

Assigned for all purposes to: Stanley Mosk Courthouse, Judicial Officer: David Sotelo

1 Davar Danialpour, Esq., SBN 257374  
2 Tiffanie Q. Spivey, Esq., SBN 247901  
3 LAW OFFICES OF DANIALPOUR & ASSOCIATES  
4 357 South Robertson Blvd. 2<sup>nd</sup> Floor  
5 Beverly Hills, California 90211  
6 Telephone: (310) 444-0055  
7 Facsimile: (310) 444-0066  
8 Email: david@davarlaw.com

9 Koorosh Banayan, Esq., SBN 122359  
10 Eli Banayan, Esq., SBN 322075  
11 KBA LAW  
12 750 N. San Vicente Blvd.  
13 Suite 800 West  
14 West Hollywood, CA 90069  
15 Telephone: (424) 333-2053  
16 Facsimile: (310) 893-6408  
17 Email: KB@kbalaw.com

18 Attorneys for Plaintiff,  
19 **PUBLIC HEALTH AND SAFETY ADVOCATES, LLC.**

20 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
21 **COUNTY OF LOS ANGELES**

22 **PUBLIC HEALTH AND SAFETY**  
23 **ADVOCATES, LLC., a Limited Liability**  
24 **Company, in the public interest,**  
25 **Plaintiff,**

26 v.

27 **HONG CHANG USA, INC., a California**  
28 **Corporation; HONG CHANG**  
29 **CORPORATION, a California Corporation;**  
30 **HONG CHANG CORPORATION dba**  
31 **CALIFORNIA FOOD INTERNATIONAL;**  
32 **HONG CHANG CORPORATION dba**  
33 **GALLERIA FOODS WHOLESALE and**  
34 **DOES 1 through 50, inclusive,**

35 **Defendant(s)**

36 **CASE NO.: 21STCV14401**

37 **COMPLAINT FOR PENALTY AND**  
38 **INJUNCTION**

39 **Violation of Proposition 65, the Safe Drinking**  
40 **Water and Toxic Enforcement Act of 1986**  
41 **(Health & Safety Code § 25249.5, et seq.)**

42 **UNLIMITED CIVIL**

1 Plaintiff, **PUBLIC HEALTH AND SAFETY ADVOCATES, LLC.** alleges twenty-one (21)  
2 causes of action against Defendants, **HONG CHANG USA, INC; HONG CHANG**  
3 **CORPORATION; HONG CHANG CORPORATION dba CALIFORNIA FOOD**  
4 **INTERNATIONAL; HONG CHANG CORPORATION dba GALLERIA FOODS WHOLESALE**  
5 and DOES 1 through 50, inclusive as follows:

6 **THE PARTIES**

7 **1.** Plaintiff, **PUBLIC HEALTH AND SAFETY ADVOCATES, LLC.** (“PHSA” or  
8 “Plaintiff”) is an organization qualified to do business in the state of California. PHSA is a person within  
9 the meaning of *Health & Safety Code §25249.11(a)*, and is dedicated to protecting the public from  
10 environmental health hazards and toxic exposures. PHSA, acting as a private attorney general, brings  
11 this enforcement action in the public interest pursuant to *Health & Safety Code §25249.7(d)*.

12 **2.** Defendants, **HONG CHANG USA, INC.** (“Hong Chang USA” or “Defendants”) is a  
13 California corporation qualified to do business in California. Upon information and belief, Plaintiff  
14 contends that the Defendants have conducted business within California at all relevant times herein.

15 **3.** Defendants, **HONG CHANG CORPORATION** (“Hong Chang Corp” or “Defendants”) is a  
16 California corporation qualified to do business in California. Upon information and belief, Plaintiff  
17 contends that the Defendants have conducted business within California at all relevant times herein.

18 **4.** Upon information and belief, Plaintiff contends that Defendants, **HONG CHANG**  
19 **CORPORATION doing business as (“dba”) CALIFORNIA FOOD INTERNATIONAL** (“C.F.I.”  
20 or “Defendants”) owns and/ or operates several retail locations in the Los Angeles area, distributes  
21 products into the stream of commerce under the alias C.F.I., and has conducted business within  
22 California at all relevant times herein.

23 **5.** Upon information and belief, Plaintiff contends that Defendants, **HONG CHANG**  
24 **CORPORATION dba GALLERIA FOODS WHOLESALE** (“Galleria Foods Wholesale” or  
25 “Defendants”) owns and/ or operates several retail locations in the Los Angeles area, distributes  
26 products into the stream of commerce, and has conducted business within California at all relevant times  
27 herein.  
28

1           6. Plaintiff is presently unaware of the true names and capacities of Defendants, DOES 1  
2 through 50, and therefore sues these Defendants by such fictitious names. Plaintiff will amend this  
3 Complaint to allege the true names and capacities of said Defendants when the identities are ascertained.  
4 Plaintiff is informed, believes and thereon alleges that each fictitiously named Defendant is responsible  
5 in some manner for the occurrences herein alleged and the damages caused.  
6

7           7. Plaintiff is informed and believes, and thereon alleges that each of the Defendants at all  
8 times mentioned herein have conducted business within the state of California.

9           8. Defendants own, administer, direct, control, sell, distribute, and/or operate facilities that  
10 place twenty-one (21) products into the stream of commerce in California. The products (“Products”)  
11 are outlined herein: (1) Sliced Squid, UPC # 826546353260; (2) Hokkai Seafood Mix, UPC #  
12 826546346705; (3) Hokkai Mideoduck (Small Sea Squirt), UPC # 826546305993; (4) Hokkai Chlamy’s  
13 Farreri Scallop, UPC # 826546355288; (5) C.F.I. Fresh Frozen Oyster Meat, UPC: 826546336072; (6)  
14 C.F.I. Baby Octopus, UPC: 826546334399; (7) C.F.I. Cooked Whole Black Mussel, UPC:  
15 826546303777; (8) H.C.C. Fully Cooked Black Mussels, UPC: 826546101885; (9) Dried Green Laver,  
16 UPC: 826546334467; (10) C.F.I. Yellow Croaker, UPC: 826546338731; (11) Cooked Brown Clam,  
17 UPC: 826546858291; (12) Hokkai Cooked Whole Clam Brown, UPC: 826546354144; (13) Hokkai  
18 Clam, UPC: 826546353858; (14) Cooked Clam Meat, UPC: 826546329647; (15) Hokkai Cooked Razor  
19 Clam Meat, UPC: 826546109492; (16) White Clam, UPC: 826546348631; (17) ½ Shell Cherrystone  
20 Clams, UPC: 826546100345; (18) Cooked Small Shell Clams, UPC: 826546100345; (19) Cooked Baby  
21 Clam Meat, UPC: 826546333163; (20) C.F.I. Oyster, UPC 826546332562; (21) Cooked Whole Clam  
22 (Brown), UPC: 826546357121. Due to several chemicals in the Products, the Defendants are required to  
23 provide “clear and reasonable” warnings to consumers about the chemicals under Proposition 65.  
24

25           9. At all times mentioned herein, Defendants were legally responsible for compliance with  
26 the provisions of Proposition 65. Whenever an allegation regarding any act of any Defendant is made  
27 herein, such allegation shall be deemed to mean that Defendants, or its agents, officers, directors,  
28 managers, supervisors, or employees, did or so authorize such acts while engaged in the affairs of  
Defendants business operations and/or while acting within the course and scope of employment.



1 of wrongful conduct occurred, and continues to occur, in the County of Los Angeles and/or  
2 because the Defendants conducted, and continue to conduct business in the County of Los Angeles  
3 with respect to the consumer Products that are the subject of this action. Said Products are  
4 marketed, offered for sale, sold, used, and/or consumed without clear and reasonable warnings in  
5 the County of Los Angeles.  
6

### 7 **BACKGROUND AND PRELIMINARY FACTS**

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

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

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

27 **18.** Proposition 65 provides that any person “violating or threatening to violate” the  
28 statute may be enjoined in a court of competent jurisdiction. *Health & Safety Code § 25249.7.*

1 “Threaten to violate” means “to create a condition in which there is a substantial probability that a  
2 violation will occur.” *Id.*, § 25249.11 (e). Defendants are also liable for civil penalties of up to  
3 \$2,500.00 per day per violation, recoverable in a civil action. *Id.*, § 25249.7 (b).  
4

5 **19.** Plaintiff identified certain practices of manufacturers and distributors of various  
6 seafood products, mainly shelled seafood such as oysters, clams, mussels who both in the past and  
7 presently, knowingly and intentionally expose, persons in California to Lead and Lead Compounds  
8 (“Lead”), and Cadmium and Cadmium Compounds (“Cadmium”) in such products without first  
9 providing clear and reasonable warnings of such to the exposed persons prior to the time of  
10 exposure. Plaintiff later discerned that Defendants engaged in such practice.

11 **20.** On February 27, 1987, the Governor of California added Lead to the list of  
12 chemicals known to the State to cause developmental and reproductive toxicity. *Cal. Code Regs.*  
13 *Tit. 27, §27001 (c)*. Lead is known to cause developmental and reproductive toxicity, in both males  
14 and females. The Proposition 65 warning requirements and discharge prohibitions became  
15 applicable to Lead within twenty (20) months after Lead was added to the list of chemicals known  
16 to cause developmental and reproductive toxicity. *Health & Safety Code §§ 25249.9 and 25249.10*.

17 **21.** On October 1, 1987, the Governor of California added Cadmium to the list of  
18 chemicals known to the State to cause cancer. *Cal. Code Regs. Tit. 27 §27001(b)*. The Proposition  
19 65 warning requirements and discharge prohibitions became applicable to Cadmium within twenty  
20 (20) months after Cadmium was added to the list of chemicals known to cause cancer. *Health &*  
21 *Safety Code §§ 25249.9 and 25249.10*.

22 **22.** On October 1, 1992, the Governor of California added Lead to the list of chemicals  
23 known to the State to cause cancer. *Cal. Code Regs. Tit. 27 §27001(b)*. The Proposition 65  
24 warning requirements and discharge prohibitions became applicable to Lead within twenty (20)  
25 months after Lead was added to the list of chemicals known to cause cancer. *Health & Safety Code*  
26 *§§ 25249.9 and 25249.10*.

27 **23.** On May 1, 1997, the Governor of California added Cadmium to the list of chemicals  
28 known to the State to cause developmental and reproductive toxicity. *Cal. Code Regs. Tit. 27,*

1 §27001 (c). Cadmium is known to cause developmental and reproductive toxicity, in both males  
2 and females. The Proposition 65 warning requirements and discharge prohibitions became  
3 applicable to Cadmium within twenty (20) months after Cadmium was added to the list of  
4 chemicals known to cause developmental and reproductive toxicity. *Health & Safety Code §§*  
5 *25249.9 and 25249.10.*

6  
7 **24.** The level of exposure to a chemical causing cancer, or reproductive toxicity under  
8 Proposition 65 is determined by multiplying the level in question times the reasonably anticipated  
9 rate of exposure for an individual to a given medium. *27 C.C.R. § 25821(b)*. For exposure to  
10 consumer products, the level of exposure is calculated using the reasonably anticipated rate of  
11 intake or exposure for average users of the consumer product. *27 C.C.R. § 25821(C)(2)*.

12 **25.** Defendants' manufacture and distribute twenty-one (21) specific Products, (1) Sliced  
13 Squid; (2) Hokkai Seafood Mix; (3) Hokkai Mideoduck (Small Sea Squirt); (4) Hokkai Chlamy's  
14 Farreri Scallop; (5) C.F.I. Fresh Frozen Oyster Meat; (6) C.F.I. Baby Octopus; (7) C.F.I. Cooked  
15 Whole Black Mussel; (8) H.C.C. Fully Cooked Black Mussels; (9) Dried Green Laver; (10) C.F.I.  
16 Yellow Croaker; (11) Cooked Brown Clam; (12) Hokkai Cooked Whole Clam Brown; (13) Hokkai  
17 Clam; (14) Cooked Clam Meat; (15) Hokkai Cooked Razor Clam Meat; (16) White Clam; (17) ½  
18 Shell Cherrystone Clams; (18) Cooked Small Shell Clams; (19) Cooked Baby Clam Meat; (20)  
19 C.F.I. Oyster; (21) Cooked Whole Clam (Brown) which contain sufficient quantities of Lead and/or  
20 Cadmium such that consumers, including pregnant women, who consume the Products are exposed  
21 to Lead and/or Cadmium. The primary route of exposure for the violations happens when  
22 consumers ingest the Products orally. These exposures occur in homes, workplaces and everywhere  
23 in California where the Products are consumed.

24  
25 **26.** During the relevant one-year period herein, no clear and reasonable warning was  
26 provided to consumers when the products were manufactured and released into the stream of  
27 commerce to warn consumers about the possible exposure to cancer, developmental or reproductive  
28 hazards from Lead or Cadmium when the Products are consumed.

///  
7

1  
2 **NOTICE OF VIOLATION**

3 27. At all times relevant to this action, the Defendants have knowingly and intentionally  
4 exposed the users/consumers of the Products to Lead and/or Cadmium by recommended that  
5 consumers ingest the Products without first giving a clear and reasonable warning to such  
6 individuals.

7 28. The Defendants have sold the Products to consumers in California at least since  
8 June 18, 2019. The Products continue to be imported, distributed and sold in California without the  
9 requisite warning information. Consumers are exposed to Lead and/or Cadmium when the  
10 Products are ingested.

11 29. On or about May 28, 2020, June 1, 2020, June 15, 2020, and June 18, 2020 Plaintiff  
12 gave notice (“Notice”) of the alleged violations of *Health & Safety Code §25249.6* for the Products  
13 to Defendants, the California Attorney General, the District Attorney for each county in California  
14 and the City Attorney for San Francisco, San Diego, San Jose, Sacramento and Los Angeles. In  
15 compliance with *Health and Safety Code §25249.7(d)* and *27 C.C.R. Code §25903(b)*, each Notice  
16 included the following information: the name, address, and telephone of the noticing party; the  
17 name of the alleged violator; the statute violated; the approximate time period during which  
18 violations occurred; and descriptions of the violations including the chemicals involved, the routes  
19 of toxic exposure, and the specific product or type of product causing the violations.

20 30. Before sending the Notice of alleged violations, Plaintiff investigated the Products  
21 to determine the likelihood that such products would cause consumers to sustain significant  
22 exposures to Lead and/or Cadmium. Plaintiff hired a well-respected and accredited testing  
23 laboratory to test the Products. This laboratory uses testing protocols established and approved by  
24 the California Attorney General.

25 31. Plaintiff also sent a Certificate of Merit for each Notice to the California Attorney  
26 General, the District Attorneys of every county in California, the City Attorneys of every city in  
27 California with a population greater than 750,000 and to the named Defendants. In compliance with  
28 *Health & Safety Code § 2521-9.7(d)* and *11 C.C.R. § 3101*, each Certificate certified that Plaintiffs’



1 counsel: (1) has consulted with one or more persons with relevant and appropriate experience or  
2 expertise who reviewed facts, studies or other data regarding the exposures to lead and cadmium  
3 alleged in each Notice; and (2) based on the information obtained through such consultations,  
4 believes that there is a reasonable and meritorious case for a citizen enforcement action based on  
5 the facts alleged in each Notice.  
6

7 **32.** In reliance on the expert’s evaluation of the Products, Plaintiffs’ counsel is informed  
8 and believes and thereon alleges that there is a reasonable and meritorious case against Defendants  
9 for this private action.

10 **33.** Any person acting in the public interest has standing to enforce violations of  
11 Proposition 65 provided that such person has supplied the requisite public enforcers with a valid  
12 60-Day Notice of Violation and such public enforcers are not diligently prosecuting the action  
13 within such time. *Health & Safety Code § 25249.7(d)*

14 **34.** Plaintiff’s notice of alleged violations also included a Certificate of Service and a  
15 document entitled “The Safe Drinking Water & Toxic Enforcement Act of 1986: A Summary”  
16 *Health & Safety Code § 25249.7(d)*

17 **35.** Plaintiff is commencing this action more than sixty (60) days from the date Plaintiff  
18 gave notice of the alleged violations to Defendants and the public prosecutor outlined above.

19 **36.** Plaintiff is informed, believes and thereon alleges that none of the public  
20 prosecutors with the authority to prosecute violations of Proposition 65 has commenced or is  
21 diligently prosecuting an action against the Defendants under *Health and Safety Code section*  
22 *25249.5, et seq.* based on the allegations herein.

23 **37.** Plaintiff has engaged in good faith efforts to resolve the alleged violation prior to  
24 filing this Complaint.

25 **FIRST CAUSE OF ACTION**

26 **Violation of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986**  
27 **(Health & Safety Code §25249.5, et seq.)**

28 **38.** Plaintiff incorporates by reference paragraphs 1 through 37 of this Complaint as  
though fully set forth herein.

1           **39.** Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
2 importer, distributor, wholesaler, promoter, or retailer of Sliced Squid, UPC # 826546353260.

3           **40.** Sliced Squid contains Cadmium.

4           **41.** Defendants knew or should have known that Cadmium has been identified by the  
5 State of California as chemicals known to cause cancer and reproductive toxicity and were  
6 therefore subject to Proposition 65 warnings requirement. Defendants were also informed of the  
7 presence of Cadmium in Sliced Squid and the Proposition 65 violations when the Plaintiff served  
8 Notice to Defendants on June 18, 2020.

9           **42.** The allegations surrounding Sliced Squid involves “[c]onsumer products  
10 exposure[s]” which “is an exposure that results from a person’s acquisition, purchase, storage,  
11 consumption, or other reasonably foreseeable use of a consumer good, or any exposure that results  
12 from receiving a consumer service.” *Cal. Code Regs. Tit.27 § 25602 (b)*. Sliced Squid is a  
13 consumer product, and as mentioned herein, exposures to Cadmium took place as a result of such  
14 normal and foreseeable consumption and use.

15           **43.** Plaintiff is informed, believes, and thereon alleges that at least since June 18, 2019  
16 and the present, each of the Defendants knowingly and intentionally exposed California consumers  
17 and users of Sliced Squid to Cadmium. Plaintiff is informed, believes, and thereon alleges that  
18 Defendants manufactured, distributed, or sold the product Sliced Squid, without first providing any  
19 type of clear and reasonable warning of such to the exposed persons before the time of exposure.  
20 Defendants know and intend that California consumers will use and consume Sliced Squid, thereby  
21 exposing them to Cadmium. Therefore, Defendants violated Proposition 65.

22           **44.** The primary exposure to the Cadmium found in Sliced Squid comes from dermal  
23 contact, as well as direct and indirect ingestion and inhalation of the product. Persons sustain  
24 exposures by eating and consuming Sliced Squid and handling Sliced Squid without wearing  
25 gloves or any other personal equipment, or by touching bare skin or mucus membrane with after  
26 handling Sliced Squid, as well as through direct and indirect hand to mouth contact, hand to  
27  
28

1 mucous membrane, or breathing in particulate matter dispersed from Sliced Squid.

2 45. Plaintiff is informed, believes and thereon alleges that each of the Defendants'  
3 violations of Proposition 65 as to Sliced Squid has been ongoing and continuous, as Defendants  
4 engaged and continue to engage in conduct which violates *Health and Safety Code § 25249.6*,  
5 including the manufacture, distribution, promotion and sale of Sliced Squid, so that a separate and  
6 distinct violation of Proposition 65 occurs each time a person is exposed to Cadmium by Sliced  
7 Squid as mentioned herein.

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

11 47. Based on the allegations herein, Defendants are liable for civil penalties of up to  
12 \$2,500.00 per day per individual exposure to Cadmium from Sliced Squid, pursuant to Health and  
13 Safety Code §25249.7(b).  
14  
15

16 **SECOND CAUSE OF ACTION**

17 **Violation of Proposition 65, The Sate Drinking Water and Toxic Enforcement Act of 1986**  
18 **(Health & Safety Code §25249.5, et seq.)**

19 48. Plaintiff incorporates by reference paragraphs 1 through 47 of this Complaint as  
20 though fully set forth herein.

21 49. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
22 importer, distributor, wholesaler, promoter, or retailer of Hokkai Seafood Mix, UPC #  
23 826546346705.

24 50. Hokkai Seafood Mix contains Lead and Cadmium.

25 51. Defendants knew or should have known that Lead and Cadmium have been  
26 identified by the State of California as a chemical known to cause cancer and reproductive toxicity  
27 and were therefore subject to Proposition 65 warnings requirement. Defendants were also  
28 informed of the presence of Lead and Cadmium in Hokkai Seafood Mix and the Proposition 65

1 violations when the Plaintiff served Notice to Defendants on June 18, 2020.

2           **52.** The allegations surrounding Hokkai Seafood Mix involves “[c]onsumer products  
3 exposure[s]” which “is an exposure that results from a person’s acquisition, purchase, storage,  
4 consumption, or other reasonably foreseeable use of a consumer good, or any exposure that results  
5 from receiving a consumer service.” *Cal. Code Regs. Tit.27 § 25602 (b)*. Hokkai Seafood Mix is a  
6 consumer product, and as mentioned herein, exposure to Lead and Cadmium took place as a result  
7 of such normal and foreseeable consumption and use.  
8

9           **53.** Plaintiff is informed, believes, and thereon alleges that at least since June 18, 2019  
10 to the present, each of the Defendants knowingly and intentionally exposed California consumers  
11 and users of Hokkai Seafood Mix to Lead and Cadmium. Plaintiff is informed, believes, and  
12 thereon alleges that Defendants manufactured, distributed, or sold the product Hokkai Seafood  
13 Mix, without first providing any type of clear and reasonable warning of such to the exposed  
14 persons before the time of exposure or before distributing/ selling Hokkai Seafood Mix in  
15 California. Defendants know and intend that California consumers will use and consume Hokkai  
16 Seafood Mix, thereby exposing them to Lead and Cadmium. Therefore, Defendants violated  
17 Proposition 65.  
18

19           **54.** The primary exposure to the Lead and Cadmium found in Hokkai Seafood Mix  
20 comes from dermal contact, as well as direct and indirect ingestion and inhalation of the product.  
21 Persons sustain exposures by eating and consuming Hokkai Seafood Mix and handling Hokkai  
22 Seafood Mix without wearing gloves or any other personal equipment, or by touching bare skin or  
23 mucus membrane with gloves after handling Hokkai Seafood Mix, as well as through direct and  
24 indirect hand to mouth contact, hand to mucous membrane, or breathing in particulate matter  
25 dispersed from Hokkai Seafood Mix.

26           **55.** Plaintiff is informed, believes and thereon alleges that each of the Defendants’  
27 violations of Proposition 65 as to Hokkai Seafood Mix have been ongoing and continuous, as  
28 Defendants engaged and continue to engage in conduct which violates *Health and Safety Code §*

1 25249.6, including the manufacture, distribution, promotion and sale of Hokkai Seafood Mix, so  
2 that a separate and distinct violation of Proposition 65 occurs each time a person is exposed to Lead  
3 and Cadmium as mentioned herein.

4 56. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition  
5 65 mentioned herein is ever continuing. Plaintiff further alleges and believes that the violations  
6 alleged herein will continue to occur into the future.

7  
8 57. Based on the allegations herein, Defendants are liable for civil penalties of up to  
9 \$2,500.00 per day per individual exposure to Lead and Cadmium from Hokkai Seafood Mix,  
10 pursuant to *Health and Safety Code §25249.7(b)*.

11 **THIRD CAUSE OF ACTION**

12 **Violation of Proposition 65, The Sate Drinking Water and Toxic Enforcement Act of 1986**  
13 **(Health & Safety Code §25249.5, et seq.)**

14 58. Plaintiff incorporates by reference paragraphs 1 through 57 of this Complaint as  
15 though fully set forth herein.

16 59. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
17 importer, distributor, wholesaler, promoter, or retailer of Hokkai Mideoduck (Small Sea Squirt),  
18 UPC # 826546305993.

19 60. Hokkai Mideoduck (Small Sea Squirt) contains Lead.

20  
21 61. Defendants knew or should have known that Lead has been identified by the State of  
22 California as chemicals known to cause cancer and reproductive toxicity and were therefore subject  
23 to Proposition 65 warnings requirement. Defendants were also informed of the presence of Lead in  
24 Hokkai Mideoduck (Small Sea Squirt) and the Proposition 65 violations when the Plaintiff served  
25 Notice to Defendants on June 18, 2020.

26 62. The allegations surrounding Hokkai Mideoduck (Small Sea Squirt) involves  
27 “[c]onsumer products exposure[s]” which “is an exposure that results from a person’s acquisition,  
28 purchase, storage, consumption, or other reasonably foreseeable use of a consumer good, or any

1 exposure that results from receiving a consumer service.” *Cal. Code Regs. Tit.27 § 25602 (b)*.

2 Hokkai Mideoduck (Small Sea Squirt) is a consumer product, and as mentioned herein, exposures  
3 to Lead took place as a result of such normal and foreseeable consumption and use.

4           **63.** Plaintiff is informed, believes, and thereon alleges that at least since June 18, 2019  
5 and the present, each of the Defendants knowingly and intentionally exposed California consumers  
6 and users of Hokkai Mideoduck (Small Sea Squirt) to Lead. Plaintiff is informed, believes, and  
7 thereon alleges that Defendants manufactured, distributed, or sold the product Hokkai Mideoduck  
8 (Small Sea Squirt), without first providing any type of clear and reasonable warning of such to the  
9 exposed persons before the time of exposure. Defendants know and intend that California  
10 consumers will use and consume Hokkai Mideoduck (Small Sea Squirt), thereby exposing them to  
11 Lead. Therefore, Defendants violated Proposition 65.

12           **64.** The primary exposure to the Lead found in Hokkai Mideoduck (Small Sea Squirt)  
13 comes from dermal contact, as well as direct and indirect ingestion and inhalation of the product.  
14 Persons sustain exposures by eating and consuming Hokkai Mideoduck (Small Sea Squirt) and  
15 handling Hokkai Mideoduck (Small Sea Squirt) without wearing gloves or any other personal  
16 equipment, or by touching bare skin or mucus membrane with after handling Hokkai Mideoduck  
17 (Small Sea Squirt), as well as through direct and indirect hand to mouth contact, hand to mucous  
18 membrane, or breathing in particulate matter dispersed from Hokkai Mideoduck (Small Sea  
19 Squirt).

20           **65.** Plaintiff is informed, believes and thereon alleges that each of the Defendants’  
21 violations of Proposition 65 as to Hokkai Mideoduck (Small Sea Squirt) has been ongoing and  
22 continuous, as Defendants engaged and continue to engage in conduct which violates *Health and*  
23 *Safety Code § 25249.6*, including the manufacture, distribution, promotion and sale of Hokkai  
24 Mideoduck (Small Sea Squirt), so that a separate and distinct violation of Proposition 65 occurs  
25 each time a person is exposed to Lead by Hokkai Mideoduck (Small Sea Squirt) as mentioned  
26 herein.  
27  
28



1           **73.** Plaintiff is informed, believes, and thereon alleges that at least since June 18, 2019  
2 to the present, each of the Defendants knowingly and intentionally exposed California consumers  
3 and users of Hokkai Chlamy's Farreri Scallop to Lead and Cadmium. Plaintiff is informed,  
4 believes, and thereon alleges that Defendants manufactured, distributed, or sold the product Hokkai  
5 Chlamy's Farreri Scallop, without first providing any type of clear and reasonable warning of such  
6 to the exposed persons before the time of exposure or before distributing/ selling Hokkai Chlamy's  
7 Farreri Scallop in California. Defendants know and intend that California consumers will use and  
8 consume Hokkai Chlamy's Farreri Scallop, thereby exposing them to Lead and Cadmium.  
9 Therefore, Defendants violated Proposition 65.  
10

11           **74.** The primary exposure to the Lead and Cadmium found in Hokkai Chlamy's Farreri  
12 Scallop comes from dermal contact, as well as direct and indirect ingestion and inhalation of the  
13 product. Persons sustain exposures by eating and consuming Hokkai Chlamy's Farreri Scallop and  
14 handling Hokkai Chlamy's Farreri Scallop without wearing gloves or any other personal  
15 equipment, or by touching bare skin or mucus membrane with gloves after handling Hokkai  
16 Chlamy's Farreri Scallop, as well as through direct and indirect hand to mouth contact, hand to  
17 mucous membrane, or breathing in particulate matter dispersed from Hokkai Chlamy's Farreri  
18 Scallop.  
19

20           **75.** Plaintiff is informed, believes and thereon alleges that each of the Defendants'  
21 violations of Proposition 65 as to Hokkai Chlamy's Farreri Scallop have been ongoing and  
22 continuous, as Defendants engaged and continue to engage in conduct which violates *Health and*  
23 *Safety Code § 25249.6*, including the manufacture, distribution, promotion and sale of Hokkai  
24 Chlamy's Farreri Scallop, so that a separate and distinct violation of Proposition 65 occurs each  
25 time a person is exposed to Lead and Cadmium as mentioned herein.  
26

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



1 77. Based on the allegations herein, Defendants are liable for civil penalties of up to  
2 \$2,500.00 per day per individual exposure to Lead and Cadmium from Hokkai Chlamy’s Farreri  
3 Scallop, pursuant to *Health and Safety Code §25249.7(b)*.

4 **FIFTH CAUSE OF ACTION**

5 **Violation of Proposition 65, The Sate Drinking Water and Toxic Enforcement Act of 1986**  
6 **(Health & Safety Code §25249.5, et seq.)**

7 78. Plaintiff incorporates by reference paragraphs 1 through 77 of this Complaint as  
8 though fully set forth herein.

9 79. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
10 importer, distributor, wholesaler, promoter, or retailer of C.F.I. Fresh Frozen Oyster Meat, UPC:  
11 826546336072.

12 80. C.F.I. Fresh Frozen Oyster Meat contains Lead and Cadmium.

13 81. Defendants knew or should have known that Lead and Cadmium have been  
14 identified by the State of California as a chemical known to cause cancer and reproductive toxicity  
15 and were therefore subject to Proposition 65 warnings requirement. Defendants were also  
16 informed of the presence of Lead and Cadmium in C.F.I. Fresh Frozen Oyster Meat and the  
17 Proposition 65 violations when the Plaintiff served Notice to Defendants on June 18, 2020.  
18

19 82. The allegations surrounding C.F.I. Fresh Frozen Oyster Meat involves “[c]onsumer  
20 products exposure[s]” which “is an exposure that results from a person’s acquisition, purchase,  
21 storage, 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)*. C.F.I. Fresh  
23 Frozen Oyster Meat is a consumer product, and as mentioned herein, exposure to Lead and  
24 Cadmium took place as a result of such normal and foreseeable consumption and use.  
25

26 83. Plaintiff is informed, believes, and thereon alleges that at least since June 18, 2019  
27 to the present, each of the Defendants knowingly and intentionally exposed California consumers  
28 and users of C.F.I. Fresh Frozen Oyster Meat to Lead and Cadmium. Plaintiff is informed, believes,

1 and thereon alleges that Defendants manufactured, distributed, or sold the product C.F.I. Fresh  
2 Frozen Oyster Meat, without first providing any type of clear and reasonable warning of such to the  
3 exposed persons before the time of exposure or before distributing/ selling C.F.I. Fresh Frozen  
4 Oyster Meat in California. Defendants know and intend that California consumers will use and  
5 consume C.F.I. Fresh Frozen Oyster Meat, thereby exposing them to Lead and Cadmium.  
6 Therefore, Defendants violated Proposition 65.

7  
8 **84.** The primary exposure to the Lead and Cadmium found in C.F.I. Fresh Frozen  
9 Oyster Meat comes from dermal contact, as well as direct and indirect ingestion and inhalation of  
10 the product. Persons sustain exposures by eating and consuming C.F.I. Fresh Frozen Oyster Meat  
11 and handling C.F.I. Fresh Frozen Oyster Meat without wearing gloves or any other personal  
12 equipment, or by touching bare skin or mucus membrane with gloves after handling C.F.I. Fresh  
13 Frozen Oyster Meat, as well as through direct and indirect hand to mouth contact, hand to mucous  
14 membrane, or breathing in particulate matter dispersed from C.F.I. Fresh Frozen Oyster Meat.

15 **85.** Plaintiff is informed, believes and thereon alleges that each of the Defendants'  
16 violations of Proposition 65 as to C.F.I. Fresh Frozen Oyster Meat have been ongoing and  
17 continuous, as Defendants engaged and continue to engage in conduct which violates *Health and*  
18 *Safety Code § 25249.6*, including the manufacture, distribution, promotion and sale of C.F.I. Fresh  
19 Frozen Oyster Meat, so that a separate and distinct violation of Proposition 65 occurs each time a  
20 person is exposed to Lead and Cadmium as mentioned herein.

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

25 **87.** Based on the allegations herein, Defendants are liable for civil penalties of up to  
26 \$2,500.00 per day per individual exposure to Lead and Cadmium from C.F.I. Fresh Frozen Oyster  
27 Meat, pursuant to *Health and Safety Code §25249.7(b)*.

28  
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1 **SIXTH CAUSE OF ACTION**

2 **Violation of Proposition 65, The Sate Drinking Water and Toxic Enforcement Act of 1986**  
3 **(Health & Safety Code §25249.5, et seq.)**

4 **88.** Plaintiff incorporates by reference paragraphs 1 through 87 of this Complaint as  
5 though fully set forth herein.

6 **89.** Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
7 importer, distributor, wholesaler, promoter, or retailer of C.F.I. Baby Octopus, UPC:  
8 826546334399.

9 **90.** C.F.I. Baby Octopus contains Lead and Cadmium.

10 **91.** Defendants knew or should have known that Lead and Cadmium have been  
11 identified by the State of California as a chemical known to cause cancer and reproductive toxicity  
12 and were therefore subject to Proposition 65 warnings requirement. Defendants were also  
13 informed of the presence of Lead and Cadmium in C.F.I. Baby Octopus and the Proposition 65  
14 violations when the Plaintiff served Notice to Defendants on June 18, 2020.

15 **92.** The allegations surrounding C.F.I. Baby Octopus involves “[c]onsumer products  
16 exposure[s]” which “is an exposure that results from a person’s acquisition, purchase, storage,  
17 consumption, or other reasonably foreseeable use of a consumer good, or any exposure that results  
18 from receiving a consumer service.” *Cal. Code Regs. Tit.27 § 25602 (b)*. C.F.I. Baby Octopus is a  
19 consumer product, and as mentioned herein, exposure to Lead and Cadmium took place as a result  
20 of such normal and foreseeable consumption and use.

21 **93.** Plaintiff is informed, believes, and thereon alleges that at least since June 18, 2019  
22 to the present, each of the Defendants knowingly and intentionally exposed California consumers  
23 and users of C.F.I. Baby Octopus to Lead and Cadmium. Plaintiff is informed, believes, and  
24 thereon alleges that Defendants manufactured, distributed, or sold the product C.F.I. Baby Octopus,  
25 without first providing any type of clear and reasonable warning of such to the exposed persons  
26 before the time of exposure or before distributing/ selling C.F.I. Baby Octopus in California.  
27  
28

1 Defendants know and intend that California consumers will use and consume C.F.I. Baby Octopus,  
2 thereby exposing them to Lead and Cadmium. Therefore, Defendants violated Proposition 65.

3           **94.** The primary exposure to the Lead and Cadmium found in C.F.I. Baby Octopus  
4 comes from dermal contact, as well as direct and indirect ingestion and inhalation of the product.  
5 Persons sustain exposures by eating and consuming C.F.I. Baby Octopus and handling C.F.I. Baby  
6 Octopus without wearing gloves or any other personal equipment, or by touching bare skin or  
7 mucus membrane with gloves after handling C.F.I. Baby Octopus, as well as through direct and  
8 indirect hand to mouth contact, hand to mucous membrane, or breathing in particulate matter  
9 dispersed from C.F.I. Baby Octopus.  
10

11           **95.** Plaintiff is informed, believes and thereon alleges that each of the Defendants'  
12 violations of Proposition 65 as to C.F.I. Baby Octopus have been ongoing and continuous, as  
13 Defendants engaged and continue to engage in conduct which violates *Health and Safety Code* §  
14 25249.6, including the manufacture, distribution, promotion and sale of C.F.I. Baby Octopus, so  
15 that a separate and distinct violation of Proposition 65 occurs each time a person is exposed to Lead  
16 and Cadmium as mentioned herein.  
17

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

21           **97.** Based on the allegations herein, Defendants are liable for civil penalties of up to  
22 \$2,500.00 per day per individual exposure to Lead and Cadmium from C.F.I. Baby Octopus,  
23 pursuant to *Health and Safety Code* §25249.7(b).  
24

#### **SEVENTH CAUSE OF ACTION**

#### **Violation of Proposition 65, The Sate Drinking Water and Toxic Enforcement Act of 1986 (Health & Safety Code §25249.5, et seq.)**

25           **98.** Plaintiff incorporates by reference paragraphs 1 through 97 of this Complaint as  
26 though fully set forth herein.  
27  
28

1           **99.** Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
2 importer, distributor, wholesaler, promoter, or retailer of C.F.I. Cooked Whole Black Mussel, UPC:  
3 826546303777.

4           **100.** C.F.I. Cooked Whole Black Mussel contains Lead and Cadmium.

5  
6           **101.** Defendants knew or should have known that Lead and Cadmium have been  
7 identified by the State of California as a chemical known to cause cancer and reproductive toxicity  
8 and were therefore subject to Proposition 65 warnings requirement. Defendants were also  
9 informed of the presence of Lead and Cadmium in C.F.I. Cooked Whole Black Mussel and the  
10 Proposition 65 violations when the Plaintiff served Notice to Defendants on June 18, 2020.

11           **102.** The allegations surrounding C.F.I. Cooked Whole Black Mussel involves  
12 “[c]onsumer products exposure[s]” which “is an exposure that results from a person’s acquisition,  
13 purchase, storage, consumption, or other reasonably foreseeable use of a consumer good, or any  
14 exposure that results from receiving a consumer service.” *Cal. Code Regs. Tit.27 § 25602 (b)*.  
15 C.F.I. Cooked Whole Black Mussel is a consumer product, and as mentioned herein, exposure to  
16 Lead and Cadmium took place as a result of such normal and foreseeable consumption and use.  
17

18           **103.** Plaintiff is informed, believes, and thereon alleges that at least since June 18, 2019  
19 to the present, each of the Defendants knowingly and intentionally exposed California consumers  
20 and users of C.F.I. Cooked Whole Black Mussel to Lead and Cadmium. Plaintiff is informed,  
21 believes, and thereon alleges that Defendants manufactured, distributed, or sold the product C.F.I.  
22 Cooked Whole Black Mussel, without first providing any type of clear and reasonable warning of  
23 such to the exposed persons before the time of exposure or before distributing/ selling C.F.I.  
24 Cooked Whole Black Mussel in California. Defendants know and intend that California consumers  
25 will use and consume C.F.I. Cooked Whole Black Mussel, thereby exposing them to Lead and  
26 Cadmium. Therefore, Defendants violated Proposition 65.  
27

28           **104.** The primary exposure to the Lead and Cadmium found in C.F.I. Cooked Whole  
Black Mussel comes from dermal contact, as well as direct and indirect ingestion and inhalation of

1 the product. Persons sustain exposures by eating and consuming C.F.I. Cooked Whole Black  
2 Mussel and handling C.F.I. Cooked Whole Black Mussel without wearing gloves or any other  
3 personal equipment, or by touching bare skin or mucus membrane with gloves after handling C.F.I.  
4 Cooked Whole Black Mussel, as well as through direct and indirect hand to mouth contact, hand to  
5 mucous membrane, or breathing in particulate matter dispersed from C.F.I. Cooked Whole Black  
6 Mussel.

7  
8 **105.** Plaintiff is informed, believes and thereon alleges that each of the Defendants’  
9 violations of Proposition 65 as to C.F.I. Cooked Whole Black Mussel have been ongoing and  
10 continuous, as Defendants engaged and continue to engage in conduct which violates *Health and*  
11 *Safety Code § 25249.6*, including the manufacture, distribution, promotion and sale of C.F.I.  
12 Cooked Whole Black Mussel, so that a separate and distinct violation of Proposition 65 occurs each  
13 time a person is exposed to Lead and Cadmium as mentioned herein.

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

17  
18 **107.** Based on the allegations herein, Defendants are liable for civil penalties of up to  
19 \$2,500.00 per day per individual exposure to Lead and Cadmium from C.F.I. Cooked Whole Black  
20 Mussel, pursuant to *Health and Safety Code §25249.7(b)*.

21 **EIGHTH CAUSE OF ACTION**

22 **Violation of Proposition 65, The Sate Drinking Water and Toxic Enforcement Act of 1986**  
23 **(Health & Safety Code §25249.5, et seq.)**

24 **108.** Plaintiff incorporates by reference paragraphs 1 through 107 of this Complaint as  
25 though fully set forth herein.

26 **109.** Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
27 importer, distributor, wholesaler, promoter, or retailer of H.C.C. Fully Cooked Black Mussels,  
28 UPC: 826546101885.

1           **110.** H.C.C. Fully Cooked Black Mussels contains Lead and Cadmium.

2           **111.** Defendants knew or should have known that Lead and Cadmium have been  
3 identified by the State of California as a chemical known to cause cancer and reproductive toxicity  
4 and were therefore subject to Proposition 65 warnings requirement. Defendants were also  
5 informed of the presence of Lead and Cadmium in H.C.C. Fully Cooked Black Mussels and the  
6 Proposition 65 violations when the Plaintiff served Notice to Defendants on June 18, 2020.  
7

8           **112.** The allegations surrounding H.C.C. Fully Cooked Black Mussels involves  
9 “[c]onsumer products exposure[s]” which “is an exposure that results from a person’s acquisition,  
10 purchase, storage, consumption, or other reasonably foreseeable use of a consumer good, or any  
11 exposure that results from receiving a consumer service.” *Cal. Code Regs. Tit.27 § 25602 (b)*.  
12 H.C.C. Fully Cooked Black Mussels is a consumer product, and as mentioned herein, exposure to  
13 Lead and Cadmium took place as a result of such normal and foreseeable consumption and use.  
14

15           **113.** Plaintiff is informed, believes, and thereon alleges that at least since June 18, 2019  
16 to the present, each of the Defendants knowingly and intentionally exposed California consumers  
17 and users of H.C.C. Fully Cooked Black Mussels to Lead and Cadmium. Plaintiff is informed,  
18 believes, and thereon alleges that Defendants manufactured, distributed, or sold the product H.C.C.  
19 Fully Cooked Black Mussels, without first providing any type of clear and reasonable warning of  
20 such to the exposed persons before the time of exposure or before distributing/ selling H.C.C. Fully  
21 Cooked Black Mussels in California. Defendants know and intend that California consumers will  
22 use and consume H.C.C. Fully Cooked Black Mussels, thereby exposing them to Lead and  
23 Cadmium. Therefore, Defendants violated Proposition 65.  
24

25           **114.** The primary exposure to the Lead and Cadmium found in H.C.C. Fully Cooked  
26 Black Mussels comes from dermal contact, as well as direct and indirect ingestion and inhalation of  
27 the product. Persons sustain exposures by eating and consuming H.C.C. Fully Cooked Black  
28 Mussels and handling H.C.C. Fully Cooked Black Mussels without wearing gloves or any other  
personal equipment, or by touching bare skin or mucus membrane with gloves after handling

1 H.C.C. Fully Cooked Black Mussels, as well as through direct and indirect hand to mouth contact,  
2 hand to mucous membrane, or breathing in particulate matter dispersed from H.C.C. Fully Cooked  
3 Black Mussels.

4 **115.** Plaintiff is informed, believes and thereon alleges that each of the Defendants'  
5 violations of Proposition 65 as to H.C.C. Fully Cooked Black Mussels have been ongoing and  
6 continuous, as Defendants engaged and continue to engage in conduct which violates *Health and*  
7 *Safety Code § 25249.6*, including the manufacture, distribution, promotion and sale of H.C.C. Fully  
8 Cooked Black Mussels, so that a separate and distinct violation of Proposition 65 occurs each time  
9 a person is exposed to Lead and Cadmium as mentioned herein.

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

13 **117.** Based on the allegations herein, Defendants are liable for civil penalties of up to  
14 \$2,500.00 per day per individual exposure to Lead and Cadmium from H.C.C. Fully Cooked Black  
15 Mussels, pursuant to *Health and Safety Code §25249.7(b)*.

16 **NINTH CAUSE OF ACTION**

17 **Violation of Proposition 65, The Sate Drinking Water and Toxic Enforcement Act of 1986**  
18 **(Health & Safety Code §25249.5, et seq.)**

19 **118.** Plaintiff incorporates by reference paragraphs 1 through 117 of this Complaint as  
20 though fully set forth herein.

21 **119.** Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
22 importer, distributor, wholesaler, promoter, or retailer of Dried Green Laver, UPC: 826546334467.

23 **120.** Dried Green Laver contains Lead and Cadmium.

24 **121.** Defendants knew or should have known that Lead and Cadmium have been  
25 identified by the State of California as a chemical known to cause cancer and reproductive toxicity  
26 and were therefore subject to Proposition 65 warnings requirement. Defendants were also  
27  
28



1 informed of the presence of Lead and Cadmium in Dried Green Laver and the Proposition 65  
2 violations when the Plaintiff served Notice to Defendants on June 18, 2020.

3           **122.** The allegations surrounding Dried Green Laver involves “[c]onsumer products  
4 exposure[s]” which “is an exposure that results from a person’s acquisition, purchase, storage,  
5 consumption, or other reasonably foreseeable use of a consumer good, or any exposure that results  
6 from receiving a consumer service.” *Cal. Code Regs. Tit.27 § 25602 (b)*. Dried Green Laver is a  
7 consumer product, and as mentioned herein, exposure to Lead and Cadmium took place as a result  
8 of such normal and foreseeable consumption and use.

9  
10           **123.** Plaintiff is informed, believes, and thereon alleges that at least since June 18, 2019  
11 to the present, each of the Defendants knowingly and intentionally exposed California consumers  
12 and users of Dried Green Laver to Lead and Cadmium. Plaintiff is informed, believes, and thereon  
13 alleges that Defendants manufactured, distributed, or sold the product Dried Green Laver, without  
14 first providing any type of clear and reasonable warning of such to the exposed persons before the  
15 time of exposure or before distributing/ selling Dried Green Laver in California. Defendants know  
16 and intend that California consumers will use and consume Dried Green Laver, thereby exposing  
17 them to Lead and Cadmium. Therefore, Defendants violated Proposition 65.

18  
19           **124.** The primary exposure to the Lead and Cadmium found in Dried Green Laver comes  
20 from dermal contact, as well as direct and indirect ingestion and inhalation of the product. Persons  
21 sustain exposures by eating and consuming Dried Green Laver and handling Dried Green Laver  
22 without wearing gloves or any other personal equipment, or by touching bare skin or mucus  
23 membrane with gloves after handling Dried Green Laver, as well as through direct and indirect  
24 hand to mouth contact, hand to mucous membrane, or breathing in particulate matter dispersed  
25 from Dried Green Laver.

26  
27           **125.** Plaintiff is informed, believes and thereon alleges that each of the Defendants’  
28 violations of Proposition 65 as to Dried Green Laver have been ongoing and continuous, as  
Defendants engaged and continue to engage in conduct which violates *Health and Safety Code §*

1 25249.6, including the manufacture, distribution, promotion and sale of Dried Green Laver, so that  
2 a separate and distinct violation of Proposition 65 occurs each time a person is exposed to Lead and  
3 Cadmium as mentioned herein.

4 **126.** Plaintiff is informed, believes, and thereon alleges that each violation of Proposition  
5 65 mentioned herein is ever continuing. Plaintiff further alleges and believes that the violations  
6 alleged herein will continue to occur into the future.

7  
8 **127.** Based on the allegations herein, Defendants are liable for civil penalties of up to  
9 \$2,500.00 per day per individual exposure to Lead and Cadmium from Dried Green Laver,  
10 pursuant to *Health and Safety Code §25249.7(b)*.

11 **TENTH CAUSE OF ACTION**

12 **Violation of Proposition 65, The Sate Drinking Water and Toxic Enforcement Act of 1986**  
13 **(Health & Safety Code §25249.5, et seq.)**

14 **128.** Plaintiff incorporates by reference paragraphs 1 through 127 of this Complaint as  
15 though fully set forth herein.

16 **129.** Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
17 importer, distributor, wholesaler, promoter, or retailer of C.F.I. Yellow Croaker, UPC:  
18 826546338731.

19 **130.** C.F.I. Yellow Croaker contains Lead.

20  
21 **131.** Defendants knew or should have known that Lead has been identified by the State of  
22 California as chemicals known to cause cancer and reproductive toxicity and were therefore subject  
23 to Proposition 65 warnings requirement. Defendants were also informed of the presence of Lead in  
24 C.F.I. Yellow Croaker and the Proposition 65 violations when the Plaintiff served Notice to  
25 Defendants on June 18, 2020.

26 **132.** The allegations surrounding C.F.I. Yellow Croaker involves “[c]onsumer products  
27 exposure[s]” which “is an exposure that results from a person’s acquisition, purchase, storage,  
28 consumption, or other reasonably foreseeable use of a consumer good, or any exposure that results

1 from receiving a consumer service.” *Cal. Code Regs. Tit.27 § 25602 (b)*. C.F.I. Yellow Croaker is a  
2 consumer product, and as mentioned herein, exposures to Lead took place as a result of such  
3 normal and foreseeable consumption and use.

4 **133.** Plaintiff is informed, believes, and thereon alleges that at least since June 18, 2019  
5 and the present, each of the Defendants knowingly and intentionally exposed California consumers  
6 and users of C.F.I. Yellow Croaker to Lead. Plaintiff is informed, believes, and thereon alleges that  
7 Defendants manufactured, distributed, or sold the product C.F.I. Yellow Croaker, without first  
8 providing any type of clear and reasonable warning of such to the exposed persons before the time  
9 of exposure. Defendants know and intend that California consumers will use and consume C.F.I.  
10 Yellow Croaker, thereby exposing them to Lead. Therefore, Defendants violated Proposition 65.  
11

12 **134.** The primary exposure to the Lead found in C.F.I. Yellow Croaker comes from  
13 dermal contact, as well as direct and indirect ingestion and inhalation of the product. Persons  
14 sustain exposures by eating and consuming C.F.I. Yellow Croaker and handling C.F.I. Yellow  
15 Croaker without wearing gloves or any other personal equipment, or by touching bare skin or  
16 mucus membrane with after handling C.F.I. Yellow Croaker, as well as through direct and indirect  
17 hand to mouth contact, hand to mucous membrane, or breathing in particulate matter dispersed  
18 from C.F.I. Yellow Croaker.  
19

20 **135.** Plaintiff is informed, believes and thereon alleges that each of the Defendants’  
21 violations of Proposition 65 as to C.F.I. Yellow Croaker has been ongoing and continuous, as  
22 Defendants engaged and continue to engage in conduct which violates *Health and Safety Code §*  
23 *25249.6*, including the manufacture, distribution, promotion and sale of C.F.I. Yellow Croaker, so  
24 that a separate and distinct violation of Proposition 65 occurs each time a person is exposed to Lead  
25 by C.F.I. Yellow Croaker as mentioned herein.  
26

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



1 thereon alleges that Defendants manufactured, distributed, or sold the product Cooked Brown  
2 Clam, without first providing any type of clear and reasonable warning of such to the exposed  
3 persons before the time of exposure or before distributing/ selling Cooked Brown Clam in  
4 California. Defendants know and intend that California consumers will use and consume Cooked  
5 Brown Clam, thereby exposing them to Lead and Cadmium. Therefore, Defendants violated  
6 Proposition 65.

7  
8 **144.** The primary exposure to the Lead and Cadmium found in Cooked Brown Clam  
9 comes from dermal contact, as well as direct and indirect ingestion and inhalation of the product.  
10 Persons sustain exposures by eating and consuming Cooked Brown Clam and handling Cooked  
11 Brown Clam without wearing gloves or any other personal equipment, or by touching bare skin or  
12 mucus membrane with gloves after handling Cooked Brown Clam, as well as through direct and  
13 indirect hand to mouth contact, hand to mucous membrane, or breathing in particulate matter  
14 dispersed from Cooked Brown Clam.

15 **145.** Plaintiff is informed, believes and thereon alleges that each of the Defendants'  
16 violations of Proposition 65 as to Cooked Brown Clam have been ongoing and continuous, as  
17 Defendants engaged and continue to engage in conduct which violates *Health and Safety Code §*  
18 *25249.6*, including the manufacture, distribution, promotion and sale of Cooked Brown Clam, so  
19 that a separate and distinct violation of Proposition 65 occurs each time a person is exposed to Lead  
20 and Cadmium as mentioned herein.

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

25 **147.** Based on the allegations herein, Defendants are liable for civil penalties of up to  
26 \$2,500.00 per day per individual exposure to Lead and Cadmium from Cooked Brown Clam,  
27 pursuant to *Health and Safety Code §25249.7(b)*.

28  
///

1 **TWELVTH CAUSE OF ACTION**

2 **Violation of Proposition 65, The Sate Drinking Water and Toxic Enforcement Act of 1986**  
3 **(Health & Safety Code §25249.5, et seq.)**

4 **148.** Plaintiff incorporates by reference paragraphs 1 through 147 of this Complaint as  
5 though fully set forth herein.

6 **149.** Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
7 importer, distributor, wholesaler, promoter, or retailer of Hokkai Cooked Whole Clam Brown,  
8 UPC: 826546354144.

9 **150.** Hokkai Cooked Whole Clam Brown contains Lead and Cadmium.

10 **151.** Defendants knew or should have known that Lead and Cadmium have been  
11 identified by the State of California as a chemical known to cause cancer and reproductive toxicity  
12 and were therefore subject to Proposition 65 warnings requirement. Defendants were also  
13 informed of the presence of Lead and Cadmium in Hokkai Cooked Whole Clam Brown and the  
14 Proposition 65 violations when the Plaintiff served Notice to Defendants on June 18, 2020.  
15

16 **152.** The allegations surrounding Hokkai Cooked Whole Clam Brown involves  
17 “[c]onsumer products exposure[s]” which “is an exposure that results from a person’s acquisition,  
18 purchase, storage, consumption, or other reasonably foreseeable use of a consumer good, or any  
19 exposure that results from receiving a consumer service.” *Cal. Code Regs. Tit.27 § 25602 (b)*.  
20 Hokkai Cooked Whole Clam Brown is a consumer product, and as mentioned herein, exposure to  
21 Lead and Cadmium took place as a result of such normal and foreseeable consumption and use.  
22

23 **153.** Plaintiff is informed, believes, and thereon alleges that at least since June 18, 2019  
24 to the present, each of the Defendants knowingly and intentionally exposed California consumers  
25 and users of Hokkai Cooked Whole Clam Brown to Lead and Cadmium. Plaintiff is informed,  
26 believes, and thereon alleges that Defendants manufactured, distributed, or sold the product Hokkai  
27 Cooked Whole Clam Brown, without first providing any type of clear and reasonable warning of  
28 such to the exposed persons before the time of exposure or before distributing/ selling Hokkai

1 Cooked Whole Clam Brown in California. Defendants know and intend that California consumers  
2 will use and consume Hokkai Cooked Whole Clam Brown, thereby exposing them to Lead and  
3 Cadmium. Therefore, Defendants violated Proposition 65.

4           **154.** The primary exposure to the Lead and Cadmium found in Hokkai Cooked Whole  
5 Clam Brown comes from dermal contact, as well as direct and indirect ingestion and inhalation of  
6 the product. Persons sustain exposures by eating and consuming Hokkai Cooked Whole Clam  
7 Brown and handling Hokkai Cooked Whole Clam Brown without wearing gloves or any other  
8 personal equipment, or by touching bare skin or mucus membrane with gloves after handling  
9 Hokkai Cooked Whole Clam Brown, as well as through direct and indirect hand to mouth contact,  
10 hand to mucous membrane, or breathing in particulate matter dispersed from Hokkai Cooked  
11 Whole Clam Brown.  
12

13           **155.** Plaintiff is informed, believes and thereon alleges that each of the Defendants’  
14 violations of Proposition 65 as to Hokkai Cooked Whole Clam Brown have been ongoing and  
15 continuous, as Defendants engaged and continue to engage in conduct which violates *Health and*  
16 *Safety Code § 25249.6*, including the manufacture, distribution, promotion and sale of Hokkai  
17 Cooked Whole Clam Brown, so that a separate and distinct violation of Proposition 65 occurs each  
18 time a person is exposed to Lead and Cadmium as mentioned herein.  
19

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

23           **157.** Based on the allegations herein, Defendants are liable for civil penalties of up to  
24 \$2,500.00 per day per individual exposure to Lead and Cadmium from Hokkai Cooked Whole  
25 Clam Brown, pursuant to *Health and Safety Code §25249.7(b)*.  
26

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1 **THIRTEENTH CAUSE OF ACTION**

2 **Violation of Proposition 65, The Sate Drinking Water and Toxic Enforcement Act of 1986**  
3 **(Health & Safety Code §25249.5, et seq.)**

4 **158.** Plaintiff incorporates by reference paragraphs 1 through 157 of this Complaint as  
5 though fully set forth herein.

6 **159.** Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
7 importer, distributor, wholesaler, promoter, or retailer of Hokkai Clam, UPC: 826546353858.

8 **160.** Hokkai Clam contains Lead and Cadmium.

9 **161.** Defendants knew or should have known that Lead and Cadmium have been  
10 identified by the State of California as a chemical known to cause cancer and reproductive toxicity  
11 and were therefore subject to Proposition 65 warnings requirement. Defendants were also  
12 informed of the presence of Lead and Cadmium in Hokkai Clam and the Proposition 65 violations  
13 when the Plaintiff served Notice to Defendants on June 18, 2020.

14 **162.** The allegations surrounding Hokkai Clam involves “[c]onsumer products  
15 exposure[s]” which “is an exposure that results from a person’s acquisition, purchase, storage,  
16 consumption, or other reasonably foreseeable use of a consumer good, or any exposure that results  
17 from receiving a consumer service.” *Cal. Code Regs. Tit.27 § 25602 (b)*. Hokkai Clam is a  
18 consumer product, and as mentioned herein, exposure to Lead and Cadmium took place as a result  
19 of such normal and foreseeable consumption and use.

20 **163.** Plaintiff is informed, believes, and thereon alleges that at least since June 18, 2019  
21 to the present, each of the Defendants knowingly and intentionally exposed California consumers  
22 and users of Hokkai Clam to Lead and Cadmium. Plaintiff is informed, believes, and thereon  
23 alleges that Defendants manufactured, distributed, or sold the product Hokkai Clam, without first  
24 providing any type of clear and reasonable warning of such to the exposed persons before the time  
25 of exposure or before distributing/ selling Hokkai Clam in California. Defendants know and intend  
26 that California consumers will use and consume Hokkai Clam, thereby exposing them to Lead and  
27  
28



1 Cadmium. Therefore, Defendants violated Proposition 65.

2           **164.** The primary exposure to the Lead and Cadmium found in Hokkai Clam comes from  
3 dermal contact, as well as direct and indirect ingestion and inhalation of the product. Persons  
4 sustain exposures by eating and consuming Hokkai Clam and handling Hokkai Clam without  
5 wearing gloves or any other personal equipment, or by touching bare skin or mucus membrane with  
6 gloves after handling Hokkai Clam, as well as through direct and indirect hand to mouth contact,  
7 hand to mucous membrane, or breathing in particulate matter dispersed from Hokkai Clam.

8           **165.** Plaintiff is informed, believes and thereon alleges that each of the Defendants'  
9 violations of Proposition 65 as to Hokkai Clam have been ongoing and continuous, as Defendants  
10 engaged and continue to engage in conduct which violates *Health and Safety Code § 25249.6*,  
11 including the manufacture, distribution, promotion and sale of Hokkai Clam, so that a separate and  
12 distinct violation of Proposition 65 occurs each time a person is exposed to Lead and Cadmium as  
13 mentioned herein.

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

17           **167.** Based on the allegations herein, Defendants are liable for civil penalties of up to  
18 \$2,500.00 per day per individual exposure to Lead and Cadmium from Hokkai Clam, pursuant to  
19 *Health and Safety Code §25249.7(b)*.

20  
21  
22 **FOURTEENTH CAUSE OF ACTION**

23 **Violation of Proposition 65, The Sate Drinking Water and Toxic Enforcement Act of 1986**  
24 **(Health & Safety Code §25249.5, et seq.)**

25           **168.** Plaintiff incorporates by reference paragraphs 1 through 167 of this Complaint as  
26 though fully set forth herein.

27           **169.** Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
28 importer, distributor, wholesaler, promoter, or retailer of Cooked Clam Meat, UPC: 826546329647.

1           **170.** Cooked Clam Meat contains Lead and Cadmium.

2           **171.** Defendants knew or should have known that Lead and Cadmium have been  
3 identified by the State of California as a chemical known to cause cancer and reproductive toxicity  
4 and were therefore subject to Proposition 65 warnings requirement. Defendants were also  
5 informed of the presence of Lead and Cadmium in Cooked Clam Meat and the Proposition 65  
6 violations when the Plaintiff served Notice to Defendants on June 18, 2020.  
7

8           **172.** The allegations surrounding Cooked Clam Meat involves “[c]onsumer products  
9 exposure[s]” which “is an exposure that results from a person’s acquisition, purchase, storage,  
10 consumption, or other reasonably foreseeable use of a consumer good, or any exposure that results  
11 from receiving a consumer service.” *Cal. Code Regs. Tit.27 § 25602 (b)*. Cooked Clam Meat is a  
12 consumer product, and as mentioned herein, exposure to Lead and Cadmium took place as a result  
13 of such normal and foreseeable consumption and use.  
14

15           **173.** Plaintiff is informed, believes, and thereon alleges that at least since June 18, 2019  
16 to the present, each of the Defendants knowingly and intentionally exposed California consumers  
17 and users of Cooked Clam Meat to Lead and Cadmium. Plaintiff is informed, believes, and thereon  
18 alleges that Defendants manufactured, distributed, or sold the product Cooked Clam Meat, without  
19 first providing any type of clear and reasonable warning of such to the exposed persons before the  
20 time of exposure or before distributing/ selling Cooked Clam Meat in California. Defendants know  
21 and intend that California consumers will use and consume Cooked Clam Meat, thereby exposing  
22 them to Lead and Cadmium. Therefore, Defendants violated Proposition 65.  
23

24           **174.** The primary exposure to the Lead and Cadmium found in Cooked Clam Meat  
25 comes from dermal contact, as well as direct and indirect ingestion and inhalation of the product.  
26 Persons sustain exposures by eating and consuming Cooked Clam Meat and handling Cooked  
27 Clam Meat without wearing gloves or any other personal equipment, or by touching bare skin or  
28 mucus membrane with gloves after handling Cooked Clam Meat, as well as through direct and  
indirect hand to mouth contact, hand to mucous membrane, or breathing in particulate matter



1 Proposition 65 violations when the Plaintiff served Notice to Defendants on June 18, 2020.

2           **182.** The allegations surrounding Hokkai Cooked Razor Clam Meat involves  
3 “[c]onsumer products exposure[s]” which “is an exposure that results from a person’s acquisition,  
4 purchase, storage, consumption, or other reasonably foreseeable use of a consumer good, or any  
5 exposure that results from receiving a consumer service.” *Cal. Code Regs. Tit.27 § 25602 (b)*.  
6 Hokkai Cooked Razor Clam Meat is a consumer product, and as mentioned herein, exposure to  
7 Lead and Cadmium took place as a result of such normal and foreseeable consumption and use.

8  
9           **183.** Plaintiff is informed, believes, and thereon alleges that at least since June 18, 2019  
10 to the present, each of the Defendants knowingly and intentionally exposed California consumers  
11 and users of Hokkai Cooked Razor Clam Meat to Lead and Cadmium. Plaintiff is informed,  
12 believes, and thereon alleges that Defendants manufactured, distributed, or sold the product Hokkai  
13 Cooked Razor Clam Meat, without first providing any type of clear and reasonable warning of such  
14 to the exposed persons before the time of exposure or before distributing/ selling Hokkai Cooked  
15 Razor Clam Meat in California. Defendants know and intend that California consumers will use  
16 and consume Hokkai Cooked Razor Clam Meat, thereby exposing them to Lead and Cadmium.  
17 Therefore, Defendants violated Proposition 65.

18  
19           **184.** The primary exposure to the Lead and Cadmium found in Hokkai Cooked Razor  
20 Clam Meat comes from dermal contact, as well as direct and indirect ingestion and inhalation of  
21 the product. Persons sustain exposures by eating and consuming Hokkai Cooked Razor Clam Meat  
22 and handling Hokkai Cooked Razor Clam Meat without wearing gloves or any other personal  
23 equipment, or by touching bare skin or mucus membrane with gloves after handling Hokkai  
24 Cooked Razor Clam Meat, as well as through direct and indirect hand to mouth contact, hand to  
25 mucous membrane, or breathing in particulate matter dispersed from Hokkai Cooked Razor Clam  
26 Meat.

27  
28           **185.** Plaintiff is informed, believes and thereon alleges that each of the Defendants’  
violations of Proposition 65 as to Hokkai Cooked Razor Clam Meat have been ongoing and

1 continuous, as Defendants engaged and continue to engage in conduct which violates *Health and*  
2 *Safety Code § 25249.6*, including the manufacture, distribution, promotion and sale of Hokkai  
3 Cooked Razor Clam Meat, so that a separate and distinct violation of Proposition 65 occurs each  
4 time a person is exposed to Lead and Cadmium as mentioned herein.

5  
6 **186.** Plaintiff is informed, believes, and thereon alleges that each violation of Proposition  
7 65 mentioned herein is ever continuing. Plaintiff further alleges and believes that the violations  
8 alleged herein will continue to occur into the future.

9  
10 **187.** Based on the allegations herein, Defendants are liable for civil penalties of up to  
11 \$2,500.00 per day per individual exposure to Lead and Cadmium from Hokkai Cooked Razor Clam  
12 Meat, pursuant to *Health and Safety Code §25249.7(b)*.

13  
14 **SIXTEENTH CAUSE OF ACTION**

15  
16 **Violation of Proposition 65, The Sate Drinking Water and Toxic Enforcement Act of 1986  
17 (Health & Safety Code §25249.5, et seq.)**

18  
19 **188.** Plaintiff incorporates by reference paragraphs 1 through 187 of this Complaint as  
20 though fully set forth herein.

21  
22 **189.** Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
23 importer, distributor, wholesaler, promoter, or retailer of White Clam, UPC: 826546348631.

24  
25 **190.** White Clam contains Lead and Cadmium.

26  
27 **191.** Defendants knew or should have known that Lead and Cadmium have been  
28 identified by the State of California as a chemical known to cause cancer and reproductive toxicity  
and were therefore subject to Proposition 65 warnings requirement. Defendants were also  
informed of the presence of Lead and Cadmium in White Clam and the Proposition 65 violations  
when the Plaintiff served Notice to Defendants on June 15, 2020.

**192.** The allegations surrounding White Clam involves “[c]onsumer products  
exposure[s]” which “is an exposure that results from a person’s acquisition, purchase, storage,  
consumption, or other reasonably foreseeable use of a consumer good, or any exposure that results

1 from receiving a consumer service.” *Cal. Code Regs. Tit.27 § 25602 (b)*. White Clam is a consumer  
2 product, and as mentioned herein, exposure to Lead and Cadmium took place as a result of such  
3 normal and foreseeable consumption and use.

4           **193.** Plaintiff is informed, believes, and thereon alleges that at least since June 18, 2019  
5 to the present, each of the Defendants knowingly and intentionally exposed California consumers  
6 and users of White Clam to Lead and Cadmium. Plaintiff is informed, believes, and thereon alleges  
7 that Defendants manufactured, distributed, or sold the product White Clam, without first providing  
8 any type of clear and reasonable warning of such to the exposed persons before the time of  
9 exposure or before distributing/ selling White Clam in California. Defendants know and intend  
10 that California consumers will use and consume White Clam, thereby exposing them to Lead and  
11 Cadmium. Therefore, Defendants violated Proposition 65.

13           **194.** The primary exposure to the Lead and Cadmium found in White Clam comes from  
14 dermal contact, as well as direct and indirect ingestion and inhalation of the product. Persons  
15 sustain exposures by eating and consuming White Clam and handling White Clam without wearing  
16 gloves or any other personal equipment, or by touching bare skin or mucus membrane with gloves  
17 after handling White Clam, as well as through direct and indirect hand to mouth contact, hand to  
18 mucous membrane, or breathing in particulate matter dispersed from White Clam.

20           **195.** Plaintiff is informed, believes and thereon alleges that each of the Defendants’  
21 violations of Proposition 65 as to White Clam have been ongoing and continuous, as Defendants  
22 engaged and continue to engage in conduct which violates *Health and Safety Code § 25249.6*,  
23 including the manufacture, distribution, promotion and sale of White Clam, so that a separate and  
24 distinct violation of Proposition 65 occurs each time a person is exposed to Lead and Cadmium as  
25 mentioned herein.

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

1           **197.** Based on the allegations herein, Defendants are liable for civil penalties of up to  
2 \$2,500.00 per day per individual exposure to Lead and Cadmium from White Clam, pursuant to  
3 *Health and Safety Code §25249.7(b)*.

4   **SEVENTEENTH CAUSE OF ACTION**

5           **Violation of Proposition 65, The Sate Drinking Water and Toxic Enforcement Act of 1986**  
6   **(Health & Safety Code §25249.5, et seq.)**

7           **198.** Plaintiff incorporates by reference paragraphs 1 through 197 of this Complaint as  
8 though fully set forth herein.

9           **199.** Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
10 importer, distributor, wholesaler, promoter, or retailer of ½ Shell Cherrystone Clams, UPC:  
11 826546100345.

12           **200.** ½ Shell Cherrystone Clams contains Lead.

13           **201.** Defendants knew or should have known that Lead has been identified by the State of  
14 California as chemicals known to cause cancer and reproductive toxicity and were therefore subject  
15 to Proposition 65 warnings requirement. Defendants were also informed of the presence of Lead in  
16 ½ Shell Cherrystone Clams and the Proposition 65 violations when the Plaintiff served Notice to  
17 Defendants on June 1, 2020.

18           **202.** The allegations surrounding ½ Shell Cherrystone Clams involves “[c]onsumer  
19 products exposure[s]” which “is an exposure that results from a person’s acquisition, purchase,  
20 storage, consumption, or other reasonably foreseeable use of a consumer good, or any exposure  
21 that results from receiving a consumer service.” *Cal. Code Regs. Tit.27 § 25602 (b)*. ½ Shell  
22 Cherrystone Clams is a consumer product, and as mentioned herein, exposures to Lead took place  
23 as a result of such normal and foreseeable consumption and use.

24           **203.** Plaintiff is informed, believes, and thereon alleges that at least since June 18, 2019  
25 and the present, each of the Defendants knowingly and intentionally exposed California consumers  
26 and users of ½ Shell Cherrystone Clams to Lead. Plaintiff is informed, believes, and thereon  
27  
28

1 alleges that Defendants manufactured, distributed, or sold the product ½ Shell Cherrystone Clams,  
2 without first providing any type of clear and reasonable warning of such to the exposed persons  
3 before the time of exposure. Defendants know and intend that California consumers will use and  
4 consume ½ Shell Cherrystone Clams, thereby exposing them to Lead. Therefore, Defendants  
5 violated Proposition 65.

6  
7 **204.** The primary exposure to the Lead found in ½ Shell Cherrystone Clams comes from  
8 dermal contact, as well as direct and indirect ingestion and inhalation of the product. Persons  
9 sustain exposures by eating and consuming ½ Shell Cherrystone Clams and handling ½ Shell  
10 Cherrystone Clams without wearing gloves or any other personal equipment, or by touching bare  
11 skin or mucus membrane with after handling ½ Shell Cherrystone Clams, as well as through direct  
12 and indirect hand to mouth contact, hand to mucous membrane, or breathing in particulate matter  
13 dispersed from ½ Shell Cherrystone Clams.

14  
15 **205.** Plaintiff is informed, believes and thereon alleges that each of the Defendants’  
16 violations of Proposition 65 as to ½ Shell Cherrystone Clams has been ongoing and continuous, as  
17 Defendants engaged and continue to engage in conduct which violates *Health and Safety Code §*  
18 *25249.6*, including the manufacture, distribution, promotion and sale of ½ Shell Cherrystone  
19 Clams, so that a separate and distinct violation of Proposition 65 occurs each time a person is  
20 exposed to Lead by ½ Shell Cherrystone Clams as mentioned herein.

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

25  
26 **207.** Based on the allegations herein, Defendants are liable for civil penalties of up to  
27 \$2,500.00 per day per individual exposure to Lead from ½ Shell Cherrystone Clams, pursuant to  
28 Health and Safety Code §25249.7(b).

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1 **EIGHTEENTH CAUSE OF ACTION**

2 **Violation of Proposition 65, The Sate Drinking Water and Toxic Enforcement Act of 1986**  
3 **(Health & Safety Code §25249.5, et seq.)**

4 **208.** Plaintiff incorporates by reference paragraphs 1 through 207 of this Complaint as  
5 though fully set forth herein.

6 **209.** Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
7 importer, distributor, wholesaler, promoter, or retailer of Cooked Small Shell Clams, UPC:  
8 826546100345.

9 **210.** Cooked Small Shell Clams contains Lead and Cadmium.

10 **211.** Defendants knew or should have known that Lead and Cadmium have been  
11 identified by the State of California as a chemical known to cause cancer and reproductive toxicity  
12 and were therefore subject to Proposition 65 warnings requirement. Defendants were also  
13 informed of the presence of Lead and Cadmium in Cooked Small Shell Clams and the Proposition  
14 65 violations when the Plaintiff served Notice to Defendants on May 28, 2020.

15 **212.** The allegations surrounding Cooked Small Shell Clams involves “[c]onsumer  
16 products exposure[s]” which “is an exposure that results from a person’s acquisition, purchase,  
17 storage, consumption, or other reasonably foreseeable use of a consumer good, or any exposure  
18 that results from receiving a consumer service.” *Cal. Code Regs. Tit.27 § 25602 (b)*. Cooked Small  
19 Shell Clams is a consumer product, and as mentioned herein, exposure to Lead and Cadmium took  
20 place as a result of such normal and foreseeable consumption and use.

21 **213.** Plaintiff is informed, believes, and thereon alleges that at least since June 18, 2019  
22 to the present, each of the Defendants knowingly and intentionally exposed California consumers  
23 and users of Cooked Small Shell Clams to Lead and Cadmium. Plaintiff is informed, believes, and  
24 thereon alleges that Defendants manufactured, distributed, or sold the product Cooked Small Shell  
25 Clams, without first providing any type of clear and reasonable warning of such to the exposed  
26 persons before the time of exposure or before distributing/ selling Cooked Small Shell Clams in  
27  
28



1 though fully set forth herein.

2           **219.** Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
3 importer, distributor, wholesaler, promoter, or retailer of Cooked Baby Clam Meat, UPC:  
4 826546333163.

5           **220.** Cooked Baby Clam Meat contains Lead and Cadmium.

6           **221.** Defendants knew or should have known that Lead and Cadmium have been  
7 identified by the State of California as a chemical known to cause cancer and reproductive toxicity  
8 and were therefore subject to Proposition 65 warnings requirement. Defendants were also  
9 informed of the presence of Lead and Cadmium in Cooked Baby Clam Meat and the Proposition 65  
10 violations when the Plaintiff served Notice to Defendants on May 28, 2020.

11           **222.** The allegations surrounding Cooked Baby Clam Meat involves “[c]onsumer  
12 products exposure[s]” which “is an exposure that results from a person’s acquisition, purchase,  
13 storage, consumption, or other reasonably foreseeable use of a consumer good, or any exposure  
14 that results from receiving a consumer service.” *Cal. Code Regs. Tit.27 § 25602 (b)*. Cooked Baby  
15 Clam Meat is a consumer product, and as mentioned herein, exposure to Lead and Cadmium took  
16 place as a result of such normal and foreseeable consumption and use.

17           **223.** Plaintiff is informed, believes, and thereon alleges that at least since June 18, 2019  
18 to the present, each of the Defendants knowingly and intentionally exposed California consumers  
19 and users of Cooked Baby Clam Meat to Lead and Cadmium. Plaintiff is informed, believes, and  
20 thereon alleges that Defendants manufactured, distributed, or sold the product Cooked Baby Clam  
21 Meat, without first providing any type of clear and reasonable warning of such to the exposed  
22 persons before the time of exposure or before distributing/ selling Cooked Baby Clam Meat in  
23 California. Defendants know and intend that California consumers will use and consume Cooked  
24 Baby Clam Meat, thereby exposing them to Lead and Cadmium. Therefore, Defendants violated  
25 Proposition 65.  
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1           **230.** C.F.I. Oyster contains Lead and Cadmium.

2           **231.** Defendants knew or should have known that Lead and Cadmium have been  
3 identified by the State of California as a chemical known to cause cancer and reproductive toxicity  
4 and were therefore subject to Proposition 65 warnings requirement. Defendants were also  
5 informed of the presence of Lead and Cadmium in C.F.I. Oyster and the Proposition 65 violations  
6 when the Plaintiff served Notice to Defendants on May 28, 2020.  
7

8           **232.** The allegations surrounding C.F.I. Oyster involves “[c]onsumer products  
9 exposure[s]” which “is an exposure that results from a person’s acquisition, purchase, storage,  
10 consumption, or other reasonably foreseeable use of a consumer good, or any exposure that results  
11 from receiving a consumer service.” *Cal. Code Regs. Tit.27 § 25602 (b)*. C.F.I. Oyster is a  
12 consumer product, and as mentioned herein, exposure to Lead and Cadmium took place as a result  
13 of such normal and foreseeable consumption and use.  
14

15           **233.** Plaintiff is informed, believes, and thereon alleges that at least since June 18, 2019  
16 to the present, each of the Defendants knowingly and intentionally exposed California consumers  
17 and users of C.F.I. Oyster to Lead and Cadmium. Plaintiff is informed, believes, and thereon  
18 alleges that Defendants manufactured, distributed, or sold the product C.F.I. Oyster, without first  
19 providing any type of clear and reasonable warning of such to the exposed persons before the time  
20 of exposure or before distributing/ selling C.F.I. Oyster in California. Defendants know and intend  
21 that California consumers will use and consume C.F.I. Oyster, thereby exposing them to Lead and  
22 Cadmium. Therefore, Defendants violated Proposition 65.  
23

24           **234.** The primary exposure to the Lead and Cadmium found in C.F.I. Oyster comes from  
25 dermal contact, as well as direct and indirect ingestion and inhalation of the product. Persons  
26 sustain exposures by eating and consuming C.F.I. Oyster and handling C.F.I. Oyster without  
27 wearing gloves or any other personal equipment, or by touching bare skin or mucus membrane with  
28 gloves after handling C.F.I. Oyster, as well as through direct and indirect hand to mouth contact,  
hand to mucous membrane, or breathing in particulate matter dispersed from C.F.I. Oyster.



1           **242.** The allegations surrounding Cooked Whole Clam (Brown) involves “[c]onsumer  
2 products exposure[s]” which “is an exposure that results from a person’s acquisition, purchase,  
3 storage, consumption, or other reasonably foreseeable use of a consumer good, or any exposure  
4 that results from receiving a consumer service.” *Cal. Code Regs. Tit.27 § 25602 (b)*. Cooked Whole  
5 Clam (Brown) is a consumer product, and as mentioned herein, exposure to Lead and Cadmium  
6 took place as a result of such normal and foreseeable consumption and use.

7  
8           **243.** Plaintiff is informed, believes, and thereon alleges that at least since June 18, 2019  
9 to the present, each of the Defendants knowingly and intentionally exposed California consumers  
10 and users of Cooked Whole Clam (Brown) to Lead and Cadmium. Plaintiff is informed, believes,  
11 and thereon alleges that Defendants manufactured, distributed, or sold the product Cooked Whole  
12 Clam (Brown), without first providing any type of clear and reasonable warning of such to the  
13 exposed persons before the time of exposure or before distributing/ selling Cooked Whole Clam  
14 (Brown) in California. Defendants know and intend that California consumers will use and  
15 consume Cooked Whole Clam (Brown), thereby exposing them to Lead and Cadmium. Therefore,  
16 Defendants violated Proposition 65.

17  
18           **244.** The primary exposure to the Lead and Cadmium found in Cooked Whole Clam  
19 (Brown) comes from dermal contact, as well as direct and indirect ingestion and inhalation of the  
20 product. Persons sustain exposures by eating and consuming Cooked Whole Clam (Brown)and  
21 handling Cooked Whole Clam (Brown)without wearing gloves or any other personal equipment, or  
22 by touching bare skin or mucus membrane with gloves after handling Cooked Whole Clam  
23 (Brown), as well as through direct and indirect hand to mouth contact, hand to mucous membrane,  
24 or breathing in particulate matter dispersed from Cooked Whole Clam (Brown).

25           **245.** Plaintiff is informed, believes and thereon alleges that each of the Defendants’  
26 violations of Proposition 65 as to Cooked Whole Clam (Brown) have been ongoing and  
27 continuous, as Defendants engaged and continue to engage in conduct which violates *Health and*  
28 *Safety Code § 25249.6*, including the manufacture, distribution, promotion and sale of Cooked





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4. Such other and further relief that the Court may deem just and equitable.

DATED: 04/14/2021

BY: 

LAW OFFICES OF DANIALPOUR &  
ASSOCIATES  
Davar Danialpour, Esq.  
Tiffanie Q. Spivey, Esq.  
Attorneys for Plaintiffs,  
PUBLIC HEALTH & SAFETY ADVOCATES,  
LLC.

DATED: 4/14/21

BY: 

KBA LAW  
Koorosh Banayan, Esq.  
Eli Banayan, Esq.  
Attorneys for Plaintiffs,  
PUBLIC HEALTH & SAFETY ADVOCATES,  
LLC.