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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 SHISEIDO AMERICAS CORPORATION, a  
22 Delaware corporation; and DOES 1 through  
23 100, inclusive,

24 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*

**03/04/2026**  
**Clerk of the Court**  
BY: SHENEQUA GLADNEY  
Deputy Clerk

**CGC-26-634647**

**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 diethanolamine (“DEA”), a  
5 known carcinogen. Defendants expose consumers to DEA by manufacturing, importing, selling, and/or  
6 distributing sunscreen including, but not limited to, Cle De Peau Beaute UV Protective Emulsion for  
7 Body SPF 60 (“Products”). Defendants know and intend that customers will use Products containing  
8 DEA.

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 DEA as a chemical known to cause cancer as early as  
15 June 22, 2012, thereby requiring a clear and reasonable warning about potential exposure to DEA on  
16 any consumer good. Despite this, Defendants failed to sufficiently warn consumers and individuals in  
17 California about potential exposure to DEA in connection with Defendants’ manufacture, import, sale,  
18 or distribution of Products. This is a violation of Proposition 65.

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

**II.**  
**PARTIES**

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24           5.       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.

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IV.  
**BACKGROUND FACTS**

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2           12.     Under California’s Safe Drinking Water and Toxic Enforcement Act of 1986, California  
3 Health and Safety Code, section 2529.6 et seq. (“Proposition 65”), “no person in the course of doing  
4 business shall knowingly and intentionally expose any individual to a chemical known to the state of  
5 to cause cancer or reproductive toxicity without first giving clear and reasonable warning to such  
6 individual...” (Health & Safety Code, § 25249.6.)

7           13.     Proposition 65 requires the State of California to maintain “a list of chemicals known to  
8 the state to cause cancer or reproductive toxicity,” which is to be “revised and republished in light of  
9 additional knowledge” on at least an annual basis. (Health & Safety Code, § 25249.8(a).)

10          14.     On June 22, 2012, the State of California formally identified and listed DEA as a  
11 chemical known to cause cancer. DEA is a common component of cosmetic and grooming products,  
12 and often functions as an emulsifier or foaming agent.

13          15.     In 2012, the International Agency for Research on Cancer (IARC) also formally  
14 identified DEA as a Group 2B possible human carcinogen. (*See* IARC Working Group on the  
15 Evaluation of Carcinogenic Risks to Humans, Some Chemicals Present in Industrial and Consumer  
16 Products, Food and Drinking-Water. Lyon (FR): International Agency for Research on Cancer; 2013,  
17 (IARC Monographs on the Evaluation of Carcinogenic Risks to Humans, No. 101.)  
18 DIETHANOLAMINE, available at: <https://www.ncbi.nlm.nih.gov/books/NBK373177/> [last visited  
19 March 4, 2026].)

20          16.     Animal studies have reported effects on various organ systems from long-term topical  
21 administration of DEA. For example, a study conducted by the National Toxicology Program  
22 (hereinafter, the “NTP study”) showed that dermal exposure to DEA amplified the development of  
23 tumors in the liver and kidney tubules. (*See* National Toxicology Program, NTP Toxicology and  
24 Carcinogenesis Studies of Diethanolamine (CAS No. 111-42-2) in F344/N Rats and B6C3F1 Mice  
25 (Dermal Studies). Natl Toxicol Program Tech Rep Ser. 1999 Jul; 478:1-212. PMID: 12571685.,  
26 available at: <https://pubmed.ncbi.nlm.nih.gov/12571685/> [last visited March 4, 2026].)

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

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

7           24.     Defendants' Products exceed the NSRL of 5.6 micrograms/day, which was derived from  
8 the NTP study.

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

13           26.     Defendants' actions in this regard were deliberate and not accidental.

14           27.     More than sixty days prior to naming each defendant in this lawsuit, Plaintiff issued a  
15 60-Day Notice of Violation ("Notice") as required by and in compliance with Proposition 65. Plaintiff  
16 provided the Notice to the various required public enforcement agencies along with a certificate of merit.  
17 The Notice alleged that Defendants violated Proposition 65 by failing to sufficiently warn consumers in  
18 California of the health hazards associated with exposures to DEA contained in the Products.

19           28.     The appropriate public enforcement agencies provided with the Notice failed to  
20 commence and diligently prosecute a cause of action against Defendants.

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

24           30.     Defendants are liable for a maximum civil penalty of \$2,500 per day for each violation  
25 of Proposition 65 pursuant to Health and Safety Code, section 252497(b). Injunctive relief is also  
26 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: March 4, 2026

**ENTORNO LAW, LLP**

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