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LEXINGTON LAW GROUP, LLP  
Patrick Carey, State Bar No. 308623  
Mary Haley Ousley, State Bar No. 332711  
503 Divisadero Street  
San Francisco, CA 94117  
Telephone: (415) 913-7800  
Facsimile: (415) 759-4112  
pcarey@lexlawgroup.com  
mhousley@lexlawgroup.com

Attorneys for Plaintiff  
CENTER FOR ENVIRONMENTAL HEALTH

ELECTRONICALLY  
**FILED**  
Superior Court of California,  
County of San Francisco  
**05/29/2024**  
Clerk of the Court  
BY: DAEJA ROGERS  
Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN FRANCISCO

CENTER FOR ENVIRONMENTAL HEALTH,  
a non-profit corporation,

Plaintiff,

v.

BRAND BUZZ, LLC, FAMILY DOLLAR, LLC,  
GRUPO AGC LLC, TARGET CORPORATION,  
and DOES 1 through 20, inclusive,

Defendants.

Case No. **CGC-24-615036**

**COMPLAINT FOR INJUNCTIVE  
RELIEF AND CIVIL PENALTIES**

Health & Safety Code § 25249.6, *et seq.*

(Other)

1 Plaintiff Center for Environmental Health, in the public interest, based on information and  
2 belief and investigation of counsel, except for information based on knowledge, hereby makes the  
3 following allegations:

#### 4 **INTRODUCTION**

5 1. This Complaint seeks to remedy Defendants' continuing failure to warn  
6 individuals in California that they are being exposed to coconut oil diethanolamine condensate  
7 (also known as cocamide diethanolamine, coconut diethanolamide, and coconut oil  
8 diethanolamide) (hereinafter, "Cocamide DEA"), a chemical known to the State of California to  
9 cause cancer. Such exposures have occurred, and continue to occur, through the manufacture,  
10 distribution, sale and use of liquid soaps such as hand soap, body wash, and shampoo (the  
11 "Products"). Individuals in California are exposed to Cocamide DEA through ordinary use of the  
12 Products.

13 2. Under California's Proposition 65, Health & Safety Code § 25249.6, *et seq.*, it is  
14 unlawful for businesses to knowingly and intentionally expose individuals in California to  
15 chemicals known to the State to cause cancer without providing clear and reasonable warnings to  
16 such individuals. Defendants introduce Products containing significant quantities of Cocamide  
17 DEA into the California marketplace, thereby exposing consumers of such Products to Cocamide  
18 DEA.

19 3. Despite the fact that Defendants expose individuals to Cocamide DEA, Defendants  
20 provide no clear and reasonable warnings about the carcinogenic hazards associated with  
21 Cocamide DEA exposure. Defendants' conduct thus violates the warning provision of  
22 Proposition 65, Health & Safety Code § 25249.6.

#### 23 **PARTIES**

24 4. Plaintiff CENTER FOR ENVIRONMENTAL HEALTH ("CEH") is a non-profit  
25 corporation dedicated to protecting the public from environmental health hazards and toxic  
26 exposures. CEH is based in Oakland, California and incorporated under the laws of the State of  
27 California. CEH is a "person" within the meaning of Health & Safety Code § 25249.11(a) and  
28 brings this enforcement action in the public interest pursuant to Health & Safety Code §

1 25249.7(d). CEH is a nationally recognized non-profit environmental advocacy group that has  
2 prosecuted a large number of Proposition 65 cases in the public interest. These cases have  
3 resulted in significant public benefit, including the reformulation of millions of products to  
4 remove toxic chemicals and to make them safer. CEH also provides information to Californians  
5 about the health risks associated with exposure to hazardous substances, where manufacturers and  
6 other responsible parties fail to do so.

7 5. Defendant BRAND BUZZ, LLC is a person in the course of doing business within  
8 the meaning of Health & Safety Code § 25249.11. Defendant BRAND BUZZ, LLC  
9 manufactures, distributes and/or sells Products containing Cocamide DEA for sale and use in  
10 California.

11 6. Defendant FAMILY DOLLAR, LLC is a person in the course of doing business  
12 within the meaning of Health & Safety Code § 25249.11. Defendant FAMILY DOLLAR, LLC  
13 manufactures, distributes and/or sells Products containing Cocamide DEA for sale and use in  
14 California.

15 7. Defendant GRUPO AGC LLC is a person in the course of doing business within  
16 the meaning of Health & Safety Code § 25249.11. Defendant GRUPO AGC LLC manufactures,  
17 distributes and/or sells Products containing Cocamide DEA for sale and use in California.

18 8. Defendant TARGET CORPORATION is a person in the course of doing business  
19 within the meaning of Health & Safety Code § 25249.11. Defendant TARGET CORPORATION  
20 manufactures, distributes and/or sells Products containing Cocamide DEA for sale and use in  
21 California.

22 9. DOES 1 through 20 are each a person in the course of doing business within the  
23 meaning of Health & Safety Code § 25249.11. DOES 1 through 20 manufacture, distribute  
24 and/or sell the Products for sale and use in California.

25 10. The true names of DOES 1 through 20 are either unknown to CEH at this time or  
26 the applicable time period before which CEH may file a Proposition 65 action has not run. When  
27 their identities are ascertained or the applicable time period before which CEH may file a  
28 Proposition 65 action has run, the Complaint shall be amended to reflect their true names.



1           17.     On June 22, 2012, the State of California officially listed Cocamide DEA as a  
2 chemical known to cause cancer. On June 22, 2013, one year after it was listed as a chemical  
3 known to cause cancer, Cocamide DEA became subject to the clear and reasonable warning  
4 requirement regarding carcinogens under Proposition 65. 27 California Code of Regulations  
5 (“C.C.R.”) § 27001(b); Health & Safety Code § 25249.10(b).

6           18.     Defendants’ Products contain Cocamide DEA as an intentionally added ingredient.  
7 The Products contain sufficient quantities of Cocamide DEA such that individuals who use the  
8 Products are exposed to Cocamide DEA. The routes of exposure for the violations include  
9 dermal absorption and ingestion by individuals. These exposures occur through the ordinary use  
10 of the Products when, for example, individuals apply the Products to their skin. The exposures  
11 occur in homes, schools, workplaces, and everywhere else throughout California where the  
12 Products are used.

13           19.     No clear and reasonable warning is provided with the Products regarding the  
14 carcinogenic hazards of Cocamide DEA.

15           20.     Any person acting in the public interest has standing to enforce violations of  
16 Proposition 65 provided that such person has supplied the requisite public enforcers with a valid  
17 60-Day Notice of Violation and such public enforcers are not diligently prosecuting the action  
18 within such time. Health & Safety Code § 25249.7(d).

19           21.     More than sixty days prior to naming each Defendant in this lawsuit, CEH  
20 provided a 60-Day “Notice of Violation of Proposition 65” to the California Attorney General, to  
21 the District Attorneys of every county in California, to the City Attorneys of every California city  
22 with a population greater than 750,000, and to each of the named Defendants. In compliance with  
23 Health & Safety Code § 25249.7(d) and 27 C.C.R. § 25903(b), each Notice included the  
24 following information: (1) the name and address of each violator; (2) the statute violated; (3) the  
25 time period during which violations occurred; (4) specific descriptions of the violations, including  
26 (a) the routes of exposure to Cocamide DEA from the Products, and (b) the specific type of  
27 Products sold and used in violation of Proposition 65; and (5) the name of the specific Proposition  
28 65-listed chemical that is the subject of the violations described in each Notice.

1           22.     CEH also sent a Certificate of Merit for each Notice to the California Attorney  
2 General, to the District Attorneys of every county in California, to the City Attorneys of every  
3 California city with a population greater than 750,000, and to each of the named Defendants. In  
4 compliance with Health & Safety Code § 25249.7(d) and 11 C.C.R. § 3101, each Certificate  
5 certified that CEH’s counsel: (1) has consulted with one or more persons with relevant and  
6 appropriate experience or expertise who reviewed facts, studies, or other data regarding the  
7 exposures to Cocamide DEA alleged in each Notice; and (2) based on the information obtained  
8 through such consultations, believes that there is a reasonable and meritorious case for a citizen  
9 enforcement action based on the facts alleged in each Notice. In compliance with Health &  
10 Safety Code § 25249.7(d) and 11 C.C.R. § 3102, each Certificate served on the Attorney General  
11 included factual information – provided on a confidential basis – sufficient to establish the basis  
12 for the Certificate, including the identity of the person(s) consulted by CEH’s counsel and the  
13 facts, studies, or other data reviewed by such persons.

14           23.     None of the public prosecutors with the authority to prosecute violations of  
15 Proposition 65 has commenced and/or is diligently prosecuting a cause of action against  
16 Defendants under Health & Safety Code § 25249.5, *et seq.*, based on the claims asserted in each  
17 of CEH’s Notices.

18           24.     Defendants both know and intend that individuals will use the Products, thus  
19 exposing them to Cocamide DEA.

20           25.     Defendants continue to expose individuals to Cocamide DEA without prior clear  
21 and reasonable warnings regarding the carcinogenic hazards of Cocamide DEA.

22           26.     CEH has engaged in good-faith efforts to resolve the claims alleged herein prior to  
23 filing this Complaint.

24           27.     Any person “violating or threatening to violate” Proposition 65 may be enjoined in  
25 any court of competent jurisdiction. Health & Safety Code § 25249.7. “Threaten to violate” is  
26 defined to mean “to create a condition in which there is a substantial probability that a violation  
27 will occur.” Health & Safety Code § 25249.11(e). Proposition 65 provides for civil penalties not  
28 to exceed \$2,500 per day for each violation of Proposition 65.

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**FIRST CAUSE OF ACTION**  
**(Violations of Health & Safety Code § 25249.6)**

- 28. CEH realleges and incorporates by reference as if specifically set forth herein Paragraphs 1 through 27, inclusive.
- 29. By placing the Products into the stream of commerce, each Defendant is a person in the course of doing business within the meaning of Health & Safety Code § 25249.11.
- 30. Cocamide DEA is a chemical listed by the State of California as known to cause cancer.
- 31. Each Defendant knows that ordinary use of the Products will expose users of their Products to Cocamide DEA. Each Defendant intends that the Products be used in a manner that results in exposures to Cocamide DEA.
- 32. Each Defendant has failed, and continues to fail, to provide clear and reasonable warnings regarding the carcinogenicity of Cocamide DEA to users of the Products.
- 33. By committing the acts alleged above, each Defendant has at all times relevant to this Complaint violated Proposition 65 by knowingly and intentionally exposing individuals to Cocamide DEA without first giving clear and reasonable warnings to such individuals regarding the carcinogenicity of Cocamide DEA.

**PRAYER FOR RELIEF**

Wherefore, CEH prays for judgment against Defendants as follows:

- 1. That the Court, pursuant to Health & Safety Code §25249.7(a), preliminarily and permanently enjoin Defendants from offering the Products that will be sold in California without either reducing the Cocamide DEA levels in their Products such that no Proposition 65 warnings are required or providing prior clear and reasonable warnings, as CEH shall specify in further application to the Court;
- 2. That the Court, pursuant to Health & Safety Code §25249.7(b), assess civil penalties against each Defendant in the amount of \$2,500 per day for each violation of Proposition 65 according to proof;

1           3.       That the Court, pursuant to Health & Safety Code §25249.7(a), order Defendants  
2 to take action to stop ongoing unwarned exposures to Cocamide DEA resulting from the use of  
3 the Products sold by Defendants, as CEH shall specify in further application to the Court;

4           4.       That the Court, pursuant to Code of Civil Procedure §1021.5 or any other  
5 applicable theory, grant CEH its reasonable attorneys’ fees and costs of suit; and

6           5.       That the Court grant such other and further relief as may be just and proper.

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Dated:   May 29, 2024

Respectfully submitted,

LEXINGTON LAW GROUP, LLP



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Patrick Carey  
Mary Haley Ousley  
Attorneys for Plaintiff  
CENTER FOR ENVIRONMENTAL HEALTH