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9 CONSUMER ADVOCACY GROUP, INC.

Electronically FILED by
Superior Court of California,
County of Los Angeles
6/04/2025 3:39 PM
David W. Slayton,
Executive Officer/Clerk of Court,
By Y. Ayala, Deputy Clerk

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 WAL-MART.COM USA, LLC, a California
17 Limited Liability Company;
18 WALMART, INC., a Delaware Corporation;
19 JD E-COMMERCE AMERICA LIMITED
20 DBA JOYBUY MARKETPLACE
21 EXPRESS, a Delaware Corporation;
22 SEAPOINT FARMS, LLC, a California
23 Limited Liability Company;
24 and DOES 1-80,

25 Defendants.

CASE NO. **25STCV16249**

COMPLAINT FOR PENALTY AND
INJUNCTION

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

ACTION IS AN UNLIMITED CIVIL
CASE (exceeds \$35,000)

26 Plaintiff CONSUMER ADVOCACY GROUP, INC. alleges eight causes of action
27 against defendants WAL-MART.COM USA, LLC; WALMART, INC; JD E-COMMERCE
28 AMERICA LIMITED DBA JOYBUY MARKETPLACE EXPRESS; SEAPOINT FARMS,
LLC; and DOES 1-80 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 WAL-MART.COM USA, LLC (“WAL-MART.COM”) is a California Limited Liability Company, qualified to do business in California and doing business in the State of California at all relevant times herein.
3. Defendant WALMART, INC. (“WALMART”) is a Delaware Corporation, qualified to do business in California and doing business in the State of California at all relevant times herein.
4. Defendant JD E-COMMERCE AMERICA LIMITED DBA JOYBUY MARKETPLACE EXPRESS (“JOYBUY”) is a Delaware Corporation, qualified to do business in California and doing business in the State of California at all relevant times herein.
5. Defendant SEAPOINT FARMS, LLC (“SEAPOINT”), is a California Limited Liability Company, qualified to do business in California and doing business in the State of California at all relevant times herein.
6. Plaintiff is presently unaware of the true names and capacities of defendants DOES 1-80, 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.
7. At all times mentioned herein, the term “Defendants” includes WAL-MART.COM, WALMART, JOYBUY, SEAPOINT, and DOES 1-80.

- 1 8. Plaintiff is informed and believes, and thereon alleges that each of the Defendants at all
2 times mentioned herein have conducted business within the State of California.
- 3 9. Upon information and belief, at all times relevant to this action, each of the Defendants,
4 including DOES 1-80, was an agent, servant, or employee of each of the other
5 Defendants. In conducting the activities alleged in this Complaint, each of the
6 Defendants was acting within the course and scope of this agency, service, or
7 employment, and was acting with the consent, permission, and authorization of each of
8 the other Defendants. All actions of each of the Defendants alleged in this Complaint
9 were ratified and approved by every other Defendant or their officers or managing
10 agents. Alternatively, each of the Defendants aided, conspired with and/or facilitated the
11 alleged wrongful conduct of each of the other Defendants.
- 12 10. Plaintiff is informed, believes, and thereon alleges that at all relevant times, each of the
13 Defendants was a person doing business within the meaning of Health and Safety Code
14 Section 25249.11, subdivision (b), and that each of the Defendants had ten (10) or more
15 employees at all relevant times.

16 **JURISDICTION**

- 17 11. The Court has jurisdiction over this lawsuit pursuant to California Constitution Article
18 VI, Section 10, which grants the Superior Court original jurisdiction in all causes except
19 those given by statute to other trial courts. This Court has jurisdiction over this action
20 pursuant to Health and Safety Code Section 25249.7, which allows enforcement of
21 violations of Proposition 65 in any Court of competent jurisdiction.
- 22 12. This Court has jurisdiction over Defendants named herein because Defendants either
23 reside or are located in this State or are foreign corporations authorized to do business in
24 California, are registered with the California Secretary of State, or who do sufficient
25 business in California, have sufficient minimum contacts with California, or otherwise
26 intentionally avail themselves of the markets within California through their
27 manufacture, distribution, promotion, marketing, or sale of their products within
28

1 California to render the exercise of jurisdiction by the California courts permissible
2 under traditional notions of fair play and substantial justice.

- 3 13. Venue is proper in the County of Los Angeles because one or more of the instances of
4 wrongful conduct occurred, and continues to occur, in the County of Los Angeles and/or
5 because Defendants conducted, and continue to conduct, business in the County of Los
6 Angeles with respect to the consumer product that is the subject of this action.

7 **BACKGROUND AND PRELIMINARY FACTS**

- 8 14. In 1986, California voters approved an initiative to address growing concerns about
9 exposure to toxic chemicals and declared their right “[t]o be informed about exposures to
10 chemicals that cause cancer, birth defects, or other reproductive harm.” Ballot Pamp.,
11 Proposed Law, Gen. Elec. (Nov. 4, 1986) at p. 3. The initiative, The Safe Drinking
12 Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code Sections
13 25249.5, *et seq.* (“Proposition 65”), helps to protect California’s drinking water sources
14 from contamination, to allow consumers to make informed choices about the products
15 they buy, and to enable persons to protect themselves from toxic chemicals as they see
16 fit.

- 17 15. Proposition 65 requires the Governor of California to publish a list of chemicals known
18 to the state to cause cancer, birth defects, or other reproductive harm. *Health & Safety*
19 *Code* § 25249.8. The list, which the Governor updates at least once a year, contains over
20 700 chemicals and chemical families. Proposition 65 imposes warning requirements and
21 other controls that apply to Proposition 65-listed chemicals.

- 22 16. All businesses with ten (10) or more employees that operate or sell products in California
23 must comply with Proposition 65. Under Proposition 65, businesses are: (1) prohibited
24 from knowingly discharging Proposition 65-listed chemicals into sources of drinking
25 water (*Health & Safety Code* § 25249.5), and (2) required to provide “clear and
26 reasonable” warnings before exposing a person, knowingly and intentionally, to a
27 Proposition 65-listed chemical (*Health & Safety Code* § 25249.6).

- 1 17. Proposition 65 provides that any person "violating or threatening to violate" the statute
2 may be enjoined in any court of competent jurisdiction. *Health & Safety Code* §
3 25249.7. "Threaten to violate" means "to create a condition in which there is a
4 substantial probability that a violation will occur." *Health & Safety Code* § 25249.11(e).
5 Defendants are also liable for civil penalties of up to \$2,500.00 per day per violation,
6 recoverable in a civil action. *Health & Safety Code* § 25249.7(b).
- 7 18. Plaintiff identified certain practices of manufacturers and distributors of Cosmetic Bag
8 with PVC Components; Clear Vinyl Tablecloth; Shrimp Sauce; Seaweed Crisps; Dried
9 Mushrooms of exposing, knowingly and intentionally, persons in California to Diethyl
10 Hexyl Phthalate and Di (2-ethylhexyl) Phthalate; Diisononyl Phthalate; Lead and Lead
11 Compounds; Cadmium and Cadmium Compounds, of such products without first
12 providing clear and reasonable warnings of such to the exposed persons prior to the time
13 of exposure. Plaintiff later discerned that Defendants engaged in such practice.
- 14 19. On January 1, 1988, the Governor of California added Diethyl Hexyl Phthalate and Di
15 (2-ethylhexyl) phthalate ("DEHP") to the list of chemicals known to the State to cause
16 cancer, (Cal. Code Regs. tit. 27, § 27001(b)) and on October 24, 2003, the Governor
17 added DEHP to the list of chemicals known to the State to cause developmental male
18 reproductive toxicity (Cal. Code Regs. tit. 27, § 27001(c)). Pursuant to Health and
19 Safety Code sections 25249.9 and 25249.10, twenty (20) months after addition of DEHP
20 to the list of chemicals known to the State to cause reproductive toxicity, DEHP became
21 fully subject to Proposition 65 warning requirements and discharge prohibitions.
- 22 20. On December 20, 2013, the Governor of California added Diisononyl Phthalate
23 ("DINP") to the list of chemicals known to the State to cause cancer (*Cal. Code Regs.* tit.
24 27, § 27001(b)). Pursuant to Health and Safety Code sections 25249.9 and 25249.10,
25 twenty (20) months after addition of DINP to the list of chemicals known to the State to
26 cause cancer, DINP became fully subject to Proposition 65 warning requirements and
27 discharge prohibitions.
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1 21. On October 1, 1992, the Governor of California added Lead and Lead Compounds
2 (“Lead”) to the list of chemicals known to the State to cause cancer (*Cal. Code Regs.* tit.
3 27, § 27001(b)). Pursuant to Health and Safety Code Sections 25249.9 and 25249.10,
4 twenty (20) months after addition of Lead to the list of chemicals known to the State to
5 cause cancer, Lead became fully subject to Proposition 65 warning requirements and
6 discharge prohibitions.

7 22. On February 27, 1987, the Governor of California added Lead to the list of chemicals
8 known to the State to cause developmental and reproductive toxicity (*Cal. Code Regs.*
9 tit. 27, § 27001(c)). Lead is known to the State to cause developmental, female, and
10 male reproductive toxicity. Pursuant to Health and Safety Code Sections 25249.9 and
11 25249.10, twenty (20) months after addition of Lead to the list of chemicals known to
12 the State to cause developmental and reproductive toxicity, Lead became fully subject to
13 Proposition 65 warning requirements and discharge prohibitions.

14 23. On May 1, 1997, the Governor of California added Cadmium and Cadmium Compounds
15 (“Cadmium”) to the list of chemicals known to the State to cause developmental and
16 reproductive toxicity (*Cal. Code Regs.* tit. 27, § 27001(c)). Cadmium is known to the
17 State to cause developmental, and male reproductive toxicity. Pursuant to Health and
18 Safety Code Sections 25249.9 and 25249.10, twenty (20) months after addition of
19 Cadmium to the list of chemicals known to the State to cause developmental and
20 reproductive toxicity, Cadmium became fully subject to Proposition 65 warning
21 requirements and discharge prohibitions.

22 **SATISFACTION OF PRIOR NOTICE**

23 24. Plaintiff served the following notices for alleged violations of Health and Safety Code
24 Section 25249.6, concerning consumer products exposures:

- 25 a. On or about September 16, 2024, Plaintiff gave notice of alleged violations of
26 Health and Safety Code Section 25249.6, concerning consumer products
27 exposures subject to a private action to WAL-MART.COM, WALMART, and
28

1 to the California Attorney General, County District Attorneys, and City
2 Attorneys for each city containing a population of at least 750,000 people in
3 whose jurisdictions the violations allegedly occurred, concerning the Clear
4 Vinyl Tablecloth.

5 b. On or about September 16, 2024, Plaintiff gave notice of alleged violations of
6 Health and Safety Code Section 25249.6, concerning consumer products
7 exposures subject to a private action to JOYBUY, WAL-MART.COM,
8 WALMART, and to the California Attorney General, County District Attorneys,
9 and City Attorneys for each city containing a population of at least 750,000
10 people in whose jurisdictions the violations allegedly occurred, concerning the
11 Cosmetic Bag with PVC Components.

12 c. On or about September 23, 2024, Plaintiff gave notice of alleged violations of
13 Health and Safety Code Section 25249.6, concerning consumer products
14 exposures subject to a private action to WAL-MART.COM, WALMART, and
15 to the California Attorney General, County District Attorneys, and City
16 Attorneys for each city containing a population of at least 750,000 people in
17 whose jurisdictions the violations allegedly occurred, concerning the Clear
18 Vinyl Tablecloth.

19 d. On or about September 23, 2024, Plaintiff gave notice of alleged violations of
20 Health and Safety Code Section 25249.6, concerning consumer products
21 exposures subject to a private action to JOYBUY, WAL-MART.COM,
22 WALMART, and to the California Attorney General, County District Attorneys,
23 and City Attorneys for each city containing a population of at least 750,000
24 people in whose jurisdictions the violations allegedly occurred, concerning the
25 Cosmetic Bag with PVC Components.

26 e. On or about November 22, 2024, Plaintiff gave notice of alleged violations of
27 Health and Safety Code Section 25249.6, concerning consumer products
28 exposures subject to a private action to SEAPOINT, WAL-MART.COM,

1 WARMART, and to the California Attorney General, County District Attorneys,
2 and City Attorneys for each city containing a population of at least 750,000
3 people in whose jurisdictions the violations allegedly occurred, concerning the
4 Seaweed Crisps.

5 f. On or about December 2, 2024, Plaintiff gave notice of alleged violations of
6 Health and Safety Code Section 25249.6, concerning consumer products
7 exposures subject to a private action to SEAPOINT, WAL-MART.COM,
8 WARMART, and to the California Attorney General, County District Attorneys,
9 and City Attorneys for each city containing a population of at least 750,000
10 people in whose jurisdictions the violations allegedly occurred, concerning the
11 Seaweed Crisps.

12 g. On or about January 14, 2025, Plaintiff gave notice of alleged violations of
13 Health and Safety Code Section 25249.6, concerning consumer products
14 exposures subject to a private action to WAL-MART.COM, WARMART, and
15 to the California Attorney General, County District Attorneys, and City
16 Attorneys for each city containing a population of at least 750,000 people in
17 whose jurisdictions the violations allegedly occurred, concerning the Shrimp
18 Sauce.

19 h. On or about January 14, 2025, Plaintiff gave notice of alleged violations of
20 Health and Safety Code Section 25249.6, concerning consumer products
21 exposures subject to a private action to WAL-MART.COM, WARMART, and
22 to the California Attorney General, County District Attorneys, and City
23 Attorneys for each city containing a population of at least 750,000 people in
24 whose jurisdictions the violations allegedly occurred, concerning the Dried
25 Mushrooms.

26 i. On or about January 21, 2025, Plaintiff gave notice of alleged violations of
27 Health and Safety Code Section 25249.6, concerning consumer products
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1 exposures subject to a private action to WAL-MART.COM, WALMART, and
2 to the California Attorney General, County District Attorneys, and City
3 Attorneys for each city containing a population of at least 750,000 people in
4 whose jurisdictions the violations allegedly occurred, concerning the Shrimp
5 Sauce.

- 6 j. On or about January 21, 2025, Plaintiff gave notice of alleged violations of
7 Health and Safety Code Section 25249.6, concerning consumer products
8 exposures subject to a private action to WAL-MART.COM, WALMART, and
9 to the California Attorney General, County District Attorneys, and City
10 Attorneys for each city containing a population of at least 750,000 people in
11 whose jurisdictions the violations allegedly occurred, concerning the Dried
12 Mushrooms.

13 25. Before sending the notice of alleged violations, Plaintiff investigated the consumer
14 products involved, the likelihood that such products would cause users to suffer
15 significant exposures to DEHP, DINP, Lead, Cadmium, and the corporate structure of
16 each of the Defendants.

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

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

4 28. Plaintiff is commencing this action more than sixty (60) days from the dates that Plaintiff
5 gave notice of the alleged violations to WAL-MART.COM, WALMART, JOYBUY,
6 SEAPOINT, and the public prosecutors referenced in Paragraph 24.

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

10 **FIRST CAUSE OF ACTION**

11 **(By CONSUMER ADVOCACY GROUP, INC. and against WAL-MART.COM,**
12 **WALMART, and DOES 1-10 for Violations of Proposition 65, The Safe Drinking**
13 **Water and Toxic Enforcement Act of 1986 (*Health & Safety Code*, §§ 25249.5, et**
seq.))

14 **Home Accessories**

15 30. Plaintiff repeats and incorporates by reference paragraphs 1 through 29 of this complaint
16 as though fully set forth herein.

17 31. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
18 distributor, promoter, or retailer of Clear Vinyl Tablecloth ("Vinyl Tablecloth")
19 including but not limited to: "Rally Home Goods Ind..."; "Seats 6-8"; "152cmX218cm";
20 "Made in China"; "B08FHK2R11"; "Rally Home Goods".

21 32. Vinyl Tablecloth contains DINP.

22 33. Defendants knew or should have known that DINP has been identified by the State of
23 California as a chemical known to cause cancer, and therefore was subject to Proposition
24 65 warning requirements. Defendants were also informed of the presence of DINP in
25 Vinyl Tablecloth within Plaintiff's notice of alleged violations further discussed above at
26 Paragraph 24a and 24c.

27 34. Plaintiff's allegations regarding Vinyl Tablecloth concerns "[c]onsumer products
28 exposure[s]," which "is an exposure that results from a person's acquisition, purchase,

1 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
2 exposure that results from receiving a consumer service.” *Cal. Code Regs.* tit. 27, §
3 25602(b). Vinyl Tablecloth are consumer products, and, as mentioned herein, exposures
4 to DINP took place as a result of such normal and foreseeable consumption and use.

5 35. Plaintiff is informed, believes, and thereon alleges that between September 16, 2021, and
6 the present, each of the Defendants knowingly and intentionally exposed California
7 consumers and users of Vinyl Tablecloth, which Defendants manufactured, distributed,
8 or sold as mentioned above, to DINP, without first providing any type of clear and
9 reasonable warning of such to the exposed persons before the time of exposure.

10 Defendants have distributed and sold Vinyl Tablecloth in California. Defendants know
11 and intend that California consumers will use and consume Vinyl Tablecloth, thereby
12 exposing them to DINP. Further, Plaintiff is informed, believes, and thereon alleges that
13 Defendants are selling Vinyl Tablecloth under a brand or trademark that is owned or
14 licensed by the Defendants or an entity affiliated thereto; have knowingly introduced
15 DINP into Vinyl Tablecloth or knowingly caused DINP to be created in Vinyl
16 Tablecloth; have covered, obscured or altered a warning label that has been affixed to
17 Vinyl Tablecloth by the manufacturer, producer, packager, importer, supplier or
18 distributor of Vinyl Tablecloth; have received a notice and warning materials for
19 exposure from Vinyl Tablecloth without conspicuously posting or displaying the
20 warning materials; and/or have actual knowledge of potential exposure to DINP from
21 Vinyl Tablecloth. Defendants thereby violated Proposition 65.

22 36. The principal routes of exposure are through dermal contact, ingestion and inhalation.
23 Persons sustain exposures by handling Vinyl Tablecloth without wearing gloves or any
24 other personal protective equipment, or by touching bare skin or mucous membranes
25 with gloves after handling Vinyl Tablecloth, as well as through direct and indirect hand
26 to mouth contact, hand to mucous membrane, or breathing in particulate matter dispersed
27 from Vinyl Tablecloth.

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

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

10 39. Based on the allegations herein, Defendants are liable for civil penalties of up to
11 \$2,500.00 per day per individual exposure to DINP from Vinyl Tablecloth, pursuant to
12 Health and Safety Code Section 25249.7(b).

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

15 **SECOND CAUSE OF ACTION**

16 **(By CONSUMER ADVOCACY GROUP, INC. and against JOYBUY, WAL-**
17 **MART.COM, WALMART, and DOES 11-20 for Violations of Proposition 65, The**
18 **Safe Drinking Water and Toxic Enforcement Act of 1986 (*Health & Safety Code,***
§§ 25249.5, *et seq.*))

19 **Travel Accessories**

20 41. Plaintiff repeats and incorporates by reference paragraphs 1 through 40 of this complaint
21 as though fully set forth herein.

22 42. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
23 distributor, promoter, or retailer of Cosmetic Bag with PVC Components ("Cosmetic
24 Bag") including but not limited to: "SANWOOD"; "Transparent PVC"; "Cosmetic Wash
25 Bag"; "Strawberry"; "41000697"; "2F.43.1.44"; "2108084"; "231123"; "13-32"; "MADE
26 IN CHINA".

27 43. Cosmetic Bag contains DEHP.
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1 44. Defendants knew or should have known that DEHP has been identified by the State of
2 California as a chemical known to cause cancer, and developmental toxicity, and
3 therefore was subject to Proposition 65 warning requirements. Defendants were also
4 informed of the presence of DEHP in Cosmetic Bag within Plaintiff's notice of alleged
5 violations further discussed above at Paragraph 24b and 24d.

6 45. Plaintiff's allegations regarding Cosmetic Bag concerns "[c]onsumer products
7 exposure[s]," which "is an exposure that results from a person's acquisition, purchase,
8 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
9 exposure that results from receiving a consumer service." *Cal. Code Regs.* tit. 27, §
10 25602(b). Cosmetic Bag are consumer products, and, as mentioned herein, exposures to
11 DEHP took place as a result of such normal and foreseeable consumption and use.

12 46. Plaintiff is informed, believes, and thereon alleges that between September 16, 2021, and
13 the present, each of the Defendants knowingly and intentionally exposed California
14 consumers and users of Cosmetic Bag, which Defendants manufactured, distributed, or
15 sold as mentioned above, to DEHP, without first providing any type of clear and
16 reasonable warning of such to the exposed persons before the time of exposure.
17 Defendants have distributed and sold Cosmetic Bag in California. Defendants know and
18 intend that California consumers will use and consume Cosmetic Bag, thereby exposing
19 them to DEHP. Further, Plaintiff is informed, believes, and thereon alleges that
20 Defendants are selling Cosmetic Bag under a brand or trademark that is owned or
21 licensed by the Defendants or an entity affiliated thereto; have knowingly introduced
22 DEHP into Cosmetic Bag or knowingly caused DEHP to be created in Cosmetic Bag;
23 have covered, obscured or altered a warning label that has been affixed to Cosmetic Bag
24 by the manufacturer, producer, packager, importer, supplier or distributor of Cosmetic
25 Bag; have received a notice and warning materials for exposure from Cosmetic Bag
26 without conspicuously posting or displaying the warning materials; and/or have actual
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1 knowledge of potential exposure to DEHP from Cosmetic Bag. Defendants thereby
2 violated Proposition 65.

3 47. The principal routes of exposure are through dermal contact, ingestion and inhalation.

4 Persons sustain exposures by handling Cosmetic Bag without wearing gloves or any
5 other personal protective equipment, or by touching bare skin or mucous membranes
6 with gloves after handling Cosmetic Bag, as well as through direct and indirect hand to
7 mouth contact, hand to mucous membrane, or breathing in particulate matter dispersed
8 from Cosmetic Bag.

9 48. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
10 Proposition 65 as to Cosmetic Bag have been ongoing and continuous, as Defendants
11 engaged and continue to engage in conduct which violates Health and Safety Code
12 Section 25249.6, including the manufacture, distribution, promotion, and sale of
13 Cosmetic Bag, so that a separate and distinct violation of Proposition 65 occurred each
14 and every time a person was exposed to DEHP by Cosmetic Bag as mentioned herein.

15 49. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
16 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
17 violations alleged herein will continue to occur into the future.

18 50. Based on the allegations herein, Defendants are liable for civil penalties of up to
19 \$2,500.00 per day per individual exposure to DEHP from Cosmetic Bag, pursuant to
20 Health and Safety Code Section 25249.7(b).

21 51. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
22 filing this Complaint.

23 **THIRD CAUSE OF ACTION**

24 **(By CONSUMER ADVOCACY GROUP, INC. and against WAL-MART.COM,**
25 **WALMART, and DOES 21-30 for Violations of Proposition 65, The Safe Drinking**
26 **Water and Toxic Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et***
***seq.*))**

27 **Seafood Products I**

1 52. Plaintiff repeats and incorporates by reference paragraphs 1 through 51 of this complaint
2 as though fully set forth herein.

3 53. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
4 distributor, promoter, or retailer of Shrimp Sauce (“Shrimp Sauce I”).

5 54. Shrimp Sauce I contains Lead and Cadmium.

6 55. Defendants knew or should have known that the State of California has identified Lead
7 as a chemical known to cause cancer, developmental and reproductive toxicity, and
8 Cadmium as a chemical known to cause developmental and reproductive toxicity, and
9 therefore was subject to Proposition 65 warning requirements. Defendants were also
10 informed of the presence of Lead and Cadmium in Shrimp Sauce I within Plaintiff’s
11 notice of alleged violations further discussed above at Paragraph 24i.

12 56. Plaintiff’s allegations regarding Shrimp Sauce I concerns “[c]onsumer products
13 exposure[s],” which “is an exposure that results from a person’s acquisition, purchase,
14 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
15 exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, §*
16 *25602(b)*. Shrimp Sauce I are consumer products, and, as mentioned herein, exposures
17 to Lead and Cadmium took place as a result of such normal and foreseeable consumption
18 and use.

19 57. Plaintiff is informed, believes, and thereon alleges that between January 21, 2022, and
20 the present, each of the Defendants knowingly and intentionally exposed California
21 consumers and users of Shrimp Sauce I, which Defendants manufactured, distributed, or
22 sold as mentioned above, to Lead and Cadmium, without first providing any type of clear
23 and reasonable warning of such to the exposed persons before the time of exposure.
24 Defendants have distributed and sold Shrimp Sauce I in California. Defendants know
25 and intend that California consumers will use and consume Shrimp Sauce I, thereby
26 exposing them to Lead and Cadmium. Further, Plaintiff is informed, believes, and
27 thereon alleges that Defendants are selling Shrimp Sauce I under a brand or trademark
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1 that is owned or licensed by the Defendants or an entity affiliated thereto; have
2 knowingly introduced Lead and Cadmium into Shrimp Sauce I or knowingly caused
3 Lead and Cadmium to be created in Shrimp Sauce I; have covered, obscured or altered a
4 warning label that has been affixed to Shrimp Sauce I by the manufacturer, producer,
5 packager, importer, supplier or distributor of Shrimp Sauce I; have received a notice and
6 warning materials for exposure from Shrimp Sauce I without conspicuously posting or
7 displaying the warning materials; and/or have actual knowledge of potential exposure to
8 Lead and Cadmium from Shrimp Sauce I. Defendants thereby violated Proposition 65.
9 58. The principal routes of exposure are through ingestion, especially direct (oral) ingestion.
10 Persons sustain exposures by eating and consuming Shrimp Sauce I.
11 59. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
12 Proposition 65 as to Shrimp Sauce I have been ongoing and continuous, as Defendants
13 engaged and continue to engage in conduct which violates Health and Safety Code
14 Section 25249.6, including the manufacture, distribution, promotion, and sale of Shrimp
15 Sauce I, so that a separate and distinct violation of Proposition 65 occurred each and
16 every time a person was exposed to Lead and Cadmium by Shrimp Sauce I as mentioned
17 herein.
18 60. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
19 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
20 violations alleged herein will continue to occur into the future.
21 61. Based on the allegations herein, Defendants are liable for civil penalties of up to
22 \$2,500.00 per day per individual exposure to Lead and Cadmium from Shrimp Sauce I,
23 pursuant to Health and Safety Code Section 25249.7(b).
24 62. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
25 filing this Complaint.
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1 **FOURTH CAUSE OF ACTION**

2 **(By CONSUMER ADVOCACY GROUP, INC. and against WAL-MART.COM,**
3 **WALMART, and DOES 31-40 for Violations of Proposition 65, The Safe Drinking**
4 **Water and Toxic Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et***
5 ***seq.*))**

6 **Seafood Products II**

7 63. Plaintiff repeats and incorporates by reference paragraphs 1 through 62 of this complaint
8 as though fully set forth herein.

9 64. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
10 distributor, promoter, or retailer of Shrimp Sauce ("Shrimp Sauce II") identified as:
11 "Koon Chun Sauce Factory"; "FINE SHRIMP SAUCE"; "HONG KONG FACTORY";
12 "BEST BEFORE""11/14/2025";"GUYK5H9"; "19:27:16";"020717280151".

13 65. Shrimp Sauce II contains Lead and Cadmium.

14 66. Defendants knew or should have known that the State of California has identified Lead
15 as a chemical known to cause cancer, developmental and reproductive toxicity, and
16 Cadmium as a chemical known to cause developmental and reproductive toxicity, and
17 therefore was subject to Proposition 65 warning requirements. Defendants were also
18 informed of the presence of Lead and Cadmium in Shrimp Sauce II within Plaintiff's
19 notice of alleged violations further discussed above at Paragraph 24g.

20 67. Plaintiff's allegations regarding Shrimp Sauce II concerns "[c]onsumer products
21 exposure[s]," which "is an exposure that results from a person's acquisition, purchase,
22 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
23 exposure that results from receiving a consumer service." *Cal. Code Regs. tit. 27, §*
24 *25602(b)*. Shrimp Sauce II are consumer products, and, as mentioned herein, exposures
25 to Lead and Cadmium took place as a result of such normal and foreseeable consumption
26 and use.

27 68. Plaintiff is informed, believes, and thereon alleges that between January 14, 2022, and
28 the present, each of the Defendants knowingly and intentionally exposed California
consumers and users of Shrimp Sauce II, which Defendants manufactured, distributed, or

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

15 69. The principal routes of exposure are through ingestion, especially direct (oral) ingestion.
16 Persons sustain exposures by eating and consuming Shrimp Sauce II.

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

24 71. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
25 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
26 violations alleged herein will continue to occur into the future.

1 72. Based on the allegations herein, Defendants are liable for civil penalties of up to
2 \$2,500.00 per day per individual exposure to Lead and Cadmium from Shrimp Sauce II,
3 pursuant to Health and Safety Code Section 25249.7(b).

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

6 **FIFTH CAUSE OF ACTION**

7 **(By CONSUMER ADVOCACY GROUP, INC. and against SEAPOINT, WAL-**
8 **MART.COM, WALMART, and DOES 41-50 for Violations of Proposition 65, The**
9 **Safe Drinking Water and Toxic Enforcement Act of 1986 (*Health & Safety Code,***
§§ 25249.5, *et seq.*))

10 **Seaweed Snacks I**

11 74. Plaintiff repeats and incorporates by reference paragraphs 1 through 73 of this complaint
12 as though fully set forth herein.

13 75. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
14 distributor, promoter, or retailer of Seaweed Crisps (“Seaweed Crisps I”).

15 76. Seaweed Crisps I contains Lead and Cadmium.

16 77. Defendants knew or should have known that the State of California has identified Lead
17 as a chemical known to cause cancer, developmental and reproductive toxicity, and
18 Cadmium as a chemical known to cause developmental and reproductive toxicity, and
19 therefore was subject to Proposition 65 warning requirements. Defendants were also
20 informed of the presence of Lead and Cadmium in Seaweed Crisps I within Plaintiff’s
21 notice of alleged violations further discussed above at Paragraph 24f.

22 78. Plaintiff’s allegations regarding Seaweed Crisps I concerns “[c]onsumer products
23 exposure[s],” which “is an exposure that results from a person’s acquisition, purchase,
24 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
25 exposure that results from receiving a consumer service.” *Cal. Code Regs.* tit. 27, §
26 25602(b). Seaweed Crisps I are consumer products, and, as mentioned herein, exposures
27 to Lead and Cadmium took place as a result of such normal and foreseeable consumption
28 and use.

1 79. Plaintiff is informed, believes, and thereon alleges that between December 2, 2021, and
2 the present, each of the Defendants knowingly and intentionally exposed California
3 consumers and users of Seaweed Crisps I, which Defendants manufactured, distributed,
4 or sold as mentioned above, to Lead and Cadmium, without first providing any type of
5 clear and reasonable warning of such to the exposed persons before the time of exposure.
6 Defendants have distributed and sold Seaweed Crisps I in California. Defendants know
7 and intend that California consumers will use and consume Seaweed Crisps I, thereby
8 exposing them to Lead and Cadmium. Further, Plaintiff is informed, believes, and
9 thereon alleges that Defendants are selling Seaweed Crisps I under a brand or trademark
10 that is owned or licensed by the Defendants or an entity affiliated thereto; have
11 knowingly introduced Lead and Cadmium into Seaweed Crisps I or knowingly caused
12 Lead and Cadmium to be created in Seaweed Crisps I; have covered, obscured or altered
13 a warning label that has been affixed to Seaweed Crisps I by the manufacturer, producer,
14 packager, importer, supplier or distributor of Seaweed Crisps I; have received a notice
15 and warning materials for exposure from Seaweed Crisps I without conspicuously
16 posting or displaying the warning materials; and/or have actual knowledge of potential
17 exposure to Lead and Cadmium from Seaweed Crisps I. Defendants thereby violated
18 Proposition 65.

19 80. The principal routes of exposure are through ingestion, especially direct (oral) ingestion.
20 Persons sustain exposures by eating and consuming Seaweed Crisps I.

21 81. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
22 Proposition 65 as to Seaweed Crisps I have been ongoing and continuous, as Defendants
23 engaged and continue to engage in conduct which violates Health and Safety Code
24 Section 25249.6, including the manufacture, distribution, promotion, and sale of
25 Seaweed Crisps I, so that a separate and distinct violation of Proposition 65 occurred
26 each and every time a person was exposed to Lead and Cadmium by Seaweed Crisps I as
27 mentioned herein.
28

1 82. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
2 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
3 violations alleged herein will continue to occur into the future.

4 83. Based on the allegations herein, Defendants are liable for civil penalties of up to
5 \$2,500.00 per day per individual exposure to Lead and Cadmium from Seaweed Crisps I,
6 pursuant to Health and Safety Code Section 25249.7(b).

7 84. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
8 filing this Complaint.

9 **SIXTH CAUSE OF ACTION**

10 **(By CONSUMER ADVOCACY GROUP, INC. and against SEAPOINT, WAL-**
11 **MART.COM, WALMART, and DOES 51-60 for Violations of Proposition 65, The**
12 **Safe Drinking Water and Toxic Enforcement Act of 1986 (*Health & Safety Code,***
§§ 25249.5, *et seq.*))

13 **Seaweed Snacks II**

14 85. Plaintiff repeats and incorporates by reference paragraphs 1 through 84 of this complaint
15 as though fully set forth herein.

16 86. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
17 distributor, promoter, or retailer of Seaweed Crisps (“Seaweed Crisps II”) identified as:
18 “SEAPOINT FARMS”; “SEAWEED CRISPS”; “Best Before: 02/26/2025”; “Lot
19 13603M”; “UPC 711575004217”.

20 87. Seaweed Crisps II contains Lead and Cadmium.

21 88. Defendants knew or should have known that the State of California has identified Lead
22 as a chemical known to cause cancer, developmental and reproductive toxicity, and
23 Cadmium as a chemical known to cause developmental and reproductive toxicity, and
24 therefore was subject to Proposition 65 warning requirements. Defendants were also
25 informed of the presence of Lead and Cadmium in Seaweed Crisps II within Plaintiff’s
26 notice of alleged violations further discussed above at Paragraph 24e.

27 89. Plaintiff’s allegations regarding Seaweed Crisps II concerns “[c]onsumer products
28 exposure[s],” which “is an exposure that results from a person’s acquisition, purchase,

1 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
2 exposure that results from receiving a consumer service.” *Cal. Code Regs.* tit. 27, §
3 25602(b). Seaweed Crisps II are consumer products, and, as mentioned herein,
4 exposures to Lead and Cadmium took place as a result of such normal and foreseeable
5 consumption and use.

6 90. Plaintiff is informed, believes, and thereon alleges that between November 22, 2021, and
7 the present, each of the Defendants knowingly and intentionally exposed California
8 consumers and users of Seaweed Crisps II, which Defendants manufactured, distributed,
9 or sold as mentioned above, to Lead and Cadmium, without first providing any type of
10 clear and reasonable warning of such to the exposed persons before the time of exposure.
11 Defendants have distributed and sold Seaweed Crisps II in California. Defendants know
12 and intend that California consumers will use and consume Seaweed Crisps II, thereby
13 exposing them to Lead and Cadmium. Further, Plaintiff is informed, believes, and
14 thereon alleges that Defendants are selling Seaweed Crisps II under a brand or trademark
15 that is owned or licensed by the Defendants or an entity affiliated thereto; have
16 knowingly introduced Lead and Cadmium into Seaweed Crisps II or knowingly caused
17 Lead and Cadmium to be created in Seaweed Crisps II; have covered, obscured or
18 altered a warning label that has been affixed to Seaweed Crisps II by the manufacturer,
19 producer, packager, importer, supplier or distributor of Seaweed Crisps II; have received
20 a notice and warning materials for exposure from Seaweed Crisps II without
21 conspicuously posting or displaying the warning materials; and/or have actual
22 knowledge of potential exposure to Lead and Cadmium from Seaweed Crisps II.
23 Defendants thereby violated Proposition 65.

24 91. The principal routes of exposure are through ingestion, especially direct (oral) ingestion.
25 Persons sustain exposures by eating and consuming Seaweed Crisps II.

26 92. Plaintiff is informed, believes, and thereon alleges that each of Defendants’ violations of
27 Proposition 65 as to Seaweed Crisps II have been ongoing and continuous, as Defendants
28

1 engaged and continue to engage in conduct which violates Health and Safety Code
2 Section 25249.6, including the manufacture, distribution, promotion, and sale of
3 Seaweed Crisps II, so that a separate and distinct violation of Proposition 65 occurred
4 each and every time a person was exposed to Lead and Cadmium by Seaweed Crisps II
5 as mentioned herein.

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

9 94. Based on the allegations herein, Defendants are liable for civil penalties of up to
10 \$2,500.00 per day per individual exposure to Lead and Cadmium from Seaweed Crisps
11 II, pursuant to Health and Safety Code Section 25249.7(b).

12 95. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
13 filing this Complaint.

14 **SEVENTH CAUSE OF ACTION**

15 **(By CONSUMER ADVOCACY GROUP, INC. and against WAL-MART.COM,**
16 **WALMART, and DOES 61-70 for Violations of Proposition 65, The Safe Drinking**
17 **Water and Toxic Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et***
***seq.*))**

18 **Mushrooms I**

19 96. Plaintiff repeats and incorporates by reference paragraphs 1 through 95 of this complaint
20 as though fully set forth herein.

21 97. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
22 distributor, promoter, or retailer of Dried Mushrooms ("Dried Mushrooms I").

23 98. Dried Mushrooms I contains Lead and Cadmium.

24 99. Defendants knew or should have known that the State of California has identified Lead
25 as a chemical known to cause cancer, developmental and reproductive toxicity, and
26 Cadmium as a chemical known to cause developmental and reproductive toxicity, and
27 therefore was subject to Proposition 65 warning requirements. Defendants were also
28

1 informed of the presence of Lead and Cadmium in Dried Mushrooms I within Plaintiff's
2 notice of alleged violations further discussed above at Paragraph 24j.

3 100. Plaintiff's allegations regarding Dried Mushrooms I 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)*. Dried Mushrooms I are consumer products, and, as mentioned herein,
8 exposures to Lead and Cadmium took place as a result of such normal and foreseeable
9 consumption and use.

10 101. Plaintiff is informed, believes, and thereon alleges that between January 21, 2022, and
11 the present, each of the Defendants knowingly and intentionally exposed California
12 consumers and users of Dried Mushrooms I, which Defendants manufactured,
13 distributed, or sold as mentioned above, to Lead and Cadmium, without first providing
14 any type of clear and reasonable warning of such to the exposed persons before the time
15 of exposure. Defendants have distributed and sold Dried Mushrooms I in California.
16 Defendants know and intend that California consumers will use and consume Dried
17 Mushrooms I, thereby exposing them to Lead and Cadmium. Further, Plaintiff is
18 informed, believes, and thereon alleges that Defendants are selling Dried Mushrooms I
19 under a brand or trademark that is owned or licensed by the Defendants or an entity
20 affiliated thereto; have knowingly introduced Lead and Cadmium into Dried Mushrooms
21 I or knowingly caused Lead and Cadmium to be created in Dried Mushrooms I; have
22 covered, obscured or altered a warning label that has been affixed to Seaweed Crisps I by
23 the manufacturer, producer, packager, importer, supplier or distributor of Dried
24 Mushrooms I; have received a notice and warning materials for exposure from Dried
25 Mushrooms I without conspicuously posting or displaying the warning materials; and/or
26 have actual knowledge of potential exposure to Lead and Cadmium from Dried
27 Mushrooms I. Defendants thereby violated Proposition 65.

1 102. The principal routes of exposure are through ingestion, especially direct (oral)
2 ingestion. Persons sustain exposures by eating and consuming Dried Mushrooms I.
3 103. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations
4 of Proposition 65 as to Dried Mushrooms I have been ongoing and continuous, as
5 Defendants engaged and continue to engage in conduct which violates Health and Safety
6 Code Section 25249.6, including the manufacture, distribution, promotion, and sale of
7 Dried Mushrooms I, so that a separate and distinct violation of Proposition 65 occurred
8 each and every time a person was exposed to Lead and Cadmium by Dried Mushrooms I
9 as mentioned herein.
10 104. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
11 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
12 violations alleged herein will continue to occur into the future.
13 105. Based on the allegations herein, Defendants are liable for civil penalties of up to
14 \$2,500.00 per day per individual exposure to Lead and Cadmium from Dried
15 Mushrooms I, pursuant to Health and Safety Code Section 25249.7(b).
16 106. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
17 filing this Complaint.

18 **EIGHTH CAUSE OF ACTION**

19 **(By CONSUMER ADVOCACY GROUP, INC. and against WAL-MART.COM,**
20 **WALMART, and DOES 71-80 for Violations of Proposition 65, The Safe Drinking**
21 **Water and Toxic Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et***
22 ***seq.*))**

23 **Mushrooms II**

24 107. Plaintiff repeats and incorporates by reference paragraphs 1 through 106 of this
25 complaint as though fully set forth herein.
26 108. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
27 distributor, promoter, or retailer of Dried Mushrooms ("Dried Mushrooms II") identified
28 as: "ONETANG"; "Dried Shiitake Mushroom"; "Distributed by: N.A. TRADING

COMPANY”; “SUNGIVEN FOODS”; “Best Before / Meilleur avant: JAN/15/2026”;
“X 001 ML MV9Z”; “UPC 4897068541578”.

109. Dried Mushrooms II contains Lead and Cadmium.

110. Defendants knew or should have known that the State of California has identified Lead as a chemical known to cause cancer, developmental and reproductive toxicity, and Cadmium as a chemical known to cause developmental and reproductive toxicity, and therefore was subject to Proposition 65 warning requirements. Defendants were also informed of the presence of Lead and Cadmium in Dried Mushrooms II within Plaintiff's notice of alleged violations further discussed above at Paragraph 24h.

111. Plaintiff's allegations regarding Dried Mushrooms II concerns “[c]onsumer products exposure[s],” which “is an exposure that results from a person’s acquisition, purchase, storage, consumption, or other reasonably foreseeable use of a consumer good, or any exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, § 25602(b)*. Dried Mushrooms II are consumer products, and, as mentioned herein, exposures to Lead and Cadmium took place as a result of such normal and foreseeable consumption and use.

112. Plaintiff is informed, believes, and thereon alleges that between January 14, 2022, and the present, each of the Defendants knowingly and intentionally exposed California consumers and users of Dried Mushrooms II, which Defendants manufactured, distributed, or sold as mentioned above, to Lead and Cadmium, without first providing any type of clear and reasonable warning of such to the exposed persons before the time of exposure. Defendants have distributed and sold Dried Mushrooms II in California. Defendants know and intend that California consumers will use and consume Dried Mushrooms II, thereby exposing them to Lead and Cadmium. Further, Plaintiff is informed, believes, and thereon alleges that Defendants are selling Dried Mushrooms II under a brand or trademark that is owned or licensed by the Defendants or an entity affiliated thereto; have knowingly introduced Lead and Cadmium into Dried Mushrooms

1 II or knowingly caused Lead and Cadmium to be created in Dried Mushrooms II; have
2 covered, obscured or altered a warning label that has been affixed to Dried Mushrooms
3 II by the manufacturer, producer, packager, importer, supplier or distributor of Dried
4 Mushrooms II; have received a notice and warning materials for exposure from Dried
5 Mushrooms II without conspicuously posting or displaying the warning materials; and/or
6 have actual knowledge of potential exposure to Lead and Cadmium from Dried
7 Mushrooms II. Defendants thereby violated Proposition 65.

8 113. The principal routes of exposure are through ingestion, especially direct (oral)
9 ingestion. Persons sustain exposures by eating and consuming Dried Mushrooms II.

10 114. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations
11 of Proposition 65 as to Dried Mushrooms II have been ongoing and continuous, as
12 Defendants engaged and continue to engage in conduct which violates Health and Safety
13 Code Section 25249.6, including the manufacture, distribution, promotion, and sale of
14 Dried Mushrooms II, so that a separate and distinct violation of Proposition 65 occurred
15 each and every time a person was exposed to Lead and Cadmium by Dried Mushrooms
16 II as mentioned herein.

17 115. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
18 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
19 violations alleged herein will continue to occur into the future.

20 116. Based on the allegations herein, Defendants are liable for civil penalties of up to
21 \$2,500.00 per day per individual exposure to Lead and Cadmium from Dried
22 Mushrooms II, pursuant to Health and Safety Code Section 25249.7(b).

23 117. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
24 filing this Complaint.

25 **PRAYER FOR RELIEF**

26 Plaintiff demands against each of the Defendants as follows:

- 27 1. A permanent injunction mandating Proposition 65-compliant warnings;
28 2. Penalties pursuant to Health and Safety Code Section 25249.7, subdivision (b);

- 1 3. Costs of suit;
2 4. Reasonable attorney fees and costs; and
3 5. Any further relief that the court may deem just and equitable.
4

5 Dated: June 4, 2025

YEROUSHALMI & YEROUSHALMI*

7
8 /s/ Reuben Yeroushalmi

Reuben Yeroushalmi

Attorneys for Plaintiff,

CONSUMER ADVOCACY GROUP, INC.