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7 Attorneys for Plaintiff
ENVIRONMENTAL HEALTH ADVOCATES, INC.
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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **IN AND FOR THE COUNTY OF ALAMEDA**

11 ENVIRONMENTAL HEALTH ADVOCATES,
INC.,

12 Plaintiff,

13 v.

14 HENKEL CORPORATION, a Delaware
corporation, BED BATH & BEYOND INC., a
15 New York corporation, and DOES 1 through
100, inclusive,
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17 Defendants.
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Case No.: **22CV016013**

**COMPLAINT FOR CIVIL PENALTIES
AND INJUNCTIVE RELIEF**

(Health & Safety Code § 25249.6 et seq.)

I.
INTRODUCTION

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2 1. This Complaint is a representative action brought by Environmental Health Advocates,
3 Inc. (“Plaintiff”) in the public interest of the citizens of the State of California (“the People”). Plaintiff
4 seeks to remedy Defendants’ failure to inform the People of exposure to benzene, a known carcinogen.
5 Defendants expose consumers to benzene by manufacturing, importing, selling, and/or distributing
6 antiperspirant products including but not limited to Right Guard Sport Fresh Antiperspirant Aerosol
7 (“Products”). Defendants know and intend that customers will use Products containing benzene.

8 2. Under California’s Safe Drinking Water and Toxic Enforcement Act of 1986, California
9 Health and Safety Code, section 25249.6 et seq. (“Proposition 65”), “[n]o person in the course of doing
10 business shall knowingly and intentionally expose any individual to a chemical known to the state to
11 cause cancer or reproductive toxicity without first giving clear and reasonable warning to such
12 individual. . . .” (Health & Safety Code, § 25249.6.)

13 3. California identified and listed benzene as a chemical known to cause cancer as early as
14 February 27, 1987, and as a chemical known to cause developmental/reproductive toxicity on December
15 26, 1997.

16 4. Defendants failed to sufficiently warn consumers and individuals in California about
17 potential exposure to benzene in connection with Defendants’ manufacture, import, sale, or distribution
18 of Products. This is a violation of Proposition 65.

19 5. Plaintiff seeks injunctive relief compelling Defendants to sufficiently warn consumers
20 in California before exposing them to benzene in Products. (Health & Safety Code, § 25249.7(a).)
21 Plaintiff also seeks civil penalties against Defendants for their violations of Proposition 65 along with
22 attorney’s fees and costs. (Health & Safety Code, § 25249.7(b).)

II.
PARTIES

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25 6. Plaintiff ENVIRONMENTAL HEALTH ADVOCATES, INC. (“Plaintiff”) is a
26 corporation in the State of California dedicated to protecting the health of California citizens through
27 the elimination or reduction of toxic exposure from consumer products. It brings this action in the public
28 interest pursuant to Health and Safety Code, section 25249.7.

