

Assigned for all purposes to: Stanley Mosk Courthouse, Judicial Officer: Malcolm Mackey

1 Reuben Yeroushalmi (SBN 193981)  
2 Peter T. Sato (SBN 238486)  
3 **YEROUSHALMI & YEROUSHALMI**  
4 An Association of Independent Law Corporations  
5 9100 Wilshire Boulevard, Suite 240W  
6 Beverly Hills, California 90212  
7 Telephone: (310) 623-1926  
8 Facsimile: (310) 623-1930  
9  
10 Attorneys for Plaintiff,  
11 Consumer Advocacy Group, Inc.

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

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

13 Plaintiff,

14 v.

15 USA MINISO DEPOT, INC., a Delaware  
16 Corporation;  
17 MINISO DEPOT FINANCIAL, INC., a  
18 California Corporation;  
19 MINISO DEPOT CA, INC., a California  
20 Corporation;  
21 and DOES 1-50;

22 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)

23 Plaintiff CONSUMER ADVOCACY GROUP, INC. alleges causes of action against  
24 Defendants USA MINISO DEPOT, INC., MINISO DEPOT FINANCIAL, INC., MINISO  
25 DEPOT CA, INC., and DOES 1-50 as follows:

26 ///

**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 USA MINISO DEPOT, INC. (“USA MINISO”) is a Delaware Corporation, qualified to do business in Delaware, doing business in the State of California at all relevant times herein.
3. Defendant MINI DEPOT FINANCIAL, INC. (“MINISO FINANCIAL”) is a California Corporation, qualified to do business in California, and doing business in the State of California at all relevant times herein.
4. Defendant MINISO DEPOT CA, INC. (“MINISO CA”) is a California Corporation, qualified to do business in California, and doing business in the State of California at all relevant times herein.
5. Plaintiff is presently unaware of the true names and capacities of defendants DOES 1-50, 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.
6. At all times mentioned herein, the term “Defendants” includes USA MINISO, MINISO FINANCIAL, MINISO CA, and DOES 1-50.
7. 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.
8. Upon information and belief, at all times relevant to this action, each of the Defendants, including DOES 1-50, was an agent, servant, or employee of each of the other

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

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

### 12 JURISDICTION

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

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

- 26 12. Venue is proper in the County of Los Angeles because one or more of the instances of  
27 wrongful conduct occurred, and continues to occur, in the County of Los Angeles and/or  
28

1 because Defendants conducted, and continue to conduct, business in the County of Los  
2 Angeles with respect to the consumer products that are the subject of this action.

3 **BACKGROUND AND PRELIMINARY FACTS**

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

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

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

24 16. Proposition 65 provides that any person "violating or threatening to violate" the statute  
25 may be enjoined in any court of competent jurisdiction. *Health & Safety Code* § 25249.7.  
26 "Threaten to violate" means "to create a condition in which there is a substantial  
27 probability that a violation will occur." *Health & Safety Code* § 25249.11(e).

1 Defendants are also liable for civil penalties of up to \$2,500.00 per day per violation,  
2 recoverable in a civil action. *Health & Safety Code* § 25249.7(b).

3 17. Plaintiff identified certain practices of manufacturers and distributors of exposing,  
4 knowingly and intentionally, persons in California to the Proposition 65-listed chemicals  
5 via products without first providing clear and reasonable warnings of such to the exposed  
6 persons prior to the time of exposure. Plaintiff later discerned that Defendants engaged  
7 in such practice.

8 18. On January 1, 1988, the Governor of California added Di(2-ethylhexyl)phthalate  
9 (“DEHP”) to the list of chemicals known to the State to cause cancer (*Cal. Code Regs. tit.*  
10 27, § 27001(b)). Pursuant to Health and Safety Code sections 25249.9 and 25249.10,  
11 twenty (20) months after addition of DEHP to the list of chemicals known to the State to  
12 cause cancer, DEHP became fully subject to Proposition 65 warning requirements and  
13 discharge prohibitions.

14 19. On October 24, 2003, the Governor of California added DEHP to the list of chemicals  
15 known to the State to cause reproductive and developmental toxicity (*Cal. Code Regs. tit.*  
16 27, § 27001(c)). Pursuant to Health and Safety Code sections 25249.9 and 25249.10,  
17 twenty (20) months after addition of DEHP to the list of chemicals known to the State to  
18 cause reproductive and developmental toxicity, DEHP became fully subject to  
19 Proposition 65 warning requirements and discharge prohibitions.

20 20. On December 20, 2013, the Governor of California added Diisononyl Phthalate (“DINP”)  
21 to the list of chemicals known to the State to cause cancer (*Cal. Code Regs. tit. 27, §*  
22 27001(b)). Pursuant to Health and Safety Code sections 25249.9 and 25249.10, twenty  
23 (20) months after addition of DINP to the list of chemicals known to the State to cause  
24 cancer, DINP became fully subject to Proposition 65 warning requirements and discharge  
25 prohibitions.

**SATISFACTION OF PRIOR NOTICE**

- 1
- 2 21. On or about October 2, 2018, Plaintiff gave notice of alleged violations of Health and
- 3 Safety Code section 25249.6, concerning consumer products exposures, subject to a
- 4 private action to USA MINISO and to the California Attorney General, County District
- 5 Attorneys, and City Attorneys for each city containing a population of at least 750,000
- 6 people in whose jurisdictions the violations allegedly occurred, concerning the product
- 7 Cosmetic Bags.
- 8 22. On or about November 30, 2018, Plaintiff gave notice of alleged violations of Health and
- 9 Safety Code section 25249.6, concerning consumer products exposures, subject to a
- 10 private action to USA MINISO and to the California Attorney General, County District
- 11 Attorneys, and City Attorneys for each city containing a population of at least 750,000
- 12 people in whose jurisdictions the violations allegedly occurred, concerning the product
- 13 Tissue Holders.
- 14 23. On or about December 21, 2018, Plaintiff gave notice of alleged violations of Health and
- 15 Safety Code section 25249.6, concerning consumer products exposures, subject to a
- 16 private action to USA MINISO, MINISO FINANACIAL, MINISO CA, and to the
- 17 California Attorney General, County District Attorneys, and City Attorneys for each city
- 18 containing a population of at least 750,000 people in whose jurisdictions the violations
- 19 allegedly occurred, concerning the product Tape Measures.
- 20 24. On or about January 18, 2019, Plaintiff gave notice of alleged violations of Health and
- 21 Safety Code section 25249.6, concerning consumer products exposures, subject to a
- 22 private action to MINISO CA and to the California Attorney General, County District
- 23 Attorneys, and City Attorneys for each city containing a population of at least 750,000
- 24 people in whose jurisdictions the violations allegedly occurred, concerning the product
- 25 Soap Holders.
- 26 25. On or about February 12, 2019, Plaintiff gave notice of alleged violations of Health and
- 27 Safety Code section 25249.6, concerning consumer products exposures, subject to a
- 28

1 private action to MINISO CA and to the California Attorney General, County District  
2 Attorneys, and City Attorneys for each city containing a population of at least 750,000  
3 people in whose jurisdictions the violations allegedly occurred, concerning the product  
4 Cosmetic Bags.

5 26. Before sending the notices of alleged violation, Plaintiff investigated the consumer  
6 products involved, the likelihood that such products would cause users to suffer  
7 significant exposures to DEHP and DINP, and the corporate structure of each of the  
8 Defendants.

9 27. Plaintiff's notices of alleged violation included a Certificate of Merit executed by the  
10 attorney for the noticing party, CAG. The Certificate of Merit stated that the attorney for  
11 Plaintiff who executed the certificates had consulted with at least one person with  
12 relevant and appropriate expertise who reviewed data regarding the exposures to DEHP  
13 and DINP, the subject Proposition 65-listed chemicals of this action. Based on that  
14 information, the attorney for Plaintiff who executed the Certificate of Merit believed  
15 there was a reasonable and meritorious case for this private action. The attorney for  
16 Plaintiff attached to the Certificates of Merit served on the Attorney General the  
17 confidential factual information sufficient to establish the basis of the Certificates of  
18 Merit.

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

22 29. Plaintiff is commencing this action more than sixty (60) days from the dates that Plaintiff  
23 gave notices of the alleged violations to USA MINISO, MINISO FINANCIAL, MINISO  
24 CA, and the public prosecutors referenced in Paragraphs 21-25.

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

1 **FIRST CAUSE OF ACTION**

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

5 **Fashion Accessories**

6 31. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
7 reference paragraphs 1 through 30 of this complaint as though fully set forth herein.

8 32. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
9 distributor, promoter, or retailer of Plastic Cosmetic Bags including but not limited to  
10 “Miniso Life”; “Stripes Cosmetic Bag (Dark Blue&White)”; “Material: PU+Transparent  
11 Jelly”; “Manufactured for: Miniso Industries Co., Ltd.”; “Distributed by: Miniso  
12 International Co., Ltd.”; “Distributed by: USA Miniso Depot Inc.”; “Designed by:  
13 Japan.”; “Made in P.R.C.”; “www.miniso.jp”; “4514448179229” (“Cosmetic Bags”).

14 33. Cosmetic Bags contain DINP.

15 34. Defendants knew or should have known that DINP has been identified by the State of  
16 California as a chemical known to cause cancer and therefore was subject to Proposition  
17 65 warning requirements. Defendants were also informed of the presence of DINP in  
18 Cosmetic Bags within Plaintiff’s notice of alleged violations further discussed above at  
19 Paragraph 21.

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

26 36. Plaintiff is informed, believes, and thereon alleges that between October 2, 2015 and the  
27 present, each of the Defendants knowingly and intentionally exposed California  
28 consumers and users of Cosmetic Bags, which Defendants manufactured, distributed, or



1 sold as mentioned above, to DINP, without first providing any type of clear and  
2 reasonable warning of such to the exposed persons before the time of exposure.

3 Defendants have distributed and sold Cosmetic Bags in California. Defendants know and  
4 intend that California consumers will use Cosmetic Bags, thereby exposing them to  
5 DINP. Defendants thereby violated Proposition 65.

6 37. The principal routes of exposure are through dermal contact and ingestion. Persons  
7 sustain exposures by using, handling, or carrying Cosmetic Bags without wearing gloves  
8 or by touching bare skin or mucous membranes with or without gloves after handling  
9 Cosmetic Bags, as well as through direct and indirect hand to mouth contact, hand to  
10 mucous membrane, trans-dermal absorption, or breathing in particulate matter emanating  
11 from Cosmetic Bags during use, as well as through environmental mediums that carry the  
12 DINP once contained within the Cosmetic Bags.

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

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

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

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

27 //

1 **SECOND CAUSE OF ACTION**

2 **(By CONSUMER ADVOCACY GROUP, INC. and against USA MINISO and**  
3 **DOES 11-20 for Violations of Proposition 65, The Safe Drinking Water and Toxic**  
4 **Enforcement Act of 1986 (*Health & Safety Code*, §§ 25249.5, *et seq.*))**

5 **Bathroom Accessories**

6 42. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
7 reference paragraphs 1 through 41 of this complaint as though fully set forth herein.

8 43. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
9 distributor, promoter, or retailer of Tissue Holder with Plastic Suction Cup including but  
10 not limited to “MINISO;” “TISSUE HOLDER;” “1 KG WEIGHT CAPACITY;”  
11 “MATERIAL: HIPS, PVC, PC;” “DESIGNED BY JAPAN, MADE IN CHINA;”  
12 “MANUFACTURED FOR: MINSIO INDUSTRIES CO., LTD;” “DISTRIBUTED BY:  
13 MINSIO INTERNATIONAL CO., LTD;” “DISTRIBUTED BY: USA MINISO DEPOT  
14 INC;” WWW.MINISO.JP;” “4 504411 353411” (“Tissue Holders”).

15 44. Tissue Holders contain DEHP.

16 45. Defendants knew or should have known that DEHP has been identified by the State of  
17 California as a chemical known to cause cancer and toxicity and therefore was subject to  
18 Proposition 65 warning requirements. Defendants were also informed of the presence of  
19 DEHP in Tissue Holders within Plaintiff’s notice of alleged violations further discussed  
20 above at Paragraph 22.

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

27 47. Plaintiff is informed, believes, and thereon alleges that between November 30, 2015 and  
28 the present, each of the Defendants knowingly and intentionally exposed California

1 consumers and users of Tissue Holders, which Defendants manufactured, distributed, or  
2 sold as mentioned above, to DEHP, without first providing any type of clear and  
3 reasonable warning of such to the exposed persons before the time of exposure.

4 Defendants have distributed and sold Tissue Holders in California. Defendants know and  
5 intend that California consumers will use Tissue Holders, thereby exposing them to  
6 DEHP. Defendants thereby violated Proposition 65.

7 48. The principal routes of exposure are through dermal contact and ingestion. Persons  
8 sustain exposures by using, handling, or carrying Tissue Holders without wearing gloves  
9 or by touching bare skin or mucous membranes with or without gloves after handling  
10 Tissue Holders, as well as through direct and indirect hand to mouth contact, hand to  
11 mucous membrane, trans-dermal absorption, or breathing in particulate matter emanating  
12 from Tissue Holders during use, as well as through environmental mediums that carry the  
13 DEHP once contained within the Tissue Holders.

14 49. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of  
15 Proposition 65 as to Tissue Holders have been ongoing and continuous, as Defendants  
16 engaged and continue to engage in conduct which violates Health and Safety Code  
17 section 25249.6, including the manufacture, distribution, promotion, and sale of Tissue  
18 Holders, so that a separate and distinct violation of Proposition 65 occurred each and  
19 every time a person was exposed to DEHP by Tissue Holders as mentioned herein.

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

23 51. Based on the allegations herein, Defendants are liable for civil penalties of up to  
24 \$2,500.00 per day per individual exposure to DEHP from Tissue Holders, pursuant to  
25 Health and Safety Code section 25249.7(b).

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

1 **THIRD CAUSE OF ACTION**

2 **(By CONSUMER ADVOCACY GROUP, INC. and against USA MINISO, MINISO**  
3 **FINANCIAL, MINISO CA, and DOES 21-30 for Violations of Proposition 65, The**  
4 **Safe Drinking Water and Toxic Enforcement Act of 1986 (*Health & Safety Code*, §§**  
5 **25249.5, *et seq.*))**

6 **Tape Measures**

7 53. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
8 reference paragraphs 1 through 52 of this complaint as though fully set forth herein.

9 54. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
10 distributor, promoter, or retailer of Tape Measuring with Plastic Components, including  
11 but not limited to “MINISO;” “TAPE MEASURING;” “5000mm;” “19mm;” “Product  
12 Name: 5M Tapeline (Black and Yellow);” “Made in China;” “4 504671 290112” (“Tape  
13 Measures”).

14 55. Tape Measures contain DEHP.

15 56. Defendants knew or should have known that DEHP has been identified by the State of  
16 California as a chemical known to cause cancer and toxicity and therefore was subject to  
17 Proposition 65 warning requirements. Defendants were also informed of the presence of  
18 DEHP in Tape Measures within Plaintiff’s notice of alleged violations further discussed  
19 above at Paragraph 23.

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

26 58. Plaintiff is informed, believes, and thereon alleges that between December 21, 2015 and  
27 the present, each of the Defendants knowingly and intentionally exposed California  
28 consumers and users of Tape Measures, which Defendants manufactured, distributed, or  
sold as mentioned above, to DEHP, without first providing any type of clear and

1 reasonable warning of such to the exposed persons before the time of exposure.

2 Defendants have distributed and sold Tape Measures in California. Defendants know and  
3 intend that California consumers will use Tape Measures, thereby exposing them to  
4 DEHP. Defendants thereby violated Proposition 65.

5 59. The principal routes of exposure are through dermal contact and ingestion. Persons  
6 sustain exposures by using, handling, or carrying Tape Measures without wearing gloves  
7 or by touching bare skin or mucous membranes with or without gloves after handling  
8 Tape Measures, as well as through direct and indirect hand to mouth contact, hand to  
9 mucous membrane, trans-dermal absorption, or breathing in particulate matter emanating  
10 from Tape Measures during use, as well as through environmental mediums that carry the  
11 DEHP once contained within the Tape Measures.

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

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

21 62. Based on the allegations herein, Defendants are liable for civil penalties of up to  
22 \$2,500.00 per day per individual exposure to DEHP from Tape Measures, pursuant to  
23 Health and Safety Code section 25249.7(b).

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

1 **FOURTH CAUSE OF ACTION**

2 **(By CONSUMER ADVOCACY GROUP, INC. and against MINISO CA and DOES**  
3 **31-40 for Violations of Proposition 65, The Safe Drinking Water and Toxic**  
4 **Enforcement Act of 1986 (*Health & Safety Code*, §§ 25249.5, *et seq.*))**

5 **Bathroom Accessories**

6 64. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
7 reference paragraphs 1 through 63 of this complaint as though fully set forth herein.

8 65. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
9 distributor, promoter, or retailer of Plastic Soap Holder with Suction Cup, including but  
10 not limited to “Miniso Soap Box with Suction Cup”; “Simple, Fashionable, Portable,  
11 Space-Saving”; “1KG Weight Capacity”; “Specifications: 14x11x10, Material: HIPS,  
12 PVC, PC”; “Miniso Japan”; Designed by Japan, Made in China”; UPC 4 504411  
13 353312” (“Soap Holders”).

14 66. Soap Holders contain DEHP.

15 67. Defendants knew or should have known that DEHP has been identified by the State of  
16 California as a chemical known to cause cancer and toxicity and therefore was subject to  
17 Proposition 65 warning requirements. Defendants were also informed of the presence of  
18 DEHP in Soap Holders within Plaintiff’s notice of alleged violations further discussed  
19 above at Paragraph 24.

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

26 69. Plaintiff is informed, believes, and thereon alleges that between January 18, 2016 and the  
27 present, each of the Defendants knowingly and intentionally exposed California  
28 consumers and users of Soap Holders, which Defendants manufactured, distributed, or

1 sold as mentioned above, to DEHP, without first providing any type of clear and  
2 reasonable warning of such to the exposed persons before the time of exposure.

3 Defendants have distributed and sold Soap Holders in California. Defendants know and  
4 intend that California consumers will use Soap Holders, thereby exposing them to DEHP.  
5 Defendants thereby violated Proposition 65.

6 70. The principal routes of exposure are through dermal contact and ingestion. Persons  
7 sustain exposures by using, handling, or carrying Soap Holders without wearing gloves or  
8 by touching bare skin or mucous membranes with or without gloves after handling Soap  
9 Holders, as well as through direct and indirect hand to mouth contact, hand to mucous  
10 membrane, trans-dermal absorption, or breathing in particulate matter emanating from  
11 Soap Holders during use, as well as through environmental mediums that carry the DEHP  
12 once contained within the Soap Holders.

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

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

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

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

1 **FIFTH CAUSE OF ACTION**

2 **(By CONSUMER ADVOCACY GROUP, INC. and against MINISO CA and DOES**  
3 **41-50 for Violations of Proposition 65, The Safe Drinking Water and Toxic**  
4 **Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

5 **Beauty Accessories**

6 75. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
7 reference paragraphs 1 through 74 of this complaint as though fully set forth herein.

8 76. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
9 distributor, promoter, or retailer of PVC Cosmetic Bag, including but not limited to  
10 “Miniso Life”; “Product Name: Cosmetic Bag (Red)”; “Size: 21x14cm”; “Material:  
11 PVC”; “Caution: Avoid scratch and direct sunlight”; “Manufactured for: Miniso  
12 Industries Co. Ltd.”; “Distributed by: Miniso International Co., Ltd.”; “Distributed by;  
13 USA Miniso Depot Inc.”; www.miniso.jp; “4 500358 17777721” (“Cosmetic Bags 2”).

14 77. Cosmetic Bags 2 contain DEHP.

15 78. Defendants knew or should have known that DEHP has been identified by the State of  
16 California as a chemical known to cause cancer and toxicity and therefore was subject to  
17 Proposition 65 warning requirements. Defendants were also informed of the presence of  
18 DEHP in Cosmetic Bags 2 within Plaintiff's notice of alleged violations further discussed  
19 above at Paragraph 25.

20 79. Plaintiff's allegations regarding Cosmetic Bags 2 concerns “[c]onsumer products  
21 exposure[s],” which “is an exposure that results from a person's acquisition, purchase,  
22 storage, consumption, or other reasonably foreseeable use of a consumer good, or any  
23 exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, §*  
24 *25602(b)*. Cosmetic Bags 2 are consumer products, and, as mentioned herein, exposures  
25 to DEHP took place as a result of such normal and foreseeable use.

26 80. Plaintiff is informed, believes, and thereon alleges that between February 12, 2016 and  
27 the present, each of the Defendants knowingly and intentionally exposed California  
28 consumers and users of Cosmetic Bags 2, which Defendants manufactured, distributed, or



1 sold as mentioned above, to DEHP, without first providing any type of clear and  
2 reasonable warning of such to the exposed persons before the time of exposure.

3 Defendants have distributed and sold Cosmetic Bags 2 in California. Defendants know  
4 and intend that California consumers will use Cosmetic Bags 2, thereby exposing them to  
5 DEHP. Defendants thereby violated Proposition 65.

6 81. The principal routes of exposure are through dermal contact and ingestion. Persons  
7 sustain exposures by using, handling, or carrying Cosmetic Bags 2 without wearing  
8 gloves or by touching bare skin or mucous membranes with or without gloves after  
9 handling Cosmetic Bags 2, as well as through direct and indirect hand to mouth contact,  
10 hand to mucous membrane, trans-dermal absorption, or breathing in particulate matter  
11 emanating from Cosmetic Bags 2 during use, as well as through environmental mediums  
12 that carry the DEHP once contained within the Cosmetic Bags 2.

13 82. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of  
14 Proposition 65 as to Cosmetic Bags 2 have been ongoing and continuous, as Defendants  
15 engaged and continue to engage in conduct which violates Health and Safety Code  
16 section 25249.6, including the manufacture, distribution, promotion, and sale of Cosmetic  
17 Bags 2, so that a separate and distinct violation of Proposition 65 occurred each and every  
18 time a person was exposed to DEHP by Cosmetic Bags 2 as mentioned herein.

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

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

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

1 **PRAYER FOR RELIEF**

2 Plaintiff demands against each of the Defendants as follows:


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

8

9 Dated: 7-31, 2019

YEROUSHALMI & YEROUSHALMI

10

11 

12 BY: \_\_\_\_\_

13 Reuben Yeroushalmi

14 Attorneys for Plaintiff,

15 Consumer Advocacy Group, Inc.

16

17

18

19

20

21

22

23

24

25

26

27

28