

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

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

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**COUNTY OF ALAMEDA**

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

Plaintiff,

v.

WOOLTARI USA, INC., a Delaware  
Corporation;  
and DOES 1-70,

Defendants.

CASE NO. **24CV097847**

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 \$35,000)

Plaintiff CONSUMER ADVOCACY GROUP, INC. alleges seven causes of action  
against defendants WOOLTARI USA, INC., and DOES 1-70 as follows:

**THE PARTIES**

1. Plaintiff CONSUMER ADVOCACY GROUP, INC. (“Plaintiff” or “CAG”) is an organization qualified to do business in the State of California. CAG is a person within the meaning of Health and Safety Code Section 25249.11, subdivision (a). CAG, acting as a private attorney general, brings this action in the public interest as defined under Health and Safety Code Section 25249.7, subdivision (d).
2. Defendant WOOLTARI USA, INC. (“WOOLTARI”) is a Delaware Corporation, qualified to do business in California, and doing business in the State of California at all relevant times herein.
3. Plaintiff is presently unaware of the true names and capacities of defendants DOES 1-70, and therefore sues these defendants by such fictitious names. Plaintiff will amend this Complaint to allege their true names and capacities when ascertained. Plaintiff is informed, believes, and thereon alleges that each fictitiously named defendant is responsible in some manner for the occurrences herein alleged and the damages caused thereby.
4. At all times mentioned herein, the term “Defendants” includes WOOLTARI, and DOES 1-70.
5. Plaintiff is informed and believes, and thereon alleges that each of the Defendants at all times mentioned herein have conducted business within the State of California.
6. Upon information and belief, at all times relevant to this action, each of the Defendants, including DOES 1-70, was an agent, servant, or employee of each of the other Defendants. In conducting the activities alleged in this Complaint, each of the Defendants was acting within the course and scope of this agency, service, or employment, and was acting with the consent, permission, and authorization of each of the other Defendants. All actions of each of the Defendants alleged in this Complaint were ratified and approved by every other Defendant or their officers or managing

1 agents. Alternatively, each of the Defendants aided, conspired with and/or facilitated the  
2 alleged wrongful conduct of each of the other Defendants.

- 3 7. Plaintiff is informed, believes, and thereon alleges that at all relevant times, each of the  
4 Defendants was a person doing business within the meaning of Health and Safety Code  
5 Section 25249.11, subdivision (b), and that each of the Defendants had ten (10) or more  
6 employees at all relevant times.

7 **JURISDICTION**

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

- 13 9. This Court has jurisdiction over Defendants named herein because Defendants either  
14 reside or are located in this State or are foreign corporations authorized to do business in  
15 California, are registered with the California Secretary of State, or who do sufficient  
16 business in California, have sufficient minimum contacts with California, or otherwise  
17 intentionally avail themselves of the markets within California through their  
18 manufacture, distribution, promotion, marketing, or sale of their products within  
19 California to render the exercise of jurisdiction by the California courts permissible  
20 under traditional notions of fair play and substantial justice.

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

25 **BACKGROUND AND PRELIMINARY FACTS**

- 26 11. In 1986, California voters approved an initiative to address growing concerns about  
27 exposure to toxic chemicals and declared their right “[t]o be informed about exposures to  
28

1 chemicals that cause cancer, birth defects, or other reproductive harm." Ballot Pamp.,  
2 Proposed Law, Gen. Elec. (Nov. 4, 1986) at p. 3. The initiative, The Safe Drinking  
3 Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code Sections  
4 25249.5, *et seq.* ("Proposition 65"), helps to protect California's drinking water sources  
5 from contamination, to allow consumers to make informed choices about the products  
6 they buy, and to enable persons to protect themselves from toxic chemicals as they see  
7 fit.

8 12. Proposition 65 requires the Governor of California to publish a list of chemicals known  
9 to the state to cause cancer, birth defects, or other reproductive harm. *Health & Safety*  
10 *Code* § 25249.8. The list, which the Governor updates at least once a year, contains over  
11 700 chemicals and chemical families. Proposition 65 imposes warning requirements and  
12 other controls that apply to Proposition 65-listed chemicals.

13 13. All businesses with ten (10) or more employees that operate or sell products in California  
14 must comply with Proposition 65. Under Proposition 65, businesses are: (1) prohibited  
15 from knowingly discharging Proposition 65-listed chemicals into sources of drinking  
16 water (*Health & Safety Code* § 25249.5), and (2) required to provide "clear and  
17 reasonable" warnings before exposing a person, knowingly and intentionally, to a  
18 Proposition 65-listed chemical (*Health & Safety Code* § 25249.6).

19 14. Proposition 65 provides that any person "violating or threatening to violate" the statute  
20 may be enjoined in any court of competent jurisdiction. *Health & Safety Code* §  
21 25249.7. "Threaten to violate" means "to create a condition in which there is a  
22 substantial probability that a violation will occur." *Health & Safety Code* § 25249.11(e).  
23 Defendants are also liable for civil penalties of up to \$2,500.00 per day per violation,  
24 recoverable in a civil action. *Health & Safety Code* § 25249.7(b).

25 15. Plaintiff identified certain practices of manufacturers and distributors of Seasoned  
26 Seaweed, Seaweed Salad, Dried Seaweeds, Roasted Seaweed Snack, Seaweed Snack,  
27 Seaweed Snacks, Dried Seaweed of exposing, knowingly and intentionally, persons in  
28

1 California Lead and Lead Compounds, Cadmium and Cadmium Compounds, of such  
2 products without first providing clear and reasonable warnings of such to the exposed  
3 persons prior to the time of exposure. Plaintiff later discerned that Defendants engaged  
4 in such practice.

5 16. On October 1, 1992 the Governor of California added Lead and Lead Compounds  
6 (“Lead”) to the list of chemicals known to the State to cause cancer (*Cal. Code Regs.* tit.  
7 27, § 27001(b)). Pursuant to Health and Safety Code Sections 25249.9 and 25249.10,  
8 twenty (20) months after addition of Lead to the list of chemicals known to the State to  
9 cause cancer, Lead became fully subject to Proposition 65 warning requirements and  
10 discharge prohibitions.

11 17. On February 27, 1987, the Governor of California added Lead to the list of chemicals  
12 known to the State to cause developmental and reproductive toxicity (*Cal. Code Regs.*  
13 tit. 27, § 27001(c)). Lead is known to the State to cause developmental, female, and  
14 male reproductive toxicity. Pursuant to Health and Safety Code Sections 25249.9 and  
15 25249.10, twenty (20) months after addition of Lead to the list of chemicals known to  
16 the State to cause developmental and reproductive toxicity, Lead became fully subject to  
17 Proposition 65 warning requirements and discharge prohibitions.

18 18. On October 1, 1987 the Governor of California added Cadmium and Cadmium  
19 Compounds (“Cadmium”) to the list of chemicals known to the State to cause cancer  
20 (*Cal. Code Regs.* tit. 27, § 27001(b)). Pursuant to Health and Safety Code Sections  
21 25249.9 and 25249.10, twenty (20) months after addition of Cadmium to the list of  
22 chemicals known to the State to cause cancer, Cadmium became fully subject to  
23 Proposition 65 warning requirements and discharge prohibitions.

24 19. On May 1, 1997, the Governor of California added Cadmium to the list of chemicals  
25 known to the State to cause developmental and reproductive toxicity (*Cal. Code Regs.*  
26 tit. 27, § 27001(c)). Cadmium is known to the State to cause developmental, and male  
27 reproductive toxicity. Pursuant to Health and Safety Code Sections 25249.9 and  
28

1 25249.10, twenty (20) months after addition of Cadmium to the list of chemicals known  
2 to the State to cause developmental and reproductive toxicity, Cadmium became fully  
3 subject to Proposition 65 warning requirements and discharge prohibitions.  
4

5 **SATISFACTION OF PRIOR NOTICE**

6 20. Plaintiff served the following notices for alleged violations of Health and Safety Code  
7 Section 25249.6, concerning consumer products exposures:

- 8 a. On or about January 18, 2023, Plaintiff gave notice of alleged violations of  
9 Health and Safety Code Section 25249.6, concerning consumer products  
10 exposures subject to a private action to WOOLTARI, and to the California  
11 Attorney General, County District Attorneys, and City Attorneys for each city  
12 containing a population of at least 750,000 people in whose jurisdictions the  
13 violations allegedly occurred, concerning the Seasoned Seaweed.
- 14 b. On or about January 18, 2023, Plaintiff gave notice of alleged violations of  
15 Health and Safety Code Section 25249.6, concerning consumer products  
16 exposures subject to a private action to WOOLTARI, and to the California  
17 Attorney General, County District Attorneys, and City Attorneys for each city  
18 containing a population of at least 750,000 people in whose jurisdictions the  
19 violations allegedly occurred, concerning the Seaweed Salad.
- 20 c. On or about January 26, 2023, 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 WOOLTARI, 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 Seaweeds.
- 26 d. On or about January 26, 2023, Plaintiff gave notice of alleged violations of  
27 Health and Safety Code Section 25249.6, concerning consumer products  
28

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

5 e. On or about February 2, 2023, 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 WOOLTARI, and to the California  
8 Attorney General, County District Attorneys, and City Attorneys for each city  
9 containing a population of at least 750,000 people in whose jurisdictions the  
10 violations allegedly occurred, concerning the Seaweed Snack.

11 f. On or about February 28, 2023, 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 WOOLTARI, and to the California  
14 Attorney General, County District Attorneys, and City Attorneys for each city  
15 containing a population of at least 750,000 people in whose jurisdictions the  
16 violations allegedly occurred, concerning the Seaweed Snacks.

17 g. On or about May 5, 2023, Plaintiff gave notice of alleged violations of Health  
18 and Safety Code Section 25249.6, concerning consumer products exposures  
19 subject to a private action to WOOLTARI, and to the California Attorney  
20 General, County District Attorneys, and City Attorneys for each city containing  
21 a population of at least 750,000 people in whose jurisdictions the violations  
22 allegedly occurred, concerning the Dried Seaweed.

23 21. Before sending the notice of alleged violations, Plaintiff investigated the consumer  
24 products involved, the likelihood that such products would cause users to suffer  
25 significant exposures to Lead and Cadmium, and the corporate structure of each of the  
26 Defendants.

27  
28

1 22. Plaintiff's notice of alleged violation included a Certificate of Merit executed by the  
2 attorney for the noticing party, CAG. The Certificate of Merit stated that the attorney for  
3 Plaintiff who executed the certificate had consulted with at least one person with relevant  
4 and appropriate expertise who reviewed data regarding the exposures to Lead and  
5 Cadmium, the subject Proposition 65-listed chemical of this action. Based on that  
6 information, the attorney for Plaintiff who executed the Certificate of Merit believed  
7 there was a reasonable and meritorious case for this private action. The attorney for  
8 Plaintiff attached to the Certificate of Merit served on the Attorney General the  
9 confidential factual information sufficient to establish the basis of the Certificate of  
10 Merit.

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

14 24. Plaintiff is commencing this action more than sixty (60) days from the dates that Plaintiff  
15 gave notice of the alleged violations to WOOLTARI, and the public prosecutors  
16 referenced in Paragraph 20.

17 25. Plaintiff is informed, believes, and thereon alleges that neither the Attorney General, nor  
18 any applicable district attorney or city attorney has commenced and is diligently  
19 prosecuting an action against the Defendants.

20  
21 **FIRST CAUSE OF ACTION**

22 **(By CONSUMER ADVOCACY GROUP, INC. and against WOOLTARI, and**  
23 **DOES 1-10 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 I**

26 26. Plaintiff repeats and incorporates by reference paragraphs 1 through 25 of this complaint  
27 as though fully set forth herein.

28 27. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
distributor, promoter, or retailer of Seasoned Seaweed, including but not limited to

1 “Heung-il”; “Roasted Seasoned Laver”; “25 g (126 kcal)”; “2021.08.18”; “2023.08.17”;  
2 “Original”; “UPC 8 809016 760432”.

3 28. Seasoned Seaweed contains Lead and Cadmium.

4 29. Defendants knew or should have known that Lead and Cadmium have been identified by  
5 the State of California as chemicals known to cause cancer, and reproductive toxicity  
6 and therefore was subject to Proposition 65 warning requirements. Defendants were also  
7 informed of the presence of Lead and Cadmium in Seasoned Seaweed within Plaintiff's  
8 notice of alleged violations further discussed above at Paragraph 20a.

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

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

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

7 32. The principal routes of exposure are through ingestion, especially direct (oral) ingestion.  
8 Persons sustain exposures by eating and consuming Seasoned Seaweed.

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

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

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

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

24 **SECOND CAUSE OF ACTION**

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

28 **Seaweed II**

1 37. Plaintiff repeats and incorporates by reference paragraphs 1 through 36 of this complaint  
2 as though fully set forth herein.

3 38. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
4 distributor, promoter, or retailer of Seaweed Salad, including but not limited to “7  
5 Treasures Seaweed Salad”; “Fresiweed Daily”; “05.07.2023”; “Net Wt. 3.88 oz (110g)”;  
6 “Manufactured by: Jinhyun Co., Ltd.”; “Imported by: Wooltari USA, Inc.”; “Product of  
7 Korea”; “UPC 8 809546 750415”.

8 39. Seaweed Salad contains Cadmium.

9 40. Defendants knew or should have known that Cadmium has been identified by the State  
10 of California as a chemical known to cause cancer, and reproductive toxicity and  
11 therefore was subject to Proposition 65 warning requirements. Defendants were also  
12 informed of the presence of Cadmium in Seaweed Salad within Plaintiff’s notice of  
13 alleged violations further discussed above at Paragraph 20b.

14 41. Plaintiff’s allegations regarding Seaweed Salad 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)*. Seaweed Salad is a consumer product, and, as mentioned herein, exposures to  
19 Cadmium took place as a result of such normal and foreseeable consumption and use.

20 42. Plaintiff is informed, believes, and thereon alleges that between January 18, 2020 and the  
21 present, each of the Defendants knowingly and intentionally exposed California  
22 consumers and users of Seaweed Salad, which Defendants manufactured, distributed, or  
23 sold as mentioned above, to Cadmium, without first providing any type of clear and  
24 reasonable warning of such to the exposed persons before the time of exposure.  
25 Defendants have distributed and sold Seaweed Salad in California. Defendants know  
26 and intend that California consumers will use and consume Seaweed Salad, thereby  
27 exposing them to Cadmium. Further, Plaintiff is informed, believes, and thereon alleges

28

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

10 43. The principal routes of exposure are through ingestion, especially direct (oral) ingestion.  
11 Persons sustain exposures by eating and consuming Seaweed Salad.

12 44. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of  
13 Proposition 65 as to Seaweed Salad 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 Salad, so that a separate and distinct violation of Proposition 65 occurred each  
17 and every time a person was exposed to Cadmium by Seaweed Salad as mentioned  
18 herein.

19 45. 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 46. Based on the allegations herein, Defendants are liable for civil penalties of up to  
23 \$2,500.00 per day per individual exposure to Cadmium from Seaweed Salad, pursuant to  
24 Health and Safety Code Section 25249.7(b).

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

27  
28

1 **THIRD CAUSE OF ACTION**

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

5 **Seaweeds**

6 48. Plaintiff repeats and incorporates by reference paragraphs 1 through 47 of this complaint  
7 as though fully set forth herein.

8 49. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
9 distributor, promoter, or retailer of Dried Seaweeds, including but not limited to “Bada”;  
10 “7 Types of Dried Seaweeds”; “Enjoy Your Meal With Of Seaweed Salad!”;  
11 “Manufactured by Dawn Sea Co., Ltd.”; “Republic of Korea”; “UPC 8 809378 342475”.

12 50. Dried Seaweeds contains Lead and Cadmium.

13 51. Defendants knew or should have known that Lead and Cadmium have been identified by  
14 the State of California as chemicals known to cause cancer, and reproductive toxicity  
15 and therefore was subject to Proposition 65 warning requirements. Defendants were also  
16 informed of the presence of Lead and Cadmium in Dried Seaweeds within Plaintiff’s  
17 notice of alleged violations further discussed above at Paragraph 20c.

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

25 53. Plaintiff is informed, believes, and thereon alleges that between January 26, 2020 and the  
26 present, each of the Defendants knowingly and intentionally exposed California  
27 consumers and users of Dried Seaweeds, which Defendants manufactured, distributed, or  
28 sold as mentioned above, to Lead and Cadmium, without first providing any type of clear

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

14 54. The principal routes of exposure are through ingestion, especially direct (oral) ingestion.  
15 Persons sustain exposures by eating and consuming Dried Seaweeds.

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

23 56. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65  
24 mentioned herein is ever continuing. Plaintiff further alleges and believes that the  
25 violations alleged herein will continue to occur into the future.  
26  
27  
28

1 57. 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 and Cadmium from Dried Seaweeds,  
3 pursuant to Health and Safety Code Section 25249.7(b).

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

6  
7 **FOURTH CAUSE OF ACTION**

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

11 **Seaweed III**

12 59. Plaintiff repeats and incorporates by reference paragraphs 1 through 58 of this complaint  
13 as though fully set forth herein.

14 60. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
15 distributor, promoter, or retailer of Roasted Seaweed Snack, including but not limited to  
16 “Mushroom Anchovy & Almond Roasted Seaweed Snack”; “Net Wt. 50g (1.76 oz,  
17 325kcal)”; “Manufacturer: Greenbelt’s Friends”; “Imported By: Wooltari USA, Inc.”;  
18 “www.wooltariusa.com”; “FDA #14469278724”; “Product of Korea”; “UPC 8 809653  
19 180266”.

20 61. Roasted Seaweed Snack contains Cadmium.

21 62. Defendants knew or should have known that Cadmium has been identified by the State  
22 of California as a chemical known to cause cancer, and reproductive toxicity and  
23 therefore was subject to Proposition 65 warning requirements. Defendants were also  
24 informed of the presence of Cadmium in Roasted Seaweed Snack within Plaintiff’s  
25 notice of alleged violations further discussed above at Paragraph 20d.

26 63. Plaintiff’s allegations regarding Roasted Seaweed Snack concerns “[c]onsumer products  
27 exposure[s],” which “is an exposure that results from a person’s acquisition, purchase,  
28 storage, consumption, or other reasonably foreseeable use of a consumer good, or any  
exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, §*

1 25602(b). Roasted Seaweed Snack is a consumer product, and, as mentioned herein,  
2 exposures to Cadmium took place as a result of such normal and foreseeable  
3 consumption and use.

4 64. Plaintiff is informed, believes, and thereon alleges that between January 26, 2020 and the  
5 present, each of the Defendants knowingly and intentionally exposed California  
6 consumers and users of Roasted Seaweed Snack, which Defendants manufactured,  
7 distributed, or sold as mentioned above, to Cadmium, without first providing any type of  
8 clear and reasonable warning of such to the exposed persons before the time of exposure.  
9 Defendants have distributed and sold Roasted Seaweed Snack in California. Defendants  
10 know and intend that California consumers will use and consume Roasted Seaweed  
11 Snack, thereby exposing them to Cadmium. Further, Plaintiff is informed, believes, and  
12 thereon alleges that Defendants are selling Roasted Seaweed Snack under a brand or  
13 trademark that is owned or licensed by the Defendants or an entity affiliated thereto;  
14 have knowingly introduced Cadmium into Roasted Seaweed Snack or knowingly caused  
15 Cadmium to be created in Roasted Seaweed Snack; have covered, obscured or altered a  
16 warning label that has been affixed to Roasted Seaweed Snack the manufacturer,  
17 producer, packager, importer, supplier or distributor of Roasted Seaweed Snack; have  
18 received a notice and warning materials for exposure from Roasted Seaweed Snack  
19 without conspicuously posting or displaying the warning materials; and/or have actual  
20 knowledge of potential exposure to Cadmium from Roasted Seaweed Snack. Defendants  
21 thereby violated Proposition 65.

22 65. The principal routes of exposure are through ingestion, especially direct (oral) ingestion.  
23 Persons sustain exposures by eating and consuming Roasted Seaweed Snack.

24 66. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of  
25 Proposition 65 as to Roasted Seaweed Snack have been ongoing and continuous, as  
26 Defendants engaged and continue to engage in conduct which violates Health and Safety  
27 Code Section 25249.6, including the manufacture, distribution, promotion, and sale of  
28

1 Roasted Seaweed Snack, so that a separate and distinct violation of Proposition 65  
2 occurred each and every time a person was exposed to Cadmium by Roasted Seaweed  
3 Snack as mentioned herein.

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

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

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

12 **FIFTH CAUSE OF ACTION**

13 **(By CONSUMER ADVOCACY GROUP, INC. and against WOOLTARI, and**  
14 **DOES 41-50 for Violations of Proposition 65, The Safe Drinking Water and Toxic**  
15 **Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

16 **Seaweed IV**

17 70. Plaintiff repeats and incorporates by reference paragraphs 1 through 69 of this complaint  
18 as though fully set forth herein.

19 71. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
20 distributor, promoter, or retailer of Seaweed Snack, including but not limited to “Daege  
21 Gim”; “Snow Crab Seaweed Snack”; “2022.10.03”; “Net Wt. 0.7 oz (20 g)”;  
22 “Distributed by: Daege Gim”; “Manufactured by: Woongbee Food”; “Product of Korea”;  
23 “UPC 8 809598 180062”.

24 72. Seaweed Snack contains Lead and Cadmium.

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

1 informed of the presence of Lead and Cadmium in Seaweed Snack within Plaintiff's  
2 notice of alleged violations further discussed above at Paragraph 20e.

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

10 75. Plaintiff is informed, believes, and thereon alleges that between February 2, 2020 and the  
11 present, each of the Defendants knowingly and intentionally exposed California  
12 consumers and users of Seaweed Snack, which Defendants manufactured, distributed, or  
13 sold as mentioned above, to Lead and Cadmium, without first providing any type of clear  
14 and reasonable warning of such to the exposed persons before the time of exposure.  
15 Defendants have distributed and sold Seaweed Snack in California. Defendants know  
16 and intend that California consumers will use and consume Seaweed Snack, thereby  
17 exposing them to Lead and Cadmium. Further, Plaintiff is informed, believes, and  
18 thereon alleges that Defendants are selling Seaweed Snack under a brand or trademark  
19 that is owned or licensed by the Defendants or an entity affiliated thereto; have  
20 knowingly introduced Lead and Cadmium into Seaweed Snack or knowingly caused  
21 Lead and Cadmium to be created in Seaweed Snack; have covered, obscured or altered a  
22 warning label that has been affixed to Dried Seaweed Snack manufacturer, producer,  
23 packager, importer, supplier or distributor of Seaweed Snack; have received a notice and  
24 warning materials for exposure from Seaweed Snack without conspicuously posting or  
25 displaying the warning materials; and/or have actual knowledge of potential exposure to  
26 Lead and Cadmium from Seaweed Snack. Defendants thereby violated Proposition 65.  
27  
28

- 1 76. The principal routes of exposure are through ingestion, especially direct (oral) ingestion.  
2 Persons sustain exposures by eating and consuming Seaweed Snack.
- 3 77. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of  
4 Proposition 65 as to Seaweed Snack have been ongoing and continuous, as Defendants  
5 engaged and continue to engage in conduct which violates Health and Safety Code  
6 Section 25249.6, including the manufacture, distribution, promotion, and sale of  
7 Seaweed Snack, so that a separate and distinct violation of Proposition 65 occurred each  
8 and every time a person was exposed to Lead and Cadmium by Seaweed Snack as  
9 mentioned herein.
- 10 78. 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 79. 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 Cadmium from Seaweed Snack,  
15 pursuant to Health and Safety Code Section 25249.7(b).
- 16 80. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to  
17 filing this Complaint.

18 **SIXTH CAUSE OF ACTION**

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

22 **Seaweed V**

- 23 81. Plaintiff repeats and incorporates by reference paragraphs 1 through 80 of this complaint  
24 as though fully set forth herein.
- 25 82. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
26 distributor, promoter, or retailer of Seaweed Snack, including but not limited to  
27 "Crunchy Seaweed Snacks"; "2022.10.13"; "Jangheung Seaweed Crunch Chips";

1 “Manufactured by Sewha Seafood Co. Ltd.”; “Imported by Wooltari USA Inc.”;  
2 “Product of Kora”; “00780042374108”; “UPC 8 802957 194274”.

3 83. Seaweed Snacks contains Cadmium.

4 84. Defendants knew or should have known that Cadmium have been identified by the State  
5 of California as chemicals known to cause cancer, and reproductive toxicity and  
6 therefore was subject to Proposition 65 warning requirements. Defendants were also  
7 informed of the presence of Cadmium in Seaweed Snacks within Plaintiff’s notice of  
8 alleged violations further discussed above at Paragraph 20f.

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

15 86. Plaintiff is informed, believes, and thereon alleges that between February 28, 2020 and  
16 the present, each of the Defendants knowingly and intentionally exposed California  
17 consumers and users of Seaweed Snacks, which Defendants manufactured, distributed,  
18 or sold as mentioned above, to Cadmium, without first providing any type of clear and  
19 reasonable warning of such to the exposed persons before the time of exposure.  
20 Defendants have distributed and sold Seaweed Snacks in California. Defendants know  
21 and intend that California consumers will use and consume Seaweed Snacks, thereby  
22 exposing them to Cadmium. Further, Plaintiff is informed, believes, and thereon alleges  
23 that Defendants are selling Seaweed Snacks under a brand or trademark that is owned or  
24 licensed by the Defendants or an entity affiliated thereto; have knowingly introduced  
25 Cadmium into Seaweed Snacks or knowingly caused Cadmium to be created in Seaweed  
26 Snacks; have covered, obscured or altered a warning label that has been affixed to Dried  
27 Seaweed Snacks manufacturer, producer, packager, importer, supplier or distributor of  
28

1 Seaweed Snacks; have received a notice and warning materials for exposure from  
2 Seaweed Snacks without conspicuously posting or displaying the warning materials;  
3 and/or have actual knowledge of potential exposure to Cadmium from Seaweed Snacks.  
4 Defendants thereby violated Proposition 65.

5 87. The principal routes of exposure are through ingestion, especially direct (oral) ingestion.  
6 Persons sustain exposures by eating and consuming Seaweed Snacks.

7 88. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of  
8 Proposition 65 as to Seaweed Snacks 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  
11 Seaweed Snacks, so that a separate and distinct violation of Proposition 65 occurred each  
12 and every time a person was exposed to Cadmium by Seaweed Snacks as mentioned  
13 herein.

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

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

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

22  
23 **SEVENTH CAUSE OF ACTION**

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

27 **Seaweed VI**

1 92. Plaintiff repeats and incorporates by reference paragraphs 1 through 91 of this complaint  
2 as though fully set forth herein.

3 93. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
4 distributor, promoter, or retailer of Dried Seaweed (“Seaweed”), including but not  
5 limited to “Island of Health Wando Korea”; “Premium Seaweed”; “Net Wt. 3.52oz (100  
6 g)”; “2023.08.15”; “Product of Korea”; “UPC 8 809016 765017”; “UPC 8 809418  
7 430032”.

8 94. Seaweed contains Lead.

9 95. Defendants knew or should have known that Lead has been identified by the State of  
10 California as a chemical known to cause cancer, and reproductive toxicity and therefore  
11 was subject to Proposition 65 warning requirements. Defendants were also informed of  
12 the presence of Lead in Seaweed within Plaintiff’s notice of alleged violations further  
13 discussed above at Paragraph 20g.

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

20 97. Plaintiff is informed, believes, and thereon alleges that between May 5, 2020 and the  
21 present, each of the Defendants knowingly and intentionally exposed California  
22 consumers and users of Seaweed, which Defendants manufactured, distributed, or sold as  
23 mentioned above, to Lead, without first providing any type of clear and reasonable  
24 warning of such to the exposed persons before the time of exposure. Defendants have  
25 distributed and sold Seaweed in California. Defendants know and intend that California  
26 consumers will use and consume Seaweed, thereby exposing them to Lead. Further,  
27 Plaintiff is informed, believes, and thereon alleges that Defendants are selling Seaweed  
28

1 under a brand or trademark that is owned or licensed by the Defendants or an entity  
2 affiliated thereto; have knowingly introduced Lead into Seaweed or knowingly caused  
3 Lead to be created in Seaweed; have covered, obscured or altered a warning label that  
4 has been affixed to Seaweed manufacturer, producer, packager, importer, supplier or  
5 distributor of Seaweed; have received a notice and warning materials for exposure from  
6 Seaweed without conspicuously posting or displaying the warning materials; and/or have  
7 actual knowledge of potential exposure to Lead from Seaweed. Defendants thereby  
8 violated Proposition 65.

9 98. The principal routes of exposure are through ingestion, especially direct (oral) ingestion.  
10 Persons sustain exposures by eating and consuming Seaweed.

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

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

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

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

25  
26 **PRAYER FOR RELIEF**

27 Plaintiff demands against each of the Defendants as follows:  
28

- 1 1. A permanent injunction mandating Proposition 65-compliant warnings;
- 2 2. Penalties pursuant to Health and Safety Code Section 25249.7, subdivision (b);
- 3 3. Costs of suit;
- 4 4. Reasonable attorney fees and costs; and
- 5 5. Any further relief that the court may deem just and equitable.

6  
7 Dated: October 30, 2024

YEROUSHALMI & YEROUSHALMI\*

8  
9 */s/ Reuben Yeroushalmi*

10 Reuben Yeroushalmi  
11 Attorneys for Plaintiff,  
12 CONSUMER ADVOCACY GROUP, INC.  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28