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

**12/19/2025
Clerk of the Court
BY: ERNALYN BURA
Deputy Clerk**

10 Attorneys for Plaintiff
Environmental Health Advocates, Inc.

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN FRANCISCO**

CGC-25-632400

ENVIRONMENTAL HEALTH ADVOCATES,
INC.,

Case No.:

COMPLAINT FOR CIVIL PENALTIES AND INJUNCTIVE RELIEF

(Health & Safety Code § 25249.6 et seq.)

MEHRON, INC., a New York corporation; TWO RIVERS VENTURES, LLC, a Texas limited liability company; and DOES 1 through 100, inclusive,

Defendants.

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I.
INTRODUCTION

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3 1. This Complaint is a representative action brought by Environmental Health Advocates,
4 Inc. (“Plaintiff”) in the public interest of the citizens of the State of California (“the People”). Plaintiff
5 seeks to remedy Defendants’ failure to inform the People of exposure to diethanolamine (“DEA”)
6 (“DEA”), a chemical known to the State of California to cause cancer. DEA is a common component
7 of cosmetic and grooming products, and often functions as an emulsifier or foaming agent. Defendants
8 expose consumers to DEA by manufacturing, importing, selling, and/or distributing a variety of liquid
9 makeup, cake makeup, and fake blood including, but not limited to (1) Mehron Makeup Liquid Makeup,
10 (2) Mehron Cake Makeup, and (3) Mehron Performance Squirt Blood (collectively, the “Products¹”).
Defendants know and intend that customers will use Products containing DEA.

11 2. Under California’s Safe Drinking Water and Toxic Enforcement Act of 1986, California
12 Health and Safety Code, section 25249.6 et seq. (“Proposition 65”), “[n]o person in the course of doing
13 business shall knowingly and intentionally expose any individual to a chemical known to the state to
14 cause cancer or reproductive toxicity without first giving clear and reasonable warning to such
15 individual. . . .” (Health & Safety Code, § 25249.6.)

16 3. California identified and listed DEA as a chemical known to cause cancer as early as
17 June 22, 2012., thereby requiring a clear and reasonable warning about potential exposure to DEA on
18 any consumer good. Despite this, Defendants failed to sufficiently warn consumers and individuals in
19 California about potential exposure to DEA in connection with Defendants’ manufacture, import, sale,
20 or distribution of Products. This is a violation of Proposition 65.

21 4. Plaintiff seeks injunctive relief compelling Defendants to sufficiently warn consumers
22 in California before exposing them to DEA in Products. (Health & Safety Code, § 25249.7(a).) Plaintiff
23 also seeks civil penalties against Defendants for violations of Proposition 65 along with attorney’s fees
24 and costs. (Health & Safety Code, § 25249.7(b).)

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27 1 See 60-Day Notice of Violation Attorney General No. 2024-03919, 2024-05035, and 2024-05037 attached
28 hereto as **Exhibits 1 - 3** (hereinafter, the “Notices”).

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II.
PARTIES

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5. Plaintiff ENVIRONMENTAL HEALTH ADVOCATES, INC. ("Plaintiff") is a
4 corporation in the State of California dedicated to protecting the health of California citizens through
the elimination or reduction of toxic exposure from consumer products. Plaintiff has prosecuted a
number of Proposition 65 cases in the public interest. These cases have resulted in significant public
benefit—including the reformulation and repackaging of numerous consumer products—to make them
safer for California consumers, and to properly apprise California consumers of any health risks
associated with their usage. Plaintiff brings this action in the public interest pursuant to Health and
Safety Code, section 25249.7.

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10 6. Defendant MEHRON, INC. ("Mehron") is a corporation organized and existing under
11 the laws of New York. Mehron is registered to do business in California, and does business in the County
12 of San Francisco, within the meaning of Health and Safety Code, section 25249.11. Mehron
13 manufactures, imports, sells, or distributes the Products in California and San Francisco County.

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15 7. Defendant TWO RIVERS VENTURES, LLC ("Two Rivers") is a limited liability
16 company organized and existing under the laws of Texas. Two Rivers is registered to do business in
17 California, and does business in the County of San Francisco, within the meaning of Health and Safety
18 Code, section 25249.11. Two Rivers manufactures, imports, sells, or distributes the Products in
California and San Francisco County.

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20 8. Plaintiff does not know the true names and/or capacities, whether individual, partners,
21 or corporate, of the Defendants sued herein as DOES 1 through 100, inclusive, and for that reason sues
22 said Defendants under fictitious names pursuant to Cal. Civ. Proc. § 474. Plaintiff will seek leave to
amend this Complaint when the true names and capacities of these Defendants have been ascertained.
23 Plaintiff is informed and believes and thereon alleges that these Defendants are responsible in whole or
24 in part for the remedies and penalties sought herein.

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26 9. At all times mentioned, Defendants were the agents, alter egos, servants, joint venturers,
27 joint employers, or employees for each other. Defendants acted with the consent of the other Co-

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Defendants and acted within the course, purpose, and scope of their agency, service, or employment. All conduct was ratified by Defendants, and each of them.

II.
VENUE AND JURISDICTION

10. California Constitution Article VI, Section 10 grants the Superior Court original jurisdiction in all cases except those given by statute to other trial courts. The Health and Safety Code statute upon which this action is based does not give jurisdiction to any other court. As such, this Court has jurisdiction.

11. Venue is proper in San Francisco County Superior Court pursuant to Code of Civil Procedure, sections 394, 395, and 395.5. Wrongful conduct occurred and continues to occur in this County. Defendants conducted and continue to conduct business in this County as it relates to Products.

12. Defendants have sufficient minimum contacts in the State of California or otherwise purposefully avail themselves of the California market. Exercising jurisdiction over Defendants would be consistent with traditional notions of fair play and substantial justice.

IV.

BACKGROUND FACTS

13. Under California's Safe Drinking Water and Toxic Enforcement Act of 1986, California Health and Safety Code, section 2529.6 et seq. ("Proposition 65"), "no person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the state of to cause cancer or reproductive toxicity without first giving clear and reasonable warning to such individual..." (Health & Safety Code, § 25249.6.)

14. Proposition 65 requires the State of California to maintain “a list of chemicals known to the state to cause cancer or reproductive toxicity,” which is to be “revised and republished in light of additional knowledge” on at least an annual basis. (Health & Safety Code, § 25249.8(a).)

15. California identified and listed DEA as a chemical known to cause cancer as early as June 22, 2012. DEA is a common component of cosmetic and grooming products, and often functions as an emulsifier or foaming agent.

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1 16. On June 22, 2012, the State of California formally identified and listed DEA as a
2 chemical known to cause cancer. DEA is a common component of cosmetic and grooming products,
3 and often functions as an emulsifier or foaming agent.

4 17. In 2012, the International Agency for Research on Cancer (IARC) also formally
5 identified DEA as a Group 2B possible human carcinogen. (*See* IARC Working Group on the Evaluation
6 of Carcinogenic Risks to Humans, Some Chemicals Present in Industrial and Consumer Products, Food
7 and Drinking-Water. Lyon (FR): International Agency for Research on Cancer; 2013, (IARC
8 Monographs on the Evaluation of Carcinogenic Risks to Humans, No. 101.)
9 DIETHANOLAMINE, available at: <https://www.ncbi.nlm.nih.gov/books/NBK373177/> [last visited
10 December 19, 2025].)

11 18. Animal studies have reported effects on various organ systems from long-term topical
12 administration of DEA. For example, a study conducted by the National Toxicology Program
13 (hereinafter, the “NTP study”) showed that dermal exposure to DEA amplified the development of
14 tumors in the liver and kidney tubules. (*See* National Toxicology Program, NTP Toxicology and
15 Carcinogenesis Studies of Diethanolamine (CAS No. 111-42-2) in F344/N Rats and B6C3F1 Mice
16 (Dermal Studies). Natl Toxicol Program Tech Rep Ser. 1999 Jul; 478:1-212. PMID: 12571685.,
17 available at: <https://pubmed.ncbi.nlm.nih.gov/12571685/> [last visited December 19, 2025].)

18 19. The Office of Environmental Health Hazard Assessment (“OEHHA”) has established
19 specific safe harbor levels for many of the chemicals listed under Proposition 65. For cancer-causing
20 chemicals in particular, a safe harbor level is called a “No Significant Risk Level,” or “NSRL.” An
21 NSRL is the daily intake level calculated to result in one excess case of cancer in an exposed human
22 population of 100,000, assuming lifetime exposure at the level in question. (*See* OEHHA’s Proposition
23 65 Process for Developing Safe Harbor Numbers (February 2001), *available* at
24 <https://oehha.ca.gov/media/downloads/crnr/2001safeharborprocess.pdf> [last visited December 19,
25 2025].) The State of California has not yet established an NSRL for DEA. However, research suggests
26 that an NSRL of 5.6 micrograms/day of DEA is appropriate, where dermal absorption is the route of
27 exposure. (*See* Wang B, Amacher DE, Whittaker MH. Derivation of a No-Significant-Risk-Level
28 (NSRL) for diethanolamine (DEA). Regul Toxicol Pharmacol. 2014 Feb;68(1):76-84. doi:

1 10.1016/j.yrtph.2013.11.009. Epub 2013 Nov 23. PMID: 24275050 [last visited December 19, 2025].)
2 This NSRL is derived from the NTP study described above, using a benchmark dose modeling method
3 based on the incidence of hepatocellular carcinomas in female mice, in accordance with the guidelines
4 of the California Environmental Protection Agency.

5 20. In order to ensure that the injunctive relief sought herein confers a public benefit upon
6 California consumers, EHA adopts the NSRL of 5.6 micrograms/day for DEA derived from the NTP
7 study.

8 **V.**
9 **CAUSES OF ACTION**

10 **FIRST CAUSE OF ACTION**

11 **(Violation of Proposition 65 – Against all Defendants)**

12 21. Plaintiff incorporates by reference each and every allegation contained above.

13 22. Proposition 65 mandates that citizens be informed about exposures to chemicals that
cause cancer, birth defects, and other reproductive harm.

14 23. Defendants manufactured, imported, sold, and/or distributed Products containing DEA
15 in violation of Health and Safety Code, section 25249.6 et seq. Plaintiff is informed and believes such
16 violations have continued after receipt of the Notices and will continue to occur into the future.

17 24. In manufacturing, importing, selling, and/or distributing Products, Defendants failed to
18 provide a clear and reasonable warning to consumers and individuals in California who may be exposed
19 to DEA through reasonably foreseeable use of the Products.

20 25. Products expose individuals to DEA through dermal absorption. This exposure is a
21 natural and foreseeable consequence of Defendants placing Products into the stream of commerce. As
22 such, Defendants intend that consumers will use Products, exposing them to DEA.

23 26. Defendant's Products exceed the NSRL of 5.6 micrograms/day, which was derived from
24 the NTP study.

25 27. Defendants knew or should have known that the Products contained DEA and exposed
26 individuals to DEA in the ways provided above. The Notice informed Defendants of the presence of
27 DEA in the Products. Likewise, media coverage concerning DEA and related chemicals in consumer
28 products provided constructive notice to Defendants.

1 28. Defendants' actions in this regard were deliberate and not accidental.

2 29. More than sixty days prior to naming each defendant in this lawsuit, Plaintiff issued a
3 60-Day Notice of Violation upon each Defendant as required by and in compliance with Proposition 65.
4 Plaintiff provided the Notice to the various required public enforcement agencies along with a certificate
5 of merit. The Notice alleged that Defendants violated Proposition 65 by failing to sufficiently warn
6 consumers in California of the health hazards associated with exposures to DEA contained in the
7 Products.

8 30. The appropriate public enforcement agencies provided with the Notice failed to
9 commence and diligently prosecute a cause of action against Defendants.

10 31. Individuals exposed to DEA contained in Products through dermal absorption resulting
11 from reasonably foreseeable use of the Products have suffered and continue to suffer irreparable harm.
12 There is no other plain, speedy, or adequate remedy at law.

13 32. Defendants are liable for a maximum civil penalty of \$2,500 per day for each violation
14 of Proposition 65 pursuant to Health and Safety Code, section 252497(b). Injunctive relief is also
15 appropriate pursuant to Health and Safety Code, section 25249.7(a).

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PRAYER FOR RELIEF

Wherefore, Plaintiff prays for judgment against Defendants as follows:

1. Civil penalties in the amount of \$2,500 per day for each violation. Plaintiff alleges that damages total a minimum of \$1,000,000;

2. A preliminary and permanent injunction against Defendants from manufacturing, importing, selling, and/or distributing Products in California without providing a clear and reasonable warning as required by Proposition 65 and related Regulations;

3. Reasonable attorney's fees and costs of suit; and

4. Such other and further relief as may be just and proper.

Respectfully submitted:

Dated: December 19, 2025

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