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KEEP AMERICA SAFE AND BEAUTIFUL

**ELECTRONICALLY FILED**  
Superior Court of California  
County of Marin  
**08/11/2025**

James M. Kim, Clerk of the Court  
By: L. Mauga, Deputy

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

KEEP AMERICA SAFE AND BEAUTIFUL,

Plaintiff,

v.

CHINA LIVE, LLC; and DOES 1-30, inclusive,

Defendants.

Case No. CV0007210

**COMPLAINT FOR CIVIL PENALTIES  
AND INJUNCTIVE RELIEF**

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

UNLIMITED CIVIL

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

**INTRODUCTION AND NATURE OF THE ACTION**

1. Plaintiff brings this representative action in the public interest on behalf of the citizens  
of the State of California. By this action, Plaintiff seeks to enforce the People’s right to be informed  
of the health hazards caused by exposures to Lead, a heavy metal found in chili sauce manufactured,  
processed, packaged, imported, distributed, sold or offered for sale by Defendant in the State of  
California.

2. By this Complaint, plaintiff seeks to remedy Defendant’s failure to warn individuals not  
covered by California’s Occupational Safety Health Act, Labor Code § 6300 *et seq.* (“**consumers**”)  
before exposure to substances known to cause birth defects or other reproductive harm through  
exposures to Lead when they purchase, use or ingest Defendant’s chili sauce.

3. Detectable levels of Lead are found in the chili sauce Defendant manufactures, processes, packages, imports, sells or distributes for sale to consumers throughout California.

4. Pursuant to the Safe Drinking Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code § 25249.6 *et seq.* (“**Proposition 65**”), it is unlawful for a person in the course of doing business to knowingly and intentionally expose consumers in California to chemicals known to the State to cause birth defects or other reproductive harm, without first providing a “clear and reasonable” health hazard warning to such consumers prior to purchase or use.

5. Defendant manufactures, processes, packages, distributes, imports, sells, and offers for sale, in and into California chili sauce (“**PRODUCTS**”) containing Lead, without providing a warning regarding the presence of and the harms associated with exposures to Lead in Defendants’ PRODUCTS. Such PRODUCTS include, without limitation, *Chef Chen's Famous Chili Crisp 6oz. UPC: 96281961*. Defendant’s conduct is subject to civil penalties for each violation, enjoinder, preliminary and permanent injunctive relief. Health & Safety Code § 25249.7(a) and (b)

## PARTIES

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

7. At all relevant times, Defendant CHINA LIVE, LLC (“**CHINA LIVE**”) operated as a “person” “in the course of doing business” within the meaning of and as defined by Health and Safety Code §§ 25249.6 and 25249.11.

8. CHINA LIVE manufactures, imports, distributes, sells and offers the PRODUCTS for sale or use in California, or implies by its conduct that it manufactures, imports, distributes, sells, and/or offers the PRODUCTS for sale or use in California.

9. Defendants DOES 1-10 (“**MANUFACTURER DEFENDANTS**”) are each a person in the course of doing business within the meaning of and as defined by Health and Safety Code

1 §§ 25249.6 and 25249.11. MANUFACTURER DEFENDANTS, and each of them, assemble,  
2 fabricate, and manufacture, or each implies by its conduct that it does such for one or more of the  
3 PRODUCTS offered for sale or use in California.

4 10. Defendants DOES 11-20 (“**DISTRIBUTOR DEFENDANTS**”) are each a person in the  
5 course of doing business within the meaning of and as defined by Health and Safety Code §§ 25249.6  
6 and 25249.11. DISTRIBUTOR DEFENDANTS, and each of them, distribute, transfer, and transport,  
7 or each impliedly does so by its conduct, one or more of the PRODUCTS to individuals, businesses,  
8 or retailers for sale or use in the State of California

9 11. Defendants DOES 21-30 (“**RETAILER DEFENDANTS**”) are each a person in the  
10 course of doing business within the meaning of and as defined by Health and Safety Code §§ 25249.6  
11 and 25249.11. RETAILER DEFENDANTS, and each of them, by and through their conduct, offer  
12 the PRODUCTS for sale to consumers in the State of California.

13 12. At this time, the true names of Defendants DOES 1 through 30, inclusive, are unknown  
14 to plaintiff, who, therefore, sues said DOES Defendants by their fictitious names, pursuant to Code of  
15 Civil Procedure § 474. Each of the fictitiously named Defendants is responsible in some manner for  
16 the acts and occurrences alleged herein and the damages caused thereby. When ascertained, Plaintiff  
17 will identify these Doe Defendants by their true names in an amendment to this Complaint.

18 13. At all times mentioned herein, CHINA LIVE, MANUFACTURER DEFENDANTS,  
19 DISTRIBUTOR DEFENDANTS, and RETAILER DEFENDANTS shall, hereinafter, where  
20 appropriate, be referred to collectively as the “**DEFENDANTS**.”

### 21 **JURISDICTION AND VENUE**

22 14. This Court has jurisdiction over this action, pursuant to Health & Safety Code  
23 § 25249.7, allowing enforcement by any court of competent jurisdiction. The Superior Courts of the  
24 State of California have jurisdiction pursuant to California Constitution Article VI, section 10, which  
25 grants the Superior Court “original jurisdiction in all causes except those given by statute to other  
26 trial courts.” The statute under which this action is brought does not specify any other basis of  
27 subject matter jurisdiction.  
28

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

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

#### 14                                   **REGULATORY BACKGROUND AND LAW**

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

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

24           19. Exposing consumers to hazardous chemicals means to cause individuals to ingest,  
25 inhale, contact via body surfaces or otherwise come into contact with a listed chemical. Cal. Code  
26 Regs. (“CCR”), tit. 27, § 25102(i). An exposure to a hazardous chemical is defined as that which  
27 “results from a person’s acquisition, purchase, storage, consumption or other reasonably foreseeable  
28 use of a product...” 27 CCR § 25600(h).

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

21. On February 27, 1987, pursuant to Proposition 65's implementing regulations, California listed Lead as a chemical known to the State to cause birth defects and reproductive harm or reproductive toxicity. Lead became subject to the "clear and reasonable warning" requirements one year later, on February 27, 1988. 27 CCR § 27001(c); Health & Safety Code §§ 25249.8, 25249.10(b).

22. On October 1, 1992, pursuant to Proposition 65's implementing regulations, California identified and listed Lead as a chemical known to the State cause cancer. Lead became subject to the "clear and reasonable warning" requirements one year later, on October 1, 1993. 27 CCR § 27001(c); Health & Safety Code §§ 25249.8, 25249.10(b).

## STATEMENT OF FACTS

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

24. DEFENDANTS' PRODUCTS expose consumers in California to Lead at levels requiring a warning under Proposition 65 when they ingest or otherwise consume the PRODUCTS during reasonably foreseeable use.

25. On January 5, 2025, plaintiff served a 60-Day Notice of Violation (“**Notice**”), together with the certificate of merit, on CHINA LIVE, the Office of the Attorney General of California, and the requisite public enforcement agencies, alleging, as a result of DEFENDANTS’ sales of the PRODUCTS, consumers in the State of California were, and are, being exposed to Lead through their reasonably foreseeable use of the PRODUCTS without first receiving a “clear and reasonable warning,” as required by Proposition 65.

26. After receiving Plaintiff's Notice, no public enforcement agency has commenced and is diligently prosecuting a cause of action against DEFENDANTS under Proposition 65 to enforce the alleged violations that are the subject of the Notice.

1 **FIRST CAUSE OF ACTION**

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

3 27. Plaintiff 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 the PRODUCTS they manufacture,  
8 process, package, import, distribute, sell, and offer for sale in California contain Lead. As a result of  
9 Plaintiff's Notice, DEFENDANTS now possess actual knowledge of the presence of Lead in the  
10 PRODUCTS.

11 30. DEFENDANTS' PRODUCTS expose consumers in California to Lead by ingestion  
12 during the reasonably foreseeable use of the PRODUCTS.

13 31. The normal and reasonably foreseeable use of the PRODUCTS has caused, and  
14 continues to cause, exposures to Lead.

15 32. DEFENDANTS know or should know the reasonably foreseeable use of the  
16 PRODUCTS exposes consumers to Lead through ingestion.

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

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

22 35. DEFENDANTS failed to provide a "clear and reasonable warning" to those consumers  
23 in California exposed to Lead through ingestion during their reasonably foreseeable uses of the  
24 PRODUCTS. DEFENDANTS continue to fail to provide such warning.

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

1 37. DEFENDANTS manufacture, process, package, import, distribute, sell and offer the  
2 PRODUCTS for sale or use in violation of Health and Safety Code § 25249.6, and DEFENDANTS'  
3 violations have continued beyond their receipt of Plaintiff's Notice. As such, DEFENDANTS'  
4 violations are ongoing and continuous in nature and, unless enjoined, will continue in the future.

5 38. Pursuant to Health and Safety Code § 25249.7(b), as a consequence of the above-  
6 described acts, DEFENDANTS, and each of them, are liable for a maximum civil penalty of \$2,500  
7 per day for each violation.

8 39. As a consequence of DEFENDANTS' acts and omissions, Health and Safety Code  
9 § 25249.7(a) specifically authorizes the Court to grant the relief prayed for herein.

10 **PRAYER FOR RELIEF**

11 Wherefore, Plaintiff prays for relief and judgment against DEFENDANTS, and each of them,  
12 as follows:

13 1. That the Court, pursuant to Health and Safety Code § 25249.7(a), preliminarily and  
14 permanently enjoin DEFENDANTS from manufacturing, processing, packaging, distributing,  
15 importing, marketing or otherwise offering the PRODUCTS for sale or use in California without first  
16 providing a "clear and reasonable" warning to consumers regarding the presence of, and the harms  
17 associated with, with exposures to Lead;

18 2. That the Court, pursuant to Health and Safety Code § 25249.7(a), issue preliminary and  
19 permanent injunctions mandating DEFENDANTS recall all PRODUCTS currently in the chain of  
20 commerce in California that do not bear a clear and reasonable health hazard warning;

21 3. That the Court assess civil penalties against DEFENDANTS, and each of them, in the  
22 amount of \$2,500 per day for each violation of Proposition 65, according to proof;

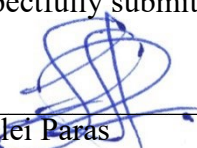
23 4. That the Court award Plaintiff its reasonable attorneys' fees and costs of suit; and

24 5. That the Court grant any further relief as it deems just and equitable.

25 Dated: August 11, 2025

Respectfully submitted,

26  
27 By:

  
Laralei Paras  
Attorneys for Plaintiff  
*Keep America Safe and Beautiful*