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2. California has identified and listed lead as a chemical known to cause cancer as early as on or about October 1, 1992, and as a chemical known to cause developmental/reproductive toxicity on or about February 27, 1987.

3. Defendants have failed to sufficiently warn consumers and

1 individuals in California about potential exposure to lead in  
2 connection with Defendants' manufacture and/or import, and/or  
3 sale, and/or distribution of Products in violation of  
4 Proposition 65.

5 4. Plaintiff seeks injunctive relief compelling Defendants  
6 to sufficiently warn consumers in California before exposing  
7 them to lead in Products (Health & Safety Code Section  
8 25249.7(a)). Plaintiff also seeks civil penalties against  
9 Defendants for their violations of Proposition 65 along with  
10 reasonable attorney's fees and legal costs (Health & Safety Code  
11 Section 25249.7(b)).

#### 12 **PARTIES**

13 5. Plaintiff CPA is an LLC operating in the State  
14 of California dedicated to protecting the health of California  
15 citizens through the elimination or reduction of toxic exposure  
16 from consumer products. It brings this action in the public  
17 interest pursuant to Health & Safety Code Section 25249.7.

18 6. Defendants Brothers International Food Corporation and  
19 Brothers International Food, New York, are business entities  
20 that either manufacture and/or import, and/or sell and/or  
21 distribute Products in Los Angeles County and throughout the  
22 State of California, within the meaning of Health & Safety Code  
23 Section 25249.11.  
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1 7. Defendants DOES 1 through 100, inclusive, are sued  
2 herein under fictitious names. Their true names and capacities  
3 are unknown to Plaintiff. When their true names and capacities  
4 are ascertained, plaintiff will amend this complaint by  
5 inserting their true names and capacities herein. Plaintiff is  
6 informed and believes and thereon alleges, that each of the  
7 fictitiously named defendants is responsible in some manner for  
8 the occurrences alleged in this complaint and that Plaintiff's  
9 damages as alleged in this complaint were proximately caused by  
10 such defendants.  
11

12 8. Plaintiff is informed and believes and thereon  
13 alleges, that at all times alleged in this complaint, each  
14 defendant was the agent, alter ego, servant, joint venturer,  
15 joint employer and/or employee, of each of the remaining  
16 defendants, and in doing the things hereinafter alleged, was  
17 acting within the course and scope of said relationships and  
18 with the permission and consent of all other co-defendants. All  
19 conduct was also ratified by Defendants and each of them.  
20

#### 21 JURISDICTION AND VENUE

22 9. California Constitution Article VI, Section 10, grants  
23 the Superior Court original jurisdiction in all cases except  
24 those given by statute to other trial courts. The Health and  
25 Safety Code statutes upon which this action is based do not give  
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1 jurisdiction to any other Court. As such, this Court has  
2 jurisdiction over this action.

3 10. Venue is proper in Los Angeles County Superior Court  
4 pursuant to Code of Civil Procedure Sections 394, 395 and 395.5  
5 as wrongful conduct as alleged in this complaint has occurred  
6 and continues to occur in this County.

7 11. Defendants have sufficient minimum contacts in the  
8 State of California or otherwise purposefully avail themselves  
9 of the California market. Exercising jurisdiction over  
10 Defendants would therefore be consistent with traditional  
11 notions of fair play and substantial justice.  
12

13 **CAUSES OF ACTION**

14 **FIRST CAUSE OF ACTION**

15 **(Violation of Proposition 65 - Against all Defendants**

16  
17 12. Plaintiff incorporates by reference herein, each and  
18 every allegation set forth above in this complaint.

19 13. Proposition 65 mandates that California citizens be  
20 informed about exposures to chemicals that cause cancer, birth  
21 defects, and other reproductive harm.  
22

23 14. More than sixty days prior to the filing of this  
24 lawsuit naming each Defendant, Plaintiff issued a 60-Day Notice  
25 Of Violation for Freeze Dried Strawberry Fruit Crisps as  
26 Required by and in compliance with Proposition 65. Plaintiff  
27 provided said Notice to the various required public enforcement  
28

1 agencies along with a Certificate of Merit. The Notice alleged  
2 that Defendants violated Proposition 65 by failing to  
3 sufficiently warn consumers in California of the health hazards  
4 associated with exposure to lead in their products.

5 15. The appropriate public enforcement agencies provided  
6 with the Notice failed to commence and diligently prosecute a  
7 cause of action against Defendants.

8 16. At all times relevant herein, Defendants manufactured  
9 and/or imported and/or sold and/or distributed the Product,  
10 described above in this complaint, containing lead in violation  
11 of Health and Safety Code Sections 25249.6 et. seq. Plaintiff is  
12 informed and believes and thereon alleges that such violation  
13 has continued after receipt of the Notice described above and  
14 such conduct will continue to occur into the future.

15 17. In manufacturing, and/or importing, and/or selling  
16 and/or distributing the Product, Defendants failed to provide a  
17 clear and reasonable warning to consumers in the State of  
18 California who may be exposed to lead through reasonably  
19 foreseeable use of the Product.

20 18. The Product exposed individuals to lead through direct  
21 ingestion of the product described above in this complaint. This  
22 exposure is a natural and foreseeable consequence of Defendants  
23 placing the Product into the stream of commerce.  
24  
25  
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1 As such, Defendants intend that consumers will ingest said  
2 Product, exposing them to lead.

3 19. Defendants knew or should have known that their  
4 Product contained lead and exposed individuals to lead as  
5 described above in this complaint. Also, the Notice described  
6 above in this complaint informed Defendants of the presence of  
7 lead in their product. Likewise, media coverage concerning lead  
8 and related chemicals in their product provided "Constructive  
9 Notice" to Defendants. Defendants' actions, therefore, were  
10 deliberate and not accidental.  
11

12 20. Individuals exposed to lead contained in  
13 Defendants' Product through direct ingestion resulting from  
14 reasonably foreseeable use of the Product have suffered and  
15 continue to suffer irreparable harm. There is no other plain,  
16 speedy or adequate remedy at law other than the relief requested  
17 in this complaint.  
18

19 21. Defendants are liable for a maximum civil penalty of  
20 \$2,500.00 per day for each violation of Proposition 65 pursuant  
21 to Health and Safety Code Section 252497(b). Injunctive relief  
22 is also appropriate pursuant to Health and Safety Code Section  
23 25249.7(a).  
24

25 **PRAYER FOR RELIEF**

26 Wherefore, Plaintiff prays for judgment against Defendants,  
27 and each of them, as follows:  
28

1 1. Civil penalties in the amount of \$2,500.00 per day for  
2 each violation of the law as described above in this complaint.  
3 Plaintiff alleges that damages total a minimum of \$1,000,000.00;

4 2. A preliminary and permanent injunction against  
5 Defendants from manufacturing, and/or importing, and/or selling  
6 and/or distributing Products in California without providing a  
7 clear and reasonable warning as required by Proposition 65 and  
8 related regulations;

9 3. Reasonable attorney's fees and costs of suit;

10 4. Pre-Judgement interest as allowed by law; and

11 5. Such other and further relief as may be just and proper.

12 Respectfully Submitted:

13 Dated: March 4, 2025

CLIFFWOOD LAW FIRM,

14 By:

15 

16 Elham Shabatian

17 Attorney for Plaintiff

18 Clean Product Advocates LLC