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6 Attorneys for Plaintiff,

7 CONSUMER ADVOCACY GROUP, INC.

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **COUNTY OF LOS ANGELES**

10  
11  
12 CONSUMER ADVOCACY GROUP, INC.,  
13 in the public interest,

14 Plaintiff,

15 v.

16 BUMBLE BEE TRADING, a California  
17 Corporation;  
18 TAKARI INTERNATIONAL, INC., a  
19 California Corporation;  
20 and DOES 1-30,

Defendants.

CASE NO. **23STCV26596**

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 three causes of action  
2 against defendants BUMBLE BEE TRADING, INC., TAKARI INTERNATIONAL, INC., and  
3 DOES 1-30 as follows:

4 **THE PARTIES**

- 5 1. Plaintiff CONSUMER ADVOCACY GROUP, INC. (“Plaintiff” or “CAG”) is an  
6 organization qualified to do business in the State of California. CAG is a person within  
7 the meaning of Health and Safety Code Section 25249.11, subdivision (a). CAG, acting  
8 as a private attorney general, brings this action in the public interest as defined under  
9 Health and Safety Code Section 25249.7, subdivision (d).
- 10 2. Defendant BUMBLE BEE TRADING, INC. (“BUMBLE BEE”) is a California  
11 Corporation qualified to do business in California and doing business in the State of  
12 California at all relevant times herein.
- 13 3. Defendant TAKARI INTERNATIONAL, INC. (“TAKARI”) is a California  
14 Corporation, qualified to do business in California and doing business in the State of  
15 California at all relevant times herein.
- 16 4. Plaintiff is presently unaware of the true names and capacities of defendants DOES 1-30,  
17 and therefore sues these defendants by such fictitious names. Plaintiff will amend this  
18 Complaint to allege their true names and capacities when ascertained. Plaintiff is  
19 informed, believes, and thereon alleges that each fictitiously named defendant is  
20 responsible in some manner for the occurrences herein alleged and the damages caused  
21 thereby.
- 22 5. At all times mentioned herein, the term “Defendants” includes BUMBLE BEE,  
23 TAKARI, and DOES 1-30.
- 24 6. Plaintiff is informed and believes, and thereon alleges that each of the Defendants at all  
25 times mentioned herein have conducted business within the State of California.
- 26 7. Upon information and belief, at all times relevant to this action, each of the Defendants,  
27 including DOES 1-30, was an agent, servant, or employee of each of the other  
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1 Defendants. In conducting the activities alleged in this Complaint, each of the  
2 Defendants was acting within the course and scope of this agency, service, or  
3 employment, and was acting with the consent, permission, and authorization of each of  
4 the other Defendants. All actions of each of the Defendants alleged in this Complaint  
5 were ratified and approved by every other Defendant or their officers or managing  
6 agents. Alternatively, each of the Defendants aided, conspired with and/or facilitated the  
7 alleged wrongful conduct of each of the other Defendants.

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

### 12 **JURISDICTION**

- 13 9. The Court has jurisdiction over this lawsuit pursuant to California Constitution Article  
14 VI, Section 10, which grants the Superior Court original jurisdiction in all causes except  
15 those given by statute to other trial courts. This Court has jurisdiction over this action  
16 pursuant to Health and Safety Code Section 25249.7, which allows enforcement of  
17 violations of Proposition 65 in any Court of competent jurisdiction.
- 18 10. This Court has jurisdiction over Defendants named herein because Defendants either  
19 reside or are located in this State or are foreign corporations authorized to do business in  
20 California, are registered with the California Secretary of State, or who do sufficient  
21 business in California, have sufficient minimum contacts with California, or otherwise  
22 intentionally avail themselves of the markets within California through their  
23 manufacture, distribution, promotion, marketing, or sale of their products within  
24 California to render the exercise of jurisdiction by the California courts permissible  
25 under traditional notions of fair play and substantial justice.
- 26 11. Venue is proper in the County of Los Angeles because one or more of the instances of  
27 wrongful conduct occurred, and continues to occur, in the County of Los Angeles and/or  
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1 because Defendants conducted, and continue to conduct, business in the County of Los  
2 Angeles with respect to the consumer products that are the subject of this action.

3 **BACKGROUND AND PRELIMINARY FACTS**

4 12. In 1986, California voters approved an initiative to address growing concerns about  
5 exposure to toxic chemicals and declared their right “[t]o be informed about exposures to  
6 chemicals that cause cancer, birth defects, or other reproductive harm.” Ballot Pamp.,  
7 Proposed Law, Gen. Elec. (Nov. 4, 1986) at p. 3. The initiative, The Safe Drinking  
8 Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code Sections  
9 25249.5, *et seq.* (“Proposition 65”), helps to protect California’s drinking water sources  
10 from contamination, to allow consumers to make informed choices about the products  
11 they buy, and to enable persons to protect themselves from toxic chemicals as they see  
12 fit.

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

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

24 15. Proposition 65 provides that any person "violating or threatening to violate" the statute  
25 may be enjoined in any court of competent jurisdiction. *Health & Safety Code* §  
26 25249.7. "Threaten to violate" means "to create a condition in which there is a  
27 substantial probability that a violation will occur." *Health & Safety Code* § 25249.11(e).

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1 Defendants are also liable for civil penalties of up to \$2,500.00 per day per violation,  
2 recoverable in a civil action. *Health & Safety Code* § 25249.7(b).

3 16. Plaintiff identified certain practices of manufacturers and distributors of Rabbitfish,  
4 Herring, and Jeprox Fish of exposing, knowingly and intentionally, persons in California  
5 to Lead and Lead Compounds of such products without first providing clear and  
6 reasonable warnings of such to the exposed persons prior to the time of exposure.

7 Plaintiff later discerned that Defendants engaged in such practice.

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

14 18. On February 27, 1987, the Governor of California added Lead to the list of chemicals  
15 known to the State to cause developmental and reproductive toxicity (*Cal. Code Regs.*  
16 tit. 27, § 27001(c)). Lead is known to the State to cause developmental, female, and  
17 male reproductive toxicity. Pursuant to Health and Safety Code Sections 25249.9 and  
18 25249.10, twenty (20) months after addition of Lead to the list of chemicals known to  
19 the State to cause developmental and reproductive toxicity, Lead became fully subject to  
20 Proposition 65 warning requirements and discharge prohibitions.

### 21 **SATISFACTION OF PRIOR NOTICE**

22 19. Plaintiff served the following notices for alleged violations of Health and Safety Code  
23 Section 25249.6, concerning consumer products exposures:

- 24 a. On or about July 12, 2023, Plaintiff gave notice of alleged violations of Health  
25 and Safety Code Section 25249.6, concerning consumer products exposures  
26 subject to a private action to BUMBLE BEE, and to the California Attorney  
27 General, County District Attorneys, and City Attorneys for each city containing

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1 a population of at least 750,000 people in whose jurisdictions the violations  
2 allegedly occurred, concerning the Rabbitfish.

3 i. On or about October 13, 2022, Plaintiff gave notice of alleged violations  
4 of Health and Safety Code Section 25249.6, concerning consumer  
5 products exposures subject to a private action to BUMBLE BEE, and to  
6 the California Attorney General, County District Attorneys, and City  
7 Attorneys for each city containing a population of at least 750,000  
8 people in whose jurisdictions the violations allegedly occurred,  
9 concerning the Rabbitfish.

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

16 c. On or about July 12, 2023, Plaintiff gave notice of alleged violations of Health  
17 and Safety Code Section 25249.6, concerning consumer products exposures  
18 subject to a private action to BUMBLE BEE, TAKARI, and to the California  
19 Attorney General, County District Attorneys, and City Attorneys for each city  
20 containing a population of at least 750,000 people in whose jurisdictions the  
21 violations allegedly occurred, concerning the Jeprox Fish.

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

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

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

10 23. Plaintiff is commencing this action more than sixty (60) days from the dates that Plaintiff  
11 gave notice of the alleged violations to BUMBLE BEE, TAKARI, and the public  
12 prosecutors referenced in Paragraph 19.

13 24. Plaintiff is informed, believes, and thereon alleges that neither the Attorney General, nor  
14 any applicable district attorney or city attorney has commenced and is diligently  
15 prosecuting an action against the Defendants.

### 16 **FIRST CAUSE OF ACTION**

17 **(By CONSUMER ADVOCACY GROUP, INC. and against BUMBLE BEE, and**  
18 **DOES 1-10 for Violations of Proposition 65, The Safe Drinking Water and Toxic**  
19 **Enforcement Act of 1986 (*Health & Safety Code*, §§ 25249.5, *et seq.*))**

### 20 **Seafood Products I**

21 25. Plaintiff repeats and incorporates by reference paragraphs 1 through 24 of this complaint  
22 as though fully set forth herein.

23 26. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
24 distributor, promoter, or retailer of Rabbitfish ("Rabbitfish"), including but not limited to  
25 "Isla"; "Dried Salted Rabbitfish (Danggit)"; "Net Wt. 4 oz (113g)"; "Product of the  
26 Philippines"; "Distributed and Imported by: Bumble Bee Trading"; "PFLY2421-05AA";  
27 "UPC 4806511315703".

28 27. Rabbitfish contains Lead.

1 28. 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 Rabbitfish within Plaintiff's notice of alleged violations further  
5 discussed above at Paragraph 19a.

6 29. Plaintiff's allegations regarding Rabbitfish 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 Rabbitfish is a consumer product, and, as mentioned herein, exposures to Lead took  
11 place as a result of such normal and foreseeable consumption and use.

12 30. Plaintiff is informed, believes, and thereon alleges that between July 12, 2020 and the  
13 present, each of the Defendants knowingly and intentionally exposed California  
14 consumers and users of Rabbitfish, 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 Rabbitfish in California. Defendants know and intend that  
18 California consumers will use and consume Rabbitfish, thereby exposing them to Lead.  
19 Further, Plaintiff is informed, believes, and thereon alleges that Defendants are selling  
20 Rabbitfish under a brand or trademark that is owned or licensed by the Defendants or an  
21 entity affiliated thereto; have knowingly introduced Lead into Rabbitfish or knowingly  
22 caused Lead to be created in Rabbitfish; have covered, obscured or altered a warning  
23 label that has been affixed to Rabbitfish by the manufacturer, producer, packager,  
24 importer, supplier or distributor of Rabbitfish; have received a notice and warning  
25 materials for exposure from Rabbitfish without conspicuously posting or displaying the  
26 warning materials; and/or have actual knowledge of potential exposure to Lead from  
27 Rabbitfish. Defendants thereby violated Proposition 65.



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

8 32. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of  
9 Proposition 65 as to Rabbitfish 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 Rabbitfish, so that a separate and distinct violation of Proposition 65 occurred each and  
13 every time a person was exposed to Lead by Rabbitfish as mentioned herein.

14 33. 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 34. Based on the allegations herein, Defendants are liable for civil penalties of up to  
18 \$2,500.00 per day per individual exposure to Lead from Rabbitfish, pursuant to Health  
19 and Safety Code Section 25249.7(b).

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

## 22 SECOND CAUSE OF ACTION

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

### 26 **Seafood Products II**

27 36. Plaintiff repeats and incorporates by reference paragraphs 1 through 35 of this complaint  
28 as though fully set forth herein.

1 37. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
2 distributor, promoter, or retailer of Herring (“Herring”), including but not limited to  
3 “Isla”; “Smoked Fresh Water Herring (Tawilis)”; “Net Wt. 6 oz (170g)”; “Product of the  
4 Philippines”; “Distributed and Imported by: Bumble Bee Trading”; “PFLY2221-05PA”;  
5 “UPC 4806511315734”.

6 38. Herring contains Lead.

7 39. Defendants knew or should have known that Lead has been identified by the State of  
8 California as a chemical known to cause cancer, and reproductive toxicity and therefore  
9 was subject to Proposition 65 warning requirements. Defendants were also informed of  
10 the presence of Lead in Herring within Plaintiff’s notice of alleged violations further  
11 discussed above at Paragraph 19b.

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

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

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

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

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

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

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

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1 **THIRD CAUSE OF ACTION**

2 **(By CONSUMER ADVOCACY GROUP, INC. and against BUMBLE BEE,**  
3 **TAKARI, and DOES 21-30 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 **Seafood Products III**

7 47. Plaintiff repeats and incorporates by reference paragraphs 1 through 46 of this complaint  
8 as though fully set forth herein.

9 48. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
10 distributor, promoter, or retailer of Jeprox Fish (“Jeprox Fish”), including but not limited  
11 to “Takari”; “Oven Dried Jeprox Fish (Smelt Fish)”; “Premium Quality”; “Masarap”;  
12 “Wild Caught From The Indian Ocean”; “Net Wt. 5.3 oz (150 g)”; “Distributed By:  
13 Takari International Inc.”; “Product of Indonesia”; “JP12O1038”; “UPC  
14 723751711383”.

15 49. Jeprox Fish contains Lead.

16 50. 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 Jeprox Fish within Plaintiff’s notice of alleged violations further  
20 discussed above at Paragraph 19c.

21 51. Plaintiff’s allegations regarding Jeprox Fish 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)*. Jeprox Fish 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 52. Plaintiff is informed, believes, and thereon alleges that between July 12, 2020 and the  
28 present, each of the Defendants knowingly and intentionally exposed California  
consumers and users of Jeprox Fish, which Defendants manufactured, distributed, or sold

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

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

21 54. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of  
22 Proposition 65 as to Jeprox Fish 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 Jeprox  
25 Fish, so that a separate and distinct violation of Proposition 65 occurred each and every  
26 time a person was exposed to Lead by Jeprox Fish as mentioned herein.

1 55. 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 56. 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 JeproxFish, pursuant to Health  
6 and Safety Code Section 25249.7(b).

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

9  
10 **PRAYER FOR RELIEF**

11 Plaintiff demands against each of the Defendants as follows:

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

17  
18 Dated: October 31, 2023

YEROUSHALMI & YEROUSHALMI\*

19  
20  
21 /s/Reuben Yeroushalmi

22 Reuben Yeroushalmi  
23 Attorneys for Plaintiff,  
24 CONSUMER ADVOCACY GROUP, INC.  
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