

Assigned for all purposes to: Stanley Mosk Courthouse, Judicial Officer: Rupert Byrdsong

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Attorneys for Plaintiff,

CONSUMER ADVOCACY GROUP, INC.

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

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

Plaintiff,

v.

HAWAII SUPERMARKET LLC, a
California Limited Liability Company;
SUPER HK OF EL MONTE INC. a
California Corporation
SUPER HK CORPORATION, a California
Corporation
HAWAII SUPER MARKET INC., a
California Corporation
WALONG MARKETING INC., a California
Corporation
WEI-CHUAN U.S.A, INC., a California
Corporation
WEI CHUAN FOODS CORPORATION, a
California Corporation
and DOES 1-110,

Defendants.

CASE NO. **20STCV17747**

**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)**

1 Plaintiff CONSUMER ADVOCACY GROUP, INC. alleges eleven cause of action
2 against defendants HAWAII SUPERMARKET LLC, SUPER HK OF EL MONTE INC.,
3 SUPER HK CORPORATION, HAWAII SUPER MARKET INC., WALONG MARKETING
4 INC., WEI-CHUAN U.S.A, INC., WEI CHUAN FOODS CORPORATION and DOES 1-110
5 as follows: **THE PARTIES**

- 6 1. Plaintiff CONSUMER ADVOCACY GROUP, INC. (“Plaintiff” or “CAG”) is an
7 organization qualified to do business in the State of California. CAG is a person within
8 the meaning of Health and Safety Code Section 25249.11, subdivision (a). CAG, acting
9 as a private attorney general, brings this action in the public interest as defined under
10 Health and Safety Code Section 25249.7, subdivision (d).
- 11 2. Defendant HAWAII SUPERMARKET LLC (“HAWAII LLC”) is a California Limited
12 Liability Company, authorized to do business in California and doing business in the
13 State of California at all relevant times herein.
- 14 3. Defendant SUPER HK OF EL MONTE INC. (“SUPER HK”) is a California
15 Corporation, authorized to do business in California and doing business in the State of
16 California at all relevant times herein.
- 17 4. Defendant SUPER HK CORPORATION (“SUPER HK CORP”) is a California
18 Corporation, authorized to do business in California and doing business in the State of
19 California at all relevant times herein.
- 20 5. Defendant HAWAII SUPERMARKET INC. (“HAWAII INC.”) is a California
21 Corporation, authorized to do business in California and doing business in the State of
22 California at all relevant times herein.
- 23 6. Defendant WALONG MARKETING INC. (“WALONG”) is a California Corporation,
24 authorized to do business in California and doing business in the State of California at
25 all relevant times herein.

- 1 7. Defendant WEI CHUAN U.S.A INC. (“WEI CHUAN”) is a California Corporation,
2 authorized to do business in California and doing business in the State of California at
3 all relevant times herein.
- 4 8. Defendant WEI CHUAN FOODS CORPORATION (“WEI CHUAN CORP”) is a
5 California Corporation, authorized to do business in California and doing business in
6 the State of California at all relevant times herein.
- 7 9. Plaintiff is presently unaware of the true names and capacities of defendants DOES
8 1-70, 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 10. At all times mentioned herein, the term “Defendants” includes HAWAII LLC, SUPER
14 HK, SUPER HK CORP, HAWAII INC, WALONG, WEI CHUAN, WEI CHUAN
15 CORP, and DOES 1-110.
- 16 11. 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 12. Upon information and belief, at all times relevant to this action, the Defendants,
19 including DOES 1-110, was an agent, servant, or employee of each of the other
20 Defendant. 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
25 agents. Alternatively, each of the Defendants aided, conspired with and/or facilitated
26 the alleged wrongful conduct of each of the other Defendants.
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1 13. Plaintiff is informed, believes, and thereon alleges that at all relevant times, the
2 Defendant 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 14. 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 15. 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
13 in 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
16 manufacture, distribution, promotion, marketing, or sale of their products within
17 California to render the exercise of jurisdiction by the California courts permissible
18 under traditional notions of fair play and substantial justice.

19 16. 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
21 and/or because Defendants conducted, and continue to conduct, business in the County
22 of Los Angeles with respect to the consumer product that is the subject of this action.

23 **BACKGROUND AND PRELIMINARY FACTS**

24 17. 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
26 to chemicals that cause cancer, birth defects, or other reproductive harm." Ballot Pamp.,
27 Proposed Law, Gen. Elec. (Nov. 4, 1986) at p. 3. The initiative, The Safe Drinking
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1 Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code Sections
2 25249.5, *et seq.* (“Proposition 65”), helps to protect California’s drinking water sources
3 from contamination, to allow consumers to make informed choices about the products
4 they buy, and to enable persons to protect themselves from toxic chemicals as they see
5 fit.

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

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

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

23 21. Plaintiff identified certain practices of manufacturers and distributors of consumer and
24 food products of exposing, knowingly and intentionally, persons in California to
25 Cadmium and Cadmium Compounds (“Cadmium”) Lead and Lead Compounds
26 (“Lead”) and Di-n-butyl Phthalate (“DBP”), in such products without first providing
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1 clear and reasonable warnings of such to the exposed persons prior to the time of
2 exposure. Plaintiff later discerned that Defendants engaged in such practice.

3 22. On October 1, 1987, the Governor of California added Cadmium to the list of chemicals
4 known to the State to cause cancer (*Cal. Code Regs.* tit. 27, § 27001(b)). Pursuant to
5 Health and Safety Code Sections 25249.9 and 25249.10, twenty (20) months after
6 addition of Cadmium to the list of chemicals known to the State to cause cancer,
7 Cadmium became fully subject to Proposition 65 warning requirements and discharge
8 prohibitions.

9 23. On May 1, 1997, the Governor of California added Cadmium to the list of chemicals
10 known to the State to cause developmental and reproductive toxicity (*Cal. Code Regs.*
11 tit. 27, § 27001(c)). Cadmium is known to the State to cause developmental, female,
12 and male reproductive toxicity. Pursuant to Health and Safety Code Sections 25249.9
13 and 25249.10, twenty (20) months after addition of Cadmium to the list of chemicals
14 known to the State to cause reproductive toxicity, Cadmium became fully subject to
15 Proposition 65 warning requirements and discharge prohibitions.

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

22 25. On February 27, 1987, the Governor of California added Lead to the list of chemicals
23 known to the State to cause developmental and male reproductive toxicity (*Cal. Code*
24 *Regs.* tit. 27, § 27001(c)). Lead is known to the State to cause developmental, female,
25 and male reproductive toxicity. Pursuant to Health and Safety Code Sections 25249.9
26 and 25249.10, twenty (20) months after addition of Lead to the list of chemicals known
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1 to the State to cause reproductive toxicity, Lead became fully subject to Proposition 65
2 warning requirements and discharge prohibitions.

3 26. On December 2, 2005, the Governor of California added DBP to the list of chemicals
4 known to the State to cause developmental and reproductive toxicity (*Cal. Code Regs.*
5 tit. 27, § 27001(c)). DBP is known to the State to cause developmental, female, and
6 male reproductive toxicity. Pursuant to Health and Safety Code Sections 25249.9 and
7 25249.10, twenty (20) months after addition of DBP to the list of chemicals known to
8 the State to cause development and reproductive toxicity, DBP became fully subject to
9 Proposition 65 warning requirements and discharge prohibitions.

10 **SATISFACTION OF PRIOR NOTICE**

11 27. On or about October 11, 2019 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 HAWAII LLC, HAWAII INC., and to the California Attorney General,
14 County District Attorneys, and City Attorneys for each city containing a population of
15 at least 750,000 people in whose jurisdictions the violations allegedly occurred,
16 concerning the Slipper with Plastic Components.

17 28. On or about October 23, 2019 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 HAWAII LLC, HAWAII INC., SUPER HK CORP., SUPER HK, and
20 to the California Attorney General, County District Attorneys, and City Attorneys for
21 each city containing a population of at least 750,000 people in whose jurisdictions the
22 violations allegedly occurred, concerning the Dried Seaweed.

23 29. On or about October 31, 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 HAWAII LLC, HAWAII INC., and to the California Attorney General,
26 County District Attorneys, and City Attorneys for each city containing a population of
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1 at least 750,000 people in whose jurisdictions the violations allegedly occurred,
2 concerning the Dried Seaweed.

3 30. On or about October 31, 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 HAWAII LLC, HAWAII INC., WALONG and to the California
6 Attorney General, County District Attorneys, and City Attorneys for each city
7 containing a population of at least 750,000 people in whose jurisdictions the violations
8 allegedly occurred, concerning the Dried Seaweed.

9 31. On or about January 7, 2020 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 HAWAII LLC, HAWAII INC., and to the California Attorney General,
12 County District Attorneys, and City Attorneys for each city containing a population of
13 at least 750,000 people in whose jurisdictions the violations allegedly occurred,
14 concerning the Dried Ginger Powder.

15 32. On or about January 9, 2020 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 HAWAII LLC, HAWAII INC., and to the California Attorney
18 General, County District Attorneys, and City Attorneys for each city containing a
19 population of at least 750,000 people in whose jurisdictions the violations allegedly
20 occurred, concerning the Roasted Seasoned Laver.

21 33. On or about January 7, 2020 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 SUPER HK CORP, SUPER HK, WEI CHUAN, WEI CHUAN CORP,
24 and to the California Attorney General, County District Attorneys, and City Attorneys
25 for each city containing a population of at least 750,000 people in whose jurisdictions
26 the violations allegedly occurred, concerning the Laver.

1 34. Before sending the notice of alleged violations, Plaintiff investigated the consumer
2 products involved, the likelihood that such products would cause users to suffer
3 significant exposures to Cadmium, and the corporate structure of each of the
4 Defendants.

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

15 36. Plaintiff's notice of alleged violations also included a Certificate of Service and a
16 document entitled "The Safe Drinking Water & Toxic Enforcement Act of 1986
17 (Proposition 65) A Summary." *Health & Safety Code* § 25249.7(d).

18 37. Plaintiff is commencing this action more than sixty (60) days from the dates that
19 Plaintiff gave notice of the alleged violations to HAWAII LLC, SUPER HK, SUPER
20 HK CORP, HAWAII INC, WALONG, WEI CHUAN, WEI CHUAN CORP, and the
21 public prosecutors referenced in Paragraph 27 and 33.

22 38. Plaintiff is informed, believes, and thereon alleges that neither the Attorney General,
23 nor any applicable district attorney or city attorney has commenced and is diligently
24 prosecuting an action against the Defendants.

25 **FIRST CAUSE OF ACTION**

26 **(By CONSUMER ADVOCACY GROUP, INC. and against HAWAII LLC,**
27 **HAWAII INC., and DOES 1-10 for Violations of Proposition 65, The Safe**
28 **Drinking Water and Toxic Enforcement Act of 1986 (*Health & Safety Code*, §§**
25249.5, *et seq.*))

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

Slippers

39. Plaintiff repeats and incorporates by reference paragraphs 1 through 38 of this complaint as though fully set forth herein.

40. Each of the Defendants is, and at all times mentioned herein was, a manufacturer, distributor, promoter, or retailer of Slipper with Plastic Components (“Slippers”), including but not limited to • “Colorful Happy Land;” “hadeer;” “PRODUCT: SLIPPER;” “ITEM NO:8702;” “6 924879 187027;” “PRODUCT OF CHINA;” Pink Slippers.

41. Slippers contains DBP.

42. Defendants knew or should have known that DBP has been identified by the State of California as a chemical known to cause developmental, and reproductive toxicity and therefore was subject to Proposition 65 warning requirements. Defendants were also informed of the presence of DBP in Slippers within Plaintiff’s notice of alleged violations further discussed above at Paragraph 27.

43. Plaintiff’s allegations regarding Product 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 exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, § 25602(b)*. Slippers is a consumer product, and, as mentioned herein, exposures to DBP took place as a result of such normal and foreseeable consumption and use.

44. Plaintiff is informed, believes, and thereon alleges that between October 11, 2016 and the present, each of the Defendants knowingly and intentionally exposed California consumers and users of Slippers, which Defendants manufactured, distributed, or sold as mentioned above, to DBP, without first providing any type of clear and reasonable warning of such to the exposed persons before the time of exposure. Defendants have distributed and sold Slippers in California. Defendants know and intend that California

1 consumers will use Slippers, thereby exposing them to DBP. Defendants thereby
2 violated Proposition 65.

3 45. The principal routes of exposure with regard to Slippers are and were through ingestion,
4 inhalation, and trans-dermal absorption. Persons sustain exposures primarily by using
5 and wearing Slippers , and additionally by handling Slippers without wearing gloves or
6 any other personal protective equipment, or by touching bare skin or mucous
7 membranes with gloves after handling Slippers as well as through direct and indirect
8 hand to mouth contact, hand to mucous membrane, or even breathing in particulate
9 matter dispersed from Slippers during use, as well as through environmental mediums
10 that carry the DBP once contained within the Slippers.

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

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

20 48. Based on the allegations herein, Defendants are liable for civil penalties of up to
21 \$2,500.00 per day per individual exposure to DBP from Slippers, pursuant to Health
22 and Safety Code Section 25249.7(b).

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

25 **SECOND CAUSE OF ACTION**

26 **(By CONSUMER ADVOCACY GROUP, INC. and against HAWAII LLC,**
27 **HAWAII INC., SUPER HK CORP., SUPER HK, and DOES 11-20 for Violations**
28 **of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986**
(Health & Safety Code, §§ 25249.5, et seq.)

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

Seaweed

50. Plaintiff repeats and incorporates by reference paragraphs 1 through 49 of this complaint as though fully set forth herein.

51. Each of the Defendants is, and at all times mentioned herein was, a manufacturer, distributor, promoter, or retailer of Dried Seaweed ("Seaweed") including but not limited to: • "DRIED SEAWEED;" "Net Weight: 2.1OZ (60g);" "Distributed By: CACA Food Group Inc. 16555 Gale Ave., City of Industry, CA91745;" "Product of China;" "6 946886 289013"

52. Seaweed contains Lead.

53. Defendants knew or should have known that Lead has been identified by the State of California as a chemical known to cause cancer, developmental, and reproductive toxicity and therefore was subject to Proposition 65 warning requirements. Defendants were also informed of the presence of Lead in Seaweed within Plaintiff's notice of alleged violations further discussed above at Paragraph 28.

54. Plaintiff's allegations regarding Product 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 exposure that results from receiving a consumer service." Cal. Code Regs. tit. 27, § 25602(b). Seaweed is a consumer product, and, as mentioned herein, exposures to Lead took place as a result of such normal and foreseeable consumption and use.

55. Plaintiff is informed, believes, and thereon alleges that between October 23, 2016 and the present, each of the Defendants knowingly and intentionally exposed California consumers and users of Seaweed, which Defendants manufactured, distributed, or sold as mentioned above, to Lead, without first providing any type of clear and reasonable warning of such to the exposed persons before the time of exposure. Defendants have distributed and sold Seaweed in California. Defendants

1 know and intend that California consumers will use and consume Seaweed, thereby
2 exposing them to Lead. Defendants thereby violated Proposition 65.

3 56. The principal routes of exposure with regard to Seaweed are and were through
4 ingestion, especially direct (oral) ingestion, inhalation, and trans-dermal absorption.
5 Persons sustain exposures primarily by eating and consuming Seaweed , and
6 additionally by handling Seaweed without wearing gloves or any other personal
7 protective equipment, or by touching bare skin or mucous membranes with gloves after
8 handling Seaweed as well as through direct and indirect hand to mouth contact, hand to
9 mucous membrane, or even breathing in particulate matter dispersed from Seaweed
10 during use, as well as through environmental mediums that carry the Lead once
11 contained within the Seaweed.

12 57. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations
13 of Proposition 65 as to Seaweed 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
16 Seaweed, so that a separate and distinct violation of Proposition 65 occurred each and
17 every time a person was exposed to Lead by Seaweed as mentioned herein.

18 58. 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 59. 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 Seaweed, pursuant to Health
23 and Safety Code Section 25249.7(b).

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

26 **THIRD CAUSE OF ACTION**

27 **(By CONSUMER ADVOCACY GROUP, INC. and against HAWAII LLC, HAWAII**
28 **INC., SUPER HK CORP., SUPER HK,, and DOES 21-30 for Violations of Proposition 65,**

The Safe Drinking Water and Toxic Enforcement Act of 1986 (*Health & Safety Code*, §§ 25249.5, *et seq.*)

Dried Seaweed

61. Plaintiff repeats and incorporates by reference paragraphs 1 through 60 of this complaint as though fully set forth herein.
62. Each of the Defendants is, and at all times mentioned herein was, a manufacturer, distributor, promoter, or retailer of Dried Laver (“Seaweed II”), including but not limited to “DRIED SEAWEED;” “Net Weight: 2.1OZ (60g);” “Distributed By: CACA Food Group Inc. 16555 Gale Ave., City of Industry, CA91745;” “Product of China;” “6946886 289013”
63. Seaweed II contains Cadmium.
64. Defendants knew or should have known that Cadmium has been identified by the State of California as a chemical known to cause cancer, developmental, and reproductive toxicity and therefore was subject to Proposition 65 warning requirements. Defendants were also informed of the presence of Cadmium in Seaweed II within Plaintiff’s notice of alleged violations further discussed above at Paragraph 28.
65. Plaintiff’s allegations regarding Product 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 exposure that results from receiving a consumer service.” *Cal. Code Regs.* tit. 27, § 25602(b). Seaweed II is a consumer product, and, as mentioned herein, exposures to Cadmium took place as a result of such normal and foreseeable consumption and use.
66. Plaintiff is informed, believes, and thereon alleges that between October 23, 2016 and the present, each of the Defendants knowingly and intentionally exposed California consumers and users of Seaweed I, 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 exposure. Defendants have distributed and sold Seaweed II in California. Defendants know and

intend that California consumers will use and consume Seaweed II, thereby exposing them to Cadmium. Defendants thereby violated Proposition 65.

67. The principal routes of exposure with regard to Seaweed II are and were through ingestion, especially direct (oral) ingestion, inhalation, and trans-dermal absorption. Persons sustain exposures primarily by eating and consuming Seaweed II , and additionally by handling Seaweed II without wearing gloves or any other personal protective equipment, or by touching bare skin or mucous membranes with gloves after handling Seaweed II as well as through direct and indirect hand to mouth contact, hand to mucous membrane, or even breathing in particulate matter dispersed from Seaweed II during use, as well as through environmental mediums that carry the Cadmium once contained within the Seaweed II.

68. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of Proposition 65 as to Seaweed II 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 II, so that a separate and distinct violation of Proposition 65 occurred each and every time a person was exposed to Cadmium by Seaweed II as mentioned herein.

69. 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.

70. 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 II, pursuant to Health and Safety Code Section 25249.7(b).

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

FOURTH CAUSE OF ACTION

(By CONSUMER ADVOCACY GROUP, INC. and against HAWAII LLC, HAWAII INC., and DOES 31-40 for Violations of Proposition 65, The Safe

Drinking Water and Toxic Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*)

Dried Seaweed

72. Plaintiff repeats and incorporates by reference paragraphs 1 through 71 of this complaint as though fully set forth herein.

73. Each of the Defendants is, and at all times mentioned herein was, a manufacturer, distributor, promoter, or retailer of Dried Seaweed (“Seaweed III”) including but not limited to: “seaweed;” “Net Wt.: 1.05oz;” “GUANGDONG FAMOUS TRADEMARK;” “Manufacturer: Shantou Jiasheng Non-staple Food Co., Ltd.,” “Product of China;” “6 908161 970153”

74. Seaweed III contains Lead.

75. Defendants knew or should have known that Lead has been identified by the State of California as a chemical known to cause cancer, developmental, and reproductive toxicity and therefore was subject to Proposition 65 warning requirements. Defendants were also informed of the presence of Lead in Seaweed III within Plaintiff’s notice of alleged violations further discussed above at Paragraph 29.

76. Plaintiff’s allegations regarding Product 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 exposure that results from receiving a consumer service.” Cal. Code Regs. tit. 27, § 25602(b). Seaweed III is a consumer product, and, as mentioned herein, exposures to Lead took place as a result of such normal and foreseeable consumption and use.

77. Plaintiff is informed, believes, and thereon alleges that between October 31, 2016 and the present, each of the Defendants knowingly and intentionally exposed California consumers and users of Seaweed III, which Defendants manufactured, distributed, or sold as mentioned above, to Lead, without first providing any type of clear and reasonable warning of such to the exposed persons before the time of exposure. Defendants have distributed and sold Seaweed III in California. Defendants know and

1 intend that California consumers will use and consume Seaweed III, thereby exposing
2 them to Lead. Defendants thereby violated Proposition 65.

3 78. The principal routes of exposure with regard to Seaweed III are and were through
4 ingestion, especially direct (oral) ingestion, inhalation, and trans-dermal absorption.
5 Persons sustain exposures primarily by eating and consuming Seaweed III , and
6 additionally by handling Seaweed III without wearing gloves or any other personal
7 protective equipment, or by touching bare skin or mucous membranes with gloves after
8 handling Seaweed III as well as through direct and indirect hand to mouth contact, hand
9 to mucous membrane, or even breathing in particulate matter dispersed from Seaweed
10 III during use, as well as through environmental mediums that carry the Lead once
11 contained within the Seaweed III.

12 79. Plaintiff is informed, believes, and thereon alleges that each of Defendants'
13 violations of Proposition 65 as to Seaweed III have been ongoing and continuous, as
14 Defendants engaged and continue to engage in conduct which violates Health and
15 Safety Code Section 25249.6, including the manufacture, distribution, promotion, and
16 sale of Seaweed III, so that a separate and distinct violation of Proposition 65 occurred
17 each and every time a person was exposed to Lead by Seaweed III 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 Seaweed III, pursuant to Health
23 and Safety Code Section 25249.7(b).

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

26 **FIFTH CAUSE OF ACTION**

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

Dried Seaweed

83. Plaintiff repeats and incorporates by reference paragraphs 1 through 82 of this complaint as though fully set forth herein.

84. Each of the Defendants is, and at all times mentioned herein was, a manufacturer, distributor, promoter, or retailer of Dried Seaweed (“Seaweed III”) including but not limited to: “seaweed;” “Net Wt.: 1.05oz;” “GUANGDONG FAMOUS TRADEMARK;” “Manufacturer: Shantou Jiasheng Non-staple Food Co., Ltd.,” “Product of China;” “6 908161 970153”

85. Seaweed III contains Cadmium.

86. Defendants knew or should have known that Cadmium has been identified by the State of California as a chemical known to cause cancer, developmental, and reproductive toxicity and therefore was subject to Proposition 65 warning requirements. Defendants were also informed of the presence of Cadmium in Seaweed III within Plaintiff’s notice of alleged violations further discussed above at Paragraph 29.

87. Plaintiff’s allegations regarding Product 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 exposure that results from receiving a consumer service.” *Cal. Code Regs.* tit. 27, § 25602(b). Seaweed III is a consumer product, and, as mentioned herein, exposures to Cadmium took place as a result of such normal and foreseeable consumption and use.

88. Plaintiff is informed, believes, and thereon alleges that between October 31, 2016 and the present, each of the Defendants knowingly and intentionally exposed California consumers and users of Seaweed I, 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 exposure. Defendants have distributed and sold Seaweed III in California. Defendants know and

1 intend that California consumers will use and consume Seaweed III, thereby exposing
2 them to Cadmium. Defendants thereby violated Proposition 65.

3 89. The principal routes of exposure with regard to Seaweed III are and were through
4 ingestion, especially direct (oral) ingestion, inhalation, and trans-dermal absorption.
5 Persons sustain exposures primarily by eating and consuming Seaweed III , and
6 additionally by handling Seaweed III without wearing gloves or any other personal
7 protective equipment, or by touching bare skin or mucous membranes with gloves after
8 handling Seaweed III as well as through direct and indirect hand to mouth contact, hand
9 to mucous membrane, or even breathing in particulate matter dispersed from Seaweed
10 III during use, as well as through environmental mediums that carry the Cadmium once
11 contained within the Seaweed III.

12 90. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations
13 of Proposition 65 as to Seaweed III 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
16 Seaweed III, so that a separate and distinct violation of Proposition 65 occurred each
17 and every time a person was exposed to Cadmium by Seaweed III as mentioned herein.

18 91. 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 92. Based on the allegations herein, Defendants are liable for civil penalties of up to
22 \$2,500.00 per day per individual exposure to Cadmium from Seaweed III, pursuant to
23 Health and Safety Code Section 25249.7(b).

24 93. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
25 filing this Complaint.
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SIXTH CAUSE OF ACTION

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

Dried Seaweed

94. Plaintiff repeats and incorporates by reference paragraphs 1 through 93 of this complaint as though fully set forth herein.

95. Each of the Defendants is, and at all times mentioned herein was, a manufacturer, distributor, promoter, or retailer of Dried Seaweed (“Seaweed IV”) including but not limited to: • “DRIED SEAWEED;” “NET WT: 50g (1.76oz);” “ASIAN TASTE;” “Best Before Apr. 30. 2020.,” “PRODUCT OF CHINA;” “PACK FOR: Shanghai Wachine Trading Co., Ltd. Rm 303, Information Tower, No.1403 Minsheng Rd, Pudong, Shanghai, China 200135;” “6 73367 35022 6;”

96. Seaweed IV contains Lead.

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

98. Plaintiff’s allegations regarding Product 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 exposure that results from receiving a consumer service.” Cal. Code Regs. tit. 27, § 25602(b). Seaweed IV is a consumer product, and, as mentioned herein, exposures to Lead took place as a result of such normal and foreseeable consumption and use.

99. Plaintiff is informed, believes, and thereon alleges that between October 31, 2016 and the present, each of the Defendants knowingly and intentionally exposed California consumers and users of Seaweed IV, which Defendants manufactured, distributed, or

1 sold as mentioned above, to Lead, 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 Seaweed IV in California. Defendants know and
4 intend that California consumers will use and consume Seaweed IV, thereby exposing
5 them to Lead. Defendants thereby violated Proposition 65.

6 100. The principal routes of exposure with regard to Seaweed IV are and were
7 through ingestion, especially direct (oral) ingestion, inhalation, and trans-dermal
8 absorption. Persons sustain exposures primarily by eating and consuming Seaweed IV ,
9 and additionally by handling Seaweed IV without wearing gloves or any other personal
10 protective equipment, or by touching bare skin or mucous membranes with gloves after
11 handling Seaweed IV as well as through direct and indirect hand to mouth contact, hand
12 to mucous membrane, or even breathing in particulate matter dispersed from Seaweed
13 IV during use, as well as through environmental mediums that carry the Lead once
14 contained within the Seaweed IV.

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

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

24 103. Based on the allegations herein, Defendants are liable for civil penalties of up to
25 \$2,500.00 per day per individual exposure to Lead from Seaweed IV, pursuant to Health
26 and Safety Code Section 25249.7(b).

104. 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 HAWAII LLC, HAWAII INC., WALONG 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.*))

Dried Seaweed

105. Plaintiff repeats and incorporates by reference paragraphs 1 through 104 of this complaint as though fully set forth herein.

106. Each of the Defendants is, and at all times mentioned herein was, a manufacturer, distributor, promoter, or retailer of Dried Seaweed (“Seaweed IV”) including but not limited to: • “DRIED SEAWEED;” “NET WT: 50g (1.76oz);” “ASIAN TASTE;” “Best Before Apr. 30. 2020.,” “PRODUCT OF CHINA;” “PACK FOR: Shanghai Wachine Trading Co., Ltd. Rm 303, Information Tower, No.1403 Minsheng Rd, Pudong, Shanghai, China 200135;” “6 73367 35022 6;”

107. Seaweed IV contains Cadmium.

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

109. Plaintiff’s allegations regarding Product 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 exposure that results from receiving a consumer service.” *Cal. Code Regs.* tit. 27, § 25602(b). Seaweed IV is a consumer product, and, as mentioned herein, exposures to Cadmium took place as a result of such normal and foreseeable consumption and use.

1 110. Plaintiff is informed, believes, and thereon alleges that between October 31,
2 2016 and the present, each of the Defendants knowingly and intentionally exposed
3 California consumers and users of Seaweed I, which Defendants manufactured,
4 distributed, or sold as mentioned above, to Cadmium, without first providing any type
5 of clear and reasonable warning of such to the exposed persons before the time of
6 exposure. Defendants have distributed and sold Seaweed IV in California. Defendants
7 know and intend that California consumers will use and consume Seaweed IV, thereby
8 exposing them to Cadmium. Defendants thereby violated Proposition 65.

9 111. The principal routes of exposure with regard to Seaweed IV are and were
10 through ingestion, especially direct (oral) ingestion, inhalation, and trans-dermal
11 absorption. Persons sustain exposures primarily by eating and consuming Seaweed IV ,
12 and additionally by handling Seaweed IV without wearing gloves or any other personal
13 protective equipment, or by touching bare skin or mucous membranes with gloves after
14 handling Seaweed IV as well as through direct and indirect hand to mouth contact, hand
15 to mucous membrane, or even breathing in particulate matter dispersed from Seaweed
16 IV during use, as well as through environmental mediums that carry the Cadmium once
17 contained within the Seaweed IV.

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

25 113. Plaintiff is informed, believes, and thereon alleges that each violation of
26 Proposition 65 mentioned herein is ever continuing. Plaintiff further alleges and
27 believes that the violations alleged herein will continue to occur into the future.
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1 114. 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 from Seaweed IV, pursuant to
3 Health and Safety Code Section 25249.7(b).

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

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7 **EIGHTH CAUSE OF ACTION**

8 **(By CONSUMER ADVOCACY GROUP, INC. and against HAWAII LLC,**
9 **HAWAII INC., and DOES 71-80 for Violations of Proposition 65, The Safe**
10 **Drinking Water and Toxic Enforcement Act of 1986 (*Health & Safety Code*, §§**
11 **25249.5, *et seq.*))**

12 **Ground Spices**

13 116. Plaintiff repeats and incorporates by reference paragraphs 1 through 115 of this
14 complaint as though fully set forth herein.

15 117. Each of the Defendants is, and at all times mentioned herein was, a
16 manufacturer, distributor, promoter, or retailer of Dried Ginger Powder (“Ginger
17 Powder”) identified as: “Wu Hsing ®”; “Net Wt: 30g 1.1 oz”; “Dry Ginger Powder”;
18 “Packed for Ton Hsing Foods Industrial Co. Ltd”; “Made in Taiwan”; “4 710868
19 801171”

20 118. The scope of the Dried Ginger Powder in this cause of action is limited to the
21 Lot Number and Universal Product Code Number of the Ginger Powder.

22 119. Ginger Powder contains Lead.

23 120. Defendants knew or should have known that Lead has been identified by
24 the State of California as a chemical known to cause cancer, developmental, and
25 reproductive toxicity and therefore was subject to Proposition 65 warning requirements.
26 Defendants were also informed of the presence of Lead in Ginger Powder within
27 Plaintiff’s notice of alleged violations further discussed above at Paragraph 31.

28 121. Plaintiff’s allegations regarding Product concerns “[c]onsumer products
exposure[s],” which “is an exposure that results from a person’s acquisition, purchase,

1 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
2 exposure that results from receiving a consumer service.” Cal. Code Regs. tit. 27, §
3 25602(b). Ginger Powder is a consumer product, and, as mentioned herein, exposures
4 to Lead took place as a result of such normal and foreseeable consumption and use.

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

13 123. The principal routes of exposure with regard to Ginger Powder are and were
14 through ingestion, especially direct (oral) ingestion, inhalation, and trans-dermal
15 absorption. Persons sustain exposures primarily by eating and consuming Ginger
16 Powder , and additionally by handling Ginger Powder without wearing gloves or any
17 other personal protective equipment, or by touching bare skin or mucous membranes
18 with gloves after handling Ginger Powder as well as through direct and indirect hand to
19 mouth contact, hand to mucous membrane, or even breathing in particulate matter
20 dispersed from Ginger Powder during use, as well as through environmental mediums
21 that carry the Lead once contained within the Ginger Powder.

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

125. 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.

126. Based on the allegations herein, Defendants are liable for civil penalties of up to \$2,500.00 per day per individual exposure to Lead from Ginger Powder, pursuant to Health and Safety Code Section 25249.7(b).

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

NINTH CAUSE OF ACTION

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

Dried Seaweed

128. Plaintiff repeats and incorporates by reference paragraphs 1 through 127 of this complaint as though fully set forth herein.

129. Each of the Defendants is, and at all times mentioned herein was, a manufacturer, distributor, promoter, or retailer of Dried Seaweed (“Seaweed V”) including but not limited to: • “(ROASTED SEAWEED, LAVER);” “20g;” “Manufacturer: KWANG JIN FOODS CO.,” “Address: 558-2 SHIN WOL RO CHO WOL EUP KWANG JU CITY KYUNG GI DO KOREA;” “8 807135 831101;”

130. Seaweed V contains Lead.

131. Defendants knew or should have known that Lead has been identified by the State of California as a chemical known to cause cancer, developmental, and reproductive toxicity and therefore was subject to Proposition 65 warning requirements.

Defendants were also informed of the presence of Lead in Seaweed V within Plaintiff's notice of alleged violations further discussed above at Paragraph 32.

132. Plaintiff's allegations regarding Product 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 exposure that results from receiving a consumer service." Cal. Code Regs. tit. 27, § 25602(b). Seaweed V is a consumer product, and, as mentioned herein, exposures to Lead took place as a result of such normal and foreseeable consumption and use.

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

134. The principal routes of exposure with regard to Seaweed V are and were through ingestion, especially direct (oral) ingestion, inhalation, and trans-dermal absorption. Persons sustain exposures primarily by eating and consuming Seaweed V, and additionally by handling Seaweed V without wearing gloves or any other personal protective equipment, or by touching bare skin or mucous membranes with gloves after handling Seaweed V as well as through direct and indirect hand to mouth contact, hand to mucous membrane, or even breathing in particulate matter dispersed from Seaweed V during use, as well as through environmental mediums that carry the Lead once contained within the Seaweed V.

135. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of Proposition 65 as to Seaweed V 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 V, so that a separate and distinct violation of Proposition 65 occurred each and every time a person was exposed to Lead by Seaweed V as mentioned herein.

136. 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.

137. Based on the allegations herein, Defendants are liable for civil penalties of up to \$2,500.00 per day per individual exposure to Lead from Seaweed V, pursuant to Health and Safety Code Section 25249.7(b).

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

TENTH CAUSE OF ACTION

(By CONSUMER ADVOCACY GROUP, INC. and against SUPER HK CORP, SUPER HK, WEI CHUAN, WEI CHUAN CORP, and DOES 91-100 for Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986 (Health & Safety Code, §§ 25249.5, et seq.))

Seaweed

139. Plaintiff repeats and incorporates by reference paragraphs 1 through 138 of this complaint as though fully set forth herein.

140. Each of the Defendants is, and at all times mentioned herein was, a manufacturer, distributor, promoter, or retailer of Dried Seaweed ("Seaweed VI") including but not limited to: • "DRIED SEAWEED;" "NET WT: 50g (1.76oz);" "ASIAN TASTE;" "Best Before Apr. 30. 2020.;" "PRODUCT OF CHINA;" "PACK FOR: Shanghai Wachine Trading Co., Ltd. Rm 303, Information Tower, No.1403 Minsheng Rd, Pudong, Shanghai, China 200135;" "6 73367 35022 6;"

141. Seaweed VI contains Lead.

142. Defendants knew or should have known that Lead has been identified by the State of California as a chemical known to cause cancer, developmental, and

1 reproductive toxicity and therefore was subject to Proposition 65 warning requirements.
2 Defendants were also informed of the presence of Lead in Seaweed VI within Plaintiff's
3 notice of alleged violations further discussed above at Paragraph 33.

4 143. Plaintiff's allegations regarding Product concerns "[c]onsumer products
5 exposure[s]," which "is an exposure that results from a person's acquisition, purchase,
6 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
7 exposure that results from receiving a consumer service." Cal. Code Regs. tit. 27, §
8 25602(b). Seaweed VI is a consumer product, and, as mentioned herein, exposures to
9 Lead took place as a result of such normal and foreseeable consumption and use.

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

18 145. The principal routes of exposure with regard to Seaweed VI are and were
19 through ingestion, especially direct (oral) ingestion, inhalation, and trans-dermal
20 absorption. Persons sustain exposures primarily by eating and consuming Seaweed VI,
21 and additionally by handling Seaweed VI without wearing gloves or any other personal
22 protective equipment, or by touching bare skin or mucous membranes with gloves after
23 handling Seaweed VI as well as through direct and indirect hand to mouth contact, hand
24 to mucous membrane, or even breathing in particulate matter dispersed from Seaweed
25 VI during use, as well as through environmental mediums that carry the Lead once
26 contained within the Seaweed VI.

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

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

10 148. Based on the allegations herein, Defendants are liable for civil penalties of up to
11 \$2,500.00 per day per individual exposure to Lead from Seaweed VI, pursuant to Health
12 and Safety Code Section 25249.7(b).

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

15 **ELEVENTH CAUSE OF ACTION**

16 **(By CONSUMER ADVOCACY GROUP, INC. and against SUPER HK CORP, SUPER**
17 **HK, WEI CHUAN, WEI CHUAN CORP, and DOES 100-110 for Violations of**
18 **Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986 (*Health &***
***Safety Code*, §§ 25249.5, *et seq.*))**

19 **Seaweed**

20 150. Plaintiff repeats and incorporates by reference paragraphs 1 through 149 of this
21 complaint as though fully set forth herein.

22 151. Each of the Defendants is, and at all times mentioned herein was, a
23 manufacturer, distributor, promoter, or retailer of Dried Seaweed ("Seaweed VI")
24 including but not limited to: • "DRIED SEAWEED;" "NET WT: 50g (1.76oz);"
25 "ASIAN TASTE;" "Best Before Apr. 30. 2020.;" "PRODUCT OF CHINA;" "PACK
26 FOR: Shanghai Wachine Trading Co., Ltd. Rm 303, Information Tower, No.1403
Minsheng Rd, Pudong, Shanghai, China 200135;" "6 73367 35022 6;"

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

6 154. Plaintiff's allegations regarding Product 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 VI is a consumer product, and, as mentioned herein, exposures to
11 Cadmium took place as a result of such normal and foreseeable consumption and use.

12 155. Plaintiff is informed, believes, and thereon alleges that between January 7, 2017
13 and the present, each of the Defendants knowingly and intentionally exposed California
14 consumers and users of Seaweed I, which Defendants manufactured, distributed, or sold
15 as mentioned above, to Cadmium, without first providing any type of clear and
16 reasonable warning of such to the exposed persons before the time of exposure.
17 Defendants have distributed and sold Seaweed VI in California. Defendants know and
18 intend that California consumers will use and consume Seaweed VI, thereby exposing
19 them to Cadmium. Defendants thereby violated Proposition 65.

20 156. The principal routes of exposure with regard to Seaweed VI are and were
21 through ingestion, especially direct (oral) ingestion, inhalation, and trans-dermal
22 absorption. Persons sustain exposures primarily by eating and consuming Seaweed VI ,
23 and additionally by handling Seaweed VI without wearing gloves or any other personal
24 protective equipment, or by touching bare skin or mucous membranes with gloves after
25 handling Seaweed VI as well as through direct and indirect hand to mouth contact, hand
26 to mucous membrane, or even breathing in particulate matter dispersed from Seaweed
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VI during use, as well as through environmental mediums that carry the Cadmium once contained within the Seaweed VI.

157. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of Proposition 65 as to Seaweed VI 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 VI, so that a separate and distinct violation of Proposition 65 occurred each and every time a person was exposed to Cadmium by Seaweed VI as mentioned herein.

158. 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.

159. 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 VI, pursuant to Health and Safety Code Section 25249.7(b).

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

PRAYER FOR RELIEF

Plaintiff demands against each of the Defendants as follows:

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

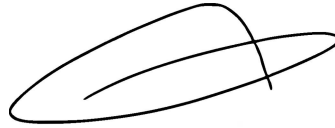
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1 Dated: May 8, 2020

YEROUSHALMI & YEROUSHALMI*

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5 Reuben Yeroushalmi
6 Attorneys for Plaintiff,
7 CONSUMER ADVOCACY GROUP, INC.
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