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

11/26/2025
Clerk of the Court
BY: JAMES FORONDA
Deputy Clerk

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF SAN FRANCISCO

11 EMA BELL,

12 Plaintiff,

13 vs.

14 MAGENTA, INC., ROSS STORES,
15 INC.,

16 Defendants.

Case No.: CGC-24-614344

**CONSOLIDATED COMPLAINT FOR CIVIL
PENALTIES AND INJUNCTIVE RELIEF**

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

Proposed Consolidated Case Nos.:

CGC-24-619680

CGC-25-621457

Case No. CGC-24-619680

17 EMA BELL,

18 Plaintiff,

19 vs.

20 MAGENTA, INC., THE TJX
21 COMPANIES, INC.,

22 Defendants.

Case No. CGC-25-621457

23 EMA BELL,

24 Plaintiff,

25 vs.

26 MAGENTA, INC., THE TJX
27 COMPANIES, INC.,

28 Defendants.

1 Plaintiff Ema Bell (“Plaintiff”), by and through her attorneys, alleges the following cause
2 of action in the public interest of the citizens of the State of California.

3 **BACKGROUND OF THE CASE**

4 1. Plaintiff brings this representative action on behalf of all California citizens to
5 enforce relevant portions of Safe Drinking Water and Toxic Enforcement Act of 1986, codified at
6 the Health and Safety Code § 25249.5 et seq (“Proposition 65”), which reads, in relevant part,
7 “[n]o person in the course of doing business shall knowingly and intentionally expose any
8 individual to a chemical known to the state to cause cancer or reproductive toxicity without first
9 giving clear and reasonable warning to such individual ...”. Health & Safety Code § 25249.6.

10 2. This consolidated complaint is a representative action brought by Plaintiff in the
11 public interest of the citizens of the State of California to enforce the People’s right to be informed
12 of the health hazards caused by exposure to lead, a toxic chemical found in (a) Meaningful Home
13 candles, (b) Carnival Cottage owl bowls , (c) Kolor Me Koby mugs, (d) *Peanuts*® cookie jars,
14 and/or (e) Hufflepuff mugs sold and/or distributed by defendants Magenta, Inc. and/or Ross Stores,
15 Inc., and/or The TJX Companies, Inc. (collectively, “Defendants” and each a “Defendant”) in
16 California.

17 3. Lead is a harmful chemical known to the State of California to cause cancer and
18 birth defects or other reproductive harm. On October 1, 1992, the state of California listed lead as
19 a chemical known to cause cancer and it has come under the purview of Proposition 65 regulations
20 since that time. Cal. Code Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8 &
21 25249.10(b). On February 27, 1987, the State of California listed lead as a chemical known to
22 cause birth defects or other reproductive harm.

23 4. Proposition 65 requires all businesses with ten (10) or more employees that operate
24 within California or sell products therein to comply with Proposition 65 regulations. Included in
25 such regulations is the requirement that businesses must label any product containing a Proposition
26 65-listed chemical that will create an exposure above safe harbor levels with a “clear and
27 reasonable” warning before “knowingly and intentionally” exposing any person to any such listed
28 chemical.

1 registered with the California Secretary of State as foreign corporations authorized to do business
2 in the State of California, and/or has otherwise purposefully availed itself of the California market.
3 Such purposeful availment has rendered the exercise of jurisdiction by California courts consistent
4 and permissible with traditional notions of fair play and substantial justice.

5 STATUTORY BACKGROUND

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

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

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

16 20. An exposure to a chemical in a consumer product is one “which results from a
17 person’s acquisition, purchase, storage, consumption or other reasonably foreseeable use of a
18 consumer good, or any exposure that results from receiving a consumer service.” (27 CCR §
19 25602, para (b).) H&S Code § 25603(c) states that “a person in the course of doing business ...
20 shall provide a warning to any person to whom the product is sold or transferred unless the product
21 is packaged or labeled with a clear and reasonable warning.”

22 21. Pursuant to H&S Code § 25603.1, the warning may be provided by using one or
23 more of the following methods individually or in combination:¹

24 a. A warning that appears on a product’s label or other labeling.

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26
27 ¹ Alternatively, a person in the course of doing business may elect to comply with the warning
28 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 of the user's hand to mouth. No clear and reasonable warning is provided with the Products
2 regarding the health hazards of exposure.

3 25. Defendants have processed, marketed, distributed, offered to sell and/or sold the
4 Products in California since at least May 31, 2023 with respect to the Meaningful Home candles;
5 since at least February 19, 2024 with respect to the Carnival Cottage owl bowls; since at least May
6 2, 2024 with respect to the Kolor Me Koby mugs and *Peanuts*® cookie jars; and since at least
7 January 23, 2025 with respect to the Hufflepuff mugs. The Products continue to be distributed and
8 sold in California without the requisite warning information.

9 26. At all times relevant to this action, Defendants have knowingly and intentionally
10 exposed users and/or consumers of the Products to lead without first giving a clear and reasonable
11 exposure warning to such individuals.

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

18 SATISFACTION OF NOTICE REQUIREMENTS

19 28. Plaintiff purchased the Product from Ross Stores, Inc. or The TJX Companies, Inc.
20 At the time of purchase, Defendants did not provide a Proposition 65 exposure warning for lead
21 or any other Proposition 65 listed chemical in a manner consistent with H&S Code § 25603.1 as
22 described *supra*.

23 29. The Products were sent to a testing laboratory to determine if, and what amount of,
24 lead would migrate and/or leach from the Products.

25 30. The laboratory provided the results of its analysis. Results of this test determined
26 the Products expose users to lead (collectively, the "Chemical Test Reports" and each a "Chemical
27 Test Report").
28

1 31. Plaintiff provided the Chemical Test Reports and Products to an analytical chemist
2 to determine if, based on the findings of the Chemical Test Reports and the reasonable and
3 foreseeable use of the Products, exposure to lead will occur at levels that require Proposition 65
4 warnings under the Clear and Reasonable Warnings section 25601 of Title 27 of the California
5 Code of Regulations.

6 32. On May 31, 2023 (Meaningful Home candles), February 19, 2024 (Carnival
7 Cottage owl bowls), May 2, 2024 (Kolor Me Koby mugs, and *Peanuts*® cookie jars), and January
8 23, 2025 (Hufflepuff mugs), Plaintiff received from the analytical chemist an exposure assessment
9 report which concluded that persons in California who use the Products will be exposed to levels
10 of lead that require a Proposition 65 exposure warning.

11 33. On May 31, 2023 (Meaningful Home candles), February 19, 2024 (Carnival
12 Cottage owl bowls), May 2, 2024 (Kolor Me Koby mugs and *Peanuts*® cookie jars), and January
13 23, 2025 (Hufflepuff mugs), Plaintiff gave notice of alleged violation of Health and Safety Code
14 § 25249.6 (collectively, the “Notices” and each a “Notice”) to Defendants concerning the exposure
15 of California citizens to lead contained in the Products without proper warning, subject to a private
16 action to Defendants and to the California Attorney General’s office and the offices of the County
17 District attorneys and City Attorneys for each city with a population greater than 750,000 persons
18 wherein the herein violations allegedly occurred. See attached at Exhibits A – E a true and correct
19 copy of each Notice.

20 34. The Notices complied with all procedural requirements of Proposition 65 including
21 the attachment of a Certificate of Merit affirming that Plaintiff’s counsel had consulted with at
22 least one person with relevant and appropriate expertise who reviewed relevant data regarding lead
23 exposure, and that counsel believed there was meritorious and reasonable cause for a private
24 action.

25 35. After receiving the Notices, and to Plaintiff’s best information and belief, none of
26 the noticed appropriate public enforcement agencies have commenced and diligently prosecuted a
27 cause of action against Defendants under Proposition 65 to enforce the alleged violations which
28 are the subject of the Notices.

1 43. Plaintiff, based on her best information and belief, avers that such exposures will
2 continue every day until clear and reasonable warnings are provided to purchasers and users or
3 until this known toxic chemical is removed from the Products.

4 44. Defendants have knowledge that the normal and reasonably foreseeable use of the
5 Products exposes individuals to lead, and Defendants intend that exposures to lead will occur by
6 its deliberate, non-accidental participation in the importation, distribution, sale and offering of the
7 Products to consumers in California

8 45. Plaintiff has engaged in good faith efforts to resolve the herein claims prior to this
9 Consolidated Complaint.

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

13 47. Pursuant to Health and Safety Code § 25249.7(a), this Court is specifically
14 authorized to grant injunctive relief in favor of Plaintiff and against Defendants.

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1 **PRAYER FOR RELIEF**

2 WHEREFORE, Plaintiff demands judgment against Defendants and requests the following
3 relief:

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

7 B. That the court preliminarily and permanently enjoin Defendants mandating
8 Proposition 65 compliant warnings on the Products;

9 C. That the court grant Plaintiff reasonable attorney’s fees and costs of suit, in the
10 amount of \$50,000.00.

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

12 Dated: November 26, 2025

BRODSKY SMITH

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