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County of Alameda

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11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

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

13 ENVIRONMENTAL HEALTH ADVOCATES,
14 INC.,

15 Plaintiff,

16 v.

17 ANCIENT GREENFIELDS USA LIMITED
18 INC., a Florida corporation; AMAZON.COM,
19 INC., a Delaware corporation, and DOES 1
20 through 100, inclusive,

21 Defendants.

Case No.: **22CV024335**

**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 lead, a known carcinogen.
5 Defendants expose consumers to lead by manufacturing, importing, selling, and/or distributing dietary
6 supplements including, but not limited to, Moringa Powder – Organic Veda (“Products”). Defendants
7 know and intend that customers will ingest Products containing lead.

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 lead as a chemical known to cause cancer as early as
14 October 1, 1992, and as a chemical known to cause developmental/reproductive toxicity on February
15 27, 1987.

16 4. Defendants failed to sufficiently warn consumers and individuals in California about
17 potential exposure to lead in connection with Defendants’ manufacture, import, sale, or distribution of
18 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 lead in Products. (Health & Safety Code, § 25249.7(a).) Plaintiff
21 also seeks civil penalties against Defendants for its violations of Proposition 65 along with attorney’s
22 fees and costs. (Health & Safety Code, § 25249.7(b).)

II.
PARTIES

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24
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.

1 13. Defendants have sufficient minimum contacts in the State of California or otherwise
2 purposefully avail themselves of the California market. Exercising jurisdiction over Defendants would
3 be consistent with traditional notions of fair play and substantial justice.

4 **IV.**
CAUSES OF ACTION

5 **FIRST CAUSE OF ACTION**
6 **(Violation of Proposition 65 – Against all Defendants)**

7 14. Plaintiff incorporates by reference each and every allegation contained above.

8 15. Proposition 65 mandates that citizens be informed about exposures to chemicals that
9 cause cancer, birth defects, and other reproductive harm.

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

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

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

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

24 20. Defendants' actions in this regard were deliberate and not accidental.

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

