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Superior Court of California,
County of Alameda

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Environmental Health Advocates, Inc.

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF ALAMEDA

ENVIRONMENTAL HEALTH ADVOCATES,
INC.,

Plaintiff,

v.

BEAUTY81, LLC, a California limited liability
company; ANNA LOTAN LTD., an Israeli
limited company; and DOES 1 through 100,
inclusive,

Defendants.

Case No.: **24CV090136**

**COMPLAINT FOR CIVIL PENALTIES
AND INJUNCTIVE RELIEF**

(Health & Safety Code § 25249.6 et seq.)

I.
INTRODUCTION

1
2 1. This Complaint is a representative action brought by Environmental Health Advocates,
3 Inc. (“Plaintiff”) in the public interest of the citizens of the State of California (“the People”). Plaintiff
4 seeks to remedy Defendants' failure to inform the People of exposure to diethanolamine ("DEA"), a
5 known carcinogen. Defendants exposes consumers to DEA by manufacturing, importing, selling, and/or
6 distributing anti-aging serum including, but not limited to, Bella Schneider Beauty Lumipelé Pigment
7 Lite Anti- Aging Serum (“Products”). Defendants know and intend that customers will use Products
8 containing DEA.

9 2. Under California’s Safe Drinking Water and Toxic Enforcement Act of 1986, California
10 Health and Safety Code, section 25249.6 et seq. (“Proposition 65”), “[n]o person in the course of doing
11 business shall knowingly and intentionally expose any individual to a chemical known to the state to
12 cause cancer without first giving clear and reasonable warning to such individual. . . .” (Health & Safety
13 Code, § 25249.6.)

14 3. California identified and listed DEA as a chemical known to cause cancer as early as
15 June 22, 2012.

16 4. Defendants failed to sufficiently warn consumers and individuals in California about
17 potential exposure to DEA in connection with Defendants' manufacture, import, sale, or distribution of
18 Products. This is a violation of Proposition 65.

19 5. Plaintiff seeks injunctive relief compelling Defendants to sufficiently warn consumers
20 in California before exposing them to DEA in Products. (Health & Safety Code, § 25249.7(a).) Plaintiff
21 also seeks civil penalties against Defendants for violations of Proposition 65 along with attorney’s fees
22 and costs. (Health & Safety Code, § 25249.7(b).)

II.
PARTIES

23
24 6. Plaintiff ENVIRONMENTAL HEALTH ADVOCATES, INC. (“Plaintiff”) is a
25 corporation in the State of California dedicated to protecting the health of California citizens through
26 the elimination or reduction of toxic exposure from consumer products. It brings this action in the public
27 interest pursuant to Health and Safety Code, section 25249.7.
28

1 The Notice alleged that Defendants violated Proposition 65 by failing to sufficiently warn consumers in
2 California of the health hazards associated with exposures to DEA contained in the Products.

3 22. The appropriate public enforcement agencies provided with the Notice failed to
4 commence and diligently prosecute a cause of action against Defendants.

5 23. Individuals exposed to DEA contained in Products through dermal absorption resulting
6 from reasonably foreseeable use of the Products have suffered and continue to suffer irreparable harm.
7 There is no other plain, speedy, or adequate remedy at law.

8 24. Defendants is liable for a maximum civil penalty of \$2,500 per day for each violation
9 of Proposition 65 pursuant to Health and Safety Code, section 252497(b). Injunctive relief is also
10 appropriate pursuant to Health and Safety Code, section 25249.7(a).

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1 **PRAYER FOR RELIEF**

2 Wherefore, Plaintiff prays for judgment against Defendants as follows:

- 3 1. Civil penalties in the amount of \$2,500 per day for each violation. Plaintiff alleges that
4 damages total a minimum of \$1,000,000;
- 5 2. A preliminary and permanent injunction against Defendants from manufacturing,
6 importing, selling, and/or distributing Products in California without providing a clear and reasonable
7 warning as required by Proposition 65 and related Regulations;
- 8 3. Reasonable attorney’s fees and costs of suit; and
- 9 4. Such other and further relief as may be just and proper.

10
11 Respectfully submitted:

12 Dated: September 3, 2024

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19 Attorneys for Plaintiff
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