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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
 10 **COUNTY OF LOS ANGELES**

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

13 Plaintiff,

14 v.

15 TAWA SUPERMARKET, INC.
 16 DBA 99 RANCH MARKET
 17 DBA168 MARKET, a California
 18 corporation;
 19 TAWA INC. (RETAIL), a California
 20 Corporation;
 21 TAWA SERVICES, INC., a California
 22 Corporation;
 23 KIM SENG COMPANY DBA IHA
 24 BEVERAGE, a California Corporation;
 25 B&G FOODS, INC., a California
 26 Corporation;
 27 ASIAN FINE FOODS DBA HOCEAN
 28 CORPORATION CALIFORNIA, a
 California Corporation;
 JANS ENTERPRISES CORPORATION, a
 California Corporation;
 and DOES 1-160;

Defendants.

CASE NO. **20STCV17732**

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 sixteen causes of action
 against defendants TAWA SUPERMARKET, INC. DBA 99 RANCH MARKET DBA 168
 MARKET; TAWA INC. (RETAIL); TAWA SERVICES, INC.; KIM SENG COMPANY DBA

1 IHA BEVERAGE; B&G FOODS, INC.; ASIAN FINE FOODS DBA HOCEAN
2 CORPORATION CALIFONRIA.; JANS ENTERPRISES CORPORATION; and DOES 1-160
3 as 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 TAWA SUPERMARKET, INC. DBA 99 RANCH MARKET DBA 168
11 MARKET (“TAWA”) is a California corporation, qualified to do business and doing
12 business in the State of California at all relevant times herein.
- 13 3. Defendant TAWA INC. (RETAIL), (“TAWA RETAIL”) is a California Corporation
14 qualified to do business and doing business in the State of California at all relevant times
15 herein.
- 16 4. Defendant TAWA SERVICES, INC., (“TAWA SERVICES”) is a California Corporation
17 qualified to do business and doing business in the State of California at all relevant times
18 herein.
- 19 5. Defendant KIM SENG COMPANY DBA IHA BEVERAGE (“KIM SENG”) is a
20 California Corporation qualified to do business and doing business in the State of
21 California at all relevant times herein.
- 22 6. Defendant TRANS-PACIFIC ASSET MANAGEMENT CORPORATION DBA
23 TAMCOR MEXIM U.S.A (“TRANS”) is a California Corporation qualified to do
24 business and doing business in the State of California at all relevant times herein.
- 25 7. Defendant B&G FOODS, INC. (“B&G”) is a California Corporation qualified to do
26 business and doing business in the State of California at all relevant times herein.

- 1 8. Defendant ASIAN FINE FOODS SBA HOCEAN CORPORATION CALIFORNIA
2 (“ASIAN”) is a California Corporation qualified to do business and doing business in the
3 State of California at all relevant times herein.
- 4 9. Defendant JANS ENTERPRISES CORPORATION (“JANS”) is a California
5 Corporation qualified to do business and doing business in the State of California at all
6 relevant times herein.
- 7 10. Plaintiff is presently unaware of the true names and capacities of defendants DOES 1-
8 160, and therefore sues these defendants by such fictitious names. Plaintiff will amend
9 this complaint to allege their true names and capacities when ascertained. Plaintiff is
10 informed, believes, and thereon alleges that each fictitiously named defendant is
11 responsible in some manner for the occurrences herein alleged and the damages caused
12 thereby.
- 13 11. At all times mentioned herein, the term “Defendants” includes TAWA, TAWA RETAIL,
14 TAWA SERVICES, KIM SENG, AMERICAN, TRANS, B&G, ASIAN, and DOES 1-
15 160.
- 16 12. Plaintiff is informed and believes, and thereon alleges that each of the Defendants at all
17 times mentioned herein have conducted business within the State of California.
- 18 13. Upon information and belief, at all times relevant to this action, each of the Defendants,
19 including DOES 1-160, was an agent, servant, or employee of each of the other
20 Defendants. In conducting the activities alleged in this Complaint, each of the
21 Defendants was acting within the course and scope of this agency, service, or
22 employment, and was acting with the consent, permission, and authorization of each of
23 the other Defendants. All actions of each of the Defendants alleged in this Complaint
24 were ratified and approved by every other Defendant or their officers or managing agents.
25 Alternatively, each of the Defendants aided, conspired with and/or facilitated the alleged
26 wrongful conduct of each of the other Defendants.

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

5 **JURISDICTION**

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

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

19 17. Venue is proper in the County of Los Angeles because one or more of the instances of
20 wrongful conduct occurred, and continues to occur, in the County of Los Angeles and/or
21 because Defendants conducted, and continue to conduct, business in the County of Los
22 Angeles with respect to the consumer product that is the subject of this action.

23 **BACKGROUND AND PRELIMINARY FACTS**

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

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

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

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

24 22. Plaintiff identified certain practices of manufacturers and distributors of exposing,
25 knowingly and intentionally, persons in California to Lead and Lead Compounds
26 (“LEAD”), Cadmium and Cadmium Compounds (“CADMIUM”), and Inorganic Arsenic
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1 Compounds (“ARSENIC”) in consumer products without first providing clear and
2 reasonable warnings of such to the exposed persons prior to the time of exposure.
3 Plaintiff later discerned that Defendants engaged in such practice.

4 23. On Feb. 27, 1987, the Governor of California added LEAD to the list of chemicals known
5 to the State to cause reproductive toxicity (*Cal. Code Regs. tit. 27, § 27001(c)*). LEAD is
6 known to the State to cause developmental, female, and male reproductive toxicity.
7 Pursuant to Health and Safety Code sections 25249.9 and 25249.10, twenty (20) months
8 after addition of LEAD to the list of chemicals known to the State to cause reproductive
9 toxicity, LEAD became fully subject to Proposition 65 warning requirements and
10 discharge prohibitions.

11 24. On February 27, 1987, the Governor of California added ARSENIC to the list of
12 chemicals known to the State to cause cancer (*Cal. Code Regs. tit. 27, § 27001(b)*).
13 Pursuant to Health and Safety Code Sections 25249.9 and 25249.10, twenty (20) months
14 after addition of ARSENIC to the list of chemicals known to the State to cause cancer,
15 ARSENIC became fully subject to Proposition 65 warning requirements and discharge
16 prohibitions.

17 25. On October 1, 1987, the Governor of California added CADMIUM to the list of
18 chemicals known to the State to cause cancer (*Cal. Code Regs. tit. 27, § 27001(b)*).
19 Pursuant to Health and Safety Code sections 25249.9 and 25249.10, twenty (20) months
20 after addition of CADMIUM to the list of chemicals known to the State to cause cancer,
21 CADMIUM became fully subject to Proposition 65 warning requirements and discharge
22 prohibitions.

23 26. On October 1, 1992, the Governor of California added LEAD to the list of chemicals
24 known to the State to cause cancer (*Cal. Code Regs. tit. 27, § 27001(b)*). Pursuant to
25 Health and Safety Code sections 25249.9 and 25249.10, twenty (20) months after
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1 addition of LEAD to the list of chemicals known to the State to cause cancer, LEAD
2 became fully subject to Proposition 65 warning requirements and discharge prohibitions.
3 27. On May 1, 1997 the Governor of California added CADMIUM to the list of chemicals
4 known to the State to cause reproductive toxicity (*Cal. Code Regs. tit. 27, § 27001(c)*).
5 Lead is known to the State to cause developmental, and male reproductive toxicity.
6 Pursuant to Health and Safety Code sections 25249.9 and 25249.10, twenty (20) months
7 after addition of CADMIUM to the list of chemicals known to the State to cause
8 reproductive toxicity, CADMIUM became fully subject to Proposition 65 warning
9 requirements and discharge prohibitions.

10 **SATISFACTION OF PRIOR NOTICE**

11 28. On or about July 2, 2019 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 TAWA, TAWA RETAIL, KIM SENG, and to the California Attorney General,
14 County District Attorneys, and City Attorneys for each city containing a population of at
15 least 750,000 people in whose jurisdictions the violations allegedly occurred, concerning
16 the product Ground Cinnamon.

17 29. On or about July 17, 2019 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 TAWA, TAWA RETAIL, TAWA SERVICES, and to the California Attorney
20 General, County District Attorneys, and City Attorneys for each city containing a
21 population of at least 750,000 people in whose jurisdictions the violations allegedly
22 occurred, concerning the product Crispy Seaweed.

23 30. On or about August 26, 2019 Plaintiff gave notice of alleged violations of Health and
24 Safety Code section 25249.6, concerning consumer products exposures, subject to a
25 private action to TAWA, KIM SENG, and to the California Attorney General, County
26 District Attorneys, and City Attorneys for each city containing a population of at least
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1 750,000 people in whose jurisdictions the violations allegedly occurred, concerning the
2 product Broken Rice.

3 31. On or about September 24, 2019 Plaintiff gave notice of alleged violations of Health and
4 Safety Code section 25249.6, concerning consumer products exposures, subject to a
5 private action to TAWA and to the California Attorney General, County District
6 Attorneys, and City Attorneys for each city containing a population of at least 750,000
7 people in whose jurisdictions the violations allegedly occurred, concerning the product
8 Bamboo Shoots.

9 32. On or about October 2, 2019 Plaintiff gave notice of alleged violations of Health and
10 Safety Code section 25249.6, concerning consumer products exposures, subject to a
11 private action to TAWA and to the California Attorney General, County District
12 Attorneys, and City Attorneys for each city containing a population of at least 750,000
13 people in whose jurisdictions the violations allegedly occurred, concerning the product
14 Ginger Powder.

15 33. On or about October 18, 2019 Plaintiff gave notice of alleged violations of Health and
16 Safety Code section 25249.6, concerning consumer products exposures, subject to a
17 private action to TAWA and to the California Attorney General, County District
18 Attorneys, and City Attorneys for each city containing a population of at least 750,000
19 people in whose jurisdictions the violations allegedly occurred, concerning the product
20 Seaweeds.

21 34. On or about October 30, 2019 Plaintiff gave notice of alleged violations of Health and
22 Safety Code section 25249.6, concerning consumer products exposures, subject to a
23 private action to TAWA and to the California Attorney General, County District
24 Attorneys, and City Attorneys for each city containing a population of at least 750,000
25 people in whose jurisdictions the violations allegedly occurred, concerning the product
26 Thick Cut Seaweed.

1 35. On or about November 5, 2019 Plaintiff gave notice of alleged violations of Health and
2 Safety Code section 25249.6, concerning consumer products exposures, subject to a
3 private action to TAWA, B&G, and to the California Attorney General, County District
4 Attorneys, and City Attorneys for each city containing a population of at least 750,000
5 people in whose jurisdictions the violations allegedly occurred, concerning the product
6 Ground Ginger.

7 36. On or about November 12, 2019 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 TAWA and to the California Attorney General, County District
10 Attorneys, and City Attorneys for each city containing a population of at least 750,000
11 people in whose jurisdictions the violations allegedly occurred, concerning the product
12 Crispy Seaweed.

13 37. On or about November 15, 2019 Plaintiff gave notice of alleged violations of Health and
14 Safety Code section 25249.6, concerning consumer products exposures, subject to a
15 private action to TAWA and to the California Attorney General, County District
16 Attorneys, and City Attorneys for each city containing a population of at least 750,000
17 people in whose jurisdictions the violations allegedly occurred, concerning the product
18 Crispy Seaweed.

19 38. On or about December 4, 2019 Plaintiff gave notice of alleged violations of Health and
20 Safety Code section 25249.6, concerning consumer products exposures, subject to a
21 private action to TAWA and to the California Attorney General, County District
22 Attorneys, and City Attorneys for each city containing a population of at least 750,000
23 people in whose jurisdictions the violations allegedly occurred, concerning the product
24 Crispy Seaweed.

25 39. On or about December 9, 2019 Plaintiff gave notice of alleged violations of Health and
26 Safety Code section 25249.6, concerning consumer products exposures, subject to a
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1 private action to TAWA, KIM SENG, and to the California Attorney General, County
2 District Attorneys, and City Attorneys for each city containing a population of at least
3 750,000 people in whose jurisdictions the violations allegedly occurred, concerning the
4 product Dried Seaweed Slice.

5 40. On or about January 7, 2020 Plaintiff gave notice of alleged violations of Health and
6 Safety Code section 25249.6, concerning consumer products exposures, subject to a
7 private action to TAWA and ASIAN to the California Attorney General, County District
8 Attorneys, and City Attorneys for each city containing a population of at least 750,000
9 people in whose jurisdictions the violations allegedly occurred, concerning the product
10 Seaweeds.

11 41. On or about January 9, 2020 Plaintiff gave notice of alleged violations of Health and
12 Safety Code section 25249.6, concerning consumer products exposures, subject to a
13 private action to TRANS to the California Attorney General, County District Attorneys,
14 and City Attorneys for each city containing a population of at least 750,000 people in
15 whose jurisdictions the violations allegedly occurred, concerning the product Dried
16 Anchovies and Squid.

17 42. On or about January 16, 2020 Plaintiff gave notice of alleged violations of Health and
18 Safety Code section 25249.6, concerning consumer products exposures, subject to a
19 private action to TAWA to the California Attorney General, County District Attorneys,
20 and City Attorneys for each city containing a population of at least 750,000 people in
21 whose jurisdictions the violations allegedly occurred, concerning the product Crispy
22 Seaweed.

23 43. On or about January 16, 2020 Plaintiff gave notice of alleged violations of Health and
24 Safety Code section 25249.6, concerning consumer products exposures, subject to a
25 private action to TAWA to the California Attorney General, County District Attorneys,
26 and City Attorneys for each city containing a population of at least 750,000 people in
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1 whose jurisdictions the violations allegedly occurred, concerning the product Liquorice
2 Powder.

3 44. On or about February 10, 2020 Plaintiff gave notice of alleged violations of Health and
4 Safety Code section 25249.6, concerning consumer products exposures, subject to a
5 private action to TAWA, JANS to the California Attorney General, County District
6 Attorneys, and City Attorneys for each city containing a population of at least 750,000
7 people in whose jurisdictions the violations allegedly occurred, concerning the product
8 Cassava Chips

9 45. Before sending the notices of alleged violation, Plaintiff investigated the consumer
10 products involved, the likelihood that such products would cause users to suffer
11 significant exposures to LEAD, ARSENIC, and CADMIUM, and the corporate structure
12 of each of the Defendants.

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

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

1 48. Plaintiff is commencing this action more than sixty (60) days from the dates that Plaintiff
2 gave notices of the alleged violations to TAWA, TAWA RETAIL, TAWA SERVICES,
3 KIM SENG, AMERICAN, TRANS, B&G, ASIAN, and the public prosecutors
4 referenced in Paragraphs 28-44.

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

8 **FIRST CAUSE OF ACTION**

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

12 **Ground Spices**

13 50. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
14 reference paragraphs 1 through 49 of this complaint as though fully set forth herein.

15 51. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
16 distributor, promoter, or retailer of Ground Cinnamon (“Cinnamon”), defined as
17 "SUPERBRAND®"; "DRIED CINNAMON POWDER"; "100%"; "NetWt: 160z
18 (454g)"; "PRODUCTOFCHINA"; "DISTRIBUTOR: IHA BEVERAGE COMMERCE,
19 CA, 90040"; UPC#610232012612.

20 52. The scope of the Fourth Cause of Action as to Cinnamon is limited to the specific UPC
21 Number #610232012612, and the specific Lot Number of Cinnamon.

22 53. Cinnamon contains LEAD, CADMIUM, and ARSENIC.

23 54. Defendants knew or should have known that LEAD, CADMIUM, and ARSENIC have
24 been identified by the State of California as a chemical known to cause cancer and
25 reproductive toxicity and therefore was subject to Proposition 65 warning requirements.
26 Defendants were also informed of the presence of LEAD, CADMIUM, and ARSENIC in
27 Cinnamon within Plaintiff's notice of alleged violations further discussed above at
28 Paragraph 31.

1 55. Plaintiff's allegations regarding Cinnamon concerns "[c]onsumer products exposure[s],"
2 which "is an exposure that results from a person's acquisition, purchase, storage,
3 consumption, or other reasonably foreseeable use of a consumer good, or any exposure
4 that results from receiving a consumer service." *Cal. Code Regs. tit. 27, § 25602(b)*.

5 Cinnamon is a consumer product, and, as mentioned herein, exposures to LEAD,
6 CADMIUM, and ARSENIC took place as a result of such normal and foreseeable
consumption and use.

7 56. Plaintiff is informed, believes, and thereon alleges that between July 2, 2016 and the
8 present, each of the Defendants knowingly and intentionally exposed California
9 consumers and users of Cinnamon, which Defendants manufactured, distributed, or sold
10 as mentioned above, to LEAD, CADMIUM, and ARSENIC, without first providing any
11 type of clear and reasonable warning of such to the exposed persons before the time of
12 exposure. Defendants have distributed and sold Cinnamon in California. Defendants
13 know and intend that California consumers will use and consume Cinnamon, thereby
14 exposing them to LEAD, CADMIUM, and ARSENIC. Defendants thereby violated
Proposition 65.

15 57. The principal routes of exposure with regard Cinnamon are and were through ingestion,
16 inhalation, and trans-dermal absorption. Persons sustain exposures primarily by eating and
17 consuming Cinnamon, and additionally by handling Cinnamon without wearing gloves or
18 any other personal protective equipment, or by touching bare skin or mucous membranes
19 with gloves after handling Cinnamon as well as through direct and indirect hand to mouth
20 contact, hand to mucous membrane, or even breathing in particulate matter dispersed from
Cinnamon.

21 58. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
22 Proposition 65 as to Cinnamon have been ongoing and continuous, as Defendants
23 engaged and continue to engage in conduct which violates Health and Safety Code
24 section 25249.6, including the manufacture, distribution, promotion, and sale of
25 Cinnamon, so that a separate and distinct violation of Proposition 65 occurred each and
26 every time a person was exposed to LEAD, CADMIUM, and ARSENIC by Cinnamon as
27 mentioned herein.
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1 59. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
2 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
3 violations alleged herein will continue to occur into the future.

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

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

9 **SECOND CAUSE OF ACTION**

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

13 **Seaweed**

14 62. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
15 reference paragraphs 1 through 61 of this complaint as though fully set forth herein.

16 63. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
17 distributor, promoter, or retailer of Crispy Seaweed (“Seaweed 2”), including but not
18 limited to Tai Kae Crispy Seaweed; Soy Sauce ,UPC 4711942856001; 2019.04.02;
19 Product of Taiwan; IS022000 HACCP; N.T:1.6 oz (45g).

20 64. Seaweed 2 contains LEAD and CADMIUM.

21 65. Defendants knew or should have known that LEAD and CADMIUM have been identified
22 by the State of California as a chemical known to cause cancer and reproductive toxicity
23 and therefore was subject to Proposition 65 warning requirements. Defendants were also
24 informed of the presence of LEAD and CADMIUM in Seaweed 2 within Plaintiff’s
25 notice of alleged violations further discussed above at Paragraph 29.

26 66. Plaintiff’s allegations regarding Seaweed 2 concerns “[c]onsumer products exposure[s],”
27 which “is an exposure that results from a person’s acquisition, purchase, storage,
28 consumption, or other reasonably foreseeable use of a consumer good, or any exposure
that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, § 25602(b).*

1 Seaweed 2 is a consumer product, and, as mentioned herein, exposures to LEAD and
2 CADMIUM took place as a result of such normal and foreseeable consumption and use.
3 67. Plaintiff is informed, believes, and thereon alleges that between July 17, 2016 and the
4 present, each of the Defendants knowingly and intentionally exposed California
5 consumers and users of Seaweed 2, which Defendants manufactured, distributed, or sold
6 as mentioned above, to LEAD and CADMIUM, without first providing any type of clear
7 and reasonable warning of such to the exposed persons before the time of exposure.
8 Defendants have distributed and sold Seaweed 2 in California. Defendants know and
9 intend that California consumers will use and consume Seaweed 2, thereby exposing
10 them to LEAD and CADMIUM. Defendants thereby violated Proposition 65.
11 68. The principal routes of exposure with regard to Seaweed 2 are and were through ingestion,
12 including hand to mouth pathways, inhalation, and trans-dermal absorption. Persons
13 sustain exposures primarily by eating and consuming Seaweed 2, and additionally by
14 handling Seaweed 2 without wearing gloves or any other personal protective equipment,
15 or by touching bare skin or mucous membranes with gloves after handling Seaweed 2 as
16 well as through direct and indirect hand to mouth contact, hand to mucous membrane, or
17 even breathing in particulate matter dispersed from Seaweed 2.
18 69. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
19 Proposition 65 as to Seaweed 2 have been ongoing and continuous, as Defendants
20 engaged and continue to engage in conduct which violates Health and Safety Code
21 section 25249.6, including the manufacture, distribution, promotion, and sale of Seaweed
22 2, so that a separate and distinct violation of Proposition 65 occurred each and every time
23 a person was exposed to LEAD and CADMIUM by Seaweed 2 as mentioned herein.
24 70. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
25 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
26 violations alleged herein will continue to occur into the future.
27 71. Based on the allegations herein, Defendants are liable for civil penalties of up to
28 \$2,500.00 per day per individual exposure to LEAD and CADMIUM from Seaweed 2,
pursuant to Health and Safety Code section 25249.7(b). Plaintiff has engaged in good
faith efforts to resolve the claims alleged herein prior to filing this Complaint.

1 **THIRD CAUSE OF ACTION**

2 **(By CONSUMER ADVOCACY GROUP, INC. and against TAWA, KIM SENG and**
3 **DOES 51-60 for Violations of Proposition 65, The Safe Drinking Water and Toxic**
4 **Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

5 **Rice**

6 72. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
7 reference paragraphs 1 through 71 of this complaint as though fully set forth herein.

8 73. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
9 distributor, promoter, or retailer of Broken Rice (“Rice”), including but not limited to
10 “Jasmine Broken Rice”; “Gao Tam Thom Dac Biet”; “Nang Thom Cho Dao”; “Thai
11 Hom Mali Broken Rice”; “Double Parrot Brand”; “Net Wt. 4 Lbs. (1.816 KGS.)”;
12 “Qualified System Certified: HACCP/GMP/ISO 9001/BRC”; “UPC 6 10232 00990
13 2”; “Product of Thailand”; “Distributor: IHA Beverage, Commerce CA, 90040 Keep in
14 Cool and Dry Place”.

15 74. Rice contains LEAD.

16 75. Defendants knew or should have known that LEAD has been identified by the State of
17 California as a chemical known to cause cancer and reproductive toxicity and therefore
18 was subject to Proposition 65 warning requirements. Defendants were also informed of
19 the presence of LEAD in Seaweed within Plaintiff’s notice of alleged violations further
20 discussed above at Paragraph 30.

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

27 77. Plaintiff is informed, believes, and thereon alleges that between August 26, 2016 and the
28 present, each of the Defendants knowingly and intentionally exposed California
consumers and users of Rice, which Defendants manufactured, distributed, or sold as
mentioned above, to LEAD, without first providing any type of clear and reasonable

1 warning of such to the exposed persons before the time of exposure. Defendants have
2 distributed and sold Rice in California. Defendants know and intend that California
3 consumers will use and consume Rice, thereby exposing them to LEAD. Defendants
4 thereby violated Proposition 65.

5 78. The principal routes of exposure with regard to Rice are and were through ingestion,
6 including hand to mouth pathways, inhalation, and trans-dermal absorption. Persons
7 sustain exposures primarily by eating and consuming Rice, and additionally by handling
8 Rice without wearing gloves or any other personal protective equipment, or by touching
9 bare skin or mucous membranes with gloves after handling Rice as well as through direct
10 and indirect hand to mouth contact, hand to mucous membrane, or even breathing in
11 particulate matter dispersed from Rice.

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

18 80. 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 81. Based on the allegations herein, Defendants are liable for civil penalties of up to
22 \$2,500.00 per day per individual exposure to LEAD from Rice, pursuant to Health and
23 Safety Code section 25249.7(b). Plaintiff has engaged in good faith efforts to resolve the
24 claims alleged herein prior to filing this Complaint.

25 **FOURTH CAUSE OF ACTION**

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

Bamboo Shoots

- 1 82. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
2 reference paragraphs 1 through 81 of this complaint as though fully set forth herein.
- 3 83. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
4 distributor, promoter, or retailer of Jarred/Canned Bamboo Shoots (“Bamboo Shoots”),
5 including but not limited to: “KIMBO;” “CHILI BAMBOO SHOOTS IN SOYBEAN
6 OIL;” “NET WT.: 12 OZ(340g);” “Walong Marketing, Inc. 6281 Regio Ave. Buena
7 Park, CA 90620-1042;” “PRODUCT OF TAIWAN;” “6 73367 32025 0”.
- 8 84. The scope of the Seventh Cause of Action as to Bamboo Shoots is limited to the specific
9 UPC Number #673367320320, and the specific Lot Number of Bamboo Shoots.
- 10 85. Bamboo Shoots contain LEAD.
- 11 86. Defendants knew or should have known that LEAD has been identified by the State of
12 California as a chemical known to cause cancer and reproductive toxicity and therefore
13 was subject to Proposition 65 warning requirements. Defendants were also informed of
14 the presence of LEAD in Bamboo Shoots within Plaintiff’s notice of alleged violations
15 further discussed above at Paragraph 31.
- 16 87. Plaintiff’s allegations regarding Bamboo Shoots concerns “[c]onsumer products
17 exposure[s],” which “is an exposure that results from a person’s acquisition, purchase,
18 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
19 exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, §*
20 *25602(b)*. Bamboo Shoots are a consumer product, and, as mentioned herein, exposures
21 to LEAD took place as a result of such normal and foreseeable consumption and use.
- 22 88. Plaintiff is informed, believes, and thereon alleges that between September 24, 2016 and
23 the present, each of the Defendants knowingly and intentionally exposed California
24 consumers and users of Bamboo Shoots, which Defendants manufactured, distributed, or
25 sold as mentioned above, to LEAD, without first providing any type of clear and
26 reasonable warning of such to the exposed persons before the time of exposure.
27 Defendants have distributed and sold Bamboo Shoots in California. Defendants know
28 and intend that California consumers will use and consume Bamboo Shoots, thereby
exposing them to LEAD. Defendants thereby violated Proposition 65.

1 89. The principal routes of exposure with regard to Bamboo Shoots are and were through
2 ingestion, including hand to mouth pathways, inhalation, and trans-dermal absorption.
3 Persons sustain exposures primarily by eating and consuming Bamboo Shoots, and
4 additionally by handling Bamboo Shoots without wearing gloves or any other personal
5 protective equipment, or by touching bare skin or mucous membranes with gloves after
6 handling Bamboo Shoots as well as through direct and indirect hand to mouth contact, hand
7 to mucous membrane, or even breathing in particulate matter dispersed from Bamboo
8 Shoots.

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

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

18 92. Based on the allegations herein, Defendants are liable for civil penalties of up to
19 \$2,500.00 per day per individual exposure to LEAD from Bamboo Shoots, pursuant to
20 Health and Safety Code section 25249.7(b). Plaintiff has engaged in good faith efforts to
21 resolve the claims alleged herein prior to filing this Complaint.

22 **FIFTH CAUSE OF ACTION**

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

26 **Ground Spices**

27 93. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
28 reference paragraphs 1 through 92 of this complaint as though fully set forth herein.

- 1 94. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
2 distributor, promoter, or retailer of Ginger Powder identified as: “Wu Hsing ® Net Wt:
3 30g 1.1 oz Ginger Powder”; “UPC 4 710868 801096”; “Made in Taiwan”.
- 4 95. The scope of the Seventh Cause of Action as to Ginger Powder is limited to the specific
5 UPC Number #4710868801096, and the specific Lot Number of Ginger Powder.
- 6 96. Ginger Powder contains LEAD and ARSENIC.
- 7 97. Defendants knew or should have known that LEAD and ARSENIC have been identified
8 by the State of California as a chemical known to cause cancer and reproductive toxicity
9 and therefore was subject to Proposition 65 warning requirements. Defendants were also
10 informed of the presence of LEAD and ARSENIC in Ginger Powder within Plaintiff’s
11 notice of alleged violations further discussed above at Paragraph 32.
- 12 98. Plaintiff’s allegations regarding Ginger Powder concerns “[c]onsumer products
13 exposure[s],” which “is an exposure that results from a person’s acquisition, purchase,
14 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
15 exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, §*
16 *25602(b)*. Ginger Powder is a consumer product, and, as mentioned herein, exposures to
17 LEAD and ARSENIC took place as a result of such normal and foreseeable consumption
18 and use.
- 19 99. Plaintiff is informed, believes, and thereon alleges that between October 2, 2016 and the
20 present, each of the Defendants knowingly and intentionally exposed California
21 consumers and users of Ginger Powder, which Defendants manufactured, distributed, or
22 sold as mentioned above, to LEAD and ARSENIC, without first providing any type of
23 clear and reasonable warning of such to the exposed persons before the time of exposure.
24 Defendants have distributed and sold Ginger Powder in California. Defendants know and
25 intend that California consumers will use and consume Ginger Powder, thereby exposing
26 them to LEAD and ARSENIC. Defendants thereby violated Proposition 65.
- 27 100. The principal routes of exposure with regard to Ginger Powder are and were through
28 ingestion, including hand to mouth pathways, inhalation, and trans-dermal absorption.
Persons sustain exposures primarily by eating and consuming Ginger Powder, and
additionally by handling Ginger Powder without wearing gloves or any other personal

1 protective equipment, or by touching bare skin or mucous membranes with gloves after
2 handling Ginger Powder as well as through direct and indirect hand to mouth contact, hand
3 to mucous membrane, or even breathing in particulate matter dispersed from Ginger
4 Powder.

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

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

15 103. 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 and ARSENIC from Ginger Powder,
17 pursuant to Health and Safety Code section 25249.7(b). Plaintiff has engaged in good
18 faith efforts to resolve the claims alleged herein prior to filing this Complaint.

19 **SIXTH CAUSE OF ACTION**

20 **(By CONSUMER ADVOCACY GROUP, INC. and against TAWA and DOES 51-60 for
21 Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986
22 (Health & Safety Code, §§ 25249.5, et seq.))**

23 **Seaweed**

24 104. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
25 reference paragraphs 1 through 140 of this complaint as though fully set forth herein.

26 105. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
27 distributor, promoter, or retailer of Crispy Seaweed ("Seaweed 3"), including but not
28 limited to: "San Wei Wu;" "40g (1.4 o.z);" "2019.01.25;" "PRODUCT OF TAIWAN;"
"Crispy Seaweed With Almond;" "Manufacturer: Day&Day Food Co., Ltd.;" "4 711942
856025".

1 106. Seaweed 3 contains CADMIUM.

2 107. Defendants knew or should have known that CADMIUM has been identified by
3 the State of California as a chemical known to cause cancer and toxicity and therefore
4 was subject to Proposition 65 warning requirements. Defendants were also informed of
5 the presence of CADMIUM in Seaweed 3 within Plaintiff's notice of alleged violations
6 further discussed above at Paragraph 33.

7 108. Plaintiff's allegations regarding Seaweed 3 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)*. Seaweed 3 is a consumer product, and, as mentioned herein, exposures to
12 CADMIUM took place as a result of such normal and foreseeable consumption and use.

13 109. Plaintiff is informed, believes, and thereon alleges that between October 18, 2016
14 and the present, each of the Defendants knowingly and intentionally exposed California
15 consumers and users of Seaweed 3, which Defendants manufactured, distributed, or sold
16 as mentioned above, to CADMIUM, without first providing any type of clear and
17 reasonable warning of such to the exposed persons before the time of exposure.
18 Defendants have distributed and sold Seaweed 3 in California. Defendants know and
19 intend that California consumers will use and consume Seaweed 3, thereby exposing
20 them to CADMIUM. Defendants thereby violated Proposition 65.

21 110. The principal routes of exposure with regard to Seaweed 3 are and were through
22 ingestion, including hand to mouth pathways, inhalation, and trans-dermal absorption.
23 Persons sustain exposures primarily by eating and consuming Seaweed 3, and additionally
24 by handling Seaweed 3 without wearing gloves or any other personal protective equipment,
25 or by touching bare skin or mucous membranes with gloves after handling Seaweed 3 as
26 well as through direct and indirect hand to mouth contact, hand to mucous membrane, or
27 even breathing in particulate matter dispersed from Seaweed 3.

28 111. Plaintiff is informed, believes, and thereon alleges that each of Defendants'
violations of Proposition 65 as to Seaweed 3 have been ongoing and continuous, 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 Seaweed 3, so that a separate and distinct violation of Proposition 65 occurred each and every time a person was exposed to CADMIUM by Seaweed 3 as mentioned herein.

112. 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.

113. Based on the allegations herein, Defendants are liable for civil penalties of up to \$2,500.00 per day per individual exposure to CADMIUM from Seaweed 3, pursuant to Health and Safety Code section 25249.7(b). Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to filing this Complaint.

SEVENTH CAUSE OF ACTION

(By CONSUMER ADVOCACY GROUP, INC. and against TAWA and DOES 61-70 for Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986 (Health & Safety Code, §§ 25249.5, et seq.))

Seaweed

114. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by reference paragraphs 1 through 113 of this complaint as though fully set forth herein.

115. Each of the Defendants is, and at all times mentioned herein was, a manufacturer, distributor, promoter, or retailer of Thick Cut Seaweed (“Seaweed 4”), including but not limited to: “TAI KAE Thick Cut Seaweed”; “Pepper Powder”; “(N.T) 45g (1.6 oz)”; “Product of Taiwan”; “UPC 4 711942 856018”.

116. Seaweed 4 contains CADMIUM and LEAD.

117. Defendants knew or should have known that CADMIUM and LEAD have been identified by the State of California as a chemical known to cause cancer and toxicity and therefore was subject to Proposition 65 warning requirements. Defendants were also informed of the presence of CADMIUM and LEAD in Seaweed 4 within Plaintiff’s notice of alleged violations further discussed above at Paragraph 34.

118. Plaintiff’s allegations regarding Seaweed 4 concerns “[c]onsumer products exposure[s],” which “is an exposure that results from a person’s acquisition, purchase, storage, consumption, or other reasonably foreseeable use of a consumer good, or any

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

5 119. Plaintiff is informed, believes, and thereon alleges that between October 30, 2016
6 and the present, each of the Defendants knowingly and intentionally exposed California
7 consumers and users of Seaweed 4, which Defendants manufactured, distributed, or sold
8 as mentioned above, to CADMIUM and LEAD, without first providing any type of clear
9 and reasonable warning of such to the exposed persons before the time of exposure.
10 Defendants have distributed and sold Seaweed 4 in California. Defendants know and
11 intend that California consumers will use and consume Seaweed 4, thereby exposing
12 them to CADMIUM and LEAD. Defendants thereby violated Proposition 65.

13 120. The principal routes of exposure with regard to Seaweed 4 are and were through
14 ingestion, including hand to mouth pathways, inhalation, and trans-dermal absorption.
15 Persons sustain exposures primarily by eating and consuming Seaweed 4, and additionally
16 by handling Seaweed 4 without wearing gloves or any other personal protective equipment,
17 or by touching bare skin or mucous membranes with gloves after handling Seaweed 4 as
18 well as through direct and indirect hand to mouth contact, hand to mucous membrane, or
19 even breathing in particulate matter dispersed from Seaweed 4.

20 121. Plaintiff is informed, believes, and thereon alleges that each of Defendants’
21 violations of Proposition 65 as to Seaweed 4 have been ongoing and continuous, as
22 Defendants engaged and continue to engage in conduct which violates Health and Safety
23 Code section 25249.6, including the manufacture, distribution, promotion, and sale of
24 Seaweed 4, so that a separate and distinct violation of Proposition 65 occurred each and
25 every time a person was exposed to CADMIUM and LEAD by Seaweed 4 as mentioned
26 herein.

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

1 123. Based on the allegations herein, Defendants are liable for civil penalties of up to
2 \$2,500.00 per day per individual exposure to CADMIUM and LEAD from Seaweed 4,
3 pursuant to Health and Safety Code section 25249.7(b). Plaintiff has engaged in good
4 faith efforts to resolve the claims alleged herein prior to filing this Complaint.

5 **EIGHTH CAUSE OF ACTION**

6 **(By CONSUMER ADVOCACY GROUP, INC. and against TAWA, B&G, and DOES 71-**
7 **80 for Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act**
8 **of 1986 (Health & Safety Code, §§ 25249.5, et seq.)**

9 **Ground Spices**

10 124. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
11 reference paragraphs 1 through 123 of this complaint as though fully set forth herein.

12 125. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
13 distributor, promoter, or retailer of Ground Ginger, identified as “Durkee;” “GROUND
14 GINGER;” “NET WT 0.80 OZ (23 g);” “ACH FOOD COMPANIES, INC. MEMPHIS,
15 TN 38016 USA;” “0 47600 61033 8;” “www.durkee.com;” “BEST 339A7 B;” “BY DEC
16 04 22;”

17 126. The scope of the Eleventh Cause of Action as to Ground Ginger is limited to the
18 specific UPC Number #047600610338, and the specific Lot Number of Ground Ginger.

19 127. Ground Ginger contains ARSENIC.

20 128. Defendants knew or should have known that ARSENIC has been identified by the
21 State of California as a chemical known to cause cancer and toxicity and therefore was
22 subject to Proposition 65 warning requirements. Defendants were also informed of the
23 presence of ARSENIC in Ground Ginger within Plaintiff’s notice of alleged violations
24 further discussed above at Paragraph 35.

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

1 25602(b). Ground Ginger is a consumer product, and, as mentioned herein, exposures to
2 ARSENIC took place as a result of such normal and foreseeable consumption and use.

3 130. Plaintiff is informed, believes, and thereon alleges that between November 5,
4 2016 and the present, each of the Defendants knowingly and intentionally exposed
5 California consumers and users of Ground Ginger, which Defendants manufactured,
6 distributed, or sold as mentioned above, to ARSENIC, without first providing any type of
7 clear and reasonable warning of such to the exposed persons before the time of exposure.
8 Defendants have distributed and sold Ground Ginger in California. Defendants know and
9 intend that California consumers will use and consume Seaweed 4, thereby exposing
10 them to ARSENIC. Defendants thereby violated Proposition 65.

11 131. The principal routes of exposure with regard to Ground Ginger are and were through
12 ingestion, including hand to mouth pathways, inhalation, and trans-dermal absorption.
13 Persons sustain exposures primarily by eating and consuming Ground Ginger, and
14 additionally by handling Ground Ginger without wearing gloves or any other personal
15 protective equipment, or by touching bare skin or mucous membranes with gloves after
16 handling Ground Ginger as well as through direct and indirect hand to mouth contact, hand
17 to mucous membrane, or even breathing in particulate matter dispersed from Ground
18 Ginger.

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

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

Based on the allegations herein, Defendants are liable for civil penalties of up to
\$2,500.00 per day per individual exposure to ARSENIC from Ground Ginger, pursuant to

1 Health and Safety Code section 25249.7(b). Plaintiff has engaged in good faith efforts to
2 resolve the claims alleged herein prior to filing this Complaint.

3 **NINTH CAUSE OF ACTION**

4 **(By CONSUMER ADVOCACY GROUP, INC. and against TAWA and DOES 81-90 for**
5 **Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986**
6 **(Health & Safety Code, §§ 25249.5, et seq.))**

7 **Seaweed**

8 135. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
9 reference paragraphs 1 through 134 of this complaint as though fully set forth herein.

10 136. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
11 distributor, promoter, or retailer of Crispy Seaweed (“Seaweed 5”), including but not
12 limited to: “San WeWu”; “Crispy Seaweed with Almond”; “40g (1.4 oz); “Manufacturer:
13 Day & Day Food Co., Ltd.”; “4 711942 856025”; “Made in Taiwan”.

14 137. Seaweed 5 contains CADMIUM.

15 138. Defendants knew or should have known that CADMIUM has been identified by
16 the State of California as a chemical known to cause cancer and toxicity and therefore
17 was subject to Proposition 65 warning requirements. Defendants were also informed of
18 the presence of CADMIUM in Seaweed 5 within Plaintiff’s notice of alleged violations
19 further discussed above at Paragraph 36.

20 139. Plaintiff’s allegations regarding Seaweed 5 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)*. Seaweed 5 is a consumer product, and, as mentioned herein, exposures to
25 CADMIUM took place as a result of such normal and foreseeable consumption and use.

26 140. Plaintiff is informed, believes, and thereon alleges that between November 12,
27 2016 and the present, each of the Defendants knowingly and intentionally exposed
28 California consumers and users of Seaweed 5, which Defendants manufactured,
distributed, or sold as mentioned above, to CADMIUM, without first providing any type
of clear and reasonable warning of such to the exposed persons before the time of

1 exposure. Defendants have distributed and sold Seaweed 5 in California. Defendants
2 know and intend that California consumers will use and consume Seaweed 5, thereby
3 exposing them to CADMIUM. Defendants thereby violated Proposition 65.

4 141. The principal routes of exposure with regard to Seaweed 5 are and were through
5 ingestion, including hand to mouth pathways, inhalation, and trans-dermal absorption.
6 Persons sustain exposures primarily by eating and consuming Seaweed 5, and additionally
7 by handling Seaweed 5 without wearing gloves or any other personal protective equipment,
8 or by touching bare skin or mucous membranes with gloves after handling Seaweed 5 as
9 well as through direct and indirect hand to mouth contact, hand to mucous membrane, or
10 even breathing in particulate matter dispersed from Seaweed 5.

11 142. Plaintiff is informed, believes, and thereon alleges that each of Defendants'
12 violations of Proposition 65 as to Seaweed 5 have been ongoing and continuous, as
13 Defendants engaged and continue to engage in conduct which violates Health and Safety
14 Code section 25249.6, including the manufacture, distribution, promotion, and sale of
15 Seaweed 5, so that a separate and distinct violation of Proposition 65 occurred each and
16 every time a person was exposed to CADMIUM by Seaweed 5 as mentioned herein.

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

20 144. Based on the allegations herein, Defendants are liable for civil penalties of up to
21 \$2,500.00 per day per individual exposure to CADMIUM from Seaweed 5, pursuant to
22 Health and Safety Code section 25249.7(b). Plaintiff has engaged in good faith efforts to
23 resolve the claims alleged herein prior to filing this Complaint.

24 **TENTH CAUSE OF ACTION**

25 **(By CONSUMER ADVOCACY GROUP, INC. and against TAWA and DOES 91-100 for**
26 **Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986**
27 **(Health & Safety Code, §§ 25249.5, et seq.))**

28 **Seaweed**

145. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
reference paragraphs 1 through 144 of this complaint as though fully set forth herein.

1 146. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
2 distributor, promoter, or retailer of Crispy Seaweed (“Seaweed 6”), including but not
3 limited to: “Simply Delicious Crispy Seaweed TM”; “Triple.M”; “Seafood Flavour”;
4 “Resealable Zipper”; “Net Weight (1.27 oz) g.”; “10-1-04551-1-0011”; “Sandwich.
5 Drink. Soup”; “Manufactured by Triple-M Products Co., Ltd.”;
6 www.mmmseaweedsnacks.com”; “UPC 8 858752 601301”; “Product of Thailand”.

7 147. Seaweed 6 contains LEAD.

8 148. Defendants knew or should have known that LEAD has been identified by the
9 State of California as a chemical known to cause cancer and toxicity and therefore was
10 subject to Proposition 65 warning requirements. Defendants were also informed of the
11 presence of LEAD in Seaweed 6 within Plaintiff’s notice of alleged violations further
12 discussed above at Paragraph 37.

13 149. Plaintiff’s allegations regarding Seaweed 6 concerns “[c]onsumer products
14 exposure[s],” which “is an exposure that results from a person’s acquisition, purchase,
15 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
16 exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, §*
17 *25602(b)*. Seaweed 6 is a consumer product, and, as mentioned herein, exposures to
18 LEAD took place as a result of such normal and foreseeable consumption and use.

19 150. Plaintiff is informed, believes, and thereon alleges that between November 15,
20 2016 and the present, each of the Defendants knowingly and intentionally exposed
21 California consumers and users of Seaweed 6, which Defendants manufactured,
22 distributed, or sold as mentioned above, to LEAD, without first providing any type of
23 clear and reasonable warning of such to the exposed persons before the time of exposure.
24 Defendants have distributed and sold Seaweed 6 in California. Defendants know and
25 intend that California consumers will use and consume Seaweed 6, thereby exposing
26 them to LEAD. Defendants thereby violated Proposition 65.

27 151. The principal routes of exposure with regard to Seaweed 6 are and were through
28 ingestion, including hand to mouth pathways, inhalation, and trans-dermal absorption.
Persons sustain exposures primarily by eating and consuming Seaweed 6, and additionally
by handling Seaweed 6 without wearing gloves or any other personal protective equipment,

1 or by touching bare skin or mucous membranes with gloves after handling Seaweed 6 as
2 well as through direct and indirect hand to mouth contact, hand to mucous membrane, or
3 even breathing in particulate matter dispersed from Seaweed 6.

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

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

13 154. 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 Seaweed 6, pursuant to Health
15 and Safety Code section 25249.7(b). Plaintiff has engaged in good faith efforts to resolve
16 the claims alleged herein prior to filing this Complaint.

17 **ELEVENTH CAUSE OF ACTION**

18 **(By CONSUMER ADVOCACY GROUP, INC. and against TAWA and DOES 101-110 for
19 Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986
20 (Health & Safety Code, §§ 25249.5, et seq.))**

21 **Seaweed**

22 155. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
23 reference paragraphs 1 through 154 of this complaint as though fully set forth herein.

24 156. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
25 distributor, promoter, or retailer of Crispy Seaweeds ("Seaweed 7"), including but not
26 limited to: "Simply Delicious;" "Crispy Seaweed;" "Triple .M;" "Hot & Spicy Flavour;"
27 "Net Weight (1.27OZ) g.;" "10-1-04551-1-0010;" "Manufactured by Triple-M Products
28 Co., Ltd. 65 Soi Tieantalay 26 Yak Bangkhuntiean-Chaytalay Rd, Thakham,
Bangkhuntiean, Bangkok 10150 THAILAND;" "www.mmmseaweedsnacks.com;" "US

1 GW 71013 MFG250 418 EXP250 420;” “PRODUCT OF THAILAND;” “8 858752
2 601295”.

3 157. Seaweed 7 contains LEAD and CADMIUM.

4 158. Defendants knew or should have known that LEAD and CADMIUM have been
5 identified by the State of California as a chemical known to cause cancer and toxicity and
6 therefore was subject to Proposition 65 warning requirements. Defendants were also
7 informed of the presence of LEAD and CADMIUM in Seaweed 7 within Plaintiff’s
8 notice of alleged violations further discussed above at Paragraph 38.

9 159. Plaintiff’s allegations regarding Seaweed 7 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)*. Seaweed 7 is a consumer product, and, as mentioned herein, exposures to
14 LEAD and CADMIUM took place as a result of such normal and foreseeable
15 consumption and use.

16 160. Plaintiff is informed, believes, and thereon alleges that between December 4,
17 2016 and the present, each of the Defendants knowingly and intentionally exposed
18 California consumers and users of Seaweed 7, which Defendants manufactured,
19 distributed, or sold as mentioned above, to LEAD and CADMIUM, without first
20 providing any type of clear and reasonable warning of such to the exposed persons before
21 the time of exposure. Defendants have distributed and sold Seaweed 7 in California.
22 Defendants know and intend that California consumers will use and consume Seaweed 7,
23 thereby exposing them to LEAD and CADMIUM. Defendants thereby violated
24 Proposition 65.

25 161. The principal routes of exposure with regard to Seaweed 7 are and were through
26 ingestion, including hand to mouth pathways, inhalation, and trans-dermal absorption.
27 Persons sustain exposures primarily by eating and consuming Seaweed 7, and additionally
28 by handling Seaweed 7 without wearing gloves or any other personal protective equipment,
or by touching bare skin or mucous membranes with gloves after handling Seaweed 7 as

1 well as through direct and indirect hand to mouth contact, hand to mucous membrane, or
2 even breathing in particulate matter dispersed from Seaweed 7.

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

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

13 164. 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 and CADMIUM from Seaweed 7,
15 pursuant to Health and Safety Code section 25249.7(b). Plaintiff has engaged in good
16 faith efforts to resolve the claims alleged herein prior to filing this Complaint.

17 **TWELVTH CAUSE OF ACTION**

18 **(By CONSUMER ADVOCACY GROUP, INC. and against TAWA, KIM SENG, and
19 DOES 111-120 for Violations of Proposition 65, The Safe Drinking Water and Toxic
20 Enforcement Act of 1986 (Health & Safety Code, §§ 25249.5, et seq.))**

21 **Dried Seaweed**

22 165. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
23 reference paragraphs 1 through 164 of this complaint as though fully set forth herein.

24 166. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
25 distributor, promoter, or retailer of Dried Seaweed Slice ("Seaweed 8"), including but not
26 limited to: "Heng Lung Brand;" "Henglung;" "DRIED SEAWEED SLICE;" "NET WT:
27 7 oz (200 g);" "DISTRIBUTOR: IHA BEVERAGE, COMMERCE, CA 90040;"
28 "Ingredients: Seaweed (Kelp);" "PRODUCT OF CHINA;" "6 10232 00673 4".

167. Seaweed 8 contains LEAD and ARSENIC.

1 168. Defendants knew or should have known that LEAD and ARSENIC have been
2 identified by the State of California as a chemical known to cause cancer and toxicity and
3 therefore was subject to Proposition 65 warning requirements. Defendants were also
4 informed of the presence of LEAD and ARSENIC in Seaweed 8 within Plaintiff's notice
5 of alleged violations further discussed above at Paragraph 39.

6 169. Plaintiff's allegations regarding Seaweed 8 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)*. Seaweed 8 is a consumer product, and, as mentioned herein, exposures to
11 LEAD and ARSENIC took place as a result of such normal and foreseeable consumption
12 and use.

13 170. Plaintiff is informed, believes, and thereon alleges that between December 9,
14 2016 and the present, each of the Defendants knowingly and intentionally exposed
15 California consumers and users of Seaweed 8, which Defendants manufactured,
16 distributed, or sold as mentioned above, to LEAD and ARSENIC, without first providing
17 any type of clear and reasonable warning of such to the exposed persons before the time
18 of exposure. Defendants have distributed and sold Seaweed 8 in California. Defendants
19 know and intend that California consumers will use and consume Seaweed 8, thereby
20 exposing them to LEAD and ARSENIC. Defendants thereby violated Proposition 65.

21 171. The principal routes of exposure with regard to Seaweed 8 are and were through
22 ingestion, including hand to mouth pathways, inhalation, and trans-dermal absorption.
23 Persons sustain exposures primarily by eating and consuming Seaweed 8, and additionally
24 by handling Seaweed 8 without wearing gloves or any other personal protective equipment,
25 or by touching bare skin or mucous membranes with gloves after handling Seaweed 8 as
26 well as through direct and indirect hand to mouth contact, hand to mucous membrane, or
27 even breathing in particulate matter dispersed from Seaweed 8.

28 172. Plaintiff is informed, believes, and thereon alleges that each of Defendants'
violations of Proposition 65 as to Seaweed 8 have been ongoing and continuous, 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 Seaweed 8, so that a separate and distinct violation of Proposition 65 occurred each and every time a person was exposed to LEAD and ARSENIC by Seaweed 8 as mentioned herein.

173. 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.

174. Based on the allegations herein, Defendants are liable for civil penalties of up to \$2,500.00 per day per individual exposure to LEAD and ARSENIC from Seaweed 8, pursuant to Health and Safety Code section 25249.7(b). Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to filing this Complaint.

THIRTEENTH CAUSE OF ACTION

(By CONSUMER ADVOCACY GROUP, INC. and against TAWA, ASIAN, and DOES 121-130 for Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986 (Health & Safety Code, §§ 25249.5, et seq.))

Seaweed

175. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by reference paragraphs 1 through 174 of this complaint as though fully set forth herein.

176. Each of the Defendants is, and at all times mentioned herein was, a manufacturer, distributor, promoter, or retailer of Dried Seaweed Slices (“Seaweed 9”), including but not limited to: “SELECTED PRODUCT;” “DRIED SEAWEED SLICE;” “NET WT.: 7oz(200g);” “PRODUCT OF HONGKONG;” “DISTRIBUTED BY: H I L A. CA 90040;” “0 45027 10125 5”.

177. Seaweed 9 contains LEAD and ARSENIC.

178. Defendants knew or should have known that LEAD and ARSENIC have been identified by the State of California as a chemical known to cause cancer and toxicity and therefore was subject to Proposition 65 warning requirements. Defendants were also informed of the presence of LEAD and ARSENIC in Seaweed 9 within Plaintiff's notice of alleged violations further discussed above at Paragraph 40.

1 179. Plaintiff's allegations regarding Seaweed 9 concerns "[c]onsumer products
2 exposure[s]," which "is an exposure that results from a person's acquisition, purchase,
3 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
4 exposure that results from receiving a consumer service." *Cal. Code Regs. tit. 27, §*
5 *25602(b)*. Seaweed 9 is a consumer product, and, as mentioned herein, exposures to
6 LEAD and ARSENIC took place as a result of such normal and foreseeable consumption
and use.

7 180. Plaintiff is informed, believes, and thereon alleges that between January 7, 2017
8 and the present, each of the Defendants knowingly and intentionally exposed California
9 consumers and users of Seaweed 9, which Defendants manufactured, distributed, or sold
10 as mentioned above, to LEAD and ARSENIC, without first providing any type of clear
11 and reasonable warning of such to the exposed persons before the time of exposure.
12 Defendants have distributed and sold Seaweed 9 in California. Defendants know and
13 intend that California consumers will use and consume Seaweed 9, thereby exposing
them to LEAD and ARSENIC. Defendants thereby violated Proposition 65.

14 181. The principal routes of exposure with regard to Seaweed 9 are and were through
15 ingestion, including hand to mouth pathways, inhalation, and trans-dermal absorption.
16 Persons sustain exposures primarily by eating and consuming Seaweed 9, and additionally
17 by handling Seaweed 9 without wearing gloves or any other personal protective equipment,
18 or by touching bare skin or mucous membranes with gloves after handling Seaweed 9 as
19 well as through direct and indirect hand to mouth contact, hand to mucous membrane, or
20 even breathing in particulate matter dispersed from Seaweed 9.

21 182. Plaintiff is informed, believes, and thereon alleges that each of Defendants'
22 violations of Proposition 65 as to Seaweed 9 have been ongoing and continuous, as
23 Defendants engaged and continue to engage in conduct which violates Health and Safety
24 Code section 25249.6, including the manufacture, distribution, promotion, and sale of
25 Seaweed 9, so that a separate and distinct violation of Proposition 65 occurred each and
26 every time a person was exposed to LEAD and ARSENIC by Seaweed 9 as mentioned
27 herein.
28

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

4 184. Based on the allegations herein, Defendants are liable for civil penalties of up to
5 \$2,500.00 per day per individual exposure to LEAD and ARSENIC from Seaweed 9,
6 pursuant to Health and Safety Code section 25249.7(b). Plaintiff has engaged in good
7 faith efforts to resolve the claims alleged herein prior to filing this Complaint.

8 **FOURTEENTH CAUSE OF ACTION**

9 **(By CONSUMER ADVOCACY GROUP, INC. and against TAWA and DOES 131-140 for**
10 **Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986**
11 **(Health & Safety Code, §§ 25249.5, et seq.))**

12 **Seaweed**

13 185. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
14 reference paragraphs 1 through 184 of this complaint as though fully set forth herein.

15 186. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
16 distributor, promoter, or retailer of Crispy Seaweed (“Seaweed 10”), including but not
17 limited to: “Triple-M Crispy Seaweed™”; “Simply Delicious”; “100% Vegetarian”;
18 “Original Flavour”; “Resealable Zipper”; “Net Weight (1.27 oz)”; “10-1-04551-1-0009”;
19 “Manufactured by Triple-M Products Co. Ltd”; www.mmmseaweedsnacks.com; “UPC 8
20 858752 601288”; “Product of Thailand”.

21 187. Seaweed 10 contains LEAD.

22 188. Defendants knew or should have known that LEAD have been identified by the
23 State of California as a chemical known to cause cancer and toxicity and therefore was
24 subject to Proposition 65 warning requirements. Defendants were also informed of the
25 presence of LEAD in Seaweed 10 within Plaintiff’s notice of alleged violations further
26 discussed above at Paragraph 42.

27 189. Plaintiff’s allegations regarding Seaweed 10 concerns “[c]onsumer products
28 exposure[s],” which “is an exposure that results from a person’s acquisition, purchase,
storage, consumption, or other reasonably foreseeable use of a consumer good, or any
exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, §*

1 25602(b). Seaweed 10 is a consumer product, and, as mentioned herein, exposures to
2 LEAD took place as a result of such normal and foreseeable consumption and use.

3 190. Plaintiff is informed, believes, and thereon alleges that between January 16, 2017
4 and the present, each of the Defendants knowingly and intentionally exposed California
5 consumers and users of Seaweed 10, which Defendants manufactured, distributed, or sold
6 as mentioned above, to LEAD, without first providing any type of clear and reasonable
7 warning of such to the exposed persons before the time of exposure. Defendants have
8 distributed and sold Seaweed 10 in California. Defendants know and intend that
9 California consumers will use and consume Seaweed 9, thereby exposing them to LEAD.
10 Defendants thereby violated Proposition 65.

11 191. The principal routes of exposure with regard to Seaweed 10 are and were through
12 ingestion, including hand to mouth pathways, inhalation, and trans-dermal absorption.
13 Persons sustain exposures primarily by eating and consuming Seaweed 10, and additionally
14 by handling Seaweed 10 without wearing gloves or any other personal protective
15 equipment, or by touching bare skin or mucous membranes with gloves after handling
16 Seaweed 10 as well as through direct and indirect hand to mouth contact, hand to mucous
17 membrane, or even breathing in particulate matter dispersed from Seaweed 10.

18 192. Plaintiff is informed, believes, and thereon alleges that each of Defendants'
19 violations of Proposition 65 as to Seaweed 10 have been ongoing and continuous, as
20 Defendants engaged and continue to engage in conduct which violates Health and Safety
21 Code section 25249.6, including the manufacture, distribution, promotion, and sale of
22 Seaweed 10, so that a separate and distinct violation of Proposition 65 occurred each and
23 every time a person was exposed to LEAD by Seaweed 10 as mentioned herein.

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

27 194. Based on the allegations herein, Defendants are liable for civil penalties of up to
28 \$2,500.00 per day per individual exposure to LEAD from Seaweed 10, pursuant to Health
and Safety Code section 25249.7(b). Plaintiff has engaged in good faith efforts to resolve
the claims alleged herein prior to filing this Complaint.

1 **FIFTEENTH CAUSE OF ACTION**

2 **(By CONSUMER ADVOCACY GROUP, INC. and against TAWA and DOES 141-150 for**
3 **Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986**
4 **(Health & Safety Code, §§ 25249.5, et seq.))**

4 **Ground Spices**

5 195. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
6 reference paragraphs 1 through 194 of this complaint as though fully set forth herein.

7 196. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
8 distributor, promoter, or retailer of Liquorice Powder (“Liquorice”) including but not
9 limited to: “Liquorice Powder N.W. 4oz (114g)”; “FLOWER ®”; “Natural is Best”;
10 “Manufacturer: Kimspring Nominees Ltd H.K.”; “UPC7 09888 40030 7”.

11 197. Liquorice contains LEAD.

12 198. Defendants knew or should have known that LEAD have been identified by the
13 State of California as a chemical known to cause cancer and toxicity and therefore was
14 subject to Proposition 65 warning requirements. Defendants were also informed of the
15 presence of LEAD in Liquorice within Plaintiff's notice of alleged violations further
16 discussed above at Paragraph 43.

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

23 200. Plaintiff is informed, believes, and thereon alleges that between January 16, 2017
24 and the present, each of the Defendants knowingly and intentionally exposed California
25 consumers and users of Liquorice, which Defendants manufactured, distributed, or sold
26 as mentioned above, to LEAD, without first providing any type of clear and reasonable
27 warning of such to the exposed persons before the time of exposure. Defendants have
28 distributed and sold Liquorice in California. Defendants know and intend that California

1 consumers will use and consume Liquorice, thereby exposing them to LEAD.

2 Defendants thereby violated Proposition 65.

3 201. The principal routes of exposure with regard to Liquorice are and were through ingestion,
4 including hand to mouth pathways, inhalation, and trans-dermal absorption. Persons
5 sustain exposures primarily by eating and consuming Liquorice, and additionally by
6 handling Liquorice without wearing gloves or any other personal protective equipment, or
7 by touching bare skin or mucous membranes with gloves after handling Liquorice as well
8 as through direct and indirect hand to mouth contact, hand to mucous membrane, or even
9 breathing in particulate matter dispersed from Liquorice.

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

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

19 204. Based on the allegations herein, Defendants are liable for civil penalties of up to
20 \$2,500.00 per day per individual exposure to LEAD from Liquorice, pursuant to Health
21 and Safety Code section 25249.7(b). Plaintiff has engaged in good faith efforts to resolve
22 the claims alleged herein prior to filing this Complaint.

23 **SIXTEENTH CAUSE OF ACTION**

24 **(By CONSUMER ADVOCACY GROUP, INC. and against TAWA, JANS and DOES 151-
25 160 for Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act
26 of 1986 (Health & Safety Code, §§ 25249.5, et seq.))**

27 **Chips**

28 205. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
reference paragraphs 1 through 204 of this complaint as though fully set forth herein.

1 206. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
2 distributor, promoter, or retailer of Cassava Celery Chips (“Cassava”) including but not
3 limited to: • “Jans ®”; “Cassava Chips Celery”; “Unbelievably Delicious!”; “Known as
4 Yuca Root”; “Net Wt. 3.52 oz (100g)”; “packed for: Jans Enterprises Corp”;
5 www.jansfood.com; “8 38452 00581 2”; “Product of Indonesia”; “UPC 8 38452 00581
6 2”

7 207. Cassava contains LEAD.

8 208. Defendants knew or should have known that LEAD have been identified by the
9 State of California as a chemical known to cause cancer and toxicity and therefore was
10 subject to Proposition 65 warning requirements. Defendants were also informed of the
11 presence of LEAD in Cassava within Plaintiff’s notice of alleged violations further
12 discussed above at Paragraph 44.

13 209. Plaintiff’s allegations regarding Cassava concerns “[c]onsumer products
14 exposure[s],” which “is an exposure that results from a person’s acquisition, purchase,
15 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
16 exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, §*
17 *25602(b)*. Cassava is a consumer product, and, as mentioned herein, exposures to LEAD
18 took place as a result of such normal and foreseeable consumption and use.

19 210. Plaintiff is informed, believes, and thereon alleges that between February 10,
20 2017 and the present, each of the Defendants knowingly and intentionally exposed
21 California consumers and users of Cassava, which Defendants manufactured, distributed,
22 or sold as mentioned above, to LEAD, without first providing any type of clear and
23 reasonable warning of such to the exposed persons before the time of exposure.
24 Defendants have distributed and sold Cassava in California. Defendants know and intend
25 that California consumers will use and consume Cassava, thereby exposing them to
26 LEAD. Defendants thereby violated Proposition 65.

27 211. The principal routes of exposure with regard to Cassava are and were through ingestion,
28 including hand to mouth pathways, inhalation, and trans-dermal absorption. Persons
sustain exposures primarily by eating and consuming Cassava, and additionally by
handling Cassava without wearing gloves or any other personal protective equipment, or

1 by touching bare skin or mucous membranes with gloves after handling Cassava as well as
2 through direct and indirect hand to mouth contact, hand to mucous membrane, or even
3 breathing in particulate matter dispersed from Cassava.

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

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

13 214. 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 Cassava, pursuant to Health
15 and Safety Code section 25249.7(b). Plaintiff has engaged in good faith efforts to resolve
16 the claims alleged herein prior to filing this Complaint.


17 **PRAYER FOR RELIEF**

18 Plaintiff demands against each of the Defendants as follows:

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

24 Dated: May 8, 2020

YEROUSHALMI & YEROUSHALMI

25 BY:  _____

26 Reuben Yeroushalmi
27 Attorneys for Plaintiff,
28 Consumer Advocacy Group, Inc.