

Chad Finke, Executive Officer / Clerk of the Court
By: D. Drew Deputy

1 Reuben Yeroushalmi (SBN 193981)
2 reuben@yeroshalmi.com
3 Alexandra Purcell (SBN 347862)
4 alexandra@yeroshalmi.com
5 **YEROUSHALMI & YEROUSHALMI***
6 9100 Wilshire Boulevard, Suite 240W
7 Beverly Hills, California 90212
8 Telephone: (310) 623-1926
9 Facsimile: (310) 623-1930
10
11 Attorneys for Plaintiff,
12 CONSUMER ADVOCACY GROUP, INC.

13
14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
15
16 **COUNTY OF ALAMEDA**
17

18 CONSUMER ADVOCACY GROUP, INC.,
19 in the public interest,

20 Plaintiff,

21 v.

22 WEEE! INC., a Delaware Corporation;
23 KAM LEE YUEN TRADING CO, INC., a
24 California Corporation;
25 UNITED KANBOO USA, CORP., a
26 California Corporation;
27 SEOUL SHIK POOM, INC. DBA SEOUL
28 TRADING USA CO., a New York
Corporation;
FOODNET SUPERMARKET, INC., a
California Corporation;
and DOES 1-70,

Defendants.

CASE NO. 23CV043992

**FIRST AMENDED COMPLAINT FOR
PENALTY AND INJUNCTION**

Violation of Proposition 65, the Safe
Drinking Water and Toxic Enforcement
Act of 1986 (*Health & Safety Code*, §
25249.5, *et seq.*)

ACTION IS AN UNLIMITED CIVIL
CASE (exceeds \$25,000)

1 Plaintiff CONSUMER ADVOCACY GROUP, INC. alleges fifteen causes of action
2 against defendants WEEE! INC.; KAM LEE YUEN TRADING CO, INC.; UNITED
3 KANBOO USA, CORP.; SEOUL SHIK POOM, INC. DBA SEOUL TRADING USA CO.,
4 FOODNET SUPERMARKET, INC., and DOES 1-70 as follows:

5 **THE PARTIES**

- 6 1. Plaintiff CONSUMER ADVOCACY GROUP, INC. (“Plaintiff” or “CAG”) is an
7 organization qualified to do business in the State of California. CAG is a person within
8 the meaning of Health and Safety Code Section 25249.11, subdivision (a). CAG, acting
9 as a private attorney general, brings this action in the public interest as defined under
10 Health and Safety Code Section 25249.7, subdivision (d).
- 11 2. Defendant WEEE! INC., (“WEEE”) is a Delaware Corporation qualified to do business
12 in California, and doing business in the State of California at all relevant times herein.
- 13 3. Defendant KAM LEE YUEN TRADING CO, INC., (“KAM LEE YUEN”) is a
14 California Corporation qualified to do business in California, and doing business in the
15 State of California at all relevant times herein.
- 16 4. Defendant UNITED KANBOO USA, CORP. (“UNITED KANBOO”) is a California
17 Corporation qualified to do business in California, and doing business in the State of
18 California at all relevant times herein.
- 19 5. Defendant SEOUL SHIK POOM, INC. DBA SEOUL TRADING USA CO. (“SEOUL
20 SHIK POOM”) is a New York Corporation qualified to do business in California, and
21 doing business in the State of California at all relevant times herein.
- 22 6. Defendant FOODNET SUPERMARKET, INC. (“FOODNET”) is a California
23 Corporation qualified to do business in California, and doing business in the State of
24 California at all relevant times herein.
- 25 7. Plaintiff is presently unaware of the true names and capacities of defendants DOES 1-70,
26 and therefore sues these defendants by such fictitious names. Plaintiff will amend this
27 Complaint to allege their true names and capacities when ascertained. Plaintiff is
28

1 informed, believes, and thereon alleges that each fictitiously named defendant is
2 responsible in some manner for the occurrences herein alleged and the damages caused
3 thereby.

4 8. At all times mentioned herein, the term "Defendants" includes WEEE, KAM LEE
5 YUEN, UNITED KANBOO, SEOUL SHIK POOM, FOODNET and DOES 1-70.

6 9. Plaintiff is informed and believes, and thereon alleges that each of the Defendants at all
7 times mentioned herein have conducted business within the State of California.

8 10. Upon information and belief, at all times relevant to this action, each of the Defendants,
9 including DOES 1-70, was an agent, servant, or employee of each of the other
10 Defendants. In conducting the activities alleged in this Complaint, each of the
11 Defendants was acting within the course and scope of this agency, service, or
12 employment, and was acting with the consent, permission, and authorization of each of
13 the other Defendants. All actions of each of the Defendants alleged in this Complaint
14 were ratified and approved by every other Defendant or their officers or managing
15 agents. Alternatively, each of the Defendants aided, conspired with and/or facilitated the
16 alleged wrongful conduct of each of the other Defendants.

17 11. Plaintiff is informed, believes, and thereon alleges that at all relevant times, each of the
18 Defendants was a person doing business within the meaning of Health and Safety Code
19 Section 25249.11, subdivision (b), and that each of the Defendants had ten (10) or more
20 employees at all relevant times.

21 **JURISDICTION**

22 12. The Court has jurisdiction over this lawsuit pursuant to California Constitution Article
23 VI, Section 10, which grants the Superior Court original jurisdiction in all causes except
24 those given by statute to other trial courts. This Court has jurisdiction over this action
25 pursuant to Health and Safety Code Section 25249.7, which allows enforcement of
26 violations of Proposition 65 in any Court of competent jurisdiction.

1 13. This Court has jurisdiction over Defendants named herein because Defendants either
2 reside or are located in this State or are foreign corporations authorized to do business in
3 California, are registered with the California Secretary of State, or who do sufficient
4 business in California, have sufficient minimum contacts with California, or otherwise
5 intentionally avail themselves of the markets within California through their
6 manufacture, distribution, promotion, marketing, or sale of their products within
7 California to render the exercise of jurisdiction by the California courts permissible
8 under traditional notions of fair play and substantial justice.

9 14. Venue is proper in the County of Alameda because one or more of the instances of
10 wrongful conduct occurred, and continues to occur, in the County of Alameda and/or
11 because Defendants conducted, and continue to conduct, business in the County of
12 Alameda with respect to the consumer product that is the subject of this action.

13 **BACKGROUND AND PRELIMINARY FACTS**

14 15. In 1986, California voters approved an initiative to address growing concerns about
15 exposure to toxic chemicals and declared their right “[t]o be informed about exposures to
16 chemicals that cause cancer, birth defects, or other reproductive harm.” Ballot Pamp.,
17 Proposed Law, Gen. Elec. (Nov. 4, 1986) at p. 3. The initiative, The Safe Drinking
18 Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code Sections
19 25249.5, *et seq.* (“Proposition 65”), helps to protect California’s drinking water sources
20 from contamination, to allow consumers to make informed choices about the products
21 they buy, and to enable persons to protect themselves from toxic chemicals as they see
22 fit.

23 16. Proposition 65 requires the Governor of California to publish a list of chemicals known
24 to the state to cause cancer, birth defects, or other reproductive harm. *Health & Safety*
25 *Code* § 25249.8. The list, which the Governor updates at least once a year, contains over
26 700 chemicals and chemical families. Proposition 65 imposes warning requirements and
27 other controls that apply to Proposition 65-listed chemicals.

28

- 1 17. All businesses with ten (10) or more employees that operate or sell products in California
2 must comply with Proposition 65. Under Proposition 65, businesses are: (1) prohibited
3 from knowingly discharging Proposition 65-listed chemicals into sources of drinking
4 water (*Health & Safety Code* § 25249.5), and (2) required to provide “clear and
5 reasonable” warnings before exposing a person, knowingly and intentionally, to a
6 Proposition 65-listed chemical (*Health & Safety Code* § 25249.6).
- 7 18. Proposition 65 provides that any person "violating or threatening to violate" the statute
8 may be enjoined in any court of competent jurisdiction. *Health & Safety Code* §
9 25249.7. "Threaten to violate" means "to create a condition in which there is a
10 substantial probability that a violation will occur." *Health & Safety Code* § 25249.11(e).
11 Defendants are also liable for civil penalties of up to \$2,500.00 per day per violation,
12 recoverable in a civil action. *Health & Safety Code* § 25249.7(b).
- 13 19. Plaintiff identified certain practices of manufacturers and distributors of certain food
14 products of exposing, knowingly and intentionally, persons in California to Lead and
15 Lead Compounds, Cadmium and Cadmium Compounds, Inorganic Arsenic Compounds,
16 and Inorganic Arsenic Oxides of such products without first providing clear and
17 reasonable warnings of such to the exposed persons prior to the time of exposure.
18 Plaintiff later discerned that Defendants engaged in such practice.
- 19 20. On October 1, 1992 the Governor of California added Lead and Lead Compounds
20 (“Lead”) to the list of chemicals known to the State to cause cancer (*Cal. Code Regs.* tit.
21 27, § 27001(b)). Pursuant to Health and Safety Code Sections 25249.9 and 25249.10,
22 twenty (20) months after addition of Lead to the list of chemicals known to the State to
23 cause cancer, Lead became fully subject to Proposition 65 warning requirements and
24 discharge prohibitions.
- 25 21. On February 27, 1987, the Governor of California added Lead to the list of chemicals
26 known to the State to cause developmental and reproductive toxicity (*Cal. Code Regs.*
27 tit. 27, § 27001(c)). Lead is known to the State to cause developmental, female, and
28

1 male reproductive toxicity. Pursuant to Health and Safety Code Sections 25249.9 and
2 25249.10, twenty (20) months after addition of Lead to the list of chemicals known to
3 the State to cause developmental and reproductive toxicity, Lead became fully subject to
4 Proposition 65 warning requirements and discharge prohibitions.

5 22. On October 1, 1987 the Governor of California added Cadmium and Cadmium
6 Compounds (“Cadmium”) to the list of chemicals known to the State to cause cancer
7 (*Cal. Code Regs. tit. 27, § 27001(b)*). Pursuant to Health and Safety Code Sections
8 25249.9 and 25249.10, twenty (20) months after addition of Cadmium to the list of
9 chemicals known to the State to cause cancer, Cadmium became fully subject to
10 Proposition 65 warning requirements and discharge prohibitions.

11 23. On May 1, 1997, the Governor of California added Cadmium to the list of chemicals
12 known to the State to cause developmental and reproductive toxicity (*Cal. Code Regs.*
13 *tit. 27, § 27001(c)*). Cadmium is known to the State to cause developmental, and male
14 reproductive toxicity. Pursuant to Health and Safety Code Sections 25249.9 and
15 25249.10, twenty (20) months after addition of Cadmium to the list of chemicals known
16 to the State to cause developmental and reproductive toxicity, Cadmium became fully
17 subject to Proposition 65 warning requirements and discharge prohibitions.

18 24. On May 1, 1997, the Governor of California added Inorganic Arsenic Oxides to the list
19 of chemicals known to the State to cause developmental toxicity (*Cal. Code Regs. tit. 27,*
20 *§ 27001(c)*). Inorganic Arsenic Oxides is known to the State to cause developmental,
21 toxicity. Pursuant to Health and Safety Code Sections 25249.9 and 25249.10, twenty
22 (20) months after addition of Inorganic Arsenic Oxides to the list of chemicals known to
23 the State to cause developmental toxicity, Inorganic Arsenic Oxides became fully subject
24 to Proposition 65 warning requirements and discharge prohibitions. Inorganic Arsenic
25 Oxides is hereinafter referred to as “Arsenic”.

26 **SATISFACTION OF PRIOR NOTICE**

1 25. Plaintiff served the following notices for alleged violations of Health and Safety Code
2 Section 25249.6, concerning consumer products exposures:

- 3 a. On or about October 15, 2021, Plaintiff gave notice of alleged violations of
4 Health and Safety Code Section 25249.6, concerning consumer products
5 exposures subject to a private action to WEEE, KAM LEE YUEN, and to the
6 California Attorney General, County District Attorneys, and City Attorneys for
7 each city containing a population of at least 750,000 people in whose
8 jurisdictions the violations allegedly occurred, concerning the Seaweed Strips.
- 9 b. On or about October 22, 2021, Plaintiff gave notice of alleged violations of
10 Health and Safety Code Section 25249.6, concerning consumer products
11 exposures subject to a private action to UNITED KANBOO, WEEE, and to the
12 California Attorney General, County District Attorneys, and City Attorneys for
13 each city containing a population of at least 750,000 people in whose
14 jurisdictions the violations allegedly occurred, concerning the Shrimp Cracker.
- 15 c. On or about May 3, 2022, Plaintiff gave notice of alleged violations of Health
16 and Safety Code Section 25249.6, concerning consumer products exposures
17 subject to a private action to WEEE and to the California Attorney General,
18 County District Attorneys, and City Attorneys for each city containing a
19 population of at least 750,000 people in whose jurisdictions the violations
20 allegedly occurred, concerning the Dried Shrimp.
- 21 d. On or about May 12, 2022, Plaintiff gave notice of alleged violations of Health
22 and Safety Code Section 25249.6, concerning consumer products exposures
23 subject to a private action to WEEE and to the California Attorney General,
24 County District Attorneys, and City Attorneys for each city containing a
25 population of at least 750,000 people in whose jurisdictions the violations
26 allegedly occurred, concerning the Spicy Squid.

- 1 e. On or about May 12, 2022, Plaintiff gave notice of alleged violations of Health
2 and Safety Code Section 25249.6, concerning consumer products exposures
3 subject to a private action to UNITED KANBOO, WEEE and to the California
4 Attorney General, County District Attorneys, and City Attorneys for each city
5 containing a population of at least 750,000 people in whose jurisdictions the
6 violations allegedly occurred, concerning the Dried Shredded Fish.
- 7 f. On or about September 20, 2022, Plaintiff gave notice of alleged violations of
8 Health and Safety Code Section 25249.6, concerning consumer products
9 exposures subject to a private action to WEEE and to the California Attorney
10 General, County District Attorneys, and City Attorneys for each city containing
11 a population of at least 750,000 people in whose jurisdictions the violations
12 allegedly occurred, concerning the Salted Seaweed Tie.
- 13 g. On or about October 13, 2022, Plaintiff gave notice of alleged violations of
14 Health and Safety Code Section 25249.6, concerning consumer products
15 exposures subject to a private action to SEOUL SHIK POOM, WEEE, and to
16 the California Attorney General, County District Attorneys, and City Attorneys
17 for each city containing a population of at least 750,000 people in whose
18 jurisdictions the violations allegedly occurred, concerning the Roasted Green
19 Seaweed.
- 20 h. On or about October 15, 2021, Plaintiff gave notice of alleged violations of
21 Health and Safety Code Section 25249.6, concerning consumer products
22 exposures subject to a private action to KAM LEE, WEEE, and to the California
23 Attorney General, County District Attorneys, and City Attorneys for each city
24 containing a population of at least 750,000 people in whose jurisdictions the
25 violations allegedly occurred, concerning the Dried Seaweed.
- 26 i. On or about July 6, 2022, Plaintiff gave notice of alleged violations of Health
27 and Safety Code Section 25249.6, concerning consumer products exposures
28

1 subject to a private action to KAM LEE, and to the California Attorney General,
2 County District Attorneys, and City Attorneys for each city containing a
3 population of at least 750,000 people in whose jurisdictions the violations
4 allegedly occurred, concerning the Dried Seaweed.

5 j. On or about November 3, 2022, Plaintiff gave notice of alleged violations of
6 Health and Safety Code Section 25249.6, concerning consumer products
7 exposures subject to a private action to KAM LEE, FOODNET, and to the
8 California Attorney General, County District Attorneys, and City Attorneys for
9 each city containing a population of at least 750,000 people in whose
10 jurisdictions the violations allegedly occurred, concerning the Dried Shrimp.

11 k. On or about December 2, 2022, Plaintiff gave notice of alleged violations of
12 Health and Safety Code Section 25249.6, concerning consumer products
13 exposures subject to a private action to KAM LEE, FOODNET, and to the
14 California Attorney General, County District Attorneys, and City Attorneys for
15 each city containing a population of at least 750,000 people in whose
16 jurisdictions the violations allegedly occurred, concerning the Dried Seaweed.

17 l. On or about December 2, 2022, Plaintiff gave notice of alleged violations of
18 Health and Safety Code Section 25249.6, concerning consumer products
19 exposures subject to a private action to KAM LEE, FOODNET, and to the
20 California Attorney General, County District Attorneys, and City Attorneys for
21 each city containing a population of at least 750,000 people in whose
22 jurisdictions the violations allegedly occurred, concerning the Five Spice.

23 m. On or about December 16, 2022, Plaintiff gave notice of alleged violations of
24 Health and Safety Code Section 25249.6, concerning consumer products
25 exposures subject to a private action to KAM LEE, FOODNET, and to the
26 California Attorney General, County District Attorneys, and City Attorneys for
27 each city containing a population of at least 750,000 people in whose
28

1 jurisdictions the violations allegedly occurred, concerning the Cinnamon
2 Powder.

3 n. On or about August 18, 2023, Plaintiff gave notice of alleged violations of
4 Health and Safety Code Section 25249.6, concerning consumer products
5 exposures subject to a private action to WEEE, and to the California Attorney
6 General, County District Attorneys, and City Attorneys for each city containing
7 a population of at least 750,000 people in whose jurisdictions the violations
8 allegedly occurred, concerning the Dried Seaweed.

9 o. On or about August 18, 2023, Plaintiff gave notice of alleged violations of
10 Health and Safety Code Section 25249.6, concerning consumer products
11 exposures subject to a private action to WEEE, and to the California Attorney
12 General, County District Attorneys, and City Attorneys for each city containing
13 a population of at least 750,000 people in whose jurisdictions the violations
14 allegedly occurred, concerning the Dried Mushrooms.

15 26. Before sending the notice of alleged violations, Plaintiff investigated the consumer
16 products involved, the likelihood that such products would cause users to suffer
17 significant exposures to Lead, Cadmium, and Arsenic, and the corporate structure of
18 each of the Defendants.

19 27. Plaintiff's notice of alleged violation included a Certificate of Merit executed by the
20 attorney for the noticing party, CAG. The Certificate of Merit stated that the attorney for
21 Plaintiff who executed the certificate had consulted with at least one person with relevant
22 and appropriate expertise who reviewed data regarding the exposures to Lead, Cadmium,
23 and Arsenic, the subject Proposition 65-listed chemical of this action. Based on that
24 information, the attorney for Plaintiff who executed the Certificate of Merit believed
25 there was a reasonable and meritorious case for this private action. The attorney for
26 Plaintiff attached to the Certificate of Merit served on the Attorney General the
27
28

1 confidential factual information sufficient to establish the basis of the Certificate of
2 Merit.

3 28. Plaintiff's notice of alleged violations also included a Certificate of Service and a
4 document entitled "The Safe Drinking Water & Toxic Enforcement Act of 1986
5 (Proposition 65) A Summary." *Health & Safety Code* § 25249.7(d).

6 29. Plaintiff is commencing this action more than sixty (60) days from the dates that Plaintiff
7 gave notice of the alleged violations to WEEE, KAM LEE YUEN, UNITED KANBOO,
8 SEOUL SHIK POOM, FOODNET, and the public prosecutors referenced in Paragraph
9 25.

10 30. Plaintiff is informed, believes, and thereon alleges that neither the Attorney General, nor
11 any applicable district attorney or city attorney has commenced and is diligently
12 prosecuting an action against the Defendants.

13 **FIRST CAUSE OF ACTION**

14 **(By CONSUMER ADVOCACY GROUP, INC. and against KAM LEE YUEN,
15 WEEE, and DOES 1-10 for Violations of Proposition 65, The Safe Drinking Water
16 and Toxic Enforcement Act of 1986 (*Health & Safety Code*, §§ 25249.5, *et seq.*))**

17 **Seaweed I**

18 31. Plaintiff repeats and incorporates by reference paragraphs 1 through 30 of this complaint
19 as though fully set forth herein.

20 32. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
21 distributor, promoter, or retailer of Seaweed Strips ("Seaweed"), including but not
22 limited to "Dried Seaweed (Strips)"; "Net Weight 3oz (8g)"; "UPC 6 63836 01150 5";
23 "Product of China".

24 33. Seaweed I contains Lead and Arsenic.

25 34. Defendants knew or should have known that Lead and Arsenic have been identified by
26 the State of California as chemicals known to cause cancer, and reproductive toxicity and
27 therefore were subject to Proposition 65 warning requirements. Defendants were also
28

1 informed of the presence of Lead and Arsenic in Seaweed I within Plaintiff's notice of
2 alleged violations further discussed above at Paragraph 25a.

3 35. Plaintiff's allegations regarding Seaweed I concerns "[c]onsumer products exposure[s],"
4 which "is an exposure that results from a person's acquisition, purchase, storage,
5 consumption, or other reasonably foreseeable use of a consumer good, or any exposure
6 that results from receiving a consumer service." *Cal. Code Regs. tit. 27, § 25602(b)*.

7 Seaweed I is consumer products, and, as mentioned herein, exposures to Lead and
8 Arsenic took place as a result of such normal and foreseeable consumption and use.

9 36. Plaintiff is informed, believes, and thereon alleges that between October 15, 2018 and
10 the present, each of the Defendants knowingly and intentionally exposed California
11 consumers and users of Seaweed I, which Defendants manufactured, distributed, or sold
12 as mentioned above, to Lead and Arsenic, without first providing any type of clear and
13 reasonable warning of such to the exposed persons before the time of exposure.

14 Defendants have distributed and sold Seaweed I in California. Defendants know and
15 intend that California consumers will use and consume Seaweed I, thereby exposing
16 them to Lead and Arsenic. Further, Plaintiff is informed, believes, and thereon alleges
17 that Defendants are selling Seaweed I under a brand or trademark that is owned or
18 licensed by the Defendants or an entity affiliated thereto; have knowingly introduced
19 Lead and Arsenic into product or knowingly caused Lead and Arsenic to be created in
20 Seaweed I; have covered, obscured or altered a warning label that has been affixed to
21 Seaweed I by the manufacturer, producer, packager, importer, supplier or distributor of
22 Seaweed I; have received a notice and warning materials for exposure from Seaweed I
23 without conspicuously posting or displaying the warning materials; and/or have actual
24 knowledge of potential exposure to Lead and Arsenic from Seaweed I. Defendants
25 thereby violated Proposition 65.

26 37. The principal routes of exposure are through ingestion, especially direct (oral) ingestion,
27 inhalation, and trans-dermal absorption. Persons sustain exposures primarily by eating
28

1 and consuming Seaweed I, and additionally by handling Seaweed I without wearing
2 gloves or any other personal protective equipment, or by touching bare skin or mucous
3 membranes with gloves after handling Seaweed I, as well as through direct and indirect
4 hand to mouth contact, hand to mucous membrane, or even breathing in particulate
5 matter dispersed from Seaweed I.

6 38. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
7 Proposition 65 as to Seaweed I have been ongoing and continuous, as Defendants
8 engaged and continue to engage in conduct which violates Health and Safety Code
9 Section 25249.6, including the manufacture, distribution, promotion, and sale of
10 Seaweed I, so that a separate and distinct violation of Proposition 65 occurred each and
11 every time a person was exposed to Lead and Arsenic by Seaweed I as mentioned herein.

12 39. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
13 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
14 violations alleged herein will continue to occur into the future.

15 40. Based on the allegations herein, Defendants are liable for civil penalties of up to
16 \$2,500.00 per day per individual exposure to Lead and Arsenic from Seaweed I, pursuant
17 to Health and Safety Code Section 25249.7(b).

18 41. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
19 filing this Complaint.

20
21 **SECOND CAUSE OF ACTION**

22 **(By CONSUMER ADVOCACY GROUP, INC. and against UNITED KANBOO,**
23 **WEEE, and DOES 11-20 for Violations of Proposition 65, The Safe Drinking**
24 **Water and Toxic Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et***
25 ***seq.*))**

26 **Shrimp Cracker**

27 42. Plaintiff repeats and incorporates by reference paragraphs 1 through 41 of this complaint
28 as though fully set forth herein.

1 43. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
2 distributor, promoter, or retailer of Shrimp Cracker (“Shrimp Cracker”), including but
3 not limited to "Donggang Dried Golden Shrimp Cracker"; "Net Weight: .28 oz (150g);
4 "UPC 8 94087 00162 9"; "Product of Taiwan".

5 44. Shrimp Cracker contains Lead and Cadmium.

6 45. Defendants knew or should have known that Lead and Cadmium have been identified by
7 the State of California as chemicals known to cause cancer, and reproductive toxicity and
8 therefore were subject to Proposition 65 warning requirements. Defendants were also
9 informed of the presence of Lead and Cadmium in Shrimp Cracker within Plaintiff's
10 notice of alleged violations further discussed above at Paragraph 25b.

11 46. Plaintiff's allegations regarding Shrimp Cracker concerns “[c]onsumer products
12 exposure[s],” which “is an exposure that results from a person’s acquisition, purchase,
13 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
14 exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, §*
15 *25602(b)*. Shrimp Cracker is consumer products, and, as mentioned herein, exposures to
16 Lead and Cadmium took place as a result of such normal and foreseeable consumption
17 and use.

18 47. Plaintiff is informed, believes, and thereon alleges that between October 22, 2018 and
19 the present, each of the Defendants knowingly and intentionally exposed California
20 consumers and users of Shrimp Cracker, which Defendants manufactured, distributed, or
21 sold as mentioned above, to Lead and Cadmium, without first providing any type of clear
22 and reasonable warning of such to the exposed persons before the time of exposure.
23 Defendants have distributed and sold Shrimp Cracker in California. Defendants know
24 and intend that California consumers will use and consume Shrimp Cracker, thereby
25 exposing them to Lead and Cadmium. Further, Plaintiff is informed, believes, and
26 thereon alleges that Defendants are selling Shrimp Cracker under a brand or trademark
27 that is owned or licensed by the Defendants or an entity affiliated thereto; have

1 knowingly introduced Lead and Cadmium into product or knowingly caused Lead and
2 Cadmium to be created in Shrimp Cracker; have covered, obscured or altered a warning
3 label that has been affixed to Shrimp Cracker by the manufacturer, producer, packager,
4 importer, supplier or distributor of Shrimp Cracker; have received a notice and warning
5 materials for exposure from Shrimp Cracker without conspicuously posting or displaying
6 the warning materials; and/or have actual knowledge of potential exposure to Lead and
7 Cadmium from Shrimp Cracker. Defendants thereby violated Proposition 65.

8 48. The principal routes of exposure are through ingestion, especially direct (oral) ingestion,
9 inhalation, and trans-dermal absorption. Persons sustain exposures primarily by eating
10 and consuming Shrimp Cracker, and additionally by handling Shrimp Cracker without
11 wearing gloves or any other personal protective equipment, or by touching bare skin or
12 mucous membranes with gloves after handling Shrimp Cracker, as well as through direct
13 and indirect hand to mouth contact, hand to mucous membrane, or even breathing in
14 particulate matter dispersed from Shrimp Cracker.

15 49. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
16 Proposition 65 as to Shrimp Cracker have been ongoing and continuous, as Defendants
17 engaged and continue to engage in conduct which violates Health and Safety Code
18 Section 25249.6, including the manufacture, distribution, promotion, and sale of Shrimp
19 Cracker, so that a separate and distinct violation of Proposition 65 occurred each and
20 every time a person was exposed to Lead and Cadmium by Shrimp Cracker as mentioned
21 herein.

22 50. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
23 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
24 violations alleged herein will continue to occur into the future.

25 51. Based on the allegations herein, Defendants are liable for civil penalties of up to
26 \$2,500.00 per day per individual exposure to Lead and Cadmium from Shrimp Cracker,
27 pursuant to Health and Safety Code Section 25249.7(b).

28

1 52. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
2 filing this Complaint.

3
4 **THIRD CAUSE OF ACTION**

5 **(By CONSUMER ADVOCACY GROUP, INC. and against WEEE, and DOES 21-
6 30 for Violations of Proposition 65, The Safe Drinking Water and Toxic
7 Enforcement Act of 1986 (*Health & Safety Code*, §§ 25249.5, *et seq.*))**

8 **Seafood**

9 53. Plaintiff repeats and incorporates by reference paragraphs 1 through 52 of this complaint
10 as though fully set forth herein.

11 54. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
12 distributor, promoter, or retailer of Dried Shrimp (“Dried Shrimp I”), including but not
13 limited to "Crispy Shrimp Sichuan Spicy"; "Yes, Sir!"; "Supreme Dry"; "Net Wt: 0.88oz
14 (25g)"; "UPC 4 712876735134"; "Product of Taiwan".

15 55. Dried Shrimp I contains Lead.

16 56. Defendants knew or should have known that Lead has been identified by the State of
17 California as a chemical known to cause cancer, and reproductive toxicity and therefore
18 was subject to Proposition 65 warning requirements. Defendants were also informed of
19 the presence of Lead in Dried Shrimp I within Plaintiff’s notice of alleged violations
20 further discussed above at Paragraph 25c.

21 57. Plaintiff’s allegations regarding Dried Shrimp I concerns “[c]onsumer products
22 exposure[s],” which “is an exposure that results from a person’s acquisition, purchase,
23 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
24 exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, §*
25 *25602(b)*. Dried Shrimp I is a consumer product, and, as mentioned herein, exposures to
26 Lead took place as a result of such normal and foreseeable consumption and use.

27 58. Plaintiff is informed, believes, and thereon alleges that between May 3, 2019 and the
28 present, each of the Defendants knowingly and intentionally exposed California
consumers and users of Dried Shrimp I, which Defendants manufactured, distributed, or

1 sold as mentioned above, to Lead, without first providing any type of clear and
2 reasonable warning of such to the exposed persons before the time of exposure.
3 Defendants have distributed and sold Dried Shrimp I in California. Defendants know
4 and intend that California consumers will use and consume Dried Shrimp I, thereby
5 exposing them to Lead. Further, Plaintiff is informed, believes, and thereon alleges that
6 Defendants are selling Dried Shrimp I under a brand or trademark that is owned or
7 licensed by the Defendants or an entity affiliated thereto; have knowingly introduced
8 Lead into product or knowingly caused Lead to be created in Dried Shrimp I; have
9 covered, obscured or altered a warning label that has been affixed to Dried Shrimp I by
10 the manufacturer, producer, packager, importer, supplier or distributor of Dried Shrimp
11 I; have received a notice and warning materials for exposure from Dried Shrimp I
12 without conspicuously posting or displaying the warning materials; and/or have actual
13 knowledge of potential exposure to Lead from Dried Shrimp I. Defendants thereby
14 violated Proposition 65.

15 59. The principal routes of exposure are through ingestion, especially direct (oral) ingestion,
16 inhalation, and trans-dermal absorption. Persons sustain exposures primarily by eating
17 and consuming Dried Shrimp I, and additionally by handling Dried Shrimp I without
18 wearing gloves or any other personal protective equipment, or by touching bare skin or
19 mucous membranes with gloves after handling Dried Shrimp I, as well as through direct
20 and indirect hand to mouth contact, hand to mucous membrane, or even breathing in
21 particulate matter dispersed from Dried Shrimp I.

22 60. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
23 Proposition 65 as to Dried Shrimp I have been ongoing and continuous, as Defendants
24 engaged and continue to engage in conduct which violates Health and Safety Code
25 Section 25249.6, including the manufacture, distribution, promotion, and sale of Dried
26 Shrimp I, so that a separate and distinct violation of Proposition 65 occurred each and
27 every time a person was exposed to Lead by Dried Shrimp I as mentioned herein.

28

1 61. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
2 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
3 violations alleged herein will continue to occur into the future.

4 62. Based on the allegations herein, Defendants are liable for civil penalties of up to
5 \$2,500.00 per day per individual exposure to Lead from Dried Shrimp I, pursuant to
6 Health and Safety Code Section 25249.7(b).

7 63. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
8 filing this Complaint.

9
10 **FOURTH CAUSE OF ACTION**

11 **(By CONSUMER ADVOCACY GROUP, INC. and against WEEE, and DOES 31-
12 40 for Violations of Proposition 65, The Safe Drinking Water and Toxic
13 Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

14 **Seafood Products**

15 64. Plaintiff repeats and incorporates by reference paragraphs 1 through 63 of this complaint
16 as though fully set forth herein.

17 65. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
18 distributor, promoter, or retailer of Spicy Squid ("Squid"), including but not limited to
19 "South of Border"; "Braised Spicy Squid"; "Net Wt. 180 g"; "Made in Taiwan";
20 "2022.07.28"; "LKC1310"; "UPC 4 711402 892211".

21 66. Squid contains Cadmium.

22 67. Defendants knew or should have known that Cadmium has been identified by the State
23 of California as a chemical known to cause cancer, and reproductive toxicity and
24 therefore was subject to Proposition 65 warning requirements. Defendants were also
25 informed of the presence of Cadmium in Squid within Plaintiff's notice of alleged
26 violations further discussed above at Paragraph 25d.

27 68. Plaintiff's allegations regarding Squid concerns "[c]onsumer products exposure[s],"
28 which "is an exposure that results from a person's acquisition, purchase, storage,
consumption, or other reasonably foreseeable use of a consumer good, or any exposure

1 that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, § 25602(b)*.

2 Squid is consumer products, and, as mentioned herein, exposures to Cadmium took place
3 as a result of such normal and foreseeable consumption and use.

4 69. Plaintiff is informed, believes, and thereon alleges that between May 12, 2019 and the
5 present, each of the Defendants knowingly and intentionally exposed California
6 consumers and users of Squid, which Defendants manufactured, distributed, or sold as
7 mentioned above, to Cadmium, without first providing any type of clear and reasonable
8 warning of such to the exposed persons before the time of exposure. Defendants have
9 distributed and sold Squid in California. Defendants know and intend that California
10 consumers will use and consume Squid, thereby exposing them to Cadmium. Further,
11 Plaintiff is informed, believes, and thereon alleges that Defendants are selling Squid
12 under a brand or trademark that is owned or licensed by the Defendants or an entity
13 affiliated thereto; have knowingly introduced Cadmium into product or knowingly
14 caused Cadmium to be created in Squid; have covered, obscured or altered a warning
15 label that has been affixed to Squid by the manufacturer, producer, packager, importer,
16 supplier or distributor of Squid; have received a notice and warning materials for
17 exposure from Squid without conspicuously posting or displaying the warning materials;
18 and/or have actual knowledge of potential exposure to Cadmium from Squid.

19 Defendants thereby violated Proposition 65.

20 70. The principal routes of exposure are through ingestion, especially direct (oral) ingestion,
21 inhalation, and trans-dermal absorption. Persons sustain exposures primarily by eating
22 and consuming Squid, and additionally by handling Squid without wearing gloves or any
23 other personal protective equipment, or by touching bare skin or mucous membranes
24 with gloves after handling Squid, as well as through direct and indirect hand to mouth
25 contact, hand to mucous membrane, or even breathing in particulate matter dispersed
26 from Squid.

1 71. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
2 Proposition 65 as to Squid have been ongoing and continuous, as Defendants engaged
3 and continue to engage in conduct which violates Health and Safety Code Section
4 25249.6, including the manufacture, distribution, promotion, and sale of Squid, so that a
5 separate and distinct violation of Proposition 65 occurred each and every time a person
6 was exposed to Cadmium by Squid as mentioned herein.

7 72. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
8 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
9 violations alleged herein will continue to occur into the future.

10 73. Based on the allegations herein, Defendants are liable for civil penalties of up to
11 \$2,500.00 per day per individual exposure to Cadmium from Squid, pursuant to Health
12 and Safety Code Section 25249.7(b).

13 74. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
14 filing this Complaint.

15 **FIFTH CAUSE OF ACTION**

16 **(By CONSUMER ADVOCACY GROUP, INC. and against WEEE, UNITED**
17 **KANBOO, and DOES 41-50 for Violations of Proposition 65, The Safe Drinking**
18 **Water and Toxic Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et***
19 ***seq.*))**

20 **Seafood Snack**

21 75. Plaintiff repeats and incorporates by reference paragraphs 1 through 74 of this complaint
22 as though fully set forth herein.

23 76. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
24 distributor, promoter, or retailer of Dried Shredded Fish ("Dried Fish"), including but not
25 limited to "Hai De Bau"; "Dried Shredded Fish Snacks"; "Net Wt. 3.87 oz (110 g)";
26 "Distributed By United Kanboo USA"; "Product of Taiwan"; "UPC 8 94087 00161 2".

27 77. Dried Fish contains Lead.

1 78. Defendants knew or should have known that Lead has been identified by the State of
2 California as a chemical known to cause cancer, and reproductive toxicity and therefore
3 was subject to Proposition 65 warning requirements. Defendants were also informed of
4 the presence of Lead in Dried Fish within Plaintiff's notice of alleged violations further
5 discussed above at Paragraph 25e.

6 79. Plaintiff's allegations regarding Dried Fish concerns "[c]onsumer products exposure[s],"
7 which "is an exposure that results from a person's acquisition, purchase, storage,
8 consumption, or other reasonably foreseeable use of a consumer good, or any exposure
9 that results from receiving a consumer service." *Cal. Code Regs. tit. 27, § 25602(b)*.
10 Dried Fish is consumer products, and, as mentioned herein, exposures to Lead took place
11 as a result of such normal and foreseeable consumption and use.

12 80. Plaintiff is informed, believes, and thereon alleges that between May 12, 2019 and the
13 present, each of the Defendants knowingly and intentionally exposed California
14 consumers and users of Dried Fish, which Defendants manufactured, distributed, or sold
15 as mentioned above, to Lead, without first providing any type of clear and reasonable
16 warning of such to the exposed persons before the time of exposure. Defendants have
17 distributed and sold Dried Fish in California. Defendants know and intend that
18 California consumers will use and consume Dried Fish, thereby exposing them to Lead.
19 Further, Plaintiff is informed, believes, and thereon alleges that Defendants are selling
20 Dried Fish under a brand or trademark that is owned or licensed by the Defendants or an
21 entity affiliated thereto; have knowingly introduced Lead into product or knowingly
22 caused Lead to be created in Dried Fish; have covered, obscured or altered a warning
23 label that has been affixed to Dried Fish by the manufacturer, producer, packager,
24 importer, supplier or distributor of Dried Fish; have received a notice and warning
25 materials for exposure from Dried Fish without conspicuously posting or displaying the
26 warning materials; and/or have actual knowledge of potential exposure to Lead from
27 Dried Fish. Defendants thereby violated Proposition 65.

1 81. The principal routes of exposure are through ingestion. Persons sustain exposures by
2 eating and consuming Dried Fish and handling without wearing gloves or any other
3 personal protective equipment, or by touching bare skin or mucous membranes with
4 gloves after handling Dried Fish, as well as through direct and indirect hand to mouth
5 contact, hand to mucous membrane, or breathing in particulate matter dispersed from
6 Dried Fish.

7 82. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
8 Proposition 65 as to Dried Fish have been ongoing and continuous, as Defendants
9 engaged and continue to engage in conduct which violates Health and Safety Code
10 Section 25249.6, including the manufacture, distribution, promotion, and sale of Dried
11 Fish, so that a separate and distinct violation of Proposition 65 occurred each and every
12 time a person was exposed to Lead by Dried Fish as mentioned herein.

13 83. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
14 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
15 violations alleged herein will continue to occur into the future.

16 84. Based on the allegations herein, Defendants are liable for civil penalties of up to
17 \$2,500.00 per day per individual exposure to Lead from Dried Fish, pursuant to Health
18 and Safety Code Section 25249.7(b).

19 85. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
20 filing this Complaint.

21 **SIXTH CAUSE OF ACTION**

22 **(By CONSUMER ADVOCACY GROUP, INC. and against WEEE and DOES 51-**
23 **60 for Violations of Proposition 65, The Safe Drinking Water and Toxic**
24 **Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

25 **Seaweed II**

26 86. Plaintiff repeats and incorporates by reference paragraphs 1 through 85 of this complaint
27 as though fully set forth herein.

1 87. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
2 distributor, promoter, or retailer of Salted Seaweed Tie ("Seaweed II"), including but not
3 limited to "Watson ®"; "Salted Seaweed Tie"; "Net Wt. 454 g/1 lb"; "Product of China";
4 "UPC 8 00794 00402 0".

5 88. Seaweed II contains Lead.

6 89. Defendants knew or should have known that Lead has been identified by the State of
7 California as a chemical known to cause cancer, and reproductive toxicity and therefore
8 was subject to Proposition 65 warning requirements. Defendants were also informed of
9 the presence of Lead in Seaweed II within Plaintiff's notice of alleged violations further
10 discussed above at Paragraph 25f.

11 90. Plaintiff's allegations regarding Seaweed II concerns "[c]onsumer products exposure[s],"
12 which "is an exposure that results from a person's acquisition, purchase, storage,
13 consumption, or other reasonably foreseeable use of a consumer good, or any exposure
14 that results from receiving a consumer service." *Cal. Code Regs. tit. 27, § 25602(b)*.
15 Seaweed II is consumer products, and, as mentioned herein, exposures to Lead took
16 place as a result of such normal and foreseeable consumption and use.

17 91. Plaintiff is informed, believes, and thereon alleges that between September 20, 2019 and
18 the present, each of the Defendants knowingly and intentionally exposed California
19 consumers and users of Seaweed II, which Defendants manufactured, distributed, or sold
20 as mentioned above, to Lead, without first providing any type of clear and reasonable
21 warning of such to the exposed persons before the time of exposure. Defendants have
22 distributed and sold Seaweed II in California. Defendants know and intend that
23 California consumers will use and consume Seaweed II, thereby exposing them to Lead.
24 Further, Plaintiff is informed, believes, and thereon alleges that Defendants are selling
25 Seaweed II under a brand or trademark that is owned or licensed by the Defendants or an
26 entity affiliated thereto; have knowingly introduced Lead into product or knowingly
27 caused Lead to be created in Seaweed II; have covered, obscured or altered a warning
28

1 label that has been affixed to Seaweed II by the manufacturer, producer, packager,
2 importer, supplier or distributor of Seaweed II; have received a notice and warning
3 materials for exposure from Seaweed II without conspicuously posting or displaying the
4 warning materials; and/or have actual knowledge of potential exposure to Lead from
5 Seaweed II. Defendants thereby violated Proposition 65.

6 92. The principal routes of exposure are through ingestion. Persons sustain exposures by
7 eating and consuming Seaweed II and handling without wearing gloves or any other
8 personal protective equipment, or by touching bare skin or mucous membranes with
9 gloves after handling Seaweed II, as well as through direct and indirect hand to mouth
10 contact, hand to mucous membrane, or breathing in particulate matter dispersed from
11 Seaweed II.

12 93. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
13 Proposition 65 as to Seaweed II have been ongoing and continuous, as Defendants
14 engaged and continue to engage in conduct which violates Health and Safety Code
15 Section 25249.6, including the manufacture, distribution, promotion, and sale of
16 Seaweed II, so that a separate and distinct violation of Proposition 65 occurred each and
17 every time a person was exposed to Lead by Seaweed II as mentioned herein.

18 94. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
19 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
20 violations alleged herein will continue to occur into the future.

21 95. Based on the allegations herein, Defendants are liable for civil penalties of up to
22 \$2,500.00 per day per individual exposure to Lead from Seaweed II, pursuant to Health
23 and Safety Code Section 25249.7(b).

24 96. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
25 filing this Complaint.

26 ///

1 **SEVENTH CAUSE OF ACTION**

2 **(By CONSUMER ADVOCACY GROUP, INC. and against SEOUL SHIK POOM,**
3 **INC. DBA SEOUL TRADING USA CO., WEEE, and DOES 61-70 for Violations**
4 **of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986**
5 **(Health & Safety Code, §§ 25249.5, et seq.)**

6 **Seaweeds**

7 97. Plaintiff repeats and incorporates by reference paragraphs 1 through 96 of this complaint
8 as though fully set forth herein.

9 98. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
10 distributor, promoter, or retailer of Roasted Green Seaweed ("Seaweed III"), including
11 but not limited to "ChoripDong"; "Roasted Green Laver"; "Roasted Green Seaweed";
12 "12 Packs - 5 g / Pack"; "Net Wt. 60 g"; "2022.12.22"; "Product of Korea"; "HC1212";
13 "HC1200"; "UPC 7 61898 70022 8"; "UPC 7 61898 68143 5".

14 99. Seaweed III contains Lead.

15 100. Defendants knew or should have known that Lead has been identified by the State of
16 California as a chemical known to cause cancer, and reproductive toxicity and therefore
17 was subject to Proposition 65 warning requirements. Defendants were also informed of
18 the presence of Lead in Seaweed III within Plaintiff's notice of alleged violations further
19 discussed above at Paragraph 25g.

20 101. Plaintiff's allegations regarding Seaweed III concerns "[c]onsumer products
21 exposure[s]," which "is an exposure that results from a person's acquisition, purchase,
22 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
23 exposure that results from receiving a consumer service." *Cal. Code Regs. tit. 27, §*
24 *25602(b)*. Seaweed III is consumer products, and, as mentioned herein, exposures to
25 Lead took place as a result of such normal and foreseeable consumption and use.

26 102. Plaintiff is informed, believes, and thereon alleges that between October 13, 2019 and
27 the present, each of the Defendants knowingly and intentionally exposed California
28 consumers and users of Seaweed III, which Defendants manufactured, distributed, or
sold as mentioned above, to Lead, without first providing any type of clear and

1 reasonable warning of such to the exposed persons before the time of exposure.
2 Defendants have distributed and sold Seaweed III in California. Defendants know and
3 intend that California consumers will use and consume Seaweed III, thereby exposing
4 them to Lead. Further, Plaintiff is informed, believes, and thereon alleges that
5 Defendants are selling Seaweed III under a brand or trademark that is owned or licensed
6 by the Defendants or an entity affiliated thereto; have knowingly introduced Lead into
7 product or knowingly caused Lead to be created in Seaweed III; have covered, obscured
8 or altered a warning label that has been affixed to Seaweed III by the manufacturer,
9 producer, packager, importer, supplier or distributor of Seaweed III; have received a
10 notice and warning materials for exposure from Seaweed III without conspicuously
11 posting or displaying the warning materials; and/or have actual knowledge of potential
12 exposure to Lead from Seaweed III. Defendants thereby violated Proposition 65.

13 103. The principal routes of exposure are through ingestion. Persons sustain exposures by
14 eating and consuming Seaweed III and handling without wearing gloves or any other
15 personal protective equipment, or by touching bare skin or mucous membranes with
16 gloves after handling Seaweed III, as well as through direct and indirect hand to mouth
17 contact, hand to mucous membrane, or breathing in particulate matter dispersed from
18 Seaweed III.

19 104. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations
20 of Proposition 65 as to Seaweed III have been ongoing and continuous, as Defendants
21 engaged and continue to engage in conduct which violates Health and Safety Code
22 Section 25249.6, including the manufacture, distribution, promotion, and sale of
23 Seaweed III, so that a separate and distinct violation of Proposition 65 occurred each and
24 every time a person was exposed to Lead by Seaweed III as mentioned herein.

25 105. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
26 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
27 violations alleged herein will continue to occur into the future.

28

1 106. Based on the allegations herein, Defendants are liable for civil penalties of up to
2 \$2,500.00 per day per individual exposure to Lead from Seaweed III, pursuant to Health
3 and Safety Code Section 25249.7(b).

4 107. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
5 filing this Complaint.

6
7 **EIGHTH CAUSE OF ACTION**

8 **(By CONSUMER ADVOCACY GROUP, INC. and against KAM LEE YUEN,**
9 **WEEE, and DOES 61-70 for Violations of Proposition 65, The Safe Drinking**
10 **Water and Toxic Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et***
11 ***seq.*))**

12 **Seaweed IV**

13 108. Plaintiff repeats and incorporates by reference paragraphs 1 through 107 of this
14 complaint as though fully set forth herein.

15 109. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
16 distributor, promoter, or retailer of Dried Seaweed (“Seaweed IV”), including but not
17 limited to “Dried Seaweed (Strips)”; “Net Weight 3oz (8g)”; “UPC 6 63836 01150 5”;
18 “Product of China”.

19 110. Seaweed IV contains Lead and Arsenic.

20 111. Defendants knew or should have known that Lead and Arsenic have been identified by
21 the State of California as chemicals known to cause cancer, and reproductive toxicity
22 and therefore were subject to Proposition 65 warning requirements. Defendants were
23 also informed of the presence of Lead and Arsenic in Seaweed IV within Plaintiff’s
24 notice of alleged violations further discussed above at Paragraph 25h.

25 112. Plaintiff’s allegations regarding Seaweed IV concerns “[c]onsumer products
26 exposure[s],” which “is an exposure that results from a person’s acquisition, purchase,
27 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
28 exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, §*
25602(b). Seaweed IVs are consumer products, and, as mentioned herein, exposures to

1 Lead and Arsenic took place as a result of such normal and foreseeable consumption and
2 use.

3 113. Plaintiff is informed, believes, and thereon alleges that between October 15, 2018 and
4 the present, each of the Defendants knowingly and intentionally exposed California
5 consumers and users of Seaweed IV, which Defendants manufactured, distributed, or
6 sold as mentioned above, to Lead and Arsenic, without first providing any type of clear
7 and reasonable warning of such to the exposed persons before the time of exposure.
8 Defendants have distributed and sold Seaweed IV in California. Defendants know and
9 intend that California consumers will use and consume Seaweed IV, thereby exposing
10 them to Lead and Arsenic. Further, Plaintiff is informed, believes, and thereon alleges
11 that Defendants are selling Seaweed IV under a brand or trademark that is owned or
12 licensed by the Defendants or an entity affiliated thereto; have knowingly introduced
13 Lead and Arsenic into Seaweed IV or knowingly caused Lead and Arsenic to be created
14 in Seaweed IV; have covered, obscured or altered a warning label that has been affixed
15 to Seaweed IV by the manufacturer, producer, packager, importer, supplier or distributor
16 of Seaweed IV; have received a notice and warning materials for exposure from
17 Seaweed IV without conspicuously posting or displaying the warning materials; and/or
18 have actual knowledge of potential exposure to Lead and Arsenic from Seaweed IV.
19 Defendants thereby violated Proposition 65.

20 114. The principal routes of exposure are through dermal contact, ingestion and inhalation.
21 Persons sustain exposures by handling Seaweed IV without wearing gloves or any other
22 personal protective equipment, or by touching bare skin or mucous membranes with
23 gloves after handling Seaweed IV, as well as through direct and indirect hand to mouth
24 contact, hand to mucous membrane, or breathing in particulate matter dispersed from
25 Seaweed IV.

26 115. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations
27 of Proposition 65 as to Seaweed IV have been ongoing and continuous, as Defendants
28

1 engaged and continue to engage in conduct which violates Health and Safety Code
2 Section 25249.6, including the manufacture, distribution, promotion, and sale of
3 Seaweed IV, so that a separate and distinct violation of Proposition 65 occurred each and
4 every time a person was exposed to Lead and Arsenic by Seaweed IV as mentioned
5 herein.

6 116. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
7 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
8 violations alleged herein will continue to occur into the future.

9 117. Based on the allegations herein, Defendants are liable for civil penalties of up to
10 \$2,500.00 per day per individual exposure to Lead and Arsenic from Seaweed IV,
11 pursuant to Health and Safety Code Section 25249.7(b).

12 118. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
13 filing this Complaint.

14 NINTH CAUSE OF ACTION

15 **(By CONSUMER ADVOCACY GROUP, INC. and against KAM LEE YUEN,**
16 **and DOES 61-70 for Violations of Proposition 65, The Safe Drinking Water and**
17 **Toxic Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

18 **Seaweed V**

19 119. Plaintiff repeats and incorporates by reference paragraphs 1 through 118 of this
20 complaint as though fully set forth herein.

21 120. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
22 distributor, promoter, or retailer of Dried Seaweed ("Seaweed V"), including but not
23 limited to "Dried Seaweed Strips"; "Net Wt. 3 oz (85 g)"; "Lot No. KLY-1007"; "Best
24 Before June-10-2022"; "Distributed by K.L.Y Trading Co., Inc."; "DV 1150"; "UPC 6
25 63836 011505"

26 121. Seaweed V contains Lead and Arsenic.

27 122. Defendants knew or should have known that Lead and Arsenic have been identified by
28 the State of California as chemicals known to cause cancer, and reproductive toxicity and

1 therefore were subject to Proposition 65 warning requirements. Defendants were also
2 informed of the presence of Lead and Arsenic in Seaweed V within Plaintiff's notice of
3 alleged violations further discussed above at Paragraph 25i.

4 123. Plaintiff's allegations regarding Seaweed V concerns "[c]onsumer products
5 exposure[s]," which "is an exposure that results from a person's acquisition, purchase,
6 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
7 exposure that results from receiving a consumer service." *Cal. Code Regs. tit. 27, §*
8 *25602(b)*. Seaweed V is consumer product, and, as mentioned herein, exposures to Lead
9 and Arsenic took place as a result of such normal and foreseeable consumption and use.

10 124. Plaintiff is informed, believes, and thereon alleges that between July 6, 2019 and the
11 present, each of the Defendants knowingly and intentionally exposed California
12 consumers and users of Seaweed V, which Defendants manufactured, distributed, or sold
13 as mentioned above, to Lead and Arsenic, without first providing any type of clear and
14 reasonable warning of such to the exposed persons before the time of exposure.
15 Defendants have distributed and sold Seaweed V in California. Defendants know and
16 intend that California consumers will use and consume Seaweed V, thereby exposing
17 them to Lead and Arsenic. Further, Plaintiff is informed, believes, and thereon alleges
18 that Defendants are selling Seaweed V under a brand or trademark that is owned or
19 licensed by the Defendants or an entity affiliated thereto; have knowingly introduced
20 Lead and Arsenic into Seaweed V or knowingly caused Lead and Arsenic to be created
21 in Seaweed V; have covered, obscured or altered a warning label that has been affixed to
22 Seaweed V by the manufacturer, producer, packager, importer, supplier or distributor of
23 Seaweed V; have received a notice and warning materials for exposure from Seaweed V
24 without conspicuously posting or displaying the warning materials; and/or have actual
25 knowledge of potential exposure to Lead and Arsenic from Seaweed V. Defendants
26 thereby violated Proposition 65.

1 125. The principal routes of exposure are through ingestion, especially direct (oral)
2 ingestion, inhalation, and trans-dermal absorption. Persons sustain exposures primarily
3 by eating and consuming Seaweed V, and additionally by handling Seaweed V without
4 wearing gloves or any other personal protective equipment, or by touching bare skin or
5 mucous membranes with gloves after handling Seaweed V, as well as through direct and
6 indirect hand to mouth contact, hand to mucous membrane, or even breathing in
7 particulate matter dispersed from Seaweed V.

8 126. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations
9 of Proposition 65 as to Seaweed V have been ongoing and continuous, as Defendants
10 engaged and continue to engage in conduct which violates Health and Safety Code
11 Section 25249.6, including the manufacture, distribution, promotion, and sale of
12 Seaweed V, so that a separate and distinct violation of Proposition 65 occurred each and
13 every time a person was exposed to Lead and Arsenic by Seaweed V as mentioned
14 herein.

15 127. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
16 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
17 violations alleged herein will continue to occur into the future.

18 128. Based on the allegations herein, Defendants are liable for civil penalties of up to
19 \$2,500.00 per day per individual exposure to Lead and Arsenic from Seaweed V,
20 pursuant to Health and Safety Code Section 25249.7(b).

21 129. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
22 filing this Complaint.

23 **TENTH CAUSE OF ACTION**

24 **(By CONSUMER ADVOCACY GROUP, INC. and against KAM LEE YUEN,**
25 **FOODNET, and DOES 61-70 for Violations of Proposition 65, The Safe Drinking**
26 **Water and Toxic Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et***
27 ***seq.*))**

28 **Seafood Product**

1 130. Plaintiff repeats and incorporates by reference paragraphs 1 through 129 of this
2 complaint as though fully set forth herein.

3 131. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
4 distributor, promoter, or retailer of Seafood Product (“Dried Shrimp II”), including but
5 not limited to "Twin Fish Brand"; "Dried Shrimp"; "Net Wt. 4 oz (113.5g)"; "Packed in
6 U.S.A."; "Distributed by K.L.Y. Trading Co., Inc."; "DS0030"; "UPC 6 63836 00030 1"

7 132. Dried Shrimp II contains Lead, Cadmium, and Arsenic.

8 133. Defendants knew or should have known that Lead, Cadmium and Arsenic have been
9 identified by the State of California as chemicals known to cause cancer, and
10 reproductive toxicity and therefore were subject to Proposition 65 warning requirements.
11 Defendants were also informed of the presence of Lead, Cadmium and Arsenic in Dried
12 Shrimp II within Plaintiff's notice of alleged violations further discussed above at
13 Paragraph 25j.

14 134. Plaintiff's allegations regarding Dried Shrimp II concerns “[c]onsumer products
15 exposure[s],” which “is an exposure that results from a person’s acquisition, purchase,
16 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
17 exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, §*
18 *25602(b)*. Dried Shrimp II are consumer products, and, as mentioned herein, exposures
19 to Lead, Cadmium and Arsenic took place as a result of such normal and foreseeable
20 consumption and use.

21 135. Plaintiff is informed, believes, and thereon alleges that between November 3, 2019 and
22 the present, each of the Defendants knowingly and intentionally exposed California
23 consumers and users of Dried Shrimp II, which Defendants manufactured, distributed, or
24 sold as mentioned above, to Lead, Cadmium and Arsenic, without first providing any
25 type of clear and reasonable warning of such to the exposed persons before the time of
26 exposure. Defendants have distributed and sold Dried Shrimp II in California.
27 Defendants know and intend that California consumers will use and consume Dried
28

1 Shrimp II, thereby exposing them to Lead, Cadmium and Arsenic. Further, Plaintiff is
2 informed, believes, and thereon alleges that Defendants are selling Dried Shrimp II under
3 a brand or trademark that is owned or licensed by the Defendants or an entity affiliated
4 thereto; have knowingly introduced Lead, Cadmium and Arsenic into Dried Shrimp II or
5 knowingly caused Lead, Cadmium and Arsenic to be created in Dried Shrimp II; have
6 covered, obscured or altered a warning label that has been affixed to Dried Shrimp II by
7 the manufacturer, producer, packager, importer, supplier or distributor of Dried Shrimp
8 II; have received a notice and warning materials for exposure from Dried Shrimp II
9 without conspicuously posting or displaying the warning materials; and/or have actual
10 knowledge of potential exposure to Lead, Cadmium and Arsenic from Dried Shrimp II.
11 Defendants thereby violated Proposition 65.

12 136. The principal routes of exposure are through ingestion, especially direct (oral)
13 ingestion, inhalation, and trans-dermal absorption. Persons sustain exposures primarily
14 by eating and consuming Dried Shrimp II, and additionally by handling Dried Shrimp II
15 without wearing gloves or any other personal protective equipment, or by touching bare
16 skin or mucous membranes with gloves after handling Dried Shrimp II, as well as
17 through direct and indirect hand to mouth contact, hand to mucous membrane, or even
18 breathing in particulate matter dispersed from Dried Shrimp II.

19 137. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations
20 of Proposition 65 as to Dried Shrimp II have been ongoing and continuous, as
21 Defendants engaged and continue to engage in conduct which violates Health and Safety
22 Code Section 25249.6, including the manufacture, distribution, promotion, and sale of
23 Dried Shrimp II, so that a separate and distinct violation of Proposition 65 occurred each
24 and every time a person was exposed to Lead, Cadmium and Arsenic by Dried Shrimp II
25 as mentioned herein.
26
27
28

1 138. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
2 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
3 violations alleged herein will continue to occur into the future.

4 139. Based on the allegations herein, Defendants are liable for civil penalties of up to
5 \$2,500.00 per day per individual exposure to Lead, Cadmium and Arsenic from Dried
6 Shrimp II, pursuant to Health and Safety Code Section 25249.7(b).

7 140. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
8 filing this Complaint.

9
10 **ELEVENTH CAUSE OF ACTION**

11 **(By CONSUMER ADVOCACY GROUP, INC. and against KAM LEE YUEN,
12 FOODNET, and DOES 61-70 for Violations of Proposition 65, The Safe Drinking
13 Water and Toxic Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et
14 seq.*))**

15 **Seaweeds I**

16 141. Plaintiff repeats and incorporates by reference paragraphs 1 through 140 of this
17 complaint as though fully set forth herein.

18 142. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
19 distributor, promoter, or retailer of Dried Seaweeds (“Seaweeds I”), including but not
20 limited to: (i) “Twin Fish Brand”; “Dried Seaweed”; “Net Wt. 2.82 oz (80 g)”; “Best
21 Before: October-15-2023”; “Distributed By: K.L.Y. Trading Co., Inc.”; “Product of
22 China”; “DV 1097”; “UPC 6 63836 01097 3”; (ii) “Twin Fish Brand”; “Dried Seaweed
23 Strips”; “Net Wt. 3 oz (85 g)”; “Distributed By: K.L.Y. Trading Co., Inc.”; “Product of
24 China”; “Best Before: October-15-2023”; “Lot No. KLY – 1012”; “DV 1150”; “UPC 6
25 63836 01150 5”; and (iii) “Twin Fish Brand”; “Dried Seaweed Slice”; “Net Wt. 6 oz
26 (170 g)”; “Distributed By: K.L.Y. Trading Co., Inc.”; “Product of China”; “Best Before:
27 March-12-2023”; “Lot No. KLY – 1010”; “DV 0175”; “UPC 6 63836 00175 9”.

28 143. Seaweeds I contain Lead, Cadmium, and Arsenic.

1 144. Defendants knew or should have known that Lead, Cadmium and Arsenic have been
2 identified by the State of California as chemicals known to cause cancer, and
3 reproductive toxicity and therefore were subject to Proposition 65 warning requirements.
4 Defendants were also informed of the presence of Lead, Cadmium and Arsenic in
5 Seaweeds I within Plaintiff's notice of alleged violations further discussed above at
6 Paragraph 25k.

7 145. Plaintiff's allegations regarding Seaweeds I concern "[c]onsumer products
8 exposure[s]," which "is an exposure that results from a person's acquisition, purchase,
9 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
10 exposure that results from receiving a consumer service." *Cal. Code Regs. tit. 27, §*
11 *25602(b)*. Seaweeds I are consumer products, and, as mentioned herein, exposures to
12 Lead, Cadmium and Arsenic took place as a result of such normal and foreseeable
13 consumption and use.

14 146. Plaintiff is informed, believes, and thereon alleges that between December 2, 2022 and
15 the present, each of the Defendants knowingly and intentionally exposed California
16 consumers and users of Seaweeds I, which Defendants manufactured, distributed, or sold
17 as mentioned above, to Lead, Cadmium and Arsenic, without first providing any type of
18 clear and reasonable warning of such to the exposed persons before the time of exposure.
19 Defendants have distributed and sold Seaweeds I in California. Defendants know and
20 intend that California consumers will use and consume Seaweeds I, thereby exposing
21 them to Lead, Cadmium and Arsenic. Further, Plaintiff is informed, believes, and
22 thereon alleges that Defendants are selling Seaweeds I under a brand or trademark that is
23 owned or licensed by the Defendants or an entity affiliated thereto; have knowingly
24 introduced Lead, Cadmium and Arsenic into Seaweeds I or knowingly caused Lead,
25 Cadmium and Arsenic to be created in Seaweeds I; have covered, obscured or altered a
26 warning label that has been affixed to Seaweeds I by the manufacturer, producer,
27 packager, importer, supplier or distributor of Seaweeds I; have received a notice and
28

1 warning materials for exposure from Seaweeds I without conspicuously posting or
2 displaying the warning materials; and/or have actual knowledge of potential exposure to
3 Lead, Cadmium and Arsenic from Seaweeds I. Defendants thereby violated Proposition
4 65.

5 147. The principal routes of exposure are through ingestion, especially direct (oral)
6 ingestion, inhalation, and trans-dermal absorption. Persons sustain exposures primarily
7 by eating and consuming Seaweeds I, and additionally by handling Seaweeds I without
8 wearing gloves or any other personal protective equipment, or by touching bare skin or
9 mucous membranes with gloves after handling Seaweeds I, as well as through direct and
10 indirect hand to mouth contact, hand to mucous membrane, or even breathing in
11 particulate matter dispersed from Seaweeds I.

12 148. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations
13 of Proposition 65 as to Seaweeds I have been ongoing and continuous, as Defendants
14 engaged and continue to engage in conduct which violates Health and Safety Code
15 Section 25249.6, including the manufacture, distribution, promotion, and sale of
16 Seaweeds I, so that a separate and distinct violation of Proposition 65 occurred each and
17 every time a person was exposed to Lead, Cadmium and Arsenic by Seaweeds I as
18 mentioned herein.

19 149. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
20 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
21 violations alleged herein will continue to occur into the future.

22 150. Based on the allegations herein, Defendants are liable for civil penalties of up to
23 \$2,500.00 per day per individual exposure to Lead, Cadmium and Arsenic from
24 Seaweeds I, pursuant to Health and Safety Code Section 25249.7(b).

25 151. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
26 filing this Complaint.

27
28

1 **TWELFTH CAUSE OF ACTION**

2 **(By CONSUMER ADVOCACY GROUP, INC. and against KAM LEE YUEN,**
3 **FOODNET, and DOES 61-70 for Violations of Proposition 65, The Safe Drinking**
4 **Water and Toxic Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et***
5 ***seq.*))**

6 **Spice I**

7 152. Plaintiff repeats and incorporates by reference paragraphs 1 through 151 of this
8 complaint as though fully set forth herein.

9 153. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
10 distributor, promoter, or retailer of Spice (“Five Spice”), including but not limited to
11 "Twin Fish Brand"; "Dried 5 Spice Powder"; "Net Wt. 3oz (85g)"; "Distributed By
12 K.L.Y. Trading Co., Inc."; "Product of China"; "SP 0050"; "UPC 6 63836 00050 9".

13 154. Five Spice contains Lead and Arsenic.

14 155. Defendants knew or should have known that Lead and Arsenic have been identified by
15 the State of California as chemicals known to cause cancer, and reproductive toxicity and
16 therefore were subject to Proposition 65 warning requirements. Defendants were also
17 informed of the presence of Lead and Arsenic in Five Spice within Plaintiff's notice of
18 alleged violations further discussed above at Paragraph 251.

19 156. Plaintiff's allegations regarding Five Spice concerns “[c]onsumer products
20 exposure[s],” which “is an exposure that results from a person’s acquisition, purchase,
21 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
22 exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, §*
23 *25602(b)*. Five Spice are consumer products, and, as mentioned herein, exposures to
24 Lead and Arsenic took place as a result of such normal and foreseeable consumption and
25 use.

26 157. Plaintiff is informed, believes, and thereon alleges that between December 2, 2019 and
27 the present, each of the Defendants knowingly and intentionally exposed California
28 consumers and users of Five Spice, which Defendants manufactured, distributed, or sold
as mentioned above, to Lead and Arsenic, without first providing any type of clear and

1 reasonable warning of such to the exposed persons before the time of exposure.
2 Defendants have distributed and sold Five Spice in California. Defendants know and
3 intend that California consumers will use and consume Five Spice, thereby exposing
4 them to Lead and Arsenic. Further, Plaintiff is informed, believes, and thereon alleges
5 that Defendants are selling Five Spice under a brand or trademark that is owned or
6 licensed by the Defendants or an entity affiliated thereto; have knowingly introduced
7 Lead and Arsenic into Five Spice or knowingly caused Lead and Arsenic to be created in
8 Five Spice; have covered, obscured or altered a warning label that has been affixed to
9 Five Spice by the manufacturer, producer, packager, importer, supplier or distributor of
10 Five Spice; have received a notice and warning materials for exposure from Five Spice
11 without conspicuously posting or displaying the warning materials; and/or have actual
12 knowledge of potential exposure to Lead and Arsenic from Five Spice. Defendants
13 thereby violated Proposition 65.

14 158. The principal routes of exposure are through ingestion, especially direct (oral)
15 ingestion, inhalation, and trans-dermal absorption. Persons sustain exposures primarily
16 by eating and consuming Five Spice, and additionally by handling Five Spice without
17 wearing gloves or any other personal protective equipment, or by touching bare skin or
18 mucous membranes with gloves after handling Five Spice, as well as through direct and
19 indirect hand to mouth contact, hand to mucous membrane, or even breathing in
20 particulate matter dispersed from Five Spice.

21 159. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations
22 of Proposition 65 as to Five Spice have been ongoing and continuous, as Defendants
23 engaged and continue to engage in conduct which violates Health and Safety Code
24 Section 25249.6, including the manufacture, distribution, promotion, and sale of Five
25 Spice, so that a separate and distinct violation of Proposition 65 occurred each and every
26 time a person was exposed to Lead and Arsenic by Five Spice as mentioned herein.

1 160. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
2 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
3 violations alleged herein will continue to occur into the future.

4 161. Based on the allegations herein, Defendants are liable for civil penalties of up to
5 \$2,500.00 per day per individual exposure to Lead and Arsenic from Five Spice,
6 pursuant to Health and Safety Code Section 25249.7(b).

7 162. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
8 filing this Complaint.

9
10 **THIRTEENTH CAUSE OF ACTION**

11 **(By CONSUMER ADVOCACY GROUP, INC. and against KAM LEE YUEN,**
12 **FOODNET, and DOES 61-70 for Violations of Proposition 65, The Safe Drinking**
13 **Water and Toxic Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et***
14 ***seq.*))**

15 **Spice II**

16 163. Plaintiff repeats and incorporates by reference paragraphs 1 through 162 of this
17 complaint as though fully set forth herein.

18 164. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
19 distributor, promoter, or retailer of Spice (“Cinnamon Powder”), including but not
20 limited to "Twin Fish"; "Dried Cinnamon Powder"; "Net Wt. 2 oz (56.7g)"; "Product of
21 China"; "Distributed By K.L.Y. Trading Co., Inc."; "SP 1207"; "UPC 6 63836 01207 6".

22 165. Cinnamon Powder contains Lead and Arsenic.

23 166. Defendants knew or should have known that Lead and Arsenic have been identified by
24 the State of California as chemicals known to cause cancer, and reproductive toxicity and
25 therefore were subject to Proposition 65 warning requirements. Defendants were also
26 informed of the presence of Lead and Arsenic in Cinnamon Powder within Plaintiff's
27 notice of alleged violations further discussed above at Paragraph 25m.

28 167. Plaintiff's allegations regarding Cinnamon Powder concerns “[c]onsumer products
exposure[s],” which “is an exposure that results from a person’s acquisition, purchase,
storage, consumption, or other reasonably foreseeable use of a consumer good, or any

1 exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, §*
2 25602(b). Cinnamon Powders are consumer products, and, as mentioned herein,
3 exposures to Lead and Arsenic took place as a result of such normal and foreseeable
4 consumption and use.

5 168. Plaintiff is informed, believes, and thereon alleges that between December 16, 2019 and
6 the present, each of the Defendants knowingly and intentionally exposed California
7 consumers and users of Cinnamon Powder, which Defendants manufactured, distributed,
8 or sold as mentioned above, to Lead and Arsenic, without first providing any type of
9 clear and reasonable warning of such to the exposed persons before the time of exposure.
10 Defendants have distributed and sold Cinnamon Powder in California. Defendants know
11 and intend that California consumers will use and consume Cinnamon Powder, thereby
12 exposing them to Lead and Arsenic. Further, Plaintiff is informed, believes, and thereon
13 alleges that Defendants are selling Cinnamon Powder under a brand or trademark that is
14 owned or licensed by the Defendants or an entity affiliated thereto; have knowingly
15 introduced Lead and Arsenic into Cinnamon Powder or knowingly caused Lead and
16 Arsenic to be created in Cinnamon Powder; have covered, obscured or altered a warning
17 label that has been affixed to Cinnamon Powder by the manufacturer, producer,
18 packager, importer, supplier or distributor of Cinnamon Powder; have received a notice
19 and warning materials for exposure from Cinnamon Powder without conspicuously
20 posting or displaying the warning materials; and/or have actual knowledge of potential
21 exposure to Lead and Arsenic from Cinnamon Powder. Defendants thereby violated
22 Proposition 65.

23 169. The principal routes of exposure are through ingestion, especially direct (oral)
24 ingestion, inhalation, and trans-dermal absorption. Persons sustain exposures primarily
25 by eating and consuming Cinnamon Powder, and additionally by handling Cinnamon
26 Powder without wearing gloves or any other personal protective equipment, or by
27 touching bare skin or mucous membranes with gloves after handling Cinnamon Powder,
28

1 as well as through direct and indirect hand to mouth contact, hand to mucous membrane,
2 or even breathing in particulate matter dispersed from Cinnamon Powder.

3 170. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations
4 of Proposition 65 as to Cinnamon Powder have been ongoing and continuous, as
5 Defendants engaged and continue to engage in conduct which violates Health and Safety
6 Code Section 25249.6, including the manufacture, distribution, promotion, and sale of
7 Cinnamon Powder, so that a separate and distinct violation of Proposition 65 occurred
8 each and every time a person was exposed to Lead and Arsenic by Cinnamon Powder as
9 mentioned herein.

10 171. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
11 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
12 violations alleged herein will continue to occur into the future.

13 172. Based on the allegations herein, Defendants are liable for civil penalties of up to
14 \$2,500.00 per day per individual exposure to Lead and Arsenic from Cinnamon Powder,
15 pursuant to Health and Safety Code Section 25249.7(b).

16 173. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
17 filing this Complaint.

18 **FOURTEENTH CAUSE OF ACTION**

19 **(By CONSUMER ADVOCACY GROUP, INC. and against WEEE, and DOES 61-**
20 **70 for Violations of Proposition 65, The Safe Drinking Water and Toxic**
21 **Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

22 **Seaweeds II**

23 174. Plaintiff repeats and incorporates by reference paragraphs 1 through 173 of this
24 complaint as though fully set forth herein.

25 175. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
26 distributor, promoter, or retailer of Dried Seaweed ("Dried Seaweed"), including but not
27 limited to "Hsu's Root To Health Since 1974"; "Dried Seaweed"; "Net Wt. 8 oz (227
28

1 g)”; “LOT#0721-HDK”; “Manufacturing date: 7/30/2021”; “SKU # 0847-8”; “Product
2 of Japan”; “Distributed by: Hsu’s Ginseng Enterprises, Inc.”; “UPC 053181084789”.

3 176. Dried Seaweed contains Cadmium and Arsenic.

4 177. Defendants knew or should have known that Cadmium and Arsenic have been
5 identified by the State of California as chemicals known to cause cancer, and
6 reproductive toxicity and therefore were subject to Proposition 65 warning requirements.
7 Defendants were also informed of the presence of Cadmium and Arsenic in Dried
8 Seaweed within Plaintiff’s notice of alleged violations further discussed above at
9 Paragraph 25n.

10 178. Plaintiff’s allegations regarding Dried Seaweed concerns “[c]onsumer products
11 exposure[s],” which “is an exposure that results from a person’s acquisition, purchase,
12 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
13 exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, §*
14 *25602(b)*. Dried Seaweed is a consumer product, and, as mentioned herein, exposures to
15 Cadmium and Arsenic took place as a result of such normal and foreseeable
16 consumption and use.

17 179. Plaintiff is informed, believes, and thereon alleges that between August 18, 2020 and
18 the present, each of the Defendants knowingly and intentionally exposed California
19 consumers and users of Dried Seaweed, which Defendants manufactured, distributed, or
20 sold as mentioned above, to Cadmium and Arsenic, without first providing any type of
21 clear and reasonable warning of such to the exposed persons before the time of exposure.
22 Defendants have distributed and sold Dried Seaweed in California. Defendants know
23 and intend that California consumers will use and consume Dried Seaweed, thereby
24 exposing them to Cadmium and Arsenic. Further, Plaintiff is informed, believes, and
25 thereon alleges that Defendants are selling Dried Seaweed under a brand or trademark
26 that is owned or licensed by the Defendants or an entity affiliated thereto; have
27 knowingly introduced Cadmium and Arsenic into Dried Seaweed or knowingly caused
28

1 Cadmium and Arsenic to be created in Dried Seaweed; have covered, obscured or altered
2 a warning label that has been affixed to Dried Seaweed by the manufacturer, producer,
3 packager, importer, supplier or distributor of Dried Seaweed; have received a notice and
4 warning materials for exposure from Dried Seaweed without conspicuously posting or
5 displaying the warning materials; and/or have actual knowledge of potential exposure to
6 Cadmium and Arsenic from Dried Seaweed. Defendants thereby violated Proposition 65.

7 180. The principal routes of exposure are through ingestion, especially direct (oral)
8 ingestion, inhalation, and trans-dermal absorption. Persons sustain exposures primarily
9 by eating and consuming Dried Seaweed, and additionally by handling Dried Seaweed
10 without wearing gloves or any other personal protective equipment, or by touching bare
11 skin or mucous membranes with gloves after handling Dried Seaweed, as well as through
12 direct and indirect hand to mouth contact, hand to mucous membrane, or even breathing
13 in particulate matter dispersed from Dried Seaweed.

14 181. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations
15 of Proposition 65 as to Dried Seaweed have been ongoing and continuous, as Defendants
16 engaged and continue to engage in conduct which violates Health and Safety Code
17 Section 25249.6, including the manufacture, distribution, promotion, and sale of Dried
18 Seaweed, so that a separate and distinct violation of Proposition 65 occurred each and
19 every time a person was exposed to Cadmium and Arsenic by Dried Seaweed as
20 mentioned herein.

21 182. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
22 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
23 violations alleged herein will continue to occur into the future.

24 183. Based on the allegations herein, Defendants are liable for civil penalties of up to
25 \$2,500.00 per day per individual exposure to Cadmium and Arsenic from Dried
26 Seaweed, pursuant to Health and Safety Code Section 25249.7(b).

27
28

1 184. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
2 filing this Complaint.

3 **FIFTEENTH CAUSE OF ACTION**

4 **(By CONSUMER ADVOCACY GROUP, INC. and against WEEE, and DOES 61-**
5 **70 for Violations of Proposition 65, The Safe Drinking Water and Toxic**
6 **Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

7 **Mushrooms**

8 185. Plaintiff repeats and incorporates by reference paragraphs 1 through 184 of this
9 complaint as though fully set forth herein.

10 186. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
11 distributor, promoter, or retailer of Dried Mushrooms (“Dried Mushrooms”), including
12 but not limited to “Nam Dong Co Viet Nam”; “Dried Vietnamese Shiitake”; “Net Wt.
13 5.35 oz (150 g)”; “EXP 31 10 2024”; “Packed and Labeled by Tay Do Company”; “Sold
14 and Distributed by Mekong Distributors Inc.”; “UPC 9816774187202”.

15 187. Dried Mushrooms contain Cadmium.

16 188. Defendants knew or should have known that Cadmium has been identified by the State
17 of California as a chemical known to cause cancer, and reproductive toxicity and
18 therefore was subject to Proposition 65 warning requirements. Defendants were also
19 informed of the presence of Cadmium in Dried Mushrooms within Plaintiff’s notice of
20 alleged violations further discussed above at Paragraph 25o.

21 189. Plaintiff’s allegations regarding Dried Mushrooms concerns “[c]onsumer products
22 exposure[s],” which “is an exposure that results from a person’s acquisition, purchase,
23 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
24 exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, §*
25 *25602(b)*. Dried Mushrooms are consumer products, and, as mentioned herein,
26 exposures to Cadmium took place as a result of such normal and foreseeable
27 consumption and use.

28

1 190. Plaintiff is informed, believes, and thereon alleges that between August 18, 2020 and
2 the present, each of the Defendants knowingly and intentionally exposed California
3 consumers and users of Dried Mushrooms, which Defendants manufactured, distributed,
4 or sold as mentioned above, to Cadmium, without first providing any type of clear and
5 reasonable warning of such to the exposed persons before the time of exposure.

6 Defendants have distributed and sold Dried Mushrooms in California. Defendants know
7 and intend that California consumers will use and consume Dried Mushrooms, thereby
8 exposing them to Cadmium. Further, Plaintiff is informed, believes, and thereon alleges
9 that Defendants are selling Dried Mushrooms under a brand or trademark that is owned
10 or licensed by the Defendants or an entity affiliated thereto; have knowingly introduced
11 Cadmium into Dried Mushrooms or knowingly caused Cadmium to be created in Dried
12 Mushrooms; have covered, obscured or altered a warning label that has been affixed to
13 Dried Mushrooms by the manufacturer, producer, packager, importer, supplier or
14 distributor of Dried Mushrooms; have received a notice and warning materials for
15 exposure from Dried Mushrooms without conspicuously posting or displaying the
16 warning materials; and/or have actual knowledge of potential exposure to Cadmium
17 from Dried Mushrooms. Defendants thereby violated Proposition 65.

18 191. The principal routes of exposure are through ingestion, especially direct (oral)
19 ingestion, inhalation, and trans-dermal absorption. Persons sustain exposures primarily
20 by eating and consuming Dried Mushrooms, and additionally by handling Dried
21 Mushrooms without wearing gloves or any other personal protective equipment, or by
22 touching bare skin or mucous membranes with gloves after handling Dried Mushrooms,
23 as well as through direct and indirect hand to mouth contact, hand to mucous membrane,
24 or even breathing in particulate matter dispersed from Dried Mushrooms.

25 192. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations
26 of Proposition 65 as to Dried Mushrooms have been ongoing and continuous, as
27 Defendants engaged and continue to engage in conduct which violates Health and Safety
28

1 Code Section 25249.6, including the manufacture, distribution, promotion, and sale of
2 Dried Mushrooms, so that a separate and distinct violation of Proposition 65 occurred
3 each and every time a person was exposed to Cadmium by Dried Mushrooms as
4 mentioned herein.

5 193. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
6 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
7 violations alleged herein will continue to occur into the future.

8 194. Based on the allegations herein, Defendants are liable for civil penalties of up to
9 \$2,500.00 per day per individual exposure to Cadmium from Dried Mushrooms,
10 pursuant to Health and Safety Code Section 25249.7(b).

11 195. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
12 filing this Complaint.

13 **PRAYER FOR RELIEF**

14 Plaintiff demands against each of the Defendants as follows:

15 196. A permanent injunction mandating Proposition 65-compliant warnings;

16 197. Penalties pursuant to Health and Safety Code Section 25249.7, subdivision (b);

17 198. Costs of suit;

18 199. Reasonable attorney fees and costs; and

19 200. Any further relief that the court may deem just and equitable.

20
21 Dated: October 27, 2023

YEROUSHALMI & YEROUSHALMI*

22
23
24 /s/ Alexandra Purcell
25 Alexandra Purcell
26 Attorneys for Plaintiff,
27 CONSUMER ADVOCACY GROUP, INC.
28