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14 Environmental Health Advocates, Inc.

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

16 **IN AND FOR THE COUNTY OF SAN FRANCISCO**

17 ENVIRONMENTAL HEALTH ADVOCATES,  
18 INC.,

19 Plaintiff,

20 v.

21 EAGLE LABS, INCORPORATED, a Florida  
22 corporation; BELLALITZ LLC, a Florida  
23 limited liability company; and DOES 1 through  
24 100, inclusive,

25 Defendants.

Case No.:

**COMPLAINT FOR CIVIL PENALTIES  
AND INJUNCTIVE RELIEF**

(Health & Safety Code § 25249.6 et seq.)

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

**03/26/2026**  
Clerk of the Court

BY: MARIVIC VIRAY  
Deputy Clerk

**CGC-26-635273**

**I.**  
**INTRODUCTION**

1  
2           1.       This Complaint is a representative action brought by Environmental Health Advocates,  
3 Inc. (“Plaintiff”) in the public interest of the citizens of the State of California (“the People”). Plaintiff  
4 seeks to remedy Defendants’ failure to inform the People of exposure to diethanolamine (“DEA”), a  
5 known carcinogen. Defendants expose consumers to DEA by manufacturing, importing, selling, and/or  
6 distributing moisturizer including, but not limited to, Bella Litz Hydrating SPF Day Cream (“Products”).  
7 Defendants know and intend that customers will use Products containing DEA.

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

13           3.       California identified and listed DEA as a chemical known to cause cancer as early as  
14 June 22, 2012.

15           4.       Defendants failed to sufficiently warn consumers and individuals in California about  
16 potential exposure to DEA in connection with Defendants’ manufacture, import, sale, or distribution of  
17 Products. This is a violation of Proposition 65.

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

**II.**  
**PARTIES**

22  
23           6.       Plaintiff ENVIRONMENTAL HEALTH ADVOCATES, INC. (“Plaintiff”) is a  
24 corporation in the State of California dedicated to protecting the health of California citizens through  
25 the elimination or reduction of toxic exposure from consumer products. It brings this action in the public  
26 interest pursuant to Health and Safety Code, section 25249.7.

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1 (Dermal Studies). Natl Toxicol Program Tech Rep Ser. 1999 Jul; 478:1-212. PMID: 12571685.,  
2 available at: <https://pubmed.ncbi.nlm.nih.gov/12571685/> [last visited March 26, 2026].)

3 19. The Office of Environmental Health Hazard Assessment (“OEHHA”) has established  
4 specific safe harbor levels for many of the chemicals listed under Proposition 65. For cancer-causing  
5 chemicals in particular, a safe harbor level is called a “No Significant Risk Level,” or “NSRL.” An  
6 NSRL is the daily intake level calculated to result in one excess case of cancer in an exposed human  
7 population of 100,000, assuming lifetime exposure at the level in question. (See OEHHA’s Proposition  
8 65 Process for Developing Safe Harbor Numbers (February 2001), available at  
9 <https://oehha.ca.gov/media/downloads/cmr/2001safeharborprocess.pdf> [last visited March 26, 2026].)

10 The State of California has not yet established an NSRL for DEA. However, research suggests that an  
11 NSRL of 5.6 micrograms/day of DEA is appropriate, where dermal absorption is the route of exposure.  
12 (See Wang B, Amacher DE, Whittaker MH. Derivation of a No-Significant-Risk-Level (NSRL) for  
13 diethanolamine (DEA). Regul Toxicol Pharmacol. 2014 Feb;68(1):76-84. doi:  
14 10.1016/j.yrtph.2013.11.009. Epub 2013 Nov 23. PMID: 24275050 [last visited March 26, 2026].) This  
15 NSRL is derived from the NTP study described above, using a benchmark dose modeling method based  
16 on the incidence of hepatocellular carcinomas in female mice, in accordance with the guidelines of the  
17 California Environmental Protection Agency.

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

21 **V.**  
22 **CAUSES OF ACTION**

23 **FIRST CAUSE OF ACTION**

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

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

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

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1           23.       Defendants manufactured, imported, sold, and/or distributed Products containing DEA  
2 in violation of Health and Safety Code, section 25249.6 et seq. Plaintiff is informed and believes such  
3 violations have continued after receipt of the Notice (defined *infra*) and will continue to occur into the  
4 future.

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

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

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

15          27.       Defendants' actions in this regard were deliberate and not accidental.

16          28.       More than sixty days prior to naming each defendant in this lawsuit, Plaintiff issued a  
17 60-Day Notice of Violation ("Notice") as required by and in compliance with Proposition 65. Plaintiff  
18 provided the Notice to the various required public enforcement agencies along with a certificate of  
19 merit. The Notice alleged that Defendants violated Proposition 65 by failing to sufficiently warn  
20 consumers in California of the health hazards associated with exposures to DEA contained in the  
21 Products.

22          29.       The appropriate public enforcement agencies provided with the Notice failed to  
23 commence and diligently prosecute a cause of action against Defendants.

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

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1 **PRAYER FOR RELIEF**

2 Wherefore, Plaintiff prays for judgment against Defendants as follows:

- 3 1. Civil penalties in the amount of \$2,500 per day for each violation. Plaintiff alleges that  
4 damages total a minimum of \$1,000,000;
- 5 2. A preliminary and permanent injunction against Defendants from manufacturing,  
6 importing, selling, and/or distributing Products in California without providing a clear and reasonable  
7 warning as required by Proposition 65 and related Regulations;
- 8 3. Reasonable attorney’s fees and costs of suit; and
- 9 4. Such other and further relief as may be just and proper.
- 10
- 11

12 Respectfully submitted:

13 Dated: March 26, 2026

**ENTORNO LAW, LLP**

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