

Chad Finke, Executive Officer / Clerk of the Court

By:                     D. Drew                     Deputy

1 Reuben Yeroushalmi (SBN 193981)

2 [reuben@yeroshalmi.com](mailto:reuben@yeroshalmi.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 Attorneys for Plaintiff,

9 CONSUMER ADVOCACY GROUP, INC.

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

11 **COUNTY OF ALAMEDA**

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

14 Plaintiff,

15 v.

16 EASTLAND FOOD CORPORATION, a  
17 Maryland Corporation;  
18 EASTLAND FOOD INTERNATIONAL  
19 CORPORATION, a California Corporation;  
20 and DOES 1-10,

21 Defendants.

CASE NO. 24CV102670

FIRST AMENDED 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)

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1 Plaintiff CONSUMER ADVOCACY GROUP, INC. alleges five causes of action against  
2 defendants EASTLAND FOOD CORPORATION, EASTLAND FOOD INTERNATIONAL  
3 CORPORATION, and DOES 1-10 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 EASTLAND FOOD CORPORATION (“EASTLAND”) is a Maryland  
11 Corporation qualified to do business in Maryland, and doing business in the State of  
12 California at all relevant times herein.
- 13 3. Defendant EASTLAND FOOD INTERNATIONAL CORPORATION (“EASTLAND  
14 INTL”) is a California Corporation qualified to do business in California, and doing  
15 business in the State of California at all relevant times herein.
- 16 4. Plaintiff is presently unaware of the true names and capacities of defendants DOES 1-10,  
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 EASTLAND,  
23 EASTLAND INTL, and DOES 1-10.
- 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 1-10, 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 Alameda because one or more of the instances of  
27 wrongful conduct occurred, and continues to occur, in the County of Alameda and/or  
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1 because Defendants conducted, and continue to conduct, business in the County of  
2 Alameda with respect to the consumer product that is 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 Crispy Sardines,  
4 Seasoned Squid of exposing, knowingly and intentionally, persons in California to Lead  
5 and Lead Compounds, Cadmium and Cadmium Compounds, of such products without  
6 first providing clear and reasonable warnings of such to the exposed persons prior to the  
7 time of exposure. 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 19. On May 1, 1997, the Governor of California added Cadmium to the list of chemicals  
22 known to the State to cause developmental and reproductive toxicity (*Cal. Code Regs.*  
23 tit. 27, § 27001(c)). Cadmium is known to the State to cause developmental, and male  
24 reproductive toxicity. Pursuant to Health and Safety Code Sections 25249.9 and  
25 25249.10, twenty (20) months after addition of Cadmium to the list of chemicals known  
26 to the State to cause developmental and reproductive toxicity, Cadmium became fully  
27 subject to Proposition 65 warning requirements and discharge prohibitions.

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**SATISFACTION OF PRIOR NOTICE**

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

- a. On or about December 12, 2023, Plaintiff gave notice of alleged violations of Health and Safety Code Section 25249.6, concerning consumer products exposures subject to a private action to EASTLAND, EASTLAND INTL, and to the California Attorney General, County District Attorneys, and City Attorneys for each city containing a population of at least 750,000 people in whose jurisdictions the violations allegedly occurred, concerning the Crispy Sardines.
- b. On or about October 4, 2024, Plaintiff gave notice of alleged violations of Health and Safety Code Section 25249.6, concerning consumer products exposures subject to a private action to EASTLAND, EASTLAND INTL, and to the California Attorney General, County District Attorneys, and City Attorneys for each city containing a population of at least 750,000 people in whose jurisdictions the violations allegedly occurred, concerning the Seasoned Squid.
- c. On or about October 11, 2024, Plaintiff gave notice of alleged violations of Health and Safety Code Section 25249.6, concerning consumer products exposures subject to a private action to EASTLAND, EASTLAND INTL, and to the California Attorney General, County District Attorneys, and City Attorneys for each city containing a population of at least 750,000 people in whose jurisdictions the violations allegedly occurred, concerning the Seasoned Squid.
- d. On or about October 16, 2024, Plaintiff gave notice of alleged violations of Health and Safety Code Section 25249.6, concerning consumer products exposures subject to a private action to EASTLAND, EASTLAND INTL, and to the California Attorney General, County District Attorneys, and City Attorneys for each city containing a population of at least 750,000 people in whose jurisdictions the violations allegedly occurred, concerning the Crispy Sardines.

1 e. On or about October 22, 2024, Plaintiff gave notice of alleged violations of  
2 Health and Safety Code Section 25249.6, concerning consumer products  
3 exposures subject to a private action to EASTLAND, EASTLAND INTL, and to  
4 the California Attorney General, County District Attorneys, and City Attorneys  
5 for each city containing a population of at least 750,000 people in whose  
6 jurisdictions the violations allegedly occurred, concerning the Crispy Sardines.

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

11 22. Plaintiff's notice of alleged violation included a Certificate of Merit executed by the  
12 attorney for the noticing party, CAG. The Certificate of Merit stated that the attorney for  
13 Plaintiff who executed the certificate had consulted with at least one person with relevant  
14 and appropriate expertise who reviewed data regarding the exposures to Lead and  
15 Cadmium, the subject Proposition 65-listed chemical of this action. Based on that  
16 information, the attorney for Plaintiff who executed the Certificate of Merit believed  
17 there was a reasonable and meritorious case for this private action. The attorney for  
18 Plaintiff attached to the Certificate of Merit served on the Attorney General the  
19 confidential factual information sufficient to establish the basis of the Certificate of  
20 Merit.

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

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

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

4 **FIRST CAUSE OF ACTION**

5 (By CONSUMER ADVOCACY GROUP, INC. and against EASTLAND,  
6 EASTLAND INTL, and DOES 1-10 for Violations of Proposition 65, The Safe  
7 Drinking Water and Toxic Enforcement Act of 1986 (*Health & Safety Code, §§*  
8 *25249.5, et seq.*))

9 **Seafood Snacks I**

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

12 27. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
13 distributor, promoter, or retailer of Crispy Sardines (“Crispy Sardines I”), including but  
14 not limited to “CHAOLAY”; “Crispy White Sardine”; “Net. WT. 3.53 Oz (100g)”;  
15 “PRODUCT OF THAILAND”; “12401101”; “UPC 083737241014”.

16 28. Crispy Sardines I contain Lead.

17 29. Defendants knew or should have known that Lead has been identified by the State of  
18 California as a chemical known to cause cancer, and reproductive toxicity and therefore  
19 was subject to Proposition 65 warning requirements. Defendants were also informed of  
20 the presence of Lead in Crispy Sardines I within Plaintiff’s notice of alleged violations  
21 further discussed above at Paragraph 20a.

22 30. Plaintiff’s allegations regarding Crispy Sardines I concerns “[c]onsumer products  
23 exposure[s],” which “is an exposure that results from a person’s acquisition, purchase,  
24 storage, consumption, or other reasonably foreseeable use of a consumer good, or any  
25 exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, §*  
26 *25602(b)*. Crispy Sardines I are consumer products, and, as mentioned herein, exposures  
27 to Lead took place as a result of such normal and foreseeable consumption and use.

1 31. Plaintiff is informed, believes, and thereon alleges that between October 22, 2021, and  
2 the present, each of the Defendants knowingly and intentionally exposed California  
3 consumers and users of Crispy Sardines I, which Defendants manufactured, distributed,  
4 or sold as mentioned above, to Lead, without first providing any type of clear and  
5 reasonable warning of such to the exposed persons before the time of exposure.

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

18 32. The principal routes of exposure are through ingestion, especially direct (oral) ingestion.  
19 Persons sustain exposures by eating and consuming Crispy Sardines I.

20 33. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of  
21 Proposition 65 as to Crispy Sardines I have been ongoing and continuous, as Defendants  
22 engaged and continue to engage in conduct which violates Health and Safety Code  
23 Section 25249.6, including the manufacture, distribution, promotion, and sale of Crispy  
24 Sardines I, so that a separate and distinct violation of Proposition 65 occurred each and  
25 every time a person was exposed to Lead by Crispy Sardines I as mentioned herein.

1 34. 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 35. 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 Crispy Sardines I, pursuant to  
6 Health and Safety Code Section 25249.7(b).

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

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10 **SECOND CAUSE OF ACTION**

11 **(By CONSUMER ADVOCACY GROUP, INC. and against EASTLAND,  
12 EASTLAND INTL, and DOES 1-10 for Violations of Proposition 65, The Safe  
13 Drinking Water and Toxic Enforcement Act of 1986 (Health & Safety Code, §§  
14 25249.5, et seq.))**

15 **Seafood Snacks II**

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

18 38. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
19 distributor, promoter, or retailer of Crispy Sardines (“Crispy Sardines II”).

20 39. Crispy Sardines II contain Lead.

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

26 41. Plaintiff’s allegations regarding Crispy Sardines II 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). Crispy Sardines II are consumer products, and, as mentioned herein,  
2 exposures to Lead took place as a result of such normal and foreseeable consumption and  
3 use.

4 42. Plaintiff is informed, believes, and thereon alleges that between October 22, 2021, and  
5 the present, each of the Defendants knowingly and intentionally exposed California  
6 consumers and users of Crispy Sardines II, which Defendants manufactured, distributed,  
7 or sold as mentioned above, to Lead, without first providing any type of clear and  
8 reasonable warning of such to the exposed persons before the time of exposure.

9 Defendants have distributed and sold Crispy Sardines II in California. Defendants know  
10 and intend that California consumers will use and consume Crispy Sardines II, thereby  
11 exposing them to Lead. Further, Plaintiff is informed, believes, and thereon alleges that  
12 Defendants are selling Crispy Sardines II under a brand or trademark that is owned or  
13 licensed by the Defendants or an entity affiliated thereto; have knowingly introduced  
14 Lead into Crispy Sardines II or knowingly caused Lead to be created in Crispy Sardines  
15 II; have covered, obscured or altered a warning label that has been affixed to Crispy  
16 Sardines II by the manufacturer, producer, packager, importer, supplier or distributor of  
17 Crispy Sardines II; have received a notice and warning materials for exposure from  
18 Crispy Sardines II without conspicuously posting or displaying the warning materials;  
19 and/or have actual knowledge of potential exposure to Lead from Crispy Sardines II .  
20 Defendants thereby violated Proposition 65.

21 43. The principal routes of exposure are through ingestion, especially direct (oral) ingestion.  
22 Persons sustain exposures by eating and consuming Crispy Sardines II.

23 44. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of  
24 Proposition 65 as to Crispy Sardines II have been ongoing and continuous, as Defendants  
25 engaged and continue to engage in conduct which violates Health and Safety Code  
26 Section 25249.6, including the manufacture, distribution, promotion, and sale of Crispy  
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- 1 Sardines II, so that a separate and distinct violation of Proposition 65 occurred each and  
2 every time a person was exposed to Lead by Crispy Sardines II as mentioned herein.
- 3 45. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65  
4 mentioned herein is ever continuing. Plaintiff further alleges and believes that the  
5 violations alleged herein will continue to occur into the future.
- 6 46. Based on the allegations herein, Defendants are liable for civil penalties of up to  
7 \$2,500.00 per day per individual exposure to Lead from Crispy Sardines II, pursuant to  
8 Health and Safety Code Section 25249.7(b).
- 9 47. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to  
10 filing this Complaint.

11 **THIRD CAUSE OF ACTION**

12 **(By CONSUMER ADVOCACY GROUP, INC. and against EASTLAND,**  
13 **EASTLAND INTL, and DOES 1-10 for Violations of Proposition 65, The Safe**  
14 **Drinking Water and Toxic Enforcement Act of 1986 (Health & Safety Code, §§**  
15 **25249.5, et seq.))**

16 **Seafood Snacks III**

- 17 48. Plaintiff repeats and incorporates by reference paragraphs 1 through 47 of this complaint  
18 as though fully set forth herein.
- 19 49. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
20 distributor, promoter, or retailer of Crispy Sardines (“Crispy Sardines III”), identified as:  
21 “CHAOLAY” “Crispy White Sardine”; “MFG date: SEP/30/2023 129”; “Best Before:  
22 SEP/30/2024”; “Distributed in USA by EASTLAND Food Corporation”; “UPC 0 83737  
23 24104 5”.
- 24 50. Crispy Sardines III contain Lead.
- 25 51. Defendants knew or should have known that Lead has been identified by the State of  
26 California as a chemical known to cause cancer, and reproductive toxicity and therefore  
27 was subject to Proposition 65 warning requirements. Defendants were also informed of  
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1 the presence of Lead in Crispy Sardines III within Plaintiff's notice of alleged violations  
2 further discussed above at Paragraph 20d.

3 52. Plaintiff's allegations regarding Crispy Sardines III 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)*. Crispy Sardines III are consumer products, and, as mentioned herein,  
8 exposures to Lead took place as a result of such normal and foreseeable consumption and  
9 use.

10 53. Plaintiff is informed, believes, and thereon alleges that between October 16, 2021, and  
11 the present, each of the Defendants knowingly and intentionally exposed California  
12 consumers and users of Crispy Sardines III, which Defendants manufactured, distributed,  
13 or sold as mentioned above, to Lead, without first providing any type of clear and  
14 reasonable warning of such to the exposed persons before the time of exposure.  
15 Defendants have distributed and sold Crispy Sardines III in California. Defendants  
16 know and intend that California consumers will use and consume Crispy Sardines III,  
17 thereby exposing them to Lead. Further, Plaintiff is informed, believes, and thereon  
18 alleges that Defendants are selling Crispy Sardines III under a brand or trademark that is  
19 owned or licensed by the Defendants or an entity affiliated thereto; have knowingly  
20 introduced Lead into Crispy Sardines III or knowingly caused Lead to be created in  
21 Crispy Sardines III; have covered, obscured or altered a warning label that has been  
22 affixed to Crispy Sardines III by the manufacturer, producer, packager, importer,  
23 supplier or distributor of Crispy Sardines III; have received a notice and warning  
24 materials for exposure from Crispy Sardines III without conspicuously posting or  
25 displaying the warning materials; and/or have actual knowledge of potential exposure to  
26 Lead from Crispy Sardines III. Defendants thereby violated Proposition 65.

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1 54. The principal routes of exposure are through ingestion, especially direct (oral) ingestion.  
2 Persons sustain exposures by eating and consuming Crispy Sardines III.

3 55. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of  
4 Proposition 65 as to Crispy Sardines III have been ongoing and continuous, as  
5 Defendants engaged and continue to engage in conduct which violates Health and Safety  
6 Code Section 25249.6, including the manufacture, distribution, promotion, and sale of  
7 Crispy Sardines III , so that a separate and distinct violation of Proposition 65 occurred  
8 each and every time a person was exposed to Lead by Crispy Sardines III as mentioned  
9 herein.

10 56. 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 57. 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 from Crispy Sardines III, pursuant to  
15 Health and Safety Code Section 25249.7(b).

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

18 **FOURTH CAUSE OF ACTION**

19 **(By CONSUMER ADVOCACY GROUP, INC. and against EASTLAND,**  
20 **EASTLAND INTL, and DOES 1-10 for Violations of Proposition 65, The Safe**  
21 **Drinking Water and Toxic Enforcement Act of 1986 (*Health & Safety Code, §§***  
22 ***25249.5, et seq.*))**

23 **Seafood Snacks IV**

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

26 60. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
27 distributor, promoter, or retailer of Seasoned Squid ("Seasoned Squid I").

28 61. Seasoned Squid I contains Cadmium.

1 62. Defendants knew or should have known that Cadmium has been identified by the State  
2 of California as a chemical known to cause reproductive and developmental toxicity and  
3 therefore was subject to Proposition 65 warning requirements. Defendants were also  
4 informed of the presence of Cadmium in Seasoned Squid I within Plaintiff's notice of  
5 alleged violations further discussed above at Paragraph 20c.

6 63. Plaintiff's allegations regarding Seasoned Squid I concerns "[c]onsumer products  
7 exposure[s]," which "is an exposure that results from a person's acquisition, purchase,  
8 storage, consumption, or other reasonably foreseeable use of a consumer good, or any  
9 exposure that results from receiving a consumer service." *Cal. Code Regs. tit. 27, §*  
10 *25602(b)*. Seasoned Squid I are consumer products, and, as mentioned herein, exposures  
11 to Cadmium took place as a result of such normal and foreseeable consumption and use.

12 64. Plaintiff is informed, believes, and thereon alleges that between October 11, 2021, and  
13 the present, each of the Defendants knowingly and intentionally exposed California  
14 consumers and users of Seasoned Squid I, which Defendants manufactured, distributed,  
15 or sold as mentioned above, to Cadmium, without first providing any type of clear and  
16 reasonable warning of such to the exposed persons before the time of exposure.  
17 Defendants have distributed and sold Seasoned Squid I in California. Defendants know  
18 and intend that California consumers will use and consume Seasoned Squid I, thereby  
19 exposing them to Cadmium. Further, Plaintiff is informed, believes, and thereon alleges  
20 that Defendants are selling Seasoned Squid I under a brand or trademark that is owned or  
21 licensed by the Defendants or an entity affiliated thereto; have knowingly introduced  
22 Cadmium into Seasoned Squid I or knowingly caused Cadmium to be created in  
23 Seasoned Squid I; have covered, obscured or altered a warning label that has been  
24 affixed to Seasoned Squid I by the manufacturer, producer, packager, importer, supplier  
25 or distributor of Seasoned Squid I; have received a notice and warning materials for  
26 exposure from Seasoned Squid I without conspicuously posting or displaying the  
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1 warning materials; and/or have actual knowledge of potential exposure to Cadmium  
2 from Seasoned Squid I. Defendants thereby violated Proposition 65.

3 65. The principal routes of exposure are through ingestion, especially direct (oral) ingestion.  
4 Persons sustain exposures by eating and consuming Seasoned Squid I.

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

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

15 68. Based on the allegations herein, Defendants are liable for civil penalties of up to  
16 \$2,500.00 per day per individual exposure to Cadmium from Seasoned Squid I, pursuant  
17 to Health and Safety Code Section 25249.7(b).

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

20  
21 **FIFTH CAUSE OF ACTION**

22 **(By CONSUMER ADVOCACY GROUP, INC. and against EASTLAND,  
23 EASTLAND INTL, and DOES 1-10 for Violations of Proposition 65, The Safe  
24 Drinking Water and Toxic Enforcement Act of 1986 (Health & Safety Code, §§  
25 25249.5, et seq.))**

26 **Seafood Snacks V**

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

1 71. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
2 distributor, promoter, or retailer of Seasoned Squid (“Seasoned Squid II”), identified as:  
3 “Mr. Squid”; “Rolled Seasoned Squid”; “MFG: NOV 06 2023”; “BBE: NOV 06 2024”;  
4 “Distributed by: Eastland Food Corporation”; “Manufactured by: T. Thai Snack Foods  
5 Co., Ltd.”; “UPC 8 852861 002011”.

6 72. Seasoned Squid II contains Cadmium.

7 73. Defendants knew or should have known that Cadmium has been identified by the State  
8 of California as a chemical known to cause reproductive and developmental toxicity and  
9 therefore was subject to Proposition 65 warning requirements. Defendants were also  
10 informed of the presence of Cadmium in Seasoned Squid II within Plaintiff’s notice of  
11 alleged violations further discussed above at Paragraph 20b.

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

19 75. Plaintiff is informed, believes, and thereon alleges that between October 4, 2021, and the  
20 present, each of the Defendants knowingly and intentionally exposed California  
21 consumers and users of Seasoned Squid II, which Defendants manufactured, distributed,  
22 or sold as mentioned above, to Cadmium, without first providing any type of clear and  
23 reasonable warning of such to the exposed persons before the time of exposure.

24 Defendants have distributed and sold Seasoned Squid II in California. Defendants know  
25 and intend that California consumers will use and consume Seasoned Squid II , thereby  
26 exposing them to Cadmium. Further, Plaintiff is informed, believes, and thereon alleges  
27 that Defendants are selling Seasoned Squid II under a brand or trademark that is owned  
28

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

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

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

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

21 79. Based on the allegations herein, Defendants are liable for civil penalties of up to  
22 \$2,500.00 per day per individual exposure to Cadmium from Seasoned Squid II,  
23 pursuant to Health and Safety Code Section 25249.7(b).

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

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**PRAYER FOR RELIEF**

Plaintiff demands against each of the Defendants as follows:

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

Dated: March 3, 2025

YEROUSHALMI & YEROUSHALMI\*

/s/ Reuben Yeroushalmi

Reuben Yeroushalmi  
Attorneys for Plaintiff,  
CONSUMER ADVOCACY GROUP, INC.