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ORIGINAL FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

JAN 17 2017

Sherri R. Carter, Executive Officer/Clerk
By: Shaunya Bolden, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

BC 647198

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

Plaintiff,

v.

SMART & FINAL, a business entity form
unknown; SMART & FINAL IRIS
CORPORATION, a business entity form
unknown; SMART & FINAL STORES,
INC., a Delaware Corporation; SMART &
FINAL STORES, LLC, a California Limited
Liability Company; SMART & FINAL,
LLC, a Delaware Limited Liability
Company; AMERIFOODS TRADING
COMPANY, a Florida Profit Corporation;
AMERIFOODS TRADING COMPANY,
LLC, a business entity form unknown; and
DOES 1-30;

Defendants.

CASE NO.

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 SMART & FINAL, SMART & FINAL IRIS CORPORATION, SMART & FINAL

1 STORES, INC. SMART & FINAL STORES, LLC, SMART & FINAL, LLC, AMERIFOODS
2 TRADING COMPANY, AMERIFOODS TRADING COMPANY, LLC, and DOES 1-30 as
3 follows:

4 **THE PARTIES**

- 5 1. Plaintiff CONSUMER ADVOCACY GROUP, INC. ("Plaintiff" or "CAG") is an
6 organization qualified to do business in the State of California. CAG is a person within
7 the meaning of Health and Safety Code section 25249.11, subdivision (a). CAG, acting
8 as a private attorney general, brings this action in the public interest as defined under
9 Health and Safety Code section 25249.7, subdivision (d).
- 10 2. Defendant SMART & FINAL ("SMART") is a business entity form unknown, doing
11 business in the State of California at all relevant times herein.
- 12 3. Defendant SMART & FINAL IRIS CORPORATION ("IRIS") is a business entity form
13 unknown, doing business in the State of California at all relevant times herein.
- 14 4. Defendant SMART & FINAL STORES, INC. ("SMART STORES INC") is a Delaware
15 Corporation, doing business in the State of California at all relevant times herein.
- 16 5. Defendant SMART & FINAL STORES, LLC ("SMART STORES LLC") is a
17 California Limited Liability Company, doing business in the State of California at all
18 relevant times herein.
- 19 6. Defendant SMART & FINAL, LLC. ("SMART LLC") is a Delaware Limited Liability
20 Company, doing business in the State of California at all relevant times herein.
- 21 7. Defendant AMERIFOODS TRADING COMPANY ("AMERIFOODS") is a Florida
22 Profit Corporation, doing business in the State of California at all relevant times herein.
- 23 8. Defendant AMERIFOODS TRADING COMPANY, LLC ("AMERIFOODS LLC") is a
24 business entity form unknown, doing business in the State of California at all relevant
25 times herein.
- 26 9. Plaintiff is presently unaware of the true names and capacities of defendants DOES 1-
27 30, and therefore sues these defendants by such fictitious names. Plaintiff will amend
28 this 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 10. At all times mentioned herein, the term "Defendants" includes SMART, IRIS, SMART
5 STORES INC, SMART STORES LLC, SMART LLC, AMERIFOODS,
6 AMERIFOODS LLC, and DOES 1-30.

7 11. 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 12. Upon information and belief, at all times relevant to this action, each of the Defendants,
10 including DOES 1-30, 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
16 agents. Alternatively, each of the Defendants aided, conspired with and/or facilitated
17 the alleged wrongful conduct of each of the other Defendants.

18 13. 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 14. 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.
28

1 15. 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
6 manufacture, distribution, promotion, marketing, or sale of their products within
7 California to render the exercise of jurisdiction by the California courts permissible
8 under traditional notions of fair play and substantial justice.

9 16. 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 17. 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
16 to 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 18. Proposition 65 requires the Governor of California to publish a list of chemicals known
24 to the state to cause cancer, birth defects, or other reproductive harm. *Health & Safety*
25 *Code* § 25249.8. The list, which the Governor updates at least once a year, contains
26 over 700 chemicals and chemical families. Proposition 65 imposes warning
27 requirements and other controls that apply to Proposition 65-listed chemicals.
28

- 1 19. All businesses with ten (10) or more employees that operate or sell products in
2 California must comply with Proposition 65. Under Proposition 65, businesses are: (1)
3 prohibited from knowingly discharging Proposition 65-listed chemicals into sources of
4 drinking 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 20. 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* §
9 25249.7. "Threaten to violate" means "to create a condition in which there is a
10 substantial 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 21. Plaintiff identified certain practices of manufacturers and distributors of products
14 bearing Lead and Lead Compounds (“LEAD”) of exposing, knowingly and
15 intentionally, persons in California to the Proposition 65-listed chemicals of such
16 products without first providing clear and reasonable warnings of such to the exposed
17 persons prior to the time of exposure. Plaintiff later discerned that Defendants engaged
18 in such practice.
- 19 22. On February 27, 1987, the Governor of California added lead to the list of chemicals
20 known to the State to cause reproductive toxicity (Cal. Code Regs. tit. 27, § 27001(c)).
21 lead is known to the State to cause developmental, female, and male reproductive
22 toxicity. Pursuant to Health and Safety Code sections 25249.9 and 25249.10, twenty (20)
23 months after addition of lead to the list of chemicals known to the State to cause
24 reproductive toxicity, lead became fully subject to Proposition 65 warning requirements
25 and discharge prohibitions.
- 26 23. On October 1, 1992, the Governor of California added lead and lead compounds to the
27 list of chemicals known to the State to cause cancer (Cal. Code Regs. tit. 27, § 27001(b)).
28 Pursuant to Health and Safety Code sections 25249.9 and 25249.10, twenty (20) months

1 after addition of lead and lead compounds to the list of chemicals known to the State to
2 cause cancer, lead and lead compounds became fully subject to Proposition 65 warning
3 requirements and discharge prohibitions.

4 **SATISFACTION OF PRIOR NOTICE**

5 24. On or about July 26, 2016, Plaintiff served notice of alleged violations of Health and
6 Safety Code section 25249.6, concerning consumer products exposures, subject to a
7 private action to SMART, IRIS, SMART STORES INC, SMART STORES LLC,
8 SMART LLC, AMERIFOODS, AMERIFOODS LLC, and to the California Attorney
9 General, County District Attorneys, and City Attorneys for each city containing a
10 population of at least 750,000 people in whose jurisdictions the violations allegedly
11 occurred, concerning the product Ground Cinnamon containing LEAD.

12 25. On or about August 9, 2016, Plaintiff served notice of alleged violations of Health and
13 Safety Code section 25249.6, concerning consumer products exposures, subject to a
14 private action to SMART, IRIS, SMART STORES INC, SMART STORES LLC,
15 SMART LLC, AMERIFOODS, AMERIFOODS LLC, and to the California Attorney
16 General, County District Attorneys, and City Attorneys for each city containing a
17 population of at least 750,000 people in whose jurisdictions the violations allegedly
18 occurred, concerning the product Ground Ginger containing LEAD.

19 26. On or about August 31, 2016, Plaintiff served notice of alleged violations of Health and
20 Safety Code section 25249.6, concerning consumer products exposures, subject to a
21 private action to SMART, IRIS, SMART STORES INC, SMART STORES LLC,
22 SMART LLC, AMERIFOODS, AMERIFOODS LLC, and to the California Attorney
23 General, County District Attorneys, and City Attorneys for each city containing a
24 population of at least 750,000 people in whose jurisdictions the violations allegedly
25 occurred, concerning the product Ground Turmeric containing LEAD.

26 27. 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 28. 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
3 for Plaintiff who executed the certificate had consulted with at least one person with
4 relevant and appropriate expertise who reviewed data regarding the exposures to LEAD,
5 the subject Proposition 65-listed chemicals 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
8 attached to the Certificate of Merit served on the Attorney General the confidential
9 factual information sufficient to establish the basis of the Certificate of Merit.

10 29. 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 30. Plaintiff is commencing this action more than sixty (60) days from the dates that
14 Plaintiff gave notices of the alleged violation to SMART, IRIS, SMART STORES INC,
15 SMART STORES LLC, SMART LLC, AMERIFOODS, AMERIFOODS LLC, and the
16 public prosecutors referenced in Paragraphs 24-26.

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

FIRST CAUSE OF ACTION

21 **(By CONSUMER ADVOCACY GROUP, INC. and against SMART, IRIS, SMART**
22 **STORES INC, SMART STORES LLC, SMART LLC, AMERIFOODS, AMERIFOODS**
23 **LLC, and DOES 1-10 for Violations of Proposition 65, The Safe Drinking Water and Toxic**
24 **Enforcement Act of 1986 (*Health & Safety Code*, §§ 25249.5, et seq.))**

Ground Cinnamon

25 32. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
26 reference paragraphs 1 through 31 of this complaint as though fully set forth herein.
27 Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
28 distributor, promoter, or retailer of Ground Cinnamon, which includes but is not limited

1 to, ““Tradewinds”; “Specialty Blend”; “Ground Saigon Cinnamon”; “Harvested in the
2 tropical highlands of Veitnam”; “NET WT 5.2 oz (147g)”; DISTRIBUTED BY:
3 AMERIFOODS TRADING CO. P.O. BOX 512377 Los Angeles, CA 90051”;
4 “TW1411”; UPC: 0 41512 13077 9” (“CINNAMON”).

5 33. CINNAMON contains LEAD.

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

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

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

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

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

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

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

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

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

20 **SECOND CAUSE OF ACTION**

21 **(By CONSUMER ADVOCACY GROUP, INC. and against SMART, IRIS, SMART**
22 **STORES INC, SMART STORES LLC, SMART LLC, AMERIFOODS, AMERIFOODS**
23 **LLC, and DOES 11-20 for Violations of Proposition 65, The Safe Drinking Water and**
24 **Toxic Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

25 **Ground Ginger**

26 42. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
27 reference paragraphs 1 through 41 of this complaint as though fully set forth herein.
28 Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
distributor, promoter, or retailer of Ground Ginger, which includes but is not limited to,

1 ““Tradewinds”; “Ground Ginger”; “NET WT 9 oz (255g)”; “DISTRIBUTED BY:
2 AMERIFOODS TRADING CO. P.O. BOX 512377 Los Angeles, CA 90051”;
3 “TW1110”; UPC: 041512818608” (“GINGER”).

4 43. GINGER contains LEAD.

5 44. 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 GINGER within Plaintiff's notice of alleged violations further
9 discussed above at Paragraph 25.

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

16 46. Plaintiff is informed, believes, and thereon alleges that between August 9, 2013 and the
17 present, each of the Defendants knowingly and intentionally exposed California
18 consumers and users of GINGER, which Defendants manufactured, distributed, or sold
19 as mentioned above, to LEAD, without first providing any type of clear and reasonable
20 warning of such to the exposed persons before the time of exposure. Defendants have
21 distributed and sold GINGER in California. Defendants know and intend that California
22 consumers will use GINGER, thereby exposing them to LEAD. Defendants thereby
23 violated Proposition 65.

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

1 to food then to mouth, hand to mucous membrane, or breathing in particulate matter
2 emanating from GINGER, as well as through environmental mediums that carry the
3 LEAD once contained within the GINGER.

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

11 49. 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 50. 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 GINGER, pursuant to Health
16 and Safety Code section 25249.7(b).

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

19 **THIRD CAUSE OF ACTION**

20 **(By CONSUMER ADVOCACY GROUP, INC. and against SMART, IRIS, SMART**
21 **STORES INC, SMART STORES LLC, SMART LLC, AMERIFOODS, AMERIFOODS**
22 **LLC, and DOES 21-30 for Violations of Proposition 65, The Safe Drinking Water and**
23 **Toxic Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

24 **Ground Turmeric**

25 52. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
26 reference paragraphs 1 through 51 of this complaint as though fully set forth herein.
27 Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
28 distributor, promoter, or retailer of Ground Turmeric, which includes but is not limited
to, ""Tradewinds"; "Ground Turmeric"; "NET WT 8 oz (227g)"; "DISTRIBUTED BY:

1 AMERIFOODS TRADING CO. P.O. BOX 512377 Los Angeles, CA 90051”;
2 “TW1112”; UPC: 041512046605” (“TURMERIC”).

3 53. TURMERIC contains LEAD.

4 54. 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 within Plaintiff's notice of alleged violations
8 further discussed above at Paragraph 26.

9 55. Plaintiff's allegations regarding TURMERIC 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)*. TURMERIC are consumer products, and, as mentioned herein, exposures to
14 LEAD took place as a result of such normal and foreseeable use.

15 56. Plaintiff is informed, believes, and thereon alleges that between August 31, 2013 and the
16 present, each of the Defendants knowingly and intentionally exposed California
17 consumers and users of TURMERIC, which Defendants manufactured, distributed, or
18 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 TURMERIC in California. Defendants know and
21 intend that California consumers will use TURMERIC, thereby exposing them to
22 LEAD. Defendants thereby violated Proposition 65.

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

emanating from TURMERIC, as well as through environmental mediums that carry the LEAD once contained within the TURMERIC.

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

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

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

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

PRAYER FOR RELIEF

Plaintiff demands against each of the Defendants as follows:

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

Dated: January 17, 2017

YEROUSHALMI & YEROUSHALMI

BY: _____

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