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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **COUNTY OF LOS ANGELES**

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

13 Plaintiff,

14 v.

15 DAISO CALIFORNIA, LLC, a California
 16 Limited Liability Company;
 17 DAISO CALIFORNIA, INC., a California
 18 Corporation;
 19 DAISO HOLDING USA, INC., a
 20 Washington Corporation;
 21 DAISO INDUSTRIES CO. LTD., a Japan
 22 Corporation;
 23 and DOES 1-250,

24 Defendants.

CASE NO. **20STCV22619**

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.*)

UNLIMITED CIVIL ACTION

25 Plaintiff CONSUMER ADVOCACY GROUP, INC. alleges twenty five causes of action
 26 against defendants DAISO CALIFORNIA, LLC, DAISO CALIFORNIA, INC., DAISO
 27 HOLDING USA, INC., DAISO INDUSTRIES CO. LTD., and DOES 1-250 as follows:
 28

THE PARTIES

- 1
2 1. Plaintiff CONSUMER ADVOCACY GROUP, INC. (“Plaintiff” or “CAG”) is an
3 organization qualified to do business in the State of California. CAG is a person within
4 the meaning of Health and Safety Code section 25249.11, subdivision (a). CAG, acting
5 as a private attorney general, brings this action in the public interest as defined under
6 Health and Safety Code section 25249.7, subdivision (d).
- 7 2. Defendant DAISO CALIFORNIA, LLC (“DAISO CA”) is a California Limited Liability
8 Company qualified to do business in the State of California and doing business in
9 California at all relevant times herein.
- 10 3. Defendant DAISO CALIFORNIA, INC. (“DAISO CAL”) is a California Corporation
11 qualified to do business in the State of California and doing business in California at all
12 relevant times herein.
- 13 4. Defendant DAISO HOLDING USA, INC. (“DAISO HOLDING”) is a Washington
14 Corporation doing business in the State of California at all relevant times herein.
- 15 5. Defendant DAISO INDUSTRIES CO. LTD., (“DAISO INDUSTRIES”) is a Japan
16 Corporation doing business in the State of California at all relevant times herein
- 17 6. Plaintiff is presently unaware of the true names and capacities of defendants DOES 1-
18 250, and therefore sues these defendants by such fictitious names. Plaintiff will amend
19 this complaint to allege their true names and capacities when ascertained. Plaintiff is
20 informed, believes, and thereon alleges that each fictitiously named defendant is
21 responsible in some manner for the occurrences herein alleged and the damages caused
22 thereby.
- 23 7. At all times mentioned herein, the term “Defendants” includes DAISO CA, DAISO CAL,
24 DAISO HOLDING, DAISO INDUSTRIES, and DOES 1-250.
- 25 8. Plaintiff is informed and believes, and thereon alleges that each of the Defendants at all
26 times mentioned herein have conducted business within the State of California.

- 1 9. Upon information and belief, at all times relevant to this action, each of the Defendants,
2 including DOES 1-250, was an agent, servant, or employee of each of the other
3 Defendants. In conducting the activities alleged in this Complaint, each of the
4 Defendants was acting within the course and scope of this agency, service, or
5 employment, and was acting with the consent, permission, and authorization of each of
6 the other Defendants. All actions of each of the Defendants alleged in this Complaint
7 were ratified and approved by every other Defendant or their officers or managing agents.
8 Alternatively, each of the Defendants aided, conspired with and/or facilitated the alleged
9 wrongful conduct of each of the other Defendants.
- 10 10. Plaintiff is informed, believes, and thereon alleges that at all relevant times, each of the
11 Defendants was a person doing business within the meaning of Health and Safety Code
12 section 25249.11, subdivision (b), and that each of the Defendants had ten (10) or more
13 employees at all relevant times.

14 JURISDICTION

- 15 11. The Court has jurisdiction over this lawsuit pursuant to California Constitution Article
16 VI, Section 10, which grants the Superior Court original jurisdiction in all causes except
17 those given by statute to other trial courts. This Court has jurisdiction over this action
18 pursuant to Health and Safety Code section 25249.7, which allows enforcement of
19 violations of Proposition 65 in any Court of competent jurisdiction.
- 20 12. This Court has jurisdiction over Defendants named herein because Defendants either
21 reside or are located in this State or are foreign corporations authorized to do business in
22 California, are registered with the California Secretary of State, or who do sufficient
23 business in California, have sufficient minimum contacts with California, or otherwise
24 intentionally avail themselves of the markets within California through their manufacture,
25 distribution, promotion, marketing, or sale of their products within California to render
26 the exercise of jurisdiction by the California courts permissible under traditional notions
27 of fair play and substantial justice.
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1 13. Venue is proper in the County of Los Angeles because one or more of the instances of
2 wrongful conduct occurred, and continues to occur, in the County of Los Angeles and/or
3 because Defendants conducted, and continue to conduct, business in the County of Los
4 Angeles with respect to the consumer product that is the subject of this action.

5 **BACKGROUND AND PRELIMINARY FACTS**

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

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

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

26 17. Proposition 65 provides that any person "violating or threatening to violate" the statute
27 may be enjoined in any court of competent jurisdiction. *Health & Safety Code* § 25249.7.

1 "Threaten to violate" means "to create a condition in which there is a substantial
2 probability that a violation will occur." *Health & Safety Code* § 25249.11(e).

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

5 18. Plaintiff identified certain practices of manufacturers and distributors of products bearing
6 Di (2-ethylhexyl) phthalate, also known as Diethyl Hexyl Phthalate and Bis (2-
7 ethylhexyl) phthalate ("DEHP"); Di-n-Butyl Phthalate, also known as Dibutyl Phthalate
8 ("DBP"); and Diisononyl Phthalate ("DINP") of exposing, knowingly and intentionally,
9 persons in California to the Proposition 65-listed chemicals of such products without first
10 providing clear and reasonable warnings of such to the exposed persons prior to the time
11 of exposure. Plaintiff later discerned that Defendants engaged in such practice.

12 19. On January 1, 1988, the Governor of California added DEHP to the list of chemicals
13 known to the State to cause cancer, and on October 24, 2003, the Governor added DEHP
14 to the list of chemicals known to the State to cause developmental male reproductive
15 toxicity. Pursuant to Health and Safety Code sections 25249.9 and 25249.10, twenty (20)
16 months after addition of DEHP to the list of chemicals known to the State to cause
17 reproductive toxicity, DEHP became fully subject to Proposition 65 warning
18 requirements and discharge prohibitions.

19 20. On December 2, 2005, the Governor of California added DBP to the list of chemicals
20 known to the State to cause developmental, female, and male reproductive toxicity.
21 Pursuant to Health and Safety Code sections 25249.9 and 25249.10, twenty (20) months
22 after addition of DBP to the list of chemicals known to the State to cause developmental
23 and reproductive toxicity, DBP became fully subject to Proposition 65 warning
24 requirements and discharge prohibitions.

25 21. On December 20, 2013, the Governor of California added DINP to the list of chemicals
26 known to the State to cause cancer. Pursuant to Health and Safety Code sections 25249.9
27 and 25249.10, twenty (20) months after addition of DINP to the list of chemicals known
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1 to the State to cause cancer, DINP became fully subject to Proposition 65 warning
2 requirements and discharge prohibitions.

3 **SATISFACTION OF PRIOR NOTICE**

4 22. On or about November 30, 2018, Plaintiff gave notice of alleged violations of Health and
5 Safety Code section 25249.6, concerning consumer products exposures, subject to a
6 private action to DAISO CA, DAISO HOLDING, DAISO INDUSTRIES, and to the
7 California Attorney General, County District Attorneys, and City Attorneys for each city
8 containing a population of at least 750,000 people in whose jurisdictions the violations
9 allegedly occurred, concerning PVC Pouch containing DEHP.

10 23. On or about December 12, 2018, Plaintiff gave notice of alleged violations of Health and
11 Safety Code section 25249.6, concerning consumer products exposures, subject to a
12 private action to DAISO CA, DAISO HOLDING, DAISO INDUSTRIES, and to the
13 California Attorney General, County District Attorneys, and City Attorneys for each city
14 containing a population of at least 750,000 people in whose jurisdictions the violations
15 allegedly occurred, concerning PVC CD DVD Case containing DEHP.

16 24. On or about January 18, 2019, Plaintiff gave notice of alleged violations of Health and
17 Safety Code section 25249.6, concerning consumer products exposures, subject to a
18 private action to DAISO CA, DAISO HOLDING, DAISO INDUSTRIES, and to the
19 California Attorney General, County District Attorneys, and City Attorneys for each city
20 containing a population of at least 750,000 people in whose jurisdictions the violations
21 allegedly occurred, concerning Plastic Children's Sandals containing DBP.

22 25. On or about February 4, 2019, Plaintiff gave notice of alleged violations of Health and
23 Safety Code section 25249.6, concerning consumer products exposures, subject to a
24 private action to DAISO CA, DAISO HOLDING, DAISO INDUSTRIES, and to the
25 California Attorney General, County District Attorneys, and City Attorneys for each city
26 containing a population of at least 750,000 people in whose jurisdictions the violations
27 allegedly occurred, concerning PVC Sink Mat containing DEHP.

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1 26. On or about February 12, 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 DAISO CA, DAISO HOLDING, DAISO INDUSTRIES, and to the
4 California Attorney General, County District Attorneys, and City Attorneys for each city
5 containing a population of at least 750,000 people in whose jurisdictions the violations
6 allegedly occurred, concerning PVC Non Slip Mat containing DEHP.

7 27. On or about April 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 DAISO CA, DAISO CAL, DAISO HOLDING, DAISO INDUSTRIES,
10 and to the California Attorney General, County District Attorneys, and City Attorneys for
11 each city containing a population of at least 750,000 people in whose jurisdictions the
12 violations allegedly occurred, concerning PVC Shower Mat containing DEHP.

13 28. On or about May 30, 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 DAISO CA, DAISO CAL, DAISO HOLDING, and to the California
16 Attorney General, County District Attorneys, and City Attorneys for each city containing
17 a population of at least 750,000 people in whose jurisdictions the violations allegedly
18 occurred, concerning Artificial Leather Shoulder Bag containing DEHP.

19 29. On or about June 28, 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 DAISO CA, DAISO CAL, DAISO HOLDING, DAISO INDUSTRIES,
22 and to the California Attorney General, County District Attorneys, and City Attorneys for
23 each city containing a population of at least 750,000 people in whose jurisdictions the
24 violations allegedly occurred, concerning Clear Vinyl Bags containing DEHP.

25 30. On or about August 26, 2019, Plaintiff gave notice of alleged violations of Health and
26 Safety Code section 25249.6, concerning consumer products exposures, subject to a
27 private action to DAISO CA, DAISO CAL, DAISO HOLDING, DAISO INDUSTRIES,
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1 and to the California Attorney General, County District Attorneys, and City Attorneys for
2 each city containing a population of at least 750,000 people in whose jurisdictions the
3 violations allegedly occurred, concerning Clear Cases with Plastic Components
4 containing DEHP.

5 31. On or about August 26, 2019, 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 DAISO CA, DAISO CAL, DAISO HOLDING, DAISO INDUSTRIES,
8 and to the California Attorney General, County District Attorneys, and City Attorneys for
9 each city containing a population of at least 750,000 people in whose jurisdictions the
10 violations allegedly occurred, concerning Zipper Cases with Plastic Components
11 containing DEHP.

12 32. On or about September 6, 2019, Plaintiff gave notice of alleged violations of Health and
13 Safety Code section 25249.6, concerning consumer products exposures, subject to a
14 private action to DAISO CA, DAISO HOLDING, DAISO INDUSTRIES, and to the
15 California Attorney General, County District Attorneys, and City Attorneys for each city
16 containing a population of at least 750,000 people in whose jurisdictions the violations
17 allegedly occurred, concerning PVC Shoe Covers containing DEHP.

18 33. On or about September 17, 2019, Plaintiff gave notice of alleged violations of Health and
19 Safety Code section 25249.6, concerning consumer products exposures, subject to a
20 private action to DAISO CA, DAISO CAL, DAISO HOLDING, DAISO INDUSTRIES,
21 and to the California Attorney General, County District Attorneys, and City Attorneys for
22 each city containing a population of at least 750,000 people in whose jurisdictions the
23 violations allegedly occurred, concerning Plastic Bathtub and Shower Mats and Sandals
24 with Polymer/Plastic Components containing DEHP and DBP.

25 34. On or about October 4, 2019, Plaintiff gave notice of alleged violations of Health and
26 Safety Code section 25249.6, concerning consumer products exposures, subject to a
27 private action to DAISO CA, DAISO HOLDING, DAISO INDUSTRIES, and to the
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1 California Attorney General, County District Attorneys, and City Attorneys for each city
2 containing a population of at least 750,000 people in whose jurisdictions the violations
3 allegedly occurred, concerning PVC Sink Mats containing DEHP.

4 35. On or about October 24, 2019, Plaintiff gave notice of alleged violations of Health and
5 Safety Code section 25249.6, concerning consumer products exposures, subject to a
6 private action to DAISO CA, DAISO CAL, DAISO HOLDING, DAISO INDUSTRIES,
7 and to the California Attorney General, County District Attorneys, and City Attorneys for
8 each city containing a population of at least 750,000 people in whose jurisdictions the
9 violations allegedly occurred, concerning Plastic Zippered Cases containing DEHP.

10 36. On or about October 24, 2019, Plaintiff gave notice of alleged violations of Health and
11 Safety Code section 25249.6, concerning consumer products exposures, subject to a
12 private action to DAISO CA, DAISO CAL, DAISO HOLDING, DAISO INDUSTRIES,
13 and to the California Attorney General, County District Attorneys, and City Attorneys for
14 each city containing a population of at least 750,000 people in whose jurisdictions the
15 violations allegedly occurred, concerning Plastic Binder Pencils Pouches and Vinyl Mesh
16 Cases containing DEHP.

17 37. On or about November 15, 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 DAISO CA, DAISO CAL, DAISO HOLDING, DAISO INDUSTRIES,
20 and 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 Gusset Pouches with Plastic Components
23 containing DEHP.

24 38. On or about November 19, 2019, Plaintiff gave notice of alleged violations of Health and
25 Safety Code section 25249.6, concerning consumer products exposures, subject to a
26 private action to DAISO CA, DAISO CAL, DAISO HOLDING, DAISO INDUSTRIES,
27 and to the California Attorney General, County District Attorneys, and City Attorneys for
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1 each city containing a population of at least,000 people in whose jurisdictions the
2 violations allegedly occurred, concerning Pouches with Plastic Components containing
3 DEHP and DINP.

4 39. On or about November 25, 2019, Plaintiff gave notice of alleged violations of Health and
5 Safety Code section 25249.6, concerning consumer products exposures, subject to a
6 private action to DAISO CA, DAISO CAL, DAISO HOLDING, DAISO INDUSTRIES,
7 and to the California Attorney General, County District Attorneys, and City Attorneys for
8 each city containing a population of at least 750,000 people in whose jurisdictions the
9 violations allegedly occurred, concerning Beach Sandals containing DEHP and DBP.

10 40. On or about December 16, 2019, Plaintiff gave notice of alleged violations of Health and
11 Safety Code section 25249.6, concerning consumer products exposures, subject to a
12 private action to DAISO CA, DAISO CAL, DAISO HOLDING, DAISO INDUSTRIES,
13 and to the California Attorney General, County District Attorneys, and City Attorneys for
14 each city containing a population of at least 750,000 people in whose jurisdictions the
15 violations allegedly occurred, concerning Cosmetic Bags with Plastic Components
16 containing DEHP.

17 41. On or about March 18, 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 DAISO CAL, DAISO HOLDING, 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 Indoor Slippers containing DEHP.

23 42. On or about March 18, 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 DAISO CAL, DAISO HOLDING, DAISO INDUSTRIES, and to the
26 California Attorney General, County District Attorneys, and City Attorneys for each city

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1 containing a population of at least 750,000 people in whose jurisdictions the violations
2 allegedly occurred, concerning Suction Cups with Plastic Components containing DEHP.

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

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

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

19 46. Plaintiff is commencing this action more than sixty (60) days from the dates that Plaintiff
20 gave notices of the alleged violations to DAISO CA, DAISO CAL, DAISO HOLDING,
21 and the public prosecutors referenced in Paragraphs 22-42.

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

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1 **FIRST CAUSE OF ACTION**

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

6 **PVC Pouch**

7 48. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
8 reference paragraphs 1 through 47 of this complaint as though fully set forth herein.
9 Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
10 distributor, promoter, or retailer of Pouches, which includes but is not limited to:
11 “DAISO Japan Quality;” “SIMPLE LIFE DOT 7” FLAT CASE;” “NECESSAIRE;”
12 “Bag No. 82;” “Material PVC;” “DAISO INDUSTRIES CO., LTD.,” “MADE IN
13 CHINA;” “4 549131 522365” (“Pouches”).

14 49. Pouches contain DEHP.

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

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

26 52. Plaintiff is informed, believes, and thereon alleges that between November 30, 2015 and
27 the present, each of the Defendants knowingly and intentionally exposed California
28 consumers and users of Pouches, which Defendants manufactured, distributed, or sold as

1 mentioned above, to DEHP, without first providing any type of clear and reasonable
2 warning of such to the exposed persons before the time of exposure. Defendants have
3 distributed and sold Pouches in California. Defendants know and intend that California
4 consumers will use Pouches, thereby exposing them to DEHP. Defendants thereby
5 violated Proposition 65.

6 53. The principal routes of exposure are through dermal contact, ingestion, and inhalation.
7 Persons sustain exposures by handling Pouches without wearing gloves or any other
8 personal protective equipment, or by touching bare skin or mucous membranes with
9 gloves after handling Pouches, as well as through hand to mouth contact, hand to mucous
10 membrane, or breathing in particulate matter dispersed from the Pouches.

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

17 55. 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 56. Based on the allegations herein, Defendants are liable for civil penalties of up to
21 \$2,500.00 per day per individual exposure to DEHP from Pouches, pursuant to Health
22 and Safety Code section 25249.7(b).

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

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1 **SECOND CAUSE OF ACTION**

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

6 **CD/DVD Case**

7 58. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
8 reference paragraphs 1 through 57 of this complaint as though fully set forth herein.
9 Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
10 distributor, promoter, or retailer of PVC CD/DVD Case, which includes but is not
11 limited to: “CD DVD CASE;” “ANIMAL;” “PANDA;” “DASIO Japan Quality;” “CD
12 Case Animal Face;” “20 pockets;” “Material PVC;” “KO-17-p12;” “TL-714;” “CD Cases
13 243;” “DAISO INDUSTRIES CO., LTD.,” “MADE IN CHINA;” “4 549131 309690”
14 (“CD/DVD Cases”).

15 59. CD/DVD Cases contain DEHP.

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

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

27 62. Plaintiff is informed, believes, and thereon alleges that between December 12, 2015 and
28 the present, each of the Defendants knowingly and intentionally exposed California

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

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

7 63. The principal routes of exposure are through dermal contact, ingestion, and inhalation.

8 Persons sustain exposures by handling CD/DVD Cases without wearing gloves or any
9 other personal protective equipment, or by touching bare skin or mucous membranes with
10 gloves after handling CD/DVD Cases, as well as through hand to mouth contact, hand to
11 mucous membrane, or breathing in particulate matter dispersed from the CD/DVD Cases.

12 64. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
13 Proposition 65 as to CD/DVD Cases 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 Mast, so
16 that a separate and distinct violation of Proposition 65 occurred each and every time a
17 person was exposed to DEHP by CD/DVD Cases as mentioned herein.

18 65. 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 66. Based on the allegations herein, Defendants are liable for civil penalties of up to
22 \$2,500.00 per day per individual exposure to DEHP from CDDVD Cases, pursuant to
23 Health and Safety Code section 25249.7(b).

24 67. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
25 filing this Complaint.
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1 **THIRD CAUSE OF ACTION**

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

6 **Children’s Footwear**

7 68. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
8 reference paragraphs 1 through 67 of this complaint as though fully set forth herein.
9 Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
10 distributor, promoter, or retailer of Plastic Children’s Sandals, which includes but is not
11 limited to: “DAISO JAPAN QUALITY;” “BEACH SANDALS;” “BEACH SANDALS
12 – FOR KIDS – 15 CM – 5.9” – PANDA – WITH ELASTIC;” “MADE IN CHINA;”
13 “QUALITY AND DESIGN BY DAISO JAPAN;” “DIASO INDUSTRIES CO., LTD.;"
14 “G-IT-17-P20;” “TL-889;” “4 549131 508338" (“Sandals”).

15 69. Sandals contain DBP.

16 70. Defendants knew or should have known that DBP has been identified by the State of
17 California as a chemical known to cause cancer, developmental, and reproductive toxicity
18 and therefore was subject to Proposition 65 warning requirements. Defendants were also
19 informed of the presence of relevant chemical in Product within Plaintiff's notice of
20 alleged violations further discussed above at Paragraph 24.

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

27 72. Plaintiff is informed, believes, and thereon alleges that between January 18, 2016 and the
28 present, each of the Defendants knowingly and intentionally exposed California

1 consumers and users of Sandals, which Defendants manufactured, distributed, or sold as
2 mentioned above, to DBP, without first providing any type of clear and reasonable
3 warning of such to the exposed persons before the time of exposure. Defendants have
4 distributed and sold Sandals in California. Defendants know and intend that California
5 consumers will use Sandals, thereby exposing them to DBP. Defendants thereby violated
6 Proposition 65.

7 73. The principal routes of exposure are through dermal contact, ingestion, and inhalation.
8 Persons sustain exposures by handling Sandals without wearing gloves or any other
9 personal protective equipment, or by touching bare skin or mucous membranes with
10 gloves after handling Sandals, as well as through hand to mouth contact, hand to mucous
11 membrane, or breathing in particulate matter dispersed from the Sandals.

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

18 75. 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 76. Based on the allegations herein, Defendants are liable for civil penalties of up to
22 \$2,500.00 per day per individual exposure to DBP from Sandals, pursuant to Health and
23 Safety Code section 25249.7(b).

24 77. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
25 filing this Complaint.
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1 **FOURTH CAUSE OF ACTION**

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

6 **Kitchen Accessories**

7 78. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
8 reference paragraphs 1 through 77 of this complaint as though fully set forth herein.

9 Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
10 distributor, promoter, or retailer of PVC Sink Mat, which includes but is not limited to:
11 “DAISO;” “PVC SINK MAT;” “32cm x 26cm;” “Sink Mats 7;” “MADE IN CHINA;”
12 “DAISO INDUSTRIES CO., LTD;” “4 549131 629859” (“Sink Mats”).

13 79. Sink Mats contain DEHP.

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

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

25 82. Plaintiff is informed, believes, and thereon alleges that between February 4, 2016 and the
26 present, each of the Defendants knowingly and intentionally exposed California
27 consumers and users of Sink Mats, which Defendants manufactured, distributed, or sold
28 as mentioned above, to DEHP, 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 Sink Mat in California. Defendants know and intend that California
3 consumers will use Sink Mat, thereby exposing them to DEHP. Defendants thereby
4 violated Proposition 65.

5 83. The principal routes of exposure are through dermal contact, ingestion, and inhalation.
6 Persons sustain exposures by handling Sink Mats without wearing gloves or any other
7 personal protective equipment, or by touching bare skin or mucous membranes with
8 gloves after handling Sink Mats, as well as through hand to mouth contact, hand to
9 mucous membrane, or breathing in particulate matter dispersed from the Sink Mats.

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

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

19 86. Based on the allegations herein, Defendants are liable for civil penalties of up to
20 \$2,500.00 per day per individual exposure to DEHP from Sink Mat, pursuant to Health
21 and Safety Code section 25249.7(b).

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

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1 **FIFTH CAUSE OF ACTION**

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

6 **Floor Mats**

7 88. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
8 reference paragraphs 1 through 87 of this complaint as though fully set forth herein.
9 Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
10 distributor, promoter, or retailer of PVC Non Slip Mat, which includes but is not limited
11 to: “NON SLIP MAT;” “ONLY SPREADS UNDER! SKID AND CURLS
12 PREVENTION.,” “DAISO JAPAN;” “PRODUCED FOR DAISO JAPAN;” “45 x 100
13 CM;” “MATERIAL: PVC;” “AR-14-P10;” “T-217;” “DAISO INDUSTRIES CO.,
14 LTD.,” “MADE IN CHINA;” “4 549131 246209” (“Slip Mats”).

15 89. Slip Mats contain DEHP.

16 90. Defendants knew or should have known that DEHP has been identified by the State of
17 California as a chemical known to cause cancer, developmental, and reproductive toxicity
18 and therefore was subject to Proposition 65 warning requirements. Defendants were also
19 informed of the presence of relevant chemical in Product within Plaintiff's notice of
20 alleged violations further discussed above at Paragraph 26.

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

27 92. Plaintiff is informed, believes, and thereon alleges that between February 12, 2016 and
28 the present, each of the Defendants knowingly and intentionally exposed California

1 consumers and users of Slip Mats, which Defendants manufactured, distributed, or sold
2 as mentioned above, to DEHP, without first providing any type of clear and reasonable
3 warning of such to the exposed persons before the time of exposure. Defendants have
4 distributed and sold Slip Mats in California. Defendants know and intend that California
5 consumers will use Slip Mats, thereby exposing them to DEHP. Defendants thereby
6 violated Proposition 65.

7 93. The principal routes of exposure are through dermal contact, ingestion, and inhalation.
8 Persons sustain exposures by handling Slip Mats without wearing gloves or any other
9 personal protective equipment, or by touching bare skin or mucous membranes with
10 gloves after handling Slip Mats, as well as through hand to mouth contact, hand to
11 mucous membrane, or breathing in particulate matter dispersed from the Slip Mats.

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

18 95. 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 96. Based on the allegations herein, Defendants are liable for civil penalties of up to
22 \$2,500.00 per day per individual exposure to DEHP from Slip Mats, pursuant to Health
23 and Safety Code section 25249.7(b).

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

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

6 **Bathroom Accessories**

7 98. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
8 reference paragraphs 1 through 97 of this complaint as though fully set forth herein.

9 Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
10 distributor, promoter, or retailer of PVC Shower Mat, which includes but is not limited
11 to: “Produced for Daiso Japan”; “Round Shaped Shower Mat”; “Materials PVC , Size
12 D50cm 20in.”; “Mat is skid resistant with suction cups that secure it in place”; “MT-18-
13 10”; “T-321”; “UPC 4 549131 258547”; “Made in China” (“Shower Mats”).

14 99. Shower Mats contain DEHP.

15 100. Defendants knew or should have known that DEHP has been identified by the
16 State of California as a chemical known to cause cancer, developmental, and reproductive
17 toxicity and therefore was subject to Proposition 65 warning requirements. Defendants
18 were also informed of the presence of relevant chemical in Product within Plaintiff’s
19 notice of alleged violations further discussed above at Paragraph 27.

20 101. Plaintiff’s allegations regarding Shower Mats 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)*. Shower Mats are a consumer product, and, as mentioned herein, exposures to
25 DEHP took place as a result of such normal and foreseeable use.

26 102. Plaintiff is informed, believes, and thereon alleges that between April 12, 2016
27 and the present, each of the Defendants knowingly and intentionally exposed California
28 consumers and users of Shower Mats, which Defendants manufactured, distributed, or

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

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

6 103. The principal routes of exposure are through dermal contact, ingestion, and
7 inhalation. Persons sustain exposures by handling Shower Mats without wearing gloves
8 or any other personal protective equipment, or by touching bare skin or mucous
9 membranes with gloves after handling Shower Mats, as well as through hand to mouth
10 contact, hand to mucous membrane, or breathing in particulate matter dispersed from the
11 Shower Mats.

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

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

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

24 107. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein
25 prior to filing this Complaint.
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1 **SEVENTH CAUSE OF ACTION**

2 **(By CONSUMER ADVOCACY GROUP, INC. and against DAISO CA, DAISO**
3 **CAL, DAISO HOLDING, and DOES 61-70 for Violations of Proposition 65, The**
4 **Safe Drinking Water and Toxic Enforcement Act of 1986 (*Health & Safety Code, §§***
5 **25249.5, *et seq.*))**

6 **Women’s Accessories**

7 108. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
8 reference paragraphs 1 through 107 of this complaint as though fully set forth herein.
9 Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
10 distributor, promoter, or retailer of Artificial Leather Shoulder Bag, which includes but is
11 not limited to: “Daiso”; “Embossed Star Shoulder Bag”; “Bolsa – Estampa: Estrela”;
12 “Shoulder Bag 5, MR -18 K563”; “Material: Artificial Leather”; “UPC 4 549131
13 657555”; “Made in China” (“Shoulder Bags”).

14 109. Shoulder Bags contain DEHP.

15 110. Defendants knew or should have known that DEHP has been identified by the
16 State of California as a chemical known to cause cancer, developmental, and reproductive
17 toxicity and therefore was subject to Proposition 65 warning requirements. Defendants
18 were also informed of the presence of relevant chemical in Product within Plaintiff’s
19 notice of alleged violations further discussed above at Paragraph 28.

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

26 112. Plaintiff is informed, believes, and thereon alleges that between May 30, 2016 and
27 the present, each of the Defendants knowingly and intentionally exposed California
28 consumers and users of Shoulder Bags, which Defendants manufactured, distributed, or

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

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

6 113. The principal routes of exposure are through dermal contact, ingestion, and
7 inhalation. Persons sustain exposures by handling Shoulder Bags without wearing gloves
8 or any other personal protective equipment, or by touching bare skin or mucous
9 membranes with gloves after handling Shoulder Bags, as well as through hand to mouth
10 contact, hand to mucous membrane, or breathing in particulate matter dispersed from the
11 Shoulder Bags.

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

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

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

24 117. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein
25 prior to filing this Complaint.
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1 **EIGHTH CAUSE OF ACTION**

2 **(By CONSUMER ADVOCACY GROUP, INC. and against DAISO CA, DAISO**
3 **CAL, DAISO HOLDING, DAISO INDUSTRIES, and DOES 71-80 for Violations**
4 **of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986**
5 **(Health & Safety Code, §§ 25249.5, et seq.))**

6 **Clear Vinyl Bag**

7 118. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
8 reference paragraphs 1 through 117 of this complaint as though fully set forth herein.

9 Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
10 distributor, promoter, or retailer of Clear Vinyl Bag, which includes but is not limited to:
11 “DAISO Japan Quality;” “CLEAR BAG;” “SACOLA / SACO;” “SIZE: /8.9’ x 7.5” x
12 4.5;” “MADE IN CHINA;” “VINYL BAG;” “DAISO INDUSTRIES CO .,LTD. 1-4-14
13 Saijyo Yoshiyukihigashi. Higashihiroshima, Hiroshima,739-8501 JAPAN;” “4 947678
14 003116” (“Bags”).

15 119. Bags contain DEHP.

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

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

27 122. Plaintiff is informed, believes, and thereon alleges that between June 28, 2016 and
28 the present, each of the Defendants knowingly and intentionally exposed California

1 consumers and users of Bags, which Defendants manufactured, distributed, or sold as
2 mentioned above, to DEHP, without first providing any type of clear and reasonable
3 warning of such to the exposed persons before the time of exposure. Defendants have
4 distributed and sold Bags in California. Defendants know and intend that California
5 consumers will use Bags, thereby exposing them to DEHP. Defendants thereby violated
6 Proposition 65.

7 123. The principal routes of exposure are through dermal contact, ingestion, and
8 inhalation. Persons sustain exposures by handling Bags without wearing gloves or any
9 other personal protective equipment, or by touching bare skin or mucous membranes with
10 gloves after handling Bags, as well as through hand to mouth contact, hand to mucous
11 membrane, or breathing in particulate matter dispersed from the Bags.

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

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

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

24 127. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein
25 prior to filing this Complaint.
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1 **NINTH CAUSE OF ACTION**

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

6 **Clear Cases**

7 128. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
8 reference paragraphs 1 through 127 of this complaint as though fully set forth herein.

9 129. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
10 distributor, promoter, or retailer of Clear Cases with Plastic Components, which includes
11 but is not limited to: “DAISO Japan Quality;” “SIMPLE LIFE DOT 9” CLEAR CASE;”
12 “NECESSAIRE;” “Bag;” “No. 84;” “DAISO INDUSTRIES CO., LTD. 1-4-14 Saijyo
13 Yoshiyukihigashi, Higashihiroshima, Hiroshima, 739-8501 JAPAN;” “MADE IN
14 CHINA;” “4 549131 522389” (“Clear Cases”).

15 130. Clear Cases contain DEHP.

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

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

27 133. Plaintiff is informed, believes, and thereon alleges that between August 26, 2016
28 and the present, each of the Defendants knowingly and intentionally exposed California

1 consumers and users of Clear Cases, which Defendants manufactured, distributed, or sold
2 as mentioned above, to DEHP, without first providing any type of clear and reasonable
3 warning of such to the exposed persons before the time of exposure. Defendants have
4 distributed and sold Clear Cases in California. Defendants know and intend that
5 California consumers will use Clear Cases, thereby exposing them to DEHP. Defendants
6 thereby violated Proposition 65.

7 134. The principal routes of exposure are through dermal contact, ingestion, and
8 inhalation. Persons sustain exposures by handling Clear Cases without wearing gloves or
9 any other personal protective equipment, or by touching bare skin or mucous membranes
10 with gloves after handling Clear Cases, as well as through hand to mouth contact, hand to
11 mucous membrane, or breathing in particulate matter dispersed from the Clear Cases.

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

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

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

24 138. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein
25 prior to filing this Complaint.
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1 **TENTH CAUSE OF ACTION**

2 **(By CONSUMER ADVOCACY GROUP, INC. and against DAISO CA, DAISO**
3 **CAL, DAISO HOLDING, DAISO INDUSTRIES, and DOES 91-100 for Violations**
4 **of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986**
5 **(Health & Safety Code, §§ 25249.5, et seq.))**

6 **Zipper Cases**

7 139. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
8 reference paragraphs 1 through 138 of this complaint as though fully set forth herein.

9 140. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
10 distributor, promoter, or retailer of Zipper Cases with Plastic Components, which
11 includes but is not limited to: "STUDIEUX;" "Colorful zipper case;" "AS;" "D
12 STATIONARY;" "CASES 795;" "DAISO INDUSTRIES CO., LTD.;" "1-4-14 Saijyo
13 Yoshiyukihigashi, Higashihiroshima, Hiroshima, 739-8501 JAPAN;" "Material;" "PVC,
14 Polyester;" "TK581;" "MADE IN CHINA;" "4 549131 278170" ("Zipper Cases").

15 141. Zipper Cases contain DEHP.

16 142. Defendants knew or should have known that DEHP has been identified by the
17 State of California as a chemical known to cause cancer, developmental, and reproductive
18 toxicity and therefore was subject to Proposition 65 warning requirements. Defendants
19 were also informed of the presence of relevant chemical in Product within Plaintiff's
20 notice of alleged violations further discussed above at Paragraph 31.

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

27 144. Plaintiff is informed, believes, and thereon alleges that between August 26, 2016
28 and the present, each of the Defendants knowingly and intentionally exposed California

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

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

7 145. The principal routes of exposure are through dermal contact, ingestion, and
8 inhalation. Persons sustain exposures by handling Zipper Cases without wearing gloves
9 or any other personal protective equipment, or by touching bare skin or mucous
10 membranes with gloves after handling Zipper Cases, as well as through hand to mouth
11 contact, hand to mucous membrane, or breathing in particulate matter dispersed from the
12 Zipper Cases.

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

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

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

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

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1 **ELEVENTH CAUSE OF ACTION**

2 **(By CONSUMER ADVOCACY GROUP, INC. and against DAISO CA, DAISO**
3 **HOLDING, DAISO INDUSTRIES, and DOES 101-110 for Violations of Proposition**
4 **65, The Safe Drinking Water and Toxic Enforcement Act of 1986 (*Health & Safety***
5 ***Code, §§ 25249.5, et seq.*))**

6 **Footwear Accessories**

7 150. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
8 reference paragraphs 1 through 149 of this complaint as though fully set forth herein.

9 151. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
10 distributor, promoter, or retailer of PVC Shoe Covers, which includes but is not limited
11 to: “DAISO;” “Shoes Cover;” “To protect the shoes from rain and mud cover the dirt to
12 keep the cleaning;” “SHOES 276;” “DAISO INDUSTRIES CO., LTD. 1-4-14 Saijyo
13 Yoshiyukihigashi, Hishihiroshima, Hiroshima, 739-8501 JAPAN;” “TL779;” “4
14 549131 173604” (“Shoe Covers”).

15 152. Shoe Covers contain DEHP.

16 153. Defendants knew or should have known that DEHP has been identified by the
17 State of California as a chemical known to cause cancer, developmental, and reproductive
18 toxicity and therefore was subject to Proposition 65 warning requirements. Defendants
19 were also informed of the presence of relevant chemical in Product within Plaintiff's
20 notice of alleged violations further discussed above at Paragraph 32.

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

27 155. Plaintiff is informed, believes, and thereon alleges that between September 6,
28 2016 and the present, each of the Defendants knowingly and intentionally exposed

1 California consumers and users of Shoe Covers, which Defendants manufactured,
2 distributed, or sold as mentioned above, to DEHP, without first providing any type of
3 clear and reasonable warning of such to the exposed persons before the time of exposure.
4 Defendants have distributed and sold Shoe Covers in California. Defendants know and
5 intend that California consumers will use Shoe Covers, thereby exposing them to DEHP.
6 Defendants thereby violated Proposition 65.

7 156. The principal routes of exposure are through dermal contact, ingestion, and
8 inhalation. Persons sustain exposures by handling Shoe Covers without wearing gloves
9 or any other personal protective equipment, or by touching bare skin or mucous
10 membranes with gloves after handling Shoe Covers, as well as through hand to mouth
11 contact, hand to mucous membrane, or breathing in particulate matter dispersed from the
12 Shoe Covers.

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

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

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

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

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1 **TWELFTH CAUSE OF ACTION**

2 **(By CONSUMER ADVOCACY GROUP, INC. and against DAISO CA, DAISO**
3 **CAL, DAISO HOLDING, DAISO INDUSTRIES, and DOES 111-120 for Violations**
4 **of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986**
5 **(Health & Safety Code, §§ 25249.5, et seq.))**

6 **Bath Tub and Shower Mats**

7 161. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
8 reference paragraphs 1 through 160 of this complaint as though fully set forth herein.

9 162. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
10 distributor, promoter, or retailer of Plastic Bath Tub and Shower Mats, which includes
11 but is not limited to: (i) “Non-Slip Clear;” “Bath Tub & Shower Mat with Suction Pads;”
12 “Size: 26.4” x 14.6” (67cm x 37cm);” “Produced for DAISO JAPAN;” “Exported by
13 DAISO INDUSTRIES CO., LTD. 1-4-14 Saijyo Yoshiyukihigashi, Higashihiroshima,
14 Hiroshima, 739-8501 JAPAN;” “T321;” “Shower Mats No. 7;” “MADE IN CHINA;” “4
15 549131 217186”; and (ii) “Produced for DAISO JAPAN;” “Rock Bath Tub and Shower
16 Mat;” “27x14in. 68x36cm;” “BATH;” “DAISO INDUSTRIES CO., LTD. 1-4-14 Saijyo
17 Yoshiyukihigashi, Higashihiroshima, Hiroshima, 739-8501 JAPAN;” “200 Shower Mat
18 No.2;” “T-321;” “4 549131 258578” (“Mats”).

19 163. Mats contain DEHP.

20 164. Defendants knew or should have known that DEHP has been identified by the
21 State of California as a chemical known to cause cancer, developmental, and reproductive
22 toxicity and therefore was subject to Proposition 65 warning requirements. Defendants
23 were also informed of the presence of relevant chemical in Product within Plaintiff’s
24 notice of alleged violations further discussed above at Paragraph 33.

25 165. Plaintiff’s allegations regarding Mats 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). Mats are a consumer product, and, as mentioned herein, exposures to DEHP
2 took place as a result of such normal and foreseeable use.

3 166. Plaintiff is informed, believes, and thereon alleges that between September 17,
4 2016 and the present, each of the Defendants knowingly and intentionally exposed
5 California consumers and users of Mats, which Defendants manufactured, distributed, or
6 sold as mentioned above, to DEHP, without first providing any type of clear and
7 reasonable warning of such to the exposed persons before the time of exposure.
8 Defendants have distributed and sold Mats in California. Defendants know and intend
9 that California consumers will use Mats, thereby exposing them to DEHP. Defendants
10 thereby violated Proposition 65.

11 167. The principal routes of exposure are through dermal contact, ingestion, and
12 inhalation. Persons sustain exposures by handling Mats without wearing gloves or any
13 other personal protective equipment, or by touching bare skin or mucous membranes with
14 gloves after handling Mats, as well as through hand to mouth contact, hand to mucous
15 membrane, or breathing in particulate matter dispersed from the Mats.

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

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

25 170. Based on the allegations herein, Defendants are liable for civil penalties of up to
26 \$2,500.00 per day per individual exposure to DEHP from Mats, pursuant to Health and
27 Safety Code section 25249.7(b).

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

3 **THIRTEENTH CAUSE OF ACTION**

4 **(By CONSUMER ADVOCACY GROUP, INC. and against DAISO CA, DAISO**
5 **CAL, DAISO HOLDING, DAISO INDUSTRIES, and DOES 121-130 for Violations**
6 **of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986**
7 **(Health & Safety Code, §§ 25249.5, et seq.))**

8 **Women's Footwear**

9 172. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
10 reference paragraphs 1 through 171 of this complaint as though fully set forth herein.

11 173. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
12 distributor, promoter, or retailer of Sandals with Polymer/Plastic Components, which
13 includes but is not limited to: "Beach Sandal 19"; "M 24.5 cm"; "Approx. 9.6";
14 "Produced for Daiso Japan"; "AR-13-20 TK-915"; "UPC 4 549131 155877"; "Made in
15 China" ("Sandals").

16 174. Sandals contain DBP.

17 175. Defendants knew or should have known that DBP has been identified by the State
18 of California as a chemical known to developmental and reproductive toxicity and
19 therefore was subject to Proposition 65 warning requirements. Defendants were also
20 informed of the presence of relevant chemical in Product within Plaintiff's notice of
21 alleged violations further discussed above at Paragraph 33.

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

1 177. Plaintiff is informed, believes, and thereon alleges that between September 17,
2 2016 and the present, each of the Defendants knowingly and intentionally exposed
3 California consumers and users of Sandals, which Defendants manufactured, distributed,
4 or sold as mentioned above, to DBP, without first providing any type of clear and
5 reasonable warning of such to the exposed persons before the time of exposure.
6 Defendants have distributed and sold Sandals in California. Defendants know and intend
7 that California consumers will use Sandals, thereby exposing them to DBP. Defendants
8 thereby violated Proposition 65.

9 178. The principal routes of exposure are through dermal contact, ingestion, and
10 inhalation. Persons sustain exposures by handling Sandals without wearing gloves or any
11 other personal protective equipment, or by touching bare skin or mucous membranes with
12 gloves after handling Sandals, as well as through hand to mouth contact, hand to mucous
13 membrane, or breathing in particulate matter dispersed from the Sandals.

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

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

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

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

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1 **FOURTEENTH CAUSE OF ACTION**

2 **(By CONSUMER ADVOCACY GROUP, INC. and against DAISO CA, DAISO**
3 **HOLDING, DAISO INDUSTRIES, and DOES 131-140 for Violations of Proposition**
4 **65, The Safe Drinking Water and Toxic Enforcement Act of 1986 (*Health & Safety***
5 ***Code, §§ 25249.5, et seq.*))**

6 **Sink Mats**

7 183. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
8 reference paragraphs 1 through 182 of this complaint as though fully set forth herein.

9 184. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
10 distributor, promoter, or retailer of PVC Sink Mats, which includes but is not limited to:
11 (i) “DAISO;” “PVC SINK MAT;” “24cm x 31 cm;” “DAISO INDUSTRIES CO., LTD.
12 1-4-14 Saijo Yoshiyukihigashi, Higashriomashima-City, Hiroshima 739-8501 JAPAN;”
13 “4 549131 326468;” “TK941”; (ii) “DAISO;” “PVC SINK MAT;” “32cm x 26 cm;”
14 “DAISO INDUSTRIES CO., LTD. 1-4-14 Saijo Yoshiyukihigashi, Higashriomashima-
15 City, Hiroshima 739-8501 JAPAN;” “4 549131 62859;” “TK941”. Bright Blue; and (iii)
16 “DAISO;” “PVC SINK MAT;” “32cm x 26 cm;” “DAISO INDUSTRIES CO., LTD. 1-
17 4-14 Saijo Yoshiyukihigashi, Higashriomashima-City, Hiroshima 739-8501 JAPAN;” “4
18 549131 629859y;” “TK941”. Clear Blue (“Sink Mats II”).

19 185. Sink Mats II contain DEHP.

20 186. Defendants knew or should have known that DEHP has been identified by the
21 State of California as a chemical known to cause cancer, developmental, and reproductive
22 toxicity and therefore was subject to Proposition 65 warning requirements. Defendants
23 were also informed of the presence of relevant chemical in Product within Plaintiff’s
24 notice of alleged violations further discussed above at Paragraph 34.

25 187. Plaintiff’s allegations regarding Sink Mats II 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). Sink Mats II are a consumer product, and, as mentioned herein, exposures to
2 DEHP took place as a result of such normal and foreseeable use.

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

11 189. The principal routes of exposure are through dermal contact, ingestion, and
12 inhalation. Persons sustain exposures by handling Sink Mats II without wearing gloves
13 or any other personal protective equipment, or by touching bare skin or mucous
14 membranes with gloves after handling Sink Mats II, as well as through hand to mouth
15 contact, hand to mucous membrane, or breathing in particulate matter dispersed from the
16 Sink Mats II.

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

23 191. Plaintiff is informed, believes, and thereon alleges that each violation of
24 Proposition 65 mentioned herein is ever continuing. Plaintiff further alleges and believes
25 that the violations alleged herein will continue to occur into the future.
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1 192. Based on the allegations herein, Defendants are liable for civil penalties of up to
2 \$2,500.00 per day per individual exposure to DEHP from Sink Mats II, pursuant to
3 Health and Safety Code section 25249.7(b).

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

6 **FIFTHTEENTH CAUSE OF ACTION**

7 **(By CONSUMER ADVOCACY GROUP, INC. and against DAISO CA, DAISO**
8 **CAL, DAISO HOLDING, DAISO INDUSTRIES, and DOES 141-150 for Violations**
9 **of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986**
10 **(Health & Safety Code, §§ 25249.5, et seq.))**

11 **Zippered Cases**

12 194. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
13 reference paragraphs 1 through 193 of this complaint as though fully set forth herein.

14 195. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
15 distributor, promoter, or retailer of Plastic Zippered Cases, which includes but is not
16 limited to: Green Pencil Case. “STUDIEUX;” “B5;” “Colorful zipper case;” “794;”
17 “DAISO INDUSTRIES CO., LTD. 1-4-14 Saiyo Yoshiyukihigashi, Higashihiroshima,
18 Hiroshima, 739-8501 JAPAN;” “4 549131 278163;” (“Zippered Cases”).

19 196. Zippered Cases contain DEHP.

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

25 198. Plaintiff’s allegations regarding Zippered Cases 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). Zippered Cases are a consumer product, and, as mentioned herein, exposures
2 to DEHP took place as a result of such normal and foreseeable use.

3 199. Plaintiff is informed, believes, and thereon alleges that between October 24, 2016
4 and the present, each of the Defendants knowingly and intentionally exposed California
5 consumers and users of Zippered Cases, which Defendants manufactured, distributed, or
6 sold as mentioned above, to DEHP, without first providing any type of clear and
7 reasonable warning of such to the exposed persons before the time of exposure.
8 Defendants have distributed and sold Zippered Cases in California. Defendants know
9 and intend that California consumers will use Zippered Cases, thereby exposing them to
10 DEHP. Defendants thereby violated Proposition 65.

11 200. The principal routes of exposure are through dermal contact, ingestion, and
12 inhalation. Persons sustain exposures by handling Zippered Cases without wearing
13 gloves or any other personal protective equipment, or by touching bare skin or mucous
14 membranes with gloves after handling Zippered Cases, as well as through hand to mouth
15 contact, hand to mucous membrane, or breathing in particulate matter dispersed from the
16 Zippered Cases.

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

23 202. Plaintiff is informed, believes, and thereon alleges that each violation of
24 Proposition 65 mentioned herein is ever continuing. Plaintiff further alleges and believes
25 that the violations alleged herein will continue to occur into the future.
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1 203. Based on the allegations herein, Defendants are liable for civil penalties of up to
2 \$2,500.00 per day per individual exposure to DEHP from Zippered Cases, pursuant to
3 Health and Safety Code section 25249.7(b).

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

6 **SIXTEENTH CAUSE OF ACTION**

7 **(By CONSUMER ADVOCACY GROUP, INC. and against DAISO CA, DAISO**
8 **CAL, DAISO HOLDING, DAISO INDUSTRIES, and DOES 151-160 for Violations**
9 **of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986**
10 **(Health & Safety Code, §§ 25249.5, et seq.))**

11 **Binder Pencil Pouches**

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

14 206. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
15 distributor, promoter, or retailer of Plastic Binder Pencil Pouches, which includes but is
16 not limited to: “D STATIONERY;” “BINDER PENICL POUCH;” “DAISO
17 INDUSTRIES CO., LTD. 1-4-14 Saijyo Yoshiyukihigashi, Higashihiroshima,
18 Hiroshima, 739-8501 JAPAN;” “MADE IN CHINA;” “Stationery No. 47;” “T611;” “4
19 549131 437577”; (“Binder Pouches”).

20 207. Binder Pouches contain DEHP.

21 208. Defendants knew or should have known that DEHP has been identified by the
22 State of California as a chemical known to cause cancer, developmental, and reproductive
23 toxicity and therefore was subject to Proposition 65 warning requirements. Defendants
24 were also informed of the presence of relevant chemical in Product within Plaintiff’s
25 notice of alleged violations further discussed above at Paragraph 36.

26 209. Plaintiff’s allegations regarding Binder Pouches concerns “[c]onsumer products
27 exposure[s],” which “is an exposure that results from a person’s acquisition, purchase,
28 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). Binder Pouches are a consumer product, and, as mentioned herein, exposures
3 to DEHP took place as a result of such normal and foreseeable use.

4 210. Plaintiff is informed, believes, and thereon alleges that between October 24, 2016
5 and the present, each of the Defendants knowingly and intentionally exposed California
6 consumers and users of Binder Pouches, which Defendants manufactured, distributed, or
7 sold as mentioned above, to DEHP, without first providing any type of clear and
8 reasonable warning of such to the exposed persons before the time of exposure.
9 Defendants have distributed and sold Binder Pouches in California. Defendants know
10 and intend that California consumers will use Binder Pouches, thereby exposing them to
11 DEHP. Defendants thereby violated Proposition 65.

12 211. The principal routes of exposure are through dermal contact, ingestion, and
13 inhalation. Persons sustain exposures by handling Binder Pouches without wearing
14 gloves or any other personal protective equipment, or by touching bare skin or mucous
15 membranes with gloves after handling Binder Pouches, as well as through hand to mouth
16 contact, hand to mucous membrane, or breathing in particulate matter dispersed from the
17 Binder Pouches.

18 212. Plaintiff is informed, believes, and thereon alleges that each of Defendants’
19 violations of Proposition 65 as to Binder Pouches 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 Binder Pouches, so that a separate and distinct violation of Proposition 65 occurred each
23 and every time a person was exposed to DEHP by Binder Pouches as mentioned herein.

24 213. 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.

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1 214. Based on the allegations herein, Defendants are liable for civil penalties of up to
2 \$2,500.00 per day per individual exposure to DEHP from Binder Pouches, pursuant to
3 Health and Safety Code section 25249.7(b).

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

6 **SEVENTEENTH CAUSE OF ACTION**

7 **(By CONSUMER ADVOCACY GROUP, INC. and against DAISO CA, DAISO**
8 **CAL, DAISO HOLDING, DAISO INDUSTRIES, and DOES 161-170 for Violations**
9 **of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986**
10 **(Health & Safety Code, §§ 25249.5, et seq.))**

11 **Vinyl Mesh Cases**

12 216. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
13 reference paragraphs 1 through 215 of this complaint as though fully set forth herein.

14 217. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
15 distributor, promoter, or retailer of Vinyl Mesh Cases, which includes but is not limited
16 to: “D STATIONERY;” “VINYL MESH CASE;” “B6;” “DAISO INDUSTRIES CO.,
17 LTD.,” “1-4-14 Saijyo Yoshiyukihigashi, Higashihiroshima, Hiroshima, 739-8501
18 JAPAN;” “MADE IN CHINA;” “D011;” “4 549131 494129” (“Vinyl Cases”).

19 218. Vinyl Cases contain DEHP.

20 219. Defendants knew or should have known that DEHP has been identified by the
21 State of California as a chemical known to cause cancer, developmental, and reproductive
22 toxicity and therefore was subject to Proposition 65 warning requirements. Defendants
23 were also informed of the presence of relevant chemical in Product within Plaintiff’s
24 notice of alleged violations further discussed above at Paragraph 36.

25 220. Plaintiff’s allegations regarding Vinyl Cases 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). Vinyl Cases are a consumer product, and, as mentioned herein, exposures to
2 DEHP took place as a result of such normal and foreseeable use.

3 221. Plaintiff is informed, believes, and thereon alleges that between October 24, 2016
4 and the present, each of the Defendants knowingly and intentionally exposed California
5 consumers and users of Vinyl Cases, which Defendants manufactured, distributed, or sold
6 as mentioned above, to DEHP, 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 Vinyl Cases in California. Defendants know and intend that
9 California consumers will use Vinyl Cases, thereby exposing them to DEHP. Defendants
10 thereby violated Proposition 65.

11 222. The principal routes of exposure are through dermal contact, ingestion, and
12 inhalation. Persons sustain exposures by handling Vinyl Cases without wearing gloves or
13 any other personal protective equipment, or by touching bare skin or mucous membranes
14 with gloves after handling Vinyl Cases, as well as through hand to mouth contact, hand to
15 mucous membrane, or breathing in particulate matter dispersed from the Vinyl Cases.

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

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

25 225. Based on the allegations herein, Defendants are liable for civil penalties of up to
26 \$2,500.00 per day per individual exposure to DEHP from Vinyl Cases, pursuant to Health
27 and Safety Code section 25249.7(b).

28

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

3 **EIGHTEENTH CAUSE OF ACTION**

4 **(By CONSUMER ADVOCACY GROUP, INC. and against DAISO CA, DAISO**
5 **CAL, DAISO HOLDING, DAISO INDUSTRIES, and DOES 171-180 for Violations**
6 **of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986**
7 **(Health & Safety Code, §§ 25249.5, et seq.)**

8 **Gusset Pouches**

9 227. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
10 reference paragraphs 1 through 226 of this complaint as though fully set forth herein.

11 228. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
12 distributor, promoter, or retailer of Gusset Pouches with Plastic Components, which
13 includes but is not limited to: (i) “DAISO;” “mermaid wide gusset pouch;” “MADE IN
14 CHINA;” “DAISO INDUSTRIES CO., LTD. 1-4-14 Saijo-Yoshiyukihigashi,
15 /higashihiroshima-City, Hiroshima 739-8501 JAPAN;” “Lot No. 0701BJ;” “K563;”
16 “200Yen Vinyl Pouch No. 15;” “4 549131 700688;” White Clear Gusset Pouch; and (ii)
17 “DAISO;” “mermaid wide gusset pouch;” “MADE IN CHINA;” “DAISO INDUSTRIES
18 CO., LTD. 1-4-14 Saijo-Yoshiyukihigashi, /higashihiroshima-City, Hiroshima 739-8501
19 JAPAN;” “Lot No. 0701BJ;” “K563;” “200Yen Vinyl Pouch No. 15;” “4 549131
20 700688;” Blue Clear Gusset Pouch (“Gusset Pouches”).

21 229. Gusset Pouches contain DEHP.

22 230. Defendants knew or should have known that DEHP has been identified by the
23 State of California as a chemical known to cause cancer, developmental, and reproductive
24 toxicity and therefore was subject to Proposition 65 warning requirements. Defendants
25 were also informed of the presence of relevant chemical in Product within Plaintiff's
26 notice of alleged violations further discussed above at Paragraph 37.

27 231. Plaintiff's allegations regarding Gusset Pouches concerns “[c]onsumer products
28 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). Gusset Pouches are a consumer product, and, as mentioned herein, exposures
4 to DEHP took place as a result of such normal and foreseeable use.

5 232. Plaintiff is informed, believes, and thereon alleges that between November 15,
6 2016 and the present, each of the Defendants knowingly and intentionally exposed
7 California consumers and users of Gusset Pouches, which Defendants manufactured,
8 distributed, or sold as mentioned above, to DEHP, without first providing any type of
9 clear and reasonable warning of such to the exposed persons before the time of exposure.
10 Defendants have distributed and sold Gusset Pouches in California. Defendants know
11 and intend that California consumers will use Gusset Pouches, thereby exposing them to
12 DEHP. Defendants thereby violated Proposition 65.

13 233. The principal routes of exposure are through dermal contact, ingestion, and
14 inhalation. Persons sustain exposures by handling Gusset Pouches without wearing
15 gloves or any other personal protective equipment, or by touching bare skin or mucous
16 membranes with gloves after handling Gusset Pouches, as well as through hand to mouth
17 contact, hand to mucous membrane, or breathing in particulate matter dispersed from the
18 Gusset Pouches.

19 234. Plaintiff is informed, believes, and thereon alleges that each of Defendants’
20 violations of Proposition 65 as to Gusset Pouches 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 Gusset Pouches, so that a separate and distinct violation of Proposition 65 occurred each
24 and every time a person was exposed to DEHP by Gusset Pouches as mentioned herein.

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

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1 236. Based on the allegations herein, Defendants are liable for civil penalties of up to
2 \$2,500.00 per day per individual exposure to DEHP from Gusset Pouches, pursuant to
3 Health and Safety Code section 25249.7(b).

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

6 **NINETENTH CAUSE OF ACTION**

7 **(By CONSUMER ADVOCACY GROUP, INC. and against DAISO CA, DAISO**
8 **CAL, DAISO HOLDING, DAISO INDUSTRIES, and DOES 181-190 for Violations**
9 **of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986**
10 **(Health & Safety Code, §§ 25249.5, et seq.))**

11 **Pouches**

12 238. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
13 reference paragraphs 1 through 237 of this complaint as though fully set forth herein.

14 239. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
15 distributor, promoter, or retailer of Pouches with Plastic Components, which includes but
16 is not limited to: “DAISO;” “Whity shine flat pouch;” “NECESSAIRE;” “Flat Pouch No.
17 17;” “Material Artificial Leather;” “K563;” “DAISO INDUSTRIES CO., LTD. 1-4-14
18 Saijo-Yoshiyukihigashi, Higashihiroshima-City, Hiroshima 739-8501 JAPAN;” “MADE
19 IN CHINA;” “4 549131 630428;”. “THANK YOU! Today Became a Special Day
20 Because of You.” (“Pouches II”).

21 240. Pouches II contain DEHP.

22 241. Defendants knew or should have known that DEHP has been identified by the
23 State of California as a chemical known to cause cancer, developmental, and reproductive
24 toxicity and therefore was subject to Proposition 65 warning requirements. Defendants
25 were also informed of the presence of relevant chemical in Product within Plaintiff’s
26 notice of alleged violations further discussed above at Paragraph 38.

27 242. Plaintiff’s allegations regarding Pouches II concerns “[c]onsumer products
28 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)*. Pouches II are a consumer product, and, as mentioned herein, exposures to
4 DEHP took place as a result of such normal and foreseeable use.

5 243. Plaintiff is informed, believes, and thereon alleges that between November 19,
6 2016 and the present, each of the Defendants knowingly and intentionally exposed
7 California consumers and users of Pouches II, which Defendants manufactured,
8 distributed, or sold as mentioned above, to DEHP, without first providing any type of
9 clear and reasonable warning of such to the exposed persons before the time of exposure.
10 Defendants have distributed and sold Pouches II in California. Defendants know and
11 intend that California consumers will use Pouches II, thereby exposing them to DEHP.
12 Defendants thereby violated Proposition 65.

13 244. The principal routes of exposure are through dermal contact, ingestion, and
14 inhalation. Persons sustain exposures by handling Pouches II without wearing gloves or
15 any other personal protective equipment, or by touching bare skin or mucous membranes
16 with gloves after handling Pouches II, as well as through hand to mouth contact, hand to
17 mucous membrane, or breathing in particulate matter dispersed from the Pouches II.

18 245. Plaintiff is informed, believes, and thereon alleges that each of Defendants’
19 violations of Proposition 65 as to Pouches II 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 Pouches II, so that a separate and distinct violation of Proposition 65 occurred each and
23 every time a person was exposed to DEHP by Pouches II as mentioned herein.

24 246. 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.

1 247. Based on the allegations herein, Defendants are liable for civil penalties of up to
2 \$2,500.00 per day per individual exposure to DEHP from Pouches II, pursuant to Health
3 and Safety Code section 25249.7(b).

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

6 **TWENTIETH CAUSE OF ACTION**

7 **(By CONSUMER ADVOCACY GROUP, INC. and against DAISO CA, DAISO**
8 **CAL, DAISO HOLDING, DAISO INDUSTRIES, and DOES 191-200 for Violations**
9 **of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986**
10 **(Health & Safety Code, §§ 25249.5, et seq.))**

11 **Pouches**

12 249. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
13 reference paragraphs 1 through 248 of this complaint as though fully set forth herein.

14 250. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
15 distributor, promoter, or retailer of Pouches with Plastic Components, which includes but
16 is not limited to: “DAISO;” “2 Pocket Pouch;” “150 Yen Flat Pouches;” “MADE IN
17 CHINA;” “DAISO INDUSTRIES CO., LTD. 1-4-14 Saijo-Yoshiyukihigashi,
18 Higashihiroshima-City, Hiroshima 739-8501 JAPAN;” “S144;” “Lot No.2502BJ;” “4
19 549131 558982;” Blue Pouch with Gold Zippers (“Pouches III”).

20 251. Pouches III contain DINP.

21 252. Defendants knew or should have known that DINP has been identified by the
22 State of California as a chemical known to cause cancer and therefore was subject to
23 Proposition 65 warning requirements. Defendants were also informed of the presence of
24 relevant chemical in Product within Plaintiff’s notice of alleged violations further
25 discussed above at Paragraph 38.

26 253. Plaintiff’s allegations regarding Pouches III concerns “[c]onsumer products
27 exposure[s],” which “is an exposure that results from a person’s acquisition, purchase,
28 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). Pouches III are a consumer product, and, as mentioned herein, exposures to
3 DINP took place as a result of such normal and foreseeable use.

4 254. Plaintiff is informed, believes, and thereon alleges that between November 19,
5 2016 and the present, each of the Defendants knowingly and intentionally exposed
6 California consumers and users of Pouches III, which Defendants manufactured,
7 distributed, or sold as mentioned above, to DINP, without first providing any type of
8 clear and reasonable warning of such to the exposed persons before the time of exposure.
9 Defendants have distributed and sold Pouches III in California. Defendants know and
10 intend that California consumers will use Pouches III, thereby exposing them to DINP.
11 Defendants thereby violated Proposition 65.

12 255. The principal routes of exposure are through dermal contact, ingestion, and
13 inhalation. Persons sustain exposures by handling Pouches III without wearing gloves or
14 any other personal protective equipment, or by touching bare skin or mucous membranes
15 with gloves after handling Pouches III, as well as through hand to mouth contact, hand to
16 mucous membrane, or breathing in particulate matter dispersed from the Pouches III.

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

23 257. Plaintiff is informed, believes, and thereon alleges that each violation of
24 Proposition 65 mentioned herein is ever continuing. Plaintiff further alleges and believes
25 that the violations alleged herein will continue to occur into the future.
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1 258. Based on the allegations herein, Defendants are liable for civil penalties of up to
2 \$2,500.00 per day per individual exposure to DINP from Pouches III, pursuant to Health
3 and Safety Code section 25249.7(b).

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

6 **TWENTY FIRST CAUSE OF ACTION**

7 **(By CONSUMER ADVOCACY GROUP, INC. and against DAISO CA, DAISO**
8 **CAL, DAISO HOLDING, DAISO INDUSTRIES, and DOES 201-210 for Violations**
9 **of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986**
10 **(Health & Safety Code, §§ 25249.5, et seq.))**

11 **Women's Footwear**

12 260. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
13 reference paragraphs 1 through 259 of this complaint as though fully set forth herein.

14 261. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
15 distributor, promoter, or retailer of Beach Sandals, which includes but is not limited to:
16 PINK FLORAL FLIP FLOPS; "M 24.5 cm"; "Approx. 9.6" ; "Beach Sandal 19";
17 "Sandalias de playa"; "Produced for Daiso Japan" "36/37"; "AR-13-20"; "TK-915";
18 "UPC 4 549131 155877"; "Made in China" ("Beach Sandals").

19 262. Beach Sandals contain DEHP.

20 263. Defendants knew or should have known that DEHP has been identified by the
21 State of California as a chemical known to cause cancer, developmental, and reproductive
22 toxicity and therefore was subject to Proposition 65 warning requirements. Defendants
23 were also informed of the presence of relevant chemical in Product within Plaintiff's
24 notice of alleged violations further discussed above at Paragraph 39.

25 264. Plaintiff's allegations regarding Beach Sandals 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). Beach Sandals are a consumer product, and, as mentioned herein, exposures to
2 DEHP took place as a result of such normal and foreseeable use.

3 265. Plaintiff is informed, believes, and thereon alleges that between November 25,
4 2016 and the present, each of the Defendants knowingly and intentionally exposed
5 California consumers and users of Beach Sandals, which Defendants manufactured,
6 distributed, or sold as mentioned above, to DEHP, 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 Beach Sandals in California. Defendants know and
9 intend that California consumers will use Beach Sandals, thereby exposing them to
10 DEHP. Defendants thereby violated Proposition 65.

11 266. The principal routes of exposure are through dermal contact, ingestion, and
12 inhalation. Persons sustain exposures by handling Beach Sandals without wearing gloves
13 or any other personal protective equipment, or by touching bare skin or mucous
14 membranes with gloves after handling Beach Sandals, as well as through hand to mouth
15 contact, hand to mucous membrane, or breathing in particulate matter dispersed from the
16 Beach Sandals.

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

23 268. Plaintiff is informed, believes, and thereon alleges that each violation of
24 Proposition 65 mentioned herein is ever continuing. Plaintiff further alleges and believes
25 that the violations alleged herein will continue to occur into the future.
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1 269. Based on the allegations herein, Defendants are liable for civil penalties of up to
2 \$2,500.00 per day per individual exposure to DEHP from Beach Sandals, pursuant to
3 Health and Safety Code section 25249.7(b).

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

6 **TWENTY SECOND CAUSE OF ACTION**

7 **(By CONSUMER ADVOCACY GROUP, INC. and against DAISO CA, DAISO**
8 **CAL, DAISO HOLDING, DAISO INDUSTRIES, and DOES 211-220 for Violations**
9 **of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986**
10 **(Health & Safety Code, §§ 25249.5, et seq.))**

11 **Women's Footwear**

12 271. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
13 reference paragraphs 1 through 270 of this complaint as though fully set forth herein.

14 272. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
15 distributor, promoter, or retailer of Beach Sandals, which includes but is not limited to:
16 YELLOW FLORAL FLIP FLOPS; "M 24.5 cm"; "Approx. 9.6"; "Beach Sandal 19";
17 "Sandalias de playa"; "Produced for Daiso Japan" "36/37"; "AR-13-20"; "TK-915";
18 "UPC 4 549131 155877"; "Made in China"; ("Beach Sandals II").

19 273. Beach Sandals II contain DBP.

20 274. Defendants knew or should have known that DBP has been identified by the State
21 of California as a chemical known to cause developmental and reproductive toxicity and
22 therefore was subject to Proposition 65 warning requirements. Defendants were also
23 informed of the presence of relevant chemical in Product within Plaintiff's notice of
24 alleged violations further discussed above at Paragraph 39.

25 275. Plaintiff's allegations regarding Beach Sandals II 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). Beach Sandals II are a consumer product, and, as mentioned herein, exposures
2 to DEHP took place as a result of such normal and foreseeable use.

3 276. Plaintiff is informed, believes, and thereon alleges that between November 25,
4 2016 and the present, each of the Defendants knowingly and intentionally exposed
5 California consumers and users of Beach Sandals II, which Defendants manufactured,
6 distributed, or sold as mentioned above, to DBP, 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 Beach Sandals II in California. Defendants know
9 and intend that California consumers will use Beach Sandals II, thereby exposing them to
10 DBP. Defendants thereby violated Proposition 65.

11 277. The principal routes of exposure are through dermal contact, ingestion, and
12 inhalation. Persons sustain exposures by handling Beach Sandals II without wearing
13 gloves or any other personal protective equipment, or by touching bare skin or mucous
14 membranes with gloves after handling Beach Sandals II, as well as through hand to
15 mouth contact, hand to mucous membrane, or breathing in particulate matter dispersed
16 from the Beach Sandals II.

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

23 279. Plaintiff is informed, believes, and thereon alleges that each violation of
24 Proposition 65 mentioned herein is ever continuing. Plaintiff further alleges and believes
25 that the violations alleged herein will continue to occur into the future.
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1 280. Based on the allegations herein, Defendants are liable for civil penalties of up to
2 \$2,500.00 per day per individual exposure to DBP from Beach Sandals II, pursuant to
3 Health and Safety Code section 25249.7(b).

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

6 **TWENTY THIRD CAUSE OF ACTION**

7 **(By CONSUMER ADVOCACY GROUP, INC. and against DAISO CA, DAISO**
8 **CAL, DAISO HOLDING, DAISO INDUSTRIES, and DOES 221-230 for Violations**
9 **of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986**
10 **(Health & Safety Code, §§ 25249.5, et seq.))**

11 **Cosmetic Bags**

12 282. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
13 reference paragraphs 1 through 281 of this complaint as though fully set forth herein.

14 283. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
15 distributor, promoter, or retailer of Cosmetic Bags with Plastic Components, which
16 includes but is not limited to: “DAISO;” “Square Cosmetic Pouch -Moroccan Pattern-;”
17 “No.2;” “MADE IN CHINA;” “DAISO INDUSTRIES CO., LTD. 1-4-14 Saijo-
18 Yoshiyukihigashi, Higashihiroshima-City, Hiroshima 739-8501 JAPAN;” “S144;” “Lot
19 No. 0503BJ;” “4 549131 558852;” “VIGUEUR DIFFUSION;”. Pink Cosmetic Bag
20 (“Cosmetic Bags”).

21 284. Cosmetic Bags contain DEHP.

22 285. Defendants knew or should have known that DEHP has been identified by the
23 State of California as a chemical known to cause cancer and developmental and
24 reproductive toxicity and therefore was subject to Proposition 65 warning requirements.
25 Defendants were also informed of the presence of relevant chemical in Product within
26 Plaintiff's notice of alleged violations further discussed above at Paragraph 40.

27 286. Plaintiff's allegations regarding Cosmetic Bags concerns “[c]onsumer products
28 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). Cosmetic Bags are a consumer product, and, as mentioned herein, exposures
4 to DEHP took place as a result of such normal and foreseeable use.

5 287. Plaintiff is informed, believes, and thereon alleges that between December 16,
6 2016 and the present, each of the Defendants knowingly and intentionally exposed
7 California consumers and users of Cosmetic Bags, which Defendants manufactured,
8 distributed, or sold as mentioned above, to DEHP, without first providing any type of
9 clear and reasonable warning of such to the exposed persons before the time of exposure.
10 Defendants have distributed and sold Cosmetic Bags in California. Defendants know and
11 intend that California consumers will use Cosmetic Bags, thereby exposing them to
12 DEHP. Defendants thereby violated Proposition 65.

13 288. The principal routes of exposure are through dermal contact, ingestion, and
14 inhalation. Persons sustain exposures by handling Cosmetic Bags without wearing
15 gloves or any other personal protective equipment, or by touching bare skin or mucous
16 membranes with gloves after handling Cosmetic Bags, as well as through hand to mouth
17 contact, hand to mucous membrane, or breathing in particulate matter dispersed from the
18 Cosmetic Bags.

19 289. Plaintiff is informed, believes, and thereon alleges that each of Defendants’
20 violations of Proposition 65 as to Cosmetic Bags 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 Cosmetic Bags, so that a separate and distinct violation of Proposition 65 occurred each
24 and every time a person was exposed to DEHP by Cosmetic Bags as mentioned herein.

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

28

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

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

6 **TWENTY FOURTH CAUSE OF ACTION**

7 **(By CONSUMER ADVOCACY GROUP, INC. and against DAISO CAL, DAISO**
8 **HOLDING, and DOES 231-240 for Violations of Proposition 65, The Safe Drinking**
9 **Water and Toxic Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et***
10 ***seq.*))**

11 **Footwear**

12 293. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
13 reference paragraphs 1 through 292 of this complaint as though fully set forth herein.

14 294. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
15 distributor, promoter, or retailer of Indoor Slippers, which includes but is not limited to:
16 “Light Blue Indoor Slippers. “Daiso”; “Cooling;” “Outer Seam Slippers, Cooling,
17 Summer Design”; “24-26 cm”; “US 6-8 EU 39-41”; “TAM:36 A 39” “SKR-19-‘8”;
18 “L149”; “UPC 4 549131 704364”; “Made in China” (“Slippers”).

19 295. Slippers contain DEHP.

20 296. Defendants knew or should have known that DEHP has been identified by the
21 State of California as a chemical known to cause cancer and developmental and
22 reproductive toxicity and therefore was subject to Proposition 65 warning requirements.
23 Defendants were also informed of the presence of relevant chemical in Product within
24 Plaintiff’s notice of alleged violations further discussed above at Paragraph 41.

25 297. Plaintiff’s allegations regarding Slippers 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). Slippers are a consumer product, and, as mentioned herein, exposures to
2 DEHP took place as a result of such normal and foreseeable use.

3 298. Plaintiff is informed, believes, and thereon alleges that between March 18, 2017
4 and the present, each of the Defendants knowingly and intentionally exposed California
5 consumers and users of Slippers, which Defendants manufactured, distributed, or sold as
6 mentioned above, to DEHP, 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 Slippers in California. Defendants know and intend that California
9 consumers will use Slippers, thereby exposing them to DEHP. Defendants thereby
10 violated Proposition 65.

11 299. The principal routes of exposure are through dermal contact, ingestion, and
12 inhalation. Persons sustain exposures by handling Slippers without wearing gloves or
13 any other personal protective equipment, or by touching bare skin or mucous membranes
14 with gloves after handling Slippers, as well as through hand to mouth contact, hand to
15 mucous membrane, or breathing in particulate matter dispersed from the Slippers.

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

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

25 302. Based on the allegations herein, Defendants are liable for civil penalties of up to
26 \$2,500.00 per day per individual exposure to DEHP from Slippers, pursuant to Health
27 and Safety Code section 25249.7(b).

28

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

3 **TWENTY FIFTH CAUSE OF ACTION**

4 **(By CONSUMER ADVOCACY GROUP, INC. and against DAISO CAL, DAISO**
5 **HOLDING, DAISO INDUSTRIES, and DOES 241-250 for Violations of Proposition**
6 **65, The Safe Drinking Water and Toxic Enforcement Act of 1986 (*Health & Safety***
7 ***Code, §§ 25249.5, et seq.*)**

8 **Suction Cups**

9 304. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
10 reference paragraphs 1 through 303 of this complaint as though fully set forth herein.

11 305. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
12 distributor, promoter, or retailer of Suction Cups with Plastic Components, which
13 includes but is not limited to: “DAISO;” “MADE IN JAPAN;” “SUCTION CUP –
14 WITH A HOLE-;” “Diameter 5.5cm (2.2in);” “500g;” “C008;” “Suction Cups No. 22;”
15 “1505BJ;” “DAISO INDUSTRIES CO., LTD. 1-4-14 Saijo-Yoshiyukihigashi,
16 Higashihiroshima-City, Hiroshima 739-8501 JAPAN;” (“Suction Cups”).

17 306. Suction Cups contain DEHP.

18 307. Defendants knew or should have known that DEHP has been identified by the
19 State of California as a chemical known to cause cancer and developmental and
20 reproductive toxicity and therefore was subject to Proposition 65 warning requirements.
21 Defendants were also informed of the presence of relevant chemical in Product within
22 Plaintiff’s notice of alleged violations further discussed above at Paragraph 42.

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

1 309. Plaintiff is informed, believes, and thereon alleges that between March 18, 2017
2 and the present, each of the Defendants knowingly and intentionally exposed California
3 consumers and users of Suction Cups, which Defendants manufactured, distributed, or
4 sold as mentioned above, to DEHP, without first providing any type of clear and
5 reasonable warning of such to the exposed persons before the time of exposure.
6 Defendants have distributed and sold Suction Cups in California. Defendants know and
7 intend that California consumers will use Suction Cups, thereby exposing them to DEHP.
8 Defendants thereby violated Proposition 65.

9 310. The principal routes of exposure are through dermal contact, ingestion, and
10 inhalation. Persons sustain exposures by handling Suction Cups without wearing gloves
11 or any other personal protective equipment, or by touching bare skin or mucous
12 membranes with gloves after handling Suction Cups, as well as through hand to mouth
13 contact, hand to mucous membrane, or breathing in particulate matter dispersed from the
14 Suction Cups.

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

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

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

27

28

1 314. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein
2 prior to filing this Complaint.
3


4 **PRAYER FOR RELIEF**

5 Plaintiff demands against each of the Defendants as follows:

- 6 1. A permanent injunction mandating Proposition 65-compliant warnings;
7 2. Penalties pursuant to Health and Safety Code section 25249.7, subdivision (b);
8 3. Costs of suit;
9 4. Reasonable attorney fees and costs; and
10 5. Any further relief that the court may deem just and equitable.
11

12
13 Dated: June 16, 2020

YEROUSHALMI & YEROUSHALMI

14
15 BY: 
16 _____
17 Reuben Yeroushalmi
18 Attorneys for Plaintiff,
19 Consumer Advocacy Group, Inc.
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