
21 because Defendants conducted, and continue to conduct, business in the County of Los  
22 Angeles with respect to the consumer product that is the subject of this action.

23 **BACKGROUND AND PRELIMINARY FACTS**

24 12. In 1986, California voters approved an initiative to address growing concerns about  
25 exposure to toxic chemicals and declared their right "[t]o be informed about exposures  
26 to chemicals that cause cancer, birth defects, or other reproductive harm." Ballot Pamp.,  
27 Proposed Law, Gen. Elec. (Nov. 4, 1986) at p. 3. The initiative, The Safe Drinking  
28 Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code sections

1 25249.5, *et seq.* ("Proposition 65"), helps to protect California's drinking water sources  
2 from contamination, to allow consumers to make informed choices about the products  
3 they buy, and to enable persons to protect themselves from toxic chemicals as they see  
4 fit.

5 13. Proposition 65 requires the Governor of California to publish a list of chemicals known  
6 to the state to cause cancer, birth defects, or other reproductive harm. *Health & Safety*  
7 *Code* § 25249.8. The list, which the Governor updates at least once a year, contains  
8 over 700 chemicals and chemical families. Proposition 65 imposes warning  
9 requirements and other controls that apply to Proposition 65-listed chemicals.

10 14. All businesses with ten (10) or more employees that operate or sell products in  
11 California must comply with Proposition 65. Under Proposition 65, businesses are: (1)  
12 prohibited from knowingly discharging Proposition 65-listed chemicals into sources of  
13 drinking water (*Health & Safety Code* § 25249.5), and (2) required to provide "clear and  
14 reasonable" warnings before exposing a person, knowingly and intentionally, to a  
15 Proposition 65-listed chemical (*Health & Safety Code* § 25249.6).

16 15. Proposition 65 provides that any person "violating or threatening to violate" the statute  
17 may be enjoined in any court of competent jurisdiction. *Health & Safety Code* §  
18 25249.7. "Threaten to violate" means "to create a condition in which there is a  
19 substantial probability that a violation will occur." *Health & Safety Code* § 25249.11(e).  
20 Defendants are also liable for civil penalties of up to \$2,500.00 per day per violation,  
21 recoverable in a civil action. *Health & Safety Code* § 25249.7(b).

22 16. Plaintiff identified certain practices of manufacturers and distributors of products  
23 bearing Lead and Lead Compounds ("LEAD") and/or Cadmium and Cadmium  
24 Compounds ("CADMIUM"), exposing, knowingly and intentionally, persons in  
25 California to said Proposition 65-listed chemical in such products, without first  
26 providing clear and reasonable warnings to the exposed persons prior to the time of  
27 exposure. Plaintiff later discerned that Defendants engaged in such practice.

28

1 17. On February 27, 1987 the Governor of California added Lead to the list of chemicals  
2 known to the State to cause developmental and reproductive toxicity, and on October 1,  
3 1992, the Governor added Lead and Lead Compounds to the list of chemicals known to  
4 the State to cause cancer. Pursuant to Health and Safety Code sections 25249.9 and  
5 25249.10, twenty (20) months after addition of LEAD to the list of chemicals known to  
6 the State to cause cancer and reproductive toxicity, LEAD became fully subject to  
7 Proposition 65 warning requirements and discharge prohibitions.

8 18. On October 1, 1987, the Governor of California added Cadmium and Cadmium  
9 Compounds to the list of chemicals known to the State to cause cancer and on May 1,  
10 1997 the Governor of California added Cadmium to the list of chemicals known to the  
11 State to cause developmental and reproductive toxicity (*Cal. Code Regs. tit. 27, §*  
12 *27001(c)*). Cadmium and Cadmium Compounds is known to the State to cause cancer  
13 and developmental, male reproductive toxicity. Pursuant to Health and Safety Code  
14 sections 25249.9 and 25249.10, twenty (20) months after addition of Cadmium and  
15 Cadmium Compounds to the list of chemicals known to the State to cause cancer and  
16 reproductive toxicity, Cadmium and Cadmium Compounds became fully subject to  
17 Proposition 65 warning requirements and discharge prohibitions.

18 **SATISFACTION OF PRIOR NOTICE**

19 19. On or about November 3, 2014, Plaintiff gave notice of alleged violations of Health and  
20 Safety Code section 25249.6, concerning consumer products exposures, subject to a  
21 private action, to 99 RANCH MARKET, TAWA SUPERMARKET, INC., and to the  
22 California Attorney General, County District Attorneys, and City Attorneys for each city  
23 containing a population of at least 750,000 people in whose jurisdictions the violations  
24 allegedly occurred, concerning Seaweed containing LEAD.

25 20. On or about December 15, 2014, Plaintiff gave notice of alleged violations of Health and  
26 Safety Code section 25249.6, concerning consumer products exposures, subject to a  
27 private action to TAWA SUPERMARKET, INC., 168 MARKET, and to the California  
28 Attorney General, County District Attorneys, and City Attorneys for each city

1 containing a population of at least 750,000 people in whose jurisdictions the violations  
2 allegedly occurred, concerning Seaweed containing CADMIUM.

3 21. On or about December 15, 2014, Plaintiff gave notice of alleged violations of Health and  
4 Safety Code section 25249.6, concerning consumer products exposures, subject to a  
5 private action to 168 MARKET, TAWA SUPERMARKET, INC., and to the California  
6 Attorney General, County District Attorneys, and City Attorneys for each city  
7 containing a population of at least 750,000 people in whose jurisdictions the violations  
8 allegedly occurred, concerning Seaweed containing CADMIUM and LEAD.

9 22. On or about January 9, 2015, Plaintiff gave notice of alleged violations of Health and  
10 Safety Code section 25249.6, concerning consumer products exposures, subject to a  
11 private action to 168 MARKET, TAWA SUPERMARKET, INC., WALONG  
12 MARKETING, INC., and to the California Attorney General, County District Attorneys,  
13 and City Attorneys for each city containing a population of at least 750,000 people in  
14 whose jurisdictions the violations allegedly occurred, concerning Seaweed containing  
15 CADMIUM.

16 23. On or about January 9, 2015, Plaintiff gave notice of alleged violations of Health and  
17 Safety Code section 25249.6, concerning consumer products exposures, subject to a  
18 private action to TAWA SUPERMARKET, INC., 168 MARKET, and to the California  
19 Attorney General, County District Attorneys, and City Attorneys for each city  
20 containing a population of at least 750,000 people in whose jurisdictions the violations  
21 allegedly occurred, concerning Seaweed containing CADMIUM.

22 24. On or about January 23, 2015, Plaintiff gave notice of alleged violations of Health and  
23 Safety Code section 25249.6, concerning consumer products exposures, subject to a  
24 private action to TAWA SUPERMARKET, INC., WALONG MARKETING, INC., 168  
25 MARKET, and to the California Attorney General, County District Attorneys, and City  
26 Attorneys for each city containing a population of at least 750,000 people in whose  
27 jurisdictions the violations allegedly occurred, concerning Roasted Seaweed containing  
28 LEAD.

1 25. On or about February 9, 2015, Plaintiff gave notice of alleged violations of Health and  
2 Safety Code section 25249.6, concerning consumer products exposures, subject to a  
3 private action to TAWA SUPERMARKET, INC., 168 MARKET, and to the California  
4 Attorney General, County District Attorneys, and City Attorneys for each city  
5 containing a population of at least 750,000 people in whose jurisdictions the violations  
6 allegedly occurred, concerning Seaweed Snack Foods containing LEAD.

7 26. On or about June 16, 2015, Plaintiff gave notice of alleged violations of Health and  
8 Safety Code section 25249.6, concerning consumer products exposures, subject to a  
9 private action to TAWA SUPERMARKET, INC., 99 RANCH MARKET, and to the  
10 California Attorney General, County District Attorneys, and City Attorneys for each city  
11 containing a population of at least 750,000 people in whose jurisdictions the violations  
12 allegedly occurred, concerning Crispy Seaweed containing LEAD.

13 27. On or about June 16, 2015, Plaintiff gave notice of alleged violations of Health and  
14 Safety Code section 25249.6, concerning consumer products exposures, subject to a  
15 private action to 99 RANCH MARKET, TAWA SUPERMARKET, INC., and to the  
16 California Attorney General, County District Attorneys, and City Attorneys for each city  
17 containing a population of at least 750,000 people in whose jurisdictions the violations  
18 allegedly occurred, concerning Thick Cut Seaweed and Crispy Seaweed containing  
19 LEAD.

20 28. On or about June 22, 2015, Plaintiff gave notice of alleged violations of Health and  
21 Safety Code section 25249.6, concerning consumer products exposures, subject to a  
22 private action to 99 RANCH MARKET, TAWA SUPERMARKET, INC., and to the  
23 California Attorney General, County District Attorneys, and City Attorneys for each city  
24 containing a population of at least 750,000 people in whose jurisdictions the violations  
25 allegedly occurred, concerning White Sesame Cake containing LEAD.

26 29. On or about July 1, 2015, Plaintiff gave notice of alleged violations of Health and Safety  
27 Code section 25249.6, concerning consumer products exposures, subject to a private  
28 action to WALONG MARKETING, INC., 99 RANCH MARKET, TAWA

1 SUPERMARKET, INC., and to the California Attorney General, County District  
2 Attorneys, and City Attorneys for each city containing a population of at least 750,000  
3 people in whose jurisdictions the violations allegedly occurred, concerning White  
4 Sesame Candy containing LEAD.

5 30. On or about October 14, 2015, Plaintiff gave notice of alleged violations of Health and  
6 Safety Code section 25249.6, concerning consumer products exposures, subject to a  
7 private action to TAWA SUPERMARKET, INC., 99 RANCH MARKET, and to the  
8 California Attorney General, County District Attorneys, and City Attorneys for each city  
9 containing a population of at least 750,000 people in whose jurisdictions the violations  
10 allegedly occurred, concerning Black Sesame Cake containing LEAD.

11 31. On or about November 25, 2015, Plaintiff gave notice of alleged violations of Health  
12 and Safety Code section 25249.6, concerning consumer products exposures, subject to a  
13 private action to 168 MARKET, and to the California Attorney General, County District  
14 Attorneys, and City Attorneys for each city containing a population of at least 750,000  
15 people in whose jurisdictions the violations allegedly occurred, concerning Roasted  
16 Crispy Seaweed containing LEAD.

17 32. On or about December 23, 2015, Plaintiff gave notice of alleged violations of Health and  
18 Safety Code section 25249.6, concerning consumer products exposures, subject to a  
19 private action to 168 MARKET, and to the California Attorney General, County District  
20 Attorneys, and City Attorneys for each city containing a population of at least 750,000  
21 people in whose jurisdictions the violations allegedly occurred, concerning Roasted  
22 Crispy Seaweed containing LEAD.

23 33. On or about December 31, 2015, Plaintiff gave notice of alleged violations of Health and  
24 Safety Code section 25249.6, concerning consumer products exposures, subject to a  
25 private action to 168 MARKET, and to the California Attorney General, County District  
26 Attorneys, and City Attorneys for each city containing a population of at least 750,000  
27 people in whose jurisdictions the violations allegedly occurred, concerning Roasted  
28 Seaweed containing LEAD.

1 34. On or about January 11, 2016, Plaintiff gave notice of alleged violations of Health and  
2 Safety Code section 25249.6, concerning consumer products exposures, subject to a  
3 private action to 168 MARKET, and to the California Attorney General, County District  
4 Attorneys, and City Attorneys for each city containing a population of at least 750,000  
5 people in whose jurisdictions the violations allegedly occurred, concerning Roasted  
6 Seaweed containing LEAD.

7 35. On or about January 11, 2016, Plaintiff gave notice of alleged violations of Health and  
8 Safety Code section 25249.6, concerning consumer products exposures, subject to a  
9 private action to 99 RANCH MARKET, TAWA SUPERMARKET, INC., and to the  
10 California Attorney General, County District Attorneys, and City Attorneys for each city  
11 containing a population of at least 750,000 people in whose jurisdictions the violations  
12 allegedly occurred, concerning Dried Seaweed Slice containing LEAD.

13 36. On or about February 5, 2016, Plaintiff gave notice of alleged violations of Health and  
14 Safety Code section 25249.6, concerning consumer products exposures, subject to a  
15 private action to WALONG MARKETING, INC., TAWA SUPERMARKET, INC., 99  
16 RANCH MARKET, and to the California Attorney General, County District Attorneys,  
17 and City Attorneys for each city containing a population of at least 750,000 people in  
18 whose jurisdictions the violations allegedly occurred, concerning Roasted Seaweed  
19 containing CADMIUM and LEAD.

20 37. On or about February 19, 2016, Plaintiff gave notice of alleged violations of Health and  
21 Safety Code section 25249.6, concerning consumer products exposures, subject to a  
22 private action to WALONG MARKETING, INC., TAWA SUPERMARKET, INC., and  
23 to the California Attorney General, County District Attorneys, and City Attorneys for  
24 each city containing a population of at least 750,000 people in whose jurisdictions the  
25 violations allegedly occurred, concerning Roasted Seaweed containing CADMIUM.

26 38. On or about March 14, 2016, Plaintiff gave notice of alleged violations of Health and  
27 Safety Code section 25249.6, concerning consumer products exposures, subject to a  
28 private action to TAWA SUPERMARKET, INC., 99 RANCH MARKET, and to the

1 California Attorney General, County District Attorneys, and City Attorneys for each city  
2 containing a population of at least 750,000 people in whose jurisdictions the violations  
3 allegedly occurred, concerning Roasted Seaweed containing CADMIUM.

4 39. On or about May 4, 2016, Plaintiff gave notice of alleged violations of Health and  
5 Safety Code section 25249.6, concerning consumer products exposures, subject to a  
6 private action to TAWA SUPERMARKET, INC., 99 RANCH MARKET, and to the  
7 California Attorney General, County District Attorneys, and City Attorneys for each city  
8 containing a population of at least 750,000 people in whose jurisdictions the violations  
9 allegedly occurred, concerning Seasoned Seaweed containing LEAD.

10 40. On or about May 4, 2016, Plaintiff gave notice of alleged violations of Health and  
11 Safety Code section 25249.6, concerning consumer products exposures, subject to a  
12 private action to 168 MARKET, and to the California Attorney General, County District  
13 Attorneys, and City Attorneys for each city containing a population of at least 750,000  
14 people in whose jurisdictions the violations allegedly occurred, concerning Seasoned  
15 Seaweed containing LEAD.

16 41. Before sending the notice of alleged violations, Plaintiff investigated the consumer  
17 products involved, the likelihood that such products would cause users to suffer  
18 significant exposures to CADMIUM and LEAD, and the corporate structure of each of  
19 the Defendants.

20 42. Plaintiff's notices of alleged violations each included a Certificate of Merit executed by  
21 the attorney for the noticing party, CAG. The Certificate of Merit stated that the  
22 attorney for Plaintiff who executed the certificate had consulted with at least one person  
23 with relevant and appropriate expertise who reviewed data regarding the exposures to  
24 CADMIUM and LEAD, the subject Proposition 65-listed chemicals of this action.  
25 Based on that information, the attorney for Plaintiff who executed the Certificate of  
26 Merit believed there was a reasonable and meritorious case for this private action. The  
27 attorney for Plaintiff attached to the Certificates of Merit served on the Attorney  
28

1 General, the confidential factual information sufficient to establish the basis of the  
2 Certificate of Merit.

3 43. Plaintiff's notices of alleged violations also included a Certificate of Service and a  
4 document entitled "The Safe Drinking Water & Toxic Enforcement Act of 1986  
5 (Proposition 65) A Summary." *Health & Safety Code* § 25249.7(d).

6 44. Plaintiff is commencing this action more than sixty (60) days from the dates that  
7 Plaintiff gave notices of the alleged violations to TAWA SUPERMARKET, INC. dba  
8 99 RANCH MARKET and dba 168 MARKET, WALONG MARKETING, INC., and  
9 the public prosecutors referenced in Paragraphs 19 through 40.

10 45. Plaintiff is informed, believes, and thereon alleges that neither the Attorney General, nor  
11 any applicable district attorneys or city attorneys have commenced, nor are diligently  
12 prosecuting an action against the Defendants.

13 **FIRST CAUSE OF ACTION**

14 **(By CONSUMER ADVOCACY GROUP, INC. and against 99 RANCH MARKET, TAWA**  
15 **SUPERMARKET, INC., and DOES 1-20 for Violations of Proposition 65, The Safe**  
16 **Drinking Water and Toxic Enforcement Act of 1986 (*Health & Safety Code*, §§ 25249.5, et**  
17 **seq.))**

18 **Seaweed**

19 46. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
20 reference paragraphs 1 through 45 of this complaint as though fully set forth herein.  
21 Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
22 distributor, promoter, or retailer of Seaweed, which includes but is not limited to,  
23 ""TAKAOKAYA U.S.A.", "Koufuku Nori", "Ajitsuke Momi Nori, Seasoned  
24 Seaweed", "Packed In Los Angeles", "Printed In Japan", Net Wt: 1.410z (40g),  
25 "Packed By Takaokaya U.S.A. Inc.", UPC: 7 35407 00451 0"" ("TAKAOKAYA  
26 SEAWEED").

27 47. TAKAOKAYA SEAWEED contains LEAD.  
28

1 48. Defendants knew or should have known that LEAD has been identified by the State of  
2 California as a chemical known to cause cancer and reproductive toxicity and therefore  
3 was subject to Proposition 65 warning requirements. Defendants were also informed of  
4 the presence of LEAD in TAKAOKAYA SEAWEED within Plaintiff's notice of alleged  
5 violations further discussed above at Paragraph 19.

6 49. Plaintiff's allegations regarding TAKAOKAYA SEAWEED concerns "[c]onsumer  
7 products exposure[s]," which "is an exposure that results from a person's acquisition,  
8 purchase, storage, consumption, or other reasonably foreseeable use of a consumer  
9 good, or any exposure that results from receiving a consumer service." *Cal. Code Regs.*  
10 tit. 27, § 25602(b). TAKAOKAYA SEAWEED is a consumer product, and, as  
11 mentioned herein, exposures to LEAD took place as a result of such normal and  
12 foreseeable use.

13 50. Plaintiff is informed, believes, and thereon alleges that between November 3, 2011 and  
14 the present, each of the Defendants knowingly and intentionally exposed California  
15 consumers of TAKAOKAYA SEAWEED, which Defendants manufactured, distributed,  
16 or sold as mentioned above, to LEAD without first providing any type of clear and  
17 reasonable warning of such to the exposed persons before the time of exposure.  
18 Defendants have distributed and sold TAKAOKAYA SEAWEED in California.  
19 Defendants know and intend that California consumers will use and consume  
20 TAKAOKAYA SEAWEED thereby exposing them to LEAD. Defendants thereby  
21 violated Proposition 65.

22 51. The principal routes of exposure were through ingestion, including hand to mouth  
23 pathways, and inhalation and trans-dermal absorption. Persons sustained exposures by  
24 eating and consuming TAKAOKAYA SEAWEED, handling TAKAOKAYA  
25 SEAWEED without wearing gloves or by touching bare skin or mucous membranes with  
26 gloves after handling TAKAOKAYA SEAWEED, or through direct and indirect hand to  
27 mouth contact, hand to food to mouth, direct contact to food then to mouth, hand to  
28 mucous membrane, or breathing in particulate matter emanating from TAKAOKAYA

1 SEAWEED, as well as through environmental mediums that carry the LEAD once  
2 contained within the TAKAOKAYA SEAWEED.

3 52. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of  
4 Proposition 65 as to TAKAOKAYA SEAWEED have been ongoing and continuous to  
5 the date of the signing of this complaint, as Defendants engaged and continue to engage  
6 in conduct which violates Health and Safety Code section 25249.6, including the  
7 manufacture, distribution, promotion, and sale of TAKAOKAYA SEAWEED, so that a  
8 separate and distinct violation of Proposition 65 occurred each and every time a person  
9 was exposed to LEAD by TAKAOKAYA SEAWEED as mentioned herein.

10 53. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65  
11 mentioned herein is ever continuing. Plaintiff further alleges and believes that the  
12 violations alleged herein will continue to occur into the future.

13 54. Based on the allegations herein, Defendants are liable for civil penalties of up to  
14 \$2,500.00 per day per individual exposure to LEAD from TAKAOKAYA SEAWEED,  
15 pursuant to Health and Safety Code section 25249.7(b).

16 55. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to  
17 filing this Complaint.

18 **SECOND CAUSE OF ACTION**

19 **(By CONSUMER ADVOCACY GROUP, INC. and against TAWA SUPERMARKET,**  
20 **INC., 168 MARKET, and DOES 1-20 for Violations of Proposition 65, The Safe Drinking**  
21 **Water and Toxic Enforcement Act of 1986 (Health & Safety Code, §§ 25249.5, et seq.))**

22 **Seaweed**

23 56. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
24 reference paragraphs 1 through 55 of this complaint as though fully set forth herein.  
25 Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
26 distributor, promoter, or retailer of Seaweed, which includes but is not limited to,  
27 ""SHANLIN" Wild Laver 'QS3501 2201 0197' (N.W.: 2.12 OZ (60g) ± 10%):  
28

1 03.3.'550506, 'Manufactory: Luoyuan Shanlin Foods Co., Ltd', Add: Building A, South  
2 Industrial Area, Luoyuanwan Development Zone, Fujiam Province, China, PRODUCT:  
3 DRIED LAVER, PRODUCT OF CHINA, "UPC: 6 920437161591"" ("SHANLIN  
4 WILD LAVER").

5 57. SHANLIN WILD LAVER contains CADMIUM.

6 58. Defendants knew or should have known that CADMIUM has been identified by the  
7 State of California as a chemical known to cause cancer and reproductive toxicity and  
8 therefore was subject to Proposition 65 warning requirements. Defendants were also  
9 informed of the presence of CADMIUM in SHANLIN WILD LAVER within Plaintiff's  
10 notice of alleged violations further discussed above at Paragraph 20.

11 59. Plaintiff's allegations regarding SHANLIN WILD LAVER concerns "[c]onsumer  
12 products exposure[s]," which "is an exposure that results from a person's acquisition,  
13 purchase, storage, consumption, or other reasonably foreseeable use of a consumer  
14 good, or any exposure that results from receiving a consumer service." *Cal. Code Regs.*  
15 *tit. 27, § 25602(b)*. SHANLIN WILD LAVER is a consumer product, and, as  
16 mentioned herein, exposures to CADMIUM took place as a result of such normal and  
17 foreseeable use.

18 60. Plaintiff is informed, believes, and thereon alleges that between December 15, 2011 and  
19 the present, each of the Defendants knowingly and intentionally exposed California  
20 consumers of SHANLIN WILD LAVER, which Defendants manufactured, distributed,  
21 or sold as mentioned above, to CADMIUM without first providing any type of clear and  
22 reasonable warning of such to the exposed persons before the time of exposure.  
23 Defendants have distributed and sold SHANLIN WILD LAVER in California.  
24 Defendants know and intend that California consumers will use and consume SHANLIN  
25 WILD LAVER, thereby exposing them to CADMIUM. Defendants thereby violated  
26 Proposition 65.

27 61. The principal routes of exposure were through ingestion, including hand to mouth  
28 pathways, and inhalation and trans-dermal absorption. Persons sustained exposures by

1 eating and consuming SHANLIN WILD LAVER, handling SHANLIN WILD LAVER  
2 without wearing gloves or by touching bare skin or mucus membranes with gloves after  
3 handling SHANLIN WILD LAVER, or through direct and indirect hand to mouth  
4 contact, hand to food to mouth, direct contact to food then to mouth, hand to mucous  
5 membrane, or breathing in particulate matter emanating from SHANLIN WILD  
6 LAVER, as well as through environmental mediums that carry the CADMIUM once  
7 contained within the SHANLIN WILD LAVER.

8 62. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of  
9 Proposition 65 as to SHANLIN WILD LAVER have been ongoing and continuous to  
10 the date of the signing of this complaint, as Defendants engaged and continue to engage  
11 in conduct which violates Health and Safety Code section 25249.6, including the  
12 manufacture, distribution, promotion, and sale of SHANLIN WILD LAVER, so that a  
13 separate and distinct violation of Proposition 65 occurred each and every time a person  
14 was exposed to CADMIUM by SHANLIN WILD LAVER as mentioned herein.

15 63. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65  
16 mentioned herein is ever continuing. Plaintiff further alleges and believes that the  
17 violations alleged herein will continue to occur into the future.

18 64. Based on the allegations herein, Defendants are liable for civil penalties of up to  
19 \$2,500.00 per day per individual exposure to CADMIUM from SHANLIN WILD  
20 LAVER, pursuant to Health and Safety Code section 25249.7(b).

21 65. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to  
22 filing this Complaint.

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28



1 consumers of BIG GREEN SEAWEED, which Defendants manufactured, distributed, or  
2 sold as mentioned above, to CADMIUM and LEAD without first providing any type of  
3 clear and reasonable warning of such to the exposed persons before the time of  
4 exposure. Defendants have distributed and sold BIG GREEN SEAWEED in California.  
5 Defendants know and intend that California consumers will use and consume BIG  
6 GREEN SEAWEED, thereby exposing them to CADMIUM and LEAD. Defendants  
7 thereby violated Proposition 65.

8 71. The principal routes of exposure were through ingestion, including hand to mouth  
9 pathways, and inhalation and trans-dermal absorption. Persons sustained exposures by  
10 eating and consuming BIG GREEN SEAWEED, handling BIG GREEN SEAWEED  
11 without wearing gloves or by touching bare skin or mucus membranes with gloves after  
12 handling BIG GREEN SEAWEED, or through direct and indirect hand to mouth  
13 contact, hand to food to mouth, direct contact to food then to mouth, hand to mucous  
14 membrane, or breathing in particulate matter emanating from BIG GREEN SEAWEED,  
15 as well as through environmental mediums that carry the CADMIUM and LEAD once  
16 contained within the BIG GREEN SEAWEED.

17 72. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of  
18 Proposition 65 as to BIG GREEN SEAWEED have been ongoing and continuous to the  
19 date of the signing of this complaint, as Defendants engaged and continue to engage in  
20 conduct which violates Health and Safety Code section 25249.6, including the  
21 manufacture, distribution, promotion, and sale of BIG GREEN SEAWEED, so that a  
22 separate and distinct violation of Proposition 65 occurred each and every time a person  
23 was exposed to CADMIUM and LEAD by BIG GREEN SEAWEED as mentioned  
24 herein.

25 73. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65  
26 mentioned herein is ever continuing. Plaintiff further alleges and believes that the  
27 violations alleged herein will continue to occur into the future.  
28

1 74. Based on the allegations herein, Defendants are liable for civil penalties of up to  
2 \$2,500.00 per day per individual exposure to CADMIUM and LEAD from BIG GREEN  
3 SEAWEED, pursuant to Health and Safety Code section 25249.7(b).

4 75. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to  
5 filing this Complaint.

6  
7 **FOURTH CAUSE OF ACTION**

8 **(By CONSUMER ADVOCACY GROUP, INC. and against 168 MARKET, TAWA**  
9 **SUPERMARKET, INC., WALONG MARKETING, INC., and DOES 1-20 for Violations**  
10 **of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986 (*Health &***  
11 ***Safety Code, §§ 25249.5, et seq.*)**

12 **Seaweed**

13 76. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
14 reference paragraphs 1 through 75 of this complaint as though fully set forth herein.  
15 Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
16 distributor, promoter, or retailer of Seaweed, which includes but is not limited to,  
17 MIZUHO® ITA NOLI DRIED SEAWEED; NET WT: 1.OOZ (28g); 10 Sheets;  
18 PRODUCT OF CHINA; MANUFACTURED FOR/ DISTRIBTURED BY:  
19 WALONG MARKETING, INC.; UPC: 6 73367 35529 0 (“MIZUHO SEAWEED”).

20 77. MIZUHO SEAWEED contains CADMIUM.

21 78. Defendants knew or should have known that CADMIUM has been identified by the  
22 State of California as a chemical known to cause cancer and reproductive toxicity and  
23 therefore was subject to Proposition 65 warning requirements. Defendants were also  
24 informed of the presence of CADMIUM in MIZUHO SEAWEED within Plaintiff's  
25 notice of alleged violations further discussed above at Paragraph 22.

26 79. Plaintiff is informed, believes, and thereon alleges that between January 9, 2012 and the  
27 present, each of the Defendants knowingly and intentionally exposed California  
28 consumers of MIZUHO SEAWEED, which Defendants manufactured, distributed, or  
sold as mentioned above, to CADMIUM without first providing any type of clear and

1 reasonable warning of such to the exposed persons before the time of exposure.

2 Defendants have distributed and sold MIZUHO SEAWEED in California. Defendants  
3 know and intend that California consumers will use and consume MIZUHO  
4 SEAWEED, thereby exposing them to CADMIUM. Defendants thereby violated  
5 Proposition 65.

6 80. Plaintiff's allegations regarding MIZUHO SEAWEED concerns "[c]onsumer products  
7 exposure[s]," which "is an exposure that results from a person's acquisition, purchase,  
8 storage, consumption, or other reasonably foreseeable use of a consumer good, or any  
9 exposure that results from receiving a consumer service." *Cal. Code Regs. tit. 27, §*  
10 *25602(b)*. MIZUHO SEAWEED is a consumer product, and, as mentioned herein,  
11 exposures to CADMIUM took place as a result of such normal and foreseeable use.

12 81. The principal routes of exposure were through ingestion, including hand to mouth  
13 pathways, and inhalation and trans-dermal absorption. Persons sustained exposures by  
14 eating and consuming MIZUHO SEAWEED, handling MIZUHO SEAWEED without  
15 wearing gloves or by touching bare skin or mucus membranes with gloves after handling  
16 MIZUHO SEAWEED, or through direct and indirect hand to mouth contact, hand to  
17 food to mouth, direct contact to food then to mouth, hand to mucous membrane, or  
18 breathing in particulate matter emanating from MIZUHO SEAWEED, as well as  
19 through environmental mediums that carry the CADMIUM once contained within the  
20 MIZUHO SEAWEED.

21 82. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of  
22 Proposition 65 as to MIZUHO SEAWEED have been ongoing and continuous to the  
23 date of the signing of this complaint, as Defendants engaged and continue to engage in  
24 conduct which violates Health and Safety Code section 25249.6, including the  
25 manufacture, distribution, promotion, and sale of MIZUHO SEAWEED, so that a  
26 separate and distinct violation of Proposition 65 occurred each and every time a person  
27 was exposed to CADMIUM by MIZUHO SEAWEED as mentioned herein.

28

1 83. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65  
2 mentioned herein is ever continuing. Plaintiff further alleges and believes that the  
3 violations alleged herein will continue to occur into the future.

4 84. Based on the allegations herein, Defendants are liable for civil penalties of up to  
5 \$2,500.00 per day per individual exposure to CADMIUM from MIZUHO SEAWEED,  
6 pursuant to Health and Safety Code section 25249.7(b).

7 85. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to  
8 filing this Complaint.

9  
10 **FIFTH CAUSE OF ACTION**

11 **(By CONSUMER ADVOCACY GROUP, INC. and against TAWA SUPERMARKET, INC., 168 MARKET, and DOES 1-20 for Violations of Proposition 65, The Safe Drinking  
12 Water and Toxic Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

13 **Seaweed**

14 86. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
15 reference paragraphs 1 through 85 of this complaint as though fully set forth herein.  
16 Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
17 distributor, promoter, or retailer of Seaweed, which includes but is not limited to,  
18 SHIRAKO ROASTED SEAWEED TOKYO TEMAKI NORI; 7.2 INCH x 3.7  
19 INCH; NET WT. 0.23 OZ (6 SHEETS); PACKED FOR SHIRAKO CO., LTD.;  
20 5-9, NAKAKASAI, EDOGAWA-KU, TOKYO 134-8502, JAPAN; PRODUCT  
21 OF CHINA; UPC: 0 92396 00002 3 (“SHIRAKO SEAWEED”).

22 87. SHIRAKO SEAWEED contains CADMIUM.

23 88. Defendants knew or should have known that CADMIUM has been identified by the  
24 State of California as a chemical known to cause cancer and reproductive toxicity and  
25 therefore was subject to Proposition 65 warning requirements. Defendants were also  
26 informed of the presence of CADMIUM in SHIRAKO SEAWEED within Plaintiff's  
27 notice of alleged violations further discussed above at Paragraph 23.  
28

1 89. Plaintiff's allegations regarding SHIRAKO SEAWEED concerns "[c]onsumer products  
2 exposure[s]," which "is an exposure that results from a person's acquisition, purchase,  
3 storage, consumption, or other reasonably foreseeable use of a consumer good, or any  
4 exposure that results from receiving a consumer service." *Cal. Code Regs. tit. 27, §*  
5 *25602(b)*. SHIRAKO SEAWEED is a consumer product, and, as mentioned herein,  
6 exposures to CADMIUM took place as a result of such normal and foreseeable use.

7 90. Plaintiff is informed, believes, and thereon alleges that between January 9, 2012 and the  
8 present, each of the Defendants knowingly and intentionally exposed California  
9 consumers of SHIRAKO SEAWEED, which Defendants manufactured, distributed, or  
10 sold as mentioned above, to CADMIUM without first providing any type of clear and  
11 reasonable warning of such to the exposed persons before the time of exposure.  
12 Defendants have distributed and sold SHIRAKO SEAWEED in California. Defendants  
13 know and intend that California consumers will use and consume SHIRAKO  
14 SEAWEED, thereby exposing them to CADMIUM. Defendants thereby violated  
15 Proposition 65.

16 91. The principal routes of exposure were through ingestion, including hand to mouth  
17 pathways, and inhalation and trans-dermal absorption. Persons sustained exposures by  
18 eating and consuming SHIRAKO SEAWEED, handling SHIRAKO SEAWEED without  
19 wearing gloves or by touching bare skin or mucus membranes with gloves after handling  
20 SHIRAKO SEAWEED, or through direct and indirect hand to mouth contact, hand to  
21 food to mouth, direct contact to food then to mouth, hand to mucous membrane, or  
22 breathing in particulate matter emanating from SHIRAKO SEAWEED, as well as  
23 through environmental mediums that carry the CADMIUM once contained within the  
24 SHIRAKO SEAWEED.

25 92. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of  
26 Proposition 65 as to SHIRAKO SEAWEED have been ongoing and continuous to the  
27 date of the signing of this complaint, as Defendants engaged and continue to engage in  
28 conduct which violates Health and Safety Code section 25249.6, including the

1 manufacture, distribution, promotion, and sale of SHIRAKO SEAWEED, so that  
2 separate and distinct violation of Proposition 65 occurred each and every time a person  
3 was exposed to CADMIUM by SHIRAKO SEAWEED as mentioned herein.

4 93. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65  
5 mentioned herein is ever continuing. Plaintiff further alleges and believes that the  
6 violations alleged herein will continue to occur into the future.

7 94. Based on the allegations herein, Defendants are liable for civil penalties of up to  
8 \$2,500.00 per day per individual exposure to CADMIUM from SHIRAKO SEAWEED,  
9 pursuant to Health and Safety Code section 25249.7(b).

10 95. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to  
11 filing this Complaint.

12 **SIXTH CAUSE OF ACTION**

13 **(By CONSUMER ADVOCACY GROUP, INC. and against TAWA SUPERMARKET,**  
14 **INC., WALONG MARKETING, INC., 168 MARKET, and DOES 1-20 for Violations of**  
15 **Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986 (*Health &***  
***Safety Code, §§ 25249.5, et seq.*)**

16 **Roasted Seaweed**

17 96. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
18 reference paragraphs 1 through 95 of this complaint as though fully set forth herein.  
19 Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
20 distributor, promoter, or retailer of Roasted Seaweed, which includes but is not limited  
21 to, HANASIA™ Korean Roasted Seaweed; HANASIA SEASONED SEAWEED-  
22 9PK; Manufactured for I Distributed by: WALONG MARKETING, INC., BUENA  
23 PARK, CA 90620; Item# 1635106; Serving Size 0.18oz(5g); Serving Per Container  
24 about 1; UPC: 6 73367 35106 3 (“KOREAN ROASTED SEAWEED”).

25 97. KOREAN ROASTED SEAWEED contains LEAD.

26 98. Defendants knew or should have known that LEAD has been identified by the State of  
27 California as a chemical known to cause cancer and reproductive toxicity and therefore  
28

1 was subject to Proposition 65 warning requirements. Defendants were also informed of  
2 the presence of LEAD in KOREAN ROASTED SEAWEED within Plaintiff's notice of  
3 alleged violations further discussed above at Paragraph 24.

4 99. Plaintiff's allegations regarding KOREAN ROASTED SEAWEED concerns

5 "[c]onsumer products exposure[s]," which "is an exposure that results from a person's  
6 acquisition, purchase, storage, consumption, or other reasonably foreseeable use of a  
7 consumer good, or any exposure that results from receiving a consumer service." *Cal.*  
8 *Code Regs.* tit. 27, § 25602(b). KOREAN ROASTED SEAWEED is a consumer  
9 product, and, as mentioned herein, exposures to LEAD took place as a result of such  
10 normal and foreseeable use.

11 100. Plaintiff is informed, believes, and thereon alleges that between January 23, 2012  
12 and the present, each of the Defendants knowingly and intentionally exposed California  
13 consumers of KOREAN ROASTED SEAWEED, which Defendants manufactured,  
14 distributed, or sold as mentioned above, to LEAD without first providing any type of  
15 clear and reasonable warning of such to the exposed persons before the time of  
16 exposure. Defendants have distributed and sold KOREAN ROASTED SEAWEED in  
17 California. Defendants know and intend that California consumers will use and  
18 consume KOREAN ROASTED SEAWEED, thereby exposing them to LEAD.  
19 Defendants thereby violated Proposition 65.

20 101. The principal routes of exposure were through ingestion, including hand to mouth  
21 pathways, and inhalation and trans-dermal absorption. Persons sustained exposures by  
22 eating and consuming KOREAN ROASTED SEAWEED, handling KOREAN  
23 ROASTED SEAWEED without wearing gloves or by touching bare skin or mucus  
24 membranes with gloves after handling KOREAN ROASTED SEAWEED, or through  
25 direct and indirect hand to mouth contact, hand to food to mouth, direct contact to food  
26 then to mouth, hand to mucous membrane, or breathing in particulate matter emanating  
27 from KOREAN ROASTED SEAWEED, as well as through environmental mediums  
28 that carry the LEAD once contained within the KOREAN ROASTED SEAWEED.

1 102. Plaintiff is informed, believes, and thereon alleges that each of Defendants'  
2 violations of Proposition 65 as to KOREAN ROASTED SEAWEED have been ongoing  
3 and continuous to the date of the signing of this complaint, as Defendants engaged and  
4 continue to engage in conduct which violates Health and Safety Code section 25249.6,  
5 including the manufacture, distribution, promotion, and sale of KOREAN ROASTED  
6 SEAWEED, so that a separate and distinct violation of Proposition 65 occurred each and  
7 every time a person was exposed to LEAD by KOREAN ROASTED SEAWEED as  
8 mentioned herein.

9 103. Plaintiff is informed, believes, and thereon alleges that each violation of  
10 Proposition 65 mentioned herein is ever continuing. Plaintiff further alleges and  
11 believes that the violations alleged herein will continue to occur into the future.

12 104. Based on the allegations herein, Defendants are liable for civil penalties of up to  
13 \$2,500.00 per day per individual exposure to LEAD from KOREAN ROASTED  
14 SEAWEED, pursuant to Health and Safety Code section 25249.7(b).

15 105. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein  
16 prior to filing this Complaint.

17 **SEVENTH CAUSE OF ACTION**

18 **(By CONSUMER ADVOCACY GROUP, INC. and against TAWA SUPERMARKET,**  
19 **INC., 168 MARKET, and DOES 1-20 for Violations of Proposition 65, The Safe Drinking**  
20 **Water and Toxic Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

21 **Seaweed**

22 106. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
23 reference paragraphs 1 through 105 of this complaint as though fully set forth herein.  
24 Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
25 distributor, promoter, or retailer of Seaweed, which includes but is not limited to, Dried  
26 Seaweed; CONTAINS NO MSG OR PRESERAVATIV; QS3501 2201 0197;  
27 150g(S.2Soz); Product of China; Manufacturer: Luoyuan Shan lin Foods Co., Ltd; UPC:  
28 6 92037 I 67388 (“DRIED SEAWEED”).

1 107. DRIED SEAWEED contains LEAD.

2 108. Defendants knew or should have known that LEAD has been identified by the  
3 State of California as a chemical known to cause cancer and reproductive toxicity and  
4 therefore was subject to Proposition 65 warning requirements. Defendants were also  
5 informed of the presence of LEAD in DRIED SEAWEED within Plaintiff's notice of  
6 alleged violations further discussed above at Paragraph 25.

7 109. Plaintiff's allegations regarding DRIED SEAWEED concerns "[c]onsumer  
8 products exposure[s]," which "is an exposure that results from a person's acquisition,  
9 purchase, storage, consumption, or other reasonably foreseeable use of a consumer good,  
10 or any exposure that results from receiving a consumer service." *Cal. Code Regs.* tit. 27,  
11 § 25602(b). DRIED SEAWEED is a consumer product, and, as mentioned herein,  
12 exposures to LEAD took place as a result of such normal and foreseeable use.

13 110. Plaintiff is informed, believes, and thereon alleges that between February 9, 2012  
14 and the present, each of the Defendants knowingly and intentionally exposed California  
15 consumers of DRIED SEAWEED, which Defendants manufactured, distributed, or sold  
16 as mentioned above, to LEAD without first providing any type of clear and reasonable  
17 warning of such to the exposed persons before the time of exposure. Defendants have  
18 distributed and sold DRIED SEAWEED in California. Defendants know and intend that  
19 California consumers will use and consume DRIED SEAWEED, thereby exposing them  
20 to LEAD. Defendants thereby violated Proposition 65.

21 111. The principal routes of exposure were through ingestion, including hand to mouth  
22 pathways, and inhalation and trans-dermal absorption. Persons sustained exposures by  
23 eating and consuming DRIED SEAWEED, handling DRIED SEAWEED without  
24 wearing gloves or by touching bare skin or mucus membranes with gloves after handling  
25 DRIED SEAWEED, or through direct and indirect hand to mouth contact, hand to food  
26 to mouth, direct contact to food then to mouth, hand to mucous membrane, or breathing  
27 in particulate matter emanating from DRIED SEAWEED, as well as through  
28

1 environmental mediums that carry the LEAD once contained within the DRIED  
2 SEAWEED.

3 112. Plaintiff is informed, believes, and thereon alleges that each of Defendants'  
4 violations of Proposition 65 as to DRIED SEAWEED have been ongoing and  
5 continuous to the date of the signing of this complaint, as Defendants engaged and  
6 continue to engage in conduct which violates Health and Safety Code section 25249.6,  
7 including the manufacture, distribution, promotion, and sale of DRIED SEAWEED, so  
8 that a separate and distinct violation of Proposition 65 occurred each and every time a  
9 person was exposed to LEAD by DRIED SEAWEED as mentioned herein.

10 113. Plaintiff is informed, believes, and thereon alleges that each violation of  
11 Proposition 65 mentioned herein is ever continuing. Plaintiff further alleges and  
12 believes that the violations alleged herein will continue to occur into the future.

13 114. Based on the allegations herein, Defendants are liable for civil penalties of up to  
14 \$2,500.00 per day per individual exposure to LEAD from DRIED SEAWEED, pursuant  
15 to Health and Safety Code section 25249.7(b).

16 115. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein  
17 prior to filing this Complaint.

18 **EIGHTH CAUSE OF ACTION**

19 **(By CONSUMER ADVOCACY GROUP, INC. and against TAWA SUPERMARKET,**  
20 **INC., 99 RANCH MARKET, and DOES 1-20 for Violations of Proposition 65, The Safe**  
21 **Drinking Water and Toxic Enforcement Act of 1986 (Health & Safety Code, §§ 25249.5, et**  
22 **seq.))**

23 **Crispy Seaweed**

24 116. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
25 reference paragraphs 1 through 115 of this complaint as though fully set forth herein.  
26 Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
27 distributor, promoter, or retailer of Crispy Seaweed, which includes but is not limited to,  
28

1 “Triple M Crispy Seaweed; MMM; Original Flavor; Simply Delicious; Net Weight: 40g.  
2 (1.40 oz); 10-1-04551-1-0009; Manufactured by Triple-M Products  
3 Co., Ltd.; Product of Thailand; UPC #: 8 858752 601288” and “Triple M Crispy  
4 Seaweed; MMM; Hot & Spicy Flavour; Simply Delicious; Net Weight: 40g. (1.40 oz);  
5 10-1-04551-1-0010; Manufactured by Triple-M Products Co., Ltd.; Product of  
6 Thailand; UPC #: 8 858752 601295” (“CRISPY SEAWEED”).

7 117. CRISPY SEAWEED contains LEAD.

8 118. Defendants knew or should have known that LEAD has been identified by the  
9 State of California as a chemical known to cause cancer and reproductive toxicity and  
10 therefore was subject to Proposition 65 warning requirements. Defendants were also  
11 informed of the presence of LEAD in CRISPY SEAWEED within Plaintiff’s notice of  
12 alleged violations further discussed above at Paragraph 26.

13 119. Plaintiff’s allegations regarding CRISPY SEAWEED concerns “[c]onsumer  
14 products exposure[s],” which “is an exposure that results from a person’s acquisition,  
15 purchase, storage, consumption, or other reasonably foreseeable use of a consumer good,  
16 or any exposure that results from receiving a consumer service.” *Cal. Code Regs.* tit. 27,  
17 § 25602(b). CRISPY SEAWEED is a consumer product, and, as mentioned herein,  
18 exposures to LEAD took place as a result of such normal and foreseeable use.

19 120. Plaintiff is informed, believes, and thereon alleges that between June 16, 2012 and  
20 the present, each of the Defendants knowingly and intentionally exposed California  
21 consumers of CRISPY SEAWEED, which Defendants manufactured, distributed, or  
22 sold as mentioned above, to LEAD without first providing any type of clear and  
23 reasonable warning of such to the exposed persons before the time of exposure.  
24 Defendants have distributed and sold CRISPY SEAWEED in California. Defendants  
25 know and intend that California consumers will use and consume CRISPY SEAWEED,  
26 thereby exposing them to LEAD. Defendants thereby violated Proposition 65.

27 121. The principal routes of exposure were through ingestion, including hand to mouth  
28 pathways, and inhalation and trans-dermal absorption. Persons sustained exposures by

1 eating and consuming CRISPY SEAWEED, handling CRISPY SEAWEED without  
2 wearing gloves or by touching bare skin or mucus membranes with gloves after handling  
3 CRISPY SEAWEED, or through direct and indirect hand to mouth contact, hand to food  
4 to mouth, direct contact to food then to mouth, hand to mucous membrane, or breathing  
5 in particulate matter emanating from CRISPY SEAWEED, as well as through  
6 environmental mediums that carry the LEAD once contained within the CRISPY  
7 SEAWEED.

8 122. Plaintiff is informed, believes, and thereon alleges that each of Defendants'  
9 violations of Proposition 65 as to CRISPY SEAWEED have been ongoing and  
10 continuous to the date of the signing of this complaint, as Defendants engaged and  
11 continue to engage in conduct which violates Health and Safety Code section 25249.6,  
12 including the manufacture, distribution, promotion, and sale of CRISPY SEAWEED, so  
13 that a separate and distinct violation of Proposition 65 occurred each and every time a  
14 person was exposed to LEAD by CRISPY SEAWEED as mentioned herein.

15 123. Plaintiff is informed, believes, and thereon alleges that each violation of  
16 Proposition 65 mentioned herein is ever continuing. Plaintiff further alleges and  
17 believes that the violations alleged herein will continue to occur into the future.

18 124. Based on the allegations herein, Defendants are liable for civil penalties of up to  
19 \$2,500.00 per day per individual exposure to LEAD from CRISPY SEAWEED,  
20 pursuant to Health and Safety Code section 25249.7(b).

21 125. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein  
22 prior to filing this Complaint.

23 ///

24 ///

25 ///

26 ///

1 NINTH CAUSE OF ACTION

2 (By CONSUMER ADVOCACY GROUP, INC. and against 99 RANCH MARKET, TAWA  
3 SUPERMARKET, INC., and DOES 1-20 for Violations of Proposition 65, The Safe  
4 Drinking Water and Toxic Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et*  
5 *seq.*))

6 **Thick Cut Seaweed and Crispy Seaweed**

7 126. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
8 reference paragraphs 1 through 125 of this complaint as though fully set forth herein.  
9 Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
10 distributor, promoter, or retailer of Thick Cut Seaweed and Crispy Seaweed, which  
11 includes but is not limited to, “TAI KAE Thick Cut Seaweed; pepper powder; Product  
12 of Taiwan; ISO 22000 HACCP; (N.T.): 4Sg (1.6 o.z); Manufacturer: Rises A Yuan  
13 Firm Company; Agent: Channel Plan International Marketing Co., Ltd.; UPC #: 4  
14 711942 856018” and “TAI KAE Crispy Seaweed; soy sauce; Product of Taiwan; ISO  
15 22000 HACCP; (N.T.): 45g (1.6 o.z); Manufacturer: Rises A Yuan Firm Company;  
16 Agent: Channel Plan International Marketing Co., Ltd.; UPC #: 4 711942 856001”  
17 (“TAI KAE SEAWEED”).

18 127. TAI KAE SEAWEED contains LEAD.

19 128. Defendants knew or should have known that LEAD has been identified by the  
20 State of California as a chemical known to cause cancer and reproductive toxicity and  
21 therefore was subject to Proposition 65 warning requirements. Defendants were also  
22 informed of the presence of LEAD in TAI KAE SEAWEED within Plaintiff’s notice of  
23 alleged violations further discussed above at Paragraph 27.

24 129. Plaintiff’s allegations regarding TAI KAE SEAWEED concerns “[c]onsumer  
25 products exposure[s],” which “is an exposure that results from a person’s acquisition,  
26 purchase, storage, consumption, or other reasonably foreseeable use of a consumer good,  
27 or any exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27,*  
28 *§ 25602(b).* TAI KAE SEAWEED is a consumer product, and, as mentioned herein,  
exposures to LEAD took place as a result of such normal and foreseeable use.

1 130. Plaintiff is informed, believes, and thereon alleges that between June 16, 2012 and  
2 the present, each of the Defendants knowingly and intentionally exposed California  
3 consumers of TAI KAE SEAWEED, which Defendants manufactured, distributed, or  
4 sold as mentioned above, to LEAD without first providing any type of clear and  
5 reasonable warning of such to the exposed persons before the time of exposure.  
6 Defendants have distributed and sold TAI KAE SEAWEED in California. Defendants  
7 know and intend that California consumers will use and consume TAI KAE  
8 SEAWEED, thereby exposing them to LEAD. Defendants thereby violated Proposition  
9 65.

10 131. The principal routes of exposure were through ingestion, including hand to mouth  
11 pathways, and inhalation and trans-dermal absorption. Persons sustained exposures by  
12 eating and consuming TAI KAE SEAWEED, handling TAI KAE SEAWEED without  
13 wearing gloves or by touching bare skin or mucus membranes with gloves after handling  
14 TAI KAE SEAWEED, or through direct and indirect hand to mouth contact, hand to  
15 food to mouth, direct contact to food then to mouth, hand to mucous membrane, or  
16 breathing in particulate matter emanating from TAI KAE SEAWEED, as well as  
17 through environmental mediums that carry the LEAD once contained within the TAI  
18 KAE SEAWEED.

19 132. Plaintiff is informed, believes, and thereon alleges that each of Defendants'  
20 violations of Proposition 65 as to TAI KAE SEAWEED have been ongoing and  
21 continuous to the date of the signing of this complaint, as Defendants engaged and  
22 continue to engage in conduct which violates Health and Safety Code section 25249.6,  
23 including the manufacture, distribution, promotion, and sale of TAI KAE SEAWEED,  
24 so that a separate and distinct violation of Proposition 65 occurred each and every time a  
25 person was exposed to LEAD by TAI KAE SEAWEED as mentioned herein.

26 133. Plaintiff is informed, believes, and thereon alleges that each violation of  
27 Proposition 65 mentioned herein is ever continuing. Plaintiff further alleges and  
28 believes that the violations alleged herein will continue to occur into the future.

1 134. Based on the allegations herein, Defendants are liable for civil penalties of up to  
2 \$2,500.00 per day per individual exposure to LEAD from TAI KAE SEAWEED,  
3 pursuant to Health and Safety Code section 25249.7(b).

4 135. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein  
5 prior to filing this Complaint.

6 **TENTH CAUSE OF ACTION**

7 **(By CONSUMER ADVOCACY GROUP, INC. and against 99 RANCH MARKET, TAWA**  
8 **SUPERMARKET, INC., and DOES 1-20 for Violations of Proposition 65, The Safe**  
9 **Drinking Water and Toxic Enforcement Act of 1986 (Health & Safety Code, §§ 25249.5, et**  
10 **seq.))**

11 **White Sesame Cake**

12 136. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
13 reference paragraphs 1 through 135 of this complaint as though fully set forth herein.  
14 Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
15 distributor, promoter, or retailer of White Sesame Cake, which includes but is not  
16 limited to, Nice Choice White Sesame Cake; Net Wt: 3 oz (85g); HAACP & ISO 22000;  
17 Product of Taiwan; Manufacturer: HURNG FUR FOODS FACTOREY CO,  
18 LTD.; UPC #: 4 711202 220061 (“WHITE SESAME CAKE”).

19 137. WHITE SESAME CAKE contains LEAD.

20 138. Defendants knew or should have known that LEAD has been identified by the  
21 State of California as a chemical known to cause cancer and reproductive toxicity and  
22 therefore was subject to Proposition 65 warning requirements. Defendants were also  
23 informed of the presence of LEAD in WHITE SESAME CAKE within Plaintiff's notice  
24 of alleged violations further discussed above at Paragraph 28.

25 139. Plaintiff's allegations regarding WHITE SESAME CAKE concerns “[c]onsumer  
26 products exposure[s],” which “is an exposure that results from a person’s acquisition,  
27 purchase, storage, consumption, or other reasonably foreseeable use of a consumer good,  
28 or any exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27,*

1 § 25602(b). WHITE SESAME CAKE is a ~~consumer product~~, and, as mentioned herein,  
2 exposures to LEAD took place as a result of such normal and foreseeable use.

3 140. Plaintiff is informed, believes, and thereon alleges that between June 22, 2012 and  
4 the present, each of the Defendants knowingly and intentionally exposed California  
5 consumers of WHITE SESAME CAKE, which Defendants manufactured, distributed, or  
6 sold as mentioned above, to LEAD without first providing any type of clear and  
7 reasonable warning of such to the exposed persons before the time of exposure.  
8 Defendants have distributed and sold WHITE SESAME CAKE in California.  
9 Defendants know and intend that California consumers will use and consume WHITE  
10 SESAME CAKE, thereby exposing them to LEAD. Defendants thereby violated  
11 Proposition 65.

12 141. The principal routes of exposure were through ingestion, including hand to mouth  
13 pathways, and inhalation and trans-dermal absorption. Persons sustained exposures by  
14 eating and consuming WHITE SESAME CAKE, handling WHITE SESAME CAKE  
15 without wearing gloves or by touching bare skin or mucus membranes with gloves after  
16 handling WHITE SESAME CAKE, or through direct and indirect hand to mouth  
17 contact, hand to food to mouth, direct contact to food then to mouth, hand to mucous  
18 membrane, or breathing in particulate matter emanating from WHITE SESAME CAKE,  
19 as well as through environmental mediums that carry the LEAD once contained within  
20 the WHITE SESAME CAKE.

21 142. Plaintiff is informed, believes, and thereon alleges that each of Defendants'  
22 violations of Proposition 65 as to WHITE SESAME CAKE have been ongoing and  
23 continuous to the date of the signing of this complaint, as Defendants engaged and  
24 continue to engage in conduct which violates Health and Safety Code section 25249.6,  
25 including the manufacture, distribution, promotion, and sale of WHITE SESAME  
26 CAKE, so that a separate and distinct violation of Proposition 65 occurred each and  
27 every time a person was exposed to LEAD by WHITE SESAME CAKE as mentioned  
28 herein.

1 143. Plaintiff is informed, believes, and thereon alleges that each violation of  
2 Proposition 65 mentioned herein is ever continuing. Plaintiff further alleges and  
3 believes that the violations alleged herein will continue to occur into the future.

4 144. Based on the allegations herein, Defendants are liable for civil penalties of up to  
5 \$2,500.00 per day per individual exposure to LEAD from WHITE SESAME CAKE,  
6 pursuant to Health and Safety Code section 25249.7(b).

7 145. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein  
8 prior to filing this Complaint.

9  
10 **ELEVENTH CAUSE OF ACTION**

11 **(By CONSUMER ADVOCACY GROUP, INC. and against WALONG MARKETING,**  
12 **INC., 99 RANCH MARKET, TAWA SUPERMARKET, INC., and DOES 1-20 for**  
13 **Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986**  
14 **(Health & Safety Code, §§ 25249.5, et seq.)**

15 **White Sesame Candy**

16 146. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
17 reference paragraphs 1 through 145 of this complaint as though fully set forth herein.  
18 Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
19 distributor, promoter, or retailer of White Sesame Candy, which includes but is not  
20 limited to, "Flying Horse® White Sesame Candy; Net Wt 3.5 OZ; UPC # 6 73367  
21 48781 6" and "Flying Horse® White Sesame Candy; Net Wt 200g (7oz); Product of  
22 Vietnam; Manufactured for/ Distributed by: Walong Marketing, Inc.; UPC # 6 73367  
23 00257 6" ("WHITE SESAME CANDY").

24 147. WHITE SESAME CANDY contains LEAD.

25 148. Defendants knew or should have known that LEAD has been identified by the  
26 State of California as a chemical known to cause cancer and reproductive toxicity and  
27 therefore was subject to Proposition 65 warning requirements. Defendants were also  
28 informed of the presence of LEAD in WHITE SESAME CANDY within Plaintiff's  
notice of alleged violations further discussed above at Paragraph 29.

1 149. Plaintiff's allegations regarding WHITE SESAME CANDY concerns  
2 "[c]onsumer products exposure[s]," which "is an exposure that results from a person's  
3 acquisition, purchase, storage, consumption, or other reasonably foreseeable use of a  
4 consumer good, or any exposure that results from receiving a consumer service." *Cal.*  
5 *Code Regs.* tit. 27, § 25602(b). WHITE SESAME CANDY is a consumer product, and,  
6 as mentioned herein, exposures to LEAD took place as a result of such normal and  
7 foreseeable use.

8 150. Plaintiff is informed, believes, and thereon alleges that between July 1, 2012 and  
9 the present, each of the Defendants knowingly and intentionally exposed California  
10 consumers of WHITE SESAME CANDY, which Defendants manufactured, distributed,  
11 or sold as mentioned above, to LEAD without first providing any type of clear and  
12 reasonable warning of such to the exposed persons before the time of exposure.  
13 Defendants have distributed and sold WHITE SESAME CANDY in California.  
14 Defendants know and intend that California consumers will use and consume WHITE  
15 SESAME CANDY, thereby exposing them to LEAD. Defendants thereby violated  
16 Proposition 65.

17 151. The principal routes of exposure were through ingestion, including hand to mouth  
18 pathways, and inhalation and trans-dermal absorption. Persons sustained exposures by  
19 eating and consuming WHITE SESAME CANDY, handling WHITE SESAME  
20 CANDY without wearing gloves or by touching bare skin or mucus membranes with  
21 gloves after handling WHITE SESAME CANDY, or through direct and indirect hand to  
22 mouth contact, hand to food to mouth, direct contact to food then to mouth, hand to  
23 mucous membrane, or breathing in particulate matter emanating from WHITE SESAME  
24 CANDY, as well as through environmental mediums that carry the LEAD once  
25 contained within the WHITE SESAME CANDY.

26 152. Plaintiff is informed, believes, and thereon alleges that each of Defendants'  
27 violations of Proposition 65 as to WHITE SESAME CANDY have been ongoing and  
28 continuous to the date of the signing of this complaint, as Defendants engaged and

1 continue to engage in conduct which violates Health and Safety Code section 25249.6,  
2 including the manufacture, distribution, promotion, and sale of WHITE SESAME  
3 CANDY, so that a separate and distinct violation of Proposition 65 occurred each and  
4 every time a person was exposed to LEAD by WHITE SESAME CANDY as mentioned  
5 herein.

6 153. Plaintiff is informed, believes, and thereon alleges that each violation of  
7 Proposition 65 mentioned herein is ever continuing. Plaintiff further alleges and  
8 believes that the violations alleged herein will continue to occur into the future.

9 154. Based on the allegations herein, Defendants are liable for civil penalties of up to  
10 \$2,500.00 per day per individual exposure to LEAD from WHITE SESAME CANDY,  
11 pursuant to Health and Safety Code section 25249.7(b).

12 155. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein  
13 prior to filing this Complaint.

#### 14 TWELFTH CAUSE OF ACTION

15 (By CONSUMER ADVOCACY GROUP, INC. and against TAWA SUPERMARKET,  
16 INC., 99 RANCH MARKET, and DOES 1-20 for Violations of Proposition 65, The Safe  
17 Drinking Water and Toxic Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et*  
*seq.*))

#### 18 **Black Sesame Cake**

19 156. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
20 reference paragraphs 1 through 155 of this complaint as though fully set forth herein.  
21 Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
22 distributor, promoter, or retailer of Black Sesame Cake, which includes but is not limited  
23 to, "Nice Choice Black Sesame Cake; Net Wt: 3 oz (85g); HAACP & ISO 22000;  
24 Product of Taiwan; Manufacturer: HURNG FUR FOODS FACTOREY CO, LTD.; UPC  
25 #: 4 711202 221716" ("BLACK SESAME CAKE").

26 157. BLACK SESAME CAKE contains LEAD.  
27  
28

1 158. Defendants knew or should have known that LEAD has been identified by the  
2 State of California as a chemical known to cause cancer and reproductive toxicity and  
3 therefore was subject to Proposition 65 warning requirements. Defendants were also  
4 informed of the presence of LEAD in BLACK SESAME CAKE within Plaintiff's notice  
5 of alleged violations further discussed above at Paragraph 30.

6 159. Plaintiff's allegations regarding BLACK SESAME CAKE concerns "[c]onsumer  
7 products exposure[s]," which "is an exposure that results from a person's acquisition,  
8 purchase, storage, consumption, or other reasonably foreseeable use of a consumer good,  
9 or any exposure that results from receiving a consumer service." *Cal. Code Regs. tit. 27,*  
10 *§ 25602(b)*. BLACK SESAME CAKE is a consumer product, and, as mentioned herein,  
11 exposures to LEAD took place as a result of such normal and foreseeable use.

12 160. Plaintiff is informed, believes, and thereon alleges that between October 14, 2012  
13 and the present, each of the Defendants knowingly and intentionally exposed California  
14 consumers of BLACK SESAME CAKE, which Defendants manufactured, distributed,  
15 or sold as mentioned above, to LEAD without first providing any type of clear and  
16 reasonable warning of such to the exposed persons before the time of exposure.  
17 Defendants have distributed and sold BLACK SESAME CAKE in California.  
18 Defendants know and intend that California consumers will use and consume BLACK  
19 SESAME CAKE, thereby exposing them to LEAD. Defendants thereby violated  
20 Proposition 65.

21 161. The principal routes of exposure were through ingestion, including hand to mouth  
22 pathways, and inhalation and trans-dermal absorption. Persons sustained exposures by  
23 eating and consuming BLACK SESAME CAKE, handling BLACK SESAME CAKE  
24 without wearing gloves or by touching bare skin or mucus membranes with gloves after  
25 handling BLACK SESAME CAKE, or through direct and indirect hand to mouth  
26 contact, hand to food to mouth, direct contact to food then to mouth, hand to mucous  
27 membrane, or breathing in particulate matter emanating from BLACK SESAME CAKE,  
28

1 as well as through environmental mediums that carry the LEAD once contained within  
2 the BLACK SESAME CAKE.

3 162. Plaintiff is informed, believes, and thereon alleges that each of Defendants'  
4 violations of Proposition 65 as to BLACK SESAME CAKE have been ongoing and  
5 continuous to the date of the signing of this complaint, as Defendants engaged and  
6 continue to engage in conduct which violates Health and Safety Code section 25249.6,  
7 including the manufacture, distribution, promotion, and sale of BLACK SESAME  
8 CAKE, so that a separate and distinct violation of Proposition 65 occurred each and  
9 every time a person was exposed to LEAD by BLACK SESAME CAKE as mentioned  
10 herein.

11 163. Plaintiff is informed, believes, and thereon alleges that each violation of  
12 Proposition 65 mentioned herein is ever continuing. Plaintiff further alleges and  
13 believes that the violations alleged herein will continue to occur into the future.

14 164. Based on the allegations herein, Defendants are liable for civil penalties of up to  
15 \$2,500.00 per day per individual exposure to LEAD from BLACK SESAME CAKE,  
16 pursuant to Health and Safety Code section 25249.7(b).

17 165. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein  
18 prior to filing this Complaint.

19 **THIRTEENTH CAUSE OF ACTION**

20 **(By CONSUMER ADVOCACY GROUP, INC. and against 168 MARKET, and DOES 1-20**  
21 **for Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of**  
22 **1986 (Health & Safety Code, §§ 25249.5, et seq.))**

23 **Roasted Crispy Seaweed**

24 166. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
25 reference paragraphs 1 through 165 of this complaint as though fully set forth herein.  
26 Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
27 distributor, promoter, or retailer of Roasted Crispy Seaweed, which includes but is not  
28 limited to, Wasabi Roasted Laver, 'Manufactured & Packed by Haejeo Food Co., Ltd.,

1 Imported by Woosung America Corp.' (Net Wt. 4g) UPC 8809275102042 ("WASABI  
2 ROASTED LAVER").

3 167. WASABI ROASTED LAVER contains LEAD.

4 168. Defendants knew or should have known that LEAD has been identified by the  
5 State of California as a chemical known to cause cancer and reproductive toxicity and  
6 therefore was subject to Proposition 65 warning requirements. Defendants were also  
7 informed of the presence of LEAD in WASABI ROASTED LAVER within Plaintiff's  
8 notice of alleged violations further discussed above at Paragraph 31.

9 169. Plaintiff's allegations regarding WASABI ROASTED LAVER concerns  
10 "[c]onsumer products exposure[s]," which "is an exposure that results from a person's  
11 acquisition, purchase, storage, consumption, or other reasonably foreseeable use of a  
12 consumer good, or any exposure that results from receiving a consumer service." *Cal.*  
13 *Code Regs.* tit. 27, § 25602(b). WASABI ROASTED LAVER is a consumer product,  
14 and, as mentioned herein, exposures to LEAD took place as a result of such normal and  
15 foreseeable use.

16 170. Plaintiff is informed, believes, and thereon alleges that between November 25,  
17 2012 and the present, each of the Defendants knowingly and intentionally exposed  
18 California consumers of WASABI ROASTED LAVER, which Defendants  
19 manufactured, distributed, or sold as mentioned above, to LEAD without first providing  
20 any type of clear and reasonable warning of such to the exposed persons before the time  
21 of exposure. Defendants have distributed and sold WASABI ROASTED LAVER in  
22 California. Defendants know and intend that California consumers will use and  
23 consume WASABI ROASTED LAVER, thereby exposing them to LEAD. Defendants  
24 thereby violated Proposition 65.

25 171. The principal routes of exposure were through ingestion, including hand to mouth  
26 pathways, and inhalation and trans-dermal absorption. Persons sustained exposures by  
27 eating and consuming WASABI ROASTED LAVER, handling WASABI ROASTED  
28 LAVER without wearing gloves or by touching bare skin or mucus membranes with

1 gloves after handling WASABI ROASTED LAVER, or through direct and indirect hand  
2 to mouth contact, hand to food to mouth, direct contact to food then to mouth, hand to  
3 mucous membrane, or breathing in particulate matter emanating from WASABI  
4 ROASTED LAVER, as well as through environmental mediums that carry the LEAD  
5 once contained within the WASABI ROASTED LAVER.

6 172. Plaintiff is informed, believes, and thereon alleges that each of Defendants'  
7 violations of Proposition 65 as to WASABI ROASTED LAVER have been ongoing and  
8 continuous to the date of the signing of this complaint, as Defendants engaged and  
9 continue to engage in conduct which violates Health and Safety Code section 25249.6,  
10 including the manufacture, distribution, promotion, and sale of WASABI ROASTED  
11 LAVER, so that a separate and distinct violation of Proposition 65 occurred each and  
12 every time a person was exposed to LEAD by WASABI ROASTED LAVER as  
13 mentioned herein.

14 173. Plaintiff is informed, believes, and thereon alleges that each violation of  
15 Proposition 65 mentioned herein is ever continuing. Plaintiff further alleges and  
16 believes that the violations alleged herein will continue to occur into the future.

17 174. Based on the allegations herein, Defendants are liable for civil penalties of up to  
18 \$2,500.00 per day per individual exposure to LEAD from WASABI ROASTED  
19 LAVER, pursuant to Health and Safety Code section 25249.7(b).

20 175. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein  
21 prior to filing this Complaint.

22 **FOURTEENTH CAUSE OF ACTION**

23 **(By CONSUMER ADVOCACY GROUP, INC. and against TAWA SUPERMARKET,**  
24 **INC., 168 MARKET, and DOES 1-20 for Violations of Proposition 65, The Safe Drinking**  
25 **Water and Toxic Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

26 **Wild Laver**

27 176. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
28 reference paragraphs 1 through 175 of this complaint as though fully set forth herein.

1 Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
2 distributor, promoter, or retailer of Wild Laver, which includes but is not limited to,  
3 SHANLIN" Wild Laver 'QS3501 2201 0197' (N.W.: 2.12 OZ (60g) ± 10%):  
4 03.3.550506, 'Manufactory: Luoyuan Shanlin Foods Co., Ltd', Add: Building A, South  
5 Industrial Area, Luoyuanwan Development Zone, Fujiam Province, China, PRODUCT:  
6 DRIED LAVER, PRODUCT OF CHINA, "UPC: 6 920437161591 ("SHANLIN WILD  
7 LAVER").

8 177. SHANLIN WILD LAVER contains LEAD.

9 178. Defendants knew or should have known that LEAD has been identified by the  
10 State of California as a chemical known to cause cancer and reproductive toxicity and  
11 therefore was subject to Proposition 65 warning requirements. Defendants were also  
12 informed of the presence of LEAD in SHANLIN WILD LAVER within Plaintiff's  
13 notice of alleged violations further discussed above at Paragraph 32.

14 179. Plaintiff's allegations regarding SHANLIN WILD LAVER concerns "[c]onsumer  
15 products exposure[s]," which "is an exposure that results from a person's acquisition,  
16 purchase, storage, consumption, or other reasonably foreseeable use of a consumer good,  
17 or any exposure that results from receiving a consumer service." *Cal. Code Regs.* tit. 27,  
18 § 25602(b). SHANLIN WILD LAVER is a consumer product, and, as mentioned  
19 herein, exposures to LEAD took place as a result of such normal and foreseeable use.

20 180. Plaintiff is informed, believes, and thereon alleges that between December 23,  
21 2012 and the present, each of the Defendants knowingly and intentionally exposed  
22 California consumers of SHANLIN WILD LAVER, which Defendants manufactured,  
23 distributed, or sold as mentioned above, to LEAD without first providing any type of  
24 clear and reasonable warning of such to the exposed persons before the time of  
25 exposure. Defendants have distributed and sold SHANLIN WILD LAVER in  
26 California. Defendants know and intend that California consumers will use and  
27 consume SHANLIN WILD LAVER, thereby exposing them to LEAD. Defendants  
28 thereby violated Proposition 65.

1 181. The principal routes of exposure were through ingestion, including hand to mouth  
2 pathways, and inhalation and trans-dermal absorption. Persons sustained exposures by  
3 eating and consuming SHANLIN WILD LAVER, handling SHANLIN WILD LAVER  
4 without wearing gloves or by touching bare skin or mucus membranes with gloves after  
5 handling SHANLIN WILD LAVER, or through direct and indirect hand to mouth  
6 contact, hand to food to mouth, direct contact to food then to mouth, hand to mucous  
7 membrane, or breathing in particulate matter emanating from SHANLIN WILD  
8 LAVER, as well as through environmental mediums that carry the LEAD once  
9 contained within the SHANLIN WILD LAVER.

10 182. Plaintiff is informed, believes, and thereon alleges that each of Defendants'  
11 violations of Proposition 65 as to SHANLIN WILD LAVER have been ongoing and  
12 continuous to the date of the signing of this complaint, as Defendants engaged and  
13 continue to engage in conduct which violates Health and Safety Code section 25249.6,  
14 including the manufacture, distribution, promotion, and sale of SHANLIN WILD  
15 LAVER, so that a separate and distinct violation of Proposition 65 occurred each and  
16 every time a person was exposed to LEAD by SHANLIN WILD LAVER as mentioned  
17 herein.

18 183. Plaintiff is informed, believes, and thereon alleges that each violation of  
19 Proposition 65 mentioned herein is ever continuing. Plaintiff further alleges and  
20 believes that the violations alleged herein will continue to occur into the future.

21 184. Based on the allegations herein, Defendants are liable for civil penalties of up to  
22 \$2,500.00 per day per individual exposure to LEAD from SHANLIN WILD LAVER,  
23 pursuant to Health and Safety Code section 25249.7(b).

24 185. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein  
25 prior to filing this Complaint.

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28 ///

1 **FIFTEENTH CAUSE OF ACTION**

2 (By CONSUMER ADVOCACY GROUP, INC. and against 168 MARKET, and DOES 1-20  
3 for Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of  
4 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))

5 **Roasted Seaweed**

6 186. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
7 reference paragraphs 1 through 185 of this complaint as though fully set forth herein.  
8 Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
9 distributor, promoter, or retailer of Roasted Seaweed, which includes but is not limited  
10 to, ""Roasted Seaweed"; Net Wt.: 0.560Z (16) g; Serving Size 2 pieces (4g); Serving Per  
11 Container 4; "PRODUCT OF CHINA"; INGREDIENT SEAWEED; DISTRIBUTED  
12 BY CTC FOOD INTERNATIONAL INC. DBA ORIENTAL TRADING CO.  
13 INTERNATIONAL, SO SAN FRANCISCO CA 94080; UPC: 0 74601 00836 9"  
14 ("ROASTED SEAWEED").

15 187. ROASTED SEAWEED contains LEAD.

16 188. Defendants knew or should have known that LEAD has been identified by the  
17 State of California as a chemical known to cause cancer and reproductive toxicity and  
18 therefore was subject to Proposition 65 warning requirements. Defendants were also  
19 informed of the presence of LEAD in ROASTED SEAWEED within Plaintiff's notice of  
20 alleged violations further discussed above at Paragraph 33.

21 189. Plaintiff's allegations regarding ROASTED SEAWEED concerns "[c]onsumer  
22 products exposure[s]," which "is an exposure that results from a person's acquisition,  
23 purchase, storage, consumption, or other reasonably foreseeable use of a consumer good,  
24 or any exposure that results from receiving a consumer service." *Cal. Code Regs. tit. 27,*  
25 *§ 25602(b).* ROASTED SEAWEED is a consumer product, and, as mentioned herein,  
26 exposures to LEAD took place as a result of such normal and foreseeable use.

27 190. Plaintiff is informed, believes, and thereon alleges that between December 23,  
28 2012 and the present, each of the Defendants knowingly and intentionally exposed

1 California consumers of ROASTED SEAWEED, which Defendants manufactured,  
2 distributed, or sold as mentioned above, to LEAD without first providing any type of  
3 clear and reasonable warning of such to the exposed persons before the time of  
4 exposure. Defendants have distributed and sold ROASTED SEAWEED in California.  
5 Defendants know and intend that California consumers will use and consume  
6 ROASTED SEAWEED, thereby exposing them to LEAD. Defendants thereby violated  
7 Proposition 65.

8 191. The principal routes of exposure were through ingestion, including hand to mouth  
9 pathways, and inhalation and trans-dermal absorption. Persons sustained exposures by  
10 eating and consuming ROASTED SEAWEED, handling ROASTED SEAWEED  
11 without wearing gloves or by touching bare skin or mucus membranes with gloves after  
12 handling ROASTED SEAWEED, or through direct and indirect hand to mouth contact,  
13 hand to food to mouth, direct contact to food then to mouth, hand to mucous membrane,  
14 or breathing in particulate matter emanating from ROASTED SEAWEED, as well as  
15 through environmental mediums that carry the LEAD once contained within the  
16 ROASTED SEAWEED.

17 192. Plaintiff is informed, believes, and thereon alleges that each of Defendants'  
18 violations of Proposition 65 as to ROASTED SEAWEED have been ongoing and  
19 continuous to the date of the signing of this complaint, as Defendants engaged and  
20 continue to engage in conduct which violates Health and Safety Code section 25249.6,  
21 including the manufacture, distribution, promotion, and sale of ROASTED SEAWEED,  
22 so that a separate and distinct violation of Proposition 65 occurred each and every time a  
23 person was exposed to LEAD by ROASTED SEAWEED as mentioned herein.

24 193. Plaintiff is informed, believes, and thereon alleges that each violation of  
25 Proposition 65 mentioned herein is ever continuing. Plaintiff further alleges and  
26 believes that the violations alleged herein will continue to occur into the future.  
27  
28

1 194. Based on the allegations herein, Defendants are liable for civil penalties of up to  
2 \$2,500.00 per day per individual exposure to LEAD from ROASTED SEAWEED,  
3 pursuant to Health and Safety Code section 25249.7(b).

4 195. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein  
5 prior to filing this Complaint.

6 **SIXTEENTH CAUSE OF ACTION**

7 **(By CONSUMER ADVOCACY GROUP, INC. and against 168 MARKET, and DOES 1-20**  
8 **for Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of**  
9 **1986 (Health & Safety Code, §§ 25249.5, et seq.))**

10 **Roasted Seaweed**

11 196. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
12 reference paragraphs 1 through 195 of this complaint as though fully set forth herein.  
13 Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
14 distributor, promoter, or retailer of Roasted Seaweed, which includes but is not limited  
15 to, ""FRESHIAN" "CJ CHEILJEDANG" Roasted Laver; "Roasted LaverGimbap";  
16 Distributed by CJ Foods Inc. Fullerton, CA 92831; Net Wt. 0.70oz (20g); PRODUCT  
17 OF S.KOREA; "FRESHIAN ALL NATURAL ROASTED LAVER; UPC: 8 801007  
18 051376" ("ROASTED LAVER").

19 197. ROASTED LAVER contains LEAD.

20 198. Defendants knew or should have known that LEAD has been identified by the  
21 State of California as a chemical known to cause cancer and reproductive toxicity and  
22 therefore was subject to Proposition 65 warning requirements. Defendants were also  
23 informed of the presence of LEAD in ROASTED LAVER within Plaintiff's notice of  
24 alleged violations further discussed above at Paragraph 34.

25 199. Plaintiff's allegations regarding ROASTED LAVER concerns "[c]onsumer  
26 products exposure[s]," which "is an exposure that results from a person's acquisition,  
27 purchase, storage, consumption, or other reasonably foreseeable use of a consumer good,  
28 or any exposure that results from receiving a consumer service." *Cal. Code Regs. tit. 27,*

1           § 25602(b). ROASTED LAVER is a consumer product, and, as mentioned herein,  
2           exposures to LEAD took place as a result of such normal and foreseeable use.

3           200.       Plaintiff is informed, believes, and thereon alleges that between January 11, 2013  
4           and the present, each of the Defendants knowingly and intentionally exposed California  
5           consumers of ROASTED LAVER, which Defendants manufactured, distributed, or sold  
6           as mentioned above, to LEAD without first providing any type of clear and reasonable  
7           warning of such to the exposed persons before the time of exposure. Defendants have  
8           distributed and sold ROASTED LAVER in California. Defendants know and intend  
9           that California consumers will use and consume ROASTED LAVER, thereby exposing  
10          them to LEAD. Defendants thereby violated Proposition 65.

11          201.       The principal routes of exposure were through ingestion, including hand to mouth  
12          pathways, and inhalation and trans-dermal absorption. Persons sustained exposures by  
13          eating and consuming ROASTED LAVER, handling ROASTED LAVER without  
14          wearing gloves or by touching bare skin or mucus membranes with gloves after handling  
15          ROASTED LAVER, or through direct and indirect hand to mouth contact, hand to food  
16          to mouth, direct contact to food then to mouth, hand to mucous membrane, or breathing  
17          in particulate matter emanating from ROASTED LAVER, as well as through  
18          environmental mediums that carry the LEAD once contained within the ROASTED  
19          LAVER.

20          202.       Plaintiff is informed, believes, and thereon alleges that each of Defendants'  
21          violations of Proposition 65 as to ROASTED LAVER have been ongoing and  
22          continuous to the date of the signing of this complaint, as Defendants engaged and  
23          continue to engage in conduct which violates Health and Safety Code section 25249.6,  
24          including the manufacture, distribution, promotion, and sale of ROASTED LAVER, so  
25          that a separate and distinct violation of Proposition 65 occurred each and every time a  
26          person was exposed to LEAD by ROASTED LAVER as mentioned herein.

1 203. Plaintiff is informed, believes, and thereon alleges that each violation of  
2 Proposition 65 mentioned herein is ever continuing. Plaintiff further alleges and  
3 believes that the violations alleged herein will continue to occur into the future.

4 204. Based on the allegations herein, Defendants are liable for civil penalties of up to  
5 \$2,500.00 per day per individual exposure to LEAD from ROASTED LAVER, pursuant  
6 to Health and Safety Code section 25249.7(b).

7 205. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein  
8 prior to filing this Complaint.

9  
10 **SEVENTEENTH CAUSE OF ACTION**

11 **(By CONSUMER ADVOCACY GROUP, INC. and against 99 RANCH MARKET, TAWA**  
12 **SUPERMARKET, INC., and DOES 1-20 for Violations of Proposition 65, The Safe**  
13 **Drinking Water and Toxic Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et***  
14 ***seq.*))**

15 **Dried Seaweed Slice**

16 206. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
17 reference paragraphs 1 through 205 of this complaint as though fully set forth herein.  
18 Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
19 distributor, promoter, or retailer of Dried Seaweed Slice, which includes but is not  
20 limited to, Spring Farm" Dried Seaweed Slice, Net Wt: 1.0Soz (30g) Ingredients: Dried  
21 Seaweed. 'Distributed by: Big Green (USA) Inc. UPC: 6 78452 14003 4 ("DRIED  
22 SEAWEED SLICE").

23 207. DRIED SEAWEED SLICE contains LEAD.

24 208. Defendants knew or should have known that LEAD has been identified by the  
25 State of California as a chemical known to cause cancer and reproductive toxicity and  
26 therefore was subject to Proposition 65 warning requirements. Defendants were also  
27 informed of the presence of LEAD in DRIED SEAWEED SLICE within Plaintiff's  
28 notice of alleged violations further discussed above at Paragraph 35.

1 209. Plaintiff's allegations regarding DRIED SEAWEED SLICE concerns  
2 "[c]onsumer products exposure[s]," which "is an exposure that results from a person's  
3 acquisition, purchase, storage, consumption, or other reasonably foreseeable use of a  
4 consumer good, or any exposure that results from receiving a consumer service." *Cal.*  
5 *Code Regs.* tit. 27, § 25602(b). DRIED SEAWEED SLICE is a consumer product, and,  
6 as mentioned herein, exposures to LEAD took place as a result of such normal and  
7 foreseeable use.

8 210. Plaintiff is informed, believes, and thereon alleges that between January 11, 2013  
9 and the present, each of the Defendants knowingly and intentionally exposed California  
10 consumers of DRIED SEAWEED SLICE, which Defendants manufactured, distributed,  
11 or sold as mentioned above, to LEAD without first providing any type of clear and  
12 reasonable warning of such to the exposed persons before the time of exposure.  
13 Defendants have distributed and sold DRIED SEAWEED SLICE in California.  
14 Defendants know and intend that California consumers will use and consume DRIED  
15 SEAWEED SLICE, thereby exposing them to LEAD. Defendants thereby violated  
16 Proposition 65.

17 211. The principal routes of exposure were through ingestion, including hand to mouth  
18 pathways, and inhalation and trans-dermal absorption. Persons sustained exposures by  
19 eating and consuming DRIED SEAWEED SLICE, handling DRIED SEAWEED SLICE  
20 without wearing gloves or by touching bare skin or mucus membranes with gloves after  
21 handling DRIED SEAWEED SLICE, or through direct and indirect hand to mouth  
22 contact, hand to food to mouth, direct contact to food then to mouth, hand to mucous  
23 membrane, or breathing in particulate matter emanating from DRIED SEAWEED  
24 SLICE, as well as through environmental mediums that carry the LEAD once contained  
25 within the DRIED SEAWEED SLICE.

26 212. Plaintiff is informed, believes, and thereon alleges that each of Defendants'  
27 violations of Proposition 65 as to DRIED SEAWEED SLICE have been ongoing and  
28 continuous to the date of the signing of this complaint, as Defendants engaged and

1 continue to engage in conduct which violates Health and Safety Code section 25249.6,  
2 including the manufacture, distribution, promotion, and sale of DRIED SEAWEED  
3 SLICE, so that a separate and distinct violation of Proposition 65 occurred each and  
4 every time a person was exposed to LEAD by DRIED SEAWEED SLICE as mentioned  
5 herein.

6 213. Plaintiff is informed, believes, and thereon alleges that each violation of  
7 Proposition 65 mentioned herein is ever continuing. Plaintiff further alleges and  
8 believes that the violations alleged herein will continue to occur into the future.

9 214. Based on the allegations herein, Defendants are liable for civil penalties of up to  
10 \$2,500.00 per day per individual exposure to LEAD from DRIED SEAWEED SLICE,  
11 pursuant to Health and Safety Code section 25249.7(b).

12 215. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein  
13 prior to filing this Complaint.

#### 14 EIGHTEENTH CAUSE OF ACTION

15 (By CONSUMER ADVOCACY GROUP, INC. and against WALONG MARKETING,  
16 INC., TAWA SUPERMARKET, INC., 99 RANCH MARKET, and DOES 1-20 for  
17 Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986  
(Health & Safety Code, §§ 25249.5, et seq.))

#### 18 **Roasted Seaweed**

19 216. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
20 reference paragraphs 1 through 215 of this complaint as though fully set forth herein.  
21 Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
22 distributor, promoter, or retailer of Roasted Seaweed, which includes but is not limited  
23 to, MIZUHO, Y AKI NOLI, Roasted Seaweed. Net WT: 1.0 oz (28g) 10 Sheets.  
24 "Distributed by Walong Marketing, Inc." UPC: 6 73367 35528 3 ("MIZUHO  
25 ROASTED SEAWEED").

26 217. MIZUHO ROASTED SEAWEED contains LEAD and CADMIUM.  
27  
28

1 218. Defendants knew or should have known that LEAD and CADMIUM have been  
2 identified by the State of California as a chemical known to cause cancer and  
3 reproductive toxicity and therefore was subject to Proposition 65 warning requirements.  
4 Defendants were also informed of the presence of LEAD and CADMIUM in MIZUHO  
5 ROASTED SEAWEED within Plaintiff's notice of alleged violations further discussed  
6 above at Paragraph 36.

7 219. Plaintiff's allegations regarding MIZUHO ROASTED SEAWEED concerns  
8 "[c]onsumer products exposure[s]," which "is an exposure that results from a person's  
9 acquisition, purchase, storage, consumption, or other reasonably foreseeable use of a  
10 consumer good, or any exposure that results from receiving a consumer service." *Cal.*  
11 *Code Regs.* tit. 27, § 25602(b). MIZUHO ROASTED SEAWEED is a consumer  
12 product, and, as mentioned herein, exposures to LEAD and CADMIUM took place as a  
13 result of such normal and foreseeable use.

14 220. Plaintiff is informed, believes, and thereon alleges that between February 5, 2013  
15 and the present, each of the Defendants knowingly and intentionally exposed California  
16 consumers of MIZUHO ROASTED SEAWEED, which Defendants manufactured,  
17 distributed, or sold as mentioned above, to LEAD and CADMIUM without first  
18 providing any type of clear and reasonable warning of such to the exposed persons  
19 before the time of exposure. Defendants have distributed and sold MIZUHO  
20 ROASTED SEAWEED in California. Defendants know and intend that California  
21 consumers will use and consume MIZUHO ROASTED SEAWEED, thereby exposing  
22 them to LEAD and CADMIUM. Defendants thereby violated Proposition 65.

23 221. The principal routes of exposure were through ingestion, including hand to mouth  
24 pathways, and inhalation and trans-dermal absorption. Persons sustained exposures by  
25 eating and consuming MIZUHO ROASTED SEAWEED, handling MIZUHO  
26 ROASTED SEAWEED without wearing gloves or by touching bare skin or mucus  
27 membranes with gloves after handling MIZUHO ROASTED SEAWEED, or through  
28 direct and indirect hand to mouth contact, hand to food to mouth, direct contact to food

1 then to mouth, hand to mucous membrane, or breathing in particulate matter emanating  
2 from MIZUHO ROASTED SEAWEED, as well as through environmental mediums that  
3 carry the LEAD and CADMIUM once contained within the MIZUHO ROASTED  
4 SEAWEED.

5 222. Plaintiff is informed, believes, and thereon alleges that each of Defendants'  
6 violations of Proposition 65 as to MIZUHO ROASTED SEAWEED have been ongoing  
7 and continuous to the date of the signing of this complaint, as Defendants engaged and  
8 continue to engage in conduct which violates Health and Safety Code section 25249.6,  
9 including the manufacture, distribution, promotion, and sale of MIZUHO ROASTED  
10 SEAWEED, so that a separate and distinct violation of Proposition 65 occurred each and  
11 every time a person was exposed to LEAD and CADMIUM by MIZUHO ROASTED  
12 SEAWEED as mentioned herein.

13 223. Plaintiff is informed, believes, and thereon alleges that each violation of  
14 Proposition 65 mentioned herein is ever continuing. Plaintiff further alleges and  
15 believes that the violations alleged herein will continue to occur into the future.

16 224. Based on the allegations herein, Defendants are liable for civil penalties of up to  
17 \$2,500.00 per day per individual exposure to LEAD and CADMIUM from MIZUHO  
18 ROASTED SEAWEED, pursuant to Health and Safety Code section 25249.7(b).

19 225. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein  
20 prior to filing this Complaint.

21 **NINETEENTH CAUSE OF ACTION**

22 **(By CONSUMER ADVOCACY GROUP, INC. and against WALONG MARKETING,**  
23 **INC., TAWA SUPERMARKET, INC., and DOES 1-20 for Violations of Proposition 65,**  
24 **The Safe Drinking Water and Toxic Enforcement Act of 1986 (*Health & Safety Code, §§***  
25 **25249.5, *et seq.*))**

26 **Roasted Seaweed**

27 226. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
28 reference paragraphs 1 through 225 of this complaint as though fully set forth herein.

1 Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
2 distributor, promoter, or retailer of Roasted Seaweed, which includes but is not limited  
3 to, MIZUHO, ITA NOLI, Dried Seaweed. Net WT: 1.0 oz (28g) 10 Sheets.

4 "Manufactured for/ Distributed by Walong Marketing, Inc." UPC#: 6 73367  
5 35529 0 ("ITA NOLI SEAWEED").

6 227. ITA NOLI SEAWEED contains CADMIUM.

7 228. Defendants knew or should have known that CADMIUM has been identified by  
8 the State of California as a chemical known to cause cancer and reproductive toxicity  
9 and therefore was subject to Proposition 65 warning requirements. Defendants were  
10 also informed of the presence of CADMIUM in ITA NOLI SEAWEED within Plaintiff's  
11 notice of alleged violations further discussed above at Paragraph 37.

12 229. Plaintiff's allegations regarding ITA NOLI SEAWEED concerns "[c]onsumer  
13 products exposure[s]," which "is an exposure that results from a person's acquisition,  
14 purchase, storage, consumption, or other reasonably foreseeable use of a consumer good,  
15 or any exposure that results from receiving a consumer service." *Cal. Code Regs.* tit. 27,  
16 § 25602(b). ITA NOLI SEAWEED is a consumer product, and, as mentioned herein,  
17 exposures to CADMIUM took place as a result of such normal and foreseeable use.

18 230. Plaintiff is informed, believes, and thereon alleges that between February 19,  
19 2013 and the present, each of the Defendants knowingly and intentionally exposed  
20 California consumers of ITA NOLI SEAWEED, which Defendants manufactured,  
21 distributed, or sold as mentioned above, to CADMIUM without first providing any type  
22 of clear and reasonable warning of such to the exposed persons before the time of  
23 exposure. Defendants have distributed and sold ITA NOLI SEAWEED in California.  
24 Defendants know and intend that California consumers will use and consume ITA NOLI  
25 SEAWEED, thereby exposing them to CADMIUM. Defendants thereby violated  
26 Proposition 65.

27 231. The principal routes of exposure were through ingestion, including hand to mouth  
28 pathways, and inhalation and trans-dermal absorption. Persons sustained exposures by

1 eating and consuming ITA NOLI SEAWEED, ~~handling~~ ITA NOLI SEAWEED without  
2 wearing gloves or by touching bare skin or mucus membranes with gloves after handling  
3 ITA NOLI SEAWEED, or through direct and indirect hand to mouth contact, hand to  
4 food to mouth, direct contact to food then to mouth, hand to mucous membrane, or  
5 breathing in particulate matter emanating from ITA NOLI SEAWEED, as well as  
6 through environmental mediums that carry the CADMIUM once contained within the  
7 ITA NOLI SEAWEED.

8 232. Plaintiff is informed, believes, and thereon alleges that each of Defendants'  
9 violations of Proposition 65 as to ITA NOLI SEAWEED have been ongoing and  
10 continuous to the date of the signing of this complaint, as Defendants engaged and  
11 continue to engage in conduct which violates Health and Safety Code section 25249.6,  
12 including the manufacture, distribution, promotion, and sale of ITA NOLI SEAWEED,  
13 so that a separate and distinct violation of Proposition 65 occurred each and every time a  
14 person was exposed to CADMIUM by ITA NOLI SEAWEED as mentioned herein.

15 233. Plaintiff is informed, believes, and thereon alleges that each violation of  
16 Proposition 65 mentioned herein is ever continuing. Plaintiff further alleges and  
17 believes that the violations alleged herein will continue to occur into the future.

18 234. Based on the allegations herein, Defendants are liable for civil penalties of up to  
19 \$2,500.00 per day per individual exposure to CADMIUM from ITA NOLI SEAWEED,  
20 pursuant to Health and Safety Code section 25249.7(b).

21 235. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein  
22 prior to filing this Complaint.

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1 TWENTIETH CAUSE OF ACTION

2 (By CONSUMER ADVOCACY GROUP, INC. and against TAWA SUPERMARKET,  
3 INC., 99 RANCH MARKET, and DOES 1-20 for Violations of Proposition 65, The Safe  
4 Drinking Water and Toxic Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et*  
5 *seq.*))

6 **Roasted Seaweed**

7 236. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
8 reference paragraphs 1 through 235 of this complaint as though fully set forth herein.  
9 Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
10 distributor, promoter, or retailer of Roasted Seaweed, which includes but is not limited  
11 to, Nagai's Roasted Seaweed Sushi Nori; Net Wt. 1.0 oz (28 g); 10 sheets; Product of  
12 China; Exported by Nagai Nori USA, Inc.; UPC #: 0 11152 15297 4 ("NAGAI  
13 SEAWEED").

14 237. NAGAI SEAWEED contains CADMIUM.

15 238. Defendants knew or should have known that CADMIUM has been identified by  
16 the State of California as a chemical known to cause cancer and reproductive toxicity  
17 and therefore was subject to Proposition 65 warning requirements. Defendants were  
18 also informed of the presence of CADMIUM in NAGAI SEAWEED within Plaintiff's  
19 notice of alleged violations further discussed above at Paragraph 38.

20 239. Plaintiff's allegations regarding NAGAI SEAWEED concerns "[c]onsumer  
21 products exposure[s]," which "is an exposure that results from a person's acquisition,  
22 purchase, storage, consumption, or other reasonably foreseeable use of a consumer good,  
23 or any exposure that results from receiving a consumer service." *Cal. Code Regs. tit. 27,*  
24 *§ 25602(b)*. NAGAI SEAWEED is a consumer product, and, as mentioned herein,  
25 exposures to CADMIUM took place as a result of such normal and foreseeable use.

26 240. Plaintiff is informed, believes, and thereon alleges that between March 14, 2013  
27 and the present, each of the Defendants knowingly and intentionally exposed California  
28 consumers of NAGAI SEAWEED, which Defendants manufactured, distributed, or sold  
as mentioned above, to CADMIUM without first providing any type of clear and

1 reasonable warning of such to the exposed persons before the time of exposure.

2 Defendants have distributed and sold NAGAI SEAWEED in California. Defendants  
3 know and intend that California consumers will use and consume NAGAI SEAWEED,  
4 thereby exposing them to CADMIUM. Defendants thereby violated Proposition 65.

5 241. The principal routes of exposure were through ingestion, including hand to mouth  
6 pathways, and inhalation and trans-dermal absorption. Persons sustained exposures by  
7 eating and consuming NAGAI SEAWEED, handling NAGAI SEAWEED without  
8 wearing gloves or by touching bare skin or mucus membranes with gloves after handling  
9 NAGAI SEAWEED, or through direct and indirect hand to mouth contact, hand to food  
10 to mouth, direct contact to food then to mouth, hand to mucous membrane, or breathing  
11 in particulate matter emanating from NAGAI SEAWEED, as well as through  
12 environmental mediums that carry the CADMIUM once contained within the NAGAI  
13 SEAWEED.

14 242. Plaintiff is informed, believes, and thereon alleges that each of Defendants'  
15 violations of Proposition 65 as to NAGAI SEAWEED have been ongoing and  
16 continuous to the date of the signing of this complaint, as Defendants engaged and  
17 continue to engage in conduct which violates Health and Safety Code section 25249.6,  
18 including the manufacture, distribution, promotion, and sale of NAGAI SEAWEED, so  
19 that a separate and distinct violation of Proposition 65 occurred each and every time a  
20 person was exposed to CADMIUM by NAGAI SEAWEED as mentioned herein.

21 243. Plaintiff is informed, believes, and thereon alleges that each violation of  
22 Proposition 65 mentioned herein is ever continuing. Plaintiff further alleges and  
23 believes that the violations alleged herein will continue to occur into the future.

24 244. Based on the allegations herein, Defendants are liable for civil penalties of up to  
25 \$2,500.00 per day per individual exposure to CADMIUM from NAGAI SEAWEED,  
26 pursuant to Health and Safety Code section 25249.7(b).

27 245. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein  
28 prior to filing this Complaint.

1 TWENTY-FIRST CAUSE OF ACTION

2 (By CONSUMER ADVOCACY GROUP, INC. and against TAWA SUPERMARKET,  
3 INC., 99 RANCH MARKET, and DOES 1-20 for Violations of Proposition 65, The Safe  
4 Drinking Water and Toxic Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et*  
5 *seq.*))

6 **Seasoned Seaweed**

7 246. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
8 reference paragraphs 1 through 245 of this complaint as though fully set forth herein.  
9 Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
10 distributor, promoter, or retailer of Seasoned Seaweed, which includes but is not limited  
11 to, "Traditionally Seasoned Seaweed". Net Wt: .16 oz (4.5g) x SPack; Importer:  
12 JF&K INC. 2985 E. Miraloma Ave. Unit M Anaheim CA 92806; Product of Korea;  
13 UPC: 8 809168 836757 (outer package); UPC: 8 809168 836641 (inner package)  
14 ("SEASONED SEAWEED").

15 247. SEASONED SEAWEED contains LEAD.

16 248. Defendants knew or should have known that LEAD has been identified by the  
17 State of California as a chemical known to cause cancer and reproductive toxicity and  
18 therefore was subject to Proposition 65 warning requirements. Defendants were also  
19 informed of the presence of LEAD in SEASONED SEAWEED within Plaintiff's notice  
20 of alleged violations further discussed above at Paragraph 39.

21 249. Plaintiff's allegations regarding SEASONED SEAWEED concerns "[c]onsumer  
22 products exposure[s]," which "is an exposure that results from a person's acquisition,  
23 purchase, storage, consumption, or other reasonably foreseeable use of a consumer good,  
24 or any exposure that results from receiving a consumer service." *Cal. Code Regs. tit. 27,*  
25 *§ 25602(b).* SEASONED SEAWEED is a consumer product, and, as mentioned herein,  
26 exposures to LEAD took place as a result of such normal and foreseeable use.

27 250. Plaintiff is informed, believes, and thereon alleges that between May 4, 2013 and  
28 the present, each of the Defendants knowingly and intentionally exposed California  
consumers of SEASONED SEAWEED, which Defendants manufactured, distributed, or

1 sold as mentioned above, to LEAD without first providing any type of clear and  
2 reasonable warning of such to the exposed persons before the time of exposure.  
3 Defendants have distributed and sold SEASONED SEAWEED in California.  
4 Defendants know and intend that California consumers will use and consume  
5 SEASONED SEAWEED, thereby exposing them to LEAD. Defendants thereby  
6 violated Proposition 65.

7 251. The principal routes of exposure were through ingestion, including hand to mouth  
8 pathways, and inhalation and trans-dermal absorption. Persons sustained exposures by  
9 eating and consuming SEASONED SEAWEED, handling SEASONED SEAWEED  
10 without wearing gloves or by touching bare skin or mucus membranes with gloves after  
11 handling SEASONED SEAWEED, or through direct and indirect hand to mouth  
12 contact, hand to food to mouth, direct contact to food then to mouth, hand to mucous  
13 membrane, or breathing in particulate matter emanating from SEASONED SEAWEED,  
14 as well as through environmental mediums that carry the LEAD once contained within  
15 the SEASONED SEAWEED.

16 252. Plaintiff is informed, believes, and thereon alleges that each of Defendants'  
17 violations of Proposition 65 as to SEASONED SEAWEED have been ongoing and  
18 continuous to the date of the signing of this complaint, as Defendants engaged and  
19 continue to engage in conduct which violates Health and Safety Code section 25249.6,  
20 including the manufacture, distribution, promotion, and sale of SEASONED  
21 SEAWEED, so that a separate and distinct violation of Proposition 65 occurred each and  
22 every time a person was exposed to LEAD by SEASONED SEAWEED as mentioned  
23 herein.

24 253. Plaintiff is informed, believes, and thereon alleges that each violation of  
25 Proposition 65 mentioned herein is ever continuing. Plaintiff further alleges and  
26 believes that the violations alleged herein will continue to occur into the future.  
27  
28

1 254. Based on the allegations herein, Defendants are liable for civil penalties of up to  
2 \$2,500.00 per day per individual exposure to LEAD from SEASONED SEAWEED,  
3 pursuant to Health and Safety Code section 25249.7(b).

4 255. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein  
5 prior to filing this Complaint.

6 **TWENTY-SECOND CAUSE OF ACTION**

7 **(By CONSUMER ADVOCACY GROUP, INC. and against 168 MARKET, and DOES 1-20**  
8 **for Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of**  
9 **1986 (Health & Safety Code, §§ 25249.5, et seq.))**

10 **Seasoned Seaweed**

11 256. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
12 reference paragraphs 1 through 255 of this complaint as though fully set forth herein.  
13 Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
14 distributor, promoter, or retailer of Seasoned Seaweed, which includes but is not limited  
15 to, SURA KOREA, ALGUE SECHEE ASSAISONNE, Seasoned Seaweed with  
16 Anchovy; Net Wt 85g (3oz) ITEM NO. 12544 UPC: 0 87703 12544 5 (“SURA KOREA  
17 SEAWEED”).

18 257. SURA KOREA SEAWEED contains LEAD.

19 258. Defendants knew or should have known that LEAD has been identified by the  
20 State of California as a chemical known to cause cancer and reproductive toxicity and  
21 therefore was subject to Proposition 65 warning requirements. Defendants were also  
22 informed of the presence of LEAD in SURA KOREA SEAWEED within Plaintiff's  
23 notice of alleged violations further discussed above at Paragraph 40.

24 259. Plaintiff's allegations regarding SURA KOREA SEAWEED concerns  
25 “[c]onsumer products exposure[s],” which “is an exposure that results from a person's  
26 acquisition, purchase, storage, consumption, or other reasonably foreseeable use of a  
27 consumer good, or any exposure that results from receiving a consumer service.” *Cal.*  
28 *Code Regs.* tit. 27, § 25602(b). SURA KOREA SEAWEED is a consumer product, and,

1 as mentioned herein, exposures to LEAD took place as a result of such normal and  
2 foreseeable use.

3 260. Plaintiff is informed, believes, and thereon alleges that between May 4, 2013 and  
4 the present, each of the Defendants knowingly and intentionally exposed California  
5 consumers of SURA KOREA SEAWEED, which Defendants manufactured, distributed,  
6 or sold as mentioned above, to LEAD without first providing any type of clear and  
7 reasonable warning of such to the exposed persons before the time of exposure.  
8 Defendants have distributed and sold SURA KOREA SEAWEED in California.  
9 Defendants know and intend that California consumers will use and consume SURA  
10 KOREA SEAWEED, thereby exposing them to LEAD. Defendants thereby violated  
11 Proposition 65.

12 261. The principal routes of exposure were through ingestion, including hand to mouth  
13 pathways, and inhalation and trans-dermal absorption. Persons sustained exposures by  
14 eating and consuming SURA KOREA SEAWEED, handling SURA KOREA  
15 SEAWEED without wearing gloves or by touching bare skin or mucus membranes with  
16 gloves after handling SURA KOREA SEAWEED, or through direct and indirect hand to  
17 mouth contact, hand to food to mouth, direct contact to food then to mouth, hand to  
18 mucous membrane, or breathing in particulate matter emanating from SURA KOREA  
19 SEAWEED, as well as through environmental mediums that carry the LEAD once  
20 contained within the SURA KOREA SEAWEED.

21 262. Plaintiff is informed, believes, and thereon alleges that each of Defendants'  
22 violations of Proposition 65 as to SURA KOREA SEAWEED have been ongoing and  
23 continuous to the date of the signing of this complaint, as Defendants engaged and  
24 continue to engage in conduct which violates Health and Safety Code section 25249.6,  
25 including the manufacture, distribution, promotion, and sale of SURA KOREA  
26 SEAWEED, so that a separate and distinct violation of Proposition 65 occurred each and  
27 every time a person was exposed to LEAD by SURA KOREA SEAWEED as mentioned  
28 herein.

1 263. Plaintiff is informed, believes, and thereon alleges that each violation of  
2 Proposition 65 mentioned herein is ever continuing. Plaintiff further alleges and  
3 believes that the violations alleged herein will continue to occur into the future.

4 264. Based on the allegations herein, Defendants are liable for civil penalties of up to  
5 \$2,500.00 per day per individual exposure to LEAD from SURA KOREA SEAWEED,  
6 pursuant to Health and Safety Code section 25249.7(b).

7 265. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein  
8 prior to filing this Complaint.

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10 **PRAYER FOR RELIEF**

11 Plaintiff demands against each of the Defendants as follows:

- 12 1. A permanent injunction mandating Proposition 65-compliant warnings;
- 13 2. Penalties pursuant to Health and Safety Code section 25249.7, subdivision (b);
- 14 3. Costs of suit;
- 15 4. Reasonable attorney fees and costs; and
- 16 5. Any further relief that the court may deem just and equitable.

17 Dated: September 14, 2016

YEROUSHALMI & YEROUSHALMI

18  
19  
20 By: 

21 Reuben Yeroushalmi  
22 Attorneys for Plaintiff,  
23 Consumer Advocacy Group, Inc.  
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