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**ELECTRONICALLY FILED**  
Superior Court of California,  
County of San Diego  
**07/27/2023** at 02:50:06 PM  
Clerk of the Superior Court  
By Amando Villasenor, Deputy Clerk

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**COUNTY OF SAN DIEGO**

RAMY KAUFLEDER EDEN  
  
Plaintiff,  
  
v.  
  
MEENAXI ENTERPRISE, INC.; and  
DOES 1 through 50, inclusive,  
  
Defendants.

Case No.: 37-2023-00031911-CU-MC-CTL

**COMPLAINT FOR INJUNCTIVE RELIEF  
AND CIVIL PENALTIES**

(Violation of Health & Safety Code section  
25249.5, *et seq.*)

1 Plaintiff Ramy Kaufler Eden (“Plaintiff”), by and through his attorneys, alleges the following  
2 based on information and belief and investigation of counsel:

3 **INTRODUCTION**

4 1. Defendant Meenaxi Enterprise, Inc. (“Defendant” or “Meenaxi”) imports into  
5 California, markets in California, distributes in California, and/or sells in California a ginger candy  
6 product bearing the Shreeji brand name. This ginger candy product is referred to herein as the  
7 “Product.”

8 2. Unfortunately, the Product contains the chemical Lead, which is known to the State of  
9 California to cause cancer, birth defects, and other reproductive harm. By importing, marketing,  
10 distributing, and/or selling the Product in California, Defendant exposes California consumers—  
11 including children and pregnant women who are particularly susceptible to Lead’s toxic effects—to  
12 Lead without warning of such exposure. This complaint (“Complaint”) seeks to put an end to such  
13 conduct and hold Defendant accountable for violating California’s Proposition 65.

14 3. California’s Proposition 65, codified in California Health & Safety Code section  
15 25249.5, *et seq.*, makes it unlawful for businesses to knowingly and intentionally expose individuals  
16 in California to chemicals known to the State to cause cancer, birth defects, or other reproductive harm  
17 without first providing clear and reasonable warnings to the exposed individuals.

18 4. Defendant, either directly or through its downstream customers, introduces the  
19 Product—which contains significant quantities of Lead—into the California marketplace, thereby  
20 exposing the Product’s consumers to Lead. Defendant does so without providing any warnings  
21 whatsoever about the hazards associated with Lead exposure resulting from consumption of the  
22 Product. Defendant’s conduct thus violates the warning provision of Proposition 65. *See* Health & Saf.  
23 Code § 25249.6.

24 **PARTIES**

25 5. Plaintiff is a citizen of the State of California acting in the interest of the general public  
26 to promote awareness of exposures to toxic chemicals in products sold in California and to improve  
27 human health by reducing hazardous substances contained in such products. He brings this action in  
28 the public interest pursuant to Health & Safety Code section 25249.7(d).



1 reproductive harm.” Proposition 65, § 1(b).

2 13. To effectuate this goal, Proposition 65 prohibits exposing people to chemicals listed by  
3 the State of California as known to cause cancer, birth defects or other reproductive harm above certain  
4 levels without a “clear and reasonable warning” unless the business responsible for the exposure can  
5 prove that it fits within a statutory exemption. Health & Safety Code section 25249.6 states, in  
6 pertinent part: “No person in the course of doing business shall knowingly and intentionally expose  
7 any individual to a chemical known to the state to cause cancer or reproductive toxicity without first  
8 giving clear and reasonable warning to such individual . . . .” Health & Saf. Code § 25249.6

9 14. An exposure to a listed chemical may come through ingestion of food products  
10 containing the listed chemical. Cal. Code Regs. tit. 27, § 25102(i).

11 15. Proposition 65 provides that any “person who violates or threatens to violate” the  
12 statute may be enjoined in a court of competent jurisdiction. Health & Saf. Code § 25249.7. Violators  
13 are liable for civil penalties of up to \$2,500 per day for each violation of the Act. *See id.* Any person  
14 acting in the public interest has standing to enforce violations of Proposition 65 provided that such  
15 person has supplied the requisite public enforcers with a valid 60-Day Notice of Violation and such  
16 public enforcers are not diligently prosecuting the action within such time. *See* Health & Saf. Code §  
17 25249.7(d).

18 16. On February 27, 1987, the State of California officially listed Lead as a chemical  
19 known to cause reproductive toxicity. Lead is specifically identified as a reproductive toxicant under  
20 three subcategories: “developmental reproductive toxicity,” which means harm to the developing  
21 fetus, “female reproductive toxicity,” which means harm to the female reproductive system, and “male  
22 reproductive toxicity,” which means harm to the male reproductive system. Cal. Code Regs. tit. 27, §  
23 27001(c).

24 17. On February 27, 1988, one year after it was listed as a chemical known to cause  
25 reproductive toxicity, Lead became subject to the clear and reasonable warning requirement regarding  
26 reproductive toxicants under Proposition 65. *See* Health & Saf. Code § 25249.10(b).

27 **FACTUAL BACKGROUND**

28 18. Defendant imports the Product into California, markets the Product in California,

1 distributes the Product in California, and/or sells the Product in California.

2 19. At all relevant times—including the period from at least one year preceding the filing  
3 of this Complaint and continuing through the filing of this Complaint—the Product contained  
4 sufficient quantities of Lead such that consumers, including pregnant women and children, who  
5 consume it were exposed to a significant amount of Lead. The primary route of exposure to Lead in  
6 the Product is through direct ingestion when people eat the Product. These exposures occur throughout  
7 California wherever the Product is consumed.

8 20. At all relevant times—including the period from at least one year preceding the filing  
9 of this Complaint and continuing through the filing of this Complaint—Defendant imported the  
10 Product into California, marketed the Product in California, distributed the Product in California,  
11 and/or sold the Product in California without providing the requisite Lead exposure warning  
12 information.

13 21. At all such times, Defendant failed to provide any clear and reasonable warning  
14 regarding the reproductive hazards of Lead in the Product.

15 22. At all such times, Defendant knowingly and intentionally exposed consumers of the  
16 Product to Lead without first giving a clear and reasonable warning to such consumers.

17 23. At all such times, Defendant was a “person in the course of doing business” within the  
18 meaning of Health & Safety Code section 25249.11. During such times, as a proximate result of acts  
19 by Defendant, individuals throughout the State of California, including in San Diego County, have  
20 been exposed to Lead via the Product without first being provided a clear and reasonable warning  
21 concerning such exposures. The individuals subject to the violative exposures include normal and  
22 foreseeable consumers and users of the Product.

23 **SATISFACTION OF NOTICE REQUIREMENTS**

24 24. More than sixty days prior to filing this Complaint, Plaintiff served a 60-Day Notice of  
25 Violation of Proposition 65 (“Notice”) upon Meenaxi, the California Attorney General, the District  
26 Attorneys of every county in California, and the City Attorneys of every California city with a  
27 population greater than 750,000 persons.

28 25. The Notice complied with all procedural requirements of Proposition 65, including the

1 attachment of a Certificate of Merit.

2 26. After receiving the Notice, and to the best of Plaintiff's information and belief, as of  
3 the filing of this Complaint, none of the noticed public enforcement agencies have commenced and  
4 diligently prosecuted a cause of action against Meenaxi under Proposition 65 to enforce the alleged  
5 violations set forth in the Notice.

6 27. Plaintiff is commencing this action more than sixty days from the date of the Notice to  
7 Meenaxi.

8 **FIRST CAUSE OF ACTION**

9 **(Against Defendant for Violations of Health & Safety Code Section 25249.6)**

10 28. Plaintiff hereby repeats and incorporates by reference the preceding paragraphs of this  
11 Complaint as though fully set forth herein.

12 29. Defendant has, at all times mentioned herein, acted as a manufacturer, importer,  
13 distributor, marketer, seller, and/or offeror of the Product in the State of California without providing  
14 the requisite Lead exposure warning information and acted as a person in the course of doing business  
15 within the meaning of Health & Safety Code section 25249.11.

16 30. The Product contains Lead, a hazardous chemical known to the State of California to  
17 be injurious to human health.

18 31. Defendant knew that consumers of the Product will be exposed to Lead when the  
19 consumers eat the Product.

20 32. The Product does not comply with Proposition 65's warning requirements.

21 33. Plaintiff is informed and believes that at all relevant times herein, and at least as of one  
22 year preceding the filing of this Complaint, Defendant knowingly and intentionally exposed California  
23 consumers of the Product to Lead without providing the warnings required by Proposition 65—and  
24 Defendant continues to do so.

25 34. Plaintiff has engaged in good faith efforts to resolve the claims set forth in this Cause  
26 of Action prior to filing this Complaint.

27 35. Pursuant to Health and Safety Code section 25249.7(b), as a consequence of the above-  
28 described acts, Defendant is liable for a maximum civil penalty of \$2,500 per day per violation.

