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8 Attorneys for Plaintiff,

9 CONSUMER ADVOCACY GROUP, INC.

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

11 **COUNTY OF LOS ANGELES**

12 CONSUMER ADVOCACY GROUP, INC.,  
13 in the public interest,

14 Plaintiff,

15 v.

16 WORLD MARKET MANAGEMENT  
17 SERVICES, LLC, a California Limited  
18 Liability Company;  
19 YAMAZAKI BAKING CO., LTD, a  
20 Japanese Limited Company;  
21 and DOES 1-20,

22 Defendants.

CASE NO. **25STCV33485**

COMPLAINT FOR PENALTY AND  
INJUNCTION

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

ACTION IS AN UNLIMITED CIVIL  
CASE (exceeds \$35,000)

23 Plaintiff CONSUMER ADVOCACY GROUP, INC. alleges two causes of action  
24 against defendants WORLD MARKET MANAGEMENT SERVICES, LLC; YAMAZAKI  
25 BAKING CO., LTD; and DOES 1-20 as follows:

## THE PARTIES

1. Plaintiff CONSUMER ADVOCACY GROUP, INC. (“Plaintiff” or “CAG”) is an organization qualified to do business in the State of California. CAG is a person within the meaning of Health and Safety Code Section 25249.11, subdivision (a). CAG, acting as a private attorney general, brings this action in the public interest as defined under Health and Safety Code Section 25249.7, subdivision (d).
2. Defendant WORLD MARKET MANAGEMENT SERVICES, LLC (“WORLD MARKET”) is a California Limited Liability Company, qualified to do business in California, and doing business in the State of California at all relevant times herein.
3. Defendant YAMAZAKI BAKING CO., LTD (“YAMAZAKI”) is a Japanese Limited Company, qualified to do business in California, and doing business in the State of California at all relevant times herein.
4. Plaintiff is presently unaware of the true names and capacities of defendants DOES 1-20, and therefore sues these defendants by such fictitious names. Plaintiff will amend this Complaint to allege their true names and capacities when ascertained. Plaintiff is informed, believes, and thereon alleges that each fictitiously named defendant is responsible in some manner for the occurrences herein alleged and the damages caused thereby.
5. At all times mentioned herein, the term “Defendants” includes WORLD MARKET; YAMAZAKI; and DOES 1-20.
6. Plaintiff is informed and believes, and thereon alleges that each of the Defendants at all times mentioned herein have conducted business within the State of California.
7. Upon information and belief, at all times relevant to this action, each of the Defendants, including DOES 1-20, was an agent, servant, or employee of each of the other

1 Defendants. In conducting the activities alleged in this Complaint, each of the  
2 Defendants was acting within the course and scope of this agency, service, or  
3 employment, and was acting with the consent, permission, and authorization of each of  
4 the other Defendants. All actions of each of the Defendants alleged in this Complaint  
5 were ratified and approved by every other Defendant or their officers or managing  
6 agents. Alternatively, each of the Defendants aided, conspired with and/or facilitated the  
7 alleged wrongful conduct of each of the other Defendants.

- 8 8. Plaintiff is informed, believes, and thereon alleges that at all relevant times, each of the  
9 Defendants was a person doing business within the meaning of Health and Safety Code  
10 Section 25249.11, subdivision (b), and that each of the Defendants had ten (10) or more  
11 employees at all relevant times.

### 12 **JURISDICTION**

- 13 9. The Court has jurisdiction over this lawsuit pursuant to California Constitution Article  
14 VI, Section 10, which grants the Superior Court original jurisdiction in all causes except  
15 those given by statute to other trial courts. This Court has jurisdiction over this action  
16 pursuant to Health and Safety Code Section 25249.7, which allows enforcement of  
17 violations of Proposition 65 in any Court of competent jurisdiction.
- 18 10. This Court has jurisdiction over Defendants named herein because Defendants either  
19 reside or are located in this State or are foreign corporations authorized to do business in  
20 California, are registered with the California Secretary of State, or who do sufficient  
21 business in California, have sufficient minimum contacts with California, or otherwise  
22 intentionally avail themselves of the markets within California through their  
23 manufacture, distribution, promotion, marketing, or sale of their products within  
24

California to render the exercise of jurisdiction by the California courts permissible under traditional notions of fair play and substantial justice.

11. Venue is proper in the County of Los Angeles because one or more of the instances of wrongful conduct occurred, and continues to occur, in the County of Los Angeles and/or because Defendants conducted, and continue to conduct, business in the County of Los Angeles with respect to the consumer product that is the subject of this action.

### **BACKGROUND AND PRELIMINARY FACTS**

12. In 1986, California voters approved an initiative to address growing concerns about exposure to toxic chemicals and declared their right “[t]o be informed about exposures to chemicals that cause cancer, birth defects, or other reproductive harm.” Ballot Pamp., Proposed Law, Gen. Elec. (Nov. 4, 1986) at p. 3. The initiative, The Safe Drinking Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code Sections 25249.5, *et seq.* (“Proposition 65”), helps to protect California’s drinking water sources from contamination, to allow consumers to make informed choices about the products they buy, and to enable persons to protect themselves from toxic chemicals as they see fit.

13. Proposition 65 requires the Governor of California to publish a list of chemicals known to the state to cause cancer, birth defects, or other reproductive harm. *Health & Safety Code* § 25249.8. The list, which the Governor updates at least once a year, contains over 700 chemicals and chemical families. Proposition 65 imposes warning requirements and other controls that apply to Proposition 65-listed chemicals.

14. All businesses with ten (10) or more employees that operate or sell products in California must comply with Proposition 65. Under Proposition 65, businesses are: (1) prohibited from knowingly discharging Proposition 65-listed chemicals into sources of drinking

1 water (*Health & Safety Code* § 25249.5), and (2) required to provide “clear and  
2 reasonable” warnings before exposing a person, knowingly and intentionally, to a  
3 Proposition 65-listed chemical (*Health & Safety Code* § 25249.6).

4 15. Proposition 65 provides that any person "violating or threatening to violate" the statute  
5 may be enjoined in any court of competent jurisdiction. *Health & Safety Code* §  
6 25249.7. "Threaten to violate" means "to create a condition in which there is a  
7 substantial probability that a violation will occur." *Health & Safety Code* § 25249.11(e).  
8 Defendants are also liable for civil penalties of up to \$2,500.00 per day per violation,  
9 recoverable in a civil action. *Health & Safety Code* § 25249.7(b).

10 16. Plaintiff identified certain practices of manufacturers and distributors of Potato Chips of  
11 exposing, knowingly and intentionally, persons in California to Cadmium and Cadmium  
12 Compounds of such products without first providing clear and reasonable warnings of  
13 such to the exposed persons prior to the time of exposure. Plaintiff later discerned that  
14 Defendants engaged in such practice.

15 17. On May 1, 1997, the Governor of California added Cadmium and Cadmium Compounds  
16 (“Cadmium”) to the list of chemicals known to the State to cause developmental and  
17 reproductive toxicity (*Cal. Code Regs.* tit. 27, § 27001(c)). Cadmium is known to the  
18 State to cause developmental, and male reproductive toxicity. Pursuant to Health and  
19 Safety Code Sections 25249.9 and 25249.10, twenty (20) months after addition of  
20 Cadmium to the list of chemicals known to the State to cause developmental and  
21 reproductive toxicity, Cadmium became fully subject to Proposition 65 warning  
22 requirements and discharge prohibitions.

**SATISFACTION OF PRIOR NOTICE**

18. Plaintiff served the following notices for alleged violations of Health and Safety Code Section 25249.6, concerning consumer products exposures:

a. On or about June 9, 2025, Plaintiff gave notice of alleged violations of Health and Safety Code Section 25249.6, concerning consumer products exposures subject to a private action to WORLD MARKET, YAMAZAKI, and to the California Attorney General, County District Attorneys, and City Attorneys for each city containing a population of at least 750,000 people in whose jurisdictions the violations allegedly occurred, concerning the Potato Chips.

b. On or about June 16, 2025, Plaintiff gave notice of alleged violations of Health and Safety Code Section 25249.6, concerning consumer products exposures subject to a private action to WORLD MARKET, YAMAZAKI, and to the California Attorney General, County District Attorneys, and City Attorneys for each city containing a population of at least 750,000 people in whose jurisdictions the violations allegedly occurred, concerning the Potato Chips.

19. Before sending the notice of alleged violations, Plaintiff investigated the consumer products involved, the likelihood that such products would cause users to suffer significant exposures to Cadmium, and the corporate structure of each of the Defendants.

20. Plaintiff's notice of alleged violation included a Certificate of Merit executed by the attorney for the noticing party, CAG. The Certificate of Merit stated that the attorney for Plaintiff who executed the certificate had consulted with at least one person with relevant and appropriate expertise who reviewed data regarding the exposures to Cadmium, the subject Proposition 65-listed chemical of this action. Based on that information, the attorney for Plaintiff who executed the Certificate of Merit believed there was a

1 reasonable and meritorious case for this private action. The attorney for Plaintiff  
2 attached to the Certificate of Merit served on the Attorney General the confidential  
3 factual information sufficient to establish the basis of the Certificate of Merit.

4 21. Plaintiff's notice of alleged violations also included a Certificate of Service and a  
5 document entitled "The Safe Drinking Water & Toxic Enforcement Act of 1986  
6 (Proposition 65) A Summary." *Health & Safety Code* § 25249.7(d).

7 22. Plaintiff is commencing this action more than sixty (60) days from the dates that Plaintiff  
8 gave notice of the alleged violations to WORLD MARKET, YAMAZAKI, and the  
9 public prosecutors referenced in Paragraph 18.

10 23. Plaintiff is informed, believes, and thereon alleges that neither the Attorney General, nor  
11 any applicable district attorney or city attorney has commenced and is diligently  
12 prosecuting an action against the Defendants.

13 **FIRST CAUSE OF ACTION**

14 **(By CONSUMER ADVOCACY GROUP, INC. and against WORLD MARKET,**  
15 **YAMAZAKI, and DOES 1-10 for Violations of Proposition 65, The Safe Drinking**  
16 **Water and Toxic Enforcement Act of 1986 (*Health & Safety Code*, §§ 25249.5, *et***  
***seq.*))**

17 **Snacks I**

18 24. Plaintiff repeats and incorporates by reference paragraphs 1 through 23 of this complaint  
19 as though fully set forth herein.

20 25. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
21 distributor, promoter, or retailer of Potato Chips with Seaweed and Salt  
22 ("Potato Chips I").

23 26. Potato Chips I contain Cadmium.

24 27. Defendants knew or should have known that Cadmium has been identified by the State  
25 of California as a chemical known to cause developmental and reproductive toxicity, and

1 therefore was subject to Proposition 65 warning requirements. Defendants were also  
2 informed of the presence of Cadmium in Potato Chips I within Plaintiff's notice of  
3 alleged violations further discussed above at Paragraph 18b.

4 28. Plaintiff's allegations regarding Potato Chips I concerns "[c]onsumer products  
5 exposure[s]," which "is an exposure that results from a person's acquisition, purchase,  
6 storage, consumption, or other reasonably foreseeable use of a consumer good, or any  
7 exposure that results from receiving a consumer service." *Cal. Code Regs.* tit. 27, §  
8 25602(b). Potato Chips I are consumer products, and, as mentioned herein, exposures to  
9 Cadmium took place as a result of such normal and foreseeable consumption and use.

10 29. Plaintiff is informed, believes, and thereon alleges that between June 16, 2022, and the  
11 present, each of the Defendants knowingly and intentionally exposed California  
12 consumers and users of Potato Chips I, which Defendants manufactured, distributed, or  
13 sold as mentioned above, to Cadmium, without first providing any type of clear and  
14 reasonable warning of such to the exposed persons before the time of exposure.  
15 Defendants have distributed and sold Potato Chips I in California. Defendants know and  
16 intend that California consumers will use and consume Potato Chips I, thereby exposing  
17 them to Cadmium. Further, Plaintiff is informed, believes, and thereon alleges that  
18 Defendants are selling Potato Chips I under a brand or trademark that is owned or  
19 licensed by the Defendants or an entity affiliated thereto; have knowingly introduced  
20 Cadmium into Potato Chips I or knowingly caused Cadmium to be created in Potato  
21 Chips I; have covered, obscured or altered a warning label that has been affixed to Potato  
22 Chips I by the manufacturer, producer, packager, importer, supplier or distributor of  
23 Potato Chips I; have received a notice and warning materials for exposure from Potato  
24 Chips I without conspicuously posting or displaying the warning materials; and/or have



1 actual knowledge of potential exposure to Cadmium from Potato Chips I. Defendants  
2 thereby violated Proposition 65.

3 30. The principal routes of exposure are through ingestion, especially direct (oral) ingestion.

4 Persons sustain exposures by eating and consuming Potato Chips I.

5 31. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of  
6 Proposition 65 as to Potato Chips I have been ongoing and continuous, as Defendants  
7 engaged and continue to engage in conduct which violates Health and Safety Code  
8 Section 25249.6, including the manufacture, distribution, promotion, and sale of Potato  
9 Chips I, so that a separate and distinct violation of Proposition 65 occurred each and  
10 every time a person was exposed to Cadmium by Potato Chips I as mentioned herein.

11 32. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65  
12 mentioned herein is ever continuing. Plaintiff further alleges and believes that the  
13 violations alleged herein will continue to occur into the future.

14 33. Based on the allegations herein, Defendants are liable for civil penalties of up to  
15 \$2,500.00 per day per individual exposure to Cadmium from Potato Chips I, pursuant to  
16 Health and Safety Code Section 25249.7(b).

17 34. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to  
18 filing this Complaint.

19 **SECOND CAUSE OF ACTION**

20 **(By CONSUMER ADVOCACY GROUP, INC. and against WORLD MARKET,**  
21 **YAMAZAKI, and DOES 11-20 for Violations of Proposition 65, The Safe Drinking**  
22 **Water and Toxic Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et***  
23 ***seq.*))**

24 **Snacks II**

25 35. Plaintiff repeats and incorporates by reference paragraphs 1 through 34 of this complaint  
as though fully set forth herein.

1 36. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
2 distributor, promoter, or retailer of Potato Chips with Seaweed and Salt ("Potato Chips  
3 II"), identified as: "Chip Star"; "POTATO CHIPS"; "SEAWEED & SALT"; "Distributed  
4 by BJC IMPORT"; "E21B217"; "UPC 4903015500137".

5 37. Potato Chips II contain Cadmium.

6 38. Defendants knew or should have known that Cadmium has been identified by the State  
7 of California as a chemical known to cause developmental and reproductive toxicity, and  
8 therefore was subject to Proposition 65 warning requirements. Defendants were also  
9 informed of the presence of Cadmium in Potato Chips II within Plaintiff's notice of  
10 alleged violations further discussed above at Paragraph 18a.

11 39. Plaintiff's allegations regarding Potato Chips II concerns "[c]onsumer products  
12 exposure[s]," which "is an exposure that results from a person's acquisition, purchase,  
13 storage, consumption, or other reasonably foreseeable use of a consumer good, or any  
14 exposure that results from receiving a consumer service." *Cal. Code Regs.* tit. 27, §  
15 25602(b). Potato Chips II are consumer products, and, as mentioned herein, exposures  
16 to Cadmium took place as a result of such normal and foreseeable consumption and use.

17 40. Plaintiff is informed, believes, and thereon alleges that between June 9, 2022 and the  
18 present, each of the Defendants knowingly and intentionally exposed California  
19 consumers and users of Potato Chips II, which Defendants manufactured, distributed, or  
20 sold as mentioned above, to Cadmium, without first providing any type of clear and  
21 reasonable warning of such to the exposed persons before the time of exposure.  
22 Defendants have distributed and sold Potato Chips II in California. Defendants know  
23 and intend that California consumers will use and consume Potato Chips II, thereby  
24 exposing them to Cadmium. Further, Plaintiff is informed, believes, and thereon alleges

1 that Defendants are selling Potato Chips II under a brand or trademark that is owned or  
2 licensed by the Defendants or an entity affiliated thereto; have knowingly introduced  
3 Cadmium into Potato Chips II or knowingly caused Cadmium to be created in Potato  
4 Chips II; have covered, obscured or altered a warning label that has been affixed to  
5 Potato Chips II by the manufacturer, producer, packager, importer, supplier or distributor  
6 of Potato Chips II; have received a notice and warning materials for exposure from  
7 Potato Chips II without conspicuously posting or displaying the warning materials;  
8 and/or have actual knowledge of potential exposure to Cadmium from Potato Chips II.  
9 Defendants thereby violated Proposition 65.

10 41. The principal routes of exposure are through ingestion, especially direct (oral) ingestion.  
11 Persons sustain exposures by eating and consuming Potato Chips II.

12 42. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of  
13 Proposition 65 as to Potato Chips II have been ongoing and continuous, as Defendants  
14 engaged and continue to engage in conduct which violates Health and Safety Code  
15 Section 25249.6, including the manufacture, distribution, promotion, and sale of Potato  
16 Chips II, so that a separate and distinct violation of Proposition 65 occurred each and  
17 every time a person was exposed to Cadmium by Potato Chips II as mentioned herein.

18 43. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65  
19 mentioned herein is ever continuing. Plaintiff further alleges and believes that the  
20 violations alleged herein will continue to occur into the future.

21 44. Based on the allegations herein, Defendants are liable for civil penalties of up to  
22 \$2,500.00 per day per individual exposure to Cadmium from Potato Chips II, pursuant to  
23 Health and Safety Code Section 25249.7(b).  
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1 45. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to  
2 filing this Complaint.

3 **PRAYER FOR RELIEF**

4 Plaintiff demands against each of the Defendants as follows:

- 5 1. A permanent injunction mandating Proposition 65-compliant warnings;  
6 2. Penalties pursuant to Health and Safety Code Section 25249.7, subdivision (b);  
7 3. Costs of suit;  
8 4. Reasonable attorney fees and costs; and  
9 5. Any further relief that the court may deem just and equitable.

10  
11 Dated: November 17, 2025

YEROUSHALMI & YEROUSHALMI\*

12  
13 /s/ Reuben Yeroushalmi

14 Reuben Yeroushalmi  
15 Attorneys for Plaintiff,  
16 CONSUMER ADVOCACY GROUP, INC.  
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