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ELECTRONICALLY
FILED

Superior Court of California,
County of San Francisco

10/16/2025
Clerk of the Court

BY: RONNIE OTERO
Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

9 EMA BELL,

10 Plaintiff,

11 vs.

12 LIFE PLUS STYLE GOURMET LLC,
13 THE TJX COMPANIES, INC.,

14 Defendants.

Case No.: CGC-25-621744

**FIRST AMENDED COMPLAINT FOR CIVIL
PENALTIES AND INJUNCTIVE RELIEF**

**(Violation of Health & Safety Code § 25249.5 et
seq.)**

15 Plaintiff Ema Bell ("Plaintiff"), by and through her attorneys, alleges the following cause
16 of action in the public interest of the citizens of the State of California.

BACKGROUND OF THE CASE

17 1. Plaintiff brings this representative action on behalf of all California citizens to
18 enforce relevant portions of Safe Drinking Water and Toxic Enforcement Act of 1986, codified at
19 the Health and Safety Code § 25249.5 et seq ("Proposition 65"), which reads, in relevant part,
20 "[n]o person in the course of doing business shall knowingly and intentionally expose any
21 individual to a chemical known to the state to cause cancer or reproductive toxicity without first
22 giving clear and reasonable warning to such individual ...". Health & Safety Code § 25249.6.

23 2. This first amended complaint is a representative action brought by Plaintiff in the
24 public interest of the citizens of the State of California to enforce the People's right to be informed
25 of the health hazards caused by exposure to lead, a toxic chemical found in (a) ceramic teacups,
26 (b) ceramic teapots, and (c) mangoes sold and/or distributed by defendants Life Plus Style Gourmet
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1 LLC and/or The TJX Companies, Inc. (collectively, "Defendants" and each a "Defendant") in
2 California.

3 3. Lead is a harmful chemical known to the State of California to cause cancer and
4 birth defects or other reproductive harm. On October 1, 1992, the state of California listed lead as
5 a chemical known to cause cancer and it has come under the purview of Proposition 65 regulations
6 since that time. Cal. Code Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8 &
7 25249.10(b). On February 27, 1987, the State of California listed lead as a chemical known to
8 cause birth defects or other reproductive harm.

9 4. Proposition 65 requires all businesses with ten (10) or more employees that operate
10 within California or sell products therein to comply with Proposition 65 regulations. Included in
11 such regulations is the requirement that businesses must label any product containing a Proposition
12 65-listed chemical that will create an exposure above safe harbor levels with a "clear and
13 reasonable" warning before "knowingly and intentionally" exposing any person to any such listed
14 chemical.

15 5. Proposition 65 allows for civil penalties of up to \$2,500.00 per day per violation
16 for up to 365 days (up to a maximum civil penalty amount per violation of \$912,000.00) to be
17 imposed upon defendants in a civil action for violations of Proposition 65. Health & Safety Code
18 § 25249.7(b). Proposition 65 also allows for any court of competent jurisdiction to enjoin the
19 actions of a defendant which "violate or threaten to violate" the statute. Health & Safety Code §
20 25249.7.

21 6. Plaintiff alleges that Defendants distribute and/or offer for sale in California,
22 without a requisite exposure warning, (a) ceramic teacups, (b) ceramic teapots, and (c) mangoes
23 (collectively, the "Products" and each a "Product") that expose persons to lead when used and/or
24 consumed for their intended purpose.

25 7. Defendants' failure to warn consumers and other individuals in California of the
26 health hazards associated with exposure to lead in conjunction with the sale and/or distribution of
27 the Products is a violation of Proposition 65 and subjects Defendants to the injunction and civil
28 penalties described herein.

8. Plaintiff seeks civil penalties against Defendants for their violations of Proposition 65 in accordance with Health and Safety Code § 25249.7(b).

9. Plaintiff also seeks injunctive relief, preliminarily and permanently, requiring Defendants to provide purchasers, users, or consumers of the Products with required warnings related to the dangers and health hazards associated with exposure to lead pursuant to Health and Safety Code § 25249.7(a).

10. Plaintiff further seeks a reasonable award of attorney's fees and costs.

PARTIES

11. Plaintiff is a citizen of the State of California acting in the interest of the general public to promote awareness of exposures to toxic chemicals in products sold in California and to improve human health by reducing hazardous substances contained in such items. She brings this action in the public interest pursuant to Health and Safety Code § 25249.7(d).

12. Defendant Life Plus Style Gourmet LLC, through its business, effectively imports, distributes, sells, and/or offers the Products for sale or use in the State of California, or it implies by its conduct that it imports, distributes, sells, and/or offers the Products for sale or use in the State of California. Plaintiff alleges that defendant Life Plus Style Gourmet LLC is a “person” in the course of doing business within the meaning of Health & Safety Code sections 25249.6 and 25249.11.

13. Defendant The TJX Companies, Inc., through its business, effectively imports, distributes, sells, and/or offers the Products for sale or use in the State of California, or it implies by its conduct that it imports, distributes, sells, and/or offers the Products for sale or use in the State of California. Plaintiff alleges that defendant The TJX Companies, Inc. is a “person” in the course of doing business within the meaning of Health & Safety Code sections 25249.6 and 25249.11.

VENUE AND JURISDICTION

14. Venue is proper in the County of San Francisco because one or more of the instances of wrongful conduct occurred, and continue to occur in this county and/or because

1 Defendants conducted, and continue to conduct, business in the County of San Francisco with
2 respect to the Products.

3 15. This Court has jurisdiction over this action pursuant to California Constitution
4 Article VI, § 10, which grants the Superior Court original jurisdiction in all causes except those
5 given by statute to other trial courts. Health and Safety Code § 25249.7 allows for the enforcement
6 of violations of Proposition 65 in any Court of competent jurisdiction; therefore, this Court has
7 jurisdiction over this lawsuit.

8 16. This Court has jurisdiction over Defendants because each Defendant is either a
9 citizen of the State of California, has sufficient minimum contacts with the State of California, is
10 registered with the California Secretary of State as foreign corporations authorized to do business
11 in the State of California, and/or has otherwise purposefully availed itself of the California market.
12 Such purposeful availment has rendered the exercise of jurisdiction by California courts consistent
13 and permissible with traditional notions of fair play and substantial justice.

14 **STATUTORY BACKGROUND**

15 17. The people of the State of California declared in Proposition 65 their right “[t]o be
16 informed about exposures to chemicals that cause cancer, birth defects, or other reproductive
17 harm.” (Section 1(b) of Initiative Measure, Proposition 65.)

18 18. To effect this goal, Proposition 65 requires that individuals be provided with a
19 “clear and reasonable warning” before being exposed to substances listed by the State of California
20 as causing cancer and/or birth defects or other reproductive harm. H&S Code § 25249.6 states, in
21 pertinent part:

22 No person in the course of doing business shall knowingly and intentionally expose any
23 individual to a chemical known to the state to cause cancer or reproductive toxicity without
first giving clear and reasonable warning to such individual...

24 19. An exposure to a chemical in a consumer product is one “which results from a
25 person’s acquisition, purchase, storage, consumption or other reasonably foreseeable use of a
26 consumer good, or any exposure that results from receiving a consumer service.” (27 CCR §
27 25602, para (b).) H&S Code § 25603(c) states that “a person in the course of doing business ...
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1 shall provide a warning to any person to whom the product is sold or transferred unless the product
2 is packaged or labeled with a clear and reasonable warning.”

3 20. Pursuant to H&S Code § 25603.1, the warning may be provided by using one or
4 more of the following methods individually or in combination:¹

5 a. A warning that appears on a product’s label or other labeling.

6 b. Identification of the product at the retail outlet in a manner which provides
7 a warning. Identification may be through shelf labeling, signs, menus, or a combination
8 thereof.

9 c. The warnings provided pursuant to subparagraphs (a) and (b) shall be
10 prominently placed upon a product’s labels or other labeling or displayed at the retail outlet
11 with such conspicuousness, as compared with other words, statements, designs, or devices
12 in the label, labeling or display as to render it likely to be read and understood by an
13 ordinary individual under customary conditions of purchase or use.

14 d. A system of signs, public advertising identifying the system and toll-free
15 information services, or any other system that provides clear and reasonable warnings.

16 21. Proposition 65 provides that any “person who violates or threatens to violate” the
17 statute may be enjoined in a court of competent jurisdiction. (H&S Code § 25249.7.) The phrase
18 “threaten to violate” is defined to mean creating “a condition in which there is a substantial
19 probability that a violation will occur.” (H&S Code § 25249.11(e).) Violators are liable for civil
20 penalties of up to \$2,500.00 per day for each violation of the Act (H&S Code § 25249.7) for up to
21 365 days (up to a maximum civil penalty amount per violation of \$912,000.00).

22 **FACTUAL BACKGROUND**

23 22. On October 1, 1992, the state of California listed lead as a chemical known to cause
24 cancer and it has come under the purview of Proposition 65 regulations since that time. Cal. Code
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26
27 ¹ Alternatively, a person in the course of doing business may elect to comply with the warning
28 requirements set out in the amended version of 27 CCR 25601, *et.seq.* as amended on August 30,
2016, and operative on August 30, 2018.

1 Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8 & 25249.10(b). On February 27,
2 1987, the State of California listed lead as a chemical known to cause birth defects or other
3 reproductive harm. In summary, lead was listed under Proposition 65 as a chemical known to the
4 State to cause cancer and birth defects or other reproductive harm.

5 23. The exposures that are the subject of the Notice result from the purchase,
6 acquisition, handling, consumption, and recommended use of the Product. The primary route of
7 exposure to lead in ceramic products is through dermal absorption directly through the skin
8 when consumers use, touch, or handle the Products. Exposure through ingestion will occur by
9 touching the Product with subsequent touching of the user's hand to mouth. The primary route of
10 exposure to lead in food products is through ingestion. When foods contaminated with lead are
11 consumed, ingestion of lead will occur which will increase blood lead levels. No clear and
12 reasonable warning is provided with the Products regarding the health hazards of exposure.

13 24. Defendants have processed, marketed, distributed, offered to sell and/or sold the
14 Products in California since at least October 31, 2024 with respect to the ceramic teapots; since at
15 least December 16, 2024 with respect to the mangoes; and since at least February 24, 2025 with
16 respect to the ceramic teacups. The Products continue to be distributed and sold in California
17 without the requisite warning information.

18 25. At all times relevant to this action, Defendants have knowingly and intentionally
19 exposed users and/or consumers of the Products to lead without first giving a clear and reasonable
20 exposure warning to such individuals.

21 26. As a proximate result of acts by each Defendant, as a person in the course of doing
22 business within the meaning of H&S Code § 25249.11, individuals throughout the State of
23 California, including in San Francisco County, have been exposed to lead without a clear and
24 reasonable warning on the Products. The individuals subject to the violative exposures include
25 normal and foreseeable users and consumers that use the Products, as well as all others exposed to
26 the Products.

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1 33. The Notices complied with all procedural requirements of Proposition 65 including
2 the attachment of a Certificate of Merit affirming that Plaintiff's counsel had consulted with at
3 least one person with relevant and appropriate expertise who reviewed relevant data regarding lead
4 exposure, and that counsel believed there was meritorious and reasonable cause for a private
5 action.

6 34. After receiving the Notices, and to Plaintiff's best information and belief, none of
7 the noticed appropriate public enforcement agencies have commenced and diligently prosecuted a
8 cause of action against Defendants under Proposition 65 to enforce the alleged violations which
9 are the subject of the Notices.

10 35. Plaintiff is commencing this action more than sixty (60) days from the date of each
11 Notice to Defendants, as required by law.

12 **FIRST CAUSE OF ACTION**

13 **(By Plaintiff against Defendants for the Violation of Proposition 65)**

14 36. Plaintiff hereby repeats and incorporates by reference paragraphs 1 through 35 of
15 this First Amended Complaint as though fully set forth herein.

16 37. Defendants have, at all times mentioned herein, acted as distributor, and/or retailer
17 of the Products.

18 38. Use and/or consumption of the Products will expose users to lead, a hazardous
19 chemical found on the Proposition 65 list of chemicals known to be hazardous to human health.

20 39. The Products do not comply with the Proposition 65 warning requirements.

21 40. Plaintiff, based on her best information and belief, avers that at all relevant times
22 herein, and since at least October 31, 2024 with respect to the ceramic teapots; since at least
23 December 16, 2024 with respect to the mangoes; and since at least February 24, 2025 with respect
24 to the ceramic teacups, continuing until the present, that Defendants have continued to knowingly
25 and intentionally expose California users and consumers of the Product to lead without providing
26 required warnings under Proposition 65.

27 41. The exposures that are the subject of the Notice result from the purchase,
28 acquisition, handling, consumption, and recommended use of the Product. The primary route of

1 exposure to lead in ceramic products the is through dermal absorption directly through the skin
2 when consumers use, touch, or handle the Products. Exposure through ingestion will occur by
3 touching the Product with subsequent touching of the user's hand to mouth. The primary route of
4 exposure to lead in food products is through ingestion. When foods contaminated with lead are
5 consumed, ingestion of lead will occur which will increase blood lead levels. No clear and
6 reasonable warning is provided with the Products regarding the health hazards of exposure.

7 42. Plaintiff, based on her best information and belief, avers that such exposures will
8 continue every day until clear and reasonable warnings are provided to purchasers, users, and/or
9 consumers or until this known toxic chemical is removed from the Products.

10 43. Defendants have knowledge that the normal and reasonably foreseeable use and/or
11 consumption of the Products exposes individuals to lead, and Defendants intend that exposures to
12 lead will occur by its deliberate, non-accidental participation in the importation, distribution, sale
13 and offering of the Products to consumers in California

14 44. Plaintiff has engaged in good faith efforts to resolve the herein claims prior to this
15 First Amended Complaint.

16 45. Pursuant to Health and Safety Code § 25249.7(b), as a consequence of the above
17 described acts, each Defendant is liable for a maximum civil penalty of \$2,500 per day per
18 violation.

19 46. Pursuant to Health and Safety Code § 25249.7(a), this Court is specifically
20 authorized to grant injunctive relief in favor of Plaintiff and against Defendants.

1 **PRAYER FOR RELIEF**

2 WHEREFORE, Plaintiff demands judgment against Defendants and requests the following
3 relief:

4 A. That the court assess civil penalties against each Defendant in the amount of \$2,500
5 per day for each violation for up to 365 days (up to a maximum civil penalty amount per
6 violation of \$912,000.00) in accordance with Health and Safety Code § 25249.7(b);

7 B. That the court preliminarily and permanently enjoin Defendants mandating
8 Proposition 65 compliant warnings on the Products;

9 C. That the court grant Plaintiff reasonable attorney's fees and costs of suit, in the
10 amount of \$50,000.00.

11 D. That the court grant any further relief as may be just and proper.

12 Dated: October 16, 2025

BRODSKY SMITH

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