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8 Attorneys for Plaintiff,

9 CONSUMER ADVOCACY GROUP, INC.

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

11 **COUNTY OF ALAMEDA**

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

14 Plaintiff,

15 v.

16 WEEE! INC., a Delaware Corporation;
17 KAM LEE YUEN TRADING CO, INC., a
18 California Corporation;
19 UNITED KANBOO USA, CORP., a
20 California Corporation;
21 SEOUL SHIK POOM, INC. DBA SEOUL
22 TRADING USA CO., a New York
23 Corporation;
24 and DOES 1-70,

25 Defendants.

CASE NO.

COMPLAINT FOR PENALTY AND
INJUNCTION

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

ACTION IS AN UNLIMITED CIVIL
CASE (exceeds \$25,000)

26 Plaintiff CONSUMER ADVOCACY GROUP, INC. alleges eight causes of action
27 against defendants WEEE! INC.; KAM LEE YUEN TRADING CO, INC.; UNITED

1 KANBOO USA, CORP.; SEOUL SHIK POOM, INC. DBA SEOUL TRADING USA CO.,
2 and DOES 1-70 as follows:

3 **THE PARTIES**

- 4 1. Plaintiff CONSUMER ADVOCACY GROUP, INC. (“Plaintiff” or “CAG”) is an
5 organization qualified to do business in the State of California. CAG is a person within
6 the meaning of Health and Safety Code Section 25249.11, subdivision (a). CAG, acting
7 as a private attorney general, brings this action in the public interest as defined under
8 Health and Safety Code Section 25249.7, subdivision (d).
- 9 2. Defendant WEEE! INC., (“WEEE”) is a Delaware Corporation doing business in the
10 State of California at all relevant times herein.
- 11 3. Defendant KAM LEE YUEN TRADING CO, INC., (“KAM LEE YUEN”) is a
12 California Corporation doing business in the State of California at all relevant times
13 herein.
- 14 4. Defendant UNITED KANBOO USA, CORP. (“UNITED KANBOO”) is a California
15 Corporation doing business in the State of California at all relevant times herein.
- 16 5. Defendant SEOUL SHIK POOM, INC. DBA SEOUL TRADING USA CO. (“SEOUL
17 SHIK POOM”) is a New York Corporation doing business in the State of California at
18 all relevant times herein.
- 19 6. Plaintiff is presently unaware of the true names and capacities of defendants DOES 1-70,
20 and therefore sues these defendants by such fictitious names. Plaintiff will amend this
21 Complaint to allege their true names and capacities when ascertained. Plaintiff is
22 informed, believes, and thereon alleges that each fictitiously named defendant is
23 responsible in some manner for the occurrences herein alleged and the damages caused
24 thereby.
- 25 7. At all times mentioned herein, the term “Defendants” includes WEEE, KAM LEE
26 YUEN, UNITED KANBOO, SEOUL SHIK POOM and DOES 1-70.

- 1 8. Plaintiff is informed and believes, and thereon alleges that each of the Defendants at all
2 times mentioned herein have conducted business within the State of California.
- 3 9. Upon information and belief, at all times relevant to this action, each of the Defendants,
4 including DOES 1-70, was an agent, servant, or employee of each of the other
5 Defendants. In conducting the activities alleged in this Complaint, each of the
6 Defendants was acting within the course and scope of this agency, service, or
7 employment, and was acting with the consent, permission, and authorization of each of
8 the other Defendants. All actions of each of the Defendants alleged in this Complaint
9 were ratified and approved by every other Defendant or their officers or managing
10 agents. Alternatively, each of the Defendants aided, conspired with and/or facilitated the
11 alleged wrongful conduct of each of the other Defendants.
- 12 10. Plaintiff is informed, believes, and thereon alleges that at all relevant times, each of the
13 Defendants was a person doing business within the meaning of Health and Safety Code
14 Section 25249.11, subdivision (b), and that each of the Defendants had ten (10) or more
15 employees at all relevant times.

JURISDICTION

- 17 11. The Court has jurisdiction over this lawsuit pursuant to California Constitution Article
18 VI, Section 10, which grants the Superior Court original jurisdiction in all causes except
19 those given by statute to other trial courts. This Court has jurisdiction over this action
20 pursuant to Health and Safety Code Section 25249.7, which allows enforcement of
21 violations of Proposition 65 in any Court of competent jurisdiction.
- 22 12. This Court has jurisdiction over Defendants named herein because Defendants either
23 reside or are located in this State or are foreign corporations authorized to do business in
24 California, are registered with the California Secretary of State, or who do sufficient
25 business in California, have sufficient minimum contacts with California, or otherwise
26 intentionally avail themselves of the markets within California through their
27 manufacture, distribution, promotion, marketing, or sale of their products within
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1 California to render the exercise of jurisdiction by the California courts permissible
2 under traditional notions of fair play and substantial justice.

- 3 13. Venue is proper in the County of Alameda because one or more of the instances of
4 wrongful conduct occurred, and continues to occur, in the County of Alameda and/or
5 because Defendants conducted, and continue to conduct, business in the County of
6 Alameda with respect to the consumer product that is the subject of this action.

7 **BACKGROUND AND PRELIMINARY FACTS**

- 8 14. 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
10 chemicals that cause cancer, birth defects, or other reproductive harm.” Ballot Pamp.,
11 Proposed Law, Gen. Elec. (Nov. 4, 1986) at p. 3. The initiative, The Safe Drinking
12 Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code Sections
13 25249.5, *et seq.* (“Proposition 65”), helps to protect California’s drinking water sources
14 from contamination, to allow consumers to make informed choices about the products
15 they buy, and to enable persons to protect themselves from toxic chemicals as they see
16 fit.

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

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

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- 1 17. Proposition 65 provides that any person "violating or threatening to violate" the statute
2 may be enjoined in any court of competent jurisdiction. *Health & Safety Code* §
3 25249.7. "Threaten to violate" means "to create a condition in which there is a
4 substantial probability that a violation will occur." *Health & Safety Code* § 25249.11(e).
5 Defendants are also liable for civil penalties of up to \$2,500.00 per day per violation,
6 recoverable in a civil action. *Health & Safety Code* § 25249.7(b).
- 7 18. Plaintiff identified certain practices of manufacturers and distributors of food products of
8 exposing, knowingly and intentionally, persons in California to Lead and Lead
9 Compounds, Cadmium and Cadmium Compounds, Inorganic Arsenic Compounds, and
10 Inorganic Arsenic Oxides of such products without first providing clear and reasonable
11 warnings of such to the exposed persons prior to the time of exposure. Plaintiff later
12 discerned that Defendants engaged in such practice.
- 13 19. On October 1, 1992 the Governor of California added Lead and Lead Compounds
14 ("Lead") to the list of chemicals known to the State to cause cancer (*Cal. Code Regs.* tit.
15 27, § 27001(b)). Pursuant to Health and Safety Code Sections 25249.9 and 25249.10,
16 twenty (20) months after addition of Lead to the list of chemicals known to the State to
17 cause cancer, Lead became fully subject to Proposition 65 warning requirements and
18 discharge prohibitions.
- 19 20. On February 27, 1987, the Governor of California added Lead to the list of chemicals
20 known to the State to cause developmental and reproductive toxicity (*Cal. Code Regs.*
21 tit. 27, § 27001(c)). Lead is known to the State to cause developmental, female, and
22 male reproductive toxicity. Pursuant to Health and Safety Code Sections 25249.9 and
23 25249.10, twenty (20) months after addition of Lead to the list of chemicals known to
24 the State to cause developmental and reproductive toxicity, Lead became fully subject to
25 Proposition 65 warning requirements and discharge prohibitions.
- 26 21. On October 1, 1987 the Governor of California added Cadmium and Cadmium
27 Compounds ("Cadmium") to the list of chemicals known to the State to cause cancer
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1 (Cal. Code Regs. tit. 27, § 27001(b)). Pursuant to Health and Safety Code Sections
2 25249.9 and 25249.10, twenty (20) months after addition of Cadmium to the list of
3 chemicals known to the State to cause cancer, Cadmium became fully subject to
4 Proposition 65 warning requirements and discharge prohibitions.

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

12 23. On May 1, 1997, the Governor of California added Inorganic Arsenic Oxides to the list
13 of chemicals known to the State to cause developmental toxicity (Cal. Code Regs. tit. 27,
14 § 27001(c)). Inorganic Arsenic Oxides is known to the State to cause developmental,
15 toxicity. Pursuant to Health and Safety Code Sections 25249.9 and 25249.10, twenty
16 (20) months after addition of Inorganic Arsenic Oxides to the list of chemicals known to
17 the State to cause developmental toxicity, Inorganic Arsenic Oxides became fully subject
18 to Proposition 65 warning requirements and discharge prohibitions. Inorganic Arsenic
19 Oxides is hereinafter referred to as “Arsenic”.

20 SATISFACTION OF PRIOR NOTICE

21 24. Plaintiff served the following notices for alleged violations of Health and Safety Code
22 Section 25249.6, concerning consumer products exposures:

- 23 a. On or about October 15, 2021, Plaintiff gave notice of alleged violations of
24 Health and Safety Code Section 25249.6, concerning consumer products
25 exposures subject to a private action to WEEE, KAM LEE YUEN, and to the
26 California Attorney General, County District Attorneys, and City Attorneys for
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1 each city containing a population of at least 750,000 people in whose
2 jurisdictions the violations allegedly occurred, concerning the Seaweed Strips.

- 3 b. On or about October 22, 2021, Plaintiff gave notice of alleged violations of
4 Health and Safety Code Section 25249.6, concerning consumer products
5 exposures subject to a private action to UNITED KANBOO, WEEE, and to the
6 California Attorney General, County District Attorneys, and City Attorneys for
7 each city containing a population of at least 750,000 people in whose
8 jurisdictions the violations allegedly occurred, concerning the Shrimp Cracker.
- 9 c. On or about May 3, 2022, Plaintiff gave notice of alleged violations of Health
10 and Safety Code Section 25249.6, concerning consumer products exposures
11 subject to a private action to WEEE and to the California Attorney General,
12 County District Attorneys, and City Attorneys for each city containing a
13 population of at least 750,000 people in whose jurisdictions the violations
14 allegedly occurred, concerning the Dried Shrimp.
- 15 d. On or about May 12, 2022, Plaintiff gave notice of alleged violations of Health
16 and Safety Code Section 25249.6, concerning consumer products exposures
17 subject to a private action to WEEE and to the California Attorney General,
18 County District Attorneys, and City Attorneys for each city containing a
19 population of at least 750,000 people in whose jurisdictions the violations
20 allegedly occurred, concerning the Spicy Squid.
- 21 e. On or about May 12, 2022, Plaintiff gave notice of alleged violations of Health
22 and Safety Code Section 25249.6, concerning consumer products exposures
23 subject to a private action to UNITED KANBOO, WEEE and to the California
24 Attorney General, County District Attorneys, and City Attorneys for each city
25 containing a population of at least 750,000 people in whose jurisdictions the
26 violations allegedly occurred, concerning the Dried Shredded Fish.

1 f. On or about September 20, 2022, Plaintiff gave notice of alleged violations of
2 Health and Safety Code Section 25249.6, concerning consumer products
3 exposures subject to a private action to WEEE and to the California Attorney
4 General, County District Attorneys, and City Attorneys for each city containing
5 a population of at least 750,000 people in whose jurisdictions the violations
6 allegedly occurred, concerning the Salted Seaweed Tie.

7 g. On or about October 13, 2022, Plaintiff gave notice of alleged violations of
8 Health and Safety Code Section 25249.6, concerning consumer products
9 exposures subject to a private action to SEOUL SHIK POOM, WEEE, and to
10 the California Attorney General, County District Attorneys, and City Attorneys
11 for each city containing a population of at least 750,000 people in whose
12 jurisdictions the violations allegedly occurred, concerning the Roasted Green
13 Seaweed.

14 25. Before sending the notice of alleged violations, Plaintiff investigated the consumer
15 products involved, the likelihood that such products would cause users to suffer
16 significant exposures to Lead, Cadmium, and Arsenic, and the corporate structure of
17 each of the Defendants.

18 26. Plaintiff's notice of alleged violation included a Certificate of Merit executed by the
19 attorney for the noticing party, CAG. The Certificate of Merit stated that the attorney for
20 Plaintiff who executed the certificate had consulted with at least one person with relevant
21 and appropriate expertise who reviewed data regarding the exposures to Lead, Cadmium,
22 and Arsenic, the subject Proposition 65-listed chemical of this action. Based on that
23 information, the attorney for Plaintiff who executed the Certificate of Merit believed
24 there was a reasonable and meritorious case for this private action. The attorney for
25 Plaintiff attached to the Certificate of Merit served on the Attorney General the
26 confidential factual information sufficient to establish the basis of the Certificate of
27 Merit.

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

4 28. Plaintiff is commencing this action more than sixty (60) days from the dates that Plaintiff
5 gave notice of the alleged violations to WEEE, KAM LEE YUEN, UNITED KANBOO,
6 SEOUL SHIK POOM, and the public prosecutors referenced in Paragraph 24.

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

10 **FIRST CAUSE OF ACTION**

11 **(By CONSUMER ADVOCACY GROUP, INC. and against KAM LEE YUEN,
12 WEEE, and DOES 1-10 for Violations of Proposition 65, The Safe Drinking Water
13 and Toxic Enforcement Act of 1986 (*Health & Safety Code*, §§ 25249.5, *et seq.*))**

14 **Seaweed**

15 30. Plaintiff repeats and incorporates by reference paragraphs 1 through 29 of this complaint
16 as though fully set forth herein.

17 31. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
18 distributor, promoter, or retailer of Seaweed Strips ("Seaweed"), including but not
19 limited to • "Dried Seaweed (Strips)"; "Net Weight 3oz (8g)"; "UPC 6 63836 01150 5";
20 "Product of China"

21 32. Seaweed contains Lead and Arsenic.

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

27 34. Plaintiff's allegations regarding Seaweed concerns "[c]onsumer products exposure[s],"
28 which "is an exposure that results from a person's acquisition, purchase, storage,

1 consumption, or other reasonably foreseeable use of a consumer good, or any exposure
2 that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, § 25602(b)*.

3 Seaweed is consumer products, and, as mentioned herein, exposures to Lead and Arsenic
4 took place as a result of such normal and foreseeable consumption and use.

5 35. Plaintiff is informed, believes, and thereon alleges that between October 15, 2018 and
6 the present, each of the Defendants knowingly and intentionally exposed California
7 consumers and users of Seaweed, which Defendants manufactured, distributed, or sold as
8 mentioned above, to Lead and Arsenic, without first providing any type of clear and
9 reasonable warning of such to the exposed persons before the time of exposure.

10 Defendants have distributed and sold Seaweed in California. Defendants know and
11 intend that California consumers will use and consume Seaweed, thereby exposing them
12 to Lead and Arsenic. Further, Plaintiff is informed, believes, and thereon alleges that
13 Defendants are selling Seaweed under a brand or trademark that is owned or licensed by
14 the Defendants or an entity affiliated thereto; have knowingly introduced Lead and
15 Arsenic into product or knowingly caused Lead and Arsenic to be created in Seaweed;
16 have covered, obscured or altered a warning label that has been affixed to Seaweed by
17 the manufacturer, producer, packager, importer, supplier or distributor of Seaweed; have
18 received a notice and warning materials for exposure from Seaweed without
19 conspicuously posting or displaying the warning materials; and/or have actual
20 knowledge of potential exposure to Lead and Arsenic from Seaweed. Defendants
21 thereby violated Proposition 65.

22 36. The principal routes of exposure are through ingestion. Persons sustain exposures by
23 eating and consuming Seaweed an handling without wearing gloves or any other
24 personal protective equipment, or by touching bare skin or mucous membranes with
25 gloves after handling Seaweed, as well as through direct and indirect hand to mouth
26 contact, hand to mucous membrane, or breathing in particulate matter dispersed from
27 Seaweed.

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

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

10 39. 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 Arsenic from Seaweed, pursuant
12 to Health and Safety Code Section 25249.7(b).

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

15 **SECOND CAUSE OF ACTION**

16 **(By CONSUMER ADVOCACY GROUP, INC. and against UNITED KANBOO,**
17 **WEEE, and DOES 11-20 for Violations of Proposition 65, The Safe Drinking**
18 **Water and Toxic Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et***
19 ***seq.*))**

20 **Shrimp Cracker**

21 41. Plaintiff repeats and incorporates by reference paragraphs 1 through 40 of this complaint
22 as though fully set forth herein.

23 42. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
24 distributor, promoter, or retailer of Shrimp Cracker, including but not limited to
25 "Donggang Dried Golden Shrimp Cracker"; "Net Weight: .28 oz (150g); "UPC 8 94087
26 00162 9"; "Product of Taiwan".

27 43. Shrimp Cracker contains Lead and Cadmium.
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1 44. Defendants knew or should have known that Lead and Cadmium has been identified by
2 the State of California as a chemical known to cause cancer, and reproductive toxicity
3 and therefore was subject to Proposition 65 warning requirements. Defendants were also
4 informed of the presence of Lead and Cadmium in Shrimp Cracker within Plaintiff's
5 notice of alleged violations further discussed above at Paragraph 24b.

6 45. Plaintiff's allegations regarding Shrimp Cracker concerns "[c]onsumer products
7 exposure[s]," which "is an exposure that results from a person's acquisition, purchase,
8 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
9 exposure that results from receiving a consumer service." *Cal. Code Regs. tit. 27, §*
10 *25602(b)*. Shrimp Cracker is consumer products, and, as mentioned herein, exposures to
11 Lead and Cadmium took place as a result of such normal and foreseeable consumption
12 and use.

13 46. Plaintiff is informed, believes, and thereon alleges that between October 22, 2018 and
14 the present, each of the Defendants knowingly and intentionally exposed California
15 consumers and users of Shrimp Cracker, which Defendants manufactured, distributed, or
16 sold as mentioned above, to Lead and Cadmium, without first providing any type of clear
17 and reasonable warning of such to the exposed persons before the time of exposure.
18 Defendants have distributed and sold Shrimp Cracker in California. Defendants know
19 and intend that California consumers will use and consume Shrimp Cracker, thereby
20 exposing them to Lead and Cadmium. Further, Plaintiff is informed, believes, and
21 thereon alleges that Defendants are selling Shrimp Cracker under a brand or trademark
22 that is owned or licensed by the Defendants or an entity affiliated thereto; have
23 knowingly introduced Lead and Cadmium into product or knowingly caused Lead and
24 Cadmium to be created in Shrimp Cracker; have covered, obscured or altered a warning
25 label that has been affixed to Shrimp Cracker by the manufacturer, producer, packager,
26 importer, supplier or distributor of Shrimp Cracker; have received a notice and warning
27 materials for exposure from Shrimp Cracker without conspicuously posting or displaying
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1 the warning materials; and/or have actual knowledge of potential exposure to Lead and
2 Cadmium from Shrimp Cracker. Defendants thereby violated Proposition 65.

3 47. The principal routes of exposure are through ingestion. Persons sustain exposures by
4 eating and consuming Shrimp Cracker and handling without wearing gloves or any other
5 personal protective equipment, or by touching bare skin or mucous membranes with
6 gloves after handling Shrimp Cracker, as well as through direct and indirect hand to
7 mouth contact, hand to mucous membrane, or breathing in particulate matter dispersed
8 from Shrimp Cracker.

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

16 49. 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 50. Based on the allegations herein, Defendants are liable for civil penalties of up to
20 \$2,500.00 per day per individual exposure to Lead and Cadmium from Shrimp Cracker,
21 pursuant to Health and Safety Code Section 25249.7(b).

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

24 **THIRD CAUSE OF ACTION**

25 **(By CONSUMER ADVOCACY GROUP, INC. and against WEEE, and DOES 21-
26 30 for Violations of Proposition 65, The Safe Drinking Water and Toxic
27 Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

28 **Seafood**

1 52. Plaintiff repeats and incorporates by reference paragraphs 1 through 51 of this complaint
2 as though fully set forth herein.

3 53. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
4 distributor, promoter, or retailer of Dried Shrimp, including but not limited to "Crispy
5 Shrimp Sichuan Spicy"; "Yes, Sir!"; "Supreme Dry"; "Net Wt: 0.88oz (25g)"; "UPC 4
6 712876735134"; "Product of Taiwan".

7 54. Dried Shrimp contains Lead.

8 55. Defendants knew or should have known that Lead has been identified by the State of
9 California as a chemical known to cause cancer, and reproductive toxicity and therefore
10 was subject to Proposition 65 warning requirements. Defendants were also informed of
11 the presence of Lead in Dried Shrimp within Plaintiff's notice of alleged violations
12 further discussed above at Paragraph 24c.

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

19 57. Plaintiff is informed, believes, and thereon alleges that between May 3, 2019 and the
20 present, each of the Defendants knowingly and intentionally exposed California
21 consumers and users of Dried Shrimp, which Defendants manufactured, distributed, or
22 sold as mentioned above, to Lead, without first providing any type of clear and
23 reasonable warning of such to the exposed persons before the time of exposure.
24 Defendants have distributed and sold Dried Shrimp in California. Defendants know and
25 intend that California consumers will use and consume Dried Shrimp, thereby exposing
26 them to Lead. Further, Plaintiff is informed, believes, and thereon alleges that
27 Defendants are selling Dried Shrimp under a brand or trademark that is owned or
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1 licensed by the Defendants or an entity affiliated thereto; have knowingly introduced
2 Lead into product or knowingly caused Lead to be created in Dried Shrimp; have
3 covered, obscured or altered a warning label that has been affixed to Dried Shrimp by the
4 manufacturer, producer, packager, importer, supplier or distributor of Dried Shrimp;
5 have received a notice and warning materials for exposure from Dried Shrimp without
6 conspicuously posting or displaying the warning materials; and/or have actual
7 knowledge of potential exposure to Lead from Dried Shrimp. Defendants thereby
8 violated Proposition 65.

9 58. The principal routes of exposure are through ingestion. Persons sustain exposures by
10 eating and consuming Dried Shrimp and handling without wearing gloves or any other
11 personal protective equipment, or by touching bare skin or mucous membranes with
12 gloves after handling Dried Shrimp, as well as through direct and indirect hand to mouth
13 contact, hand to mucous membrane, or breathing in particulate matter dispersed from
14 Dried Shrimp.

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

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

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

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

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4 **FOURTH CAUSE OF ACTION**

5 **(By CONSUMER ADVOCACY GROUP, INC. and against WEEE, and DOES 31-
6 40 for Violations of Proposition 65, The Safe Drinking Water and Toxic
7 Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

8 **Seafood Products**

9 63. Plaintiff repeats and incorporates by reference paragraphs 1 through 62 of this complaint
10 as though fully set forth herein.

11 64. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
12 distributor, promoter, or retailer of Spicy Squid ("Squid"), including but not limited to
13 "South of Border"; "Braised Spicy Squid"; "Net Wt. 180 g"; "Made in Taiwan";
14 "2022.07.28"; "LKC1310"; "UPC 4 711402 892211".

15 65. Squid contains Cadmium.

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

21 67. Plaintiff's allegations regarding Squid 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 Squid is consumer products, and, as mentioned herein, exposures to Cadmium took place
26 as a result of such normal and foreseeable consumption and use.

27 68. Plaintiff is informed, believes, and thereon alleges that between May 12, 2019 and the
28 present, each of the Defendants knowingly and intentionally exposed California
consumers and users of Squid, which Defendants manufactured, distributed, or sold as

1 mentioned above, to Cadmium, 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 Squid in California. Defendants know and intend that California
4 consumers will use and consume Squid, thereby exposing them to Cadmium. Further,
5 Plaintiff is informed, believes, and thereon alleges that Defendants are selling Squid
6 under a brand or trademark that is owned or licensed by the Defendants or an entity
7 affiliated thereto; have knowingly introduced Cadmium into product or knowingly
8 caused Cadmium to be created in Squid; have covered, obscured or altered a warning
9 label that has been affixed to Squid by the manufacturer, producer, packager, importer,
10 supplier or distributor of Squid; have received a notice and warning materials for
11 exposure from Squid without conspicuously posting or displaying the warning materials;
12 and/or have actual knowledge of potential exposure to Cadmium from Squid.

13 Defendants thereby violated Proposition 65.

14 69. The principal routes of exposure are through ingestion. Persons sustain exposures by
15 eating and consuming Squid and handling without wearing gloves or any other personal
16 protective equipment, or by touching bare skin or mucous membranes with gloves after
17 handling Squid, as well as through direct and indirect hand to mouth contact, hand to
18 mucous membrane, or breathing in particulate matter dispersed from Squid.

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

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

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

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

6
7 **FIFTH CAUSE OF ACTION**

8 **(By CONSUMER ADVOCACY GROUP, INC. and against WEEE, UNITED**
9 **KANBOO, and DOES 41-50 for Violations of Proposition 65, The Safe Drinking**
10 **Water and Toxic Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et***
11 ***seq.*))**

12 **Seafood Snack**

13 74. Plaintiff repeats and incorporates by reference paragraphs 1 through 73 of this complaint
14 as though fully set forth herein.

15 75. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
16 distributor, promoter, or retailer of Dried Shredded Fish ("Dried Fish"), including but not
17 limited to "Hai De Bau"; "Dried Shredded Fish Snacks"; "Net Wt. 3.87 oz (110 g)";
18 "Distributed By United Kanboo USA"; "Product of Taiwan"; "UPC 8 94087 00161 2".

19 76. Dried Fish contains Lead.

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

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

1 Dried Fish is consumer products, and, as mentioned herein, exposures to Lead took place
2 as a result of such normal and foreseeable consumption and use.

3 79. Plaintiff is informed, believes, and thereon alleges that between May 12, 2019 and the
4 present, each of the Defendants knowingly and intentionally exposed California
5 consumers and users of Dried Fish, which Defendants manufactured, distributed, or sold
6 as mentioned above, to Lead, without first providing any type of clear and reasonable
7 warning of such to the exposed persons before the time of exposure. Defendants have
8 distributed and sold Dried Fish in California. Defendants know and intend that
9 California consumers will use and consume Dried Fish, thereby exposing them to Lead.
10 Further, Plaintiff is informed, believes, and thereon alleges that Defendants are selling
11 Dried Fish under a brand or trademark that is owned or licensed by the Defendants or an
12 entity affiliated thereto; have knowingly introduced Lead into product or knowingly
13 caused Lead to be created in Dried Fish; have covered, obscured or altered a warning
14 label that has been affixed to Dried Fish by the manufacturer, producer, packager,
15 importer, supplier or distributor of Dried Fish; have received a notice and warning
16 materials for exposure from Dried Fish without conspicuously posting or displaying the
17 warning materials; and/or have actual knowledge of potential exposure to Lead from
18 Dried Fish. Defendants thereby violated Proposition 65.

19 80. The principal routes of exposure are through ingestion. Persons sustain exposures by
20 eating and consuming Dried Fish and handling without wearing gloves or any other
21 personal protective equipment, or by touching bare skin or mucous membranes with
22 gloves after handling Dried Fish, as well as through direct and indirect hand to mouth
23 contact, hand to mucous membrane, or breathing in particulate matter dispersed from
24 Dried Fish.

25 81. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
26 Proposition 65 as to Dried Fish have been ongoing and continuous, as Defendants
27 engaged and continue to engage in conduct which violates Health and Safety Code
28

1 Section 25249.6, including the manufacture, distribution, promotion, and sale of Dried
2 Fish, so that a separate and distinct violation of Proposition 65 occurred each and every
3 time a person was exposed to Lead by Dried Fish as mentioned herein.

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

7 83. Based on the allegations herein, Defendants are liable for civil penalties of up to
8 \$2,500.00 per day per individual exposure to Lead from Dried Fish, pursuant to Health
9 and Safety Code Section 25249.7(b).

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

12 **SIXTH CAUSE OF ACTION**

13 **(By CONSUMER ADVOCACY GROUP, INC. and against WEEE and DOES 51-
14 60 for Violations of Proposition 65, The Safe Drinking Water and Toxic
15 Enforcement Act of 1986 (*Health & Safety Code*, §§ 25249.5, *et seq.*))**

16 **Seaweed**

17 85. Plaintiff repeats and incorporates by reference paragraphs 1 through 84 of this complaint
18 as though fully set forth herein.

19 86. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
20 distributor, promoter, or retailer of Salted Seaweed Tie ("Seaweed"), including but not
21 limited to "Watson ®"; "Salted Seaweed Tie"; "Net Wt. 454 g/1 lb"; "Product of China";
22 "UPC 8 00794 00402 0".

23 87. Seaweed contains Lead.

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

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

7 90. Plaintiff is informed, believes, and thereon alleges that between September 20, 2019 and
8 the present, each of the Defendants knowingly and intentionally exposed California
9 consumers and users of Seaweed, which Defendants manufactured, distributed, or sold as
10 mentioned above, to Lead, without first providing any type of clear and reasonable
11 warning of such to the exposed persons before the time of exposure. Defendants have
12 distributed and sold Seaweed in California. Defendants know and intend that California
13 consumers will use and consume Seaweed, thereby exposing them to Lead. Further,
14 Plaintiff is informed, believes, and thereon alleges that Defendants are selling Seaweed
15 under a brand or trademark that is owned or licensed by the Defendants or an entity
16 affiliated thereto; have knowingly introduced Lead into product or knowingly caused
17 Lead to be created in Seaweed; have covered, obscured or altered a warning label that
18 has been affixed to Seaweed by the manufacturer, producer, packager, importer, supplier
19 or distributor of Seaweed; have received a notice and warning materials for exposure
20 from Seaweed without conspicuously posting or displaying the warning materials; and/or
21 have actual knowledge of potential exposure to Lead from Seaweed. Defendants thereby
22 violated Proposition 65.

23 91. The principal routes of exposure are through ingestion. Persons sustain exposures by
24 eating and consuming Seaweed and handling without wearing gloves or any other
25 personal protective equipment, or by touching bare skin or mucous membranes with
26 gloves after handling Seaweed, as well as through direct and indirect hand to mouth

1 contact, hand to mucous membrane, or breathing in particulate matter dispersed from
2 Seaweed.

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

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

12 94. Based on the allegations herein, Defendants are liable for civil penalties of up to
13 \$2,500.00 per day per individual exposure to Lead from Seaweed, pursuant to Health and
14 Safety Code Section 25249.7(b).

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

17 **SEVENTH CAUSE OF ACTION**

18 **(By CONSUMER ADVOCACY GROUP, INC. and against SEOUL SHIK POOM,**
19 **INC. DBA SEOUL TRADING USA CO., WEEE and DOES 61-70 for Violations**
20 **of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986**
(Health & Safety Code, §§ 25249.5, et seq.)

21 **Seaweeds**

22 96. Plaintiff repeats and incorporates by reference paragraphs 1 through 95 of this complaint
23 as though fully set forth herein.

24 97. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
25 distributor, promoter, or retailer of Roasted Green Seaweed ("Seaweed"), including but
26 not limited to "ChoripDong"; "Roasted Green Laver"; "Roasted Green Seaweed"; "12
27

1 Packs - 5 g / Pack"; "Net Wt. 60 g"; "2022.12.22"; "Product of Korea"; "HC1212";
2 "HC1200"; "UPC 7 61898 70022 8"; "UPC 7 61898 68143 5".

3 98. Seaweed contains Lead.

4 99. Defendants knew or should have known that Lead has been identified by the State of
5 California as a chemical known to cause cancer, and reproductive toxicity and therefore
6 was subject to Proposition 65 warning requirements. Defendants were also informed of
7 the presence of Lead in Seaweed within Plaintiff's notice of alleged violations further
8 discussed above at Paragraph 24g.

9 100. Plaintiff's allegations regarding Seaweed concerns "[c]onsumer products exposure[s],"
10 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
12 that results from receiving a consumer service." *Cal. Code Regs. tit. 27, § 25602(b)*.
13 Seaweed is consumer products, and, as mentioned herein, exposures to Lead took place
14 as a result of such normal and foreseeable consumption and use.

15 101. Plaintiff is informed, believes, and thereon alleges that between October 13, 2019 and
16 the present, each of the Defendants knowingly and intentionally exposed California
17 consumers and users of Seaweed, which Defendants manufactured, distributed, or sold as
18 mentioned above, to Lead, without first providing any type of clear and reasonable
19 warning of such to the exposed persons before the time of exposure. Defendants have
20 distributed and sold Seaweed in California. Defendants know and intend that California
21 consumers will use and consume Seaweed, thereby exposing them to Lead. Further,
22 Plaintiff is informed, believes, and thereon alleges that Defendants are selling Seaweed
23 under a brand or trademark that is owned or licensed by the Defendants or an entity
24 affiliated thereto; have knowingly introduced Lead into product or knowingly caused
25 Lead to be created in Seaweed; have covered, obscured or altered a warning label that
26 has been affixed to Seaweed by the manufacturer, producer, packager, importer, supplier
27 or distributor of Seaweed; have received a notice and warning materials for exposure
28

1 from Seaweed without conspicuously posting or displaying the warning materials; and/or
2 have actual knowledge of potential exposure to Lead from Seaweed. Defendants thereby
3 violated Proposition 65.

4 102. The principal routes of exposure are through ingestion. Persons sustain exposures by
5 eating and consuming Seaweed and handling without wearing gloves or any other
6 personal protective equipment, or by touching bare skin or mucous membranes with
7 gloves after handling Seaweed, as well as through direct and indirect hand to mouth
8 contact, hand to mucous membrane, or breathing in particulate matter dispersed from
9 Seaweed.

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

16 104. 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.

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

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

24
25 **PRAYER FOR RELIEF**

26 Plaintiff demands against each of the Defendants as follows:

27 107. A permanent injunction mandating Proposition 65-compliant warnings;

- 1 108. Penalties pursuant to Health and Safety Code Section 25249.7, subdivision (b);
- 2 109. Costs of suit;
- 3 110. Reasonable attorney fees and costs; and
- 4 111. Any further relief that the court may deem just and equitable.

5
6 Dated: September 14, 2023

YEROUSHALMI & YEROUSHALMI*

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8 *Reuben Yeroushalmi*

9 _____
10 Reuben Yeroushalmi
11 Attorneys for Plaintiff,
12 CONSUMER ADVOCACY GROUP, INC.
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