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County of Alameda

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ENVIRONMENTAL HEALTH ADVOCATES, INC.

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF ALAMEDA

ENVIRONMENTAL HEALTH ADVOCATES,
INC.,

Plaintiff,

v.

PERSONA COSMETICS INC., a California
corporation; ULTA SALON, COSMETICS &
FRAGRANCE, INC., a Delaware corporation;
and DOES 1 through 100, inclusive,

Defendants.

Case No.: **23CV027275**

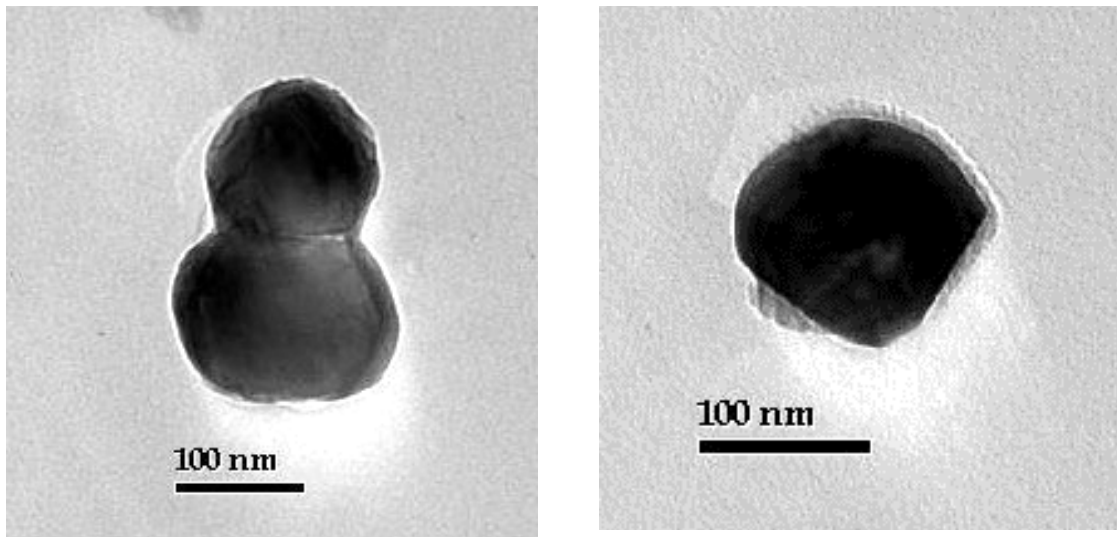
**COMPLAINT FOR CIVIL PENALTIES
AND INJUNCTIVE RELIEF**

(Health & Safety Code § 25249.6 et seq.)

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 products
8 including but not limited to the Persona Super Blush – Carmel and Persona Identity 2 Eyeshadow Palette
9 (“Products”). Defendants know and intend that customers will use Products containing TiO₂. Below are
10 pictures of TiO₂ particles found in an exemplar of Defendants’ Products:



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

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

27 4. Defendants failed to sufficiently warn consumers and individuals in California about
28 potential exposure to TiO₂ in connection with Defendants’ manufacture, import, sale, or distribution of
Products. This is a violation of Proposition 65.

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 3, 2023

ENTORNO LAW, LLP

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10 By: 
11 _____
12 Noam Glick

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Environmental Health Advocates, Inc.