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10 KEEP AMERICA SAFE AND BEAUTIFUL

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
12 COUNTY OF MARIN – UNLIMITED CIVIL JURISDICTION

13 KEEP AMERICA SAFE AND BEAUTIFUL,

14 Plaintiff,

15 v.

16 GOLDE WELLNESS INC.; AMAZON.COM,  
17 INC.; and DOES 1-30, inclusive,

18 Defendants.

Case No. CV0005206

**COMPLAINT FOR CIVIL PENALTIES  
AND INJUNCTIVE RELIEF**

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

UNLIMITED CIVIL

19 Plaintiff KEEP AMERICA SAFE AND BEAUTIFUL (“KASB” or “Plaintiff”), acting in the  
20 public interest, alleges a cause of action against Defendants GOLDE WELLNESS INC.;  
21 AMAZON.COM, INC. and DOES 1-30 (“Defendant”) for their alleged violations of Health & Safety  
22 Code § 25249.6, *et seq.*, as follows:

**INTRODUCTION AND NATURE OF THE ACTION**

23 1. Plaintiff brings this representative action in the public interest on behalf of the citizens of  
24 the State of California. By this action, KASB seeks to enforce the People’s right to be informed of the  
25 health hazards caused by exposures to Lead, a heavy metal found in and on matcha powder  
26 manufactured, imported, distributed, sold or offered for sale by Defendant in the State of California.

27 2. By this Complaint, plaintiff seeks to remedy Defendant’s failure to warn individuals not  
28 covered by California’s Occupational Safety Health Act, Labor Code § 6300 *et seq.* (“consumers”)

1 before exposure to substances known to cause birth defects or other reproductive harm through  
2 exposures to Lead when they purchase, use or ingest Defendant’s matcha powder.

3 3. Detectable levels of Lead are found in the matcha powder Defendant manufactures,  
4 imports, sells or distributes for sale to individuals throughout California.

5 4. Pursuant to the Safe Drinking Water and Toxic Enforcement Act of 1986, codified at  
6 Health and Safety Code § 25249.6 *et seq.* (“**Proposition 65**”), it is unlawful for a person in the course  
7 of doing business to knowingly and intentionally expose consumers in California to chemicals known  
8 to the State to cause birth defects or other reproductive harm, without first providing a “clear and  
9 reasonable” health hazard warning to such individuals prior to purchase or use.

10 5. Defendant manufactures, distributes, imports, sells, and offers for sale, in and into  
11 California matcha powder (“**PRODUCTS**”) containing Lead, without providing a warning regarding  
12 the presence of and the harms associated with exposures to Lead in Defendants’ PRODUCTS. Such  
13 PRODUCTS include, without limitation, *Golde Pure Matcha Ceremonial Grade Matcha Powder*  
14 *Green Tea Superfood with L-Theanine & Antioxidants (40g Tin) UPC: 8 50021 35800 6 ASIN:*  
15 *B09GT4K3HC*. Defendants’ conduct is subject to civil penalties for each violation, enjoinder,  
16 preliminary and permanent injunctive relief. Health & Safety Code § 25249.7(a) and (b)

17 **PARTIES**

18 6. Plaintiff is a non-profit corporation organized under the laws of California and acting in  
19 the public interest to reduce the presence of toxic chemicals found in consumer products and to  
20 enforce California citizens’ right to be informed about the presence of toxic chemicals in the products  
21 they purchase and use and the harms associated with exposures to such chemicals. KASB is a  
22 “person” within the meaning of Health & Safety Code § 25249.11(a). It brings this action in the  
23 public interest, pursuant to Health and Safety Code § 25249.7(d).

24 7. At all relevant times, Defendant GOLDE WELLNESS INC.; AMAZON.COM, INC.  
25 (“**GOLDE WELLNESS**”) operated as a “person” “in the course of doing business” within the  
26 meaning of and as defined by Health and Safety Code §§ 25249.6 and 25249.11.

1           8.     **GOLDE WELLNESS** manufactures, imports, distributes, sells and offers the  
2 **PRODUCTS** for sale or use in California, or implies by its conduct that it manufactures, imports,  
3 distributes, sells, and/or offers the **PRODUCTS** for sale or use in California.

4           9.     At all relevant times, Defendant **AMAZON.COM, INC.** (“**AMAZON**”) operated as a  
5 “person” “in the course of doing business” within the meaning of and as defined by Health and Safety  
6 Code §§ 25249.6 and 25249.11.

7           10.    **AMAZON** manufactures, imports, distributes, sells and offers the **PRODUCTS** for sale  
8 or use in California, or implies by its conduct that it manufactures, imports, distributes, sells, and/or  
9 offers the **PRODUCTS** for sale or use in California.

10          11.    Defendants **DOES 1-10** (“**MANUFACTURER DEFENDANTS**”) are each a person in  
11 the course of doing business within the meaning of and as defined by Health and Safety Code  
12 §§ 25249.6 and 25249.11. **MANUFACTURER DEFENDANTS**, and each of them, assemble,  
13 fabricate, and manufacture, or each implies by its conduct that it does such for one or more of the  
14 **PRODUCTS** offered for sale or use in California.

15          12.    Defendants **DOES 11-20** (“**DISTRIBUTOR DEFENDANTS**”) are each a person in the  
16 course of doing business within the meaning of and as defined by Health and Safety Code §§ 25249.6  
17 and 25249.11. **DISTRIBUTOR DEFENDANTS**, and each of them, distribute, transfer, and transport,  
18 or each impliedly does so by its conduct, one or more of the **PRODUCTS** to individuals, businesses,  
19 or retailers for sale or use in the State of California

20          13.    Defendants **DOES 21-30** (“**RETAILER DEFENDANTS**”) are each a person in the  
21 course of doing business within the meaning of and as defined by Health and Safety Code §§ 25249.6  
22 and 25249.11. **RETAILER DEFENDANTS**, and each of them, by and through their conduct, offer  
23 the **PRODUCTS** for sale to individuals in the State of California.

24          14.    At this time, the true names of Defendants **DOES 1** through **30**, inclusive, are unknown  
25 to plaintiff, who, therefore, sues said **DOES** Defendants by their fictitious names, pursuant to Code of  
26 Civil Procedure § 474. Each of the fictitiously named Defendants is responsible in some manner for  
27 the acts and occurrences alleged herein and the damages caused thereby. When ascertained, Plaintiff  
28 will identify these Doe Defendants by their true names in an amendment to this Complaint.



1 chemical known to cause cancer or reproductive toxicity without first giving a clear and reasonable  
2 warning to such individual...”

3 20. Under the Act, a “person in the course of doing business” is defined as a business with  
4 ten (10) or more employees. Health & Safety Code § 25249.11(b). The Act prohibits businesses from  
5 exposing consumers to hazardous chemicals without first giving a “clear and reasonable” warning.  
6 Health & Safety Code § 25249.6.

7 21. Exposing consumers to hazardous chemicals means to cause individuals to ingest,  
8 inhale, contact via body surfaces or otherwise come into contact with a listed chemical. Cal. Code  
9 Regs. (“**CCR**”), tit. 27, § 25102(i). An exposure to a hazardous chemical is defined as that which  
10 “results from a person’s acquisition, purchase, storage, consumption or other reasonably foreseeable  
11 use of a product...” 27 CCR § 25600(h).

12 22. Under Proposition 65, persons violating the statute may be enjoined in any court of  
13 competent jurisdiction and may be subject to civil penalties of up to \$2,500 per day, per violation.  
14 Health & Safety Code § 25249.7.

15 23. On February 27, 1987, pursuant to Proposition 65’s implementing regulations,  
16 California listed Lead as a chemical known to the State to cause birth defects and reproductive harm  
17 or reproductive toxicity. Lead became subject to the “clear and reasonable warning” requirements one  
18 year later, on February 27, 1988. 27 CCR § 27001(c); Health & Safety Code §§ 25249.8,  
19 25249.10(b).

20 24. On October 1, 1992, pursuant to Proposition 65’s implementing regulations, California  
21 identified and listed Lead as a chemical known to the State cause cancer. Lead became subject to the  
22 “clear and reasonable warning” requirements one year later, on October 1, 1993. 27 CCR § 27001(c);  
23 Health & Safety Code §§ 25249.8, 25249.10(b).

24 **STATEMENT OF FACTS**

25 25. DEFENDANTS sell and offer their PRODUCTS for sale in California without a clear  
26 and reasonable warning in violation of Cal. Code Regs. Tit. 27, § 25600, *et seq.*





1 reasonable” warning to consumers regarding the presence of, and the harms associated with, with  
2 exposures to Lead;

3 2. That the Court, pursuant to Health and Safety Code § 25249.7(a), issue preliminary and  
4 permanent injunctions mandating DEFENDANTS recall all PRODUCTS currently in the chain of  
5 commerce in California that do not bear a clear and reasonable health hazard warning;

6 3. That the Court assess civil penalties against DEFENDANTS, and each of them, in the  
7 amount of \$2,500 per day for each violation of Proposition 65, according to proof;

8 4. That the Court award Plaintiff its reasonable attorneys’ fees and costs of suit; and

9 5. That the Court grant any further relief as it deems just and equitable.

10 Dated: January 24, 2025

Respectfully submitted,

11  
12 By:  \_\_\_\_\_

13 Laralei Paras  
14 Attorneys for Plaintiff  
15 *Keep America Safe and Beautiful*  
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