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KEEP AMERICA SAFE AND BEAUTIFUL

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF MARIN UNLIMITED CIVIL JURISDICTION

KEEP AMERICA SAFE AND BEAUTIFUL,

Plaintiff,

v.

SAGE GODDESS, INC.; and DOES 1-30,
inclusive,

Defendants.

Case No. CV0009507

**COMPLAINT FOR CIVIL PENALTIES
AND INJUNCTIVE RELIEF**

Violations of Health & Safety Code
§ 25249.5, *et seq.* (Proposition 65)

Plaintiff KEEP AMERICA SAFE AND BEAUTIFUL (“KASB” or “Plaintiff”), acting in the public interest, alleges a cause of action against defendants SAGE GODDESS, INC. and DOES 1-30 (“Defendants”) for their alleged violations of Health & Safety Code § 25249.6, *et seq.*, as follows:

INTRODUCTION AND NATURE OF THE ACTION

1. KASB brings this representative action in the public interest on behalf of the citizens of the State of California. By this action, KASB seeks to enforce the People’s right to be informed of the health hazards caused by exposures to Lead, a heavy metal found in and on brass incense burners manufactured, imported, distributed, sold and offered for sale by Defendants in the State of California.

2. By this Complaint, plaintiff seeks to remedy Defendants’ failure to warn individuals not covered by California’s Occupational Safety Health Act, Labor Code § 6300 *et seq.* (“consumers”) exposed to substances known to cause birth defects or other reproductive harm

1 through exposures to Lead when they purchase, use and handle Defendants’ brass incense burners.

2 3. Detectable levels of Lead are found in and on the brass incense burners Defendants
3 manufacture, import, sell and distribute for sale in California.

4 4. Pursuant to the Safe Drinking Water and Toxic Enforcement Act of 1986, codified at
5 Health and Safety Code § 25249.6 *et seq.* (“Proposition 65”), it is unlawful for a person in the
6 course of doing business to knowingly and intentionally expose consumers and end-users in
7 California to chemicals known to the State to cause cancer, birth defects or other reproductive harm,
8 without first providing a “clear and reasonable warning” regarding the presence of these chemicals
9 in Defendants’ products and the harms associated with exposures to such chemicals.

10 5. Defendants manufacture, distribute, import, sell, and offer for sale, in and into
11 California brass incense burners. (“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, the *Brass Statue Incense Burner*,
14 *Size: 23 cm (H)*. Defendants’ violations subject them to civil penalties, enjoinder, preliminary
15 and permanent injunctive relief. Health & Safety Code § 25249.7(a) and (b).

16 **PARTIES**

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

23 7. At all relevant times, defendant SAGE GODDESS, INC. (“SAGE”) operates as a
24 “person in the course of doing business” with ten (10) or more employees within the meaning of
25 and as defined by Health and Safety Code §§ 25249.6 and 25249.11.

26 8. SAGE manufactures, imports, distributes, sells, and offers the PRODUCTS for sale or
27 use in California, or implies by its conduct that it manufactures, imports, distributes, sells, and/or
28 offers the PRODUCTS for sale or use to consumers in California.

1 courts.” The statute under which this action is brought does not specify any other basis of subject
2 matter jurisdiction.

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

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

16 **REGULATORY BACKGROUND AND LAW**

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

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

26 19. Exposing consumers to listed chemicals means to cause consumers to ingest, inhale,
27 contact via body surfaces or otherwise come into contact with a listed chemical. California Code of
28 Regulations (“Cal. Code Regs.”) Title 27, § 25102(i). An exposure to a hazardous chemical is

1 defined as one that “results from a person’s acquisition, purchase, storage, consumption or other
2 reasonably foreseeable use of a product...” Cal. Code Regs. Tit. 27, § 25600(h).

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

6 21. On February 27, 1987, pursuant to Proposition 65 implementing regulations,
7 California listed Lead as a chemical known to cause birth defects or other reproductive harm. Lead
8 became subject to the “clear and reasonable warning” requirements one year later, on February 27,
9 1988. Cal. Code Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8, 25249.10(b).

10 22. On October 1, 1992, pursuant to Proposition 65 implementing regulations, California
11 listed Lead as a chemical known to cause cancer. Lead became subject to the “clear and reasonable
12 warning” requirements one year later, on October 1, 1993. Cal. Code Regs., tit. 27, § 27001(c);
13 Health & Safety Code §§ 25249.8, 25249.10(b).

14 **STATEMENT OF FACTS**

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

17 24. DEFENDANTS’ PRODUCTS expose consumers and end-users in California to Lead
18 at levels requiring a warning under Proposition 65 when they touch, handle or otherwise contact the
19 PRODUCTS during reasonably foreseeable use.

20 25. On November 19, 2024, KASB served a 60-Day Notice of Violation (“Notice”),
21 together with the required certificate of merit, on SAGE, the Office of the Attorney General, and all
22 requisite public enforcement agencies, alleging, as a result of DEFENDANTS’ sales of the
23 PRODUCTS, consumers in California were, and are, exposed to Lead without first receiving the
24 “clear and reasonable warning” required by Proposition 65.

25 26. After receiving plaintiff’s Notice, no public enforcement agency has commenced or is
26 diligently prosecuting a cause of action against DEFENDANTS to enforce the alleged violations of
27 Proposition 65 that are the subject of the Notice.
28

1 **FIRST CAUSE OF ACTION**

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

3 27. KASB realleges and incorporates by reference, as if fully stated herein, the allegations
4 set forth in Paragraphs 1 through 26, inclusive.

5 28. DEFENDANTS' PRODUCTS contain Lead in levels requiring a clear and reasonable
6 warning under Proposition 65.

7 29. DEFENDANTS know or should have known their PRODUCTS contain Lead. As a
8 result of plaintiff's Notice, DEFENDANTS now possess actual knowledge of the presence of Lead
9 in their PRODUCTS.

10 30. DEFENDANTS' PRODUCTS expose consumers, end-users, and other individuals in
11 California to Lead through dermal contact and ingestion during the reasonably foreseeable of the
12 PRODUCTS.

13 31. The reasonably foreseeable use of the PRODUCTS causes exposures to Lead.

14 32. DEFENDANTS know the reasonably foreseeable use of the PRODUCTS exposes
15 consumers to Lead through dermal contact and/or ingestion.

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

19 34. The exposures to Lead caused by DEFENDANTS and endured by consumers in
20 California are not exempt from the "clear and reasonable warning" requirements of Proposition 65.

21 35. DEFENDANTS failed to provide a "clear and reasonable warning" to consumers in
22 California exposed to Lead through dermal contact and/or ingestion during their reasonably
23 foreseeable use of the PRODUCTS. Defendants continue to fail to provide such warning.

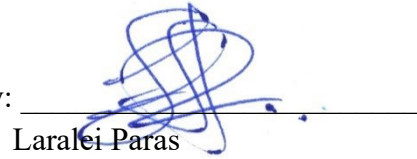
24 36. Contrary to the express policy and statutory prohibition of Proposition 65, consumers
25 are exposed to Lead through dermal contact and ingestion during their use of PRODUCTS
26 DEFENDANTS sold, sell and offer for sale without a "clear and reasonable warning." Such
27 consumers in California suffer irreparable harms for which they have no plain, speedy, or adequate
28 remedy at law.

1 Dated: March 20, 2026

Respectfully submitted,

2 SEVEN HILLS LLP

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4 By: _____



Laralei Paras

Attorneys for Plaintiff

5 KEEP AMERICA SAFE AND BEAUTIFUL

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