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CENTER FOR ENVIRONMENTAL HEALTH

ELECTRONICALLY
FILED

Superior Court of California,
County of San Francisco

04/17/2025
Clerk of the Court

BY: SAHAR ENAYATI
Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

CENTER FOR ENVIRONMENTAL HEALTH,
a non-profit corporation,

Plaintiff,

v.

HELIX INNOVATIONS LLC; ALTRIA GROUP
DISTRIBUTION COMPANY; PINKERTON
TOBACCO CO. L.P.; SWEDISH MATCH
NORTH AMERICA LLC, and DOES 1 through
50, inclusive,

Defendants.

Case No.

CGC-25-624468
**COMPLAINT FOR INJUNCTIVE
RELIEF AND CIVIL PENALTIES**

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

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 Nicotine, a chemical known to the State of
7 California to cause reproductive harm. This Complaint addresses exposures that have occurred,
8 and continue to occur, through the manufacture, distribution, sale and/or use of Defendants'
9 Nicotine Pouches (the "Products"). Individuals in California are exposed to Nicotine when they
10 place the Products in their mouths.

11 2. Under California's Proposition 65, Health & Safety Code §25249.5, *et seq.*, it is
12 unlawful for businesses to knowingly and intentionally expose individuals in California to
13 chemicals known to the State to cause cancer, birth defects, or other reproductive harm without
14 first providing clear and reasonable warnings to exposed individuals. Defendants introduce the
15 Products containing significant quantities of Nicotine into the California marketplace, thereby
16 exposing those who use the Products to Nicotine.

17 3. Defendants provide no warnings whatsoever about the reproductive toxicity
18 associated with Nicotine exposure. Defendants' conduct thus violates the warning provision of
19 Proposition 65. Health & Safety Code §25249.6.

20 **PARTIES**

21 4. Plaintiff CENTER FOR ENVIRONMENTAL HEALTH ("CEH") is a non-profit
22 corporation dedicated to protecting the public from environmental health hazards and toxic
23 exposures. CEH is based in Oakland, California and incorporated under the laws of the State of
24 California. CEH is a "person" within the meaning of Health & Safety Code §25249.11(a) and
25 brings this enforcement action in the public interest pursuant to Health & Safety Code
26 §25249.7(d). CEH is a nationally recognized non-profit environmental advocacy group that has
27 prosecuted a large number of Proposition 65 cases in the public interest. These cases have
28 resulted in significant public benefits, including the reformulation of millions of products to

1 remove toxic chemicals and to make them safer. CEH also provides information to Californians
2 about the health risks associated with exposure to hazardous substances, where manufacturers and
3 other responsible parties fail to do so.

4 5. Defendant HELIX INNOVATIONS LLC is a person in the course of doing
5 business within the meaning of Health & Safety Code §25249.11. Defendant HELIX
6 INNOVATIONS LLC markets, distributes, licenses, and/or sells Products containing Nicotine for
7 sale or use in California.

8 6. Defendant ALTRIA GROUP DISTRIBUTION COMPANY is a person in the
9 course of doing business within the meaning of Health & Safety Code §25249.11. Defendant
10 ALTRIA GROUP DISTRIBUTION COMPANY markets, distributes, licenses, and/or sells
11 Products containing Nicotine for sale or use in California.

12 7. Defendant PINKERTON TOBACCO CO. L.P. is a person in the course of doing
13 business within the meaning of Health & Safety Code §25249.11. Defendant PINKERTON
14 TOBACCO CO. L.P. markets, distributes, licenses, and/or sells Products containing Nicotine for
15 sale or use in California.

16 8. Defendant SWEDISH MATCH NORTH AMERICA LLC is a person in the
17 course of doing business within the meaning of Health & Safety Code §25249.11. Defendant
18 SWEDISH MATCH NORTH AMERICA LLC markets, distributes, licenses, and/or sells
19 Products containing Nicotine for sale or use in California.

20 9. DOES 1 through 50 are each a person in the course of doing business within the
21 meaning of Health & Safety Code §25249.11. DOES 1 through 50 manufacture, distribute,
22 license, and/or sell Products containing Nicotine for sale or use in California.

23 10. The true names of DOES 1 through 50 are either unknown to CEH at this time or
24 the applicable time period before which CEH may file a Proposition 65 action has not run. When
25 their identities are ascertained or the applicable time period before which CEH may file a
26 Proposition 65 action has run, the Complaint shall be amended to reflect their true names.

27 11. The defendants identified in paragraphs 5 through 8 and DOES 1 through 50 are
28 collectively referred to herein as “Defendants.”

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13. This Court has jurisdiction over Defendants because each is a business entity that does sufficient business, has sufficient minimum contacts in California, or otherwise intentionally avails itself of the California market through the sale, marketing, or use of the Products in California or by having such other contacts with California so as to render the exercise of jurisdiction over it by the California courts consistent with traditional notions of fair play and substantial justice.

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1 On April 1, 1991, Nicotine became subject to the clear and reasonable warning requirement
2 regarding reproductive toxicity under Proposition 65. Health & Safety Code §25249.10(b).

3 18. The Products are Nicotine Pouches. Defendants' Products contain sufficient
4 quantities of Nicotine that individuals are exposed to Nicotine through the average use of the
5 Products. The primary route of exposure for the violations is ingestion when consumers place the
6 Products into their mouths. These exposures occur in homes, workplaces, and everywhere else
7 throughout California where Defendants' Products are used.

8 19. Defendants market, distribute, license, and/or sell Products in California. Each of
9 these actions by Defendants operate to propel the Products toward individuals, bringing Products
10 that contain Nicotine into contact with them.

11 20. No clear and reasonable warning is provided with Defendants' Products regarding
12 the reproductive toxicity of Nicotine. The failure to provide warnings regarding the reproductive
13 toxicity of Nicotine in Defendants' Products is of particular concern in light of significant amount
14 of Nicotine contained in the Products.

15 21. 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 22. 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 following
24 information: (1) the name and address of each violator; (2) the statute violated; (3) the time period
25 during which violations occurred; (4) specific descriptions of the violations, including (a) a
26 description of the specific type of products sold and used in violation of Proposition 65; (b) the
27 routes of exposure to Nicotine from Defendants' Products; and (5) the name of the specific
28 Proposition 65-listed chemical that is the subject of the violations described in each Notice.

1 23. 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 Nicotine alleged in each Notice; and (2) based on the information obtained through
8 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 24. None of the public prosecutors with the authority to prosecute violations of
15 Proposition 65 has commenced or is diligently prosecuting a cause of action against Defendants
16 under Health & Safety Code §25249.5, *et seq.*, based on the claims asserted in any of CEH’s
17 Notices regarding Nicotine in the Products.

18 25. Defendants both know and intend for individuals will come into contact with the
19 Products during normal use, thus exposing such individuals to Nicotine.

20 26. Defendants continue to expose consumers to Nicotine without prior clear and
21 reasonable warnings regarding the reproductive toxicity of Nicotine.

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

24 28. 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.

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

29. CEH realleges and incorporates by reference as if specifically set forth herein Paragraphs 1 through 28, inclusive.

30. 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.

31. Nicotine is a chemical listed by the State of California as known to cause birth defects and reproductive harm.

32. Each Defendant knows that average use of the Products will expose users of these Products to Nicotine. Each Defendant intends that the Products be used in a manner that results in exposures to Nicotine from these Products.

33. Each Defendant has failed, and continues to fail, to provide clear and reasonable warnings regarding the reproductive toxicity of Nicotine to users of its Products.

34. 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 Nicotine without first providing clear and reasonable warnings to such individuals regarding the reproductive toxicity of Nicotine.

PRAYER FOR RELIEF

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 selling or distributing the Products for sale in California without 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;

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

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

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

Dated: April 17, 2025

Respectfully submitted,

LEXINGTON LAW GROUP, LLP

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Mark N. Todzo
Attorneys for Plaintiff
CENTER FOR ENVIRONMENTAL HEALTH