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Superior Court of California,
County of Alameda

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ENVIRONMENTAL HEALTH ADVOCATES, INC.

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ALAMEDA**

ENVIRONMENTAL HEALTH ADVOCATES,
INC.,

Plaintiff,

v.

BLACK GIRL SUNSCREEN LLC, a Florida
limited liability company; TARGET
CORPORATION, a Minnesota corporation, and
DOES 1 through 100, inclusive,

Defendants.

Case No.: **23CV029336**

**COMPLAINT FOR CIVIL PENALTIES
AND INJUNCTIVE RELIEF**

(Health & Safety Code § 25249.6 et seq.)

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I.
INTRODUCTION

1. This Complaint is a representative action brought by Environmental Health Advocates, Inc. (“Plaintiff”) in the public interest of the citizens of the State of California (“the People”). Plaintiff seeks to remedy Defendants’ failure to inform the People of exposure to benzophenone, a known carcinogen. Defendants expose consumers to benzophenone by manufacturing, importing, selling, and/or distributing sunscreen products including, but not limited to, Black Girl Sunscreen, SPF 30 (“Products”). Defendants know and intend that customers will use Products containing benzophenone.

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

3. California identified and listed benzophenone as a chemical known to cause cancer as early as June 22, 2012.

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

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

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II.
PARTIES

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

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1 **IV.**
2 **CAUSES OF ACTION**

3 **FIRST CAUSE OF ACTION**
4 **(Violation of Proposition 65 – Against all Defendants)**

5 13. Plaintiff incorporates by reference each and every allegation contained above.

6 14. Proposition 65 mandates that citizens be informed about exposures to chemicals that
7 cause cancer, birth defects, and other reproductive harm.

8 15. Defendants manufactured, imported, sold, and/or distributed Products containing
9 benzophenone in violation of Health and Safety Code, section 25249.6 et seq. Plaintiff is informed and
10 believes such violations have continued after receipt of the Notice (defined *infra*) and will continue to
11 occur into the future.

12 16. In manufacturing, importing, selling, and/or distributing Products, Defendants failed to
13 provide a clear and reasonable warning to consumers and individuals in California who may be exposed
14 to benzophenone through reasonably foreseeable use of the Products.

15 17. Products expose individuals to benzophenone through dermal absorption. This exposure
16 is a natural and foreseeable consequence of Defendants placing Products into the stream of commerce.
17 As such, Defendants intend that consumers will use Products, exposing them to benzophenone.

18 18. Defendants knew or should have known that the Products contained benzophenone and
19 exposed individuals to benzophenone in the ways provided above. The Notice informed Defendants of
20 the presence of benzophenone in the Products. Likewise, media coverage concerning benzophenone and
21 related chemicals in consumer products provided constructive notice to Defendants.

22 19. Defendants' actions in this regard were deliberate and not accidental.

23 20. More than sixty days prior to naming each defendant in this lawsuit, Plaintiff issued a
24 60-Day Notice of Violation ("Notice") as required by and in compliance with Proposition 65. Plaintiff
25 provided the Notice to the various required public enforcement agencies along with a certificate of merit.
26 The Notice alleged that Defendants violated Proposition 65 by failing to sufficiently warn consumers in
27 California of the health hazards associated with exposures to benzophenone contained in the Products.

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

