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

OCT 21 2016

Sherri R. Carter, Executive Officer/Clerk  
By: Judi Lara, Deputy

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
13 **COUNTY OF LOS ANGELES**

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

16 Plaintiff,

17 v.

18 ISLAND PACIFIC DISTRIBUTION, INC.,  
19 a California Corporation; KABABAYAN  
20 DEVELOPMENT, INC. D.B.A. ISLAND  
21 PACIFIC SUPERMARKET, a California  
22 Corporation; ANHING CORPORATION, a  
23 California Corporation; MONTALVAN  
24 SALES, INC. D.B.A. MONTALVAN'S  
25 SALES INC., a California Corporation;  
26 AMERICAN RANCH AND SEAFOOD  
27 MARKETS, INC.; a California Corporation;  
28 FOODASIA INTERNATIONAL  
CORPORATION; a California Corporation;  
and DOES 1-20;

Defendants.

CASE NO.

**BC 6 38 152**

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 ISLAND PACIFIC DISTRIBUTION, INC.; KABABAYAN DEVELOPMENT,  
INC. D.B.A. ISLAND PACIFIC SUPERMARKET; ANHING CORPORATION;  
MONTALVAN SALES, INC. D.B.A. MONTALVAN'S SALES INC.; AMERICAN RANCH

**COPY**

1 AND SEAFOOD MARKETS, INC.; FOODASIA INTERNATIONAL CORPORATION; and  
2 DOES 1-20 as follows:

3 **THE PARTIES**

- 4 1. Plaintiff CONSUMER ADVOCACY GROUP, INC. ("Plaintiff" or "CAG") is an  
5 organization qualified to do business in the State of California. CAG is a person within  
6 the meaning of Health and Safety Code section 25249.11, subdivision (a). CAG, acting  
7 as a private attorney general, brings this action in the public interest as defined under  
8 Health and Safety Code section 25249.7, subdivision (d).
- 9 2. Defendant ISLAND PACIFIC DISTRIBUTION, INC. ("ISLAND PACIFIC"), is a  
10 California Corporation doing business in the State of California at all relevant times  
11 herein.
- 12 3. Defendant KABABAYAN DEVELOPMENT, INC. D.B.A. ISLAND PACIFIC  
13 SUPERMARKET ("KABABAYAN"), is a California Corporation doing business in the  
14 State of California at all relevant times herein.
- 15 4. Defendant ANHING CORPORATION ("ANHING"), is a California Corporation doing  
16 business in the State of California at all relevant times herein.
- 17 5. Defendant MONTALVAN SALES, INC. D.B.A. MONTALVAN'S SALES INC.  
18 ("MONTALVAN"), is a California Corporation, doing business in the State of California  
19 at all relative times herein.
- 20 6. Defendant AMERICAN RANCH AND SEAFOOD MARKETS, INC. ("AMERICAN  
21 RANCH"), is a California Corporation doing business in the State of California at all  
22 relevant times herein.
- 23 7. Defendant FOODASIA INTERNATIONAL CORPORATION ("FOODASIA"), is a  
24 California Corporation doing business in the State of California at all relevant times  
25 herein.
- 26 8. Plaintiff is presently unaware of the true names and capacities of defendants DOES 1-20,  
27 and therefore sues these defendants by such fictitious names. Plaintiff will amend this  
28 complaint to allege their true names and capacities when ascertained. Plaintiff is

1 informed, believes, and thereon alleges that each fictitiously named defendant is  
2 responsible in some manner for the occurrences herein alleged and the damages caused  
3 thereby.

4 9. At all times mentioned herein, the term "Defendants" includes ISLAND PACIFIC,  
5 KABABAYAN, ANHING, MONTALVAN, AMERICAN RANCH, FOODASIA, and  
6 DOES 1-20.

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

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

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

### 22 JURISDICTION

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

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

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

13 **BACKGROUND AND PRELIMINARY FACTS**

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

23 17. Proposition 65 requires the Governor of California to publish a list of chemicals known to  
24 the state to cause cancer, birth defects, or other reproductive harm. *Health & Safety Code*  
25 § 25249.8. The list, which the Governor updates at least once a year, contains over 700  
26 chemicals and chemical families. Proposition 65 imposes warning requirements and  
27 other controls that apply to Proposition 65-listed chemicals.  
28

- 1 18. All businesses with ten (10) or more employees that operate or sell products in California  
2 must comply with Proposition 65. Under Proposition 65, businesses are: (1) prohibited  
3 from knowingly discharging Proposition 65-listed chemicals into sources of drinking  
4 water (*Health & Safety Code* § 25249.5), and (2) required to provide "clear and  
5 reasonable" warnings before exposing a person, knowingly and intentionally, to a  
6 Proposition 65-listed chemical (*Health & Safety Code* § 25249.6).
- 7 19. Proposition 65 provides that any person "violating or threatening to violate" the statute  
8 may be enjoined in any court of competent jurisdiction. *Health & Safety Code* § 25249.7.  
9 "Threaten to violate" means "to create a condition in which there is a substantial  
10 probability that a violation will occur." *Health & Safety Code* § 25249.11(e).  
11 Defendants are also liable for civil penalties of up to \$2,500.00 per day per violation,  
12 recoverable in a civil action. *Health & Safety Code* § 25249.7(b).
- 13 20. On February 27, 1987, the Governor of California added lead to the list of chemicals  
14 known to the State to cause reproductive toxicity (Cal. Code Regs. tit. 27, § 27001(c)).  
15 lead is known to the State to cause developmental, female, and male reproductive  
16 toxicity. Pursuant to Health and Safety Code sections 25249.9 and 25249.10, twenty (20)  
17 months after addition of lead to the list of chemicals known to the State to cause  
18 reproductive toxicity, lead became fully subject to Proposition 65 warning requirements  
19 and discharge prohibitions.
- 20 21. On October 1, 1992, the Governor of California added lead and lead compounds to the  
21 list of chemicals known to the State to cause cancer (Cal. Code Regs. tit. 27, § 27001(b)).  
22 Pursuant to Health and Safety Code sections 25249.9 and 25249.10, twenty (20) months  
23 after addition of lead and lead compounds to the list of chemicals known to the State to  
24 cause cancer, lead and lead compounds became fully subject to Proposition 65 warning  
25 requirements and discharge prohibitions.
- 26 22. Plaintiff identified certain practices of manufacturers and distributors of products bearing  
27 lead and lead compounds ("LEAD") of exposing, knowingly and intentionally, persons in  
28 California to the Proposition 65-listed chemicals of such products without first providing

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

3  
4 **SATISFACTION OF PRIOR NOTICE**

5 23. On or about June 16, 2016 Plaintiff gave notice of alleged violations of Health and Safety  
6 Code section 25249.6, concerning consumer products exposures subject to a private  
7 action to ANHING, ISLAND PACIFIC, KABABAYAN and to the California Attorney  
8 General, County District Attorneys, and City Attorneys for each city containing a  
9 population of at least 750,000 people in whose jurisdictions the violations allegedly  
10 occurred, concerning the product Turmeric Powder, containing LEAD.

11 24. On or about June 16, 2016 Plaintiff gave notice of alleged violations of Health and Safety  
12 Code section 25249.6, concerning consumer products exposures subject to a private  
13 action to ISLAND PACIFIC, KABABAYAN, MONTALVAN and to the California  
14 Attorney General, County District Attorneys, and City Attorneys for each city containing  
15 a population of at least 750,000 people in whose jurisdictions the violations allegedly  
16 occurred, concerning the product Curry Powder, containing LEAD.

17 25. On or about May 25, 2016 Plaintiff gave notice of alleged violations of Health and Safety  
18 Code section 25249.6, concerning consumer products exposures subject to a private  
19 action to AMERICAN RANCH, FOODASIA, and to the California Attorney General,  
20 County District Attorneys, and City Attorneys for each city containing a population of at  
21 least 750,000 people in whose jurisdictions the violations allegedly occurred, concerning  
22 the product Assorted Agar Agar, containing LEAD.

23 26. Before sending the notice of alleged violations, Plaintiff investigated the consumer  
24 products involved, the likelihood that such products would cause users to suffer  
25 significant exposures to LEAD and the corporate structure of each of the Defendants.

26 27. Plaintiff's notice of alleged violation included a Certificate of Merit executed by the  
27 attorney for the noticing party, CAG. The Certificate of Merit stated that the attorney for  
28 Plaintiff who executed the certificate had consulted with at least one person with relevant

1 and appropriate expertise who reviewed data regarding the exposures to LEAD, the  
2 subject Proposition 65-listed chemicals of this action. Based on that information, the  
3 attorney for Plaintiff who executed the Certificate of Merit believed there was a  
4 reasonable and meritorious case for this private action. The attorney for Plaintiff attached  
5 to the Certificate of Merit served on the Attorney General the confidential factual  
6 information sufficient to establish the basis of the Certificate of Merit.

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

10 29. Plaintiff is commencing this action more than sixty (60) days from the dates that Plaintiff  
11 gave notices of the alleged violation to ISLAND PACIFIC, KABABAYAN, ANHING,  
12 MONTALVAN, AMERICAN RANCH, FOODASIA, and the public prosecutors  
13 referenced in Paragraphs 23-25.

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

17 **FIRST CAUSE OF ACTION**

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

21 **Turmeric Powder**

22 31. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
23 reference paragraphs 1 through 30 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 Turmeric Powder, which includes but is not limited to "Turmeric  
26 Powder"; "Bot Nghe"; Net Weight: 4 ozs. (114 g.); "A Caravelle®"; "Ingredient:  
27 Turmeric 100%"; "Packed for: Anhing Corporation"; "Los Angeles, CA 90031,  
28

1 USA"; "PRODUCT OF THAILAND"; UPC:0 80736 10890 4" ("TURMERIC  
2 POWDER").

3 32. TURMERIC POWDER contains LEAD.

4 33. 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 TURMERIC POWDER within Plaintiff's notice of alleged  
8 violations further discussed above at Paragraph 23.

9 34. Plaintiff's allegations regarding TURMERIC POWDER concern "[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). TURMERIC POWDER is a consumer product, and, as mentioned herein,  
14 exposures to lead took place as a result of such normal and foreseeable consumption and  
15 use.

16 35. Plaintiff is informed, believes, and thereon alleges that between June 16, 2013, and the  
17 present, each of the Defendants knowingly and intentionally exposed California  
18 consumers of TURMERIC POWDER, which Defendants manufactured, distributed, or  
19 sold as mentioned above, to LEAD without first providing any type of clear and  
20 reasonable warning of such to the exposed persons before the time of exposure.  
21 Defendants have distributed and sold TURMERIC POWDER in California. Defendants  
22 know and intend that California consumers will use and consume TURMERIC  
23 POWDER, thereby exposing them to LEAD. Defendants thereby violated Proposition  
24 65.

25 36. The principal routes of exposure are through ingestion, dermal contact, and inhalation.  
26 Persons sustain exposures by eating and consuming TURMERIC POWDER, handling  
27 TURMERIC POWDER without wearing gloves or any other personal protective  
28 equipment, or by touching bare skin or mucous membranes with gloves after handling



1 TURMERIC POWDER, as well as through direct and indirect hand to mouth contact,  
2 hand to mucous membrane, or breathing in particulate matter dispersed from  
3 TURMERIC POWDER.

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

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

14 39. 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 TURMERIC POWDER,  
16 pursuant to Health and Safety Code section 25249.7(b).

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

19 **SECOND CAUSE OF ACTION**

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

23 **Curry Powder**

24 41. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
25 reference paragraphs 1 through 40 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 Curry Powder, which includes but is not limited to "Polynesian  
28 Treasures® Curry Powder "The Perfect Seasoning"; "Net Weight 8 oz. (227 gr)";

1 "Product of Fiji"; "Compliments all cooked foods, meals, poultry, and fish"; "Packed by:  
2 Montalvan's Sales, Inc. Ontario, CA 91761 (909)930-5670" UPC: 7 56869 00922 6  
3 ("CURRY POWDER")

4 42. CURRYPOWDER contains LEAD.

5 43. Defendants knew or should have known that LEAD has been identified by the State of  
6 California as a chemical known to cause cancer and reproductive toxicity and therefore  
7 was subject to Proposition 65 warning requirements. Defendants were also informed of  
8 the presence of LEAD in CURRY POWDER within Plaintiff's notice of alleged  
9 violations further discussed above at Paragraph 24.

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

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

25 46. The principal routes of exposure are through ingestion, dermal contact, and inhalation.  
26 Persons sustain exposures by eating and consuming CURRY POWDER, handling  
27 CURRY POWDER without wearing gloves or any other personal protective equipment,  
28 or by touching bare skin or mucous membranes with gloves after handling CURRY

1 POWDER, as well as through direct and indirect hand to mouth contact, hand to mucous  
2 membrane, or breathing in particulate matter dispersed from CURRY POWDER.

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

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

13 49. 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 CURRY POWDER, pursuant  
15 to Health and Safety Code section 25249.7(b).

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

18 **THIRD CAUSE OF ACTION**

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

22 **Assorted Agar Agar**

23 51. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
24 reference paragraphs 1 through 50 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 Assorted Agar Agar, which includes but is not limited to AI  
27 Tropics Since 1970®; Assorted Agar Agar (Gulaman); "A Filipino Favorite!"; "Product  
28

1 of the Philippines"; Net Weight 1.4oz (40g) 4 pieces; greed, orange, red, and yellow  
2 pieces; PFT/IP15-170; SKU: 0 30283 00648 2 ("AGAR").

3 52. AGAR contains LEAD.

4 53. 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 AGAR within Plaintiff's notice of alleged violations further  
8 discussed above at Paragraph 25.

9 54. Plaintiff's allegations regarding AGAR concern "[c]onsumer products exposure[s],"  
10 which "is an exposure that results from a person's acquisition, purchase, storage,  
11 consumption, or other reasonably foreseeable use of a consumer good, or any exposure  
12 that results from receiving a consumer service." *Cal. Code Regs. tit. 27, § 25602(b)*.

13 AGAR is a consumer product, and, as mentioned herein, exposures to lead took place as a  
14 result of such normal and foreseeable consumption and use.

15 55. Plaintiff is informed, believes, and thereon alleges that between May 25, 2013, and the  
16 present, each of the Defendants knowingly and intentionally exposed California  
17 consumers of AGAR, which Defendants manufactured, distributed, or sold as mentioned  
18 above, to LEAD without first providing any type of clear and reasonable warning of such  
19 to the exposed persons before the time of exposure. Defendants have distributed and sold  
20 AGAR in California. Defendants know and intend that California consumers will use  
21 and consume AGAR, thereby exposing them to LEAD. Defendants thereby violated  
22 Proposition 65.

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

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

8 58. 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 59. 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 AGAR, pursuant to Health and  
13 Safety Code section 25249.7(b).

14 60. 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

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

Dated: October 21, 2016

YEROUSHALMI & YEROUSHLAMI

BY: \_\_\_\_\_  
Reuben Yeroushalmi  
Attorney for Plaintiff,  
Consumer Advocacy Group, Inc.

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