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8 *Attorneys for Plaintiff*

ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco

07/17/2025
Clerk of the Court
BY: DAEJA ROGERS
Deputy Clerk

6 SUPERIOR COURT OF THE STATE OF CALIFORNIA
7
8 COUNTY OF SAN FRANCISCO

9 GABRIEL ESPINOZA,

10 Plaintiff,

11 vs.

12 TARGET CORPORATION,

13 Defendant.

Case No.:

CGC-25-627342

**COMPLAINT FOR CIVIL PENALTIES AND
INJUNCTIVE RELIEF**

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

14 Plaintiff Gabriel Espinoza ("Plaintiff"), by and through his attorneys, alleges the following
15 cause of action in the public interest of the citizens of the State of California.

16 **BACKGROUND OF THE CASE**

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

23 2. This complaint is a representative action brought by Plaintiff in the public interest
24 of the citizens of the State of California to enforce the People's right to be informed of the health
25 hazards caused by exposure to lead and/or di(2-ethylhexyl) phthalate (DEHP), toxic chemicals
26 found in products sold, manufactured, and/or distributed by defendant Target Corporation in
27 California.
28

1 3. DEHP is a harmful chemical known to the State of California to cause cancer and
2 birth defects or other reproductive harm. On January 1, 1988, the State of California listed DEHP
3 as a chemical known to the State to cause cancer and it has come under the purview of Proposition
4 65 regulations since that time. Cal. Code Regs. Tit. 27, § 27001(c); Health & Safety Code §§
5 25249.8 & 25249.10(b). On October 24, 2003, the State of California listed DEHP as a chemical
6 known to cause birth defects or other reproductive harm.

7 4. Lead is a harmful chemical known to the State of California to cause cancer and
8 birth defects or other reproductive harm. On October 1, 1992, the state of California listed lead as
9 a chemical known to cause cancer and it has come under the purview of Proposition 65 regulations
10 since that time. Cal. Code Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8 &
11 25249.10(b). On February 27, 1987, the State of California listed lead as a chemical known to
12 cause birth defects or other reproductive harm.

13 5. Proposition 65 requires all businesses with ten (10) or more employees that operate
14 within California or sell products therein to comply with Proposition 65 regulations. Included in
15 such regulations is the requirement that businesses must label any product containing a Proposition
16 65-listed chemical that will create an exposure above safe harbor levels with a “clear and
17 reasonable” warning before “knowingly and intentionally” exposing any person to any such listed
18 chemical.

19 6. Proposition 65 allows for civil penalties of up to \$2,500.00 per day per violation
20 for up to 365 days (up to a maximum civil penalty amount per violation of \$912,000.00) to be
21 imposed upon defendants in a civil action for violations of Proposition 65. Health & Safety Code
22 § 25249.7(b). Proposition 65 also allows for any court of competent jurisdiction to enjoin the
23 actions of a defendant which “violate or threaten to violate” the statute. Health & Safety Code §
24 25249.7.

25 7. Plaintiff alleges that Defendant distributes and/or offers for sale in California,
26 without a requisite exposure warning, (a) Brightroom seat back organizers manufactured,
27 distributed, and/or sold by Always Star Products Co., Ltd. (DEHP), (b) RXBar nut butter and oat
28 bars manufactured, distributed, and/or sold by Kellogg Sales Company (lead), (c) Immi black

1 garlic chicken ramen soups manufactured, distributed, and/or sold by Fifty Foods Inc. (lead), and
2 (d) Immi spicy beef ramen soups sold by Fifty Foods Inc. (lead) (collectively, the “Products” and
3 each a “Product”) that expose persons to DEHP and/or lead when used and/or consumed for their
4 intended purpose.

5 8. Defendant’s failure to warn consumers and other individuals in California of the
6 health hazards associated with exposure to DEHP and/or lead in conjunction with the sale and/or
7 distribution of the Products is a violation of Proposition 65 and subjects Defendant to the
8 enjoinder and civil penalties described herein.

9 9. Plaintiff seeks civil penalties against Defendant for its violations of Proposition 65
10 in accordance with Health and Safety Code § 25249.7(b).

11 10. Plaintiff also seeks injunctive relief, preliminarily and permanently, requiring
12 Defendant to provide purchasers or users of the Products with required warnings related to the
13 dangers and health hazards associated with exposure to DEHP and/or lead pursuant to Health and
14 Safety Code § 25249.7(a).

15 11. Plaintiff further seeks a reasonable award of attorney’s fees and costs.

16 **PARTIES**

17 12. Plaintiff is a citizen of the State of California acting in the interest of the general
18 public to promote awareness of exposures to toxic chemicals in products sold in California and to
19 improve human health by reducing hazardous substances contained in such items. He brings this
20 action in the public interest pursuant to Health and Safety Code § 25249.7(d).

21 13. Defendant Target Corporation, through its business, effectively imports,
22 distributes, sells, and/or offers the Products for sale or use in the State of California, or it implies
23 by its conduct that it imports, distributes, sells, and/or offers the Products for sale or use in the
24 State of California. Plaintiff alleges that defendant Target Corporation is a “person” in the course
25 of doing business within the meaning of Health & Safety Code sections 25249.6 and 25249.11.

26 **VENUE AND JURISDICTION**

27 14. Venue is proper in the County of San Francisco because one or more of the
28 instances of wrongful conduct occurred, and continue to occur in this county and/or because

1 Defendant conducted, and continues to conduct, business in the County of San Francisco with
2 respect to the Products.

3 15. This Court has jurisdiction over this action pursuant to California Constitution
4 Article VI, § 10, which grants the Superior Court original jurisdiction in all causes except those
5 given by statute to other trial courts. Health and Safety Code § 25249.7 allows for the enforcement
6 of violations of Proposition 65 in any Court of competent jurisdiction; therefore, this Court has
7 jurisdiction over this lawsuit.

8 16. This Court has jurisdiction over Defendant because Defendant is either a citizen of
9 the State of California, has sufficient minimum contacts with the State of California, is registered
10 with the California Secretary of State as foreign corporations authorized to do business in the State
11 of California, and/or has otherwise purposefully availed itself of the California market. Such
12 purposeful availment has rendered the exercise of jurisdiction by California courts consistent and
13 permissible with traditional notions of fair play and substantial justice.

14 **STATUTORY BACKGROUND**

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

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

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

24 19. An exposure to a chemical in a consumer product is one “which results from a
25 person’s acquisition, purchase, storage, consumption or other reasonably foreseeable use of a
26 consumer good, or any exposure that results from receiving a consumer service.” (27 CCR §
27 25602, para (b).) H&S Code § 25603(c) states that “a person in the course of doing business ...
28

1 shall provide a warning to any person to whom the product is sold or transferred unless the product
2 is packaged or labeled with a clear and reasonable warning.”

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

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

6 b. Identification of the product at the retail outlet in a manner which provides
7 a warning. Identification may be through shelf labeling, signs, menus, or a combination
8 thereof.

9 c. The warnings provided pursuant to subparagraphs (a) and (b) shall be
10 prominently placed upon a product’s labels or other labeling or displayed at the retail outlet
11 with such conspicuousness, as compared with other words, statements, designs, or devices
12 in the label, labeling or display as to render it likely to be read and understood by an
13 ordinary individual under customary conditions of purchase or use.

14 d. A system of signs, public advertising identifying the system and toll-free
15 information services, or any other system that provides clear and reasonable warnings.

16 21. Proposition 65 provides that any “person who violates or threatens to violate” the
17 statute may be enjoined in a court of competent jurisdiction. (H&S Code § 25249.7.) The phrase
18 “threaten to violate” is defined to mean creating “a condition in which there is a substantial
19 probability that a violation will occur.” (H&S Code § 25249.11(e).) Violators are liable for civil
20 penalties of up to \$2,500.00 per day for each violation of the Act (H&S Code § 25249.7) for up to
21 365 days (up to a maximum civil penalty amount per violation of \$912,000.00).

22 **FACTUAL BACKGROUND**

23 22. On January 1, 1988, the State of California listed DEHP as a chemical known to
24 the State to cause cancer and it has come under the purview of Proposition 65 regulations since
25

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 that time. Cal. Code Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8 & 25249.10(b).
2 On October 24, 2003, the State of California listed DEHP as a chemical known to cause birth
3 defects or other reproductive harm.

4 23. On October 1, 1992, the state of California listed lead as a chemical known to cause
5 cancer and it has come under the purview of Proposition 65 regulations since that time. Cal. Code
6 Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8 & 25249.10(b). On February 27,
7 1987, the State of California listed lead as a chemical known to cause birth defects or other
8 reproductive harm.

9 24. The exposures that are the subject of the Notices result from the purchase,
10 acquisition, handling, consumption, and recommended use of the Products. The primary route of
11 exposure to DEHP is through dermal absorption directly through the skin when consumers use,
12 touch, or handle the Products. Exposure through ingestion will occur by touching the Products
13 with subsequent touching of the user's hand to mouth. The primary route of exposure to lead in
14 food products is through ingestion. When foods contaminated with lead are consumed, ingestion
15 of lead will occur which will increase blood lead levels. No clear and reasonable warning is
16 provided with the Products regarding the health hazards of exposure to DEHP and/or lead.

17 25. Defendant has manufactured, processed, marketed, distributed, offered to sell
18 and/or sold the Products in California since at least July 26, 2024 with respect to the Brightroom
19 seat back organizers, and since at least April 16, 2025 with respect to the RXBar nut butter and oat
20 bars, Immi black garlic chicken ramen soups, and Immi spicy beef ramen soups. The Products
21 continue to be distributed and sold in California without the requisite warning information.

22 26. At all times relevant to this action, Defendant has knowingly and intentionally
23 exposed users of the Products to DEHP and/or lead without first giving a clear and reasonable
24 exposure warning to such individuals.

25 27. As a proximate result of acts by Defendant, as a person in the course of doing
26 business within the meaning of H&S Code § 25249.11, individuals throughout the State of
27 California, including in San Francisco County, have been exposed to DEHP and/or lead without a
28 clear and reasonable warning on the Products. The individuals subject to the violative exposures

1 include normal and foreseeable users and consumers that use the Products, as well as all others
2 exposed to the Products.

3 **SATISFACTION OF NOTICE REQUIREMENTS**

4 28. Plaintiff purchased the Product from Target Corporation in California. At the time
5 of purchase, Defendant did not provide a Proposition 65 exposure warning for DEHP and/or lead
6 or any other Proposition 65 listed chemical in a manner consistent with H&S Code § 25603.1 as
7 described *supra*.

8 29. The Brightroom seat back organizers were sent to a testing laboratory for phthalate
9 testing to determine the phthalate content of the Product. For the Brightroom seat back organizers,
10 Plaintiff received a Chemical Test Report. The Chemical Test Report findings determined the
11 Brightroom seat back organizers expose users to DEHP. Plaintiff provided the Chemical Test
12 Report and Product to an analytical chemist to determine if, based on the findings of the Chemical
13 Test Reports and the reasonable and foreseeable use of the Products, exposure to DEHP will occur
14 at levels that require Proposition 65 warnings under the Clear and Reasonable Warnings section
15 25601 of Title 27 of the California Code of Regulations. On July 26, 2024, Plaintiff received from
16 the analytical chemist an exposure assessment report for the Brightroom seat back organizers that
17 concluded that persons in California who use the Brightroom seat back organizers will be exposed
18 to levels of DEHP that require a Proposition 65 exposure warning.

19 30. The RXBar nut butter and oat bars were sent to a testing laboratory to determine if,
20 and what amount of, lead a consumer would be exposed to per serving size. For the RXBar nut
21 butter and oat bars, Plaintiff received a Chemical Test Report. The Chemical Test Report findings
22 determined the RXBar nut butter and oat bars expose consumers to lead. Plaintiff provided the
23 Chemical Test Report and Product to an analytical chemist to determine if, based on the findings
24 of the Chemical Test Report and the reasonable and foreseeable consumption of the Product,
25 exposure to lead will occur at levels that require Proposition 65 warnings under the Clear and
26 Reasonable Warnings section 25601 of Title 27 of the California Code of Regulations. On April
27 16, 2025, Plaintiff received from the analytical chemist an exposure assessment report for the
28 RXBar nut butter and oat bars that concluded that persons in California who consume the RXBar

1 nut butter and oat bars will be exposed to levels of lead that require a Proposition 65 exposure
2 warning.

3 31. The Immi black garlic chicken ramen soups were sent to a testing laboratory to
4 determine if, and what amount of, lead a consumer would be exposed to per serving size. For the
5 Immi black garlic chicken ramen soups, Plaintiff received a Chemical Test Report. The Chemical
6 Test Report findings determined the Immi black garlic chicken ramen soups expose consumers to
7 lead. Plaintiff provided the Chemical Test Report and Product to an analytical chemist to determine
8 if, based on the findings of the Chemical Test Report and the reasonable and foreseeable
9 consumption of the Product, exposure to lead will occur at levels that require Proposition 65
10 warnings under the Clear and Reasonable Warnings section 25601 of Title 27 of the California
11 Code of Regulations. On April 16, 2025, Plaintiff received from the analytical chemist an exposure
12 assessment report for the Immi black garlic chicken ramen soups that concluded that persons in
13 California who consume the Immi black garlic chicken ramen soups will be exposed to levels of
14 lead that require a Proposition 65 exposure warning.

15 32. The Immi spicy beef ramen soups were sent to a testing laboratory to determine if,
16 and what amount of, lead a consumer would be exposed to per serving size. For the Immi spicy
17 beef ramen soups, Plaintiff received a Chemical Test Report. The Chemical Test Report findings
18 determined the Immi spicy beef ramen soups expose consumers to lead. Plaintiff provided the
19 Chemical Test Report and Product to an analytical chemist to determine if, based on the findings
20 of the Chemical Test Report and the reasonable and foreseeable consumption of the Product,
21 exposure to lead will occur at levels that require Proposition 65 warnings under the Clear and
22 Reasonable Warnings section 25601 of Title 27 of the California Code of Regulations. On April
23 16, 2025, Plaintiff received from the analytical chemist an exposure assessment report for the Immi
24 spicy beef ramen soups that concluded that persons in California who consume the Immi spicy
25 beef ramen soups will be exposed to levels of lead that require a Proposition 65 exposure warning.

26 **NOTICES OF VIOLATION**

27 33. On July 26, 2024, Plaintiff gave notice of alleged violation of Health and Safety
28 Code § 25249.6 to Defendant concerning the exposure of California citizens to DEHP from use of

1 the Brightroom seat back organizers without proper warning, subject to a private action to
2 Defendant and to the California Attorney General's office and the offices of the County District
3 attorneys and City Attorneys for each city with a population greater than 750,000 persons wherein
4 the herein violations allegedly occurred. See attached at Exhibits "A" a true and correct copy of
5 the July 26, 2024 notice of violation.

6 34. On April 16, 2025, Plaintiff gave notice of alleged violation of Health and Safety
7 Code § 25249.6 to Defendant concerning the exposure of California citizens to lead from
8 consumption of the RXBar nut butter and oat bars without proper warning, subject to a private
9 action to Defendant and to the California Attorney General's office and the offices of the County
10 District attorneys and City Attorneys for each city with a population greater than 750,000 persons
11 wherein the herein violations allegedly occurred. See attached at Exhibit "B" a true and correct
12 copy of the April 16, 2025 notice of violation.

13 35. On April 16, 2025, Plaintiff gave notice of alleged violation of Health and Safety
14 Code § 25249.6 to Defendant concerning the exposure of California citizens to lead from
15 consumption of the Immi black garlic chicken ramen soups without proper warning, subject to a
16 private action to Defendant and to the California Attorney General's office and the offices of the
17 County District attorneys and City Attorneys for each city with a population greater than 750,000
18 persons wherein the herein violations allegedly occurred. See attached at Exhibit "C" a true and
19 correct copy of the April 16, 2025 notice of violation.

20 36. On April 16, 2025, Plaintiff gave notice of alleged violation of Health and Safety
21 Code § 25249.6 to Defendant concerning the exposure of California citizens to lead from
22 consumption of the Immi spicy beef ramen soups without proper warning, subject to a private
23 action to Defendant and to the California Attorney General's office and the offices of the County
24 District attorneys and City Attorneys for each city with a population greater than 750,000 persons
25 wherein the herein violations allegedly occurred. See attached at Exhibit "D" a true and correct
26 copy of the April 16, 2025 notice of violation.

27 37. The Notices complied with all procedural requirements of Proposition 65 including
28 the attachment of a Certificate of Merit affirming that Plaintiff's counsel had consulted with at

1 least one person with relevant and appropriate expertise who reviewed relevant data regarding
2 DEHP and/or lead exposure, and that counsel believed there was meritorious and reasonable cause
3 for a private action.

4 38. After receiving the Notices, and to Plaintiff's best information and belief, none of
5 the noticed appropriate public enforcement agencies have commenced and diligently prosecuted a
6 cause of action against Defendant under Proposition 65 to enforce the alleged violations which are
7 the subject of the Notices.

8 39. Plaintiff is commencing this action more than sixty (60) days from the date of each
9 Notice to Defendant, as required by law.

10 **FIRST CAUSE OF ACTION**

11 **(By Plaintiff against Defendant for the Violation of Proposition 65)**

12 40. Plaintiff hereby repeats and incorporates by reference paragraphs 1 through 39 of
13 this Complaint as though fully set forth herein.

14 41. Defendant has, at all times mentioned herein, acted as distributor, and/or retailer of
15 the Products.

16 42. Use of the Products will expose users and consumers thereof to DEHP and/or lead,
17 hazardous chemicals found on the Proposition 65 list of chemicals known to be hazardous to
18 human health.

19 43. The Products do not comply with the Proposition 65 warning requirements.

20 44. Plaintiff, based on his best information and belief, avers that at all relevant times
21 herein, and since at least July 26, 2024 with respect to the Brightroom seat back organizers, and
22 since at least April 16, 2025 with respect to the RXBar nut butter and oat bars, Immi black garlic
23 chicken ramen soups, and Immi spicy beef ramen soups, continuing until the present, that
24 Defendant has continued to knowingly and intentionally expose California users and consumers
25 of the Products to DEHP and/or lead without providing required warnings under Proposition 65.

26 45. The exposures that are the subject of the Notice result from the purchase,
27 acquisition, handling, consumption, and recommended use of the Products. The primary route of
28 exposure to DEHP is through dermal absorption directly through the skin when consumers use,

1 touch, or handle the Products. Exposure through ingestion will occur by touching the Product with
2 subsequent touching of the user's hand to mouth. The primary route of exposure to lead in food
3 products is through ingestion. When foods contaminated with lead are consumed, ingestion of lead
4 will occur which will increase blood lead levels. No clear and reasonable warning is provided with
5 the Products regarding the health hazards of exposure to DEHP and/or lead.

6 46. Plaintiff, based on his best information and belief, avers that such exposures will
7 continue every day until clear and reasonable warnings are provided to purchasers and users or
8 until these known toxic chemicals are removed from the Products.

9 47. Defendant has knowledge that the normal and reasonably foreseeable use of the
10 Products exposes individuals to DEHP and/or lead, and Defendant intends that exposures to DEHP
11 and/or lead will occur by its deliberate, non-accidental participation in the importation,
12 distribution, sale and offering of the Products to consumers in California

13 48. Plaintiff has engaged in good faith efforts to resolve the herein claims prior to this
14 Complaint.

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

17 50. Pursuant to Health and Safety Code § 25249.7(a), this Court is specifically
18 authorized to grant injunctive relief in favor of Plaintiff and against Defendant.

1 **PRAYER FOR RELIEF**

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

4 A. That the court assess civil penalties against Defendant in the amount of \$2,500 per
5 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 Defendant 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: July 17, 2025

BRODSKY SMITH

13 By: 

14 Evan J. Smith (SBN242352)

15 Ryan P. Cardona (SBN302113)

16 9465 Wilshire Boulevard, Suite 300

17 Beverly Hills, CA 90212

18 Telephone: (877) 534-2590

19 Facsimile: (310) 247-0160

20 *Attorneys for Plaintiff*

EXHIBIT “A”

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PENNSYLVANIA OFFICE
TWO BALA PLAZA, STE. 805
BALA CYNWYD, PA 19004
610.667.6200

July 26, 2024

President/CEO Target Corporation c/o CT Corporation System 330 N. Brand Blvd., Suite 700 Glendale, CA 91203	President/CEO Target Corporation c/o CT Corporation System 1010 Dale St. N St. Paul, MN 55117-5603
President/CEO Target Brands, Inc. c/o CT Corporation System 1010 Dale St. N St. Paul, MN 55117-5603	President/CEO Target Stores, Inc. 1000 Nicollet Mall Minneapolis, MN 55403

60-Day Notice of Violation of California Safe Drinking Water and Toxic Enforcement Act¹

To Whom It May Concern:

This Notice of Violation (the "Notice") is provided to you pursuant to and in compliance with California Health & Safety Code § 25249.7(d).

Brodsky Smith represents Gabriel Espinoza ("Espinoza"), a citizen of the State of California acting in the interest of the general public to promote awareness of exposures to toxic chemicals from use of consumer products sold in California and to improve human health and the environment by reducing hazardous substances.

With respect to the Product herein, Espinoza has identified a violation of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65") codified at Cal. Health & Safety Code § 25249.5, et seq. This violation has occurred and continues to occur because the alleged Violator(s) failed to provide a clear and reasonable health hazard warning in connection with the sale or use of the Product in California. Health & Safety Code § 25249.6 provides that "[n]o person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the State to cause cancer or reproductive toxicity without first providing a clear and reasonable warning to such individual ..." Without proper warnings regarding the toxic effects of exposures to the Listed Chemical resulting from use of the Product, California citizens lack the information necessary to make informed decisions on whether and/or how to eliminate (or reduce) the risk of exposure to the Listed Chemical from the reasonably foreseeable use of the Product.

¹ The public enforcement agencies that have been served with copies of this Notice are identified in the attached distribution list accompanying the Certificate of Service.

I. DESCRIPTION OF THE VIOLATION

1. **Enforcer:** Gabriel Espinoza, 3924 Carlin Ave., Lynwood, CA 90262-5204; (Ph) 424-285-4896.
2. **Alleged Violator(s):** Target Corporation; Target Brands, Inc.; Target Stores, Inc.
3. **Time Period of Exposure:** Violations have been occurring since at least July 26, 2024 and are continuing to this day.
4. **Listed Chemical:** Di(2-ethylhexyl) phthalate (DEHP). DEHP is listed under Proposition 65 as a chemical known to the State to cause cancer and birth defect or other reproductive harm.
5. **Product:**

Product ²	Non- Exclusive Examples of the Product
Seat Back Organizer	Brightroom Seat Back Organizer UPC# 1 98101 00670 7

6. **Description of Exposure:** The exposures that are the subject of this Notice result from the purchase, acquisition, handling and recommended use of the Product. The primary route of exposure to the Listed Chemical is through dermal absorption directly through the skin when consumers use, touch, or handle the Products. Some amount of exposure through ingestion can occur by touching the Product with subsequent touching of the user's hand to mouth. No clear and reasonable warning is provided with the Products regarding the health hazards of exposure to the Listed Chemical.

II. PROPOSITION 65 INFORMATION

For the Violators' reference, enclosed is a copy of "Proposition 65: A Summary" that has been prepared by the Office of Environmental Health Hazard Assessment ("OEHHA"). For more information concerning the provisions of Proposition 65, contact OEHHA at 916.445.6900.

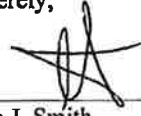
III. RESOLUTION OF THE CLAIMS

Based on the allegations set forth in this Notice, Brodsky Smith intends to file a citizen enforcement lawsuit on behalf of Espinoza against the alleged Violator(s) unless such Violator(s) agree in a binding written agreement to: (1) recall Products already sold; (2) provide Proposition 65 compliant exposure warnings for Products sold in the future or reformulate the Products to eliminate exposures to the Listed Chemical; and (3) pay an appropriate civil penalty based on the factors enumerated in Health & Safety Code § 25249.7(b). Consistent with the public interest goals of Proposition 65 and the desire to have these violations of California law quickly rectified, Espinoza is interested in seeking a constructive resolution of the claims in this Notice without engaging in costly and protracted litigation.

² The specifically identified example of the Product in this Notice is to assist the recipients' investigation of, among other things, the magnitude of potential exposures to the Listed Chemical from other items within the definition of Products. This example is not intended to be an exhaustive or comprehensive identification of each specific offending Product. It is Espinoza's position that the alleged Violators are obligated to conduct a good faith investigation into other Products that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the alleged Violators' custody or control) during the relevant period to ensure that requisite health hazard warnings were and are provided to California citizens prior to purchase and use.

Espinoza has retained me as legal counsel in connection with this Notice. Please direct all communications regarding this Notice to my attention at Brodsky Smith, 9465 Wilshire Blvd., Ste. 300, Beverly Hills, CA 90212, (877) 534-2590, esmith@brodskysmith.com.

Sincerely,



Evan J. Smith

Attachments

Certificate of Merit

Certificate of Service

The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary

EXHIBIT “B”

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April 16, 2025

President/CEO Kellogg Sales Company c/o CT Corporation System 330 N. Brand Blvd., Suite 700 Glendale, CA 91203	President/CEO Kellogg Sales Company 1 Kellogg Square South Tower Battle Creek, MI 49017
President/CEO Kellogg Sales Company c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	Member/Manager Insurgent Brands LLC c/o CT Corporation System 208 So. LaSalle St., Suite 814 Chicago, IL 60604-1101
President/CEO Kellanova c/o CT Corporation System 330 N. Brand Blvd., Suite 700 Glendale, CA 91203	President/CEO Kellogg Sales Company c/o CT Corporation System 208 So. LaSalle St., Suite 814 Chicago, IL 60604-1101
President/CEO Kellogg Sales Company dba Insurgent Brands Sales Co. c/o CT Corporation System 208 So. LaSalle St., Suite 814 Chicago, IL 60604-1101	President/CEO Target Corporation c/o CT Corporation System 1010 Dale St. N St. Paul, MN 55117-5603
President/CEO Target Stores, Inc. 1000 Nicollet Mall Minneapolis, MN 55403	President/CEO Target Brands, Inc. c/o CT Corporation System 1010 Dale St. N St. Paul, MN 55117-5603
President/CEO Target Corporation c/o CT Corporation System 330 N. Brand Blvd., Suite 700 Glendale, CA 91203	Member/Manager Insurgent Brands LLC 412 N. Wells St. Chicago, IL 60654

60-Day Notice of Violation of California Safe Drinking Water and Toxic Enforcement Act¹

To Whom It May Concern:

¹ The public enforcement agencies that have been served with copies of this Notice are identified in the attached distribution list accompanying the Certificate of Service.

This Notice of Violation (the "Notice") is provided to you pursuant to and in compliance with California Health & Safety Code § 25249.7(d).

Brodsky Smith represents Gabriel Espinoza ("Espinoza"), a citizen of the State of California acting in the interest of the general public to promote awareness of exposures to toxic chemicals from use of consumer products sold in California and to improve human health and the environment by reducing hazardous substances.

With respect to the Product herein, Espinoza has identified a violation of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65") codified at Cal. Health & Safety Code § 25249.5, et seq. This violation has occurred and continues to occur because the alleged Violator(s) failed to provide a clear and reasonable health hazard warning in connection with the sale or use of the Product in California. Health & Safety Code § 25249.6 provides that "[n]o person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the State to cause cancer or reproductive toxicity without first providing a clear and reasonable warning to such individual ...". Without proper warnings regarding the toxic effects of exposures to the Listed Chemical resulting from use of the Product, California citizens lack the information necessary to make informed decisions on whether and/or how to eliminate (or reduce) the risk of exposure to the Listed Chemical from the reasonably foreseeable use of the Product.

I. DESCRIPTION OF THE VIOLATION

1. **Enforcer:** Gabriel Espinoza, 3924 Carlin Ave. Lynwood, CA 90262; (Ph) 424-285-4896.
2. **Alleged Violator(s):** Kellogg Sales Company; Insurgent Brands LLC; Kellanova; Kellogg Sales Company dba Insurgent Brands Sales Co.; Target Corporation; Target Stores, Inc.; Target Brands, Inc.
3. **Time Period of Exposure:** Violations have been occurring since at least April 16, 2025 and are continuing to this day.
4. **Listed Chemical:** Lead. Lead is listed under Proposition 65 as a chemical known to the State to cause cancer and birth defects or other reproductive harm.
5. **Product:**

Product ²	Non- Exclusive Examples of the Product
Bar	RXBar Nut Butter & Oat Bar UPC# 1 93908 00510 6

6. **Description of Exposure:** The exposures that are the subject of this Notice result from the purchase and recommended use of the Product. The primary route of exposure to the Listed Chemical is through ingestion. When foods contaminated with the Listed Chemical are consumed, ingestion of the Listed Chemical will occur which will increase BLLs. No clear

² The specifically identified example of the Product in this Notice is to assist the recipients' investigation of, among other things, the magnitude of potential exposures to the Listed Chemical from other items within the definition of Products. This example is not intended to be an exhaustive or comprehensive identification of each specific offending Product. It is Espinoza's position that the alleged Violators are obligated to conduct a good faith investigation into other Products that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the alleged Violators' custody or control) during the relevant period to ensure that requisite health hazard warnings were and are provided to California citizens prior to purchase and use.

and reasonable warning is provided with the Products regarding the health hazards of exposure to the Listed Chemical.

II. PROPOSITION 65 INFORMATION

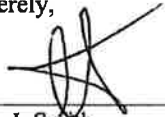
For the Violators' reference, enclosed is a copy of "Proposition 65: A Summary" that has been prepared by the Office of Environmental Health Hazard Assessment ("OEHHA"). For more information concerning the provisions of Proposition 65, contact OEHHA at 916.445.6900.

III. RESOLUTION OF THE CLAIMS

Based on the allegations set forth in this Notice, Brodsky Smith intends to file a citizen enforcement lawsuit on behalf of Espinoza against the alleged Violator(s) unless such Violator(s) agree in a binding written agreement to: (1) recall Products already sold; (2) provide Proposition 65 compliant exposure warnings for Products sold in the future or reformulate the Products to eliminate exposures to the Listed Chemical; and (3) pay an appropriate civil penalty based on the factors enumerated in Health & Safety Code § 25249.7(b). Consistent with the public interest goals of Proposition 65 and the desire to have these violations of California law quickly rectified, Espinoza is interested in seeking a constructive resolution of the claims in this Notice without engaging in costly and protracted litigation.

Espinoza has retained me as legal counsel in connection with this Notice. **Please direct all communications regarding this Notice to my attention at Brodsky Smith, 9465 Wilshire Blvd., Ste. 300, Beverly Hills, CA 90212, (877) 534-2590, esmith@brodskysmith.com.**

Sincerely,



Evan J. Smith

Attachments

Certificate of Merit

Certificate of Service

The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary

EXHIBIT “C”

LAW OFFICES
BRODSKY SMITH

9465 WILSHIRE BLVD., STE. 300
BEVERLY HILLS, CA 90212
877.534.2590
www.brodskysmith.com

NEW JERSEY OFFICE
20 BRACE RD., STE. 350
CHERRY HILL, NJ 08034
856.795.7250

NEW YORK OFFICE
240 MINEOLA BOULEVARD
MINEOLA, NY 11501
516.741.4977

PENNSYLVANIA OFFICE
TWO BALA PLAZA, STE. 805
BALA CYNWYD, PA 19004
610.667.6200

April 16, 2025

President/CEO Fifty Foods Inc. c/o Corporation Service Company Which Will Do Business In California As CSC-Lawyers Incorporating Service 2710 Gateway Oaks Drive, Suite 150N Sacramento, CA 95833	President/CEO Fifty Foods Inc. 58 West Portal Ave., #623 San Francisco, CA 94127
President/CEO Fifty Foods Inc. 451 Kansas Street, Unit 360 San Francisco, CA 94107	President/CEO Target Corporation c/o CT Corporation System 1010 Dale St. N St. Paul, MN 55117-5603
President/CEO Target Stores, Inc. 1000 Nicollet Mall Minneapolis, MN 55403	President/CEO Target Brands, Inc. c/o CT Corporation System 1010 Dale St. N St. Paul, MN 55117-5603
President/CEO Target Corporation c/o CT Corporation System 330 N. Brand Blvd., Suite 700 Glendale, CA 91203	

60-Day Notice of Violation of California Safe Drinking Water and Toxic Enforcement Act¹

To Whom It May Concern:

This Notice of Violation (the "Notice") is provided to you pursuant to and in compliance with California Health & Safety Code § 25249.7(d).

Brodsky Smith represents Gabriel Espinoza ("Espinoza"), a citizen of the State of California acting in the interest of the general public to promote awareness of exposures to toxic chemicals from use of consumer products sold in California and to improve human health and the environment by reducing hazardous substances.

With respect to the Product herein, Espinoza has identified a violation of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65") codified at Cal. Health & Safety

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Code § 25249.5, et seq. This violation has occurred and continues to occur because the alleged Violator(s) failed to provide a clear and reasonable health hazard warning in connection with the sale or use of the Product in California. Health & Safety Code § 25249.6 provides that “[n]o person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the State to cause cancer or reproductive toxicity without first providing a clear and reasonable warning to such individual ...” Without proper warnings regarding the toxic effects of exposures to the Listed Chemical resulting from use of the Product, California citizens lack the information necessary to make informed decisions on whether and/or how to eliminate (or reduce) the risk of exposure to the Listed Chemical from the reasonably foreseeable use of the Product.

I. DESCRIPTION OF THE VIOLATION

1. **Enforcer:** Gabriel Espinoza, 3924 Carlin Ave. Lynwood, CA 90262; (Ph) 424-285-4896.
2. **Alleged Violator(s):** Fifty Foods Inc.; Target Corporation; Target Stores, Inc.; Target Brands, Inc.
3. **Time Period of Exposure:** Violations have been occurring since at least April 16, 2025 and are continuing to this day.
4. **Listed Chemical:** Lead. Lead is listed under Proposition 65 as a chemical known to the State to cause cancer and birth defects or other reproductive harm.
5. **Product:**

Product ²	Non- Exclusive Examples of the Product
Soup	Black Garlic Chicken Ramen Soup UPC# 8 50016 31805 3

6. **Description of Exposure:** The exposures that are the subject of this Notice result from the purchase and recommended use of the Product. The primary route of exposure to the Listed Chemical is through ingestion. When foods contaminated with the Listed Chemical are consumed, ingestion of the Listed Chemical will occur which will increase BLLs. No clear and reasonable warning is provided with the Products regarding the health hazards of exposure to the Listed Chemical.

II. PROPOSITION 65 INFORMATION

For the Violators’ reference, enclosed is a copy of “Proposition 65: A Summary” that has been prepared by the Office of Environmental Health Hazard Assessment (“OEHHA”). For more information concerning the provisions of Proposition 65, contact OEHHA at 916.445.6900.

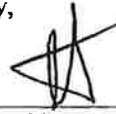
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III. RESOLUTION OF THE CLAIMS

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Sincerely,



Evan J. Smith

Attachments

Certificate of Merit

Certificate of Service

The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary

EXHIBIT “D”

LAW OFFICES
BRODSKY SMITH

9465 WILSHIRE BLVD., STE. 300
BEVERLY HILLS, CA 90212
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www.brodskysmith.com

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CHERRY HILL, NJ 08034
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MINEOLA, NY 11501
516.741.4977

PENNSYLVANIA OFFICE
TWO BALA PLAZA, STE. 805
BALA CYNWYD, PA 19004
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April 16, 2025

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President/CEO Target Corporation c/o CT Corporation System 330 N. Brand Blvd., Suite 700 Glendale, CA 91203	

60-Day Notice of Violation of California Safe Drinking Water and Toxic Enforcement Act¹

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2. **Alleged Violator(s):** Fifty Foods Inc.; Target Corporation; Target Stores, Inc.; Target Brands, Inc.
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4. **Listed Chemical:** Lead. Lead is listed under Proposition 65 as a chemical known to the State to cause cancer and birth defects or other reproductive harm.
5. **Product:**

Product ²	Non- Exclusive Examples of the Product
Soup	Immi Spicy Beef Ramen Soup UPC# 8 50016 31804 6

6. **Description of Exposure:** The exposures that are the subject of this Notice result from the purchase and recommended use of the Product. The primary route of exposure to the Listed Chemical is through ingestion. When foods contaminated with the Listed Chemical are consumed, ingestion of the Listed Chemical will occur which will increase BLLs. No clear and reasonable warning is provided with the Products regarding the health hazards of exposure to the Listed Chemical.

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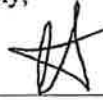
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Sincerely,



Evan J. Smith

Attachments

Certificate of Merit

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The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary