

1 Reuben Yeroushalmi (SBN 193981)  
2 [reuben@yerausalmi.com](mailto:reuben@yerausalmi.com)  
3 **YERUSHALMI & YERUSHALMI\***  
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 LOS ANGELES**

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

15 v.

16 THE KROGER CO., an Ohio Corporation;  
17 RALPHS GROCERY COMPANY, an Ohio  
18 Corporation;  
19 and DOES 1-30,  
20 Defendants.

21 CASE NO. **24STCV20199**  
22 COMPLAINT FOR PENALTY AND  
23 INJUNCTION

24 Violation of Proposition 65, the Safe  
25 Drinking Water and Toxic Enforcement  
26 Act of 1986 (*Health & Safety Code, §*  
27 *25249.5, et seq.*)

28 ACTION IS AN UNLIMITED CIVIL  
CASE (exceeds \$25,000)

Plaintiff CONSUMER ADVOCACY GROUP, INC. alleges three causes of action  
against defendants THE KROGER CO.; RALPHS GROCERY COMPANY and DOES 1-30 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 THE KROGER CO., (“KROGER”) is an Ohio Corporation, qualified to do business in the State of California, and doing business in the State of California at all relevant times herein.
3. Defendant RALPHS GROCERY COMPANY, (“RALPHS”) is an Ohio Corporation, qualified to do business in the State of California, and doing business in the State of California at all relevant times herein.
4. Plaintiff is presently unaware of the true names and capacities of defendants DOES 1-30, 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.
5. At all times mentioned herein, the term “Defendants” includes KROGER, RALPHS and DOES 1-30.
6. 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.
7. Upon information and belief, at all times relevant to this action, each of the Defendants, including DOES 1-30, 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

1 the other Defendants. All actions of each of the Defendants alleged in this Complaint  
2 were ratified and approved by every other Defendant or their officers or managing  
3 agents. Alternatively, each of the Defendants aided, conspired with and/or facilitated the  
4 alleged wrongful conduct of each of the other Defendants.

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

9 **JURISDICTION**

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

27 **BACKGROUND AND PRELIMINARY FACTS**

- 1 12. In 1986, California voters approved an initiative to address growing concerns about  
2 exposure to toxic chemicals and declared their right “[t]o be informed about exposures to  
3 chemicals that cause cancer, birth defects, or other reproductive harm.” Ballot Pamp.,  
4 Proposed Law, Gen. Elec. (Nov. 4, 1986) at p. 3. The initiative, The Safe Drinking  
5 Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code Sections  
6 25249.5, *et seq.* (“Proposition 65”), helps to protect California’s drinking water sources  
7 from contamination, to allow consumers to make informed choices about the products  
8 they buy, and to enable persons to protect themselves from toxic chemicals as they see  
9 fit.
- 10 13. Proposition 65 requires the Governor of California to publish a list of chemicals known  
11 to the state to cause cancer, birth defects, or other reproductive harm. *Health & Safety*  
12 *Code* § 25249.8. The list, which the Governor updates at least once a year, contains over  
13 700 chemicals and chemical families. Proposition 65 imposes warning requirements and  
14 other controls that apply to Proposition 65-listed chemicals.
- 15 14. All businesses with ten (10) or more employees that operate or sell products in California  
16 must comply with Proposition 65. Under Proposition 65, businesses are: (1) prohibited  
17 from knowingly discharging Proposition 65-listed chemicals into sources of drinking  
18 water (*Health & Safety Code* § 25249.5), and (2) required to provide “clear and  
19 reasonable” warnings before exposing a person, knowingly and intentionally, to a  
20 Proposition 65-listed chemical (*Health & Safety Code* § 25249.6).
- 21 15. Proposition 65 provides that any person "violating or threatening to violate" the statute  
22 may be enjoined in any court of competent jurisdiction. *Health & Safety Code* §  
23 25249.7. "Threaten to violate" means "to create a condition in which there is a  
24 substantial probability that a violation will occur." *Health & Safety Code* § 25249.11(e).  
25 Defendants are also liable for civil penalties of up to \$2,500.00 per day per violation,  
26 recoverable in a civil action. *Health & Safety Code* § 25249.7(b).

- 1 16. Plaintiff identified certain practices of manufacturers and distributors of food products of  
2 exposing, knowingly and intentionally, persons in California to Lead and Lead  
3 Compounds, Cadmium and Cadmium Compounds, of such products without first  
4 providing clear and reasonable warnings of such to the exposed persons prior to the time  
5 of exposure. Plaintiff later discerned that Defendants engaged in such practice.
- 6 17. On October 1, 1992 the Governor of California added Lead and Lead Compounds  
7 (“Lead”) to the list of chemicals known to the State to cause cancer (*Cal. Code Regs.* tit.  
8 27, § 27001(b)). Pursuant to Health and Safety Code Sections 25249.9 and 25249.10,  
9 twenty (20) months after addition of Lead to the list of chemicals known to the State to  
10 cause cancer, Lead became fully subject to Proposition 65 warning requirements and  
11 discharge prohibitions.
- 12 18. On February 27, 1987, the Governor of California added Lead to the list of chemicals  
13 known to the State to cause developmental and reproductive toxicity (*Cal. Code Regs.*  
14 tit. 27, § 27001(c)). Lead is known to the State to cause developmental, female, and  
15 male reproductive toxicity. Pursuant to Health and Safety Code Sections 25249.9 and  
16 25249.10, twenty (20) months after addition of Lead to the list of chemicals known to  
17 the State to cause developmental and reproductive toxicity, Lead became fully subject to  
18 Proposition 65 warning requirements and discharge prohibitions.
- 19 19. On October 1, 1987, the Governor of California added Cadmium and Cadmium  
20 Compounds (“Cadmium”) to the list of chemicals known to the State to cause cancer  
21 (*Cal. Code Regs.* tit. 27, § 27001(b)). Pursuant to Health and Safety Code Sections  
22 25249.9 and 25249.10, twenty (20) months after addition of Cadmium to the list of  
23 chemicals known to the State to cause cancer, Cadmium became fully subject to  
24 Proposition 65 warning requirements and discharge prohibitions.
- 25 20. On May 1, 1997, the Governor of California added Cadmium to the list of chemicals  
26 known to the State to cause developmental and reproductive toxicity (*Cal. Code Regs.*  
27 tit. 27, § 27001(c)). Cadmium is known to the State to cause developmental, and male  
28

1 reproductive toxicity. Pursuant to Health and Safety Code Sections 25249.9 and  
2 25249.10, twenty (20) months after addition of Cadmium to the list of chemicals known  
3 to the State to cause developmental and reproductive toxicity, Cadmium became fully  
4 subject to Proposition 65 warning requirements and discharge prohibitions.

5 **SATISFACTION OF PRIOR NOTICE**

6 21. 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 July 28, 2023, Plaintiff gave notice of alleged violations of Health  
9 and Safety Code Section 25249.6, concerning consumer products exposures  
10 subject to a private action to KROGER, RALPHS, 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 Roasted Seaweed I.
- 14 b. On or about July 28, 2023, Plaintiff gave notice of alleged violations of Health  
15 and Safety Code Section 25249.6, concerning consumer products exposures  
16 subject to a private action to KROGER, RALPHS, 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 Roasted Seaweed II.
- 20 c. On or about March 11, 2024, 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 KROGER, 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 Ground Cinnamon.
- 26 d. On or about March 21, 2024, 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 KROGER, 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 Ground Cinnamon.

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

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

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

22 25. Plaintiff is commencing this action more than sixty (60) days from the dates that Plaintiff  
23 gave notice of the alleged violations to KROGER, RALPHS, and the public prosecutors  
24 referenced in Paragraph 21.

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

28

1 **FIRST CAUSE OF ACTION**

2 **(By CONSUMER ADVOCACY GROUP, INC. and against RALPHS, KROGER,**  
3 **and DOES 1-10 for Violations of Proposition 65, The Safe Drinking Water and**  
4 **Toxic Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

5 **Seaweed I**

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

8 28. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
9 distributor, promoter, or retailer of Roasted Seaweed Snack (“Roasted Seaweed I”),  
10 including but not limited to: “SeaSnax”; “Strangely Addictive!”; “Barbecue”; “Organic  
11 Roasted Seaweed Snack”; “Net Wt. 10 g (0.36 oz)”; “Big. Grande”; “10.13.2023”;  
12 “Product of Korea”; “SS-BGO-BBQ”; “UPC 811201020052”.

13 29. Roasted Seaweed I contains Cadmium.

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

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

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



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

14 33. The principal routes of exposure are through ingestion, especially direct (oral) ingestion.  
15 Persons sustain exposures by eating and consuming Roasted Seaweed I.

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

23 35. 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.  
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27  
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1 36. Based on the allegations herein, Defendants are liable for civil penalties of up to  
2 \$2,500.00 per day per individual exposure to Cadmium from Roasted Seaweed I,  
3 pursuant to Health and Safety Code Section 25249.7(b).

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

6  
7 **SECOND CAUSE OF ACTION**

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

11 **Seaweed II**

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

14 39. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
15 distributor, promoter, or retailer of Roasted Seaweed Snack (“Roasted Seaweed II”),  
16 including but not limited to: “SeaSnax”; “Strangely Addictive!”; “Wasabi”; “Net Wt. 10  
17 g (0.36 oz)”; “Big. Grande”; “10.19.2023”; “Product of Korea”; “SS-BGO-WASABI”;  
18 “UPC 811201020045”.

19 40. Roasted Seaweed II contains Cadmium.

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

25 42. Plaintiff's allegations regarding Roasted Seaweed II concerns “[c]onsumer products  
26 exposure[s],” which “is an exposure that results from a person's acquisition, purchase,  
27 storage, consumption, or other reasonably foreseeable use of a consumer good, or any  
28 exposure that results from receiving a consumer service.” *Cal. Code Regs.* tit. 27, §  
25602(b). Roasted Seaweed II is consumer products, and, as mentioned herein,

1 exposures to Cadmium took place as a result of such normal and foreseeable  
2 consumption and use.

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

20 44. The principal routes of exposure are through ingestion, especially direct (oral) ingestion.  
21 Persons sustain exposures by eating and consuming Roasted Seaweed II.

22 45. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of  
23 Proposition 65 as to Roasted Seaweed II have been ongoing and continuous, as  
24 Defendants engaged and continue to engage in conduct which violates Health and Safety  
25 Code Section 25249.6, including the manufacture, distribution, promotion, and sale of  
26 Roasted Seaweed II, so that a separate and distinct violation of Proposition 65 occurred  
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1 each and every time a person was exposed to Cadmium by Roasted Seaweed II as  
2 mentioned herein.

3 46. 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 47. Based on the allegations herein, Defendants are liable for civil penalties of up to  
7 \$2,500.00 per day per individual exposure to Cadmium from Roasted Seaweed II,  
8 pursuant to Health and Safety Code Section 25249.7(b).

9 48. 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 RALPHS, and DOES**  
13 **21-30 for Violations of Proposition 65, The Safe Drinking Water and Toxic**  
14 **Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*)**

15 **Spices**

16 49. Plaintiff repeats and incorporates by reference paragraphs 1 through 48 of this complaint  
17 as though fully set forth herein.

18 50. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
19 distributor, promoter, or retailer of Ground Cinnamon, identified as: “smart way”;  
20 “ground cinnamon”; “saving in the right direction”; “NET WT 1.94 OZ (55g)”;  
21 “DISTRIBUTED BY THE KROGER CO.”; “BEST IF USED BY 21:12 JUN 19 26  
22 PSI”; “87-3557”; “UPC 011110117489”.

23 51. The scope of this cause of action is limited to the best by date: June 19, 2026.

24 52. Ground Cinnamon contains Lead.

25 53. 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  
28

1 the presence of Lead in Ground Cinnamon within Plaintiff's notice of alleged violations  
2 further discussed above at Paragraph 21c and 21d.

3 54. Plaintiff's allegations regarding Ground Cinnamon 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)*. Ground Cinnamon is consumer products, and, as mentioned herein, exposures  
8 to Lead took place as a result of such normal and foreseeable consumption and use.

9 55. Plaintiff is informed, believes, and thereon alleges that between March 11, 2021, and the  
10 present, each of the Defendants knowingly and intentionally exposed California  
11 consumers and users of Ground Cinnamon, which Defendants manufactured, distributed,  
12 or sold as mentioned above, to Lead, without first providing any type of clear and  
13 reasonable warning of such to the exposed persons before the time of exposure.

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

25 Defendants thereby violated Proposition 65.

26 56. The principal routes of exposure are through ingestion, especially direct (oral) ingestion.  
27 Persons sustain exposures by eating and consuming Ground Cinnamon.

28

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

8 58. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65  
9 mentioned herein is ever continuing. Plaintiff further alleges and believes that the  
10 violations alleged herein will continue to occur into the future.

11 59. Based on the allegations herein, Defendants are liable for civil penalties of up to  
12 \$2,500.00 per day per individual exposure to Lead from Ground Cinnamon, pursuant to  
13 Health and Safety Code Section 25249.7(b).

14 60. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to  
15 filing this Complaint.

16 **PRAYER FOR RELIEF**

17 Plaintiff demands against each of the Defendants as follows:

- 18 61. A permanent injunction mandating Proposition 65-compliant warnings;  
19 62. Penalties pursuant to Health and Safety Code Section 25249.7, subdivision (b);  
20 63. Costs of suit;  
21 64. Reasonable attorney fees and costs; and  
22 65. Any further relief that the court may deem just and equitable.

23  
24 Dated: August 9, 2024

YEROUSHALMI & YEROUSHALMI\*

25  
26 /s/ Reuben Yeroushalmi  
27 Reuben Yeroushalmi  
28 Attorneys for Plaintiff,  
CONSUMER ADVOCACY GROUP, INC.