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14 Environmental Health Advocates, Inc.

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

16 **IN AND FOR THE COUNTY OF SAN FRANCISCO CGC-26-634534**

17 ENVIRONMENTAL HEALTH ADVOCATES,
18 INC.,

19 Plaintiff,

20 v.

21 KNIGHT & WILSON LIMITED, an English
22 corporation; INTERNATIONAL HAIR
23 COSMETICS LIMITED, an English
24 corporation; and DOES 1 through 100,
25 inclusive,

26 Defendants.

Case No.:

**COMPLAINT FOR CIVIL PENALTIES
AND INJUNCTIVE RELIEF**

(Health & Safety Code § 25249.6 et seq.)

**ELECTRONICALLY
FILED**
*Superior Court of California,
County of San Francisco*

03/02/2026
Clerk of the Court
BY: BENJAMIN YUST
Deputy Clerk

I.
INTRODUCTION

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2 1. This Complaint is a representative action brought by Environmental Health Advocates,
3 Inc. (“Plaintiff”) in the public interest of the citizens of the State of California (“the People”). Plaintiff
4 seeks to remedy Defendants’ failure to inform the People of exposure to diethanolamine (“DEA”), a
5 known carcinogen and reproductive/developmental toxin. Defendants expose consumers to DEA by
6 manufacturing, importing, selling, and/or distributing hair dye including, but not limited to, Knight &
7 Wilson Color Freedom Metallic Glory Permanent Hair Color (“Products”). Defendants know and intend
8 that customers will use Products containing DEA.

9 2. Under California’s Safe Drinking Water and Toxic Enforcement Act of 1986, California
10 Health and Safety Code, section 25249.6 et seq. (“Proposition 65”), “[n]o person in the course of doing
11 business shall knowingly and intentionally expose any individual to a chemical known to the state to
12 cause cancer or reproductive toxicity without first giving clear and reasonable warning to such
13 individual. . . .” (Health & Safety Code, § 25249.6.)

14 3. California identified and listed DEA as a chemical known to cause cancer as early as
15 June 22, 2012.

16 4. Defendants failed to sufficiently warn consumers and individuals in California about
17 potential exposure to DEA in connection with Defendants’ manufacture, import, sale, or distribution of
18 Products. This is a violation of Proposition 65.

19 5. Plaintiff seeks injunctive relief compelling Defendants to sufficiently warn consumers
20 in California before exposing them to DEA in Products. (Health & Safety Code, § 25249.7(a).) Plaintiff
21 also seeks civil penalties against Defendants for violations of Proposition 65 along with attorney’s fees
22 and costs. (Health & Safety Code, § 25249.7(b).)

II.
PARTIES

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24 6. Plaintiff ENVIRONMENTAL HEALTH ADVOCATES, INC. (“Plaintiff”) is a
25 corporation in the State of California dedicated to protecting the health of California citizens through
26 the elimination or reduction of toxic exposure from consumer products. It brings this action in the public
27 interest pursuant to Health and Safety Code, section 25249.7.

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1 5. Animal studies have reported effects on various organ systems from long-term topical
2 administration of DEA. For example, a study conducted by the National Toxicology Program
3 (hereinafter, the “NTP study”) showed that dermal exposure to DEA amplified the development of
4 tumors in the liver and kidney tubules. (See National Toxicology Program, NTP Toxicology and
5 Carcinogenesis Studies of Diethanolamine (CAS No. 111-42-2) in F344/N Rats and B6C3F1 Mice
6 (Dermal Studies). Natl Toxicol Program Tech Rep Ser. 1999 Jul; 478:1-212. PMID: 12571685.,
7 available at: <https://pubmed.ncbi.nlm.nih.gov/12571685/> [last visited March 2, 2026].)

8 6. The Office of Environmental Health Hazard Assessment (“OEHHA”) has established
9 specific safe harbor levels for many of the chemicals listed under Proposition 65. For cancer-causing
10 chemicals in particular, a safe harbor level is called a “No Significant Risk Level,” or “NSRL.” An
11 NSRL is the daily intake level calculated to result in one excess case of cancer in an exposed human
12 population of 100,000, assuming lifetime exposure at the level in question. (See OEHHA’s Proposition
13 65 Process for Developing Safe Harbor Numbers (February 2001), available at
14 <https://oehha.ca.gov/media/downloads/cmr/2001safeharborprocess.pdf> [last visited March 2, 2026].)

15 The State of California has not yet established an NSRL for DEA. However, research suggests that an
16 NSRL of 5.6 micrograms/day of DEA is appropriate, where dermal absorption is the route of exposure.
17 (See Wang B, Amacher DE, Whittaker MH. Derivation of a No-Significant-Risk-Level (NSRL) for
18 diethanolamine (DEA). Regul Toxicol Pharmacol. 2014 Feb;68(1):76-84. doi:
19 10.1016/j.yrtph.2013.11.009. Epub 2013 Nov 23. PMID: 24275050 [last visited March 2, 2026].) This
20 NSRL is derived from the NTP study described above, using a benchmark dose modeling method based
21 on the incidence of hepatocellular carcinomas in female mice, in accordance with the guidelines of the
22 California Environmental Protection Agency.

23 7. In order to ensure that the injunctive relief sought herein confers a public benefit upon
24 California consumers, EHA adopts the NSRL of 5.6 micrograms/day for DEA derived from the NTP
25 study.

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V.
CAUSES OF ACTION

FIRST CAUSE OF ACTION

(Violation of Proposition 65 – Against all Defendants)

14. Plaintiff incorporates by reference each and every allegation contained above.

15. Proposition 65 mandates that citizens be informed about exposures to chemicals that cause cancer, birth defects, and other reproductive harm.

16. Defendants manufactured, imported, sold, and/or distributed Products containing DEA in violation of Health and Safety Code, section 25249.6 et seq. Plaintiff is informed and believes such violations have continued after receipt of the Notice (defined *infra*) and will continue to occur into the future.

17. In manufacturing, importing, selling, and/or distributing Products, Defendants failed to provide a clear and reasonable warning to consumers and individuals in California who may be exposed to DEA through reasonably foreseeable use of the Products.

18. Products expose individuals to DEA through dermal absorption. This exposure is a natural and foreseeable consequence of Defendants placing Products into the stream of commerce. As such, Defendants intend that consumers will use Products, exposing them to DEA.

19. Defendants knew or should have known that the Products contained DEA and exposed individuals to DEA in the ways provided above. The Notice informed Defendants of the presence of DEA in the Products. Likewise, media coverage concerning DEA and related chemicals in consumer products provided constructive notice to Defendants.

20. Defendants' actions in this regard were deliberate and not accidental.

21. More than sixty days prior to naming each defendant in this lawsuit, Plaintiff issued a 60-Day Notice of Violation ("Notice") as required by and in compliance with Proposition 65. Plaintiff provided the Notice to the various required public enforcement agencies along with a certificate of merit. The Notice alleged that Defendants violated Proposition 65 by failing to sufficiently warn consumers in California of the health hazards associated with exposures to DEA contained in the Products.

22. The appropriate public enforcement agencies provided with the Notice failed to commence and diligently prosecute a cause of action against Defendants.

1 **PRAYER FOR RELIEF**

2 Wherefore, Plaintiff prays for judgment against Defendants as follows:

- 3 1. Civil penalties in the amount of \$2,500 per day for each violation. Plaintiff alleges that
4 damages total a minimum of \$1,000,000;
- 5 2. A preliminary and permanent injunction against Defendants from manufacturing,
6 importing, selling, and/or distributing Products in California without providing a clear and reasonable
7 warning as required by Proposition 65 and related Regulations;
- 8 3. Reasonable attorney’s fees and costs of suit; and
- 9 4. Such other and further relief as may be just and proper.
- 10

11 Respectfully submitted:

12 Dated: March 2, 2026

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