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11 CENTER FOR ENVIRONMENTAL HEALTH

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 COUNTY OF ALAMEDA

14 CENTER FOR ENVIRONMENTAL HEALTH,
15 a non-profit corporation,

16 Plaintiff,

17 v.

18 MANGO NY, INC., PUNTO FA, S.L.,
19 BALENCIAGA AMERICA, INC., BALLY
20 AMERICAS INC., BRIGHTON
21 COLLECTIBLES, LLC, FRAME LA BRANDS,
22 LLC, HURLEY INTERNATIONAL LLC,
23 UNITED LEGWEAR COMPANY, LLC,
24 LANDS' END, INC., LANDS' END DIRECT
25 MERCHANTS, INC., MATISSE FOOTWEAR,
26 INC., 3.1 PHILLIP LIM, LLC, PHOENIX
27 FOOTWEAR GROUP, INC., RALPH LAUREN
28 CORPORATION, RAG & BONE INDUSTRIES
LLC, RAG & BONE HOLDINGS LLC, RAG &
BONE FOOTWEAR LLC, YALEET INC., and
DOES 1 through 100, inclusive,

Defendants.

ELECTRONICALLY FILED
Superior Court of California,
County of Alameda
02/20/2025 at 05:05:52 PM
By: Milagros Cortez,
Deputy Clerk

Case No. **25CV112558**

**COMPLAINT FOR INJUNCTIVE
RELIEF AND CIVIL PENALTIES**

Health & Safety Code §25249.6, *et seq.*

(Other)

1 Plaintiff Center for Environmental Health, in the public interest, based on information and
2 belief and investigation of counsel, except for information based on knowledge, hereby makes the
3 following allegations:

4 **INTRODUCTION**

5 1. This Complaint seeks to remedy Defendants' failure to warn individuals in
6 California that they are being exposed to chromium (hexavalent compounds) ("hexavalent
7 chromium"), a chemical known to the State of California to cause cancer and reproductive harm.
8 Such exposures have occurred, and continue to occur, through the manufacture, distribution, sale,
9 and use of footwear made with leather materials. The products at issue in this Complaint are
10 limited to footwear for which normal and foreseeable use will result in one or more chrome-
11 tanned leather components coming into direct contact with the skin of the average user's foot or
12 leg while the footwear is worn (*e.g.*, a chrome-tanned leather insole, tongue, liner, unlined upper
13 or strap) ("Footwear"). Hexavalent chromium is present in and leaches out of the leather parts of
14 the Footwear. Consumers, including women and men of child bearing age, are exposed to
15 hexavalent chromium when they wear, touch, or handle the Footwear.

16 2. Under California's Proposition 65, Health & Safety Code §25249.5, *et seq.*, it is
17 unlawful for businesses to knowingly and intentionally expose individuals in California to
18 chemicals known to the State to cause cancer, birth defects, or other reproductive harm without
19 first providing clear and reasonable warnings to exposed individuals. Defendants introduce
20 Footwear containing significant quantities of hexavalent chromium in the leather parts of the
21 Footwear into the California marketplace, thereby exposing people who wear the Footwear to
22 hexavalent chromium.

23 3. Despite the fact that Defendants expose women and men of child bearing age and
24 other individuals to hexavalent chromium, Defendants provide no warnings whatsoever about the
25 carcinogenic or reproductive hazards associated with hexavalent chromium exposure resulting
26 from wearing the Footwear sold by Defendants. Defendants' conduct thus violates the warning
27 provision of Proposition 65. Health & Safety Code §25249.6.

PARTIES

4. Plaintiff CENTER FOR ENVIRONMENTAL HEALTH (“CEH”) is a non-profit corporation dedicated to protecting the public from environmental health hazards and toxic exposures. CEH is based in Oakland, California and incorporated under the laws of the State of California. CEH is a “person” within the meaning of Health & Safety Code §25249.11(a) and brings this enforcement action in the public interest pursuant to Health & Safety Code §25249.7(d). CEH is a nationally recognized non-profit environmental advocacy group that has prosecuted a large number of Proposition 65 cases in the public interest. These cases have resulted in significant public benefit, including the reformulation of millions of products to remove toxic chemicals and to make them safer. CEH also provides information to Californians about the health risks associated with exposure to hazardous substances, where manufacturers and other responsible parties fail to do so.

5. Defendant MANGO NY, INC is a person in the course of doing business within the meaning of Health & Safety Code §25249.11. Defendant MANGO NY, INC. manufactures, distributes, and/or sells Footwear that is sold or worn in California.

6. Defendant PUNTO FA, S.L. is a person in the course of doing business within the meaning of Health & Safety Code §25249.11. Defendant PUNTO FA, S.L. manufactures, distributes, and/or sells Footwear that is sold or worn in California.

7. Defendant BALENCIAGA AMERICA, INC. is a person in the course of doing business within the meaning of Health & Safety Code §25249.11. Defendant BALENCIAGA AMERICA, INC. manufactures, distributes, and/or sells Footwear that is sold or worn in California.

8. Defendant BALLY AMERICAS INC. is a person in the course of doing business within the meaning of Health & Safety Code §25249.11. Defendant BALLY AMERICAS INC. manufactures, distributes, and/or sells Footwear that is sold or worn in California.

9. Defendant BRIGHTON COLLECTIBLES, LLC is a person in the course of doing business within the meaning of Health & Safety Code §25249.11. Defendant BRIGHTON

1 COLLECTIBLES, LLC manufactures, distributes, and/or sells Footwear that is sold or worn in
2 California.

3 10. Defendant FRAME LA BRANDS, LLC is a person in the course of doing business
4 within the meaning of Health & Safety Code §25249.11. Defendant FRAME LA BRANDS,
5 LLC manufactures, distributes, and/or sells Footwear that is sold or worn in California.

6 11. Defendant HURLEY INTERNATIONAL LLC is a person in the course of doing
7 business within the meaning of Health & Safety Code §25249.11. Defendant HURLEY
8 INTERNATIONAL LLC manufactures, distributes, and/or sells Footwear that is sold or worn in
9 California.

10 12. Defendant UNITED LEGWEAR COMPANY, LLC is a person in the course of
11 doing business within the meaning of Health & Safety Code §25249.11. Defendant UNITED
12 LEGWEAR COMPANY, LLC manufactures, distributes, and/or sells Footwear that is sold or
13 worn in California.

14 13. Defendant LANDS' END, INC. is a person in the course of doing business within
15 the meaning of Health & Safety Code §25249.11. Defendant LANDS' END, INC. manufactures,
16 distributes, and/or sells Footwear that is sold or worn in California.

17 14. Defendant LANDS' END DIRECT MERCHANTS, INC. is a person in the course
18 of doing business within the meaning of Health & Safety Code §25249.11. Defendant LANDS'
19 END DIRECT MERCHANTS, INC. manufactures, distributes, and/or sells Footwear that is sold
20 or worn in California.

21 15. Defendant MATISSE FOOTWEAR, INC. is a person in the course of doing
22 business within the meaning of Health & Safety Code §25249.11. Defendant MATISSE
23 FOOTWEAR, INC. manufactures, distributes, and/or sells Footwear that is sold or worn in
24 California.

25 16. Defendant 3.1 PHILLIP LIM, LLC is a person in the course of doing business
26 within the meaning of Health & Safety Code §25249.11. Defendant 3.1 PHILLIP LIM, LLC
27 manufactures, distributes, and/or sells Footwear that is sold or worn in California.
28

1 17. Defendant PHOENIX FOOTWEAR GROUP, INC. is a person in the course of
2 doing business within the meaning of Health & Safety Code §25249.11. Defendant PHOENIX
3 FOOTWEAR GROUP, INC. manufactures, distributes, and/or sells Footwear that is sold or worn
4 in California.

5 18. Defendant RALPH LAUREN CORPORATION is a person in the course of doing
6 business within the meaning of Health & Safety Code §25249.11. Defendant RALPH LAUREN
7 CORPORATION manufactures, distributes, and/or sells Footwear that is sold or worn in
8 California.

9 19. Defendant RAG & BONE INDUSTRIES LLC is a person in the course of doing
10 business within the meaning of Health & Safety Code §25249.11. Defendant RAG & BONE
11 INDUSTRIES LLC manufactures, distributes, and/or sells Footwear that is sold or worn in
12 California.

13 20. Defendant RAG & BONE HOLDINGS LLC is a person in the course of doing
14 business within the meaning of Health & Safety Code §25249.11. Defendant RAG & BONE
15 HOLDINGS LLC manufactures, distributes, and/or sells Footwear that is sold or worn in
16 California.

17 21. Defendant RAG & BONE FOOTWEAR LLC is a person in the course of doing
18 business within the meaning of Health & Safety Code §25249.11. Defendant RAG & BONE
19 FOOTWEAR LLC manufactures, distributes, and/or sells Footwear that is sold or worn in
20 California.

21 22. Defendant YALEET INC. is a person in the course of doing business within the
22 meaning of Health & Safety Code §25249.11. Defendant YALEET INC. manufactures,
23 distributes, and/or sells Footwear that is sold or worn in California.

24 23. DOES 1 through 100 are each a person in the course of doing business within the
25 meaning of Health & Safety Code §25249.11. DOES 1 through 100 manufacture, distribute,
26 and/or sell Footwear that is sold or worn in California.

27 24. The true names of DOES 1 through 100 are either unknown to CEH at this time or
28 the applicable time period before which CEH may file a Proposition 65 action has not run. When

1 their identities are ascertained or the applicable time period before which CEH may file a
2 Proposition 65 action has run, the Complaint shall be amended to reflect their true names.

3 25. The defendants identified in paragraphs 5 through 22 and DOES 1 through 100 are
4 collectively referred to herein as “Defendants.”

5 **JURISDICTION AND VENUE**

6 26. The Court has jurisdiction over this action pursuant to Health & Safety Code
7 §25249.7, which allows enforcement in any court of competent jurisdiction, and pursuant to
8 California Constitution Article VI, Section 10, because this case is a cause not given by statute to
9 other trial courts.

10 27. This Court has jurisdiction over Defendants because each is a business entity that
11 does sufficient business, has sufficient minimum contacts in California, or otherwise intentionally
12 avails itself of the California market through the sale, marketing, or use of Footwear in California
13 or by having such other contacts with California so as to render the exercise of jurisdiction over it
14 by the California courts consistent with traditional notions of fair play and substantial justice.

15 28. Venue is proper in Alameda County Superior Court because one or more of the
16 violations arise in the County of Alameda.

17 **BACKGROUND FACTS**

18 29. The People of the State of California have declared by initiative under Proposition
19 65 their right “[t]o be informed about exposures to chemicals that cause cancer, birth defects, or
20 other reproductive harm.” Proposition 65, §1(b).

21 30. To effectuate this goal, Proposition 65 prohibits exposing people to chemicals
22 listed by the State of California as known to cause cancer, birth defects, or other reproductive
23 harm above certain levels without a “clear and reasonable warning” unless the business
24 responsible for the exposure can prove that it fits within a statutory exemption. Health & Safety
25 Code §25249.6 states, in pertinent part:

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

1 31. On February 27, 1987, the State of California officially listed chromium
2 (hexavalent compounds) as a chemical known to cause cancer. On February 27, 1988, one year
3 after it was listed as a chemical known to cause cancer, hexavalent chromium became subject to
4 the clear and reasonable warning requirement regarding carcinogens under Proposition 65. 27
5 California Code of Regulations (“C.C.R.”) §27001(b); Health & Safety Code §25249.10(b).

6 32. On December 19, 2008, the State of California officially listed chromium
7 (hexavalent compounds) as a chemical known to cause reproductive toxicity. Hexavalent
8 chromium is specifically identified as a reproductive toxicant under three subcategories:
9 “developmental reproductive toxicity,” which means harm to the developing fetus, “female
10 reproductive toxicity,” which means harm to the female reproductive system, and “male
11 reproductive toxicity,” which means harm to the male reproductive system. 27 C.C.R. §27001(c).
12 On December 19, 2009, one year after it was listed as a chemical known to cause reproductive
13 toxicity, hexavalent chromium became subject to the clear and reasonable warning requirement
14 regarding reproductive toxicants under Proposition 65. *Id.*; Health & Safety Code §25249.10(b).

15 33. Exposures to hexavalent chromium are of particular concern in light of the highly
16 toxic nature of the chemical. Numerous studies have demonstrated adverse developmental effects
17 resulting from exposure to hexavalent chromium, including increased postimplantation loss,
18 decreased number of live fetuses/litter, decreased fetal weight, internal and skeletal
19 malformations, delayed sexual maturation in offspring, decreased sperm count, and increased
20 percentage of abnormal sperm. *See* Agency for Toxic Substances and Disease Registry, U.S.
21 Department of Health & Human Services, *Toxicological Profile for Chromium* (September 2012),
22 pp. 18-19, *available at* <https://www.atsdr.cdc.gov/toxprofiles/tp7.pdf> (last visited February 13,
23 2025). In addition, studies using rats and mice have shown that exposure to hexavalent chromium
24 causes a variety of cancers including cancers of the gastrointestinal tract, stomach, tongue, and
25 small intestine. *Id.* pp. 21-23.

26 34. The leather materials in the Footwear are made through a process called tanning.
27 Tanning is the treating of animal hide to stabilize the resulting material so that it will not rot or
28 harden into an unusable form when exposed to heat, water or other environmental media. The

1 tanning process first involves preparing the hide by scraping it clean of meat, fat, and hair. The
2 hide is then chemically treated and tanned. While some leather is tanned through chemicals
3 found in vegetables, today trivalent chromium is the most common chemical used in the leather
4 tanning process. If strict protocols are not observed, the trivalent chromium transforms into
5 hexavalent chromium and residue of the hexavalent chromium remains present in and leaches out
6 of the finished leather.

7 35. The leather parts of Defendants' Footwear contain sufficient quantities of
8 hexavalent chromium such that individuals who wear, touch, or handle the Footwear are exposed
9 to a significant amount of hexavalent chromium. The primary routes of exposure for the
10 violations are: (1) dermal absorption directly through the skin when consumers wear, touch, or
11 handle the Footwear or otherwise have direct skin to leather contact with the leather parts of the
12 Footwear; and (2) ingestion via hand to mouth contact after consumers wear, touch, or handle the
13 Footwear. These exposures occur in homes, workplaces, and everywhere else throughout
14 California where the Footwear are sold and worn.

15 36. No clear and reasonable warning is provided with Defendants' Footwear regarding
16 the carcinogenic or reproductive hazards of hexavalent chromium.

17 37. Any person acting in the public interest has standing to enforce violations of
18 Proposition 65 provided that such person has supplied the requisite public enforcers with a valid
19 60-Day Notice of Violation and such public enforcers are not diligently prosecuting the action
20 within such time. Health & Safety Code §25249.7(d).

21 38. More than sixty days prior to naming each Defendant in this lawsuit, CEH
22 provided a 60-Day "Notice of Violation" of Proposition 65 to the California Attorney General, to
23 the District Attorneys of every county in California, to the City Attorneys of every California city
24 with a population greater than 750,000, and to each of the named Defendants. In compliance with
25 Health & Safety Code §25249.7(d) and 27 C.C.R. §25903(b), each Notice included the following
26 information: (1) the name and address of each violator; (2) the statute violated; (3) the time period
27 during which violations occurred; (4) specific descriptions of the violations, including (a) the
28 routes of exposure to hexavalent chromium from the Footwear, and (b) the specific type of

1 Footwear sold and worn in violation of Proposition 65; and (5) the name of the specific
2 Proposition 65-listed chemical that is the subject of the violations described in each Notice.

3 39. CEH also sent a Certificate of Merit for each Notice to the California Attorney
4 General, to the District Attorneys of every county in California, to the City Attorneys of every
5 California city with a population greater than 750,000, and to each of the named Defendants. In
6 compliance with Health & Safety Code §25249.7(d) and 11 C.C.R. §3101, each Certificate
7 certified that CEH's counsel: (1) has consulted with one or more persons with relevant and
8 appropriate experience or expertise who reviewed facts, studies, or other data regarding the
9 exposures to hexavalent chromium alleged in each Notice; and (2) based on the information
10 obtained through such consultations, believes that there is a reasonable and meritorious case for a
11 citizen enforcement action based on the facts alleged in each Notice. In compliance with Health
12 & Safety Code §25249.7(d) and 11 C.C.R. §3102, each Certificate served on the Attorney
13 General included factual information – provided on a confidential basis – sufficient to establish
14 the basis for the Certificate, including the identity of the person(s) consulted by CEH's counsel
15 and the facts, studies, or other data reviewed by such persons.

16 40. None of the public prosecutors with the authority to prosecute violations of
17 Proposition 65 has commenced or is diligently prosecuting a cause of action against Defendants
18 under Health & Safety Code §25249.5, *et seq.*, based on the claims asserted in any of CEH's
19 Notices regarding hexavalent chromium in the Footwear.

20 41. Defendants know that their Footwear contains and leaches hexavalent chromium.
21 Defendants thus both know and intend that individuals, including women and men of child
22 bearing age, will wear, touch, or handle the Footwear, thereby exposing them to hexavalent
23 chromium.

24 42. Nevertheless, Defendants continue to expose consumers, including women and
25 men of child bearing age, to hexavalent chromium without prior clear and reasonable warnings
26 regarding the carcinogenic or reproductive hazards of hexavalent chromium.

27 43. CEH has engaged in good-faith efforts to resolve the claims alleged herein prior to
28 filing this Complaint.

44. Any person “violating or threatening to violate” Proposition 65 may be enjoined in any court of competent jurisdiction. Health & Safety Code §25249.7. “Threaten to violate” is defined to mean “to create a condition in which there is a substantial probability that a violation will occur.” Health & Safety Code §25249.11(e). Proposition 65 provides for civil penalties not to exceed \$2,500 per day for each violation of Proposition 65.

FIRST CAUSE OF ACTION
(Violations of Health & Safety Code §25249.6)

45. CEH realleges and incorporates by reference as if specifically set forth herein each of the preceding paragraphs.

46. By placing their Footwear into the stream of commerce, Defendants are each a person in the course of doing business within the meaning of Health & Safety Code §25249.11.

47. Hexavalent chromium is a chemical listed by the State of California as known to cause cancer, birth defects, and other reproductive harm.

48. Defendants know that average use of their Footwear will expose users to hexavalent chromium. Defendants intend that their Footwear be used in a manner that results in exposures to hexavalent chromium.

49. Defendants have failed, and continue to fail, to provide clear and reasonable warnings regarding the carcinogenicity and reproductive toxicity of hexavalent chromium to users of their Footwear.

50. By committing the acts alleged above, Defendants have at all times relevant to this Complaint violated Proposition 65 by knowingly and intentionally exposing individuals to hexavalent chromium without first giving clear and reasonable warnings to such individuals regarding the carcinogenicity and reproductive toxicity of hexavalent chromium.

PRAYER FOR RELIEF

CEH prays for judgment against Defendants as follows:

1. That the Court, pursuant to Health & Safety Code §25249.7(a), preliminarily and permanently enjoin Defendants from offering the Footwear for sale in California without either

1 reformulating the Footwear such that no Proposition 65 warnings are required or providing prior
2 clear and reasonable warnings, as CEH shall specify in further application to the Court;

3 2. That the Court, pursuant to Health & Safety Code §25249.7(b), assess civil
4 penalties against each of the Defendants in the amount of \$2,500 per day for each violation of
5 Proposition 65 according to proof;

6 3. That the Court, pursuant to Health & Safety Code §25249.7(a), order Defendants
7 to take action to stop ongoing unwarned exposures to hexavalent chromium resulting from use of
8 the Footwear sold by Defendants, as CEH shall specify in further application to the Court;

9 4. That the Court, pursuant to Code of Civil Procedure §1021.5 or any other
10 applicable theory, grant CEH its reasonable attorneys' fees and costs of suit; and

11 5. That the Court grant such other and further relief as may be just and proper.
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14 Dated: February 20, 2025

Respectfully submitted,

15 LEXINGTON LAW GROUP, LLP
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18 Joseph Mann
19 Attorneys for Plaintiff
20 CENTER FOR ENVIRONMENTAL HEALTH
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