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**ELECTRONICALLY FILED**  
Superior Court of California,  
County of Alameda  
**09/01/2022 at 08:02:28 AM**  
By: Angela Linhares,  
Deputy Clerk

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **COUNTY OF ALAMEDA**

11 HEALTHY CALIFORNIA LLC, a  
12 California Limited Liability Company

13 Plaintiff,

14 vs.

15 AACHI MASALA FOODS (P) LTD, an  
16 Indian Private Limited Company;  
17 VADILAL INDUSTRIES USA INC, a  
18 New Jersey Corporation; INDIA SUPER  
19 MART – LAKE FOREST, a California  
20 company; and DOES 1 through 30,  
21 inclusive,

22 Defendants.

Case No.: **22CV017167**

**COMPLAINT FOR CIVIL PENALTIES  
AND INJUNCTIVE RELIEF**

(California Health & Safety Code § 25249.2 et  
seq.)

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1 I. INTRODUCTION

2 1. This Complaint is a representative action brought by Healthy California LLC  
3 (“Plaintiff”) in the public interest of the citizens of the State of California (“the People”). Plaintiff  
4 seeks to remedy AACHI MASALA FOODS (P) LTD, VADILAL INDUSTRIES USA INC, and  
5 INDIA SUPER MART – LAKE FOREST (collectively “Defendants”) Defendants’ failure to  
6 inform the People of the exposure to lead, a known carcinogen. Defendants expose consumers to  
7 lead by manufacturing, importing, selling, and/or distributing the following 7 Products:

- 8 1) AACHI- BIRYANI MASALA
- 9 2) AACHI- CHICKEN 65 MASALA
- 10 3) AACHI- CHICKEN CURRY MASALA
- 11 4) AACHI- FISH FRY MASALA
- 12 5) AACHI- MADRAS SAMBAR POWDER
- 13 6) AACHI- SAMBAR POWDER
- 14 7) AACHI- VATHAKULAMBU MASALA.

15 Collectively all 7 products will be referred to the as the “Subject Products”. Attached as **Exhibit**  
16 **“A”** are the lab results supporting the violation for each of the Subject Products.

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

22 3. On February 27, 1987, the State of California officially listed lead as a chemical  
23 known to cause reproductive toxicity. Lead became subject to the warning requirement one year  
24 later and was therefore subject to the “clear and reasonable” warning requirements of Proposition  
25 65 beginning on February 27, 1988. (27 California Code of Regulations (“CCR”) §25600, et  
26 seq.; H&S Code §25249.5, et seq.).

27 4. On October 1, 1992, the State of California officially listed lead and lead compounds  
28 as chemicals known to cause cancer. Lead and lead compounds became subject to the warning

1 requirement one year later and were therefore subject to the “clear and reasonable” warning  
2 requirements of Proposition 65 beginning on October 1, 1993. (27 CCR § 25600, et seq.; H&S  
3 Code §25249.6, et seq.)

4 5. Defendants failed to sufficiently warn consumers and individuals in California about  
5 potential exposure to lead in connection to Defendants’ manufacture, import, sale, and or  
6 distribution of Subject Products. This is a violation of Proposition 65.

7 6. Plaintiff seeks injunctive relief compelling Defendants to sufficiently warn  
8 consumers in California before exposing them to lead in the Subject Products. (H&S Code  
9 §25249.7(a)). Plaintiff also seeks civil penalties against Defendants for violations of Proposition 65  
10 along with attorney’s fees and costs (H&S Code §25249.7(b)).

## 11 **II. PARTIES**

12 7. Plaintiff HEALTHY CALIFONRIA LLC (“Plaintiff”) is a California Limited  
13 Liability Company dedicated to protecting the health of California citizens through the elimination  
14 or reduction of toxic exposure from consumer products. It brings this action in the public interest  
15 pursuant to California Health and Safey Code, section 25249.7.

16 8. Defendant AACHI MASALA FOODS (P) LTD (“AACHI”) is a public limited  
17 company organized and existing under the laws of India. AACHI is not registered to do business in  
18 California, but does business in the County of Los Angeles, within the meaning of Health and  
19 Safety Code, section 25249.11. AACHI manufactures, imports, sells, or distributes the Subject  
20 Products in California and Los Angeles County.

21 9. Defendant VADILAL INDUSTRIES USA INC (“VADILAL”) is a corporation  
22 organized and existing under the laws of New Jersey. VADILAL is registered to do business in  
23 California, and does business in the County of Los Angeles, within the meaning of Health and  
24 Safety Code, section 25249.11. VADILAL manufactures, imports, sells, or distributes the Subject  
25 Products in California and Los Angeles County.

26 10. Defendant INDIA SUPER MART – LAKE FOREST (“SUPER MART”) is an  
27 unknown entity who does business under the name INDIA SUPER MART – LAKE FOREST.  
28 SUPER MART is registered to do business in California, and does business in the County of Los

1 Angeles, within the meaning of Health and Safety Code, section 25249.11. SUPER MART sells the  
2 Subject Products in California and Los Angeles County.

3 11. Plaintiff does not know the true names and/or capacities, whether individual,  
4 partners, or corporate, of the defendants sued herein as DOES 1 through 30, inclusive, and for that  
5 reason sues said defendants under fictitious names. Plaintiff will seek leave to amend this  
6 Complaint when the true names and capacities of these Defendants have been ascertained. Plaintiff  
7 is informed and believes and thereon alleges that these Defendants are responsible in whole or in  
8 part for the remedies and penalties sought herein.

9 **III. VENUE AND JURISDICTION**

10 12. California Constitution Article VI, Section 10 grants the Superior Court original  
11 jurisdiction in all cases except those given by statute to other trial courts. The Health and Safety  
12 Code statute upon which this action is based does not give jurisdiction to any other court. As such,  
13 this Court has jurisdiction.

14 13. Venue is proper in Alameda County Superior Court pursuant to Code of Civil  
15 Procedure section 394,395, and 395.5. Wrongful conduct occurred and continues to occur in this  
16 County. Defendants conducted and continue to conduct business in this County as it relates to the  
17 Subject Products.

18 14. Defendants have sufficient minimum contacts in the State of California or otherwise  
19 purposefully avail themselves of the California market. Exercising jurisdiction over Defendants  
20 would be consistent with the traditional notions of fair play and substantial justice.

21 **IV. CAUSES OF ACTION**

22 **FIRST CAUSE OF ACTION**

23 **(Violation of Prop 65 Against All Defendants, Including DOES 1-30)**

24 15. Plaintiff incorporates by reference each and every allegation contained above.

25 16. Proposition 65 mandates that citizens be informed about exposures to chemicals that  
26 cause cancer, birth defects, and other reproductive harm.

27 17. Defendants manufacture, imported, sold, and/or distributed the Subject Products  
28 containing lead in violation of California Health and Safety Code, section 25249.6 et seq. Plaintiff

1 is informed and believes such violations have continued after receipt of the Notice and will continue  
2 to occur in the future.

3 187. In manufacturing, importing, selling, and/or distributing the Subject Products,  
4 Defendants failed to provide a clear and reasonable warning to consumers and individuals in  
5 California who may be exposed to lead through reasonable foreseeable use of the Subject Products.

6 19. The Subject Products expose individuals to lead through direct ingestion. This  
7 exposure is a natural and foreseeable consequence of Defendants placing the Subject Products into  
8 the stream of commerce. As such, Defendants intend that consumers will ingest the Subject  
9 Products, exposing them to lead.

10 20. Defendants knew or should have known that the Subject Products contained lead and  
11 exposed individuals to lead in the ways provided above. The Notice informed Defendants of the  
12 presence of lead in the Subject Products. Likewise, media coverage concerning lead and related  
13 chemicals in consumer products provided constructive notice to the Defendants.

14 21. Defendants' action in this regard were deliberate and not accidental.

15 22. More than sixty days prior to naming each Defendant in this lawsuit, Plaintiff issued  
16 a 60-Day Notice of Violation ("Notice") as required by and in compliance with Proposition 65.  
17 Plaintiff provided the Notice to various required public enforcement agencies along with a  
18 certificate of merit. The Notice alleged that Defendants violated Proposition 65 by failing to  
19 sufficiently warn consumers in California of the health hazard associated with exposure to lead  
20 contained in the Subject Products.

21 23. The appropriate public enforcement agencies provided with Notice failed to  
22 commence and diligently prosecute a cause of action against Defendants.

23 24. Individuals exposed to lead contained in the Subject Products through direct  
24 ingestion resulting from reasonably foreseeable use of the Subject Products have suffered and  
25 continue to suffer irreparable harm. There is no other plain, speedy, or adequate remedy at law.

26 25. Defendants are liable for a maximum civil penalty of \$2,500 per day for each  
27 violation of Proposition 65 pursuant to Health and Safety Code, section 25249(b). Injunctive relief  
28 is also appropriate pursuant to Health and Safety Code, section 25249(a).

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**PRAYER**

WHEREFORE, Plaintiff prays for the following:

1. For Civil Penalties in the amount of \$2,500 per day for each violation. Plaintiff alleges that damages total a least of \$6,387,500 per year that the products were sold;
2. For a preliminary and permanent injunction against Defendants from manufacturing, importing, selling, and/or distributing Products in California without providing a clear and reasonable warning as required by Proposition 65 and related Regulations;
3. An order requiring a recall of all subject products currently available the public;
4. For reasonable attorney’s fees and costs of suit and;
5. For any such other and further relief as may be just and proper.

Dated: August 29, 2022

HEALTHY CALIFORNIA LAW GROUP LLP

By Tyler Vance  
Tyler Vance, Attorney for Healthy California LLC  
Plaintiff

Exhibit “1”

1. Name of each product and description of how it is used:

**AACHI- BIRYANI MASALA**

Date and location where each product was purchased and, if applicable, the address where it was delivered. For products purchased on line, provide the url.

**Date Product Purchased: 2/10/2022**

**Location: INDIA SUPER MART – LAKE FOREST  
24601 Raymond Way, Suite 6, Lake Forest, CA 92630**

3. The component of the product causing the exposure and its material:

**Food Ingredients**

4. The type of test conducted:

**Lead**

5. The results of the testing, including the units, and the limits of detection and quantification. For multiple results, provide a table.

**0.691 mg Pb / kg**

6. For food products, the daily serving size used to estimate the exposure and the basis for the serving size (e.g., NHANEs, label, survey, other):

**Serving Size shown on label → 15g; 10.37 µg Pb /serving**

**Based on normal practice, it is expected that many servings per day would be consumed**

7. The daily exposure estimated by the expert that demonstrates that the defendants will not be able to prove an affirmative defense, including any calculations and the basis for assumptions that underlie the calculations:

**Expected minimum 2 servings / day → 20.74 µg Pb/ day**

8. If the notice is a supplemental or amended notice, the date and number of the prior notice(s), and the relationship between the new and the prior notices:



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**Analytical Report**

Health California Law Group LLP P.O.: 16860  
5396 La Bodega Way  
Fontana, CA, United States  
Attn: Tyler Vance

Lot ID: **16860**  
Date Received: Feb 17, 2022  
Date Reported: Mar 17, 2022  
Report Number: 65464

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**Sample Description** AACHI- BIRYANI MASALA  
**Lot/Batch No.**  
**Sample Date**

**Lab Reference #** 16860-1  
**Sample Temp.** 21C  
**Sample Matrix** Food

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Analyte	Result	Units	Start Date	Descriptor	Reference
<b>Chemistry</b>					
Lead	0.691	mg/kg	Feb 23, 2022	As Received	EPA 7010 (mod.)

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1. Name of each product and description of how it is used:

**AACHI- CHICKEN 65 MASALA**

Date and location where each product was purchased and, if applicable, the address where it was delivered. For products purchased on line, provide the url.

**Date Product Purchased: 2/10/2022**

**Location: INDIA SUPER MART – LAKE FOREST  
24601 Raymond Way, Suite 6, Lake Forest, CA 92630**

3. The component of the product causing the exposure and its material:

**Food Ingredients**

4. The type of test conducted:

**Lead**

5. The results of the testing, including the units, and the limits of detection and quantification. For multiple results, provide a table.

**0.101 mg Pb / kg**

6. For food products, the daily serving size used to estimate the exposure and the basis for the serving size (e.g., NHANEs, label, survey, other):

**Serving Size shown on label → 15g; 1.52 µg Pb /serving**

**Based on normal practice, it is expected that many servings per day would be consumed**

7. The daily exposure estimated by the expert that demonstrates that the defendants will not be able to prove an affirmative defense, including any calculations and the basis for assumptions that underlie the calculations:

**Expected minimum 3 servings / day → 4.56 µg Pb/ day**

8. If the notice is a supplemental or amended notice, the date and number of the prior notice(s), and the relationship between the new and the prior notices:

## Analytical Report

Health California Law Group LLP P.O.: 16860  
5396 La Bodega Way  
Fontana, CA, United States  
Attn: Tyler Vance

Lot ID: **16860**  
Date Received: Feb 17, 2022  
Date Reported: Mar 17, 2022  
Report Number: 65464

**Sample Description** AACHI- CHICKEN 65 MASALA  
**Lot/Batch No.**  
**Sample Date**

**Lab Reference #** 16860-2  
**Sample Temp.** 21C  
**Sample Matrix** Food

Analyte	Result	Units	Start Date	Descriptor	Reference
Chemistry					
Lead	0.101	mg/kg	Feb 23, 2022	As Received	EPA 7010 (mod.)

1. Name of each product and description of how it is used:

**AACHI- CHICKEN CURRY MASALA**

Date and location where each product was purchased and, if applicable, the address where it was delivered. For products purchased on line, provide the url.

**Date Product Purchased: 2/10/2022**

**Location: INDIA SUPER MART – LAKE FOREST**

**24601 Raymond Way, Suite 6, Lake Forest, CA 92630**

3. The component of the product causing the exposure and its material:

**Food Ingredients**

4. The type of test conducted:

**Lead**

5. The results of the testing, including the units, and the limits of detection and quantification. For multiple results, provide a table.

**0.111 mg Pb / kg**

6. For food products, the daily serving size used to estimate the exposure and the basis for the serving size (e.g., NHANEs, label, survey, other):

**Serving Size shown on label → 15g; 1.67 µg Pb /serving**

**Based on normal practice, it is expected that many servings per day would be consumed**

7. The daily exposure estimated by the expert that demonstrates that the defendants will not be able to prove an affirmative defense, including any calculations and the basis for assumptions that underlie the calculations:

**Expected minimum 3 servings / day → 5.01 µg Pb/ day**

8. If the notice is a supplemental or amended notice, the date and number of the prior notice(s), and the relationship between the new and the prior notices:

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**Analytical Report**

Health California Law Group LLP P.O.: 16860  
5396 La Bodega Way  
Fontana, CA, United States  
Attn: Tyler Vance

Lot ID: **16860**  
Date Received: Feb 17, 2022  
Date Reported: Mar 17, 2022  
Report Number: 65464

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<b>Sample Description</b>	AACHI- CHICKEN CURRY MASALA	<b>Lab Reference #</b>	16860-3
<b>Lot/Batch No.</b>		<b>Sample Temp.</b>	21C
<b>Sample Date</b>		<b>Sample Matrix</b>	Food

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Analyte	Result	Units	Start Date	Descriptor	Reference
Chemistry					
Lead	0.111	mg/kg	Feb 23, 2022	As Received	EPA 7010 (mod.)

1. Name of each product and description of how it is used:

**AACHI- FISH FRY MASALA**

Date and location where each product was purchased and, if applicable, the address where it was delivered. For products purchased on line, provide the url.

**Date Product Purchased: 2/10/2022**

**Location: INDIA SUPER MART – LAKE FOREST**

**24601 Raymond Way, Suite 6, Lake Forest, CA 92630**

3. The component of the product causing the exposure and its material:

**Food Ingredients**

4. The type of test conducted:

**Lead**

5. The results of the testing, including the units, and the limits of detection and quantification. For multiple results, provide a table.

**0.084 mg Pb / kg**

6. For food products, the daily serving size used to estimate the exposure and the basis for the serving size (e.g., NHANES, label, survey, other):

**Serving Size shown on label → 15g; 1.26 µg Pb /serving**

**Based on normal practice, it is expected that many servings per day would be consumed**

7. The daily exposure estimated by the expert that demonstrates that the defendants will not be able to prove an affirmative defense, including any calculations and the basis for assumptions that underlie the calculations:

**Expected minimum 3 servings / day → 3.78 µg Pb/ day**

8. If the notice is a supplemental or amended notice, the date and number of the prior notice(s), and the relationship between the new and the prior notices:

## Analytical Report

Health California Law Group LLP P.O.: 16860  
5396 La Bodega Way  
Fontana, CA, United States  
Attn: Tyler Vance

Lot ID: **16860**  
Date Received: Feb 17, 2022  
Date Reported: Mar 17, 2022  
Report Number: 65464

Sample Description	AACHI- FISH FRY MASALA	Lab Reference #	16860-4		
Lot/Batch No.		Sample Temp.	21C		
Sample Date		Sample Matrix	Food		
Analyte	Result	Units	Start Date	Descriptor	Reference
Chemistry					
Lead	0.084	mg/kg	Feb 23, 2022	As Received	EPA 7010 (mod.)

1. Name of each product and description of how it is used:

**AACHI- MADRAS SAMBAR POWDER**

Date and location where each product was purchased and, if applicable, the address where it was delivered. For products purchased on line, provide the url.

**Date Product Purchased: 2/10/2022**

**Location: INDIA SUPER MART – LAKE FOREST  
24601 Raymond Way, Suite 6, Lake Forest, CA 92630**

3. The component of the product causing the exposure and its material:

**Food Ingredients**

4. The type of test conducted:

**Lead**

5. The results of the testing, including the units, and the limits of detection and quantification. For multiple results, provide a table.

**0.039 mg Pb / kg**

6. For food products, the daily serving size used to estimate the exposure and the basis for the serving size (e.g., NHANEs, label, survey, other):

**Serving Size shown on label → 15g; 0.59 µg Pb /serving**

**Based on normal practice, it is expected that many servings per day would be consumed**

7. The daily exposure estimated by the expert that demonstrates that the defendants will not be able to prove an affirmative defense, including any calculations and the basis for assumptions that underlie the calculations:

**Expected minimum 3 servings / day → 1.77 µg Pb/ day**

8. If the notice is a supplemental or amended notice, the date and number of the prior notice(s), and the relationship between the new and the prior notices:



## Analytical Report

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5396 La Bodega Way  
Fontana, CA, United States  
Attn: Tyler Vance

Lot ID: **16860**  
Date Received: Feb 17, 2022  
Date Reported: Mar 17, 2022  
Report Number: 65464

<b>Sample Description</b>	AACHI- MADRAS SAMBAR POWDER	<b>Lab Reference #</b>	16860-5
<b>Lot/Batch No.</b>		<b>Sample Temp.</b>	21C
<b>Sample Date</b>		<b>Sample Matrix</b>	Food

Analyte	Result	Units	Start Date	Descriptor	Reference
<b>Chemistry</b>					
Lead	0.039	mg/kg	Feb 23, 2022	As Received	EPA 7010 (mod.)

1. Name of each product and description of how it is used:

**AACHI- SAMBAR POWDER**

Date and location where each product was purchased and, if applicable, the address where it was delivered. For products purchased on line, provide the url.

**Date Product Purchased: 2/10/2022**

**Location: INDIA SUPER MART – LAKE FOREST**

**24601 Raymond Way, Suite 6, Lake Forest, CA 92630**

3. The component of the product causing the exposure and its material:

**Food Ingredients**

4. The type of test conducted:

**Lead**

5. The results of the testing, including the units, and the limits of detection and quantification. For multiple results, provide a table.

**0.04 mg Pb / kg**

6. For food products, the daily serving size used to estimate the exposure and the basis for the serving size (e.g., NHANEs, label, survey, other):

**Serving Size shown on label → 15g; 0.6 µg Pb /serving**

**Based on normal practice, it is expected that many servings per day would be consumed**

7. The daily exposure estimated by the expert that demonstrates that the defendants will not be able to prove an affirmative defense, including any calculations and the basis for assumptions that underlie the calculations:

**Expected minimum 3 servings / day → 1.8 µg Pb/ day**

8. If the notice is a supplemental or amended notice, the date and number of the prior notice(s), and the relationship between the new and the prior notices:

**Analytical Report**

Health California Law Group LLP P.O.: 16860  
5396 La Bodega Way  
Fontana, CA, United States  
Attn: Tyler Vance

Lot ID: **16860**  
Date Received: Feb 17, 2022  
Date Reported: Mar 17, 2022  
Report Number: 65464

<b>Sample Description</b>	AACHI- SAMBAR POWDER	<b>Lab Reference #</b>	16860-7
<b>Lot/Batch No.</b>		<b>Sample Temp.</b>	21C
<b>Sample Date</b>		<b>Sample Matrix</b>	Food

Analyte	Result	Units	Start Date	Descriptor	Reference
<b>Chemistry</b>					
Lead	0.040	mg/kg	Feb 23, 2022	As Received	EPA 7010 (mod.)

1. Name of each product and description of how it is used:

**AACHI- VATHAKULAMBU MASALA**

Date and location where each product was purchased and, if applicable, the address where it was delivered. For products purchased on line, provide the url.

**Date Product Purchased: 2/10/2022**

**Location: INDIA SUPER MART – LAKE FOREST**

**24601 Raymond Way, Suite 6, Lake Forest, CA 92630**

3. The component of the product causing the exposure and its material:

**Food Ingredients**

4. The type of test conducted:

**Lead**

5. The results of the testing, including the units, and the limits of detection and quantification. For multiple results, provide a table.

**0.045 mg Pb / kg**

6. For food products, the daily serving size used to estimate the exposure and the basis for the serving size (e.g., NHANEs, label, survey, other):

**Serving Size shown on label → 15g; 0.68 µg Pb /serving**

**Based on normal practice, it is expected that many servings per day would be consumed**

7. The daily exposure estimated by the expert that demonstrates that the defendants will not be able to prove an affirmative defense, including any calculations and the basis for assumptions that underlie the calculations:

**Expected minimum 3 servings / day → 2.04 µg Pb/ day**

8. If the notice is a supplemental or amended notice, the date and number of the prior notice(s), and the relationship between the new and the prior notices:

## Analytical Report

Health California Law Group LLP P.O.: 16860  
5396 La Bodega Way  
Fontana, CA, United States  
Attn: Tyler Vance

Lot ID: **16860**  
Date Received: Feb 17, 2022  
Date Reported: Mar 17, 2022  
Report Number: 65464

<b>Sample Description</b>	AACHI- VATHAKULAMBU MASALA	<b>Lab Reference #</b>	16860-8
<b>Lot/Batch No.</b>		<b>Sample Temp.</b>	21C
<b>Sample Date</b>		<b>Sample Matrix</b>	Food

Analyte	Result	Units	Start Date	Descriptor	Reference
<b>Chemistry</b>					
Lead	0.045	mg/kg	Feb 23, 2022	As Received	EPA 7010 (mod.)

Approved by: \_\_\_\_\_

Chris Vallerga, B. Sc.  
Chemistry Supervisor

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