

10/21/2022

Sherri R. Carter, Executive Officer / Clerk of Court

By: N. Marshallian Deputy

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9 Attorneys for Plaintiff,
10 Consumer Advocacy Group, Inc.

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

12 **COUNTY OF LOS ANGELES**

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

15 Plaintiff,

16 v.

17 TAWA SUPERMARKET, INC. dba 99
18 RANCH MARKET and dba 168 MARKET,
19 a California corporation; WALONG
20 MARKETING, INC., a California
21 corporation; TAKAOKAYA, U.S.A., INC., a
22 California Corporation; and DOES 1-250;

23 Defendants.

CASE NO. BC634011

THIRD AMENDED COMPLAINT

SAC Filed: August 12, 2020

24 Plaintiff CONSUMER ADVOCACY GROUP, INC. alleges the following causes of
25 action against Defendants TAWA SUPERMARKET, INC. dba 99 RANCH MARKET and dba
26 168 MARKET, WALONG MARKETING, INC., TAKAOKAYA, U.S.A., INC., and DOES 1-
27 250 as follows:

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 as a private

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

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

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

8 4. Defendant TAKAOKAYA, U.S.A., INC. (“TAKAOKAYA”) is a California
9 Corporation, doing business in the State of California at all relevant times herein.

10 5. Plaintiff is presently unaware of the true names and capacities of defendants DOES 1-
11 250, and therefore sues these defendants by such fictitious names. Plaintiff will amend this
12 complaint to allege their true names and capacities when ascertained. Plaintiff is informed,
13 believes, and thereon alleges that each fictitiously named defendant is responsible in some
14 manner for the occurrences herein alleged and the damages caused thereby.

15 6. At all times mentioned herein, the term “Defendants” as used in the general allegations
16 includes TAWA, WALONG, TAKAOKAYA, and DOES 1-250. The term “Defendants” as used
17 within each specific cause of action refers to the defendants against which each cause of action is
18 alleged.

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

21 8. Upon information and belief, at all times relevant to this action, each of the
22 Defendants, including DOES 1-250, was an agent, servant, or employee of each of the other
23 Defendants. In conducting the activities alleged in this Complaint, each of the Defendants was
24 acting within the course and scope of this agency, service, or employment, and was acting with
25 the consent, permission, and authorization of each of the other Defendants. All actions of each of
26 the Defendants alleged in this Complaint were ratified and approved by every other Defendant or
27
28

1 their officers or managing agents. Alternatively, each of the Defendants aided, conspired with
2 and/or facilitated the alleged wrongful conduct of each of the other Defendants.

3 9. Plaintiff is informed, believes, and thereon alleges that at all relevant times, each of the
4 Defendants was a person doing business within the meaning of Health and Safety Code section
5 25249.11, subdivision (b), and that each of the Defendants had ten (10) or more employees at all
6 relevant times.

7 **JURISDICTION**

8 10. The Court has jurisdiction over this lawsuit pursuant to California Constitution
9 Article VI, Section 10, which grants the Superior Court original jurisdiction in all causes except
10 those given by statute to other trial courts. This Court has jurisdiction over this action pursuant to
11 Health and Safety Code section 25249.7, which allows enforcement of violations of Proposition
12 65 in any Court of competent jurisdiction.

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

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

24 **BACKGROUND AND PRELIMINARY FACTS**

25 13. In 1986, California voters approved an initiative to address growing concerns about
26 exposure to toxic chemicals and declared their right "To be informed about exposures to
27 chemicals that cause cancer, birth defects, or other reproductive harm." Ballot Pamp., Proposed
28

1 Law, Gen. Elec. (Nov. 4, 1986) at p. 3. The initiative, The Safe Drinking Water and Toxic
2 Enforcement Act of 1986, codified at Health and Safety Code sections 25249.5, *et seq.*
3 (“Proposition 65”), helps to protect California’s drinking water sources from contamination, to
4 allow consumers to make informed choices about the products they buy, and to enable persons to
5 protect themselves from toxic chemicals as they see fit.

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

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

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

26
27 17. Plaintiff identified certain practices of manufacturers and distributors of products
28 bearing Lead and Lead Compounds (“LEAD”) and/or Cadmium and Cadmium Compounds
29 (“CADMIUM”) and/or Inorganic Arsenic Compounds and Inorganic Arsenic Oxides
30 (“ARSENIC”), exposing, knowingly and intentionally, persons in California to said Proposition
31 65-listed chemical in such products, without first providing clear and reasonable warnings to the

1 exposed persons prior to the time of exposure. Plaintiff later discerned that Defendants engaged
2 in such practice.

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

10 19. On October 1, 1987, the Governor of California added Cadmium and Cadmium
11 Compounds to the list of chemicals known to the State to cause cancer and on May 1, 1997 the
12 Governor of California added Cadmium to the list of chemicals known to the State to cause
13 developmental and reproductive toxicity (*Cal. Code Regs. tit. 27, § 27001(c)*). Cadmium and
14 Cadmium Compounds is known to the State to cause cancer and developmental, male
15 reproductive toxicity. Pursuant to Health and Safety Code sections 25249.9 and 25249.10,
16 twenty (20) months after addition of Cadmium and Cadmium Compounds to the list of chemicals
17 known to the State to cause cancer and reproductive toxicity, Cadmium and Cadmium
18 Compounds became fully subject to Proposition 65 warning requirements and discharge
19 prohibitions. On February 27, 1987, the Governor of California added Inorganic Arsenic
20 Compounds to the list of chemicals known to the State to cause cancer (*Cal. Code Regs. tit. 27, §*
21 *27001(c)*). Inorganic Arsenic Compounds are known to the State to cause cancer. On May 1,
22 1997, the Governor of California added Inorganic Arsenic Oxides to the list of chemicals known
23 to the State to cause developmental toxicity (*Cal. Code Regs. tit. 27, § 27001(c)*). Inorganic
24 Arsenic Oxides are known to the State to cause developmental toxicity. Pursuant to Health and
25 Safety Code Sections 25249.9 and 25249.10, twenty (20) months after addition of Inorganic
26 Arsenic Compounds to the list of chemicals known to the State to cause cancer, and twenty (20)
27 months after addition of Inorganic Arsenic Oxides to the list of chemicals known to the State to
28

1 cause developmental toxicity, Inorganic Arsenic Compounds and Inorganic Arsenic Oxides
2 became fully subject to Proposition 65 warning requirements and discharge prohibitions.

3 **SATISFACTION OF PRIOR NOTICE**

4 20. On or about November 3, 2014, Plaintiff gave notice of alleged violations of Health
5 and Safety Code section 25249.6 with Attorney General number 2014-01143, concerning
6 consumer products exposures, subject to a private action, to TAWA, TAKAOKAYA, 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 allegedly
9 occurred, concerning Seaweed containing LEAD, which includes but is not limited to,
10 ““TAKAOKAYA U.S.A.”, “Koufuku Nori”, “Ajitsuke Momi Nori, Seasoned Seaweed”,
11 “Packed In Los Angeles”, “Printed In Japan”, Net Wt: 1.41 Oz (40g), “Packed By Takaokaya
12 U.S.A. Inc.”, “UPC: 7 35407 00451 0”.

13 21. On or about December 15, 2014, Plaintiff gave notice of alleged violations of Health
14 and Safety Code section 25249.6 with Attorney General number 2014-01346, concerning
15 consumer products exposures, subject to a private action to TAWA and to the California
16 Attorney General, County District Attorneys, and City Attorneys for each city containing a
17 population of at least 750,000 people in whose jurisdictions the violations allegedly occurred,
18 concerning Seaweed containing CADMIUM, which includes but is not limited to, ““SHANLIN”
19 Wild Laver ‘Q53501 2201 0197’ (N.W.: 2.12 OZ (60g) ± 10%): 03.3.550506, ‘Manufactory:
20 Luoyuan Shanlin Foods Co., Ltd’, Add: Building A, South Industrial Area, Luoyuanwan
21 Development Zone, Fujiam Province, China, PRODUCT: DRIED LAVES, PRODUCT OF
22 CHINA, “UPC: 6 920437 161591”.

23 22. On or about December 15, 2014, Plaintiff gave notice of alleged violations of Health
24 and Safety Code section 25249.6 with Attorney General number 2014-01347, concerning
25 consumer products exposures, subject to a private action to TAWA and to the California
26 Attorney General, County District Attorneys, and City Attorneys for each city containing a
27 population of at least 750,000 people in whose jurisdictions the violations allegedly occurred,
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1 concerning Seaweed containing CADMIUM and LEAD, which includes but is not limited to,
2 Bgreen DRIED SEAWEED (WAKAME); DISTRIBUTED BY: BIG GREEN (USA) INC.,
3 INDUSTRY CA 91748; PRODUCT FOR CHINA; Net Wt. 3.5 OZ (100g); Barcode: 6 78452
4 30002 5.

5
6 23. On or about January 9, 2015, Plaintiff gave notice of alleged violations of Health and
7 Safety Code section 25249.6 with Attorney General number 2015-00021, concerning consumer
8 products exposures, subject to a private action to TAWA, WALONG, and to the California
9 Attorney General, County District Attorneys, and City Attorneys for each city containing a
10 population of at least 750,000 people in whose jurisdictions the violations allegedly occurred,
11 concerning Seaweed containing CADMIUM, which includes but is not limited to, MIZUHO®
12 ITA NORI DRIED SEAWEED; NET WT: 1.0 OZ (28g); 10 Sheets; PRODUCT OF CHINA;
13 MANUFACTURED FOR/ DISTRIBUTED BY: WALONG MARKETING, INC.; UPC: 6
14 73367 35529 0.

15
16 24. On or about January 23, 2015, Plaintiff gave notice of alleged violations of Health
17 and Safety Code section 25249.6 with Attorney General number 2015-00062, concerning
18 consumer products exposures, subject to a private action to TAWA, WALONG, and to the
19 California 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 allegedly
21 occurred, concerning Roasted Seaweed containing LEAD which includes but is not limited to,
22 HANASIA™ Korean Roasted Seaweed; HANASIA SEASONED SEAWEED-9PK;
23 Manufactured for I Distributed by: WALONG MARKETING, INC., BUENA PARK, CA
24 90620; Item# 1635106; Serving Size 0.18oz (5g); Serving Per Container about 1; UPC: 6 73367
25 35106 3.

26
27 25. On or about February 9, 2015, Plaintiff gave notice of alleged violations of Health
28 and Safety Code section 25249.6 with Attorney General number 2015-00105, concerning
consumer products exposures, subject to a private action to TAWA and to the California
Attorney General, County District Attorneys, and City Attorneys for each city containing a

1 population of at least 750,000 people in whose jurisdictions the violations allegedly occurred,
2 concerning Seaweed containing LEAD, which includes but is not limited to, Dried Seaweed;
3 CONTAINS NO MSG OR PRESERAVATIV; Q53501 2201 0197; 150g (5.28oz); Product of
4 China; Manufacturer: Luoyuan Shanlin Foods Co., Ltd; UPC: 6 92037 167388.

5
6 26. On or about June 16, 2015, Plaintiff gave notice of alleged violations of Health and
7 Safety Code section 25249.6 with Attorney General number 2015-00561, concerning consumer
8 products exposures, subject to a private action to TAWA and to the California Attorney General,
9 County District Attorneys, and City Attorneys for each city containing a population of at least
10 750,000 people in whose jurisdictions the violations allegedly occurred, concerning Crispy
11 Seaweed containing LEAD, which includes but is not limited to, “Triple M Crispy Seaweed;
12 MMM; Original Flavor; Simply Delicious; Net Weight: 40g. (1.40 oz); 10-1-04551-1-0009;
13 Manufactured by Triple-M Products Co., Ltd.; Product of Thailand; UPC #: 8 858752 601288”
14 and “Triple M Crispy Seaweed; MMM; Hot & Spicy Flavour; Simply Delicious; Net Weight:
15 40g. (1.40 oz); 10-1-04551-1-0010; Manufactured by Triple-M Products Co., Ltd.; Product of
16 Thailand; UPC #: 8 858752 601295”.

17
18 27. On or about June 16, 2015, Plaintiff gave notice of alleged violations of Health and
19 Safety Code section 25249.6 with Attorney General number 2015-00570, concerning consumer
20 products exposures, subject to a private action to TAWA and to the California Attorney General,
21 County District Attorneys, and City Attorneys for each city containing a population of at least
22 750,000 people in whose jurisdictions the violations allegedly occurred, concerning Thick Cut
23 Seaweed and Crispy Seaweed containing LEAD, which includes but it not limited to, “TAI KAE
24 Think Cut Seaweed; pepper powder; Product of Taiwan; ISO 22000 HACCP; (N.T.): 45g (1.6
25 oz.); Manufacturer: Rises A Yuan Firm Company; Agent: Channel Plan International
26 Marketing Co., Ltd.; UPC #: 4 711942 856018” and “TAI KAE Crispy Seaweed; soy sauce;
27 Product of Taiwan; ISO 22000 HACCP; (N.T.): 45g (1.6 oz.); Manufacturer: Rises A Yuan
28 Firm Company; Agent: Channel Plan International Marketing Co., Ltd.; UPC #: 4 711942
856001”.

1 28. On or about June 22, 2015, Plaintiff gave notice of alleged violations of Health and
2 Safety Code section 25249.6 with Attorney General number 2015-00591, concerning consumer
3 products exposures, subject to a private action to TAWA and to the California Attorney General,
4 County District Attorneys, and City Attorneys for each city containing a population of at least
5 750,000 people in whose jurisdictions the violations allegedly occurred, concerning White
6 Sesame Cake containing LEAD, which includes but is not limited to, Nice Choice White Sesame
7 Cake; Net Wt: 3 oz (85g); HAACP & ISO 22000; Product of Taiwan; Manufacturer: HURNG
8 FUR FOODS FACTOREY CO, LTD.; UPC #: 4 711202 220061.

9 29. On or about July 1, 2015, Plaintiff gave notice of alleged violations of Health and
10 Safety Code section 25249.6 with Attorney General number 2015-00633, concerning consumer
11 products exposures, subject to a private action to WALONG, TAWA, and to the California
12 Attorney General, County District Attorneys, and City Attorneys for each city containing a
13 population of at least 750,000 people in whose jurisdictions the violations allegedly occurred,
14 concerning White Sesame Candy containing LEAD, which includes but is not limited to, “Flying
15 Horse® White Sesame Candy; Net Wt 3.5 OZ; UPC # 6 73367 48781 6” and “Flying Horse®
16 White Sesame Candy; Net Wt 200g (7oz); Product of Vietnam; Manufactured for/ Distributed
17 by: Walong Marketing, Inc.; UPC # 6 73367 00257 6”.

18 30. On or about October 14, 2015, Plaintiff gave notice of alleged violations of Health
19 and Safety Code section 25249.6 with Attorney General number 2015-01017, concerning
20 consumer products exposures, subject to a private action to TAWA and to the California
21 Attorney General, County District Attorneys, and City Attorneys for each city containing a
22 population of at least 750,000 people in whose jurisdictions the violations allegedly occurred,
23 concerning Black Sesame Cake containing LEAD, which includes but is not limited to, which
24 includes but is not limited to, “Nice Choice Black Sesame Cake; Net Wt: 3 oz (85g); HAACP &
25 ISO 22000; Product of Taiwan; Manufacturer: HURNG FUR FOODS FACTOREY CO, LTD.;
26 UPC #: 4 711202 221716”.

1 31. On or about November 25, 2015, Plaintiff gave notice of alleged violations of Health
2 and Safety Code section 25249.6 with Attorney General number 2015-01204, concerning
3 consumer products exposures, subject to a private action to TAWA and to the California
4 Attorney General, County District Attorneys, and City Attorneys for each city containing a
5 population of at least 750,000 people in whose jurisdictions the violations allegedly occurred,
6 concerning Roasted Crispy Seaweed containing LEAD, which includes but is not limited to,
7 which includes but is not limited to, “Wasabi Roasted Laver, ‘Manufactured & Packed by
8 Haejeo Food Co., Ltd., Imported by Woosung America Corp.’ (Net Wt. 4g) UPC
9 8809275102042”.

10
11 32. On or about December 23, 2015, Plaintiff gave notice of alleged violations of Health
12 and Safety Code section 25249.6 with Attorney General number 2015-01298, concerning
13 consumer products exposures, subject to a private action to TAWA and to the California
14 Attorney General, County District Attorneys, and City Attorneys for each city containing a
15 population of at least 750,000 people in whose jurisdictions the violations allegedly occurred,
16 concerning Roasted Crispy Seaweed containing LEAD, which includes but is not limited to,
17 ""SHANLIN" Wild Laver `Q53501 2201 0197' (N.W.: 2.12 OZ (60g) ± 10%) : 03.3.550506,
18 'Manufactory: Luoyuan Shanlin Foods Co., Ltd', Add: Building A, South Industrial Area,
19 Luoyuanwan Development Zone, Fujiam Province, China, PRODUCT: DRIED LAVER,
20 PRODUCT OF CHINA, "UPC: 6 920437 161591"".

21 33. On or about January 11, 2016, Plaintiff gave notice of alleged violations of Health
22 and Safety Code section 25249.6 with Attorney General number 2016-00006, concerning
23 consumer products exposures, subject to a private action to TAWA , and to the California
24 Attorney General, County District Attorneys, and City Attorneys for each city containing a
25 population of at least 750,000 people in whose jurisdictions the violations allegedly occurred,
26 concerning Dried Seaweed Slice containing LEAD, which includes but is not limited to, "Spring
27 Farm" Dried Seaweed Slice, Net Wt: 1.05oz (30g) Ingredients: Dried Seaweed. 'Distributed by:
28 Big Green (USA) Inc. UPC: 6 78452 14003 4".

1 34. On or about February 5, 2016, Plaintiff gave notice of alleged violations of Health
2 and Safety Code section 25249.6 with Attorney General number 2016-00107, concerning
3 consumer products exposures, subject to a private action to WALONG, TAWA, and to the
4 California 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 allegedly
6 occurred, concerning Roasted Seaweed containing CADMIUM and LEAD, which includes but is
7 not limited to, "MIZUHO, YAKI NORI, Roasted Seaweed. Net WT: 1.0 oz (28g) 10 Sheets.
8 "Distributed by Walong Marketing, Inc." UPC: 6 73367 35528 3".
9

10 35. On or about February 19, 2016, Plaintiff gave notice of alleged violations of Health
11 and Safety Code section 25249.6 with Attorney General number 2016-00132, concerning
12 consumer products exposures, subject to a private action to WALONG, TAWA, and to the
13 California Attorney General, County District Attorneys, and City Attorneys for each city
14 containing a population of at least 750,000 people in whose jurisdictions the violations allegedly
15 occurred, concerning Roasted Seaweed containing CADMIUM, which includes but is not limited
16 to, "MIZUHO® ITA NORI DRIED SEAWEED; NET WT: 1.0 OZ (28g); 10 Sheets;
17 PRODUCT OF CHINA; MANUFACTURED FOR/ DISTRIBUTED BY: WALONG
18 MARKETING, INC.; UPC: 6 73367 35529 0".

19 36. On or about May 4, 2016, Plaintiff gave notice of alleged violations of Health and
20 Safety Code section 25249.6 with Attorney General number 2016-00417, concerning consumer
21 products exposures, subject to a private action to TAWA, and to the California Attorney General,
22 County District Attorneys, and City Attorneys for each city containing a population of at least
23 750,000 people in whose jurisdictions the violations allegedly occurred, concerning Seasoned
24 Seaweed containing LEAD, which includes but is not limited to, "Traditionally Seasoned
25 Seaweed". Net Wt: .16 oz (4.5g) x 8Pack; Importer: JF & K INC. 2985 E. Miraloma Ave. Unit
26 M Anaheim CA 92806; Product of Korea; UPC: 8 809168 836757 (outer package); UPC: 8
27 809168 836641 (inner package)".
28

37. On or about August 29, 2018, Plaintiff gave notice of alleged violations of Health and

1 Safety Code section 25249.6 with Attorney General number 2018-01620 concerning consumer
2 products exposures, subject to a private action to TAWA and to the California Attorney General,
3 County District Attorneys, and City Attorneys for each city containing a population of at least
4 750,000 people in whose jurisdictions the violations allegedly occurred, concerning the products
5 Dried Anchovies and Dried Squid containing LEAD and CADMIUM, which includes but is not
6 limited to, "CARL's;" "CRISPY ANCHOVY;" "DILIS;" "HOT & SPICY;" "NET WT. 1.41 OZ
7 (40G);" "SERVING SIZE 40G;" "MANUFACTURED BY: LA CARLOTA FOOD
8 ENTERPRISE;" "PRODUCT OF THE PHILIPPINES;" "CFRR-RIV-FM-3182;" "LOT NO.:
9 CAH1115A;" "4809011 259270"; "CARL's;" "CRISPY ANCHOVY;" "DILIS;" "NET WT.
10 1.41 OZ (40G);" "SERVING SIZE 40G:" "MANUFACTURED BY: LA CARLOTA FOOD
11 ENTERPRISE;" "PRODUCT OF PHILIPPINES;" "CFRR-RIV-FM-3182;" "LOT NO.:
12 CAR1115A;" "4809011 259263"; "CARL's;" "CRISPY SQUID;" "PUSIT;" "NET WT. 1.41
13 OZ (40G);" "SERVING SIZE 40G:" "MANUFACTURED BY: LA CARLOTA FOOD
14 ENTERPRISE;" "PRODUCT OF PHILIPPINES;" "CFRR-RIV-FM-3182;" "LOT NO.:
15 CSR1115A;" "4809011 259089"; "CARL's;" "CRISPY SQUID;" "PUSIT;" "NET WT. 1.41 OZ
16 (40G);" "SERVING SIZE 40G:" "MANUFACTURED BY: LA CARLOTA FOOD
17 ENTERPRISE;" "PRODUCT OF PHILIPPINES;" "CFRR-RIV-FM-3182;" "LOT NO.:
18 CSH1115A;" "4809011 259256".

19
20 38. On or about February 26, 2019, Plaintiff gave notice of alleged violations of Health
21 and Safety Code section 25249.6 with Attorney General number 2019-00405, concerning
22 consumer products exposures, subject to a private action to TAWA and to the California
23 Attorney General, County District Attorneys, and City Attorneys for each city containing a
24 population of at least 750,000 people in whose jurisdictions the violations allegedly occurred,
25 concerning the product Crispy Seaweed with Almond containing CADMIUM, which includes but
26 is not limited to, "San Wei Wu Crispy Seaweed with Almond"; "Ingredients: Seaweed, Sesame,
27 Almond, Sugar, Soy"; "40g (1.4 oz)"; "Product of Taiwan"; "UPC 4 711942 856025".
28

1 39. On or about October 31, 2019, Plaintiff gave notice of alleged violations of Health
2 and Safety Code Section 25249.6 with Attorney General number 2020-01696, concerning
3 consumer products exposures subject to a private action to WALONG and to the California
4 Attorney General, County District Attorneys, and City Attorneys for each city containing a
5 population of at least 750,000 people in whose jurisdictions the violations allegedly occurred,
6 concerning the Dried Seaweed containing LEAD and CADMIUM, which includes but is not
7 limited to, "DRIED SEAWEEED;" "NET WT: 50g (1.76oz);" "ASIAN TASTE;" "Best Before
8 Apr. 30. 2020.;" "PRODUCT OF CHINA;" "PACK FOR: Shanghai Wachine Trading Co., Ltd.
9 Rm 303, Information Tower, No.1403 Minsheng Rd, Pudong, Shanghai, China 200135;" "6
10 73367 35022 6".
11

12 40. On or about July 7, 2020, Plaintiff gave notice of alleged violations of Health and
13 Safety Code Section 25249.6 with Attorney General number 2020-01696, concerning consumer
14 products exposures subject to a private action to TAWA, WALONG and to the California
15 Attorney General, County District Attorneys, and City Attorneys for each city containing a
16 population of at least 750,000 people in whose jurisdictions the violations allegedly occurred,
17 concerning the Dried Seaweed containing LEAD and CADMIUM, which includes but is not
18 limited to, "DRIED SEAWEEED;" "NET WT: 50g (1.76oz);" "ASIAN TASTE;" "Best Before
19 Apr. 30. 2020.;" "PRODUCT OF CHINA;" "PACK FOR: Shanghai Wachine Trading Co., Ltd.
20 Rm 303, Information Tower, No.1403 Minsheng Rd, Pudong, Shanghai, China 200135;" "6
21 73367 35022 6".
22

23 41. On or about July 10, 2020, Plaintiff gave notice of alleged violations of Health and
24 Safety Code Section 25249.6 with Attorney General number 2020-01708, concerning consumer
25 products exposures subject to a private action to WALONG and to the California Attorney
26 General, County District Attorneys, and City Attorneys for each city containing a population of
27 at least 750,000 people in whose jurisdictions the violations allegedly occurred, concerning
28 Roasted Seaweed containing CADMIUM, which includes but is not limited to, "HanAsiaTM";

1 "Korean Roasted Seaweed 100% All Natural"; "Net Wt: 0.18oz (5g)"; "Product of Korea"; "UPC
2 6 73367 35 100 1".

3 42. On or about August 11, 2020, Plaintiff gave notice of alleged violations of Health and
4 Safety Code Section 25249.6 with Attorney General number 2020-02072, concerning consumer
5 products exposures subject to a private action to TAWA and WALONG and to the California
6 Attorney General, County District Attorneys, and City Attorneys for each city containing a
7 population of at least 750,000 people in whose jurisdictions the violations allegedly occurred,
8 concerning Roasted Seaweed containing CADMIUM, LEAD, and ARSENIC, which includes
9 but is not limited to, "ASIAN TASTE"; "DRIED SEAWEED"; "INGREDIENT: LAVER";
10 "NET WT: 50G (1.76oz)"; "PACK FOR SHANGHAI WACHINE TRADING CO., LTD"; "UPC
11 6 73367 35022 6"; "PRODUCT OF CHINA".

12 43. On or about August 18, 2020, Plaintiff gave notice of alleged violations of Health and
13 Safety Code Section 25249.6 with Attorney General number 2020-02144, concerning consumer
14 products exposures subject to a private action to TAWA and to the California Attorney General,
15 County District Attorneys, and City Attorneys for each city containing a population of at least
16 750,000 people in whose jurisdictions the violations allegedly occurred, concerning the Pollock
17 Crisp Chips containing LEAD, which includes but is not limited to, "POLLOCK CRISP"; "NET
18 WT. 1.41 oz (40 GM)"; "Jane-Jane"; "UPC 4 710030 212422"; "APPROVED NO. 7F3 0062";
19 "ORIGIN OF TAIWAN".

20 44. On or about December 17, 2020, Plaintiff gave notice of alleged violations of Health
21 and Safety Code Section 25249.6 with Attorney General number 2020-03563, concerning
22 consumer products exposures subject to a private action to TAWA and to the California Attorney
23 General, County District Attorneys, and City Attorneys for each city containing a population of
24 at least 750,000 people in whose jurisdictions the violations allegedly occurred, concerning the
25 Roasted Eel Fillet containing LEAD, which includes but is not limited to, "EEL FRESH
26 FLAVOUR"; "ROASTED EEL FILLET (FRESH FLAVOR)"; "40G"; "BING YANG. FROM
27 THE OCEAN"; "UPC 6 970175 900730"; "PRODUCT OF CHINA".
28

1 45. On or about December 24, 2020, Plaintiff gave notice of alleged violations of Health
2 and Safety Code Section 25249.6 with Attorney General number 2020-03568 concerning
3 consumer products exposures subject to a private action to TAWA and to the California Attorney
4 General, County District Attorneys, and City Attorneys for each city containing a population of
5 at least 750,000 people in whose jurisdictions the violations allegedly occurred, concerning the
6 Crispy Seaweed containing LEAD which includes but is not limited to, “KAKAKAO
7 FRIENDS”; “KWANG CHEON KIM”; “CRISPY SEAWEED”; “4G NET WT. 0.14 OZ”;
8 “UPC INDIVIUAL BAG: 8 809395 752219”; “UPC BUNDLE: 8 809395 752226 4G x 16 NET
9 WT: 16 PKGS x 0.14 OZ (4G)”; “PRODUCT OF KOREA”.

10
11 46. Before sending the notice of alleged violations, Plaintiff investigated the consumer
12 products involved, the likelihood that such products would cause users to suffer significant
13 exposures to CADMIUM and/or LEAD and/or ARSENIC, and the corporate structure of each of
14 the Defendants.

15 47. Plaintiff’s notices of alleged violations each included Certificates of Merit executed
16 by the attorney for the noticing party, CAG. The Certificates of Merit stated that the attorney for
17 Plaintiff who executed the certificate had consulted with at least one person with relevant and
18 appropriate expertise who reviewed data regarding the exposures to CADMIUM and/or LEAD
19 and/or ARSENIC, the subject Proposition 65-listed chemicals of this action. Based on that
20 information, the attorney for Plaintiff who executed the Certificates of Merit believed there was a
21 reasonable and meritorious case for this private action. The attorney for Plaintiff attached to the
22 Certificates of Merit served on the Attorney General, the confidential factual information
23 sufficient to establish the basis of the Certificates of Merit.

24 48. Plaintiff’s notices of alleged violations also included Certificates of Service and a
25 document entitled “The Safe Drinking Water & Toxic Enforcement Act of 1986 (Proposition 65)
26 A Summary.” *Health & Safety Code* § 25249.7(d).

27 49. Plaintiff is commencing this action more than sixty (60) days from the dates that
28 Plaintiff gave notices of the alleged violations to the Defendants and the public prosecutors

1 referenced in Paragraphs 21-45.

2 50. Plaintiff is informed, believes, and thereon alleges that neither the Attorney General,
3 nor any applicable district attorneys or city attorneys have commenced, nor are diligently
4 prosecuting an action against the Defendants.

5 **FIRST CAUSE OF ACTION**

6 **(By CONSUMER ADVOCACY GROUP, INC. and against TAWA, TAKAOKAYA, and**
7 **DOES 1-250 for Violations of Proposition 65, The Safe Drinking Water and Toxic**
8 **Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*)**

9 **TAKAOKAYA Seaweed**

10 51. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
11 reference all prior numbered paragraphs of this complaint as though fully set forth herein. Each
12 of the Defendants is, and at all times mentioned herein was, a manufacturer, distributor,
13 promoter, or retailer of Seaweed, which includes but is not limited to, “TAKAOKAYA
14 U.S.A.”, “Koufuku Nori”, “Ajitsuke Momi Nori, Seasoned Seaweed”, “Packed In Los Angeles”,
15 “Printed In Japan”, Net Wt: 1.41 Oz (40g), “Packed By Takaokaya U.S.A. Inc.”, “UPC: 7 35407
16 00451 0” (“TAKAOKAYA SEAWEEED”).

17 52. TAKAOKAYA SEAWEEED contains LEAD.

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

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

27 TAKAOKAYA SEAWEEED is a consumer product, and, as mentioned herein, exposures to
28

1 LEAD took place as a result of such normal and foreseeable use.

2 55. Plaintiff is informed, believes, and thereon alleges that between November 3, 2011,
3 and the present, each of the Defendants knowingly and intentionally exposed California
4 consumers of TAKAOKAYA SEAWEEED, which Defendants manufactured, distributed, or sold
5 as mentioned above, to LEAD without first providing any type of clear and reasonable warning
6 of such to the exposed persons before the time of exposure. Defendants have distributed and sold
7 TAKAOKAYA SEAWEEED in California. Defendants know and intend that California
8 consumers will use and consume TAKAOKAYA SEAWEEED thereby exposing them to LEAD.
9 Defendants thereby violated Proposition 65.

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

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

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

28 59. Based on the allegations herein, Defendants are liable for civil penalties of up to

1 \$2,500.00 per day per individual exposure to LEAD from TAKAOKAYA SEAWEED, pursuant
2 to Health and Safety Code section 25249.7(b).

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

5 **SECOND CAUSE OF ACTION**

6 **(By CONSUMER ADVOCACY GROUP, INC. and against TAWA and DOES 1-250 for**
7 **Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986**
8 **(Health & Safety Code, §§ 25249.5, et seq.))**

9 **SHANLIN Wild Laver Seaweed**

10 61. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
11 reference all prior numbered paragraphs of this complaint as though fully set forth herein. Each
12 of the Defendants is, and at all times mentioned herein was, a manufacturer, distributor,
13 promoter, or retailer of Seaweed, which includes but is not limited to, ““SHANLIN” Wild Laver
14 ‘Q53501 2201 0197’ (N.W.: 2.12 OZ (60g) ± 10%): 03.3.550506, ‘Manufactory: Luoyuan
15 Shanlin Foods Co., Ltd’, Add: Building A, South Industrial Area, Luoyuanwan Development
16 Zone, Fujiam Province, China, PRODUCT: DRIED LAVER, PRODUCT OF CHINA, “UPC: 6
17 920437161591” (“SHANLIN WILD LAVER”).

18 62. SHANLIN WILD LAVER contains CADMIUM and LEAD.

19 63. Defendants knew or should have known that CADMIUM and LEAD have been
20 identified by the State of California as chemicals known to cause cancer and reproductive
21 toxicity and therefore were subject to Proposition 65 warning requirements. Defendants were
22 also informed of the presence of CADMIUM and LEAD in SHANLIN WILD LAVER within
23 Plaintiff’s notice of alleged violations further discussed above.

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

1 WILD LAVER is a consumer product, and, as mentioned herein, exposures to CADMIUM and
2 LEAD took place as a result of such normal and foreseeable use.

3 65. Plaintiff is informed, believes, and thereon alleges that between December 15, 2011,
4 and the present, each of the Defendants knowingly and intentionally exposed California
5 consumers of SHANLIN WILD LAVER, which Defendants manufactured, distributed, or sold
6 as mentioned above, to CADMIUM, and between December 23, 2012, and the present to LEAD,
7 without first providing any type of clear and reasonable warning of such to the exposed persons
8 before the time of exposure. Defendants have distributed and sold SHANLIN WILD LAVER in
9 California. Defendants know and intend that California consumers will use and consume
10 SHANLIN WILD LAVER, thereby exposing them to CADMIUM and LEAD. Defendants
11 thereby violated Proposition 65.
12

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

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

28 68. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition

1 65 mentioned herein is ever continuing. Plaintiff further alleges and believes that the violations
2 alleged herein will continue to occur into the future.

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

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

8 **THIRD CAUSE OF ACTION**

9 **(By CONSUMER ADVOCACY GROUP, INC. and against TAWA and DOES 1-250 for**
10 **Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986**

11 ***(Health & Safety Code, §§ 25249.5, et seq.)***

12 **BIG GREEN Wakame Seaweed**

13 71. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
14 reference all prior numbered paragraphs of this complaint as though fully set forth herein. Each
15 of the Defendants is, and at all times mentioned herein was, a manufacturer, distributor,
16 promoter, or retailer of Seaweed, which includes but is not limited to, “Bgreen DRIED
17 SEAWEED (WAKAME); DISTRIBUTED BY: BIG GREEN (USA) INC., INDUSTRY CA
18 91748; PRODUCT FOR CHINA; Net Wt. 3.5 OZ (100g); Barcode: 6 78452 30002 5” (“BIG
19 GREEN WAKAME SEAWEED”).
20

21 72. BIG GREEN WAKAME SEAWEED contains CADMIUM and LEAD.

22 73. Defendants knew or should have known that CADMIUM and LEAD have been
23 identified by the State of California as a chemical known to cause cancer and reproductive
24 toxicity and therefore was subject to Proposition 65 warning requirements. Defendants were also
25 informed of the presence of CADMIUM and LEAD in BIG GREEN WAKAME SEAWEED
26 within Plaintiff’s notice of alleged violations further discussed above.

27 74. Plaintiff’s allegations regarding BIG GREEN WAKAME SEAWEED concerns
28 “[c]onsumer products exposure[s],” which “is an exposure that results from a person’s

1 acquisition, purchase, storage, consumption, or other reasonably foreseeable use of a consumer
2 good, or any exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, §*
3 *25602(b)*. BIG GREEN WAKAME SEAWEED is a consumer product, and, as mentioned
4 herein, exposures to CADMIUM and LEAD took place as a result of such normal and
5 foreseeable use.

6
7 75. Plaintiff is informed, believes, and thereon alleges that between December 15, 2011,
8 and the present, each of the Defendants knowingly and intentionally exposed California
9 consumers of BIG GREEN WAKAME SEAWEED, which Defendants manufactured,
10 distributed, or sold as mentioned above, to CADMIUM and LEAD without first providing any
11 type of clear and reasonable warning of such to the exposed persons before the time of exposure.
12 Defendants have distributed and sold BIG GREEN WAKAME SEAWEED in California.
13 Defendants know and intend that California consumers will use and consume BIG GREEN
14 WAKAME SEAWEED, thereby exposing them to CADMIUM and LEAD. Defendants thereby
15 violated Proposition 65.

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

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

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

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

7 79. 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 and LEAD from BIG GREEN
9 WAKAME SEAWEED, pursuant to Health and Safety Code section 25249.7(b).

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

12 **FOURTH CAUSE OF ACTION**

13 **(By CONSUMER ADVOCACY GROUP, INC. and against TAWA, WALONG, and DOES**
14 **1-250 for Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement**
15 **Act of 1986 (Health & Safety Code, §§ 25249.5, et seq.))**

16 **MIZUHO ITA NORI Seaweed**

17 81. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
18 reference all prior numbered paragraphs of this complaint as though fully set forth herein. Each
19 of the Defendants is, and at all times mentioned herein was, a manufacturer, distributor,
20 promoter, or retailer of Seaweed, which includes but is not limited to, MIZUHO® ITA NORI
21 DRIED SEAWEED; NET WT: 1.0 OZ (28g); 10 Sheets; PRODUCT OF CHINA;
22 MANUFACTURED FOR/ DISTRIBTURED BY: WALONG MARKETING, INC.; UPC: 6
23 73367 35529 0 (“MIZUHO ITA NORI SEAWEED”).

24 82. MIZUHO ITA NORI SEAWEED contains CADMIUM.

25 83. Defendants knew or should have known that CADMIUM has been identified by the
26 State of California as a chemical known to cause cancer and reproductive toxicity and therefore
27 was subject to Proposition 65 warning requirements. Defendants were also informed of the
28

1 presence of CADMIUM in MIZUHO ITA NORI SEAWEEED within Plaintiff's notice of alleged
2 violations further discussed above.

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

11 85. Plaintiff's allegations regarding MIZUHO ITA NORI SEAWEEED concerns "[c]
12 onsumer 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 good, or any
14 exposure that results from receiving a consumer service." *Cal. Code Regs. tit. 27, §25602(b)*.
15 MIZUHO ITA NORI SEAWEEED is a consumer product, and, as mentioned herein,
16 exposures to CADMIUM took place as a result of such normal and foreseeable use.

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

27 87. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations
28 of Proposition 65 as to MIZUHO S ITA NORI EAWEEED have been ongoing and continuous to

1 the date of the signing of this complaint, as Defendants engaged and continue to engage in
2 conduct which violates Health and Safety Code section 25249.6, including the manufacture,
3 distribution, promotion, and sale of MIZUHO ITA NORI SEAWEED, so that a separate and
4 distinct violation of Proposition 65 occurred each and every time a person was exposed to
5 CADMIUM by MIZUHO ITA NORI SEAWEED as mentioned herein.

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

10 89. Based on the allegations herein, Defendants are liable for civil penalties of up to
11 \$2,500.00 per day per individual exposure to CADMIUM from MIZUHO ITA NORI
12 SEAWEED, pursuant to Health and Safety Code section 25249.7(b).

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

15 **FIFTH CAUSE OF ACTION**

16 **(By CONSUMER ADVOCACY GROUP, INC. and against TAWA, WALONG, and DOES**
17 **1-250 for Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement**
18 **Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

19 **HANASIA Korean Roasted Seaweed**

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

28 92. HANASIA KOREAN ROASTED SEAWEED contains LEAD.

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

6 94. Plaintiff’s allegations regarding HANASIA KOREAN ROASTED SEAWEEED
7 concerns “[c]onsumer products exposure[s],” which “is an exposure that results from a person’s
8 acquisition, 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.* tit. 27, §
10 25602(b). HANASIA KOREAN ROASTED SEAWEEED is a consumer product, and, as
11 mentioned herein, exposures to LEAD took place as a result of such normal and foreseeable use.

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

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

1 contained within the HANASIA KOREAN ROASTED SEAWEED.

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

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

13 99. 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 HANASIA KOREAN ROASTED
15 SEAWEED, pursuant to Health and Safety Code section 25249.7(b).

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

18 **SIXTH CAUSE OF ACTION**

19 **(By CONSUMER ADVOCACY GROUP, INC. and against WALONG and DOES 1-250**
20 **for Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of**
21 **1986 (Health & Safety Code, §§ 25249.5, et seq.))**

22 **HANASIA Roasted Seaweed**

23 101. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
24 reference all prior numbered paragraphs of this complaint as though fully set forth herein. Each
25 of the Defendants is, and at all times mentioned herein was, a manufacturer, distributor,
26 promoter, or retailer of Roasted Seaweed, which includes but is not limited to, "HanAsiaTM";
27 "Korean Roasted Seaweed 100% All Natural"; "Net Wt: 0.18oz (5g)"; "Product of Korea"; "UPC
28 6 73367 35 100 1 ("HANASIA SEAWEED").

1 102. HANASIA SEAWEEED contains CADMIUM.

2 103. Defendants knew or should have known that CADMIUM has been identified by the
3 State of California as a chemical known to cause cancer and reproductive toxicity and therefore
4 was subject to Proposition 65 warning requirements. Defendants were also informed of the
5 presence of CADMIUM in HANASIA SEAWEEED within Plaintiff’s notice of alleged violations
6 further discussed above.

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

13 105. Plaintiff is informed, believes, and thereon alleges that between July 10, 2017, and
14 the present, each of the Defendants knowingly and intentionally exposed California consumers
15 of HANASIA SEAWEEED, which Defendants manufactured, distributed, or sold as mentioned
16 above, to CADMIUM without first providing any type of clear and reasonable warning of such
17 to the exposed persons before the time of exposure. Defendants have distributed and sold
18 HANASIA SEAWEEED in California. Defendants know and intend that California consumers
19 will use and consume HANASIA SEAWEEED, thereby exposing them to CADMIUM.
20 Defendants thereby violated Proposition 65.

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

1 CADMIUM once contained within the HANASIA SEAWEED.

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

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

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

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

17
18 **SEVENTH CAUSE OF ACTION**

19 **(By CONSUMER ADVOCACY GROUP, INC. and against TAWA and DOES 1-250 for**
20 **Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986**

21 ***(Health & Safety Code, §§ 25249.5, et seq.)***

22 **SHANLIN Dried Seaweed**

23 111. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
24 reference all prior numbered paragraphs of this complaint as though fully set forth herein. Each
25 of the Defendants is, and at all times mentioned herein was, a manufacturer, distributor,
26 promoter, or retailer of Seaweed, which includes but is not limited to, Dried Seaweed;
27 CONTAINS NO MSG OR PRESERAVATIV; Q53501 2201 0197; 150g (5.28oz); Product of
28 China; Manufacturer: Luoyuan Shanlin Foods Co., Ltd; UPC: 6 92037 167388 ("SHANLIN

1 DRIED SEAWEED”).

2 112. SHANLIN DRIED SEAWEED contains LEAD.

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

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

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

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

1 particulate matter emanating from SHANLIN DRIED SEAWEED, as well as through
2 environmental mediums that carry the LEAD once contained within the SHANLIN DRIED
3 SEAWEED.

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

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

14 119. 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 SHANLIN DRIED SEAWEED,
16 pursuant to Health and Safety Code section 25249.7(b).

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

19
20 **EIGHTH CAUSE OF ACTION**

21 **(By CONSUMER ADVOCACY GROUP, INC. and against TAWA and DOES 1-250 for**
22 **Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986**
23 **(Health & Safety Code, §§ 25249.5, et seq.))**

24 **TRIPLE M Crispy Seaweed**

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

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

6 122. TRIPLE M CRISPY SEAWEED contains LEAD.

7
8 123. Defendants knew or should have known that LEAD has been identified by the State
9 of California as a chemical known to cause cancer and reproductive toxicity and therefore was
10 subject to Proposition 65 warning requirements. Defendants were also informed of the presence
11 of LEAD in TRIPLE M CRISPY SEAWEED within Plaintiff’s notice of alleged violations
12 further discussed above.

13 124. Plaintiff’s allegations regarding TRIPLE M CRISPY SEAWEED concerns
14 “[c]onsumer products exposure[s],” which “is an exposure that results from a person’s
15 acquisition, purchase, storage, consumption, or other reasonably foreseeable use of a consumer
16 good, or any exposure that results from receiving a consumer service.” *Cal. Code Regs.* tit. 27, §
17 25602(b). TRIPLE M 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.

19 125. 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 consumers
21 of TRIPLE M CRISPY SEAWEED, which Defendants manufactured, distributed, or sold as
22 mentioned above, to LEAD without first providing any type of clear and reasonable warning of
23 such to the exposed persons before the time of exposure. Defendants have distributed and sold
24 TRIPLE M CRISPY SEAWEED in California. Defendants know and intend that California
25 consumers will use and consume TRIPLE M CRISPY SEAWEED, thereby exposing them to
26 LEAD. Defendants thereby violated Proposition 65.

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

1 consuming TRIPLE M CRISPY SEAWEED, handling TRIPLE M CRISPY SEAWEED without
2 wearing gloves or by touching bare skin or mucus membranes with gloves after handling
3 TRIPLE M CRISPY 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 breathing in
5 particulate matter emanating from TRIPLE M CRISPY SEAWEED, as well as through
6 environmental mediums that carry the LEAD once contained within the TRIPLE M CRISPY
7 SEAWEED.

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

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

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

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

24 **NINTH CAUSE OF ACTION**

25 **(By CONSUMER ADVOCACY GROUP, INC. and against TAWA and DOES 1-250 for**
26 **Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986**

27 ***(Health & Safety Code, §§ 25249.5, et seq.)***

28 **TAI KAE Thick Cut Seaweed and Crispy Seaweed**

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

11
12 132. TAI KAE SEAWEED contains LEAD.

13 Defendants knew or should have known that LEAD has been identified by the State of
14 California as a chemical known to cause cancer and reproductive toxicity and therefore was
15 subject to Proposition 65 warning requirements. Defendants were also informed of the presence
16 of LEAD in TAI KAE SEAWEED within Plaintiff’s notice of alleged violations further
17 discussed above.

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

24 134. Plaintiff is informed, believes, and thereon alleges that between June 16, 2012 and
25 the present, each of the Defendants knowingly and intentionally exposed California consumers
26 of TAI KAE SEAWEED, which Defendants manufactured, distributed, or sold as mentioned
27 above, to LEAD without first providing any type of clear and reasonable warning of such to the
28 exposed persons before the time of exposure. Defendants have distributed and sold TAI KAE

1 SEAWEED in California. Defendants know and intend that California consumers will use and
2 consume TAI KAE SEAWEED, thereby exposing them to LEAD. Defendants thereby violated
3 Proposition 65.

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

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

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

22 138. Based on the allegations herein, Defendants are liable for civil penalties of up to
23 \$2,500.00 per day per individual exposure to LEAD from TAI KAE SEAWEED, pursuant to
24 Health and Safety Code section 25249.7(b).

25 139. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior
26 to filing this Complaint.
27

28 **TENTH CAUSE OF ACTION**

1 (By CONSUMER ADVOCACY GROUP, INC. and against TAWA and DOES 1-250 for
2 Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986

3 (Health & Safety Code, §§ 25249.5, et seq.)

4 NICE CHOICE White Sesame Cake

5 140. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
6 reference all prior numbered paragraphs of this complaint as though fully set forth herein. Each
7 of the Defendants is, and at all times mentioned herein was, a manufacturer, distributor,
8 promoter, or retailer of White Sesame Cake, which includes but is not limited to, Nice Choice
9 White Sesame Cake; Net Wt: 3 oz (85g); HAACP & ISO 22000; Product of Taiwan;
10 Manufacturer: HURNG FUR FOODS FACTOREY CO, LTD.; UPC #: 4 711202 220061
11 (“NICE CHOICE WHITE SESAME CAKE”).
12

13 141. NICE CHOICE WHITE SESAME CAKE contains LEAD.

14 142. Defendants knew or should have known that LEAD has been identified by the State
15 of California as a chemical known to cause cancer and reproductive toxicity and therefore was
16 subject to Proposition 65 warning requirements. Defendants were also informed of the presence
17 of LEAD in NICE CHOICE WHITE SESAME CAKE within Plaintiff’s notice of alleged
18 violations further discussed above.

19 143. Plaintiff’s allegations regarding NICE CHOICE WHITE SESAME CAKE concerns
20 “[c]onsumer products exposure[s],” which “is an exposure that results from a person’s
21 acquisition, purchase, storage, consumption, or other reasonably foreseeable use of a consumer
22 good, or any exposure that results from receiving a consumer service.” *Cal. Code Regs.* tit. 27, §
23 25602(b). NICE CHOICE WHITE SESAME CAKE is a consumer product, and, as mentioned
24 herein, exposures to LEAD took place as a result of such normal and foreseeable use.

25 144. Plaintiff is informed, believes, and thereon alleges that between June 22, 2012 and
26 the present, each of the Defendants knowingly and intentionally exposed California consumers
27 of NICE CHOICE WHITE SESAME CAKE, which Defendants manufactured, distributed, or
28 sold as mentioned above, to LEAD without first providing any type of clear and reasonable

1 warning of such to the exposed persons before the time of exposure. Defendants have distributed
2 and sold NICE CHOICE WHITE SESAME CAKE in California. Defendants know and intend
3 that California consumers will use and consume NICE CHOICE WHITE SESAME CAKE,
4 thereby exposing them to LEAD. Defendants thereby violated Proposition 65.

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

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

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

25 148. Based on the allegations herein, Defendants are liable for civil penalties of up to
26 \$2,500.00 per day per individual exposure to LEAD from NICE CHOICE WHITE SESAME
27 CAKE, pursuant to Health and Safety Code section 25249.7(b).

28 149. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior

1 to filing this Complaint.

2 **ELEVENTH CAUSE OF ACTION**

3 **(By CONSUMER ADVOCACY GROUP, INC. and against WALONG, TAWA, and DOES**
4 **1-250 for Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement**
5 **Act of 1986 (Health & Safety Code, §§ 25249.5, et seq.))**

6 **FLYING HORSE White Sesame Candy**

7
8 150. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
9 reference all prior numbered paragraphs of this complaint as though fully set forth herein. Each
10 of the Defendants is, and at all times mentioned herein was, a manufacturer, distributor,
11 promoter, or retailer of White Sesame Candy, which includes but is not limited to, “Flying
12 Horse® White Sesame Candy; Net Wt 3.5 OZ; UPC # 6 73367 48781 6” and “Flying Horse®
13 White Sesame Candy; Net Wt 200g (7oz); Product of Vietnam; Manufactured for/ Distributed
14 by: Walong Marketing, Inc.; UPC # 6 73367 00257 6” (“FLYING HORSE WHITE SESAME
15 CANDY”).

16 151. FLYING HORSE WHITE SESAME CANDY contains LEAD.

17 152. Defendants knew or should have known that LEAD has been identified by the State
18 of California as a chemical known to cause cancer and reproductive toxicity and therefore was
19 subject to Proposition 65 warning requirements. Defendants were also informed of the presence
20 of LEAD in FLYING HORSE WHITE SESAME CANDY within Plaintiff’s notice of alleged
21 violations further discussed above.

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

28 154. Plaintiff is informed, believes, and thereon alleges that between July 1, 2012 and the

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

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

18
19 156. Plaintiff is informed, believes, and thereon alleges that each of Defendants'
20 violations of Proposition 65 as to FLYING HORSE WHITE SESAME CANDY have been
21 ongoing and 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, including
23 the manufacture, distribution, promotion, and sale of FLYING HORSE WHITE SESAME
24 CANDY, so that a separate and distinct violation of Proposition 65 occurred each and every time
25 a person was exposed to LEAD by FLYING HORSE WHITE SESAME CANDY as mentioned
26 herein.

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

1 158. 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 FLYING HORSE WHITE SESAME
3 CANDY, pursuant to Health and Safety Code section 25249.7(b).

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

6 **TWELFTH CAUSE OF ACTION**

7 **(By CONSUMER ADVOCACY GROUP, INC. and against TAWA and DOES 1-250 for**
8 **Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986**

9 ***(Health & Safety Code, §§ 25249.5, et seq.)***

10 **NICE CHOICE Black Sesame Cake**

11 160. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
12 reference all prior numbered paragraphs of this complaint as though fully set forth herein. Each
13 of the Defendants is, and at all times mentioned herein was, a manufacturer, distributor,
14 promoter, or retailer of Black Sesame Cake, which includes but is not limited to, “Nice Choice
15 Black Sesame Cake; Net Wt: 3 oz (85g); HAACP & ISO 22000; Product of Taiwan;
16 Manufacturer: HURNG FUR FOODS FACTOREY CO, LTD.; UPC #: 4 711202 221716”
17 (“NICE CHOICE BLACK SESAME CAKE”).

18 161. NICE CHOICE BLACK SESAME CAKE contains LEAD.

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

24 163. Plaintiff’s allegations regarding NICE CHOICE BLACK SESAME CAKE 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 consumer
27 good, or any exposure that results from receiving a consumer service.” *Cal. Code Regs.* tit. 27, §
28

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

3 164. Plaintiff is informed, believes, and thereon alleges that between October 14, 2012
4 and the present, each of the Defendants knowingly and intentionally exposed California
5 consumers of NICE CHOICE BLACK SESAME CAKE, which Defendants manufactured,
6 distributed, 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. Defendants have
8 distributed and sold NICE CHOICE BLACK SESAME CAKE in California. Defendants know
9 and intend that California consumers will use and consume NICE CHOICE BLACK SESAME
10 CAKE, thereby exposing them to LEAD. Defendants thereby violated Proposition 65.
11

12 165. The principal routes of exposure were through ingestion, including hand to mouth
13 pathways, and inhalation and trans-dermal absorption. Persons sustained exposures by eating and
14 consuming NICE CHOICE BLACK SESAME CAKE, handling NICE CHOICE BLACK
15 SESAME CAKE without wearing gloves or by touching bare skin or mucus membranes with
16 gloves after handling NICE CHOICE BLACK SESAME CAKE, or through direct and indirect
17 hand to 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 NICE CHOICE BLACK
19 SESAME CAKE, as well as through environmental mediums that carry the LEAD once
20 contained within the NICE CHOICE BLACK SESAME CAKE.

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

28 167. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition

1 65 mentioned herein is ever continuing. Plaintiff further alleges and believes that the violations
2 alleged herein will continue to occur into the future.

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

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

8 **THIRTEENTH CAUSE OF ACTION**

9 **(By CONSUMER ADVOCACY GROUP, INC. and against TAWA and DOES 1-250 for**
10 **Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986**

11 ***(Health & Safety Code, §§ 25249.5, et seq.)***

12 **WOOSUNG Wasabi Roasted Laver**

13 170. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
14 reference all prior numbered paragraphs of this complaint as though fully set forth herein. Each
15 of the Defendants is, and at all times mentioned herein was, a manufacturer, distributor,
16 promoter, or retailer of Roasted Crispy Seaweed, which includes but is not limited to, Wasabi
17 Roasted Laver, ‘Manufactured & Packed by Haejeo Food Co., Ltd., Imported by Woosung
18 America Corp.’ (Net Wt. 4g) UPC 8809275102042 (“WOOSUNG WASABI ROASTED
19 LAVER”).

20 171. WOOSUNG WASABI ROASTED LAVER contains LEAD.

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

26 173. Plaintiff’s allegations regarding WOOSUNG WASABI ROASTED LAVER
27 concerns “[c]onsumer products exposure[s],” which “is an exposure that results from a person’s
28

1 acquisition, purchase, storage, consumption, or other reasonably foreseeable use of a consumer
2 good, or any exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, §*
3 *25602(b)*. WOOSUNG WASABI ROASTED LAVER is a consumer product, and, as mentioned
4 herein, exposures to LEAD took place as a result of such normal and foreseeable use.

5
6 174. Plaintiff is informed, believes, and thereon alleges that between November 25, 2012
7 and the present, each of the Defendants knowingly and intentionally exposed California
8 consumers of WOOSUNG WASABI ROASTED LAVER, which Defendants manufactured,
9 distributed, or sold as mentioned above, to LEAD without first providing any type of clear and
10 reasonable warning of such to the exposed persons before the time of exposure. Defendants have
11 distributed and sold WOOSUNG WASABI ROASTED LAVER in California. Defendants know
12 and intend that California consumers will use and consume WOOSUNG WASABI ROASTED
13 LAVER, thereby exposing them to LEAD. Defendants thereby violated Proposition 65.

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

23 176. Plaintiff is informed, believes, and thereon alleges that each of Defendants’
24 violations of Proposition 65 as to WOOSUNG WASABI ROASTED LAVER have been
25 ongoing and continuous to the date of the signing of this complaint, as Defendants engaged and
26 continue to engage in conduct which violates Health and Safety Code section 25249.6, including
27 the manufacture, distribution, promotion, and sale of WOOSUNG WASABI ROASTED
28 LAVER, so that a separate and distinct violation of Proposition 65 occurred each and every time

1 a person was exposed to LEAD by WOOSUNG WASABI ROASTED LAVER as mentioned
2 herein.

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

6 178. Based on the allegations herein, Defendants are liable for civil penalties of up to
7 \$2,500.00 per day per individual exposure to LEAD from WOOSUNG WASABI ROASTED
8 LAVER, pursuant to Health and Safety Code section 25249.7(b).

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

11
12 **FOURTEENTH CAUSE OF ACTION**

13 **(By CONSUMER ADVOCACY GROUP, INC. and against TAWA and DOES 1-250 for**
14 **Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986**

15 **(Health & Safety Code, §§ 25249.5, et seq.)**

16 **BIG GREEN Dried Seaweed Slice**

17 180. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
18 reference all prior numbered paragraphs of this complaint as though fully set forth herein. Each
19 of the Defendants is, and at all times mentioned herein was, a manufacturer, distributor,
20 promoter, or retailer of Dried Seaweed Slice, which includes but is not limited to, “Spring Farm
21 Dried Seaweed Slice, Net Wt: 1.05 oz (30g) Ingredients: Dried Seaweed. Distributed by: Big
22 Green (USA) Inc. UPC: 6 78452 14003 4” (“BIG GREEN DRIED SEAWEED SLICE”).

23 181. BIG GREEN DRIED SEAWEED SLICE contains LEAD.

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

1 183. Plaintiff's allegations regarding BIG GREEN 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 consumer
4 good, or any exposure that results from receiving a consumer service." *Cal. Code Regs. tit. 27, §*
5 *25602(b)*. BIG GREEN DRIED SEAWEED SLICE is a consumer product, and, as mentioned
6 herein, exposures to LEAD took place as a result of such normal and foreseeable use.

7
8 184. 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 BIG GREEN DRIED SEAWEED SLICE, which Defendants manufactured,
11 distributed, 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. Defendants have
13 distributed and sold BIG GREEN DRIED SEAWEED SLICE in California. Defendants know
14 and intend that California consumers will use and consume BIG GREEN DRIED SEAWEED
15 SLICE, thereby exposing them to LEAD. Defendants thereby violated Proposition 65.

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

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

1 manufacture, distribution, promotion, and sale of BIG GREEN DRIED SEAWEED SLICE, so
2 that a separate and distinct violation of Proposition 65 occurred each and every time a person
3 was exposed to LEAD by BIG GREEN DRIED SEAWEED SLICE as mentioned herein.
4

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

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

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

13 **FIFTEENTH CAUSE OF ACTION**

14 **(By CONSUMER ADVOCACY GROUP, INC. and against WALONG, TAWA, and DOES**
15 **1-250 for Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement**
16 **Act of 1986 (Health & Safety Code, §§ 25249.5, et seq.))**

17 **MIZUHO YAKI Nori Roasted Seaweed**

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

24 191. MIZUHO YAKI Nori ROASTED SEAWEED contains LEAD and CADMIUM.

25 192. Defendants knew or should have known that LEAD and CADMIUM have been
26 identified by the State of California as a chemical known to cause cancer and reproductive
27 toxicity and therefore was subject to Proposition 65 warning requirements. Defendants were also
28 informed of the presence of LEAD and CADMIUM in MIZUHO YAKI Nori ROASTED

1 SEAWEED within Plaintiff's notice of alleged violations further discussed above.

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

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

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

27 196. Plaintiff is informed, believes, and thereon alleges that each of Defendants'
28

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

8
9 197. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition
10 65 mentioned herein is ever continuing. Plaintiff further alleges and believes that the violations
11 alleged herein will continue to occur into the future.

12 198. 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 and CADMIUM from MIZUHO YAKI
14 NORI ROASTED SEAWEED, pursuant to Health and Safety Code section 25249.7(b).

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

17 **SIXTEENTH CAUSE OF ACTION**

18 **(By CONSUMER ADVOCACY GROUP, INC. and against TAWA and DOES 1-250 for**
19 **Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986**

20 ***(Health & Safety Code, §§ 25249.5, et seq.)***

21 **JF & K Seasoned Seaweed**

22 200. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
23 reference all prior numbered paragraphs of this complaint as though fully set forth herein. Each
24 of the Defendants is, and at all times mentioned herein was, a manufacturer, distributor,
25 promoter, or retailer of Seasoned Seaweed, which includes but is not limited to, “Traditionally
26 Seasoned Seaweed.” Net Wt: .16 oz (4.5g) x 8Pack; Importer: JF& K INC. 2985 E. Miraloma
27 Ave. Unit M Anaheim CA 92806; Product of Korea; UPC: 8 809168 836757 (outer package);
28 UPC: 8 809168 836641 (inner package) (“JF & K SEASONED SEAWEED”).

1 201. JF & K SEASONED SEAWEEED contains LEAD.

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

7 203. Plaintiff's allegations regarding JF & K SEASONED SEAWEEED 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 consumer
10 good, or any exposure that results from receiving a consumer service." *Cal. Code Regs.* tit. 27, §
11 25602(b). JF & K SEASONED SEAWEEED is a consumer product, and, as mentioned herein,
12 exposures to LEAD took place as a result of such normal and foreseeable use.

13 204. Plaintiff is informed, believes, and thereon alleges that between May 4, 2013 and the
14 present, each of the Defendants knowingly and intentionally exposed California consumers of JF
15 & K SEASONED SEAWEEED, which Defendants manufactured, distributed, or sold as
16 mentioned above, to LEAD without first providing any type of clear and reasonable warning of
17 such to the exposed persons before the time of exposure. Defendants have distributed and sold JF
18 & K SEASONED SEAWEEED in California. Defendants know and intend that California
19 consumers will use and consume JF & K SEASONED SEAWEEED, thereby exposing them to
20 LEAD. Defendants thereby violated Proposition 65.

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

1 environmental mediums that carry the LEAD once contained within the JF & K SEASONED
2 SEAWEED.

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

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

14 208. 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 JF & K SEASONED SEAWEED,
16 pursuant to Health and Safety Code section 25249.7(b).

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

19 **SEVENTEENTH CAUSE OF ACTION**

20 **(By CONSUMER ADVOCACY GROUP, INC. and against TAWA, and DOES 1-250 for**
21 **Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986**

22 ***(Health & Safety Code, §§ 25249.5, et seq.)***

23 **SAN WEI WU Crispy Seaweed with Almond**

24 210. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
25 reference all prior numbered paragraphs of this complaint as though fully set forth herein. Each
26 of the Defendants is, and at all times mentioned herein was, a manufacturer, distributor,
27 promoter, or retailer of Crispy Seaweed with Almond, which includes but is not limited to, "San
28 Wei Wu Crispy Seaweed with Almond"; "Ingredients: Seaweed, Sesame, Almond, Sugar, Soy";

1 “40g (1.4 oz)”); “Product of Taiwan”; “UPC 4 711942 856025” (“SAN WEI WU ALMOND
2 SEAWEEED”).

3 211. SAN WEI WU ALMOND SEAWEEED contains CADMIUM.

4 212. Defendants knew or should have known that CADMIUM has been identified by the
5 State of California as a chemical known to cause cancer and reproductive toxicity and therefore
6 was subject to Proposition 65 warning requirements. Defendants were also informed of the
7 presence of CADMIUM in SAN WEI WU ALMOND SEAWEEED within Plaintiff’s notice of
8 alleged violations further discussed above.

9 213. Plaintiff’s allegations regarding SAN WEI WU ALMOND SEAWEEED 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 consumer
12 good, or any exposure that results from receiving a consumer service.” *Cal. Code Regs.* tit. 27, §
13 25602(b). SAN WEI WU ALMOND SEAWEEED is a consumer product, and, as mentioned
14 herein, exposures to CADMIUM took place as a result of such normal and foreseeable use.

15 214. Plaintiff is informed, believes, and thereon alleges that between February 26, 2016
16 and the present, each of the Defendants knowingly and intentionally exposed California
17 consumers of SAN WEI WU ALMOND SEAWEEED, which Defendants manufactured,
18 distributed, or sold as mentioned above, to CADMIUM without first providing any type of clear
19 and reasonable warning of such to the exposed persons before the time of exposure. Defendants
20 have distributed and sold SAN WEI WU ALMOND SEAWEEED in California. Defendants know
21 and intend that California consumers will use and consume SAN WEI WU ALMOND
22 SEAWEEED, thereby exposing them to CADMIUM. Defendants thereby violated Proposition 65.

23 215. The principal routes of exposure were through ingestion, including hand to mouth
24 pathways, and inhalation and trans-dermal absorption. Persons sustained exposures by eating and
25 consuming SAN WEI WU ALMOND SEAWEEED, handling SAN WEI WU ALMOND
26 SEAWEEED without wearing gloves or by touching bare skin or mucus membranes with gloves
27 after handling SAN WEI WU ALMOND SEAWEEED, or through direct and indirect hand to
28

1 mouth contact, hand to food to mouth, direct contact to food then to mouth, hand to mucous
2 membrane, or breathing in particulate matter emanating from SAN WEI WU ALMOND
3 SEAWEED, as well as through environmental mediums that carry the CADMIUM once
4 contained within the SAN WEI WU ALMOND SEAWEED.

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

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

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

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

21 **EIGHTEENTH CAUSE OF ACTION**

22 **(By CONSUMER ADVOCACY GROUP, INC. and against TAWA and DOES 1-250 for**
23 **Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986**

24 ***(Health & Safety Code, §§ 25249.5, et seq.)***

25 **CARL'S Dried Anchovies and Dried Squid**

26 220. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
27 reference all prior numbered paragraphs of this complaint as though fully set forth herein. The
28 Defendant is, and at all times mentioned herein was, a manufacturer, distributor, promoter, or

1 retailer of Dried Anchovies and Dried Squid (“CARL’S DRIED SEAFOOD”), which includes
2 but is not limited to, “CARL’s;” “CRISPY ANCHOVY;” “DILIS;” “HOT & SPICY;” “NET
3 WT. 1.41 OZ (40G);” “SERVING SIZE 40G;” “MANUFACTURED BY: LA CARLOTA
4 FOOD ENTERPRISE;” “PRODUCT OF THE PHILIPPINES;” “CFRR-RIV-FM-3182;” “LOT
5 NO.: CAH1115A;” “4809011 259270”; “CARL’s;” “CRISPY ANCHOVY;” “DILIS;” “NET
6 WT. 1.41 OZ (40G);” “SERVING SIZE 40G;” “MANUFACTURED BY: LA CARLOTA
7 FOOD ENTERPRISE;” “PRODUCT OF PHILIPPINES;” “CFRR-RIV-FM-3182;” “LOT NO.:
8 CAR1115A;” “4809011 259263”; “CARL’s;” “CRISPY SQUID;” “PUSIT;” “NET WT. 1.41
9 OZ (40G);” “SERVING SIZE 40G;” “MANUFACTURED BY: LA CARLOTA FOOD
10 ENTERPRISE;” “PRODUCT OF PHILIPPINES;” “CFRR-RIV-FM-3182;” “LOT NO.:
11 CSR1115A;” “4809011 259089”; “CARL’s;” “CRISPY SQUID;” “PUSIT;” “NET WT. 1.41 OZ
12 (40G);” “SERVING SIZE 40G;” “MANUFACTURED BY: LA CARLOTA FOOD
13 ENTERPRISE;” “PRODUCT OF PHILIPPINES;” “CFRR-RIV-FM-3182;” “LOT NO.:
14 CSH1115A;” “4809011 259256”.

15
16 221. CARL’S DRIED SEAFOOD contains LEAD and CADMIUM.

17 222. Defendant knew or should have known that LEAD and CADMIUM have been
18 identified by the State of California as a chemical known to cause cancer and reproductive
19 toxicity and therefore was subject to Proposition 65 warning requirements. Defendant were also
20 informed of the presence of LEAD and CADMIUM in CARL’S DRIED SEAFOOD within
21 Plaintiff’s notice of alleged violations further discussed above.

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

28 224. Plaintiff is informed, believes, and thereon alleges that between August 29, 2015

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

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

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

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

28 228. Based on the allegations herein, Defendants are liable for civil penalties of up to

1 \$2,500.00 per day per individual exposure to LEAD and CADMIUM from CARL'S DRIED
2 SEAFOOD, pursuant to Health and Safety Code section 25249.7(b).

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

5 **NINETEENTH CAUSE OF ACTION**

6 **(By CONSUMER ADVOCACY GROUP, INC. and against TAWA, WALONG and DOES**
7 **1-250 for Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement**
8 **Act of 1986 (Health & Safety Code, §§ 25249.5, et seq.))**

9 **ASIAN TASTE Dried Seaweed**

10 230. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
11 reference all prior numbered paragraphs of this complaint as though fully set forth herein. The
12 Defendant is, and at all times mentioned herein was, a manufacturer, distributor, promoter, or
13 retailer of Dried Seaweed ("ASIAN TASTE DRIED SEAWEED"), which includes but is not
14 limited to, "ASIAN TASTE"; "DRIED SEAWEED"; "INGREDIENT: LAVER"; "NET WT:
15 50G (1.76oz); "PACK FOR SHANGHAI WACHINE TRADING CO., LTD"; "UPC 6 73367
16 35022 6"; "PRODUCT OF CHINA" ASIAN TASTE DRIED SEAWEED contains LEAD,
17 CADMIUM, and INORGANIC ARSENIC.

18 231. Defendants knew or should have known that LEAD and CADMIUM have been
19 identified by the State of California as chemicals known to cause cancer and reproductive
20 toxicity, and INORGANIC ARSENIC has been identified by the State of California as a
21 chemical known to cause cancer and developmental toxicity, and therefore were subject to
22 Proposition 65 warning requirements. Defendants were also informed of the presence of LEAD,
23 CADMIUM, and INORGANIC ARSENIC in DRIED SEAWEED within Plaintiff's notice of
24 alleged violations further discussed above.

25 232. Plaintiff's allegations regarding ASIAN TASTE DRIED SEAWEED concern
26 "[c]onsumer products exposure[s]," which "is an exposure that results from a person's
27 acquisition, purchase, storage, consumption, or other reasonably foreseeable use of a consumer
28

1 good, or any exposure that results from receiving a consumer service.” *Cal. Code Regs.* tit. 27, §
2 25602(b). ASIAN TASTE DRIED SEAWEED is a consumer product, and, as mentioned herein,
3 exposures to LEAD, CADMIUM, and INORGANIC ARSENIC took place as a result of such
4 normal and foreseeable use.

5 233. Plaintiff is informed, believes, and thereon alleges that between October 31, 2016,
6 and the present, the Defendant WALONG, and between July 7, 2017, and the present, the
7 Defendants TAWA and WALONG, knowingly and intentionally exposed California consumers
8 of ASIAN TASTE DRIED SEAWEED, which Defendants manufactured, distributed, or sold as
9 mentioned above, to LEAD and CADMIUM, and between August 11, 2017, and the present, the
10 Defendants TAWA and WALONG, knowingly and intentionally exposed California consumers
11 of ASIAN TASTE DRIED SEAWEED, which Defendants manufactured, distributed, or sold as
12 mentioned above, to LEAD, CADMIUM, and INORGANIC ARSENIC, all of the foregoing
13 without first providing any type of clear and reasonable warning of such to the exposed persons
14 before the time of exposure. Defendants have distributed and sold ASIAN TASTE DRIED
15 SEAWEED in California. Defendants know and intend that California consumers will use and
16 consume ASIAN TASTE DRIED SEAWEED, thereby exposing them to LEAD, CADMIUM,
17 and INORGANIC ARSENIC. Defendants thereby violated Proposition 65.

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

27 235. Plaintiff is informed, believes, and thereon alleges that each of Defendants’
28

1 violations of Proposition 65 as to ASIAN TASTE DRIED SEAWEED have been ongoing and
2 continuous to the date of the signing of this complaint, as Defendants engaged and continue to
3 engage in conduct which violates Health and Safety Code section 25249.6, including the
4 manufacture, distribution, promotion, and sale of ASIAN TASTE DRIED SEAWEED, so that a
5 separate and distinct violation of Proposition 65 occurred each and every time a person was
6 exposed to LEAD, CADMIUM, and INORGANIC ARSENIC by ASIAN TASTE DRIED
7 SEAWEED as mentioned herein.

8
9 236. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition
10 65 mentioned herein is ever continuing. Plaintiff further alleges and believes that the violations
11 alleged herein will continue to occur into the future.

12 237. 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, CADMIUM, and INORGANIC ARSENIC
14 from ASIAN TASTE DRIED SEAWEED, pursuant to Health and Safety Code section
15 25249.7(b).

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

18 **TWENTIETH CAUSE OF ACTION**

19 **(By CONSUMER ADVOCACY GROUP, INC. and against TAWA and DOES 1-250 for**
20 **Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986**

21 ***(Health & Safety Code, §§ 25249.5, et seq.)***

22 **JANE-JANE Pollock Crisp Chips**

23 239. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
24 reference all prior numbered paragraphs of this complaint as though fully set forth herein. The
25 Defendant is, and at all times mentioned herein was, a manufacturer, distributor, promoter, or
26 retailer of Pollock Crisp Chips (“Chips”), which includes but is not limited to, “POLLOCK
27 CRISP”; “NET WT. 1.41 oz (40 GM)”; “Jane-Jane”; “UPC 4 710030 212422”; “APPROVED
28 NO. 7F3 0062”; “ORIGIN OF TAIWAN” (“POLLOCK CHIPS”)

1 240. POLLOCK CHIPS contains LEAD.

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

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

13 243. Plaintiff is informed, believes, and thereon alleges that between August 18, 2017
14 and the present, the Defendants knowingly and intentionally exposed California consumers of
15 POLLOCK CHIPS, which Defendants manufactured, distributed, or sold as mentioned above, to
16 LEAD without first providing any type of clear and reasonable warning of such to the exposed
17 persons before the time of exposure. Defendants have distributed and sold POLLOCK CHIPS in
18 California. Defendants know and intend that California consumers will use and consume
19 POLLOCK CHIPS, thereby exposing them to LEAD. Defendants thereby violated Proposition
20 65.

21 244. The principal routes of exposure were through ingestion, including hand to mouth
22 pathways, and inhalation and trans-dermal absorption. Persons sustained exposures by eating and
23 consuming POLLOCK CHIPS, handling POLLOCK CHIPS without wearing gloves or by
24 touching bare skin or mucus membranes with gloves after handling POLLOCK CHIPS, or
25 through 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 from
27
28

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

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

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

14 247. 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 POLLOCK CHIPS, pursuant to Health
16 and Safety Code section 25249.7(b).

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

19 **TWENTY FIRST CAUSE OF ACTION**

20 **(By CONSUMER ADVOCACY GROUP, INC. and against TAWA and DOES 1-250 for**
21 **Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986**

22 ***(Health & Safety Code, §§ 25249.5, et seq.)***

23 **BING YANG Roasted Eel Fillet**

24 249. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
25 reference all prior numbered paragraphs of this complaint as though fully set forth herein. The
26 Defendant is, and at all times mentioned herein was, a manufacturer, distributor, promoter, or
27 retailer of Roasted Eel Fillet (“BING YANG ROASTED EEL”), which includes but is not
28 limited to, “EEL FRESH FLAVOUR”; “ROASTED EEL FILLET (FRESH FLAVOR)”; “40G”;

1 “BING YANG. FROM THE OCEAN”; “UPC 6 970175 900730”; “PRODUCT OF CHINA”.

2 250. BING YANG ROASTED EEL contains LEAD.

3 251. Defendants knew or should have known that LEAD has been identified by the State
4 of California as a chemical known to cause cancer and reproductive toxicity and therefore was
5 subject to Proposition 65 warning requirements. Defendants were also informed of the presence
6 of LEAD in BING YANG ROASTED EEL within Plaintiff’s notice of alleged violations further
7 discussed above.

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

14 253. Plaintiff is informed, believes, and thereon alleges that between December 17, 2017,
15 and the present, the Defendants knowingly and intentionally exposed California consumers of
16 BING YANG ROASTED EEL, which Defendants manufactured, distributed, or sold as
17 mentioned above, to LEAD without first providing any type of clear and reasonable warning of
18 such to the exposed persons before the time of exposure. Defendants have distributed and sold
19 BING YANG ROASTED EEL in California. Defendants know and intend that California
20 consumers will use and consume BING YANG ROASTED EEL, thereby exposing them to
21 LEAD. Defendants thereby violated Proposition 65.

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

1 particulate matter emanating from BING YANG ROASTED EEL, as well as through
2 environmental mediums that carry LEAD once contained within the BING YANG ROASTED
3 EEL.

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

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

14 257. 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 BING YANG ROASTED EEL,
16 pursuant to Health and Safety Code section 25249.7(b).

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

19
20 **TWENTY SECOND CAUSE OF ACTION**

21 **(By CONSUMER ADVOCACY GROUP, INC. and against TAWA and DOES 1-250 for**
22 **Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986**

23 ***(Health & Safety Code, §§ 25249.5, et seq.)***

24 **KAKAKAO Crispy Seaweed**

25 259. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
26 reference all prior numbered paragraphs of this complaint as though fully set forth herein. The
27 Defendant is, and at all times mentioned herein was, a manufacturer, distributor, promoter, or
28 retailer of Crispy Seaweed, which includes but is not limited to, "KAKAKAO FRIENDS";

1 “KWANG CHEON KIM”; “CRISPY SEAWEED”; “4G NET WT. 0.14 OZ”; “UPC
2 INDIVIUAL BAG: 8 809395 752219”; “UPC BUNDLE: 8 809395 752226 4G x 16 NET WT:
3 16 PKGS x 0.14 OZ (4G)”; “PRODUCT OF KOREA” (“KAKAKAO CRISPY SEAWEED”)
4

5 260. KAKAKAO CRISPY SEAWEED contains LEAD.

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

11 262. Plaintiff’s allegations regarding KAKAKAO CRISPY SEAWEED concerns
12 “[c]onsumer products exposure[s],” which “is an exposure that results from a person’s
13 acquisition, 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.* tit. 27, §
15 25602(b). KAKAKAO CRISPY SEAWEED is a consumer product, and, as mentioned herein,
16 exposures to LEAD took place as a result of such normal and foreseeable use.

17 263. Plaintiff is informed, believes, and thereon alleges that between December 24, 2017
18 and the present, the Defendants knowingly and intentionally exposed California consumers of
19 KAKAKAO CRISPY SEAWEED, which Defendants manufactured, distributed, or sold as
20 mentioned above, to LEAD without first providing any type of clear and reasonable warning of
21 such to the exposed persons before the time of exposure. Defendants have distributed and sold
22 KAKAKAO CRISPY SEAWEED in California. Defendants know and intend that California
23 consumers will use and consume KAKAKAO CRISPY SEAWEED, thereby exposing them to
24 LEAD. Defendants thereby violated Proposition 65.

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

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

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

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

16 267. 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 from KAKAKAO CRISPY SEAWEEED,
18 pursuant to Health and Safety Code section 25249.7(b).

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

21
22 **PRAYER FOR RELIEF**

23 Plaintiff demands against each of the Defendants as follows:

24 A permanent injunction mandating Proposition 65-compliant warnings;

25 Penalties pursuant to Health and Safety Code section 25249.7, subdivision (b);

26 Costs of suit;

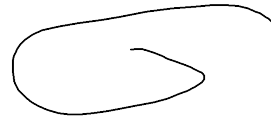
27 Reasonable attorney fees and costs; and

28 Any further relief that the court may deem just and equitable.

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Dated: September 21, 2022

YEROUSHALMI & YEROUSHALMI



By: _____

Reuben Yeroushalmi
Attorneys for Plaintiff,
Consumer Advocacy Group, Inc.

1 **PROOF OF SERVICE**

2 At the time of service, I was 18 years of age and **not a party to this action**. I am employed
3 in the County of Los Angeles, State of California. My business address is 9100 Wilshire
4 Boulevard, Suite 240W, Beverly Hills, CA 90212. On October 21, 2022, I served the following
5 document(s):

6 **THIRD AMENDED COMPLAINT**

7 on the interested parties by placing () the original (X) a true and correct copy thereof, using the
8 method (X) identified below, addressed as follows: **SEE SERVICE LIST**

- 9 • VIA MAIL:
10 I enclosed the documents(s) in a sealed envelope addressed to the person(s) at the
11 address(es) listed above and placed the envelope for collection and mailing, following
12 our ordinary business practices. I am “readily familiar” with the firm’s practice of
13 collection and processing correspondence for mailing. Under that practice, the
14 envelope was deposited in the ordinary course of business with the United States
15 Postal Service, in a sealed envelope with postage fully prepaid. I am aware that on
16 motion of the party served, service is presumed invalid if postal cancellation date or
17 postage meter date is more than one day after date of deposit for mailing in affidavit.
- 18 • X VIA ELECTRONIC SERVICE:
19 I electronically served the documents listed above addressed to the person(s) at the
20 email address(es) listed above on the date listed above.
- 21 • VIA PERSONAL SERVICE:
22 I caused the aforementioned document(s) to be delivered to the person(s) listed above
and/or on the attached service list.
- VIA CERTIFIED MAIL:
I enclosed the document(s) in a sealed envelope addressed to the person(s) at the
address(es) and placed the envelope for collection and mailing, following our
ordinary business practices. I am “readily familiar” with the firm’s practice of
collection and processing correspondence for mailing. Under that practice, the
envelope was deposited in the ordinary course of business with the United States
Postal Service, in a sealed envelope with postage fully prepaid, certified mail,
return receipt requested.

I declare under penalty of perjury under the laws of the State of California that the
foregoing is true and correct. Executed this 21st day of October, in Beverly Hills, California.

Kendall Klyczek

Kendall Klyczek

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Attorney for Defendant

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WOOSUNG AMERICA
CORPORATION

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