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Attorneys for Plaintiff,

CONSUMER ADVOCACY GROUP, INC.

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

CONSUMER ADVOCACY GROUP, INC.,
in the public interest,

Plaintiff,

v.

EASTLAND FOOD CORPORATION, a
Maryland Corporation;
EASTLAND FOOD INTERNATIONAL
CORPORATION, a California Corporation;
and DOES 1-10,

Defendants.

CASE NO. 24CV102670

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)

1 Plaintiff CONSUMER ADVOCACY GROUP, INC. alleges five causes of action against
2 defendants EASTLAND FOOD CORPORATION, EASTLAND FOOD INTERNATIONAL
3 CORPORATION, and DOES 1-10 as follows:

4 **THE PARTIES**

- 5 1. Plaintiff CONSUMER ADVOCACY GROUP, INC. (“Plaintiff” or “CAG”) is an
6 organization qualified to do business in the State of California. CAG is a person within
7 the meaning of Health and Safety Code Section 25249.11, subdivision (a). CAG, acting
8 as a private attorney general, brings this action in the public interest as defined under
9 Health and Safety Code Section 25249.7, subdivision (d).
- 10 2. Defendant EASTLAND FOOD CORPORATION (“EASTLAND”) is a Maryland
11 Corporation qualified to do business in Maryland, and doing business in the State of
12 California at all relevant times herein.
- 13 3. Defendant EASTLAND FOOD INTERNATIONAL CORPORATION (“EASTLAND
14 INTL”) is a California Corporation qualified to do business in California, and doing
15 business in the State of California at all relevant times herein.
- 16 4. Plaintiff is presently unaware of the true names and capacities of defendants DOES 1-10,
17 and therefore sues these defendants by such fictitious names. Plaintiff will amend this
18 Complaint to allege their true names and capacities when ascertained. Plaintiff is
19 informed, believes, and thereon alleges that each fictitiously named defendant is
20 responsible in some manner for the occurrences herein alleged and the damages caused
21 thereby.
- 22 5. At all times mentioned herein, the term “Defendants” includes EASTLAND,
23 EASTLAND INTL, and DOES 1-10.
- 24 6. Plaintiff is informed and believes, and thereon alleges that each of the Defendants at all
25 times mentioned herein have conducted business within the State of California.
- 26 7. Upon information and belief, at all times relevant to this action, each of the Defendants,
27 including DOES 1-10, was an agent, servant, or employee of each of the other
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1 Defendants. In conducting the activities alleged in this Complaint, each of the
2 Defendants was acting within the course and scope of this agency, service, or
3 employment, and was acting with the consent, permission, and authorization of each of
4 the other Defendants. All actions of each of the Defendants alleged in this Complaint
5 were ratified and approved by every other Defendant or their officers or managing
6 agents. Alternatively, each of the Defendants aided, conspired with and/or facilitated the
7 alleged wrongful conduct of each of the other Defendants.

- 8 8. Plaintiff is informed, believes, and thereon alleges that at all relevant times, each of the
9 Defendants was a person doing business within the meaning of Health and Safety Code
10 Section 25249.11, subdivision (b), and that each of the Defendants had ten (10) or more
11 employees at all relevant times.

12 **JURISDICTION**

- 13 9. The Court has jurisdiction over this lawsuit pursuant to California Constitution Article
14 VI, Section 10, which grants the Superior Court original jurisdiction in all causes except
15 those given by statute to other trial courts. This Court has jurisdiction over this action
16 pursuant to Health and Safety Code Section 25249.7, which allows enforcement of
17 violations of Proposition 65 in any Court of competent jurisdiction.
- 18 10. This Court has jurisdiction over Defendants named herein because Defendants either
19 reside or are located in this State or are foreign corporations authorized to do business in
20 California, are registered with the California Secretary of State, or who do sufficient
21 business in California, have sufficient minimum contacts with California, or otherwise
22 intentionally avail themselves of the markets within California through their
23 manufacture, distribution, promotion, marketing, or sale of their products within
24 California to render the exercise of jurisdiction by the California courts permissible
25 under traditional notions of fair play and substantial justice.
- 26 11. Venue is proper in the County of Alameda because one or more of the instances of
27 wrongful conduct occurred, and continues to occur, in the County of Alameda and/or
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1 because Defendants conducted, and continue to conduct, business in the County of
2 Alameda with respect to the consumer product that is the subject of this action.

3 **BACKGROUND AND PRELIMINARY FACTS**

- 4 12. In 1986, California voters approved an initiative to address growing concerns about
5 exposure to toxic chemicals and declared their right “[t]o be informed about exposures to
6 chemicals that cause cancer, birth defects, or other reproductive harm.” Ballot Pamp.,
7 Proposed Law, Gen. Elec. (Nov. 4, 1986) at p. 3. The initiative, The Safe Drinking
8 Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code Sections
9 25249.5, *et seq.* (“Proposition 65”), helps to protect California’s drinking water sources
10 from contamination, to allow consumers to make informed choices about the products
11 they buy, and to enable persons to protect themselves from toxic chemicals as they see
12 fit.
- 13 13. Proposition 65 requires the Governor of California to publish a list of chemicals known
14 to the state to cause cancer, birth defects, or other reproductive harm. *Health & Safety*
15 *Code* § 25249.8. The list, which the Governor updates at least once a year, contains over
16 700 chemicals and chemical families. Proposition 65 imposes warning requirements and
17 other controls that apply to Proposition 65-listed chemicals.
- 18 14. All businesses with ten (10) or more employees that operate or sell products in California
19 must comply with Proposition 65. Under Proposition 65, businesses are: (1) prohibited
20 from knowingly discharging Proposition 65-listed chemicals into sources of drinking
21 water (*Health & Safety Code* § 25249.5), and (2) required to provide “clear and
22 reasonable” warnings before exposing a person, knowingly and intentionally, to a
23 Proposition 65-listed chemical (*Health & Safety Code* § 25249.6).
- 24 15. Proposition 65 provides that any person “violating or threatening to violate” the statute
25 may be enjoined in any court of competent jurisdiction. *Health & Safety Code* §
26 25249.7. “Threaten to violate” means “to create a condition in which there is a
27 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).

16. Plaintiff identified certain practices of manufacturers and distributors of Crispy Sardines, Seasoned Squid of exposing, knowingly and intentionally, persons in California to 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.

17. On October 1, 1992, the Governor of California added Lead and Lead Compounds (“Lead”) 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 Lead to the list of chemicals known to the State to cause cancer, Lead became fully subject to Proposition 65 warning requirements and discharge prohibitions.

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

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

SATISFACTION OF PRIOR NOTICE

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

- a. On or about December 12, 2023, Plaintiff gave notice of alleged violations of Health and Safety Code Section 25249.6, concerning consumer products exposures subject to a private action to EASTLAND, EASTLAND INTL, and to the California Attorney General, County District Attorneys, and City Attorneys for each city containing a population of at least 750,000 people in whose jurisdictions the violations allegedly occurred, concerning the Crispy Sardines.
- b. On or about October 4, 2024, Plaintiff gave notice of alleged violations of Health and Safety Code Section 25249.6, concerning consumer products exposures subject to a private action to EASTLAND, EASTLAND INTL, and to the California Attorney General, County District Attorneys, and City Attorneys for each city containing a population of at least 750,000 people in whose jurisdictions the violations allegedly occurred, concerning the Seasoned Squid.
- c. On or about October 11, 2024, Plaintiff gave notice of alleged violations of Health and Safety Code Section 25249.6, concerning consumer products exposures subject to a private action to EASTLAND, EASTLAND INTL, and to the California Attorney General, County District Attorneys, and City Attorneys for each city containing a population of at least 750,000 people in whose jurisdictions the violations allegedly occurred, concerning the Seasoned Squid.
- d. On or about October 16, 2024, Plaintiff gave notice of alleged violations of Health and Safety Code Section 25249.6, concerning consumer products exposures subject to a private action to EASTLAND, EASTLAND INTL, and to the California Attorney General, County District Attorneys, and City Attorneys for each city containing a population of at least 750,000 people in whose jurisdictions the violations allegedly occurred, concerning the Crispy Sardines.

e. On or about October 22, 2024, Plaintiff gave notice of alleged violations of Health and Safety Code Section 25249.6, concerning consumer products exposures subject to a private action to EASTLAND, EASTLAND INTL, and to the California Attorney General, County District Attorneys, and City Attorneys for each city containing a population of at least 750,000 people in whose jurisdictions the violations allegedly occurred, concerning the Crispy Sardines.

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

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

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

24. Plaintiff is commencing this action more than sixty (60) days from the dates that Plaintiff gave notice of the alleged violations to EASTLAND, EASTLAND INTL, and the public prosecutors referenced in Paragraph 20.

1 25. Plaintiff is informed, believes, and thereon alleges that neither the Attorney General, nor
2 any applicable district attorney or city attorney has commenced and is diligently
3 prosecuting an action against the Defendants.

4 **FIRST CAUSE OF ACTION**

5 **(By CONSUMER ADVOCACY GROUP, INC. and against EASTLAND,**
6 **EASTLAND INTL, and DOES 1-10 for Violations of Proposition 65, The Safe**
7 **Drinking Water and Toxic Enforcement Act of 1986 (*Health & Safety Code*, §§**
8 **25249.5, *et seq.*))**

9 **Seafood Snacks I**

10 26. Plaintiff repeats and incorporates by reference paragraphs 1 through 25 of this complaint
11 as though fully set forth herein.

12 27. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
13 distributor, promoter, or retailer of Crispy Sardines (“Crispy Sardines I”), including but
14 not limited to “CHAOLAY”; “Crispy White Sardine”; “Net. WT. 3.53 Oz (100g)”;
15 “PRODUCT OF THAILAND”; “12401101”; “UPC 083737241014”.

16 28. Crispy Sardines I contain Lead.

17 29. Defendants knew or should have known that Lead has been identified by the State of
18 California as a chemical known to cause cancer, and reproductive toxicity and therefore
19 was subject to Proposition 65 warning requirements. Defendants were also informed of
20 the presence of Lead in Crispy Sardines I within Plaintiff's notice of alleged violations
21 further discussed above at Paragraph 20a.

22 30. Plaintiff's allegations regarding Crispy Sardines 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). Crispy Sardines I are consumer products, and, as mentioned herein, exposures
27 to Lead took place as a result of such normal and foreseeable consumption and use.

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

18 32. The principal routes of exposure are through ingestion, especially direct (oral) ingestion.
19 Persons sustain exposures by eating and consuming Crispy Sardines I.

20 33. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
21 Proposition 65 as to Crispy Sardines I 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 Crispy
24 Sardines I, so that a separate and distinct violation of Proposition 65 occurred each and
25 every time a person was exposed to Lead by Crispy Sardines I as mentioned herein.

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1 34. 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 35. 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 from Crispy Sardines I, pursuant to
6 Health and Safety Code Section 25249.7(b).

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

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10 **SECOND CAUSE OF ACTION**

11 **(By CONSUMER ADVOCACY GROUP, INC. and against EASTLAND,**
12 **EASTLAND INTL, and DOES 1-10 for Violations of Proposition 65, The Safe**
13 **Drinking Water and Toxic Enforcement Act of 1986 (*Health & Safety Code*, §§**
14 **25249.5, *et seq.*))**

15 **Seafood Snacks II**

16 37. Plaintiff repeats and incorporates by reference paragraphs 1 through 36 of this complaint
17 as though fully set forth herein.

18 38. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
19 distributor, promoter, or retailer of Crispy Sardines (“Crispy Sardines II”).

20 39. Crispy Sardines II contain Lead.

21 40. Defendants knew or should have known that Lead has been identified by the State of
22 California as a chemical known to cause cancer, and reproductive toxicity and therefore
23 was subject to Proposition 65 warning requirements. Defendants were also informed of
24 the presence of Lead in Crispy Sardines II within Plaintiff’s notice of alleged violations
25 further discussed above at Paragraph 20e.

26 41. Plaintiff’s allegations regarding Crispy Sardines II concerns “[c]onsumer products
27 exposure[s],” which “is an exposure that results from a person’s acquisition, purchase,
28 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, §

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

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

21 43. The principal routes of exposure are through ingestion, especially direct (oral) ingestion.
22 Persons sustain exposures by eating and consuming Crispy Sardines II.

23 44. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
24 Proposition 65 as to Crispy Sardines II 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 Crispy
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1 Sardines II, so that a separate and distinct violation of Proposition 65 occurred each and
2 every time a person was exposed to Lead by Crispy Sardines II as mentioned herein.
3 45. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
4 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
5 violations alleged herein will continue to occur into the future.
6 46. Based on the allegations herein, Defendants are liable for civil penalties of up to
7 \$2,500.00 per day per individual exposure to Lead from Crispy Sardines II, pursuant to
8 Health and Safety Code Section 25249.7(b).
9 47. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
10 filing this Complaint.

11 **THIRD CAUSE OF ACTION**

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

15 **Seafood Snacks III**

16 48. Plaintiff repeats and incorporates by reference paragraphs 1 through 47 of this complaint
17 as though fully set forth herein.
18 49. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
19 distributor, promoter, or retailer of Crispy Sardines (“Crispy Sardines III”), identified as:
20 “CHAOLAY” “Crispy White Sardine”; “MFG date: SEP/30/2023 129”; “Best Before:
21 SEP/30/2024”; “Distributed in USA by EASTLAND Food Corporation”; “UPC 0 83737
22 24104 5”.
23 50. Crispy Sardines III contain Lead.
24 51. Defendants knew or should have known that Lead has been identified by the State of
25 California as a chemical known to cause cancer, and reproductive toxicity and therefore
26 was subject to Proposition 65 warning requirements. Defendants were also informed of
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1 the presence of Lead in Crispy Sardines III within Plaintiff's notice of alleged violations
2 further discussed above at Paragraph 20d.

3 52. Plaintiff's allegations regarding Crispy Sardines III 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)*. Crispy Sardines III are consumer products, and, as mentioned herein,
8 exposures to Lead took place as a result of such normal and foreseeable consumption and
9 use.

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

1 54. The principal routes of exposure are through ingestion, especially direct (oral) ingestion.
2 Persons sustain exposures by eating and consuming Crispy Sardines III.
3 55. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
4 Proposition 65 as to Crispy Sardines III 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 Crispy Sardines III , so that a separate and distinct violation of Proposition 65 occurred
8 each and every time a person was exposed to Lead by Crispy Sardines III as mentioned
9 herein.
10 56. 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 57. 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 from Crispy Sardines III, pursuant to
15 Health and Safety Code Section 25249.7(b).
16 58. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
17 filing this Complaint.

18 **FOURTH CAUSE OF ACTION**

19 **(By CONSUMER ADVOCACY GROUP, INC. and against EASTLAND,**
20 **EASTLAND INTL, and DOES 1-10 for Violations of Proposition 65, The Safe**
21 **Drinking Water and Toxic Enforcement Act of 1986 (*Health & Safety Code, §§***
22 ***25249.5, et seq.*))**

23 **Seafood Snacks IV**

24 59. Plaintiff repeats and incorporates by reference paragraphs 1 through 58 of this complaint
25 as though fully set forth herein.
26 60. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
27 distributor, promoter, or retailer of Seasoned Squid ("Seasoned Squid I").
28 61. Seasoned Squid I contains Cadmium.

1 62. Defendants knew or should have known that Cadmium has been identified by the State
2 of California as a chemical known to cause reproductive and developmental toxicity and
3 therefore was subject to Proposition 65 warning requirements. Defendants were also
4 informed of the presence of Cadmium in Seasoned Squid I within Plaintiff's notice of
5 alleged violations further discussed above at Paragraph 20c.

6 63. Plaintiff's allegations regarding Seasoned Squid I 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). Seasoned Squid I are consumer products, and, as mentioned herein, exposures
11 to Cadmium took place as a result of such normal and foreseeable consumption and use.

12 64. Plaintiff is informed, believes, and thereon alleges that between October 11, 2021, and
13 the present, each of the Defendants knowingly and intentionally exposed California
14 consumers and users of Seasoned Squid I, which Defendants manufactured, distributed,
15 or sold as mentioned above, to Cadmium, 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 Seasoned Squid I in California. Defendants know
18 and intend that California consumers will use and consume Seasoned Squid I, thereby
19 exposing them to Cadmium. Further, Plaintiff is informed, believes, and thereon alleges
20 that Defendants are selling Seasoned Squid I under a brand or trademark that is owned or
21 licensed by the Defendants or an entity affiliated thereto; have knowingly introduced
22 Cadmium into Seasoned Squid I or knowingly caused Cadmium to be created in
23 Seasoned Squid I; have covered, obscured or altered a warning label that has been
24 affixed to Seasoned Squid I by the manufacturer, producer, packager, importer, supplier
25 or distributor of Seasoned Squid I; have received a notice and warning materials for
26 exposure from Seasoned Squid I without conspicuously posting or displaying the
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1 warning materials; and/or have actual knowledge of potential exposure to Cadmium
2 from Seasoned Squid I. Defendants thereby violated Proposition 65.
3 65. The principal routes of exposure are through ingestion, especially direct (oral) ingestion.
4 Persons sustain exposures by eating and consuming Seasoned Squid I.
5 66. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
6 Proposition 65 as to Seasoned Squid I have been ongoing and continuous, as Defendants
7 engaged and continue to engage in conduct which violates Health and Safety Code
8 Section 25249.6, including the manufacture, distribution, promotion, and sale of
9 Seasoned Squid I, so that a separate and distinct violation of Proposition 65 occurred
10 each and every time a person was exposed to Cadmium by Seasoned Squid I as
11 mentioned herein.
12 67. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
13 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
14 violations alleged herein will continue to occur into the future.
15 68. Based on the allegations herein, Defendants are liable for civil penalties of up to
16 \$2,500.00 per day per individual exposure to Cadmium from Seasoned Squid I, pursuant
17 to Health and Safety Code Section 25249.7(b).
18 69. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
19 filing this Complaint.
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21 **FIFTH CAUSE OF ACTION**

22 **(By CONSUMER ADVOCACY GROUP, INC. and against EASTLAND,**
23 **EASTLAND INTL, and DOES 1-10 for Violations of Proposition 65, The Safe**
24 **Drinking Water and Toxic Enforcement Act of 1986 (*Health & Safety Code, §§***
25 ***25249.5, et seq.*))**

26 **Seafood Snacks V**

27 70. Plaintiff repeats and incorporates by reference paragraphs 1 through 69 of this complaint
28 as though fully set forth herein.

1 71. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
2 distributor, promoter, or retailer of Seasoned Squid (“Seasoned Squid II”), identified as:
3 “Mr. Squid”; “Rolled Seasoned Squid”; “MFG: NOV 06 2023”; “BBE: NOV 06 2024”;
4 “Distributed by: Eastland Food Corporation”; “Manufactured by: T. Thai Snack Foods
5 Co., Ltd.”; “UPC 8 852861 002011”.

6 72. Seasoned Squid II contains Cadmium.

7 73. Defendants knew or should have known that Cadmium has been identified by the State
8 of California as a chemical known to cause reproductive and developmental toxicity and
9 therefore was subject to Proposition 65 warning requirements. Defendants were also
10 informed of the presence of Cadmium in Seasoned Squid II within Plaintiff’s notice of
11 alleged violations further discussed above at Paragraph 20b.

12 74. Plaintiff’s allegations regarding Seasoned Squid II 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). Seasoned Squid II are consumer products, and, as mentioned herein,
17 exposures to Cadmium took place as a result of such normal and foreseeable
18 consumption and use.

19 75. Plaintiff is informed, believes, and thereon alleges that between October 4, 2021, and the
20 present, each of the Defendants knowingly and intentionally exposed California
21 consumers and users of Seasoned Squid II, which Defendants manufactured, distributed,
22 or sold as mentioned above, to Cadmium, without first providing any type of clear and
23 reasonable warning of such to the exposed persons before the time of exposure.
24 Defendants have distributed and sold Seasoned Squid II in California. Defendants know
25 and intend that California consumers will use and consume Seasoned Squid II , thereby
26 exposing them to Cadmium. Further, Plaintiff is informed, believes, and thereon alleges
27 that Defendants are selling Seasoned Squid II under a brand or trademark that is owned
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1 or licensed by the Defendants or an entity affiliated thereto; have knowingly introduced
2 Cadmium into Seasoned Squid II or knowingly caused Cadmium to be created in
3 Seasoned Squid II; have covered, obscured or altered a warning label that has been
4 affixed to Seasoned Squid II by the manufacturer, producer, packager, importer, supplier
5 or distributor of Seasoned Squid II; have received a notice and warning materials for
6 exposure from Seasoned Squid II without conspicuously posting or displaying the
7 warning materials; and/or have actual knowledge of potential exposure to Cadmium
8 from Seasoned Squid II. Defendants thereby violated Proposition 65.

9 76. The principal routes of exposure are through ingestion, especially direct (oral) ingestion.
10 Persons sustain exposures by eating and consuming Seasoned Squid II.

11 77. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
12 Proposition 65 as to Seasoned Squid II 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
15 Seasoned Squid II, so that a separate and distinct violation of Proposition 65 occurred
16 each and every time a person was exposed to Cadmium by Seasoned Squid II as
17 mentioned herein.

18 78. 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 79. Based on the allegations herein, Defendants are liable for civil penalties of up to
22 \$2,500.00 per day per individual exposure to Cadmium from Seasoned Squid II,
23 pursuant to Health and Safety Code Section 25249.7(b).

24 80. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
25 filing this Complaint.
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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: March 3, 2025

YEROUSHALMI & YEROUSHALMI*

/s/ Reuben Yeroushalmi

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