

1 Reuben Yeroushalmi (SBN 193981)
2 Daniel D. Cho (SBN 105409)
3 Ben Yeroushalmi (SBN 232540)
4 **YEROUSHALMI & YEROUSHALMI**
5 An Association of Independent Law Corporations
6 9100 Wilshire Boulevard, Suite 240W
7 Beverly Hills, California 90212
8 Telephone: 310.623.1926
9 Facsimile: 310.623.1930

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

**CONFORMED COPY
ORIGINAL FILED**
Superior Court of California
County of Los Angeles

MAR 07 2016

Sherri K. [Signature], Executive Office/Clerk
By: [Signature], Deputy
Ishayla Chambers

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

13 **COUNTY OF LOS ANGELES**

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

16 Plaintiff,

17 v.

18 HANNAM CHAIN USA, INC., a California
19 Corporation; HANNAM CHAIN, INC.,
20 business entity form unknown, SUPER 1
21 TORRANCE, INC DBA S-MART., a
22 California Corporation; SUPER 1
23 HANNAM, INC., DBA SUPER 1 MART, a
24 California Corporation; and DOES 1-20;

25 Defendants.

CASE NO. **BC 6 1 2 9 1 6**

COMPLAINT FOR PENALTY AND
INJUNCTION

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

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

26 Plaintiff CONSUMER ADVOCACY GROUP, INC. alleges a cause of action against
27 Defendants HANNAM CHAIN USA, INC., HANNAM CHAIN, INC., SUPER 1 TORRANCE,
28 INC. DBA S-MART; SUPER 1 HANNAM, INC. DBA SUPER 1 MART and DOES 1-20 as
follows:

///

///

THE PARTIES

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 attorney general, brings this action in the public interest as defined under Health and Safety Code section 25249.7, subdivision (d).
2. Defendant HANNAM CHAIN USA, INC. ("HANNAM USA") is a California Corporation doing business in the State of California at all relevant times herein.
3. Defendant HANNAM CHAIN, INC. ("HANNAM") is a business entity form unknown doing business in the State of California at all relevant times herein.
4. Defendant SUPER 1 TORRANCE, INC. DBA S-MART ("SUPER 1 TORRANCE") is a California Corporation doing business in the State of California at all relevant times herein.
5. Defendant SUPER 1 HANNAM, INC. DBA SUPER 1-MART ("SUPER 1 HANNAM") is a California Corporation doing business in the State of California at all relevant times.
6. Plaintiff is presently unaware of the true names and capacities of defendants DOES 1-20, and therefore sues these defendants by such fictitious names. Plaintiff will amend this complaint to allege their true names and capacities when ascertained. Plaintiff is informed, believes, and thereon alleges that each fictitiously named defendant is responsible in some manner for the occurrences herein alleged and the damages caused thereby.
7. At all times mentioned herein, the term "Defendants" includes HANNAM USA, HANNAM, SUPER 1 TORRANCE, SUPER 1 HANNAM and DOES 1-20.
8. Plaintiff is informed and believes, and thereon alleges that each of the Defendants at all times mentioned herein have conducted business within the State of California.
9. Upon information and belief, at all times relevant to this action, each of the Defendants, including DOES 1-20, was an agent, servant, or employee of each of the other Defendants. In conducting the activities alleged in this Complaint, each of the

1 Defendants was acting within the course and scope of this agency, service, or
2 employment, and was acting with the consent, permission, and authorization of each of
3 the other Defendants. All actions of each of the Defendants alleged in this Complaint
4 were ratified and approved by every other Defendant or their officers or managing agents.
5 Alternatively, each of the Defendants aided, conspired with and/or facilitated the alleged
6 wrongful conduct of each of the other Defendants.

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

11 JURISDICTION

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

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

25 13. Venue is proper in the County of Los Angeles because one or more of the instances of
26 wrongful conduct occurred, and continues to occur, in the County of Los Angeles and/or
27 because Defendants conducted, and continue to conduct, business in the County of Los
28 Angeles with respect to the consumer product that is the subject of this action.

1 **BACKGROUND AND PRELIMINARY FACTS**

2 14. In 1986, California voters approved an initiative to address growing concerns about
3 exposure to toxic chemicals and declared their right “[t]o be informed about exposures to
4 chemicals that cause cancer, birth defects, or other reproductive harm.” Ballot Pamp.,
5 Proposed Law, Gen. Elec. (Nov. 4, 1986) at p. 3. The initiative, The Safe Drinking
6 Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code sections
7 25249.5, *et seq.* (“Proposition 65”), helps to protect California’s drinking water sources
8 from contamination, to allow consumers to make informed choices about the products
9 they buy, and to enable persons to protect themselves from toxic chemicals as they see
10 fit.

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

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

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

- 1 18. Plaintiff identified certain practices of manufacturers and distributors of Lead and Lead
2 Compounds (“LEAD”), Diethyl Hexyl Phthalate (“DEHP”) and Di-*n*-butyl Phthalate
3 (“DBP”) -bearing products of exposing, knowingly and intentionally, persons in
4 California to the Proposition 65-listed chemicals of such products without first providing
5 clear and reasonable warnings of such to the exposed persons prior to the time of
6 exposure. Plaintiff later discerned that Defendants engaged in such practice.
- 7 19. On February 27, 1987, the Governor of California added Lead to the list of chemicals
8 known to the State to cause reproductive toxicity (*Cal. Code Regs. tit. 27, § 27001(c)*).
9 Lead is known to the State to cause developmental, female, and male reproductive
10 toxicity. Pursuant to Health and Safety Code sections 25249.9 and 25249.10, twenty (20)
11 months after addition of Lead to the list of chemicals known to the State to cause
12 reproductive toxicity, Lead became fully subject to Proposition 65 warning requirements
13 and discharge prohibitions.
- 14 20. On October 1, 1992, the Governor of California added Lead and Lead compounds to the
15 list of chemicals known to the State to cause cancer (*Cal. Code Regs. tit. 27, § 27001(b)*).
16 Pursuant to Health and Safety Code sections 25249.9 and 25249.10, twenty (20) months
17 after addition of Lead and lead compounds to the list of chemicals known to the State to
18 cause cancer, Lead and lead compounds became fully subject to Proposition 65 warning
19 requirements and discharge prohibitions.
- 20 21. On January 1, 1988, the Governor of California added DEHP to the list of chemicals
21 known to the State to cause cancer, and on October 24, 2003, the Governor added DEHP
22 to the list of chemicals known to the State to cause developmental male reproductive
23 toxicity. Pursuant to Health and Safety Code sections 25249.9 and 25249.10, twenty (20)
24 months after addition of DEHP to the list of chemicals known to the State to cause
25 reproductive toxicity, DEHP became fully subject to Proposition 65 warning
26 requirements and discharge prohibitions.
- 27 22. On December 2, 2005, the Governor of California added DBP to the list of chemicals
28 known to the State to cause reproductive toxicity (*Cal. Code Regs. tit. 27, § 27001(c)*).

1 DBP is known to the State to cause developmental, female, and male reproductive
2 toxicity. Pursuant to Health and Safety Code sections 25249.9 and 25249.10, twenty
3 (20) months after addition DBP to the list of chemicals known to the State to cause
4 reproductive toxicity, DBP became fully subject to Proposition 65 warning requirements
5 and discharge prohibitions.

6 **SATISFACTION OF PRIOR NOTICE**

7 23. On or about January 23, 2015, Plaintiff gave notices of alleged violations of Health and
8 Safety Code section 25249.6, concerning consumer products exposures, subject to a
9 private action to SUPER 1 TORRANCE and to the California Attorney General, County
10 District Attorneys, and City Attorneys for each city containing a population of at least
11 750,000 people in whose jurisdictions the violations allegedly occurred, concerning the
12 product Dried Seaweed containing LEAD.

13 24. On or about May 5, 2015, Plaintiff gave notice of alleged violations of Health and Safety
14 Code section 25249.6, concerning consumer products exposures, subject to a private
15 action to HANNAM and to the California Attorney General, County District Attorneys,
16 and City Attorneys for each city containing a population of at least 750,000 people in
17 whose jurisdictions the violations allegedly occurred, concerning the product Dried
18 Anchovies containing LEAD.

19 25. On or about July 1, 2015, Plaintiff gave notice of alleged violations of Health and Safety
20 Code section 25249.6, concerning consumer products exposures and occupational
21 exposures, subject to a private action to HANNAM USA, SUPER 1 HANNAM and to
22 the California Attorney General, County District Attorneys, and City Attorneys for each
23 city containing a population of at least 750,000 people in whose jurisdictions the
24 violations allegedly occurred, concerning the product Meat Tenderizers containing DEHP
25 and DBP.

26 26. On or about November 20, 2015, Plaintiff gave notice of alleged violations of Health and
27 Safety Code section 25249.6, concerning consumer products exposures and occupational
28 exposures, subject to a private action to HANNAM USA, HANNAM and to the

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

4 27. On or about January 5, 2015, Plaintiff gave notice of alleged violations of Health and
5 Safety Code section 25249.6, concerning consumer products exposures and occupational
6 exposures, subject to a private action to HANNAM, HANNAM USA, SUPER 1
7 HANNAM and to the California Attorney General, County District Attorneys, and City
8 Attorneys for each city containing a population of at least 750,000 people in whose
9 jurisdictions the violations allegedly occurred, concerning the product Seaweed
10 containing LEAD.

11 28. Before sending the notice of alleged violations, Plaintiff investigated the consumer
12 products involved, the likelihood that such products would cause users to suffer
13 significant exposures to LEAD, DEHP and DPB and the corporate structure of each of
14 the Defendants.

15 29. Plaintiff's notice of alleged violation included a Certificate of Merit executed by the
16 attorney for the noticing party, CAG. The Certificate of Merit stated that the attorney for
17 Plaintiff who executed the certificate had consulted with at least one person with relevant
18 and appropriate expertise who reviewed data regarding the exposures to LEAD, the
19 subject Proposition 65-listed chemical(s) of this action. Based on that information, the
20 attorney for Plaintiff who executed the Certificate of Merit believed there was a
21 reasonable and meritorious case for this private action. The attorney for Plaintiff attached
22 to the Certificate of Merit served on the Attorney General the confidential factual
23 information sufficient to establish the basis of the Certificate of Merit.

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

1 31. Plaintiff is commencing this action more than ~~sixty (60)~~ days from the dates that Plaintiff
2 gave notices of the alleged violation to Defendants and the public prosecutors referenced
3 in Paragraphs 23 through 27.

4 32. Plaintiff is informed, believes, and thereon alleges that neither the Attorney General, nor
5 any applicable district attorney or city attorney has commenced and is diligently
6 prosecuting an action against the Defendants.

7
8 **FIRST CAUSE OF ACTION**

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

12 **Dried Seaweed**

13 33. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
14 reference paragraphs 1 through 32 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 Dried Seaweed, which includes but is not limited to,
17 ““HAEMIRAE SEASONED SEAWEED (LAVER)” MANUFACTURED BY CHUNG
18 HAE CO., LTD., DISTRIBUTED BY HAN ENTERPRISE INC., PRODUCT OF
19 KOREA (NET WT./ POID NET) 3.5OZ 15 SHEETS x 4 PACKS E-MAIL:
20 6324500@naver.com;” (“HAEMIRAE SEAWEED”).

21 34. HAEMIRAE SEAWEED contains LEAD.

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

27 36. Plaintiff's allegations regarding HAEMIRAE SEAWEED concerns “[c]onsumer products
28 exposure[s],” which “is an exposure that results from a person's acquisition, purchase,
storage, consumption, or other reasonably foreseeable use of a consumer good, or any

1 exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, §*
2 25602(b). HAEMIRAE SEAWEED are consumer products, and, as mentioned herein,
3 exposures to LEAD took place as a result of such normal and foreseeable consumption
4 and use.

5 37. Plaintiff is informed, believes, and thereon alleges that between January 23, 2012 and the
6 present, each of the Defendants knowingly and intentionally exposed their California
7 consumers and users of HAEMIRAE SEAWEED, which Defendants manufactured,
8 distributed, or sold as mentioned above, to LEAD, without first providing any type of
9 clear and reasonable warning of such to the exposed persons before the time of exposure.
10 Defendants have distributed and sold HAEMIRAE SEAWEED in California.
11 Defendants know and intend that California consumers will use HAEMIRAE
12 SEAWEED, thereby exposing them to LEAD. Defendants thereby violated Proposition
13 65.

14 38. The principal routes of exposure are through dermal contact, ingestion and inhalation.
15 Persons sustain exposures by handling HAEMIRAE SEAWEED without wearing gloves
16 or any other personal protective equipment, or by touching bare skin or mucous
17 membranes with gloves after handling HAEMIRAE SEAWEED, as well as through
18 direct and indirect hand to mouth contact, hand to mucous membrane, or breathing in
19 particulate matter dispersed from HAEMIRAE SEAWEED.

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

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

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

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

9 **SECOND CAUSE OF ACTION**

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

13 **Dried Seaweed**

14 43. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
15 reference paragraphs 1 through 42 of this complaint as though fully set forth herein. Each
16 of the Defendants is, and at all times mentioned herein was, a manufacturer, distributor,
17 promoter, or retailer of Dried Seaweed, which includes but is not limited to, "SEMPIO
18 'GRILLED LAYER WITH GRAPESEED OIL' NATURAL INGREDIENTS, NO
19 ARTIFICIAL COLORING ADDED, (NET WT./POIDS NET : 0.53OZ / 15G [4
20 SHEETS]) 'MANUFACTURED BY SEMPIO FOODS COMPANY', PRODUCT OF
21 KOREA, UPC: 8 801005 000246" ("SEMPIO SEAWEED").

22 44. SEMPIO SEAWEED contains LEAD.

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

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

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

16 48. The principal routes of exposure are through dermal contact, ingestion and inhalation.
17 Persons sustain exposures by handling SEMPIO SEAWEED without wearing gloves or
18 any other personal protective equipment, or by touching bare skin or mucous membranes
19 with gloves after handling SEMPIO SEAWEED, as well as through direct and indirect
20 hand to mouth contact, hand to mucous membrane, or breathing in particulate matter
21 dispersed from SEMPIO SEAWEED.

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

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

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

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

9
10 **THIRD CAUSE OF ACTION**

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

14 **Dried Seaweed**

15 53. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
16 reference paragraphs 1 through 52 of this complaint as though fully set forth herein. Each
17 of the Defendants is, and at all times mentioned herein was, a manufacturer, distributor,
18 promoter, or retailer of Dried Seaweed, which includes but is not limited to, "HAETAE®
19 PREMIUM ROASTED SEAWEED (ORIGINAL LAYER) 10+2 NET WT. 0.17 OZ
20 (5G); UPC: 0 209148 14517" ("HAETAE SEAWEED").

21 54. HAETAE SEAWEED contains LEAD.

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

27 56. Plaintiff's allegations regarding HAETAE SEAWEED concerns "[c]onsumer products
28 exposure[s]," which "is an exposure that results from a person's acquisition, purchase,
storage, consumption, or other reasonably foreseeable use of a consumer good, or any

1 exposure that results from receiving a consumer service.” *Cal. Code Regs.* tit. 27, §
2 25602(b). HAETAE SEAWEED are consumer products, and, as mentioned herein,
3 exposures to LEAD took place as a result of such normal and foreseeable consumption
4 and use.

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

13 58. The principal routes of exposure are through dermal contact, ingestion and inhalation.
14 Persons sustain exposures by handling HAETAE SEAWEED without wearing gloves or
15 any other personal protective equipment, or by touching bare skin or mucous membranes
16 with gloves after handling HAETAE SEAWEED, as well as through direct and indirect
17 hand to mouth contact, hand to mucous membrane, or breathing in particulate matter
18 dispersed from HAETAE SEAWEED.

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

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

1 61. 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 HAETAE SEAWEED,
3 pursuant to Health and Safety Code section 25249.7(b).

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

6 **FOURTH CAUSE OF ACTION**

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

10 **Dried Seaweed**

11 63. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
12 reference paragraphs 1 through 62 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 Dried Seaweed, which includes but is not limited to,
15 "AHNSSIANE FOOD CO. DRIED SEAWEED; LOS ANGELES , CA 90006;
16 HEALTHY FOOD; UPC: 8 323733 894893; ("AHNSSIANE SEAWEED").

17 64. AHNSSIANE SEAWEED contains LEAD.

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

23 66. Plaintiff's allegations regarding AHNSSIANE SEAWEED concerns "[c]onsumer
24 products exposure[s]," which "is an exposure that results from a person's acquisition,
25 purchase, storage, consumption, or other reasonably foreseeable use of a consumer good,
26 or any exposure that results from receiving a consumer service." *Cal. Code Regs. tit. 27,*
27 *§ 25602(b).* AHNSSIANE SEAWEED are consumer products, and, as mentioned herein,
28

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

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

12 68. The principal routes of exposure are through dermal contact, ingestion and inhalation.
13 Persons sustain exposures by handling AHNSSIANE SEAWEED without wearing gloves
14 or any other personal protective equipment, or by touching bare skin or mucous
15 membranes with gloves after handling AHNSSIANE SEAWEED, as well as through
16 direct and indirect hand to mouth contact, hand to mucous membrane, or breathing in
17 particulate matter dispersed from AHNSSIANE SEAWEED.

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

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

1 71. 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 AHNSSIANE SEAWEED,
3 pursuant to Health and Safety Code section 25249.7(b).

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

6
7 **FIFTH CAUSE OF ACTION**

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

11 **Dried Seaweed**

12 73. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
13 reference paragraphs 1 through 72 of this complaint as though fully set forth herein. Each
14 of the Defendants is, and at all times mentioned herein was, a manufacturer, distributor,
15 promoter, or retailer of Dried Seaweed, which includes but is not limited to, "Roasted
16 Laver, Imported by Haitai, Inc., Montebello. Manufactured by Meok Bo Fishery
17 Association. UPC: 8 801448 603608"; ("MEOK BO SEAWEED").

18 74. MEOK BO SEAWEED contains LEAD.

19 75. Defendants knew or should have known that LEAD has been identified by the State of
20 California as a chemical known to cause cancer and reproductive toxicity and therefore
21 was subject to Proposition 65 warning requirements. Defendants were also informed of
22 the presence of LEAD in MEOK BO SEAWEED within Plaintiff's notice of alleged
23 violations further discussed above at Paragraph 26.

24 76. Plaintiff's allegations regarding MEOK BO SEAWEED concerns "[c]onsumer products
25 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
27 exposure that results from receiving a consumer service." *Cal. Code Regs. tit. 27, §*
28 *25602(b)*. MEOK BO SEAWEED are consumer products, and, as mentioned herein,

1 exposures to LEAD took place as a result of ~~such normal~~ and foreseeable consumption
2 and use.

3 77. Plaintiff is informed, believes, and thereon alleges that between November 20, 2012 and
4 the present, each of the Defendants knowingly and intentionally exposed their California
5 consumers and users of MEOK BO SEAWEED, which Defendants manufactured,
6 distributed, or sold as mentioned above, to LEAD, without first providing any type of
7 clear and reasonable warning of such to the exposed persons before the time of exposure.
8 Defendants have distributed and sold MEOK BO SEAWEED in California. Defendants
9 know and intend that California consumers will use MEOK BO SEAWEED, thereby
10 exposing them to LEAD. Defendants thereby violated Proposition 65.

11 78. The principal routes of exposure are through dermal contact, ingestion and inhalation.
12 Persons sustain exposures by handling MEOK BO SEAWEED without wearing gloves or
13 any other personal protective equipment, or by touching bare skin or mucous membranes
14 with gloves after handling MEOK BO SEAWEED, as well as through direct and indirect
15 hand to mouth contact, hand to mucous membrane, or breathing in particulate matter
16 dispersed from MEOK BO SEAWEED.

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

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

1 81. 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 MEOK BO SEAWEED,
3 pursuant to Health and Safety Code section 25249.7(b).

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

6 **SIXTH CAUSE OF ACTION**

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

10 **Dried Seaweed**

11 83. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
12 reference paragraphs 1 through 82 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 Dried Seaweed, which includes but is not limited to, ““대 천 깊
15 (Korean letters within a large red rectangle). “(041) 935-8595”. 20 g (125 kcal). “Product
16 of Korea”, “Not a significant source of trans fat IMPORTED BY Mammoth Pacific, Inc.
17 1905 East 22nd Street. Los Angeles, California 90058 TEL:213-748-6069” UPC: 8
18 809171 526003””; (“MAMMOTH SEAWEED”).

19 84. MAMMOTH SEAWEED contains LEAD.

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

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

1 §.25602(b). MAMMOTH SEAWEED are consumer products, and, as mentioned herein,
2 exposures to LEAD took place as a result of such normal and foreseeable consumption
3 and use.

4 87. Plaintiff is informed, believes, and thereon alleges that between January 5, 2013 and the
5 present, each of the Defendants knowingly and intentionally exposed their California
6 consumers and users of MAMMOTH SEAWEED, which Defendants manufactured,
7 distributed, or sold as mentioned above, to LEAD, without first providing any type of
8 clear and reasonable warning of such to the exposed persons before the time of exposure.
9 Defendants have distributed and sold MAMMOTH SEAWEED in California.
10 Defendants know and intend that California consumers will use MAMMOTH
11 SEAWEED, thereby exposing them to LEAD. Defendants thereby violated Proposition
12 65.

13 88. The principal routes of exposure are through dermal contact, ingestion and inhalation.
14 Persons sustain exposures by handling MAMMOTH SEAWEED without wearing gloves
15 or any other personal protective equipment, or by touching bare skin or mucous
16 membranes with gloves after handling MAMMOTH SEAWEED, as well as through
17 direct and indirect hand to mouth contact, hand to mucous membrane, or breathing in
18 particulate matter dispersed from MAMMOTH SEAWEED.

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

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

1 91. 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 MAMMOTH SEAWEED, pursuant
3 to Health and Safety Code section 25249.7(b).

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

6 **SEVENTH CAUSE OF ACTION**

7 (By CONSUMER ADVOCACY GROUP, INC. and against HANNAM and DOES 1-20 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 **Dried Anchovies**

11 93. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
12 reference paragraphs 1 through 92 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 Dried Anchovies, which includes but is not limited to, "DRIED
15 ANCHOVIES (FOR STOCK)" 'INTREDIENT: ANCHOVY 100%' 'NET WEIGHT 12
16 OZ (340G)' 'Manufactured by SEMPIO FOODS COMPANY 51-9 PILDONG-1KA,
17 JOONGKU, SEOUL, KOREA 100-271', PRODUCT OF KOREA,
18 WWW.SEMPIO.COM, UPC: 8 801005 000291 ("ANCHOVIES").

19 94. ANCHOVIES contain LEAD.

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

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

1 25602(b). ANCHOVIES are consumer products, and, as mentioned herein, exposures to
2 LEAD took place as a result of such normal and foreseeable consumption and use.

3 97. Plaintiff is informed, believes, and thereon alleges that between May 5, 2012 and the
4 present, each of the Defendants knowingly and intentionally exposed their California
5 consumers and users of ANCHOVIES, which Defendants manufactured, distributed, or
6 sold as mentioned above, to LEAD, without first providing any type of clear and
7 reasonable warning of such to the exposed persons before the time of exposure.

8 Defendants have distributed and sold ANCHOVIES in California. Defendants know and
9 intend that California consumers will use ANCHOVIES, thereby exposing them to
10 LEAD. Defendants thereby violated Proposition 65.

11 98. The principal routes of exposure are through dermal contact, ingestion and inhalation.

12 Persons sustain exposures by handling ANCHOVIES without wearing gloves or any
13 other personal protective equipment, or by touching bare skin or mucous membranes with
14 gloves after handling ANCHOVIES, as well as through direct and indirect hand to mouth
15 contact, hand to mucous membrane, or breathing in particulate matter dispersed from
16 ANCHOVIES.

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

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

1 101. 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 ANCHOVIES, pursuant to
3 Health and Safety Code section 25249.7(b).

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

6 **EIGHTH CAUSE OF ACTION**

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

10 **Meat Tenderizers**

11 103. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
12 reference paragraphs 1 through 102 of this complaint as though fully set forth herein.
13 Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
14 distributor, promoter, or retailer of Meat Tenderizers, which includes but is not limited to,
15 "Metal Meat Tenderizer with black plastic grip on handle, No.C-4848; "make a good
16 cooking accessories"; "Made in Taiwan"; UPC #: "4 976790 248488"
17 ("TENDERIZERS").

18 104. TENDERIZERS contains DEHP and DBP.

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

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

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

7 108. Plaintiff's allegations regarding TENDERIZERS also concerns Occupational
8 Exposures, which "means an exposure to any employee in his or her employer's
9 workplace." *Cal. Code Regs. tit. 27, § 25602(f)*. Exposures of DEHP and DBP to
10 Defendants' employees occurred through the course of their employment in their
11 employers' workplaces.

12 109. Plaintiff is informed, believes, and thereon alleges that between July 1, 2012 and
13 the present, each of the Defendants knowingly and intentionally exposed their employees
14 and California consumers and users of TENDERIZERS, which Defendants
15 manufactured, distributed, or sold as mentioned above, to DEHP and DBP, without first
16 providing any type of clear and reasonable warning of such to the exposed persons before
17 the time of exposure. Defendants have distributed and sold TENDERIZERS in
18 California. Defendants know and intend that California consumers will use
19 TENDERIZERS, thereby exposing them to DEHP and DBP. Defendants thereby violated
20 Proposition 65.

21 110. The principal routes of exposure are through dermal contact, ingestion and
22 inhalation. Persons sustain exposures by handling TENDERIZERS without wearing
23 gloves or any other personal protective equipment, or by touching bare skin or mucous
24 membranes with gloves after handling TENDERIZERS, as well as through direct and
25 indirect hand to mouth contact, hand to mucous membrane, or breathing in particulate
26 matter dispersed from TENDERIZERS. And as to Defendants' employees, employees
27 may be exposed to DEHP and DBP in the course of their employment by handling,
28 distributing and selling TENDERIZERS.

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

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

11 113. Based on the allegations herein, Defendants are liable for civil penalties of up to
12 \$2,500.00 per day per individual exposure to DEHP and DBP from TENDERIZERS,
13 pursuant to Health and Safety Code section 25249.7(b).

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

16 **PRAYER FOR RELIEF**

17 Plaintiff demands against each of the Defendants as follows:

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

23
24 Dated: March 7, 2016

25 
26 YEROUSHALMI & YEROUSHLAMI

27 BY: _____
28 Reuben Yeroushalmi
Attorneys for Plaintiff,
Consumer Advocacy Group, Inc.