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8 *Attorneys for Plaintiff*

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

**09/18/2025**  
Clerk of the Court  
BY: DAEJA ROGERS  
Deputy Clerk

6 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
7  
8 COUNTY OF SAN FRANCISCO

9 EMA BELL,

10 Plaintiff,

11 vs.

12 JINON CORPORATION,

13 Defendant.

Case No.:

**CGC-25-629311**

**COMPLAINT FOR CIVIL PENALTIES AND  
INJUNCTIVE RELIEF**

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

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

16 **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 complaint is a representative action brought by Plaintiff in the public interest  
24 of the citizens of the State of California to enforce the People's right to be informed of the health  
25 hazards caused by exposure to lead and/or diethanolamine ("DEA"), toxic chemicals found in  
26 products sold and/or distributed by defendant Jinon Corporation ("Jinon" or "Defendant") in  
27 California.  
28

1           3.       Lead<sup>1</sup> is a harmful chemical known to the State of California to cause cancer and  
2 birth defects or other reproductive harm. DEA<sup>2</sup> is a harmful chemical known to the State of  
3 California to cause cancer.

4           4.       Proposition 65 requires all businesses with ten (10) or more employees that operate  
5 within California or sell products therein to comply with Proposition 65 regulations. Included in  
6 such regulations is the requirement that businesses must label any product containing a Proposition  
7 65-listed chemical that will create an exposure above safe harbor levels with a “clear and  
8 reasonable” warning before “knowingly and intentionally” exposing any person to any such listed  
9 chemical.

10          5.       Proposition 65 allows for civil penalties of up to \$2,500.00 per day per violation  
11 for up to 365 days (up to a maximum civil penalty amount per violation of \$912,000.00) to be  
12 imposed upon defendants in a civil action for violations of Proposition 65. Health & Safety Code  
13 § 25249.7(b). Proposition 65 also allows for any court of competent jurisdiction to enjoin the  
14 actions of a defendant which “violate or threaten to violate” the statute. Health & Safety Code §  
15 25249.7.

16          6.       Plaintiff alleges that Defendant distributes and/or offers for sale in California,  
17 without a requisite exposure warning, (a) *Maruchan*® Instant Lunch hot & spicy shrimp flavored  
18 ramen noodle soup, UPC # 041789001444, (lead), (b) Gatsby cool wet moving rubber hair wax,  
19 UPC # 4902806317619, (DEA), and (c) ceramic cups with lid and spoon, UPC # 4539429193988,  
20 (lead) (collectively, the “Products” and each a “Product”) that expose persons to lead and/or DEA  
21 when used for their intended purpose.

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24       <sup>1</sup> On October 1, 1992, the state of California listed lead as a chemical known to cause cancer and  
25 it has come under the purview of Proposition 65 regulations since that time. Cal. Code Regs. Tit.  
26 27, § 27001(c); Health & Safety Code §§ 25249.8 & 25249.10(b). On February 27, 1987, the State  
of California listed lead as a chemical known to cause birth defects or other reproductive harm.

27       <sup>2</sup> On June 22, 2012, the State of California listed DEA as a chemical known to the State to cause  
28 cancer and it has come under the purview of Proposition 65 regulations since that time. Cal. Code  
Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8 & 25249.10(b).

7. Defendant's failure to warn consumers and other individuals in California of the health hazards associated with exposure to lead and/or DEA in conjunction with the sale and/or distribution of the Products is a violation of Proposition 65 and subjects Defendant to the enjoinder and civil penalties described herein.

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

9. Plaintiff also seeks injunctive relief, preliminarily and permanently, requiring Defendant to provide purchasers, users, or consumers of the Products with required warnings related to the dangers and health hazards associated with exposure to lead and/or DEA 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 Jinon Corporation, 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 Jinon Corporation 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

13. 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 Defendant conducted, and continues to conduct, business in the County of San Francisco with respect to the Products.

14. This Court has jurisdiction over this action pursuant to California Constitution Article VI, § 10, which grants the Superior Court original jurisdiction in all causes except those

1 given by statute to other trial courts. Health and Safety Code § 25249.7 allows for the enforcement  
2 of violations of Proposition 65 in any Court of competent jurisdiction; therefore, this Court has  
3 jurisdiction over this lawsuit.

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

#### 10 **STATUTORY BACKGROUND**

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

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

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

21 18. An exposure to a chemical in a consumer product is one “which results from a  
22 person’s acquisition, purchase, storage, consumption or other reasonably foreseeable use of a  
23 consumer good, or any exposure that results from receiving a consumer service.” (27 CCR §  
24 25602, para (b).) H&S Code § 25603(c) states that “a person in the course of doing business ...  
25 shall provide a warning to any person to whom the product is sold or transferred unless the product  
26 is packaged or labeled with a clear and reasonable warning.”  
27  
28

19. Pursuant to H&S Code § 25603.1, the warning may be provided by using one or more of the following methods individually or in combination:<sup>3</sup>

- a. A warning that appears on a product's label or other labeling.
- b. Identification of the product at the retail outlet in a manner which provides a warning. Identification may be through shelf labeling, signs, menus, or a combination thereof.
- c. The warnings provided pursuant to subparagraphs (a) and (b) shall be prominently placed upon a product's labels or other labeling or displayed at the retail outlet with such conspicuousness, as compared with other words, statements, designs, or devices in the label, labeling or display as to render it likely to be read and understood by an ordinary individual under customary conditions of purchase or use.
- d. A system of signs, public advertising identifying the system and toll-free information services, or any other system that provides clear and reasonable warnings.

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

## FACTUAL BACKGROUND

21. On June 22, 2012, the State of California listed DEA as a chemical known to the State to cause cancer and it has come under the purview of Proposition 65 regulations since that time. Cal. Code Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8 & 25249.10(b).

<sup>3</sup> Alternatively, a person in the course of doing business may elect to comply with the warning 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           22.     On October 1, 1992, the state of California listed lead as a chemical known to cause  
2 cancer and it has come under the purview of Proposition 65 regulations since that time. Cal. Code  
3 Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8 & 25249.10(b). On February 27,  
4 1987, the State of California listed lead as a chemical known to cause birth defects or other  
5 reproductive harm.

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

14           24.     Defendant has processed, marketed, distributed, offered to sell and/or sold the  
15 Products in California since at least November 15, 2024 with respect to the *Maruchan®* Instant  
16 Lunch hot & spicy shrimp flavored ramen noodle soup; since at least November 19, 2024 with  
17 respect to the Gatsby cool wet moving rubber hair wax; and since at least December 6, 2024 with  
18 respect to the ceramic cups with lid and spoon. The Products continue to be distributed and sold  
19 in California without the requisite warning information.

20           25.     At all times relevant to this action, Defendant has knowingly and intentionally  
21 exposed users and/or consumers of the Products to lead and/or DEA without first giving a clear  
22 and reasonable exposure warning to such individuals.

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

**SATISFACTION OF NOTICE REQUIREMENTS**

27. Plaintiff purchased the Products from Jinon. At the time of purchase, Defendant did not provide a Proposition 65 exposure warning for lead, DEA, or any other Proposition 65 listed chemical in a manner consistent with H&S Code § 25603.1 as described *supra*.

28. The *Maruchan*® Instant Lunch hot & spicy shrimp flavored ramen noodle soup was sent to a testing laboratory to determine if, and what amount of, lead a consumer would be exposed to per serving size; the Gatsby cool wet moving rubber hair wax was sent to a testing laboratory for diethanolamine testing to determine the DEA content of the Product; and the ceramic cups with lid and spoon were sent to a testing laboratory to determine if, and what amount of, lead would migrate and/or leach from the Products.

29. For each Product that was sent to the laboratory, Plaintiff received a chemical test report (collectively, the “Chemical Test Reports” and each a “Chemical Test Report”). The Chemical Test Reports findings determined the *Maruchan*® Instant Lunch hot & spicy shrimp flavored ramen noodle soup and ceramic cups with lid and spoon expose users and/or consumers to lead; and the Gatsby cool wet moving rubber hair wax expose users to DEA.

30. Plaintiff provided each Chemical Test Report and each Product to an analytical chemist to determine if, based on the findings of the Chemical Test Reports and the reasonable and foreseeable use of the Products, exposure to lead and/or DEA will occur at levels that require Proposition 65 warnings under the Clear and Reasonable Warnings section 25601 of Title 27 of the California Code of Regulations.

31. On November 15, 2024, Plaintiff received from the analytical chemist exposure assessment reports for the *Maruchan*® Instant Lunch hot & spicy shrimp flavored ramen noodle soup that concluded that persons in California who consume the *Maruchan*® Instant Lunch hot & spicy shrimp flavored ramen noodle soup will be exposed to levels of lead that require a Proposition 65 exposure warning. On November 19, 2024, Plaintiff received from the analytical chemist an exposure assessment report for the Gatsby cool wet moving rubber hair wax that concluded that persons in California who use the Gatsby cool wet moving rubber hair wax will be exposed to levels of DEA that require a Proposition 65 exposure warning. On December 6, 2024,

1 Plaintiff received from the analytical chemist an exposure assessment report for the ceramic cups  
2 with lid and spoon that concluded that persons in California who use the ceramic cups with lid and  
3 spoon will be exposed to levels of lead that require a Proposition 65 exposure warning.

4 32. On November 15, 2024 (*Maruchan*® Instant Lunch hot & spicy shrimp flavored  
5 ramen noodle soup), November 19, 2024 (Gatsby cool wet moving rubber hair wax), and  
6 December 6, 2024 (ceramic cups with lid and spoon), Plaintiff gave notice of alleged violation of  
7 Health and Safety Code § 25249.6 (collectively, the “Notices” and each a “Notice”) to Defendant  
8 concerning the exposure of California citizens to lead and/or DEA contained in the Products  
9 without proper warning, subject to a private action to Defendant and to the California Attorney  
10 General’s office and the offices of the County District attorneys and City Attorneys for each city  
11 with a population greater than 750,000 persons wherein the herein violations allegedly occurred.  
12 See attached at Exhibits “A” – “C” a true and correct copy of the Notices.

13 33. The Notices complied with all procedural requirements of Proposition 65 including  
14 the attachment of a Certificate of Merit affirming that Plaintiff’s counsel had consulted with at  
15 least one person with relevant and appropriate expertise who reviewed relevant data regarding lead  
16 and/or DEA exposure, and that counsel believed there was meritorious and reasonable cause for a  
17 private action.

18 34. After receiving the Notices, and to Plaintiff’s best information and belief, none of  
19 the noticed appropriate public enforcement agencies have commenced and diligently prosecuted a  
20 cause of action against Defendant under Proposition 65 to enforce the alleged violations which are  
21 the subject of the Notices.

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

#### 24 **FIRST CAUSE OF ACTION**

#### 25 **(By Plaintiff against Defendant for the Violation of Proposition 65)**

26 36. Plaintiff hereby repeats and incorporates by reference paragraphs 1 through 35 of  
27 this Complaint as though fully set forth herein.  
28



1           37. Defendant has, at all times mentioned herein, acted as distributor, and/or retailer of  
2 the Products.

3           38. Use of the Products will expose users to lead and/or DEA, hazardous chemicals  
4 found on the Proposition 65 list of chemicals known to be hazardous to human health.

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

6           40. Plaintiff, based on her best information and belief, avers that at all relevant times  
7 herein, and since at least November 15, 2024 with respect to the *Maruchan*® Instant Lunch hot &  
8 spicy shrimp flavored ramen noodle soup; since at least November 19, 2024 with respect to the  
9 Gatsby cool wet moving rubber hair wax; and since at least December 6, 2024 with respect to the  
10 ceramic cups with lid and spoon, continuing until the present, that Defendant has continued to  
11 knowingly and intentionally expose California users and consumers of the Products to lead and/or  
12 DEA without providing required warnings under Proposition 65.

13           41. The exposures that are the subject of the Notices result from the purchase,  
14 acquisition, handling, consumption, and recommended use of the Products. The primary route of  
15 exposure to lead in ceramic products and/or DEA is through dermal absorption directly through  
16 the skin when consumers use, touch, or handle the Products. Exposure through ingestion will occur  
17 by touching the Products with subsequent touching of the user's hand to mouth. The primary route  
18 of exposure to lead in food products is through ingestion. When foods contaminated with lead are  
19 consumed, ingestion of lead will occur which will increase blood lead levels. No clear and  
20 reasonable warning is provided with the Products regarding the health hazards of exposure.

21           42. Plaintiff, based on her best information and belief, avers that such exposures will  
22 continue every day until clear and reasonable warnings are provided to purchasers and users or  
23 until these known toxic chemicals are removed from the Products.

24           43. Defendant has knowledge that the normal and reasonably foreseeable use of the  
25 Products expose individuals to lead and/or DEA, and Defendant intends that exposures to lead  
26 and/or DEA will occur by its deliberate, non-accidental participation in the importation,  
27 distribution, sale and offering of the Products to consumers in California.

1 44. Plaintiff has engaged in good faith efforts to resolve the herein claims prior to this  
2 Complaint.

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

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

7 **PRAYER FOR RELIEF**

8 WHEREFORE, Plaintiff demands judgment against Defendant and requests the following  
9 relief:

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

13 B. That the court preliminarily and permanently enjoin Defendant mandating  
14 Proposition 65 compliant warnings on the Products;

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

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

18 Dated: September 18, 2025

BRODSKY SMITH

19 By: 

Evan J. Smith (SBN242352)

20 Ryan P. Cardona (SBN302113)

21 9465 Wilshire Boulevard, Suite 300

Beverly Hills, CA 90212

22 Telephone: (877) 534-2590

23 Facsimile: (310) 247-0160

24 *Attorneys for Plaintiff*

# EXHIBIT “A”

LAW OFFICES  
**BRODSKY SMITH**

9465 WILSHIRE BLVD., STE. 300  
BEVERLY HILLS, CA 90212  
877.534.2590  
www.brodskysmith.com

**NEW JERSEY OFFICE**  
20 BRACE RD., STE. 350  
CHERRY HILL, NJ 08034  
856.795.7250

**NEW YORK OFFICE**  
240 MINEOLA BOULEVARD  
MINEOLA, NY 11501  
516.741.4977

**PENNSYLVANIA OFFICE**  
TWO BALA PLAZA, STE. 805  
BALA CYNWYD, PA 19004  
610.667.6200

November 15, 2024

|  |   |
|--|---|
| President/CEO<br>Maruchan, Inc.<br>c/o Mitsuhide Takahashi<br>15800 Laguna Canyon Road<br>Irvine, CA 92618     | President/CEO<br>Jinon Corporation<br>c/o Itsuwa Janice Itoh<br>2180 W.190 <sup>th</sup> Street<br>Torrance, CA 90504 |
| President/CEO<br>Jinon Corporation dba Nijiya Market<br>2180 W. 190 <sup>th</sup> Street<br>Torrance, CA 90504 |   |

**60-Day Notice of Violation of California Safe Drinking Water and Toxic Enforcement Act<sup>1</sup>**

To Whom It May Concern:

This Notice of Violation (the "Notice") is provided to you pursuant to and in compliance with California Health & Safety Code § 25249.7(d).

Brodsky Smith represents Ema Bell ("Bell"), a citizen of the State of California acting in the interest of the general public to promote awareness of exposures to toxic chemicals from use of consumer products sold in California and to improve human health and the environment by reducing hazardous substances.

With respect to the Product herein, Bell has identified a violation of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65") codified at Cal. Health & Safety Code § 25249.5, et seq. This violation has occurred and continues to occur because the alleged Violator(s) failed to provide a clear and reasonable health hazard warning in connection with the sale or use of the Product in California. Health & Safety Code § 25249.6 provides that "[n]o person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the State to cause cancer or reproductive toxicity without first providing a clear and reasonable warning to such individual ..." Without proper warnings regarding the toxic effects of exposures to the Listed Chemical resulting from use of the Product, California citizens lack the information necessary to make informed decisions on whether and/or how to eliminate (or reduce) the risk of exposure to the Listed Chemical from the reasonably foreseeable use of the Product.

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<sup>1</sup> The public enforcement agencies that have been served with copies of this Notice are identified in the attached distribution list accompanying the Certificate of Service.

## **I. DESCRIPTION OF THE VIOLATION**

1. **Enforcer:** Ema Bell, 222 S. Figueroa St. Apt. 1212, Los Angeles, CA 90012-2581; (Ph) 424-332-3817.
2. **Alleged Violator(s):** Maruchan, Inc.; Jinon Corporation; Jinon Corporation dba Nijiya Market
3. **Time Period of Exposure:** Violations have been occurring since at least November 15, 2024 and are continuing to this day.
4. **Listed Chemical:** Lead. Lead is listed under Proposition 65 as a chemical known to the State to cause cancer and birth defects or other reproductive harm.
5. **Product:**

| <b>Product<sup>2</sup></b>                  | <b>Non- Exclusive Examples of the Product</b>  |
|---|--|
| Ramen Noodle Soup Hot & Spicy Shrimp Flavor | Maruchan Instant Lunch Ramen Noodle Soup Hot & Spicy Shrimp Flavor<br>UPC# 0 41789 00144 4 |

6. **Description of Exposure:** The exposures that are the subject of this Notice result from the purchase and recommended use of the Product. The primary route of exposure to the Listed Chemical is through ingestion. When foods contaminated with the Listed Chemical are consumed, ingestion of the Listed Chemical will occur which will increase BLLs. No clear and reasonable warning is provided with the Products regarding the health hazards of exposure to the Listed Chemical.

## **II. PROPOSITION 65 INFORMATION**

For the Violators' reference, enclosed is a copy of "Proposition 65: A Summary" that has been prepared by the Office of Environmental Health Hazard Assessment ("OEHHA"). For more information concerning the provisions of Proposition 65, contact OEHHA at 916.445.6900.

## **III. RESOLUTION OF THE CLAIMS**

Based on the allegations set forth in this Notice, Brodsky Smith intends to file a citizen enforcement lawsuit on behalf of Bell against the alleged Violator(s) unless such Violator(s) agree in a binding written agreement to: (1) recall Products already sold; (2) provide Proposition 65 compliant exposure warnings for Products sold in the future or reformulate the Products to eliminate exposures to the Listed Chemical; and (3) pay an appropriate civil penalty based on the factors enumerated in Health & Safety Code § 25249.7(b). Consistent with the public interest goals of Proposition 65 and the desire to have these violations of California law quickly rectified, Bell is interested in seeking a constructive resolution of the claims in this Notice without engaging in costly and protracted litigation.

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<sup>2</sup> The specifically identified example of the Product in this Notice is to assist the recipients' investigation of, among other things, the magnitude of potential exposures to the Listed Chemical from other items within the definition of Products. This example is not intended to be an exhaustive or comprehensive identification of each specific offending Product. It is Bell's position that the alleged Violators are obligated to conduct a good faith investigation into other Products that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the alleged Violators' custody or control) during the relevant period to ensure that requisite health hazard warnings were and are provided to California citizens prior to purchase and use.

Bell has retained me as legal counsel in connection with this Notice. **Please direct all communications regarding this Notice to my attention at Brodsky Smith, 9465 Wilshire Blvd., Ste. 300, Beverly Hills, CA 90212, (877) 534-2590, esmith@brodskysmith.com.**

Sincerely,

A handwritten signature in black ink, appearing to be 'EJ Smith', written over a horizontal line.

Evan J. Smith

**Attachments**

Certificate of Merit

Certificate of Service

The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary

# EXHIBIT “B”

LAW OFFICES  
**BRODSKY SMITH**

9465 WILSHIRE BLVD., STE. 300  
BEVERLY HILLS, CA 90212  
877.534.2590  
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856.795.7250

**NEW YORK OFFICE**  
240 MINEOLA BOULEVARD  
MINEOLA, NY 11501  
516.741.4977

**PENNSYLVANIA OFFICE**  
TWO BALA PLAZA, STE. 805  
BALA CYNWYD, PA 19004  
610.667.6200

November 19, 2024

|  |  |
|--|--|
| President/CEO<br>Mandom Corp.<br>5-12 Juniken-cho, Chuo-ku<br>Osaka<br>JAPAN 540-8530  | President/CEO<br>Jinon Corporation<br>c/o Itsuwa Janice Itoh<br>2180 W. 190 <sup>th</sup> Street<br>Torrance, CA 90504 |
| President/CEO<br>Jinon Corporation dba Nijiya Market<br>c/o Itsuwa Janice Itoh<br>2180 W. 190 <sup>th</sup> Street<br>Torrance, CA 90504 |  |

**60-Day Notice of Violation of California Safe Drinking Water and Toxic Enforcement Act<sup>1</sup>**

To Whom It May Concern:

This Notice of Violation (the "Notice") is provided to you pursuant to and in compliance with California Health & Safety Code § 25249.7(d).

Brodsky Smith represents Ema Bell ("Bell"), a citizen of the State of California acting in the interest of the general public to promote awareness of exposures to toxic chemicals from use of consumer products sold in California and to improve human health and the environment by reducing hazardous substances.

With respect to the Product herein, Bell has identified a violation of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65") codified at Cal. Health & Safety Code § 25249.5, et seq. This violation has occurred and continues to occur because the alleged Violator(s) failed to provide a clear and reasonable health hazard warning in connection with the sale or use of the Product in California. Health & Safety Code § 25249.6 provides that "[n]o person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the State to cause cancer without first providing a clear and reasonable warning to such individual ..." Without proper warnings regarding the toxic effects of exposures to the Listed Chemical resulting from use of the Product, California citizens lack the information necessary to make informed decisions on whether and/or how to eliminate (or reduce) the risk of exposure to the Listed Chemical from the reasonably foreseeable use of the Product.

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<sup>1</sup> The public enforcement agencies that have been served with copies of this Notice are identified in the attached distribution list accompanying the Certificate of Service.



## **I. DESCRIPTION OF THE VIOLATION**

1. **Enforcer:** Ema Bell, 222 S. Figueroa St. Apt. 1212, Los Angeles, CA 90012-2581; (Ph) 424-332-3817.
2. **Alleged Violator(s):** Mandom Corp.; Jinon Corporation; Jinon Corporation dba Nijiya Market
3. **Time Period of Exposure:** Violations have been occurring since at least November 19, 2024 and are continuing to this day.
4. **Listed Chemical:** Diethanolamine (DEA) is listed under Proposition 65 as a chemical known to the State to cause cancer.
5. **Product:**

| Product <sup>2</sup> | Non- Exclusive Examples of the Product                         |
|----------------------|--|
| Rubber Hair Wax      | Gatsby Cool Wet Moving Rubber Hair Wax<br>UPC# 4 902806 317619 |

6. **Description of Exposure:** The exposures that are the subject of this Notice result from the purchase, acquisition, handling and recommended use of the Product. The primary route of exposure to the Listed Chemical is through dermal exposure. Some amount of exposure through ingestion can occur by touching the Product with subsequent touching of the user's hand to mouth. No clear and reasonable warning is provided with the Products regarding the health hazards of exposure to the Listed Chemical.

## **II. PROPOSITION 65 INFORMATION**

For the Violators' reference, enclosed is a copy of "Proposition 65: A Summary" that has been prepared by the Office of Environmental Health Hazard Assessment ("OEHHA"). For more information concerning the provisions of Proposition 65, contact OEHHA at 916.445.6900.

## **III. RESOLUTION OF THE CLAIMS**

Based on the allegations set forth in this Notice, Brodsky Smith intends to file a citizen enforcement lawsuit on behalf of Bell against the alleged Violator(s) unless such Violator(s) agree in a binding written agreement to: (1) recall Products already sold; (2) provide Proposition 65 compliant exposure warnings for Products sold in the future or reformulate the Products to eliminate exposures to the Listed Chemical; and (3) pay an appropriate civil penalty based on the factors enumerated in Health & Safety Code § 25249.7(b). Consistent with the public interest goals of Proposition 65 and the desire to have these violations of California law quickly rectified, Bell is interested in seeking a constructive resolution of the claims in this Notice without engaging in costly and protracted litigation.

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<sup>2</sup> The specifically identified example of the Product in this Notice is to assist the recipients' investigation of, among other things, the magnitude of potential exposures to the Listed Chemical from other items within the definition of Products. This example is not intended to be an exhaustive or comprehensive identification of each specific offending Product. It is Bell's position that the alleged Violators are obligated to conduct a good faith investigation into other Products that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the alleged Violators' custody or control) during the relevant period to ensure that requisite health hazard warnings were and are provided to California citizens prior to purchase and use.

Bell has retained me as legal counsel in connection with this Notice. **Please direct all communications regarding this Notice to my attention at Brodsky Smith, 9465 Wilshire Blvd., Ste. 300, Beverly Hills, CA 90212, (877) 534-2590, [esmith@brodskysmith.com](mailto:esmith@brodskysmith.com).**

Sincerely,

A handwritten signature in black ink, appearing to be 'EJ Smith', written over a horizontal line.

Evan J. Smith

**Attachments**

Certificate of Merit

Certificate of Service

The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary

# EXHIBIT “C”

LAW OFFICES  
**BRODSKY SMITH**

9465 WILSHIRE BLVD., STE. 300  
BEVERLY HILLS, CA 90212  
877.534.2590  
www.brodskysmith.com

**NEW JERSEY OFFICE**  
20 BRACE RD., STE. 350  
CHERRY HILL, NJ 08034  
856.795.7250

**NEW YORK OFFICE**  
240 MINEOLA BOULEVARD  
MINEOLA, NY 11501  
516.741.4977

**PENNSYLVANIA OFFICE**  
TWO BALA PLAZA, STE. 805  
BALA CYNWYD, PA 19004  
610.667.6200

December 6, 2024

|  |  |
|--|--|
| President/CEO<br>Jinon Corporation<br>c/o Itsuwa Janice Itoh<br>2180 W. 190 <sup>th</sup> Street<br>Torrance, CA 90504 | President/CEO<br>Jinon Corporation dba Nijiya Market<br>c/o Itsuwa Janice Itoh<br>2180 W. 190 <sup>th</sup> Street<br>Torrance, CA 90504 |
|--|--|

**60-Day Notice of Violation of California Safe Drinking Water and Toxic Enforcement Act<sup>1</sup>**

To Whom It May Concern:

This Notice of Violation (the "Notice") is provided to you pursuant to and in compliance with California Health & Safety Code § 25249.7(d).

Brodsky Smith represents Ema Bell ("Bell"), a citizen of the State of California acting in the interest of the general public to promote awareness of exposures to toxic chemicals from use of consumer products sold in California and to improve human health and the environment by reducing hazardous substances.

With respect to the Product herein, Bell has identified a violation of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65") codified at Cal. Health & Safety Code § 25249.5, et seq. This violation has occurred and continues to occur because the alleged Violator(s) failed to provide a clear and reasonable health hazard warning in connection with the sale or use of the Product in California. Health & Safety Code § 25249.6 provides that "[n]o person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the State to cause cancer or reproductive toxicity without first providing a clear and reasonable warning to such individual ..." Without proper warnings regarding the toxic effects of exposures to the Listed Chemical resulting from use of the Product, California citizens lack the information necessary to make informed decisions on whether and/or how to eliminate (or reduce) the risk of exposure to the Listed Chemical from the reasonably foreseeable use of the Product.

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<sup>1</sup> The public enforcement agencies that have been served with copies of this Notice are identified in the attached distribution list accompanying the Certificate of Service.

## **I. DESCRIPTION OF THE VIOLATION**

1. **Enforcer:** Ema Bell, 222 S. Figueroa St. Apt. 1212, Los Angeles, CA 90012-2581; (Ph) 424-332-3817.
2. **Alleged Violator(s):** Jinon Corporation; Jinon Corporation dba Nijiya Market
3. **Time Period of Exposure:** Violations have been occurring since at least December 6, 2024 and are continuing to this day.
4. **Listed Chemical:** Lead. Lead is listed under Proposition 65 as a chemical known to the State to cause cancer and birth defects or other reproductive harm.
5. **Product:**

| Product <sup>2</sup> | Non- Exclusive Examples of the Product                 |
|----------------------|--|
| Ceramicware          | Ceramic Cup with Lid and Spoon<br>UPC# 4 539429 193988 |

6. **Description of Exposure:** The exposures that are the subject of this Notice result from the purchase, acquisition, handling and recommended use of the Product. The primary route of exposure to the Listed Chemical is through dermal absorption directly through the skin when consumers use, touch, or handle the Products. Some amount of exposure through ingestion can occur by touching the Product with subsequent touching of the user's hand to mouth. No clear and reasonable warning is provided with the Products regarding the health hazards of exposure to the Listed Chemical.

## **II. PROPOSITION 65 INFORMATION**

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<sup>2</sup> The specifically identified example of the Product in this Notice is to assist the recipients' investigation of, among other things, the magnitude of potential exposures to the Listed Chemical from other items within the definition of Products. This example is not intended to be an exhaustive or comprehensive identification of each specific offending Product. It is Bell's position that the alleged Violators are obligated to conduct a good faith investigation into other Products that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the alleged Violators' custody or control) during the relevant period to ensure that requisite health hazard warnings were and are provided to California citizens prior to purchase and use.

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Sincerely,

A handwritten signature in black ink, appearing to be 'Evan J. Smith', written over a horizontal line.

Evan J. Smith

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