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Consumer Advocacy Group, Inc.

**FILED**  
Superior Court of California  
County of Los Angeles

JUN 28 2016

Dept. 55

Sherril R. Carter, Executive Officer/Clerk  
By Ricardo Perez Deputy

Hon. Malcolm Mackey

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**COUNTY OF LOS ANGELES**

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

Plaintiff,

v.

HAITAI, INC., a California Corporation;  
HAITAI USA, INC., a California  
Corporation; SUPER CENTER CONCEPTS,  
INC., a California Corporation; SQUARE  
SUPERMARKET, a business entity form  
unknown; 168 MARKET, a business entity  
form unknown; SHUN FAT  
SUPERMARKET, INC., a California  
Corporation; SF SUPERMARKET, INC., a  
California Corporation; and DOES 1-20;

Defendants.

CASE NO. **BC 025457**

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)

Plaintiff CONSUMER ADVOCACY GROUP, INC. alleges a cause of action against  
Defendants HAITAI, INC.; HAITAI USA, INC.; SUPER CENTER CONCEPTS, INC.;  
SQUARE SUPERMARKET; 168 MARKET; SHUN FAT SUPERMARKET, INC.; SF  
SUPERMARKET, INC.; HAITAI GLOBAL, INC.; HAITAI AMERICA, INC.; ASSI SUPER,  
INC.; and DOES 1-20 as follows:

RECEIPT #: CHS21665011  
DATE PAID: 06/27/16 10:02 AM  
PAYMENT: \$435.00  
RECEIVED: 310  
CHECK: \$0.00  
CASH: \$0.00  
CHARGE: \$0.00  
CARD: \$435.00

COMPLAINT FOR VIOLATION OF PROPOSITION 65, THE SAFE DRINKING WATER AND TOXIC  
ENFORCEMENT ACT OF 1986 (HEALTH AND SAFETY CODE § 25249.5, ET SEQ.)

**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 HAITAI, INC. (“HAITAI”) is a California Corporation doing business in the State of California at all relevant times herein.
3. Defendant HAITAI USA, INC. (“HAITAI USA”) is a California Corporation doing business in the State of California at all relevant times herein.
4. Defendant SUPER CENTER CONCEPTS, INC. (“SUPER CENTER CONCEPTS”) is a California Corporation doing business in the State of California at all relevant times herein.
5. Defendant SQUARE SUPERMARKET (“SQUARE SUPERMARKET”) is a business entity form unknown doing business in the State of California at all relevant times.
6. Defendant 168 MARKET (“168 MARKET”) is a business entity form unknown doing business in the State of California at all relevant times.
7. Defendant SHUN FAT SUPERMARKET, INC. (“SHUN FAT”) is a California Corporation doing business in the State of California at all relevant times herein.
8. Defendant SF SUPERMARKET, INC. (“SF SUPERMARKET”) is a California Corporation doing business in the State of California at all relevant times herein.
9. 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.

1 10. At all times mentioned herein, the term "Defendants" includes HAITAI, INC.; HAITAI  
2 USA, INC.; SUPER CENTER CONCEPTS, INC.; SQUARE SUPERMARKET; 168  
3 MARKET; SHUN FAT SUPERMARKET, INC.; SF SUPERMARKET, INC.; and  
4 DOES 1-20.

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

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

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

### 20 JURISDICTION

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

26 15. This Court has jurisdiction over Defendants named herein because Defendants either  
27 reside or are located in this State or are foreign corporations authorized to do business in  
28 California, are registered with the California Secretary of State, or who do sufficient

1 business in California, have sufficient minimum contacts with California, or otherwise  
2 intentionally avail themselves of the markets within California through their manufacture,  
3 distribution, promotion, marketing, or sale of their products within California to render  
4 the exercise of jurisdiction by the California courts permissible under traditional notions  
5 of fair play and substantial justice.

6 16. Venue is proper in the County of Los Angeles because one or more of the instances of  
7 wrongful conduct occurred, and continues to occur, in the County of Los Angeles and/or  
8 because Defendants conducted, and continue to conduct, business in the County of Los  
9 Angeles with respect to the consumer product that is the subject of this action.

10 **BACKGROUND AND PRELIMINARY FACTS**

11 17. In 1986, California voters approved an initiative to address growing concerns about  
12 exposure to toxic chemicals and declared their right “[t]o be informed about exposures to  
13 chemicals that cause cancer, birth defects, or other reproductive harm.” Ballot Pamp.,  
14 Proposed Law, Gen. Elec. (Nov. 4, 1986) at p. 3. The initiative, The Safe Drinking  
15 Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code sections  
16 25249.5, *et seq.* (“Proposition 65”), helps to protect California’s drinking water sources  
17 from contamination, to allow consumers to make informed choices about the products  
18 they buy, and to enable persons to protect themselves from toxic chemicals as they see  
19 fit.

20 18. Proposition 65 requires the Governor of California to publish a list of chemicals known to  
21 the state to cause cancer, birth defects, or other reproductive harm. *Health & Safety Code*  
22 § 25249.8. The list, which the Governor updates at least once a year, contains over 700  
23 chemicals and chemical families. Proposition 65 imposes warning requirements and  
24 other controls that apply to Proposition 65-listed chemicals.

25 19. All businesses with ten (10) or more employees that operate or sell products in California  
26 must comply with Proposition 65. Under Proposition 65, businesses are: (1) prohibited  
27 from knowingly discharging Proposition 65-listed chemicals into sources of drinking  
28 water (*Health & Safety Code* § 25249.5), and (2) required to provide “clear and

1 reasonable" warnings before exposing a person, knowingly and intentionally, to a  
2 Proposition 65-listed chemical (*Health & Safety Code* § 25249.6).

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

9 21. Plaintiff identified certain practices of manufacturers and distributors of Lead and Lead  
10 Compounds ("LEAD-bearing products of exposing, knowingly and intentionally, persons  
11 in California to the Proposition 65-listed chemicals of such products without first  
12 providing clear and reasonable warnings of such to the exposed persons prior to the time  
13 of exposure. Plaintiff later discerned that Defendants engaged in such practice.

14 22. On February 27, 1987, the Governor of California added Lead to the list of chemicals  
15 known to the State to cause reproductive toxicity (*Cal. Code Regs.* tit. 27, § 27001(c)).  
16 Lead is known to the State to cause developmental, female, and male reproductive  
17 toxicity. Pursuant to Health and Safety Code sections 25249.9 and 25249.10, twenty (20)  
18 months after addition of Lead to the list of chemicals known to the State to cause  
19 reproductive toxicity, Lead became fully subject to Proposition 65 warning requirements  
20 and discharge prohibitions.

21 23. On October 1, 1992, the Governor of California added Lead and Lead compounds to the  
22 list of chemicals known to the State to cause cancer (*Cal. Code Regs.* tit. 27, § 27001(b)).  
23 Pursuant to Health and Safety Code sections 25249.9 and 25249.10, twenty (20) months  
24 after addition of Lead and lead compounds to the list of chemicals known to the State to  
25 cause cancer, Lead and lead compounds became fully subject to Proposition 65 warning  
26 requirements and discharge prohibitions.

27  
28 **SATISFACTION OF PRIOR NOTICE**

- 1 24. On or about November 25, 2015, Plaintiff gave notices of alleged violations of Health  
2 and Safety Code section 25249.6, concerning consumer products exposures, subject to a  
3 private action to HAITAI, HAITAI USA, SUPER CENTER CONCEPTS, 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  
6 allegedly occurred, concerning the product Dried Crispy Shrimp containing LEAD.
- 7 25. On or about December 31, 2015, Plaintiff gave notice of alleged violations of Health and  
8 Safety Code section 25249.6, concerning consumer products exposures, subject to a  
9 private action to HAITAI, HAITAI USA, SQUARE SUPERMARKET, and to the  
10 California Attorney General, County District Attorneys, and City Attorneys for each city  
11 containing a population of at least 750,000 people in whose jurisdictions the violations  
12 allegedly occurred, concerning the product Ginger Powder Poudre Ail containing LEAD.
- 13 26. On or about December 23, 2015, Plaintiff gave notice of alleged violations of Health and  
14 Safety Code section 25249.6, concerning consumer products exposures and occupational  
15 exposures, subject to a private action to HAITAI, HAITAI USA, 168 MARKET, and to  
16 the California Attorney General, County District Attorneys, and City Attorneys for each  
17 city containing a population of at least 750,000 people in whose jurisdictions the  
18 violations allegedly occurred, concerning the product Roasted Crispy Seaweed containing  
19 LEAD.
- 20 27. On or about December 31, 2015, Plaintiff gave notice of alleged violations of Health and  
21 Safety Code section 25249.6, concerning consumer products exposures and occupational  
22 exposures, subject to a private action to SF SUPERMARKET, SHUN FAT, HAITAI, and  
23 to the California Attorney General, County District Attorneys, and City Attorneys for  
24 each city containing a population of at least 750,000 people in whose jurisdictions the  
25 violations allegedly occurred, concerning the product Dried Seaweed containing LEAD.
- 26 28. Before sending the notice of alleged violations, Plaintiff investigated the consumer  
27 products involved, the likelihood that such products would cause users to suffer  
28 significant exposures to LEAD, and the corporate structure of each of the Defendants.

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

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

13 31. Plaintiff is commencing this action more than sixty (60) days from the dates that Plaintiff  
14 gave notices of the alleged violation to Defendants and the public prosecutors referenced  
15 in Paragraphs 27 through 30.

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

19 **FIRST CAUSE OF ACTION**

20 **(By CONSUMER ADVOCACY GROUP, INC. and against HAITAI, INC.; HAITAI USA,**  
21 **INC.; SUPER CENTER CONCEPTS, INC.;; and DOES 1-20 for Violations of Proposition**  
22 **65, The Safe Drinking Water and Toxic Enforcement Act of 1986 (*Health & Safety Code*, §§**  
23 **25249.5, *et seq.*))**

24 **Dried Crispy Shrimp**

25 33. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
26 reference paragraphs 1 through 32 of this complaint as though fully set forth herein. Each  
27 of the Defendants are, and at all times mentioned herein were, manufacturers,  
28 distributors, promoters, or retailers of Dried Crispy Shrimp, which includes but is not

1 limited to, "HAETA E Dried Cooked Shrimp, Net Wt.: 4oz, Distributed by Haitai Inc.,  
2 Packed in the USA. UPC: 0 20914 80950 6" ("DRIED SHRIMP").

3 34. DRIED SHRIMP contains LEAD.

4 35. Defendants knew or should have known that LEAD has been identified by the State of  
5 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  
7 the presence of LEAD in DRIED SHRIMP within Plaintiff's notice of alleged violations  
8 further discussed above at Paragraph 24.

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

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

23 38. The principal routes of exposure are through ingestion, dermal contact, and inhalation.  
24 Persons sustain exposures by eating and consuming DRIED SHRIMP, handling DRIED  
25 SHRIMP without wearing gloves or any other personal protective equipment, or by  
26 touching bare skin or mucous membranes with hands or gloves after handling DRIED  
27 SHRIMP, as well as through direct and indirect hand to mouth contact, hand to mucous  
28 membrane, or breathing in particulate matter dispersed from DRIED SHRIMP.



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

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

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

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

#### 16 **SECOND CAUSE OF ACTION**

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

#### 21 **Ginger Powder Poudre Ail**

22 43. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
23 reference paragraphs 1 through 42 of this complaint as though fully set forth herein. Each  
24 of the Defendants are, and at all times mentioned herein were, manufacturers,  
25 distributors, promoters, or retailers of Ginger Powder Poudre Ail, which includes but is  
26 not limited to, "HAETAIE Ginger Powder Poudre Ali, Net Wt/Poids Net: 8oz.,  
27 Distributed by Haitai Inc., Packed in U.S.A., UPC: 0 20914 80670 3" ("GINGER  
28 POWDER").

1 44. GINGER POWDER contains LEAD.

2 45. Defendants knew or should have known that LEAD has been identified by the State of  
3 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  
5 the presence of LEAD in GINGER POWDER within Plaintiff's notice of alleged  
6 violations further discussed above at Paragraph 25.

7 46. Plaintiff's allegations regarding GINGER POWDER concerns "[c]onsumer products  
8 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  
10 exposure that results from receiving a consumer service." *Cal. Code Regs.* tit. 27, §  
11 25602(b). GINGER POWDER are consumer products, and, as mentioned herein,  
12 exposures to LEAD took place as a result of such normal and foreseeable consumption  
13 and use.

14 47. Plaintiff is informed, believes, and thereon alleges that between December 31, 2012 and  
15 the present, each of the Defendants knowingly and intentionally exposed their California  
16 consumers and users of GINGER POWDER, which Defendants manufactured,  
17 distributed, or sold as mentioned above, to LEAD, without first providing any type of  
18 clear and reasonable warning of such to the exposed persons before the time of exposure.  
19 Defendants have distributed and sold GINGER POWDER in California. Defendants  
20 know and intend that California consumers will use GINGER POWDER, thereby  
21 exposing them to LEAD. Defendants thereby violated Proposition 65.

22 48. The principal routes of exposure are through ingestion, dermal contact, and inhalation.  
23 Persons sustain exposures by eating and consuming GINGER POWDER, handling  
24 GINGER POWDER without wearing gloves or any other personal protective equipment,  
25 or by touching bare skin or mucous membranes with hands or gloves after handling  
26 GINGER POWDER, as well as through direct and indirect hand to mouth contact, hand  
27 to mucous membrane, or breathing in particulate matter dispersed from GINGER  
28 POWDER.

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

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

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

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

### 16 THIRD CAUSE OF ACTION

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

### 20 Roasted Crispy Seaweed

21 53. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
22 reference paragraphs 1 through 52 of this complaint as though fully set forth herein. Each  
23 of the Defendants are, and at all times mentioned herein were, manufacturers,  
24 distributors, promoters, or retailers of Roasted Crispy Seaweed, which includes but is not  
25 limited to, "Dried Laver, Algue Sechee. Distributed by Haitai, Inc., Product of Korea. Net  
26 Wt. 4oz. UPC: 0 20914 80246 0" ("CRISPY SEAWEED").

27 54. CRISPY SEAWEED contains LEAD.  
28

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

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

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

21 58. The principal routes of exposure are through ingestion, dermal contact, and inhalation.  
22 Persons sustain exposures by eating and consuming CRISPY SEAWEED, handling  
23 CRISPY SEAWEED without wearing gloves or any other personal protective equipment,  
24 or by touching bare skin or mucous membranes with hands or gloves after handling  
25 CRISPY SEAWEED, as well as through direct and indirect hand to mouth contact, hand  
26 to mucous membrane, or breathing in particulate matter dispersed from CRISPY  
27 SEAWEED.  
28

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

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

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

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

16  
17 **FOURTH CAUSE OF ACTION**

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

21 **Dried Seaweed**

22  
23 63. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
24 reference paragraphs 1 through 62 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 Dried Seaweed, which includes but is not limited to, "HAITAI  
27 Roasted Laver Algae Grille; Net Q'ty.: 20 Sheets; Ingredients: Laver; Distributed by  
28 Haitai, Inc.; Product of Korea; UPC: 0 2091480301 6"; ("DRIED SEAWEED").

1 64. DRIED SEAWEED contains LEAD.

2 65. Defendants knew or should have known that LEAD has been identified by the State of  
3 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  
5 the presence of LEAD in DRIED SEAWEED within Plaintiff's notice of alleged  
6 violations further discussed above at Paragraph 27.

7 66. Plaintiff's allegations regarding DRIED SEAWEED concerns "[c]onsumer products  
8 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  
10 exposure that results from receiving a consumer service." *Cal. Code Regs.* tit. 27, §  
11 25602(b). DRIED SEAWEED are consumer products, and, as mentioned herein,  
12 exposures to LEAD took place as a result of such normal and foreseeable consumption  
13 and use.

14 67. Plaintiff is informed, believes, and thereon alleges that between December 28, 2012 and  
15 the present, each of the Defendants knowingly and intentionally exposed their California  
16 consumers and users of DRIED SEAWEED, which Defendants manufactured,  
17 distributed, or sold as mentioned above, to LEAD, without first providing any type of  
18 clear and reasonable warning of such to the exposed persons before the time of exposure.  
19 Defendants have distributed and sold DRIED SEAWEED in California. Defendants  
20 know and intend that California consumers will use DRIED SEAWEED, thereby  
21 exposing them to LEAD. Defendants thereby violated Proposition 65.

22 68. The principal routes of exposure are through ingestion, dermal contact, and inhalation.  
23 Persons sustain exposures by eating and consuming DRIED SEAWEED, handling  
24 DRIED SEAWEED without wearing gloves or any other personal protective equipment,  
25 or by touching bare skin or mucous membranes with hands or gloves after handling  
26 DRIED SEAWEED, as well as through direct and indirect hand to mouth contact, hand to  
27 mucous membrane, or breathing in particulate matter dispersed from DRIED  
28 SEAWEED.

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

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

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

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

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23 **PRAYER FOR RELIEF**

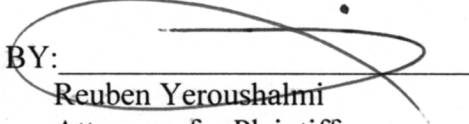
24 Plaintiff demands against each of the Defendants as follows:

- 25 1. A permanent injunction mandating Proposition 65-compliant warnings;  
26 2. Penalties pursuant to Health and Safety Code section 25249.7, subdivision (b);  
27 3. Costs of suit;  
28 4. Reasonable attorney fees and costs; and

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

2  
3 Dated: June 28, 2016

YEROUSHALMI & YEROUSHLAMI

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5 BY:   
6 Reuben Yeroushalmi  
7 Attorneys for Plaintiff,  
8 Consumer Advocacy Group, Inc.  
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