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**ELECTRONICALLY
FILED**

*Superior Court of California,
County of San Francisco*

02/18/2026
Clerk of the Court
BY: SHENEQUA GLADNEY
Deputy Clerk

CGC-26-634118

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 THE ORGANIC PANTRY CO., a California
22 corporation; BRISTOL FARMS, a California
23 corporation; and DOES 1 through 100,
24 inclusive,

25 Defendants.

Case No.:

**COMPLAINT FOR CIVIL PENALTIES
AND INJUNCTIVE RELIEF**

(Health & Safety Code § 25249.6 et seq.)

I.
INTRODUCTION

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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 cadmium, a known carcinogen
5 and reproductive/developmental toxin. Defendants expose consumers to cadmium by manufacturing,
6 importing, selling, and/or distributing flaxseed crackers including, but not limited to, The Organic
7 Pantry Co. Flaxseed Crackers- Sunflower (“Products”). Defendants know and intend that customers will
8 ingest Products containing cadmium.

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

14 3. California identified and listed cadmium as a chemical known to cause developmental/
15 reproductive toxicity as early as May 1, 1997.

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

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

II.
PARTIES

23
24 6. Plaintiff ENVIRONMENTAL HEALTH ADVOCATES, INC. (“Plaintiff”) is a
25 corporation in the State of California dedicated to protecting the health of California citizens through
26 the elimination or reduction of toxic exposure from consumer products. It brings this action in the public
27 interest pursuant to Health and Safety Code, section 25249.7.
28

1 7. Defendant THE ORGANIC PANTRY CO. ("Organic Pantry") is a corporation
2 organized and existing under the laws of California. Organic Pantry is registered to do business in
3 California, and does business in the County of San Francisco, within the meaning of Health and Safety
4 Code, section 25249.11. Organic Pantry manufactures, imports, sells, or distributes the Products in
5 California and San Francisco County.

6 8. Defendant BRISTOL FARMS ("Bristol") is a corporation organized and existing under
7 the laws of California. Bristol is registered to do business in California, and does business in the County
8 of San Francisco, within the meaning of Health and Safety Code, section 25249.11. Bristol
9 manufactures, imports, sells, or distributes the Products in California and San Francisco County.

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

16 10. At all times mentioned, Defendants were the agents, alter egos, servants, joint venturers,
17 joint employers, or employees for each other. Defendants acted with the consent of the other Co-
18 Defendants and acted within the course, purpose, and scope of their agency, service, or employment.
19 All conduct was ratified by Defendants, and each of them.

20 **III.**
21 **VENUE AND JURISDICTION**

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

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

1 The Notice alleged that Defendants violated Proposition 65 by failing to sufficiently warn consumers in
2 California of the health hazards associated with exposures to cadmium contained in the Products.

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

5 23. Individuals exposed to cadmium contained in Products through direct ingestion
6 resulting from reasonably foreseeable use of the Products have suffered and continue to suffer
7 irreparable harm. There is no other plain, speedy, or adequate remedy at law.

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

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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: February 18, 2026

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