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Superior Court of California,
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By Shiela Retez, Deputy Clerk

Attorneys for Plaintiff, Keep America Safe and Beautiful

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
UNLIMITED CIVIL JURISDICTION

**KEEP AMERICA SAFE AND
BEAUTIFUL**

Plaintiff,

VS.

**LIEF ORGANICS, LLC;
AMAZON.COM, INC.**

AND,

DOES 1-25 INCLUSIVE

DEFENDANTS.

) **CASE NO.:** 37-2023-00012486-CU-NP-CTL

) **COMPLAINT FOR CIVIL PENALTIES
AND INJUNCTIVE RELIEF**

) *(Cal. Health & Safety Code § 25249.6 et seq.)*

NATURE OF THE ACTION

1. This Complaint is a representative action brought by plaintiff Keep America Safe and Beautiful, in the public interest of the citizens of the State of California, to enforce the people’s right to be informed of the dangers from exposures to Lead (hereafter “Listed Chemicals”) toxic chemicals when using the “Turmeric Curcumin Drink Mix Powder + Organic

1 Curcuminoid Black Pepper, Ginger, Cayenne Pepper, Lemon, Himalayan Salt – Natural Anti-
2 Inflammatory & Immune Support – Encourage Joint Health (2-Pack)” sold by DEFENDANTS
3 in California.

4 2. By this Complaint, plaintiff seeks to remedy DEFENDANTS` continuing failures
5 to warn California citizens about their exposure to the Listed Chemicals during the normal and
6 intended use of the “Turmeric Curcumin Drink Mix Powder + Organic Curcuminoid Black
7 Pepper, Ginger, Cayenne Pepper, Lemon, Himalayan Salt – Natural Anti-Inflammatory &
8 Immune Support – Encourage Joint Health (2-Pack)” (hereafter “PRODUCT(S)” that the
9 DEFENDANT manufactured, distributed and sold, in the State of California and PRODUCTS
10 that DEFENDANTS continue to manufacture, distribute and offer for sale in the State of
11 California.

12 3. California citizens, including children, through the act of buying, acquiring or
13 utilizing the products, are exposed to the listed chemicals in homes and throughout California
14 where these products are used.

15 4. Under California’s Safe Drinking Water and Toxic Enforcement Act of 1986,
16 California Health & Safety Code § 25249.6 et seq. (Proposition 65), “No person in the course of
17 doing business shall knowingly and intentionally expose any individual to a chemical known to
18 the state to cause cancer or reproductive toxicity without first giving clear and reasonable
19 warning to such individual...” (*Cal. Health & Safety Code § 25249.6.*)

20 5. California identified and listed Lead as a chemical known to cause Reproductive
21 Harm and Cancer. Lead and Lead Compounds became subject to the warning requirements of
22 Proposition 65 for Reproductive Toxicity on February 27, 1987 and for Cancer on October 1,
23 1992 (*27 CCR § 27002; Cal. Health & Safety Code § 25249.6.*)

24 6. DEFENDANTS` past and continuing failures to warn consumers and/or other
25 individuals in the State of California about their exposure to the LISTED CHEMICALS in
26 conjunction with defendant’s sale of the PRODUCT is a violation of Proposition 65 and subjects
27 DEFENDANTS to enjoinder of such conduct as well as civil penalties for each such violation.
28

1 DEFENDANTS' receipt of plaintiff's sixty-day notice of violation. Plaintiff further alleges and
2 believes that such violations will continue to occur into the future.

3 21. After receipt of the claims asserted in the sixty-day notices of violation, the
4 appropriate public enforcement agencies have failed to commence and diligently prosecute a
5 cause of action against DEFENDANTS under Proposition 65.

6 22. The PRODUCTS manufactured, distributed, and/or offered for sale or use in
7 California by DEFENDANTS contained the LISTED CHEMICAL above the allowable state
8 limits.

9 23. DEFENDANTS knew or should have known that the PRODUCTS manufactured,
10 distributed, and/or for sale or use by DEFENDANTS in California contained the LISTED
11 CHEMICAL.

12 24. The PRODUCTS, through normal use exposes users to the LISTED CHEMICALS
13 in such a way as to expose individuals to the LISTED CHEMICALS through inhalation, dermal
14 contact and/or ingestion during the reasonably foreseeable use of the PRODUCTS.

15 25. The normal and reasonably foreseeable use of the PRODUCTS has caused and
16 continues to cause consumer exposures to the LISTED CHEMICAL, as such exposure is defined
17 by 27 CCR§ 25602(b).

18 26. DEFENDANTS had knowledge that the normal and reasonably foreseeable use of
19 the PRODUCTS would expose individuals to the LISTED CHEMICAL..

20 27. DEFENDANTS intended that such exposures to the LISTED CHEMICAL from
21 the reasonably foreseeable use of the PRODUCTS would occur by their deliberate, non-
22 accidental participation in the manufacture, distribution and/or offer for sale or use of
23 PRODUCTS to individuals in the State of California.

24 28. DEFENDANTS failed to provide a "clear and reasonable warning" to those
25 consumers and/or other individuals in the State of California who were or who could become
26 exposed to the LISTED CHEMICAL during the reasonably foreseeable use of the PRODUCTS.

27 29. Contrary to the express policy and statutory prohibition of Proposition 65, enacted
28 directly by California voters, individuals exposed to the LISTED CHEMICAL resulting from the

