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9 CONSUMER ADVOCACY GROUP, INC.

FILED

Superior Court of California

County of Los Angeles

07/29/2025

David W. Slybia, Executive Officer / Clerk of Court

By: N. Osollo Deputy

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 AMAZON.COM SERVICES LLC, a
23 Delaware Limited Liability Company;
24 AMAZON.COM, INC., a Delaware
25 Corporation;
26 and DOES 1-80,

27 Defendants.

CASE NO. 25STCV16249

FIRST AMENDED 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)

28 Plaintiff CONSUMER ADVOCACY GROUP, INC. alleges nine causes of action
against defendants WAL-MART.COM USA, LLC; WALMART, INC.; JD E-COMMERCE
AMERICA LIMITED DBA JOYBUY MARKETPLACE EXPRESS; AMAZON.COM
SERVICES LLC; AMAZON.COM, INC., 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 AMAZON.COM SERVICES LLC (“AMAZON.COM LLC”) is a Delaware Limited Liability Company, qualified to do business in California, and doing business in the State of California at all relevant times herein.
6. Defendant AMAZON.COM, INC. (“AMAZON.COM INC.”) is a Delaware Corporation, qualified to do business in Delaware, and doing business in the State of California at all relevant times herein.
7. 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.

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

18 **JURISDICTION**

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

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

9 **BACKGROUND AND PRELIMINARY FACTS**

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

- 19 16. Proposition 65 requires the Governor of California to publish a list of chemicals known
20 to the state to cause cancer, birth defects, or other reproductive harm. *Health & Safety*
21 *Code* § 25249.8. The list, which the Governor updates at least once a year, contains over
22 700 chemicals and chemical families. Proposition 65 imposes warning requirements and
23 other controls that apply to Proposition 65-listed chemicals.

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

18. Proposition 65 provides that any person "violating or threatening to violate" the statute may be enjoined in any court of competent jurisdiction. *Health & Safety Code* § 25249.7. "Threaten to violate" means "to create a condition in which there is a substantial probability that a violation will occur." *Health & Safety Code* § 25249.11(e). Defendants are also liable for civil penalties of up to \$2,500.00 per day per violation, recoverable in a civil action. *Health & Safety Code* § 25249.7(b).

19. Plaintiff identified certain practices of manufacturers and distributors of Cosmetic Bag with PVC Components; Clear Vinyl Tablecloth; Shrimp Sauce; Seaweed Crisps; Dried Mushrooms of exposing, knowingly and intentionally, persons in California to Diethyl Hexyl Phthalate and Di (2-ethylhexyl) Phthalate; Diisononyl Phthalate; Lead and Lead Compounds; Cadmium and Cadmium Compounds, of such products without first providing clear and reasonable warnings of such to the exposed persons prior to the time of exposure. Plaintiff later discerned that Defendants engaged in such practice.

20. On January 1, 1988, the Governor of California added Diethyl Hexyl Phthalate and Di (2-ethylhexyl) phthalate (“DEHP”) to the list of chemicals known to the State to cause cancer, (Cal. Code Regs. tit. 27, § 27001(b)) and on October 24, 2003, the Governor added DEHP to the list of chemicals known to the State to cause developmental male reproductive toxicity (Cal. Code Regs. tit. 27, § 27001(c)). Pursuant to Health and Safety Code sections 25249.9 and 25249.10, twenty (20) months after addition of DEHP to the list of chemicals known to the State to cause reproductive toxicity, DEHP became fully subject to Proposition 65 warning requirements and discharge prohibitions.

21. On December 20, 2013, the Governor of California added Diisononyl Phthalate (“DINP”) to the list of chemicals known to the State to cause cancer (*Cal. Code Regs.* tit. 27, § 27001(b)). Pursuant to Health and Safety Code sections 25249.9 and 25249.10, twenty (20) months after addition of DINP to the list of chemicals known to the State to

1 cause cancer, DINP became fully subject to Proposition 65 warning requirements and
2 discharge prohibitions.

3 22. On October 1, 1992, the Governor of California added Lead and Lead Compounds
4 (“Lead”) to the list of chemicals known to the State to cause cancer (*Cal. Code Regs.* tit.
5 27, § 27001(b)). Pursuant to Health and Safety Code Sections 25249.9 and 25249.10,
6 twenty (20) months after addition of Lead to the list of chemicals known to the State to
7 cause cancer, Lead became fully subject to Proposition 65 warning requirements and
8 discharge prohibitions.

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

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

24 **SATISFACTION OF PRIOR NOTICE**

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

- 1 a. On or about September 16, 2024, Plaintiff gave notice of alleged violations of
2 Health and Safety Code Section 25249.6, concerning consumer products
3 exposures subject to a private action to WAL-MART.COM, WALMART, and
4 to the California Attorney General, County District Attorneys, and City
5 Attorneys for each city containing a population of at least 750,000 people in
6 whose jurisdictions the violations allegedly occurred, concerning the Clear
7 Vinyl Tablecloth.
- 8 b. On or about September 16, 2024, Plaintiff gave notice of alleged violations of
9 Health and Safety Code Section 25249.6, concerning consumer products
10 exposures subject to a private action to JOYBUY, WAL-MART.COM,
11 WALMART, and to the California Attorney General, County District Attorneys,
12 and City Attorneys for each city containing a population of at least 750,000
13 people in whose jurisdictions the violations allegedly occurred, concerning the
14 Cosmetic Bag with PVC Components.
- 15 c. On or about September 23, 2024, Plaintiff gave notice of alleged violations of
16 Health and Safety Code Section 25249.6, concerning consumer products
17 exposures subject to a private action to WAL-MART.COM, WALMART, and
18 to the California Attorney General, County District Attorneys, and City
19 Attorneys for each city containing a population of at least 750,000 people in
20 whose jurisdictions the violations allegedly occurred, concerning the Clear
21 Vinyl Tablecloth.
- 22 d. On or about September 23, 2024, Plaintiff gave notice of alleged violations of
23 Health and Safety Code Section 25249.6, concerning consumer products
24 exposures subject to a private action to JOYBUY, WAL-MART.COM,
25 WALMART, and to the California Attorney General, County District Attorneys,
26 and City Attorneys for each city containing a population of at least 750,000
27 people in whose jurisdictions the violations allegedly occurred, concerning the
28 Cosmetic Bag with PVC Components.

- 1 e. On or about November 22, 2024, Plaintiff gave notice of alleged violations of
2 Health and Safety Code Section 25249.6, concerning consumer products
3 exposures subject to a private action to WAL-MART.COM, WALMART, and
4 to the California Attorney General, County District Attorneys, and City
5 Attorneys for each city containing a population of at least 750,000 people in
6 whose jurisdictions the violations allegedly occurred, concerning the Seaweed
7 Crisps.
- 8 f. On or about December 2, 2024, Plaintiff gave notice of alleged violations of
9 Health and Safety Code Section 25249.6, concerning consumer products
10 exposures subject to a private action to WAL-MART.COM, WALMART, and
11 to the California Attorney General, County District Attorneys, and City
12 Attorneys for each city containing a population of at least 750,000 people in
13 whose jurisdictions the violations allegedly occurred, concerning the Seaweed
14 Crisps.
- 15 g. On or about January 14, 2025, Plaintiff gave notice of alleged violations of
16 Health and Safety Code Section 25249.6, concerning consumer products
17 exposures subject to a private action to WAL-MART.COM, WALMART, and
18 to the California Attorney General, County District Attorneys, and City
19 Attorneys for each city containing a population of at least 750,000 people in
20 whose jurisdictions the violations allegedly occurred, concerning the Shrimp
21 Sauce.
- 22 h. On or about January 14, 2025, Plaintiff gave notice of alleged violations of
23 Health and Safety Code Section 25249.6, concerning consumer products
24 exposures subject to a private action to WAL-MART.COM, WALMART, and
25 to the California Attorney General, County District Attorneys, and City
26 Attorneys for each city containing a population of at least 750,000 people in
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1 whose jurisdictions the violations allegedly occurred, concerning the Dried
2 Mushrooms.

- 3 i. On or about January 21, 2025, Plaintiff gave notice of alleged violations of
4 Health and Safety Code Section 25249.6, concerning consumer products
5 exposures subject to a private action to WAL-MART.COM, WALMART, and
6 to the California Attorney General, County District Attorneys, and City
7 Attorneys for each city containing a population of at least 750,000 people in
8 whose jurisdictions the violations allegedly occurred, concerning the Shrimp
9 Sauce.
- 10 j. On or about January 21, 2025, Plaintiff gave notice of alleged violations of
11 Health and Safety Code Section 25249.6, concerning consumer products
12 exposures subject to a private action to WAL-MART.COM, WALMART, and
13 to the California Attorney General, County District Attorneys, and City
14 Attorneys for each city containing a population of at least 750,000 people in
15 whose jurisdictions the violations allegedly occurred, concerning the Dried
16 Mushrooms.
- 17 k. On or about June 6, 2023, Plaintiff gave notice of alleged violations of Health
18 and Safety Code Section 25249.6, concerning consumer products exposures
19 subject to a private action to AMAZON.COM INC, AMAZON.COM LLC, and
20 to the California Attorney General, County District Attorneys, and City
21 Attorneys for each city containing a population of at least 750,000 people in
22 whose jurisdictions the violations allegedly occurred, concerning the Seaweed
23 Crisps.

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

1 27. Plaintiff's notice of alleged violation included a Certificate of Merit executed by the
2 attorney for the noticing party, CAG. The Certificate of Merit stated that the attorney for
3 Plaintiff who executed the certificate had consulted with at least one person with relevant
4 and appropriate expertise who reviewed data regarding the exposures to DEHP, DINP,
5 Lead, and Cadmium, the subject Proposition 65-listed chemical of this action. Based on
6 that information, the attorney for Plaintiff who executed the Certificate of Merit believed
7 there was a reasonable and meritorious case for this private action. The attorney for
8 Plaintiff attached to the Certificate of Merit served on the Attorney General the
9 confidential factual information sufficient to establish the basis of the Certificate of
10 Merit.

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

14 29. Plaintiff is commencing this action more than sixty (60) days from the dates that Plaintiff
15 gave notice of the alleged violations to WAL-MART.COM, WALMART, JOYBUY,
16 AMAZON.COM INC, AMAZON.COM LLC and the public prosecutors referenced in
17 Paragraph 25.

18 30. Plaintiff is informed, believes, and thereon alleges that neither the Attorney General, nor
19 any applicable district attorney or city attorney has commenced and is diligently
20 prosecuting an action against the Defendants.

21 **FIRST CAUSE OF ACTION**

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

25 **Home Accessories**

26 31. Plaintiff repeats and incorporates by reference paragraphs 1 through 30 of this complaint
27 as though fully set forth herein.

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

33. Vinyl Tablecloth contains DINP.

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

35. Plaintiff’s allegations regarding Vinyl Tablecloth 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)*. Vinyl Tablecloth are consumer products, and, as mentioned herein, exposures to DINP took place as a result of such normal and foreseeable consumption and use.

36. Plaintiff is informed, believes, and thereon alleges that between September 16, 2021, and the present, each of the Defendants knowingly and intentionally exposed California consumers and users of Vinyl Tablecloth, which Defendants manufactured, distributed, or sold as mentioned above, to DINP, 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 Vinyl Tablecloth in California. Defendants know and intend that California consumers will use and consume Vinyl Tablecloth, thereby exposing them to DINP. Further, Plaintiff is informed, believes, and thereon alleges that Defendants are selling Vinyl Tablecloth under a brand or trademark that is owned or licensed by the Defendants or an entity affiliated thereto; have knowingly introduced DINP into Vinyl Tablecloth or knowingly caused DINP to be created in Vinyl

Tablecloth; have covered, obscured or altered a warning label that has been affixed to Vinyl Tablecloth by the manufacturer, producer, packager, importer, supplier or distributor of Vinyl Tablecloth; have received a notice and warning materials for exposure from Vinyl Tablecloth without conspicuously posting or displaying the warning materials; and/or have actual knowledge of potential exposure to DINP from Vinyl Tablecloth. Defendants thereby violated Proposition 65.

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

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

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

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

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

1 **SECOND CAUSE OF ACTION**

2 **(By CONSUMER ADVOCACY GROUP, INC. and against JOYBUY, WAL-**
3 **MART.COM, WALMART, and DOES 11-20 for Violations of Proposition 65, The**
4 **Safe Drinking Water and Toxic Enforcement Act of 1986 (*Health & Safety Code,***
5 **§§ 25249.5, *et seq.*))**

6 **Travel Accessories**

7 42. Plaintiff repeats and incorporates by reference paragraphs 1 through 41 of this complaint
8 as though fully set forth herein.

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

14 44. Cosmetic Bag contains DEHP.

15 45. Defendants knew or should have known that DEHP has been identified by the State of
16 California as a chemical known to cause cancer, and developmental toxicity, and
17 therefore was subject to Proposition 65 warning requirements. Defendants were also
18 informed of the presence of DEHP in Cosmetic Bag within Plaintiff's notice of alleged
19 violations further discussed above at Paragraph 25b and 25d.

20 46. Plaintiff's allegations regarding Cosmetic Bag 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). Cosmetic Bag are consumer products, and, as mentioned herein, exposures to
25 DEHP took place as a result of such normal and foreseeable consumption and use.

26 47. Plaintiff is informed, believes, and thereon alleges that between September 16, 2021, and
27 the present, each of the Defendants knowingly and intentionally exposed California
28 consumers and users of Cosmetic Bag, which Defendants manufactured, distributed, or
sold as mentioned above, to DEHP, without first providing any type of clear and

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

14 48. The principal routes of exposure are through dermal contact, ingestion and inhalation.
15 Persons sustain exposures by handling Cosmetic Bag without wearing gloves or any
16 other personal protective equipment, or by touching bare skin or mucous membranes
17 with gloves after handling Cosmetic Bag, as well as through direct and indirect hand to
18 mouth contact, hand to mucous membrane, or breathing in particulate matter dispersed
19 from Cosmetic Bag.

20 49. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
21 Proposition 65 as to Cosmetic Bag have been ongoing and continuous, as Defendants
22 engaged and continue to engage in conduct which violates Health and Safety Code
23 Section 25249.6, including the manufacture, distribution, promotion, and sale of
24 Cosmetic Bag, so that a separate and distinct violation of Proposition 65 occurred each
25 and every time a person was exposed to DEHP by Cosmetic Bag as mentioned herein.
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1 50. 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 51. Based on the allegations herein, Defendants are liable for civil penalties of up to
5 \$2,500.00 per day per individual exposure to DEHP from Cosmetic Bag, pursuant to
6 Health and Safety Code Section 25249.7(b).

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

9 **THIRD CAUSE OF ACTION**

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

13 **Seafood Products I**

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

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

18 55. Shrimp Sauce I contains Lead and Cadmium.

19 56. Defendants knew or should have known that the State of California has identified Lead
20 as a chemical known to cause cancer, developmental and reproductive toxicity, and
21 Cadmium as a chemical known to cause developmental and reproductive toxicity, and
22 therefore was subject to Proposition 65 warning requirements. Defendants were also
23 informed of the presence of Lead and Cadmium in Shrimp Sauce I within Plaintiff's
24 notice of alleged violations further discussed above at Paragraph 25i.

25 57. Plaintiff's allegations regarding Shrimp Sauce I concerns “[c]onsumer products
26 exposure[s],” which “is an exposure that results from a person's acquisition, purchase,
27 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
28 exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, §*

1 25602(b). Shrimp Sauce I are consumer products, and, as mentioned herein, exposures
2 to Lead and Cadmium took place as a result of such normal and foreseeable consumption
3 and use.

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

21 59. The principal routes of exposure are through ingestion, especially direct (oral) ingestion.
22 Persons sustain exposures by eating and consuming Shrimp Sauce I.

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

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

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

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

FOURTH CAUSE OF ACTION

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

Seafood Products II

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

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

66. Shrimp Sauce II contains Lead and Cadmium.

67. 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 Shrimp Sauce II within Plaintiff's notice of alleged violations further discussed above at Paragraph 25g.

1 68. Plaintiff's allegations regarding Shrimp Sauce II concerns "[c]onsumer products
2 exposure[s]," which "is an exposure that results from a person's acquisition, purchase,
3 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
4 exposure that results from receiving a consumer service." *Cal. Code Regs. tit. 27, §*
5 *25602(b)*. Shrimp Sauce II are consumer products, and, as mentioned herein, exposures
6 to Lead and Cadmium took place as a result of such normal and foreseeable consumption
7 and use.

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

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

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1 71. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
2 Proposition 65 as to Shrimp Sauce II 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 Shrimp
5 Sauce II, so that a separate and distinct violation of Proposition 65 occurred each and
6 every time a person was exposed to Lead and Cadmium by Shrimp Sauce II as
7 mentioned herein.

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

11 73. Based on the allegations herein, Defendants are liable for civil penalties of up to
12 \$2,500.00 per day per individual exposure to Lead and Cadmium from Shrimp Sauce II,
13 pursuant to Health and Safety Code Section 25249.7(b).

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

16 **FIFTH CAUSE OF ACTION**

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

21 **Seaweed Snacks I**

22 75. Plaintiff repeats and incorporates by reference paragraphs 1 through 74 of this complaint
23 as though fully set forth herein.

24 76. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
25 distributor, promoter, or retailer of Seaweed Crisps ("Seaweed Crisps I").

26 77. Seaweed Crisps I contains Lead and/or Cadmium.

27 78. Defendants knew or should have known that the State of California has identified Lead
28 as a chemical known to cause cancer, developmental and reproductive toxicity, and
Cadmium as a chemical known to cause developmental and reproductive toxicity, and

1 therefore was subject to Proposition 65 warning requirements. Defendants were also
2 informed of the presence of Lead and/or Cadmium in Seaweed Crisps I within Plaintiff's
3 notice of alleged violations further discussed above at Paragraph 25f, 25k.

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

11 80. Plaintiff is informed, believes, and thereon alleges that between December 2, 2021 and
12 the present, or June 6, 2020 and the present, each of the Defendants knowingly and
13 intentionally exposed California consumers and users of Seaweed Crisps I, which
14 Defendants manufactured, distributed, or sold as mentioned above, to Lead and/or
15 Cadmium, without first providing any type of clear and reasonable warning of such to
16 the exposed persons before the time of exposure. Defendants have distributed and sold
17 Seaweed Crisps I in California. Defendants know and intend that California consumers
18 will use and consume Seaweed Crisps I, thereby exposing them to Lead and/or
19 Cadmium. Further, Plaintiff is informed, believes, and thereon alleges that Defendants
20 are selling Seaweed Crisps I under a brand or trademark that is owned or licensed by the
21 Defendants or an entity affiliated thereto; have knowingly introduced Lead and/or
22 Cadmium into Seaweed Crisps I or knowingly caused Lead and/or Cadmium to be
23 created in Seaweed Crisps I; have covered, obscured or altered a warning label that has
24 been affixed to Seaweed Crisps I by the manufacturer, producer, packager, importer,
25 supplier or distributor of Seaweed Crisps I; have received a notice and warning materials
26 for exposure from Seaweed Crisps I without conspicuously posting or displaying the
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warning materials; and/or have actual knowledge of potential exposure to Lead and/or Cadmium from Seaweed Crisps I. Defendants thereby violated Proposition 65.

81. The principal routes of exposure are through ingestion, especially direct (oral) ingestion.

Persons sustain exposures by eating and consuming Seaweed Crisps I.

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

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

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

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

SIXTH CAUSE OF ACTION

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

Seaweed Snacks II

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

87. Each of the Defendants is, and at all times mentioned herein was, a manufacturer, distributor, promoter, or retailer of Seaweed Crisps ("Seaweed Crisps II") identified as:

"SEAPOINT FARMS"; "SEAWEED CRISPS"; "Best Before: 02/26/2025"; "Lot 13603M"; "UPC 711575004217".

88. Seaweed Crisps II contains Lead and Cadmium.

89. 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 Seaweed Crisps II within Plaintiff's notice of alleged violations further discussed above at Paragraph 25e.

90. Plaintiff's allegations regarding Seaweed Crisps 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). Seaweed Crisps 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.

91. Plaintiff is informed, believes, and thereon alleges that between November 22, 2021, and the present, each of the Defendants knowingly and intentionally exposed California consumers and users of Seaweed Crisps 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 Seaweed Crisps II in California. Defendants know and intend that California consumers will use and consume Seaweed Crisps II, thereby exposing them to Lead and Cadmium. Further, Plaintiff is informed, believes, and thereon alleges that Defendants are selling Seaweed Crisps 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 Seaweed Crisps II or knowingly caused

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

7 Defendants thereby violated Proposition 65.

8 92. The principal routes of exposure are through ingestion, especially direct (oral) ingestion.

9 Persons sustain exposures by eating and consuming Seaweed Crisps II.

10 93. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
11 Proposition 65 as to Seaweed Crisps II have been ongoing and continuous, as Defendants
12 engaged and continue to engage in conduct which violates Health and Safety Code
13 Section 25249.6, including the manufacture, distribution, promotion, and sale of
14 Seaweed Crisps 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 Seaweed Crisps II
16 as mentioned herein.

17 94. 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 95. 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 Seaweed Crisps
22 II, pursuant to Health and Safety Code Section 25249.7(b).

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

25 **SEVENTH CAUSE OF ACTION**

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

Mushrooms I

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

98. Each of the Defendants is, and at all times mentioned herein was, a manufacturer, distributor, promoter, or retailer of Dried Mushrooms (“Dried Mushrooms I”).

99. Dried Mushrooms I contains Lead and Cadmium.

100. 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 I within Plaintiff’s notice of alleged violations further discussed above at Paragraph 25j.

101. Plaintiff’s allegations regarding Dried Mushrooms I 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 I 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.

102. Plaintiff is informed, believes, and thereon alleges that between January 21, 2022, and the present, each of the Defendants knowingly and intentionally exposed California consumers and users of Dried Mushrooms I, 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 I in California. Defendants know and intend that California consumers will use and consume Dried Mushrooms I, thereby exposing them to Lead and Cadmium. Further, Plaintiff is

1 informed, believes, and thereon alleges that Defendants are selling Dried Mushrooms I
2 under a brand or trademark that is owned or licensed by the Defendants or an entity
3 affiliated thereto; have knowingly introduced Lead and Cadmium into Dried Mushrooms
4 I or knowingly caused Lead and Cadmium to be created in Dried Mushrooms I; have
5 covered, obscured or altered a warning label that has been affixed to Seaweed Crisps I by
6 the manufacturer, producer, packager, importer, supplier or distributor of Dried
7 Mushrooms I; have received a notice and warning materials for exposure from Dried
8 Mushrooms I without conspicuously posting or displaying the warning materials; and/or
9 have actual knowledge of potential exposure to Lead and Cadmium from Dried
10 Mushrooms I. Defendants thereby violated Proposition 65.

11 103. The principal routes of exposure are through ingestion, especially direct (oral)
12 ingestion. Persons sustain exposures by eating and consuming Dried Mushrooms I.

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

20 105. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
21 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
22 violations alleged herein will continue to occur into the future.

23 106. Based on the allegations herein, Defendants are liable for civil penalties of up to
24 \$2,500.00 per day per individual exposure to Lead and Cadmium from Dried
25 Mushrooms I, pursuant to Health and Safety Code Section 25249.7(b).

26 107. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
27 filing this Complaint.
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1 **EIGHTH CAUSE OF ACTION**

2 **(By CONSUMER ADVOCACY GROUP, INC. and against WAL-MART.COM,**
3 **WALMART, and DOES 71-80 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 **Mushrooms II**

7 108. Plaintiff repeats and incorporates by reference paragraphs 1 through 107 of this
8 complaint as though fully set forth herein.

9 109. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
10 distributor, promoter, or retailer of Dried Mushrooms (“Dried Mushrooms II”) identified
11 as: “ONETANG”; “Dried Shiitake Mushroom”; “Distributed by: N.A. TRADING
12 COMPANY”; “SUNGIVEN FOODS”; “Best Before / Meilleur avant: JAN/15/2026”;
13 “X 001 ML MV9Z”; “UPC 4897068541578”.

14 110. Dried Mushrooms II contains Lead and Cadmium.

15 111. Defendants knew or should have known that the State of California has identified Lead
16 as a chemical known to cause cancer, developmental and reproductive toxicity, and
17 Cadmium as a chemical known to cause developmental and reproductive toxicity, and
18 therefore was subject to Proposition 65 warning requirements. Defendants were also
19 informed of the presence of Lead and Cadmium in Dried Mushrooms II within Plaintiff's
20 notice of alleged violations further discussed above at Paragraph 25h.

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

28 113. Plaintiff is informed, believes, and thereon alleges that between January 14, 2022, and
the present, each of the Defendants knowingly and intentionally exposed California

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

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

19 115. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations
20 of Proposition 65 as to Dried Mushrooms II have been ongoing and continuous, as
21 Defendants engaged and continue to engage in conduct which violates Health and Safety
22 Code Section 25249.6, including the manufacture, distribution, promotion, and sale of
23 Dried Mushrooms II, so that a separate and distinct violation of Proposition 65 occurred
24 each and every time a person was exposed to Lead and Cadmium by Dried Mushrooms
25 II as mentioned herein.
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1 116. 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.

4 117. 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 Dried
6 Mushrooms II, pursuant to Health and Safety Code Section 25249.7(b).

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

9 **NINTH CAUSE OF ACTION**

10 **(By CONSUMER ADVOCACY GROUP, INC. and against AMAZON.COM LLC,**
11 **AMAZON.COM INC, and DOES 71-80 for Violations of Proposition 65, The Safe**
12 **Drinking Water and Toxic Enforcement Act of 1986 (*Health & Safety Code, §§***
25249.5, *et seq.*))

13 **Seaweed Snacks III**

14 119. Plaintiff repeats and incorporates by reference paragraphs 1 through 118 of this
15 complaint as though fully set forth herein.

16 120. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
17 distributor, promoter, or retailer of Seaweed Crisps (“Seaweed Crisps III”) identified as:
18 “Seapoint Farms;” “Seaweed Crisps;” “Pumpkin Sesame;” “Oven-Baked Savory Snack;”
19 “Enjoy Life... Eat Well, Our Ocean’s Superfood;” “NET WT 1.2 OZ (35g);” “BBD.
20 02/07/2023;” “UPC 711575004217;”.

21 121. Seaweed Crisps III contains Cadmium.

22 122. Defendants knew or should have known that the State of California has identified
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 Cadmium in Seaweed Crisps III within Plaintiff’s notice of
26 alleged violations further discussed above at Paragraph 25k.

27 123. Plaintiff’s allegations regarding Seaweed Crisps III 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 III are consumer products, and, as mentioned herein,
4 exposures to Cadmium took place as a result of such normal and foreseeable
5 consumption and use.

6 124. Plaintiff is informed, believes, and thereon alleges that between June 6, 2020 and the
7 present, each of the Defendants knowingly and intentionally exposed California
8 consumers and users of Seaweed Crisps III, which Defendants manufactured, distributed,
9 or sold as mentioned above, to Cadmium, without first providing any type of clear and
10 reasonable warning of such to the exposed persons before the time of exposure.
11 Defendants have distributed and sold Seaweed Crisps III in California. Defendants
12 know and intend that California consumers will use and consume Seaweed Crisps III,
13 thereby exposing them to Cadmium. Further, Plaintiff is informed, believes, and thereon
14 alleges that Defendants are selling Seaweed Crisps III under a brand or trademark that is
15 owned or licensed by the Defendants or an entity affiliated thereto; have knowingly
16 introduced Cadmium into Seaweed Crisps III or knowingly caused Cadmium to be
17 created in Seaweed Crisps III; have covered, obscured or altered a warning label that has
18 been affixed to Seaweed Crisps III by the manufacturer, producer, packager, importer,
19 supplier or distributor of Seaweed Crisps III; have received a notice and warning
20 materials for exposure from Seaweed Crisps III without conspicuously posting or
21 displaying the warning materials; and/or have actual knowledge of potential exposure to
22 Cadmium from Seaweed Crisps III. Defendants thereby violated Proposition 65.

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

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

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

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

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

PRAYER FOR RELIEF

Plaintiff demands against each of the Defendants as follows:

1. A permanent injunction mandating Proposition 65-compliant warnings;
2. Penalties pursuant to Health and Safety Code Section 25249.7, subdivision (b);
3. Costs of suit;
4. Reasonable attorney fees and costs; and
5. Any further relief that the court may deem just and equitable.

Dated: July 29, 2025

YEROUSHALMI & YEROUSHALMI*

/s/ Reuben Yeroushalmi

Reuben Yeroushalmi
Attorneys for Plaintiff,
CONSUMER ADVOCACY GROUP, INC.