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9 CONSUMER ADVOCACY GROUP, INC.

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County of Alameda
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11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **COUNTY OF ALAMEDA**

13 CONSUMER ADVOCACY GROUP, INC.,
14 in the public interest,

15 Plaintiff,

16 v.

17 IHERB, LLC, a California Limited Liability
18 Company;
19 and DOES 1-80,

20 Defendants.

CASE NO. **25CV119944**

COMPLAINT FOR PENALTY AND
INJUNCTION

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

ACTION IS AN UNLIMITED CIVIL
CASE (exceeds \$35,000)

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26 Plaintiff CONSUMER ADVOCACY GROUP, INC. alleges eight causes of action
27 against defendants IHERB, LLC and DOES 1-80 as follows:
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THE PARTIES

1. Plaintiff CONSUMER ADVOCACY GROUP, INC. (“Plaintiff” or “CAG”) is an organization qualified to do business in the State of California. CAG is a person within the meaning of Health and Safety Code Section 25249.11, subdivision (a). CAG, acting as a private attorney general, brings this action in the public interest as defined under Health and Safety Code Section 25249.7, subdivision (d).
2. Defendant IHERB, LLC (“IHERB”) is a California Limited Liability Company, qualified to do business in California, and doing business in the State of California at all relevant times herein.
3. Plaintiff is presently unaware of the true names and capacities of defendants DOES 1-80, and therefore sues these defendants by such fictitious names. Plaintiff will amend this Complaint to allege their true names and capacities when ascertained. Plaintiff is informed, believes, and thereon alleges that each fictitiously named defendant is responsible in some manner for the occurrences herein alleged and the damages caused thereby.
4. At all times mentioned herein, the term “Defendants” includes IHERB and DOES 1-80.
5. Plaintiff is informed and believes, and thereon alleges that each of the Defendants at all times mentioned herein have conducted business within the State of California.
6. Upon information and belief, at all times relevant to this action, each of the Defendants, including DOES 1-80, was an agent, servant, or employee of each of the other Defendants. In conducting the activities alleged in this Complaint, each of the Defendants was acting within the course and scope of this agency, service, or employment, and was acting with the consent, permission, and authorization of each of the other Defendants. All actions of each of the Defendants alleged in this Complaint were ratified and approved by every other Defendant or their officers or managing agents. Alternatively, each of the Defendants aided, conspired with and/or facilitated the alleged wrongful conduct of each of the other Defendants.

1 7. Plaintiff is informed, believes, and thereon alleges that at all relevant times, each of the
2 Defendants was a person doing business within the meaning of Health and Safety Code
3 Section 25249.11, subdivision (b), and that each of the Defendants had ten (10) or more
4 employees at all relevant times.

5 **JURISDICTION**

6 8. The Court has jurisdiction over this lawsuit pursuant to California Constitution Article
7 VI, Section 10, which grants the Superior Court original jurisdiction in all causes except
8 those given by statute to other trial courts. This Court has jurisdiction over this action
9 pursuant to Health and Safety Code Section 25249.7, which allows enforcement of
10 violations of Proposition 65 in any Court of competent jurisdiction.

11 9. This Court has jurisdiction over Defendants named herein because Defendants either
12 reside or are located in this State or are foreign corporations authorized to do business in
13 California, are registered with the California Secretary of State, or who do sufficient
14 business in California, have sufficient minimum contacts with California, or otherwise
15 intentionally avail themselves of the markets within California through their
16 manufacture, distribution, promotion, marketing, or sale of their products within
17 California to render the exercise of jurisdiction by the California courts permissible
18 under traditional notions of fair play and substantial justice.

19 10. Venue is proper in the County of Alameda because one or more of the instances of
20 wrongful conduct occurred, and continues to occur, in the County of Alameda and/or
21 because Defendants conducted, and continue to conduct, business in the County of
22 Alameda with respect to the consumer product that is the subject of this action.

23 **BACKGROUND AND PRELIMINARY FACTS**

24 11. In 1986, California voters approved an initiative to address growing concerns about
25 exposure to toxic chemicals and declared their right “[t]o be informed about exposures to
26 chemicals that cause cancer, birth defects, or other reproductive harm.” Ballot Pamp.,
27 Proposed Law, Gen. Elec. (Nov. 4, 1986) at p. 3. The initiative, The Safe Drinking
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1 Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code Sections
2 25249.5, *et seq.* (“Proposition 65”), helps to protect California’s drinking water sources
3 from contamination, to allow consumers to make informed choices about the products
4 they buy, and to enable persons to protect themselves from toxic chemicals as they see
5 fit.

6 12. Proposition 65 requires the Governor of California to publish a list of chemicals known
7 to the state to cause cancer, birth defects, or other reproductive harm. *Health & Safety*
8 *Code* § 25249.8. The list, which the Governor updates at least once a year, contains over
9 700 chemicals and chemical families. Proposition 65 imposes warning requirements and
10 other controls that apply to Proposition 65-listed chemicals.

11 13. All businesses with ten (10) or more employees that operate or sell products in California
12 must comply with Proposition 65. Under Proposition 65, businesses are: (1) prohibited
13 from knowingly discharging Proposition 65-listed chemicals into sources of drinking
14 water (*Health & Safety Code* § 25249.5), and (2) required to provide “clear and
15 reasonable” warnings before exposing a person, knowingly and intentionally, to a
16 Proposition 65-listed chemical (*Health & Safety Code* § 25249.6).

17 14. Proposition 65 provides that any person "violating or threatening to violate" the statute
18 may be enjoined in any court of competent jurisdiction. *Health & Safety Code* §
19 25249.7. "Threaten to violate" means "to create a condition in which there is a
20 substantial probability that a violation will occur." *Health & Safety Code* § 25249.11(e).
21 Defendants are also liable for civil penalties of up to \$2,500.00 per day per violation,
22 recoverable in a civil action. *Health & Safety Code* § 25249.7(b).

23 15. Plaintiff identified certain practices of manufacturers and distributors of Raw Seaweed,
24 Seaweed Chips, Organic Roasted Seaweed, and Organic Raw Seaweed of exposing,
25 knowingly and intentionally, persons in California to Lead and Lead Compounds,
26 Cadmium and Cadmium Compounds of such products without first providing clear and
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1 reasonable warnings of such to the exposed persons prior to the time of exposure.

2 Plaintiff later discerned that Defendants engaged in such practice.

3 16. On October 1, 1992 the Governor of California added Lead and Lead Compounds
4 (“Lead”) to the list of chemicals known to the State to cause cancer (*Cal. Code Regs. tit.*
5 27, § 27001(b)). Pursuant to Health and Safety Code Sections 25249.9 and 25249.10,
6 twenty (20) months after addition of Lead to the list of chemicals known to the State to
7 cause cancer, Lead became fully subject to Proposition 65 warning requirements and
8 discharge prohibitions.

9 17. On February 27, 1987, the Governor of California added Lead to the list of chemicals
10 known to the State to cause developmental and reproductive toxicity (*Cal. Code Regs.*
11 *tit. 27, § 27001(c)*). Lead is known to the State to cause developmental, female, and
12 male reproductive toxicity. Pursuant to Health and Safety Code Sections 25249.9 and
13 25249.10, twenty (20) months after addition of Lead to the list of chemicals known to
14 the State to cause developmental and reproductive toxicity, Lead became fully subject to
15 Proposition 65 warning requirements and discharge prohibitions.

16 18. On May 1, 1997, the Governor of California added Cadmium and Cadmium Compounds
17 (“Cadmium”) to the list of chemicals known to the State to cause developmental and
18 reproductive toxicity (*Cal. Code Regs. tit. 27, § 27001(c)*). Cadmium is known to the
19 State to cause developmental, and male reproductive toxicity. Pursuant to Health and
20 Safety Code Sections 25249.9 and 25249.10, twenty (20) months after addition of
21 Cadmium to the list of chemicals known to the State to cause developmental and
22 reproductive toxicity, Cadmium became fully subject to Proposition 65 warning
23 requirements and discharge prohibitions.

24 **SATISFACTION OF PRIOR NOTICE**

25 19. Plaintiff served the following notices for alleged violations of Health and Safety Code
26 Section 25249.6, concerning consumer products exposures:

- 1 a. On or about July 29, 2024, Plaintiff gave notice of alleged violations of Health
2 and Safety Code Section 25249.6, concerning consumer products exposures
3 subject to a private action to IHERB and to the California Attorney General,
4 County District Attorneys, and City Attorneys for each city containing a
5 population of at least 750,000 people in whose jurisdictions the violations
6 allegedly occurred, concerning the Raw Seaweed.
- 7 b. On or about July 29, 2024, Plaintiff gave notice of alleged violations of Health
8 and Safety Code Section 25249.6, concerning consumer products exposures
9 subject to a private action to IHERB and to the California Attorney General,
10 County District Attorneys, and City Attorneys for each city containing a
11 population of at least 750,000 people in whose jurisdictions the violations
12 allegedly occurred, concerning the Seaweed Chips.
- 13 c. On or about August 9, 2024, Plaintiff gave notice of alleged violations of Health
14 and Safety Code Section 25249.6, concerning consumer products exposures
15 subject to a private action to IHERB and to the California Attorney General,
16 County District Attorneys, and City Attorneys for each city containing a
17 population of at least 750,000 people in whose jurisdictions the violations
18 allegedly occurred, concerning the Raw Seaweed.
- 19 d. On or about August 9, 2024, Plaintiff gave notice of alleged violations of Health
20 and Safety Code Section 25249.6, concerning consumer products exposures
21 subject to a private action to IHERB and to the California Attorney General,
22 County District Attorneys, and City Attorneys for each city containing a
23 population of at least 750,000 people in whose jurisdictions the violations
24 allegedly occurred, concerning the Seaweed Chips.
- 25 e. On or about November 4, 2024, Plaintiff gave notice of alleged violations of
26 Health and Safety Code Section 25249.6, concerning consumer products
27 exposures subject to a private action to IHERB and to the California Attorney
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1 General, County District Attorneys, and City Attorneys for each city containing
2 a population of at least 750,000 people in whose jurisdictions the violations
3 allegedly occurred, concerning the Seaweed Chips.

4 f. On or about November 12, 2024, Plaintiff gave notice of alleged violations of
5 Health and Safety Code Section 25249.6, concerning consumer products
6 exposures subject to a private action to IHERB and to the California Attorney
7 General, County District Attorneys, and City Attorneys for each city containing
8 a population of at least 750,000 people in whose jurisdictions the violations
9 allegedly occurred, concerning the Seaweed Chips.

10 g. On or about November 22, 2024, Plaintiff gave notice of alleged violations of
11 Health and Safety Code Section 25249.6, concerning consumer products
12 exposures subject to a private action to IHERB and to the California Attorney
13 General, County District Attorneys, and City Attorneys for each city containing
14 a population of at least 750,000 people in whose jurisdictions the violations
15 allegedly occurred, concerning the Organic Roasted Seaweed.

16 h. On or about November 22, 2024, Plaintiff gave notice of alleged violations of
17 Health and Safety Code Section 25249.6, concerning consumer products
18 exposures subject to a private action to IHERB and to the California Attorney
19 General, County District Attorneys, and City Attorneys for each city containing
20 a population of at least 750,000 people in whose jurisdictions the violations
21 allegedly occurred, concerning the Organic Raw Seaweed.

22 i. On or about December 2, 2024, Plaintiff gave notice of alleged violations of
23 Health and Safety Code Section 25249.6, concerning consumer products
24 exposures subject to a private action to IHERB and to the California Attorney
25 General, County District Attorneys, and City Attorneys for each city containing
26 a population of at least 750,000 people in whose jurisdictions the violations
27 allegedly occurred, concerning the Organic Roasted Seaweed.

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1 j. On or about December 2, 2024, Plaintiff gave notice of alleged violations of
2 Health and Safety Code Section 25249.6, concerning consumer products
3 exposures subject to a private action to IHERB and to the California Attorney
4 General, County District Attorneys, and City Attorneys for each city containing
5 a population of at least 750,000 people in whose jurisdictions the violations
6 allegedly occurred, concerning the Organic Raw Seaweed.

7 20. Before sending the notice of alleged violations, Plaintiff investigated the consumer
8 products involved, the likelihood that such products would cause users to suffer
9 significant exposures to Lead and Cadmium, and the corporate structure of each of the
10 Defendants.

11 21. Plaintiff's notice of alleged violation included a Certificate of Merit executed by the
12 attorney for the noticing party, CAG. The Certificate of Merit stated that the attorney for
13 Plaintiff who executed the certificate had consulted with at least one person with relevant
14 and appropriate expertise who reviewed data regarding the exposures to Lead and
15 Cadmium, the subject Proposition 65-listed chemical of this action. Based on that
16 information, the attorney for Plaintiff who executed the Certificate of Merit believed
17 there was a reasonable and meritorious case for this private action. The attorney for
18 Plaintiff attached to the Certificate of Merit served on the Attorney General the
19 confidential factual information sufficient to establish the basis of the Certificate of
20 Merit.

21 22. Plaintiff's notice of alleged violations also included a Certificate of Service and a
22 document entitled "The Safe Drinking Water & Toxic Enforcement Act of 1986
23 (Proposition 65) A Summary." *Health & Safety Code* § 25249.7(d).

24 23. Plaintiff is commencing this action more than sixty (60) days from the dates that Plaintiff
25 gave notice of the alleged violations to IHERB, and the public prosecutors referenced in
26 Paragraph 19.

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1 24. Plaintiff is informed, believes, and thereon alleges that neither the Attorney General, nor
2 any applicable district attorney or city attorney has commenced and is diligently
3 prosecuting an action against the Defendants.

4 **FIRST CAUSE OF ACTION**

5 **(By CONSUMER ADVOCACY GROUP, INC. and against IHERB and DOES 1-**
6 **10 for Violations of Proposition 65, The Safe Drinking Water and Toxic**
7 **Enforcement Act of 1986 (*Health & Safety Code*, §§ 25249.5, *et seq.*))**

8 **Seaweed I**

9 25. Plaintiff repeats and incorporates by reference paragraphs 1 through 24 of this complaint
10 as though fully set forth herein.

11 26. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
12 distributor, promoter, or retailer of Raw Seaweed (“Raw Seaweed I”).

13 27. Raw Seaweed I contains Lead and/or Cadmium.

14 28. Defendants knew or should have known that the State of California has identified Lead
15 as a chemical known to cause cancer, reproductive toxicity, and developmental toxicity,
16 and Cadmium as a chemical known to cause reproductive and developmental toxicity,
17 and therefore was subject to Proposition 65 warning requirements. Defendants were also
18 informed of the presence of Lead and/or Cadmium in Raw Seaweed I within Plaintiff’s
19 notice of alleged violations further discussed above at Paragraph 19c and 19j.

20 29. Plaintiff’s allegations regarding Raw Seaweed I concerns “[c]onsumer products
21 exposure[s],” which “is an exposure that results from a person’s acquisition, purchase,
22 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
23 exposure that results from receiving a consumer service.” *Cal. Code Regs.* tit. 27, §
24 25602(b). Raw Seaweed I are consumer products, and, as mentioned herein, exposures
25 to Lead and/or Cadmium took place as a result of such normal and foreseeable
26 consumption and use.

27 30. Plaintiff is informed, believes, and thereon alleges that between August 9, 2021 and the
28 present, each of the Defendants knowingly and intentionally exposed California

1 consumers and users of Raw Seaweed I, which Defendants manufactured, distributed, or
2 sold as mentioned above, to Lead and/or Cadmium, without first providing any type of
3 clear and reasonable warning of such to the exposed persons before the time of exposure.
4 Defendants have distributed and sold Raw Seaweed I in California. Defendants know
5 and intend that California consumers will use and consume Raw Seaweed I, thereby
6 exposing them to Lead and/or Cadmium. Further, Plaintiff is informed, believes, and
7 thereon alleges that Defendants are selling Raw Seaweed I under a brand or trademark
8 that is owned or licensed by the Defendants or an entity affiliated thereto; have
9 knowingly introduced Lead and/or Cadmium into Raw Seaweed I or knowingly caused
10 Lead and/or Cadmium to be created in Raw Seaweed I; have covered, obscured or
11 altered a warning label that has been affixed to Raw Seaweed I by the manufacturer,
12 producer, packager, importer, supplier or distributor of Raw Seaweed I; have received a
13 notice and warning materials for exposure from Raw Seaweed I without conspicuously
14 posting or displaying the warning materials; and/or have actual knowledge of potential
15 exposure to Lead and/or Cadmium from Raw Seaweed I. Defendants thereby violated
16 Proposition 65.

17 31. The principal routes of exposure are through ingestion, especially direct (oral) ingestion.
18 Persons sustain exposures by eating and consuming Raw Seaweed I.

19 32. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
20 Proposition 65 as to Raw Seaweed I have been ongoing and continuous, as Defendants
21 engaged and continue to engage in conduct which violates Health and Safety Code
22 Section 25249.6, including the manufacture, distribution, promotion, and sale of Raw
23 Seaweed I, so that a separate and distinct violation of Proposition 65 occurred each and
24 every time a person was exposed to Lead and/or Cadmium by Raw Seaweed I as
25 mentioned herein.
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1 33. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
2 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
3 violations alleged herein will continue to occur into the future.

4 34. Based on the allegations herein, Defendants are liable for civil penalties of up to
5 \$2,500.00 per day per individual exposure to Lead and/or Cadmium from Raw Seaweed
6 I, pursuant to Health and Safety Code Section 25249.7(b).

7 35. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
8 filing this Complaint.

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10 **SECOND CAUSE OF ACTION**

11 **(By CONSUMER ADVOCACY GROUP, INC. and against IHERB and DOES 11-
12 20 for Violations of Proposition 65, The Safe Drinking Water and Toxic
13 Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

14 **Seaweed II**

15 36. Plaintiff repeats and incorporates by reference paragraphs 1 through 35 of this complaint
16 as though fully set forth herein.

17 37. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
18 distributor, promoter, or retailer of Raw Seaweed (“Raw Seaweed II”), identified as:
19 “SeaSnax”; “Strangely Addictive!”; “07.27.2025”; “ORGANIC Seaweed”; “RAW |
20 CRU”; “Net Wt 28 g (1.0oz)”; “SS-SHT-RAW”; “UPC 728028023237”; “Manufactured
21 for: SeaSnax”; “Product of Korea”.

22 38. Raw Seaweed II contains Cadmium.

23 39. Defendants knew or should have known that Cadmium has been identified by the State
24 of California as a chemical known to cause reproductive and developmental toxicity and
25 therefore was subject to Proposition 65 warning requirements. Defendants were also
26 informed of the presence of Cadmium in Raw Seaweed II within Plaintiff’s notice of
27 alleged violations further discussed above at Paragraph 19a.

28 40. Plaintiff’s allegations regarding Raw Seaweed II concerns “[c]onsumer products
exposure[s],” which “is an exposure that results from a person’s acquisition, purchase,

1 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
2 exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, §*
3 *25602(b)*. Raw Seaweed II are consumer products, and, as mentioned herein, exposures
4 to Cadmium took place as a result of such normal and foreseeable consumption and use.

5 41. Plaintiff is informed, believes, and thereon alleges that between July 29, 2021 and the
6 present, each of the Defendants knowingly and intentionally exposed California
7 consumers and users of Raw Seaweed II, which Defendants manufactured, distributed, or
8 sold as mentioned above, to Cadmium, without first providing any type of clear and
9 reasonable warning of such to the exposed persons before the time of exposure.

10 Defendants have distributed and sold Raw Seaweed II in California. Defendants know
11 and intend that California consumers will use and consume Raw Seaweed II, thereby
12 exposing them to Cadmium. Further, Plaintiff is informed, believes, and thereon alleges
13 that Defendants are selling Raw Seaweed II under a brand or trademark that is owned or
14 licensed by the Defendants or an entity affiliated thereto; have knowingly introduced
15 Cadmium into Raw Seaweed II or knowingly caused Cadmium to be created in Raw
16 Seaweed II; have covered, obscured or altered a warning label that has been affixed to
17 Raw Seaweed II by the manufacturer, producer, packager, importer, supplier or
18 distributor of Raw Seaweed II; have received a notice and warning materials for
19 exposure from Raw Seaweed II without conspicuously posting or displaying the warning
20 materials; and/or have actual knowledge of potential exposure to Cadmium from Raw
21 Seaweed II. Defendants thereby violated Proposition 65.

22 42. The principal routes of exposure are through ingestion, especially direct (oral) ingestion.
23 Persons sustain exposures by eating and consuming Raw Seaweed II.

24 43. Plaintiff is informed, believes, and thereon alleges that each of Defendants’ violations of
25 Proposition 65 as to Raw Seaweed II have been ongoing and continuous, as Defendants
26 engaged and continue to engage in conduct which violates Health and Safety Code
27 Section 25249.6, including the manufacture, distribution, promotion, and sale of Raw
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1 Seaweed II, so that a separate and distinct violation of Proposition 65 occurred each and
2 every time a person was exposed to Cadmium by Raw Seaweed II as mentioned herein.
3 44. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
4 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
5 violations alleged herein will continue to occur into the Cadmium from Raw Seaweed II,
6 pursuant to Health and Safety Code Section 25249.7(b).
7 45. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
8 filing this Complaint.

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10 **THIRD CAUSE OF ACTION**

11 **(By CONSUMER ADVOCACY GROUP, INC. and against IHERB and DOES 21-
12 30 for Violations of Proposition 65, The Safe Drinking Water and Toxic
13 Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

14 **Seaweed III**

15 46. Plaintiff repeats and incorporates by reference paragraphs 1 through 45 of this complaint
16 as though fully set forth herein.
17 47. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
18 distributor, promoter, or retailer of Organic Raw Seaweed (“Raw Seaweed III”),
19 identified as: “SeaSnax®”; “01.31.2026”; “Organic Seaweed”; “RAW”; “UPC 7 28028
20 02323 7”; “SS-SHT-RAW”; “Manufactured for: SeaSnax”.
21 48. Raw Seaweed III contains Lead and Cadmium.
22 49. Defendants knew or should have known that Lead and Cadmium has been identified by
23 the State of California as a chemical known to cause reproductive and developmental
24 toxicity and therefore was subject to Proposition 65 warning requirements. Defendants
25 were also informed of the presence of Lead and Cadmium in Raw Seaweed III within
26 Plaintiff’s notice of alleged violations further discussed above at Paragraph 19h.
27 50. Plaintiff’s allegations regarding Raw Seaweed III concerns “[c]onsumer products
28 exposure[s],” which “is an exposure that results from a person’s acquisition, purchase,
storage, consumption, or other reasonably foreseeable use of a consumer good, or any

1 exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, §*
2 25602(b). Raw Seaweed III are consumer products, and, as mentioned herein, exposures
3 to Lead and Cadmium took place as a result of such normal and foreseeable consumption
4 and use.

5 51. Plaintiff is informed, believes, and thereon alleges that between November 22, 2021 and
6 the present, each of the Defendants knowingly and intentionally exposed California
7 consumers and users of Raw Seaweed III, which Defendants manufactured, distributed,
8 or sold as mentioned above, to Lead and Cadmium, without first providing any type of
9 clear and reasonable warning of such to the exposed persons before the time of exposure.
10 Defendants have distributed and sold Raw Seaweed III in California. Defendants know
11 and intend that California consumers will use and consume Raw Seaweed III, thereby
12 exposing them to Lead and Cadmium. Further, Plaintiff is informed, believes, and
13 thereon alleges that Defendants are selling Raw Seaweed III under a brand or trademark
14 that is owned or licensed by the Defendants or an entity affiliated thereto; have
15 knowingly introduced Lead and Cadmium into Raw Seaweed III or knowingly caused
16 Lead and Cadmium to be created in Raw Seaweed III; have covered, obscured or altered
17 a warning label that has been affixed to Raw Seaweed III by the manufacturer, producer,
18 packager, importer, supplier or distributor of Raw Seaweed III; have received a notice
19 and warning materials for exposure from Raw Seaweed III without conspicuously
20 posting or displaying the warning materials; and/or have actual knowledge of potential
21 exposure to Lead and Cadmium from Raw Seaweed III. Defendants thereby violated
22 Proposition 65.

23 52. The principal routes of exposure are through ingestion, especially direct (oral) ingestion.
24 Persons sustain exposures by eating and consuming Raw Seaweed III.

25 53. Plaintiff is informed, believes, and thereon alleges that each of Defendants’ violations of
26 Proposition 65 as to Raw Seaweed III have been ongoing and continuous, as Defendants
27 engaged and continue to engage in conduct which violates Health and Safety Code
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1 Section 25249.6, including the manufacture, distribution, promotion, and sale of Raw
2 Seaweed III, so that a separate and distinct violation of Proposition 65 occurred each and
3 every time a person was exposed to Lead and Cadmium by Raw Seaweed III as
4 mentioned herein.

5 54. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
6 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
7 violations alleged herein will continue to occur into the Lead and Cadmium from Raw
8 Seaweed III, pursuant to Health and Safety Code Section 25249.7(b).

9 55. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
10 filing this Complaint.

11 **FOURTH CAUSE OF ACTION**

12 **(By CONSUMER ADVOCACY GROUP, INC. and against IHERB and DOES 31-**
13 **40 for Violations of Proposition 65, The Safe Drinking Water and Toxic**
14 **Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

15 **Seaweed IV**

16 56. Plaintiff repeats and incorporates by reference paragraphs 1 through 55 of this complaint
17 as though fully set forth herein.

18 57. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
19 distributor, promoter, or retailer of Seaweed Chips (“Seaweed Chips I”).

20 58. Seaweed Chips I contain Lead and/or Cadmium.

21 59. Defendants knew or should have known that the State of California has identified Lead
22 as a chemical known to cause cancer, reproductive toxicity, and developmental toxicity,
23 and Cadmium as a chemical known to cause reproductive and developmental toxicity,
24 and therefore was subject to Proposition 65 warning requirements. Defendants were also
25 informed of the presence of Lead and/or Cadmium in Seaweed Chips I within Plaintiff’s
26 notice of alleged violations further discussed above at Paragraph 19d and 19f.

27 60. Plaintiff’s allegations regarding Seaweed Chips I concerns “[c]onsumer products
28 exposure[s],” which “is an exposure that results from a person’s acquisition, purchase,

1 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
2 exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, §*
3 *25602(b)*. Seaweed Chips I are consumer products, and, as mentioned herein, exposures
4 to Lead and/or Cadmium took place as a result of such normal and foreseeable
5 consumption and use.

6 61. Plaintiff is informed, believes, and thereon alleges that between August 9, 2021 and the
7 present, each of the Defendants knowingly and intentionally exposed California
8 consumers and users of Seaweed Chips I, which Defendants manufactured, distributed,
9 or sold as mentioned above, to Lead and/or Cadmium, without first providing any type of
10 clear and reasonable warning of such to the exposed persons before the time of exposure.
11 Defendants have distributed and sold Seaweed Chips I in California. Defendants know
12 and intend that California consumers will use and consume Seaweed Chips I, thereby
13 exposing them to Lead and/or Cadmium. Further, Plaintiff is informed, believes, and
14 thereon alleges that Defendants are selling Seaweed Chips I under a brand or trademark
15 that is owned or licensed by the Defendants or an entity affiliated thereto; have
16 knowingly introduced Lead and/or Cadmium into Seaweed Chips I or knowingly caused
17 Lead and/or Cadmium to be created in Seaweed Chips I; have covered, obscured or
18 altered a warning label that has been affixed to Seaweed Chips I by the manufacturer,
19 producer, packager, importer, supplier or distributor of Seaweed Chips I; have received a
20 notice and warning materials for exposure from Seaweed Chips I without conspicuously
21 posting or displaying the warning materials; and/or have actual knowledge of potential
22 exposure to Lead and/or Cadmium from Seaweed Chips I. Defendants thereby violated
23 Proposition 65.

24 62. The principal routes of exposure are through ingestion, especially direct (oral) ingestion.
25 Persons sustain exposures by eating and consuming Seaweed Chips I.

26 63. Plaintiff is informed, believes, and thereon alleges that each of Defendants’ violations of
27 Proposition 65 as to Seaweed Chips I have been ongoing and continuous, as Defendants
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1 engaged and continue to engage in conduct which violates Health and Safety Code
2 Section 25249.6, including the manufacture, distribution, promotion, and sale of
3 Seaweed Chips I, so that a separate and distinct violation of Proposition 65 occurred
4 each and every time a person was exposed to Lead and/or Cadmium by Seaweed Chips I
5 as mentioned herein.

6 64. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
7 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
8 violations alleged herein will continue to occur into the future.

9 65. Based on the allegations herein, Defendants are liable for civil penalties of up to
10 \$2,500.00 per day per individual exposure to Lead and/or Cadmium from Seaweed Chips
11 I, pursuant to Health and Safety Code Section 25249.7(b).

12 66. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
13 filing this Complaint.

14 **FIFTH CAUSE OF ACTION**

15 **(By CONSUMER ADVOCACY GROUP, INC. and against IHERB and DOES 41-**
16 **50 for Violations of Proposition 65, The Safe Drinking Water and Toxic**
17 **Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

18 **Seaweed V**

19 67. Plaintiff repeats and incorporates by reference paragraphs 1 through 66 of this complaint
20 as though fully set forth herein.

21 68. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
22 distributor, promoter, or retailer of Seaweed Chips (“Seaweed Chips II”), identified as:
23 (i) “SeaSnax”; “Strangely Addictive!”; “CHOMPERZ”; “CRUNCHY SEAWEED
24 CHIPS”; “Original”; “Naturally Delicious!”; “1 oz (30g)”; “SCH-SNK-ORI”;
25 “Manufactured for: SeaSnax”; “Product of Korea”: “04.09.2024”; “UPC
26 811201020205”; and
27 (ii) “SeaSnax”; “Strangely Addictive!”; “CHOMPERZ”; “CRUNCHY SEAWEED
28 CHIPS”; “Jalapeno”; “Naturally Delicious!”; “1 oz (30g)”; “SCH-SNK-JAL”;

1 “Manufactured for: SeaSnax”; “Product of Korea”: “09.18.2024”; “UPC
2 811201020236”.

3 69. Seaweed Chips II contains Cadmium.

4 70. Defendants knew or should have known that Cadmium has been identified by the State
5 of California as a chemical known to cause reproductive and developmental toxicity and
6 therefore was subject to Proposition 65 warning requirements. Defendants were also
7 informed of the presence of Cadmium in Seaweed Chips II within Plaintiff's notice of
8 alleged violations further discussed above at Paragraph 19b.

9 71. Plaintiff's allegations regarding Seaweed Chips II concerns “[c]onsumer products
10 exposure[s],” which “is an exposure that results from a person's acquisition, purchase,
11 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
12 exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, §*
13 *25602(b)*. Seaweed Chips II are consumer products, and, as mentioned herein, exposures
14 to Cadmium took place as a result of such normal and foreseeable consumption and use.

15 72. Plaintiff is informed, believes, and thereon alleges that between July 29, 2021 and the
16 present, each of the Defendants knowingly and intentionally exposed California
17 consumers and users of Seaweed Chips II, which Defendants manufactured, distributed,
18 or sold as mentioned above, to Cadmium, without first providing any type of clear and
19 reasonable warning of such to the exposed persons before the time of exposure.
20 Defendants have distributed and sold Seaweed Chips II in California. Defendants know
21 and intend that California consumers will use and consume Seaweed Chips II, thereby
22 exposing them to Cadmium. Further, Plaintiff is informed, believes, and thereon alleges
23 that Defendants are selling Seaweed Chips II under a brand or trademark that is owned
24 or licensed by the Defendants or an entity affiliated thereto; have knowingly introduced
25 Cadmium into Seaweed Chips II or knowingly caused Cadmium to be created in
26 Seaweed Chips II; have covered, obscured or altered a warning label that has been
27 affixed to Seaweed Chips II by the manufacturer, producer, packager, importer, supplier
28 or distributor of Seaweed Chips II; have received a notice and warning materials for

1 exposure from Seaweed Chips II without conspicuously posting or displaying the
2 warning materials; and/or have actual knowledge of potential exposure to Cadmium
3 from Seaweed Chips II. Defendants thereby violated Proposition 65.

4 73. The principal routes of exposure are through ingestion, especially direct (oral) ingestion.
5 Persons sustain exposures by eating and consuming Seaweed Chips II.

6 74. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
7 Proposition 65 as to Seaweed Chips II have been ongoing and continuous, as Defendants
8 engaged and continue to engage in conduct which violates Health and Safety Code
9 Section 25249.6, including the manufacture, distribution, promotion, and sale of
10 Seaweed Chips II, so that a separate and distinct violation of Proposition 65 occurred
11 each and every time a person was exposed to Cadmium by Seaweed Chips II as
12 mentioned herein.

13 75. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
14 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
15 violations alleged herein will continue to occur into the Cadmium from Seaweed Chips
16 II, pursuant to Health and Safety Code Section 25249.7(b).

17 76. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
18 filing this Complaint.

19 **SIXTH CAUSE OF ACTION**

20 **(By CONSUMER ADVOCACY GROUP, INC. and against IHERB and DOES 51-**
21 **60 for Violations of Proposition 65, The Safe Drinking Water and Toxic**
22 **Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

23 **Seaweed VI**

24 77. Plaintiff repeats and incorporates by reference paragraphs 1 through 76 of this complaint
25 as though fully set forth herein.

26 78. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
27 distributor, promoter, or retailer of Seaweed Chips ("Seaweed Chips III"), identified as:

1 “Seasnax”; “CHOMPERZ”; “CRUNCHY SEAWEED CHIPS”; “Manufactured for:
2 SeaSnax”; “Product of Korea”; “SCH-SNK-ORI”; “UPC 8 11201 0202 5”.

3 79. Seaweed Chips III contains Lead and Cadmium.

4 80. Defendants knew or should have known that Lead and Cadmium has been identified by
5 the State of California as a chemical known to cause reproductive and developmental
6 toxicity and therefore was subject to Proposition 65 warning requirements. Defendants
7 were also informed of the presence of Lead and Cadmium in Seaweed Chips III within
8 Plaintiff’s notice of alleged violations further discussed above at Paragraph 19e.

9 81. Plaintiff’s allegations regarding Seaweed Chips III concerns “[c]onsumer products
10 exposure[s],” which “is an exposure that results from a person’s acquisition, purchase,
11 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
12 exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, §*
13 *25602(b)*. Seaweed Chips III are consumer products, and, as mentioned herein,
14 exposures to Lead and Cadmium took place as a result of such normal and foreseeable
15 consumption and use.

16 82. Plaintiff is informed, believes, and thereon alleges that between November 4, 2021 and
17 the present, each of the Defendants knowingly and intentionally exposed California
18 consumers and users of Seaweed Chips III, which Defendants manufactured, distributed,
19 or sold as mentioned above, to Lead and Cadmium, without first providing any type of
20 clear and reasonable warning of such to the exposed persons before the time of exposure.
21 Defendants have distributed and sold Seaweed Chips III in California. Defendants know
22 and intend that California consumers will use and consume Seaweed Chips III, thereby
23 exposing them to Lead and Cadmium. Further, Plaintiff is informed, believes, and
24 thereon alleges that Defendants are selling Seaweed Chips III under a brand or trademark
25 that is owned or licensed by the Defendants or an entity affiliated thereto; have
26 knowingly introduced Lead and Cadmium into Seaweed Chips III or knowingly caused
27 Lead and Cadmium to be created in Seaweed Chips III; have covered, obscured or
28 altered a warning label that has been affixed to Seaweed Chips III by the manufacturer,

1 producer, packager, importer, supplier or distributor of Seaweed Chips III; have received
2 a notice and warning materials for exposure from Seaweed Chips III without
3 conspicuously posting or displaying the warning materials; and/or have actual
4 knowledge of potential exposure to Lead and Cadmium from Seaweed Chips III.
5 Defendants thereby violated Proposition 65.

6 83. The principal routes of exposure are through ingestion, especially direct (oral) ingestion.
7 Persons sustain exposures by eating and consuming Seaweed Chips III.

8 84. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
9 Proposition 65 as to Seaweed Chips III have been ongoing and continuous, as
10 Defendants engaged and continue to engage in conduct which violates Health and Safety
11 Code Section 25249.6, including the manufacture, distribution, promotion, and sale of
12 Seaweed Chips III, so that a separate and distinct violation of Proposition 65 occurred
13 each and every time a person was exposed to Lead and Cadmium by Seaweed Chips III
14 as mentioned herein.

15 85. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
16 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
17 violations alleged herein will continue to occur into the Lead and Cadmium from
18 Seaweed Chips III, pursuant to Health and Safety Code Section 25249.7(b).

19 86. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
20 filing this Complaint.

21 **SEVENTH CAUSE OF ACTION**

22 **(By CONSUMER ADVOCACY GROUP, INC. and against IHERB and DOES 61-**
23 **70 for Violations of Proposition 65, The Safe Drinking Water and Toxic**
24 **Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

25 **Seaweed VII**

26 87. Plaintiff repeats and incorporates by reference paragraphs 1 through 86 of this complaint
27 as though fully set forth herein.

1 88. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
2 distributor, promoter, or retailer of Organic Roasted Seaweed (“Roasted Seaweed I”).

3 89. Roasted Seaweed I contain Cadmium.

4 90. Defendants knew or should have known that the State of California has identified
5 Cadmium as a chemical known to cause reproductive and developmental toxicity, and
6 therefore was subject to Proposition 65 warning requirements. Defendants were also
7 informed of the presence of Cadmium in Roasted Seaweed I within Plaintiff’s notice of
8 alleged violations further discussed above at Paragraph 19i.

9 91. Plaintiff’s allegations regarding Roasted Seaweed I concerns “[c]onsumer products
10 exposure[s],” which “is an exposure that results from a person’s acquisition, purchase,
11 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
12 exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, §*
13 *25602(b)*. Roasted Seaweed I are consumer products, and, as mentioned herein,
14 exposures to Cadmium took place as a result of such normal and foreseeable
15 consumption and use.

16 92. Plaintiff is informed, believes, and thereon alleges that between December 2, 2021 and
17 the present, each of the Defendants knowingly and intentionally exposed California
18 consumers and users of Roasted Seaweed I, which Defendants manufactured, distributed,
19 or sold as mentioned above, to Cadmium, without first providing any type of clear and
20 reasonable warning of such to the exposed persons before the time of exposure.

21 Defendants have distributed and sold Roasted Seaweed I in California. Defendants
22 know and intend that California consumers will use and consume Roasted Seaweed I,
23 thereby exposing them to Cadmium. Further, Plaintiff is informed, believes, and thereon
24 alleges that Defendants are selling Roasted Seaweed I under a brand or trademark that is
25 owned or licensed by the Defendants or an entity affiliated thereto; have knowingly
26 introduced Cadmium into Roasted Seaweed I or knowingly caused Cadmium to be
27 created in Roasted Seaweed I; have covered, obscured or altered a warning label that has

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1 98. Plaintiff repeats and incorporates by reference paragraphs 1 through 97 of this complaint
2 as though fully set forth herein.

3 99. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
4 distributor, promoter, or retailer of Organic Roasted Seaweed (“Roasted Seaweed II”),
5 identified as: “SeaSnax ®”; “11.02.2024”; “Organic Roasted Seaweed Wrapz”; “UPC 7
6 28028 01220 0”; “SS-SHT-CLASS”; “Manufactured for: SeaSnax”.

7 100. Roasted Seaweed II contains Cadmium.

8 101. Defendants knew or should have known that Cadmium has been identified by the State
9 of California as a chemical known to cause reproductive and developmental toxicity and
10 therefore was subject to Proposition 65 warning requirements. Defendants were also
11 informed of the presence of Cadmium in Roasted Seaweed II within Plaintiff’s notice of
12 alleged violations further discussed above at Paragraph 19g.

13 102. Plaintiff’s allegations regarding Roasted Seaweed II concerns “[c]onsumer products
14 exposure[s],” which “is an exposure that results from a person’s acquisition, purchase,
15 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
16 exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, §*
17 *25602(b)*. Roasted Seaweed II are consumer products, and, as mentioned herein,
18 exposures to Cadmium took place as a result of such normal and foreseeable
19 consumption and use.

20 103. Plaintiff is informed, believes, and thereon alleges that between November 22, 2021 and
21 the present, each of the Defendants knowingly and intentionally exposed California
22 consumers and users of Roasted Seaweed II, which Defendants manufactured,
23 distributed, or sold as mentioned above, to Cadmium, without first providing any type of
24 clear and reasonable warning of such to the exposed persons before the time of exposure.
25 Defendants have distributed and sold Roasted Seaweed II in California. Defendants
26 know and intend that California consumers will use and consume Roasted Seaweed II,
27 thereby exposing them to Cadmium. Further, Plaintiff is informed, believes, and thereon
28 alleges that Defendants are selling Roasted Seaweed II under a brand or trademark that is

1 owned or licensed by the Defendants or an entity affiliated thereto; have knowingly
2 introduced Cadmium into Roasted Seaweed II or knowingly caused Cadmium to be
3 created in Roasted Seaweed II; have covered, obscured or altered a warning label that
4 has been affixed to Roasted Seaweed II by the manufacturer, producer, packager,
5 importer, supplier or distributor of Roasted Seaweed II; have received a notice and
6 warning materials for exposure from Roasted Seaweed II without conspicuously posting
7 or displaying the warning materials; and/or have actual knowledge of potential exposure
8 to Cadmium from Roasted Seaweed II. Defendants thereby violated Proposition 65.

9 104. The principal routes of exposure are through ingestion, especially direct (oral)

10 ingestion. Persons sustain exposures by eating and consuming Roasted Seaweed II.

11 Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
12 Proposition 65 as to Roasted Seaweed II have been ongoing and continuous, as Defendants
13 engaged and continue to engage in conduct which violates Health and Safety Code Section
14 25249.6, including the manufacture, distribution, promotion, and sale of Roasted Seaweed II,
15 so that a separate and distinct violation of Proposition 65 occurred each and every time a person
16 was exposed to Cadmium by Roasted Seaweed II as mentioned herein.

17 105. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
18 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
19 violations alleged herein will continue to occur into the Cadmium from Roasted Seaweed
20 II, pursuant to Health and Safety Code Section 25249.7(b).

21 106. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
22 filing this Complaint.

23 **PRAYER FOR RELIEF**

24 Plaintiff demands against each of the Defendants as follows:

- 25 1. A permanent injunction mandating Proposition 65-compliant warnings;
- 26 2. Penalties pursuant to Health and Safety Code Section 25249.7, subdivision (b);
- 27 3. Costs of suit;
- 28 4. Reasonable attorney fees and costs; and

1 5. Any further relief that the court may deem just and equitable.

2
3 Dated: April 22, 2025

YEROUSHALMI & YEROUSHALMI*

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5
6 */s/ Reuben Yeroushalmi*
7 Reuben Yeroushalmi
8 Attorneys for Plaintiff,
9 CONSUMER ADVOCACY GROUP, INC.
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