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8 Environmental Health Advocates, Inc.

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

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

11 ENVIRONMENTAL HEALTH ADVOCATES,
12 INC.,

13 Plaintiff,

14 v.

15 ARTIST COUTURE, a California corporation;
SEPHORA USA, INC., a Michigan
16 corporation; and DOES 1 through 100,
inclusive,

17 Defendants.

Case No.: **23CV028399**

**COMPLAINT FOR CIVIL PENALTIES
AND INJUNCTIVE RELIEF**

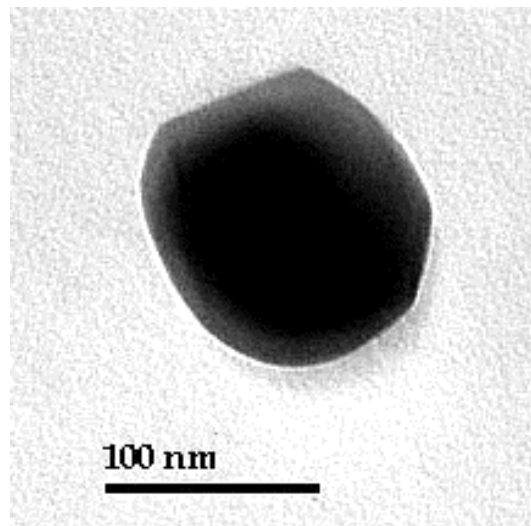
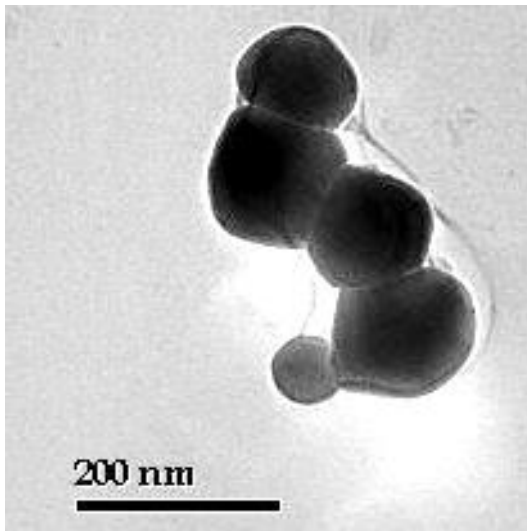
(Health & Safety Code § 25249.6 et seq.)

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Superior Court of California,
County of Alameda
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By: Angela Linhares,
Deputy Clerk

I.

INTRODUCTION

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3 1. This Complaint is a representative action brought by Environmental Health Advocates,
4 Inc. (“Plaintiff”) in the public interest of the citizens of the State of California (“the People”). Plaintiff
5 seeks to remedy Defendants’ failure to inform the People of exposure to Titanium Dioxide (airborne,
6 unbound particles of respirable size) (“TiO₂”), a known carcinogen. Defendants expose consumers to
7 TiO₂ by manufacturing, importing, selling, and/or distributing powdered face makeup including but not
8 limited to the YASSS! - Artist Couture Diamond Glow Powder and Artist Couture Diamond Lights
9 Finisher - Nebula (collectively, “Products”). Defendants know and intend that customers will use
10 Products containing TiO₂. Below are pictures of TiO₂ particles found in an exemplar of Defendants’
11 Products:



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

26 3. California identified and listed Titanium Dioxide (airborne, unbound particles of
27 respirable size) (“TiO₂”) as a chemical known to cause cancer as early as September 2, 2011.

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1 2. A preliminary and permanent injunction against Defendants from manufacturing,
2 importing, selling, and/or distributing Products in California without providing a clear and reasonable
3 warning as required by Proposition 65 and related Regulations;

4 3. Reasonable attorney’s fees and costs of suit; and

5 4. Such other and further relief as may be just and proper.

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7 Respectfully submitted:

8 Dated: February 27, 2023

ENTORNO LAW, LLP

9
10 By: 
11 _____
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17 Environmental Health Advocates, Inc.
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