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ELECTRONICALLY FILED
Superior Court of California
County of Marin
01/24/2025
James M. Kim, Clerk of the Court
By: J. Chen, Deputy

6 Attorneys for Plaintiff
KEEP AMERICA SAFE AND BEAUTIFUL

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF MARIN – UNLIMITED CIVIL JURISDICTION

10 KEEP AMERICA SAFE AND BEAUTIFUL,

11 Plaintiff,

12 v.

13 ANCESTRAL SUPPLEMENTS, LLC; and
14 DOES 1-30, inclusive,

15 Defendants.

Case No. CV0005181

**COMPLAINT FOR CIVIL PENALTIES
AND INJUNCTIVE RELIEF**

Violation of Proposition 65, The Safe
Drinking Water and Toxic Enforcement Act
of 1986 (Health & Safety Code § 25249.5 *et*
seq.)

UNLIMITED CIVIL

17 Plaintiff KEEP AMERICA SAFE AND BEAUTIFUL (“KASB” or “Plaintiff”), acting in the
18 public interest, alleges a cause of action against Defendants ANCESTRAL SUPPLEMENTS, LLC
19 and DOES 1-30 (“Defendant”) for their alleged violations of Health & Safety Code § 25249.6, *et*
20 *seq.*, as follows:

21 **INTRODUCTION AND NATURE OF THE ACTION**

22 1. Plaintiff brings this representative action in the public interest on behalf of the citizens of
23 the State of California. By this action, KASB seeks to enforce the People’s right to be informed of the
24 health hazards caused by exposures to Lead, a heavy metal found in and on dietary supplements
25 manufactured, imported, distributed, sold or offered for sale by Defendant in the State of California.

26 2. By this Complaint, plaintiff seeks to remedy Defendant’s failure to warn individuals not
27 covered by California’s Occupational Safety Health Act, Labor Code § 6300 *et seq.* (“consumers”)
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1 before exposure to substances known to cause birth defects or other reproductive harm through
2 exposures to Lead when they purchase, use or ingest Defendant’s dietary supplements.

3 3. Detectable levels of Lead are found in the dietary supplements Defendant manufactures,
4 imports, sells or distributes for sale to individuals throughout California.

5 4. Pursuant to the Safe Drinking Water and Toxic Enforcement Act of 1986, codified at
6 Health and Safety Code § 25249.6 *et seq.* (“**Proposition 65**”), it is unlawful for a person in the course
7 of doing business to knowingly and intentionally expose consumers in California to chemicals known
8 to the State to cause birth defects or other reproductive harm, without first providing a “clear and
9 reasonable” health hazard warning to such individuals prior to purchase or use.

10 5. Defendant manufactures, distributes, imports, sells, and offers for sale, in and into
11 California dietary supplements (“**PRODUCTS**”) containing Lead, without providing a warning
12 regarding the presence of and the harms associated with exposures to Lead in Defendants’
13 **PRODUCTS**. Such **PRODUCTS** include, without limitation, *Ancestral Supplements Animal-Based*
14 *Greens, Organs Greens and Pre/Probiotics, 180 Capsules 612 mg ea, UPC 8 50024 79823 6, Lot:*
15 *210941, Exp: 10/2026*. Defendant’s conduct is subject to civil penalties for each violation,
16 injunction, preliminary and permanent injunctive relief. Health & Safety Code § 25249.7(a) and (b)

17 **PARTIES**

18 6. Plaintiff is a non-profit corporation organized under the laws of California and acting in
19 the public interest to reduce the presence of toxic chemicals found in consumer products and to
20 enforce California citizens’ right to be informed about the presence of toxic chemicals in the products
21 they purchase and use and the harms associated with exposures to such chemicals. KASB is a
22 “person” within the meaning of Health & Safety Code § 25249.11(a). It brings this action in the
23 public interest, pursuant to Health and Safety Code § 25249.7(d).

24 7. At all relevant times, Defendant ANCESTRAL SUPPLEMENTS, LLC
25 (“**ANCESTRAL**”) operated as a “person” “in the course of doing business” within the meaning of
26 and as defined by Health and Safety Code §§ 25249.6 and 25249.11.

1 State of California have jurisdiction pursuant to California Constitution Article VI, section 10, which
2 grants the Superior Court “original jurisdiction in all causes except those given by statute to other
3 trial courts.” The statute under which this action is brought does not specify any other basis of
4 subject matter jurisdiction.

5 15. The Court has jurisdiction over DEFENDANTS, because DEFENDANTS, and each of
6 them, is a person, firm, corporation or association that is a citizen of the State of California, does
7 sufficient business in California, has sufficient minimum contacts in California, and/or otherwise
8 purposefully and intentionally avail themselves of the California market through their manufacture,
9 importation, distribution, promotion, marketing or sale of PRODUCTS within the California.
10 DEFENDANTS’ purposeful availment renders the exercise of personal jurisdiction by this Court
11 consistent with traditional notions of fair play and substantial justice.

12 16. Venue is proper in the Superior Court for the County of Marin, pursuant to Code of
13 Civil Procedure §§ 393, 395, and 395.5, because this Court is a court of competent jurisdiction,
14 because plaintiff seeks civil penalties against DEFENDANTS, because one or more instances of
15 wrongful conduct occurred, and continue to occur, in this county, and/or because DEFENDANTS
16 conducted, and continue to conduct, business in the County of Marin with respect to the PRODUCTS
17 that are the subject of this action.

18 **REGULATORY BACKGROUND AND LAW**

19 17. Formally known as the Safe Drinking Water and Toxic Enforcement Act of 1986 and
20 codified at Health & Safety Code § 25249.6 *et seq.*, Proposition 65 states, in relevant part, “[n]o
21 person in the course of doing business shall knowingly and intentionally expose any individual to a
22 chemical known to cause cancer or reproductive toxicity without first giving a clear and reasonable
23 warning to such individual...”

24 18. Under the Act, a “person in the course of doing business” is defined as a business with
25 ten (10) or more employees. Health & Safety Code § 25249.11(b). The Act prohibits businesses from
26 exposing consumers to hazardous chemicals without first giving a “clear and reasonable” warning.
27 Health & Safety Code § 25249.6.

1 19. Exposing consumers to hazardous chemicals means to cause individuals to ingest,
2 inhale, contact via body surfaces or otherwise come into contact with a listed chemical. Cal. Code
3 Regs. (“**CCR**”), tit. 27, § 25102(i). An exposure to a hazardous chemical is defined as that which
4 “results from a person’s acquisition, purchase, storage, consumption or other reasonably foreseeable
5 use of a product...” 27 CCR § 25600(h).

6 20. Under Proposition 65, persons violating the statute may be enjoined in any court of
7 competent jurisdiction and may be subject to civil penalties of up to \$2,500 per day, per violation.
8 Health & Safety Code § 25249.7.

9 21. On February 27, 1987, pursuant to Proposition 65’s implementing regulations,
10 California listed Lead as a chemical known to the State to cause birth defects and reproductive harm
11 or reproductive toxicity. Lead became subject to the “clear and reasonable warning” requirements one
12 year later, on February 27, 1988. 27 CCR § 27001(c); Health & Safety Code §§ 25249.8,
13 25249.10(b).

14 22. On October 1, 1992, pursuant to Proposition 65’s implementing regulations, California
15 identified and listed Lead as a chemical known to the State cause cancer. Lead became subject to the
16 “clear and reasonable warning” requirements one year later, on October 1, 1993. 27 CCR § 27001(c);
17 Health & Safety Code §§ 25249.8, 25249.10(b).

18 **STATEMENT OF FACTS**

19 23. DEFENDANTS sell and offer their PRODUCTS for sale in California without a clear
20 and reasonable warning in violation of Cal. Code Regs. Tit. 27, § 25600, *et seq.*

21 24. DEFENDANTS’ PRODUCTS expose consumers in California to Lead at levels
22 requiring a warning under Proposition 65 when they ingest or otherwise consume the PRODUCTS
23 during reasonably foreseeable use.

24 25. On November 15, 2024, plaintiff served a 60-Day Notice of Violation (“**Notice**”),
25 together with the certificate of merit, on ANCESTRAL, the Office of the Attorney General of
26 California, and the requisite public enforcement agencies, alleging, as a result of DEFENDANTS’
27 sales of the PRODUCTS, consumers in the State of California were, and are, being exposed to Lead
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1 through their reasonably foreseeable use of the PRODUCTS without first receiving a “clear and
2 reasonable warning,” as required by Proposition 65.

3 26. After receiving Plaintiff’s Notice, no public enforcement agency has commenced and is
4 diligently prosecuting a cause of action against DEFENDANTS under Proposition 65 to enforce the
5 alleged violations that are the subject of the Notice.

6 **FIRST CAUSE OF ACTION**

7 **(Violation of Proposition 65 - Against All DEFENDANTS)**

8 27. Plaintiff realleges and incorporates by reference, as if fully stated herein, the allegations
9 set forth in Paragraphs 1 through 26, inclusive.

10 28. DEFENDANTS’ PRODUCTS contain Lead in levels requiring a clear and reasonable
11 warning under Proposition 65.

12 29. DEFENDANTS know or should have known the PRODUCTS they manufacture,
13 import, distribute, sell, and offer for sale in California contain Lead. As a result of Plaintiff’s Notice,
14 DEFENDANTS now possess actual knowledge of the presence of Lead in the PRODUCTS.

15 30. DEFENDANTS’ PRODUCTS expose consumers in California to Lead through
16 ingestion during the reasonably foreseeable use of the PRODUCTS.

17 31. The normal and reasonably foreseeable use of the PRODUCTS has caused, and
18 continues to cause, exposures to Lead.

19 32. DEFENDANTS know or should know the normal and reasonably foreseeable use of the
20 PRODUCTS exposes individuals to Lead through ingestion.

21 33. DEFENDANTS intend to expose consumers in California exposures to Lead during their
22 reasonably foreseeable use of the PRODUCTS. Such exposures to Lead occur through
23 DEFENDANTS deliberate and non-accidental participation in the California market.

24 34. The exposures to Lead, caused by DEFENDANTS and endured by consumers in
25 California, are not exempt from the “clear and reasonable” warning requirements of Proposition 65.

26 35. DEFENDANTS failed to provide a “clear and reasonable warning” to those consumers
27 in California exposed to Lead through ingestion during their reasonably foreseeable uses of the
28 PRODUCTS. DEFENDANTS continue to fail to provide such warning.

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Dated: January 24, 2025

Respectfully submitted,

By: 
Laralei Paras
Attorneys for Plaintiff
Keep America Safe and Beautiful