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9 CONSUMER ADVOCACY GROUP, INC.

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County of Los Angeles
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David W. Slayton,
Executive Officer/Clerk of Court,
By C. Cervantes, Deputy Clerk

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 ASIA SUPERMARKET, INC., a California
17 Corporation;
18 HONG SAR LLC DBA HINTHAR INC., an
19 Indiana Limited Liability Company;
20 HINTHAR INC., an Indiana Corporation;
21 and DOES 1-100,

22 Defendants.

CASE NO. **25STCV30692**

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)

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25 Plaintiff CONSUMER ADVOCACY GROUP, INC. alleges ten causes of action against
26 defendants ASIA SUPERMARKET, INC.; HONG SAR LLC DBA HINTHAR INC.;

27 HINTHAR INC., and DOES 1-100 as follows:
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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 ASIA SUPERMARKET, INC. (“ASIA”) is a California Corporation qualified to do business in California, and doing business in the State of California at all relevant times herein.
3. Defendant HONG SAR LLC DBA HINTHAR INC. (“HONG SAR”) is an Indiana Limited Liability Company, doing business in the State of California at all relevant times herein.
4. Defendant HINTHAR INC. (“HINTHAR”) is an Indiana Corporation, qualified to do business and doing business in the State of California at all relevant times herein.
5. Plaintiff is presently unaware of the true names and capacities of defendants DOES 1-100, 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.
6. At all times mentioned herein, the term “Defendants” includes ASIA, HONG SAR, HINTHAR, and DOES 1-100.
7. 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.
8. Upon information and belief, at all times relevant to this action, each of the Defendants, including DOES 1-100, was an agent, servant, or employee of each of the other Defendants. In conducting the activities alleged in this Complaint, each of the

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

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

11 **JURISDICTION**

- 12 10. The Court has jurisdiction over this lawsuit pursuant to California Constitution Article
13 VI, Section 10, which grants the Superior Court original jurisdiction in all causes except
14 those given by statute to other trial courts. This Court has jurisdiction over this action
15 pursuant to Health and Safety Code Section 25249.7, which allows enforcement of
16 violations of Proposition 65 in any Court of competent jurisdiction.
- 17 11. This Court has jurisdiction over Defendants named herein because Defendants either
18 reside or are located in this State or are foreign corporations authorized to do business in
19 California, are registered with the California Secretary of State, or who do sufficient
20 business in California, have sufficient minimum contacts with California, or otherwise
21 intentionally avail themselves of the markets within California through their
22 manufacture, distribution, promotion, marketing, or sale of their products within
23 California to render the exercise of jurisdiction by the California courts permissible
24 under traditional notions of fair play and substantial justice.
- 25 12. Venue is proper in the County of Los Angeles because one or more of the instances of
26 wrongful conduct occurred, and continues to occur, in the County of Los Angeles and/or
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1 because Defendants conducted, and continue to conduct, business in the County of Los
2 Angeles with respect to the consumer product that is the subject of this action.

3 **BACKGROUND AND PRELIMINARY FACTS**

4 13. In 1986, California voters approved an initiative to address growing concerns about
5 exposure to toxic chemicals and declared their right “[t]o be informed about exposures to
6 chemicals that cause cancer, birth defects, or other reproductive harm.” Ballot Pamp.,
7 Proposed Law, Gen. Elec. (Nov. 4, 1986) at p. 3. The initiative, The Safe Drinking
8 Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code Sections
9 25249.5, *et seq.* (“Proposition 65”), helps to protect California’s drinking water sources
10 from contamination, to allow consumers to make informed choices about the products
11 they buy, and to enable persons to protect themselves from toxic chemicals as they see
12 fit.

13 14. Proposition 65 requires the Governor of California to publish a list of chemicals known
14 to the state to cause cancer, birth defects, or other reproductive harm. *Health & Safety*
15 *Code* § 25249.8. The list, which the Governor updates at least once a year, contains over
16 700 chemicals and chemical families. Proposition 65 imposes warning requirements and
17 other controls that apply to Proposition 65-listed chemicals.

18 15. All businesses with ten (10) or more employees that operate or sell products in California
19 must comply with Proposition 65. Under Proposition 65, businesses are: (1) prohibited
20 from knowingly discharging Proposition 65-listed chemicals into sources of drinking
21 water (*Health & Safety Code* § 25249.5), and (2) required to provide “clear and
22 reasonable” warnings before exposing a person, knowingly and intentionally, to a
23 Proposition 65-listed chemical (*Health & Safety Code* § 25249.6).

24 16. Proposition 65 provides that any person "violating or threatening to violate" the statute
25 may be enjoined in any court of competent jurisdiction. *Health & Safety Code* §
26 25249.7. "Threaten to violate" means "to create a condition in which there is a
27 substantial probability that a violation will occur." *Health & Safety Code* § 25249.11(e).

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Defendants are also liable for civil penalties of up to \$2,500.00 per day per violation, recoverable in a civil action. *Health & Safety Code* § 25249.7(b).

17. Plaintiff identified certain practices of manufacturers and distributors of Seafood Products of exposing, knowingly and intentionally, persons in California to Lead and Lead Compounds of such products without first providing clear and reasonable warnings of such to the exposed persons prior to the time of exposure. Plaintiff later discerned that Defendants engaged in such practice.

18. On October 1, 1992 the Governor of California added Lead and Lead Compounds (“Lead”) to the list of chemicals known to the State to cause cancer (*Cal. Code Regs.* tit. 27, § 27001(b)). Pursuant to Health and Safety Code Sections 25249.9 and 25249.10, twenty (20) months after addition of Lead to the list of chemicals known to the State to cause cancer, Lead became fully subject to Proposition 65 warning requirements and discharge prohibitions.

19. On February 27, 1987, the Governor of California added Lead to the list of chemicals known to the State to cause developmental and reproductive toxicity (*Cal. Code Regs.* tit. 27, § 27001(c)). Lead is known to the State to cause developmental, female, and male reproductive toxicity. Pursuant to Health and Safety Code Sections 25249.9 and 25249.10, twenty (20) months after addition of Lead to the list of chemicals known to the State to cause developmental and reproductive toxicity, Lead became fully subject to Proposition 65 warning requirements and discharge prohibitions.

SATISFACTION OF PRIOR NOTICE

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

- a. On or about May 19, 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 ASIA, HONG SAR, HINTHAR, and to the California Attorney General, County District Attorneys, and City Attorneys for

1 each city containing a population of at least 750,000 people in whose
2 jurisdictions the violations allegedly occurred, concerning the Seaweed.

3 b. On or about May 12, 2025, Plaintiff gave notice of alleged violations of Health
4 and Safety Code Section 25249.6, concerning consumer products exposures
5 subject to a private action to ASIA, HONG SAR, HINTHAR, and to the
6 California Attorney General, County District Attorneys, and City Attorneys for
7 each city containing a population of at least 750,000 people in whose
8 jurisdictions the violations allegedly occurred, concerning the Seaweed.

9 c. On or about May 19, 2025, Plaintiff gave notice of alleged violations of Health
10 and Safety Code Section 25249.6, concerning consumer products exposures
11 subject to a private action to ASIA, HONG SAR, HINTHAR, and to the
12 California Attorney General, County District Attorneys, and City Attorneys for
13 each city containing a population of at least 750,000 people in whose
14 jurisdictions the violations allegedly occurred, concerning the Dried Fish.

15 d. On or about May 12, 2025, Plaintiff gave notice of alleged violations of Health
16 and Safety Code Section 25249.6, concerning consumer products exposures
17 subject to a private action to ASIA, HONG SAR, HINTHAR, and to the
18 California Attorney General, County District Attorneys, and City Attorneys for
19 each city containing a population of at least 750,000 people in whose
20 jurisdictions the violations allegedly occurred, concerning the Dried Fish.

21 e. On or about May 19, 2025, Plaintiff gave notice of alleged violations of Health
22 and Safety Code Section 25249.6, concerning consumer products exposures
23 subject to a private action to ASIA, HONG SAR, HINTHAR, and to the
24 California Attorney General, County District Attorneys, and City Attorneys for
25 each city containing a population of at least 750,000 people in whose
26 jurisdictions the violations allegedly occurred, concerning the Dried
27 Macrognathus.

- 1 f. On or about May 12, 2025, Plaintiff gave notice of alleged violations of Health
2 and Safety Code Section 25249.6, concerning consumer products exposures
3 subject to a private action to ASIA, HONG SAR, HINTHAR, and to the
4 California Attorney General, County District Attorneys, and City Attorneys for
5 each city containing a population of at least 750,000 people in whose
6 jurisdictions the violations allegedly occurred, concerning the Dried
7 Macrognathus.
- 8 g. On or about July 3, 2025, Plaintiff gave notice of alleged violations of Health
9 and Safety Code Section 25249.6, concerning consumer products exposures
10 subject to a private action to HONG SAR, HINTHAR, and to the California
11 Attorney General, County District Attorneys, and City Attorneys for each city
12 containing a population of at least 750,000 people in whose jurisdictions the
13 violations allegedly occurred, concerning the Fish Crackers.
- 14 h. On or about June 26, 2025, Plaintiff gave notice of alleged violations of Health
15 and Safety Code Section 25249.6, concerning consumer products exposures
16 subject to a private action to HONG SAR, HINTHAR, and to the California
17 Attorney General, County District Attorneys, and City Attorneys for each city
18 containing a population of at least 750,000 people in whose jurisdictions the
19 violations allegedly occurred, concerning the Fish Crackers.
- 20 i. On or about July 3, 2025, Plaintiff gave notice of alleged violations of Health
21 and Safety Code Section 25249.6, concerning consumer products exposures
22 subject to a private action to HONG SAR, HINTHAR, and to the California
23 Attorney General, County District Attorneys, and City Attorneys for each city
24 containing a population of at least 750,000 people in whose jurisdictions the
25 violations allegedly occurred, concerning the Salted Fish.
- 26 j. On or about June 26, 2025, Plaintiff gave notice of alleged violations of Health
27 and Safety Code Section 25249.6, concerning consumer products exposures
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1 subject to a private action to HONG SAR, HINTHAR, and to the California
2 Attorney General, County District Attorneys, and City Attorneys for each city
3 containing a population of at least 750,000 people in whose jurisdictions the
4 violations allegedly occurred, concerning the Salted Fish.

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

8 22. Plaintiff's notice of alleged violation included a Certificate of Merit executed by the
9 attorney for the noticing party, CAG. The Certificate of Merit stated that the attorney for
10 Plaintiff who executed the certificate had consulted with at least one person with relevant
11 and appropriate expertise who reviewed data regarding the exposures to Lead, the
12 subject Proposition 65-listed chemical of this action. Based on that information, the
13 attorney for Plaintiff who executed the Certificate of Merit believed there was a
14 reasonable and meritorious case for this private action. The attorney for Plaintiff
15 attached to the Certificate of Merit served on the Attorney General the confidential
16 factual information sufficient to establish the basis of the Certificate of Merit.

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

20 24. Plaintiff is commencing this action more than sixty (60) days from the dates that Plaintiff
21 gave notice of the alleged violations to ASIA, HONG SAR, HINTHAR, and the public
22 prosecutors referenced in Paragraph 20.

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

26 **FIRST CAUSE OF ACTION**

27 **(By CONSUMER ADVOCACY GROUP, INC. and against ASIA, HONG HAR,**
28 **HINTHAR, and DOES 1-10 for Violations of Proposition 65, The Safe Drinking**

Water and Toxic Enforcement Act of 1986 (*Health & Safety Code*, §§ 25249.5, *et seq.*)

Seaweed I

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

27. Each of the Defendants is, and at all times mentioned herein was, a manufacturer, distributor, promoter, or retailer of Seaweed I (“Seaweed I”).

28. Seaweed I contains Lead.

29. Defendants knew or should have known that Lead has been identified by the State of California as a chemical known to cause cancer, developmental toxicity and reproductive toxicity and therefore was subject to Proposition 65 warning requirements. Defendants were also informed of the presence of Lead in Seaweed I within Plaintiff’s notice of alleged violations further discussed above at Paragraph 20a.

30. Plaintiff’s allegations regarding Seaweed I concerns “[c]onsumer products exposure[s],” which “is an exposure that results from a person’s acquisition, purchase, storage, consumption, or other reasonably foreseeable use of a consumer good, or any exposure that results from receiving a consumer service.” *Cal. Code Regs.* tit. 27, § 25602(b). Seaweed I is consumer products, and, as mentioned herein, exposures to Lead took place as a result of such normal and foreseeable consumption and use.

31. Plaintiff is informed, believes, and thereon alleges that between May 19, 2022, and the present, each of the Defendants knowingly and intentionally exposed California consumers and users of Seaweed I, which Defendants manufactured, distributed, or sold as mentioned above, to Lead, without first providing any type of clear and reasonable warning of such to the exposed persons before the time of exposure. Defendants have distributed and sold Seaweed I in California. Defendants know and intend that California consumers will use and consume Seaweed I, thereby exposing them to Lead. Further, Plaintiff is informed, believes, and thereon alleges that Defendants are selling Seaweed I under a brand or trademark that is owned or licensed by the Defendants or an

1 entity affiliated thereto; have knowingly introduced Lead into Seaweed I or knowingly
2 caused Lead to be created in Seaweed I; have covered, obscured or altered a warning
3 label that has been affixed to Seaweed I by the manufacturer, producer, packager,
4 importer, supplier or distributor of Seaweed I; have received a notice and warning
5 materials for exposure from Seaweed I without conspicuously posting or displaying the
6 warning materials; and/or have actual knowledge of potential exposure to Lead from
7 Seaweed I. Defendants thereby violated Proposition 65.

8 32. The principal routes of exposure are through ingestion, especially direct (oral) ingestion.
9 Persons sustain exposures by eating and consuming Seaweed I.

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

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

19 35. Based on the allegations herein, Defendants are liable for civil penalties of up to
20 \$2,500.00 per day per individual exposure to Lead from Seaweed I, pursuant to Health
21 and Safety Code Section 25249.7(b).

22 36. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
23 filing this Complaint.

24 **SECOND CAUSE OF ACTION**

25 **(By CONSUMER ADVOCACY GROUP, INC. and against ASIA, HONG HAR,**
26 **HINTHAR, and DOES 11-20 for Violations of Proposition 65, The Safe Drinking**
27 **Water and Toxic Enforcement Act of 1986 (*Health & Safety Code*, §§ 25249.5, *et***
28 ***seq.*))**

Seaweed II

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

38. Each of the Defendants is, and at all times mentioned herein was, a manufacturer, distributor, promoter, or retailer of Seaweed ("Seaweed II"), identified as "SEIN HINTAR Brand"; "Seaweed"; "Packed by: Shwe Hin Thar Yeik Mon Co., Ltd."; "Export: Hong Sar LLC - Shwe Hinthar Inc"; "UPC 8834000186257".

39. Seaweed II contains Lead.

40. Defendants knew or should have known that Lead has been identified by the State of California as a chemical known to cause cancer, developmental toxicity, and reproductive toxicity and therefore was subject to Proposition 65 warning requirements. Defendants were also informed of the presence of Lead in Seaweed II within Plaintiff's notice of alleged violations further discussed above at Paragraph 20b.

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

42. Plaintiff is informed, believes, and thereon alleges that between May 12, 2022, and the present, each of the Defendants knowingly and intentionally exposed California consumers and users of Seaweed II, which Defendants manufactured, distributed, or sold as mentioned above, to Lead, without first providing any type of clear and reasonable warning of such to the exposed persons before the time of exposure. Defendants have distributed and sold Seaweed II in California. Defendants know and intend that California consumers will use and consume Seaweed II, thereby exposing them to Lead. Further, Plaintiff is informed, believes, and thereon alleges that Defendants are selling

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

9 43. The principal routes of exposure are through ingestion, especially direct (oral) ingestion.
10 Persons sustain exposures by eating and consuming Seaweed II.

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

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

20 46. Based on the allegations herein, Defendants are liable for civil penalties of up to
21 \$2,500.00 per day per individual exposure to Lead from Seaweed II, pursuant to Health
22 and Safety Code Section 25249.7(b).

23 Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
24 filing this Complaint.

25 **THIRD CAUSE OF ACTION**

26 **(By CONSUMER ADVOCACY GROUP, INC. and against ASIA, HONG HAR,**
27 **HINTHAR, and DOES 21-30 for Violations of Proposition 65, The Safe Drinking**
28 **Water and Toxic Enforcement Act of 1986 (*Health & Safety Code*, §§ 25249.5, *et***
***seq.*))**

Seafood Products I

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

48. Each of the Defendants is, and at all times mentioned herein was, a manufacturer, distributor, promoter, or retailer of Dried Fish (“Dried Fish I”).

49. Dried Fish I contains Lead.

50. Defendants knew or should have known that Lead has been identified by the State of California as a chemical known to cause cancer, developmental toxicity, and reproductive toxicity and therefore was subject to Proposition 65 warning requirements. Defendants were also informed of the presence of Lead in Dried Fish I within Plaintiff’s notice of alleged violations further discussed above at Paragraph 20c.

51. Plaintiff’s allegations regarding Dried Fish I concerns “[c]onsumer products exposure[s],” which “is an exposure that results from a person’s acquisition, purchase, storage, consumption, or other reasonably foreseeable use of a consumer good, or any exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, § 25602(b)*. Dried Fish I are consumer products, and, as mentioned herein, exposures to Lead took place as a result of such normal and foreseeable consumption and use.

52. Plaintiff is informed, believes, and thereon alleges that between May 19, 2022, and the present, each of the Defendants knowingly and intentionally exposed California consumers and users of Dried Fish I, which Defendants manufactured, distributed, or sold as mentioned above, to Lead, without first providing any type of clear and reasonable warning of such to the exposed persons before the time of exposure. Defendants have distributed and sold Dried Fish I in California. Defendants know and intend that California consumers will use and consume Dried Fish I, thereby exposing them to Lead. Further, Plaintiff is informed, believes, and thereon alleges that Defendants are selling Dried Fish I under a brand or trademark that is owned or licensed by the Defendants or an entity affiliated

thereto; have knowingly introduced Lead into Dried Fish I or knowingly caused Lead to be created in Dried Fish I; have covered, obscured or altered a warning label that has been affixed to Dried Fish I by the manufacturer, producer, packager, importer, supplier or distributor of Dried Fish I; have received a notice and warning materials for exposure from Dried Fish I without conspicuously posting or displaying the warning materials; and/or have actual knowledge of potential exposure to Lead from Dried Fish I.

Defendants thereby violated Proposition 65.

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

Persons sustain exposures by eating and consuming Dried Fish I.

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

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

56. Based on the allegations herein, Defendants are liable for civil penalties of up to \$2,500.00 per day per individual exposure to Lead from Dried Fish I, pursuant to Health and Safety Code Section 25249.7(b).

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

FOURTH CAUSE OF ACTION

(By CONSUMER ADVOCACY GROUP, INC. and against ASIA, HONG HAR, HINTHAR, and DOES 31-40 for Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986 (*Health & Safety Code*, §§ 25249.5, *et seq.*))

Seafood Products II

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

59. Each of the Defendants is, and at all times mentioned herein was, a manufacturer, distributor, promoter, or retailer of Dried Fish (“Dried Fish II”), identified as "SEIN HINTAR Brand"; "DRIED FISH"; "Manufactured by: Shwe Hinthar Yeik Mon Co., Ltd."; "Destributed by: Time Mon Co., Ltd."; "Destributed by: Hong Sar LLCShwe Hinthar Inc.".

60. Dried Fish II contains Lead.

61. Defendants knew or should have known that Lead has been identified by the State of California as a chemical known to cause cancer, developmental toxicity, and reproductive toxicity and therefore was subject to Proposition 65 warning requirements. Defendants were also informed of the presence of Lead in Dried Fish II within Plaintiff's notice of alleged violations further discussed above at Paragraph 20d.

62. Plaintiff's allegations regarding Dried Fish II concerns “[c]onsumer products exposure[s],” which “is an exposure that results from a person’s acquisition, purchase, storage, consumption, or other reasonably foreseeable use of a consumer good, or any exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, § 25602(b)*. Dried Fish II are consumer products, and, as mentioned herein, exposures to Lead took place as a result of such normal and foreseeable consumption and use.

63. Plaintiff is informed, believes, and thereon alleges that between May 12, 2022, and the present, each of the Defendants knowingly and intentionally exposed California consumers and users of Dried Fish II, which Defendants manufactured, distributed, or sold as mentioned above, to Lead, without first providing any type of clear and reasonable warning of such to the exposed persons before the time of exposure. Defendants have distributed and sold Dried Fish II in California. Defendants know and intend that California consumers will use and consume Dried Fish II, thereby exposing

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

11 64. The principal routes of exposure are through ingestion, especially direct (oral) ingestion.
12 Persons sustain exposures by eating and consuming Dried Fish II.

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

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

22 67. Based on the allegations herein, Defendants are liable for civil penalties of up to
23 \$2,500.00 per day per individual exposure to Lead from Dried Fish II, pursuant to Health
24 and Safety Code Section 25249.7(b).

25 Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
26 filing this Complaint.

1 **FIFTH CAUSE OF ACTION**

2 **(By CONSUMER ADVOCACY GROUP, INC. and against ASIA, HONG HAR,**
3 **HINTHAR, and DOES 41-50 for Violations of Proposition 65, The Safe Drinking**
4 **Water and Toxic Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et***
5 ***seq.*))**

6 **Seafood Products III**

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

9 69. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
10 distributor, promoter, or retailer of Dried Macrogathus ("Dried Macrogathus I").

11 70. Dried Macrogathus I contains Lead.

12 71. Defendants knew or should have known that Lead has been identified by the State of
13 California as a chemical known to cause cancer, developmental toxicity, and
14 reproductive toxicity and therefore was subject to Proposition 65 warning requirements.
15 Defendants were also informed of the presence of Lead in Dried Macrogathus I within
16 Plaintiff's notice of alleged violations further discussed above at Paragraph 20e.

17 72. Plaintiff's allegations regarding Dried Macrogathus I concerns "[c]onsumer products
18 exposure[s]," which "is an exposure that results from a person's acquisition, purchase,
19 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
20 exposure that results from receiving a consumer service." *Cal. Code Regs. tit. 27, §*
21 *25602(b)*. Dried Macrogathus I are consumer products, and, as mentioned herein,
22 exposures to Lead took place as a result of such normal and foreseeable consumption and
23 use.

24 73. Plaintiff is informed, believes, and thereon alleges that between May 19, 2022, and the
25 present, each of the Defendants knowingly and intentionally exposed California
26 consumers and users of Dried Macrogathus I, which Defendants manufactured,
27 distributed, or sold as mentioned above, to Lead, without first providing any type of clear
28 and reasonable warning of such to the exposed persons before the time of exposure.
Defendants have distributed and sold Dried Macrogathus I in California. Defendants

1 know and intend that California consumers will use and consume Dried Macrogathus I,
2 thereby exposing them to Lead. Further, Plaintiff is informed, believes, and thereon
3 alleges that Defendants are selling Dried Macrogathus I under a brand or trademark that
4 is owned or licensed by the Defendants or an entity affiliated thereto; have knowingly
5 introduced Lead into Dried Macrogathus I or knowingly caused Lead to be created in
6 Dried Macrogathus I; have covered, obscured or altered a warning label that has been
7 affixed to Dried Macrogathus I by the manufacturer, producer, packager, importer,
8 supplier or distributor of Dried Macrogathus I; have received a notice and warning
9 materials for exposure from Dried Macrogathus I without conspicuously posting or
10 displaying the warning materials; and/or have actual knowledge of potential exposure to
11 Lead from Dried Macrogathus I. Defendants thereby violated Proposition 65.

12 74. The principal routes of exposure are through ingestion, especially direct (oral) ingestion.
13 Persons sustain exposures by eating and consuming Dried Macrogathus I.

14 75. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
15 Proposition 65 as to Dried Macrogathus I have been ongoing and continuous, as
16 Defendants engaged and continue to engage in conduct which violates Health and Safety
17 Code Section 25249.6, including the manufacture, distribution, promotion, and sale of
18 Dried Macrogathus I, so that a separate and distinct violation of Proposition 65
19 occurred each and every time a person was exposed to Lead by Dried Macrogathus I as
20 mentioned herein.

21 76. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
22 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
23 violations alleged herein will continue to occur into the future.

24 77. Based on the allegations herein, Defendants are liable for civil penalties of up to
25 \$2,500.00 per day per individual exposure to Lead from Dried Macrogathus I, pursuant
26 to Health and Safety Code Section 25249.7(b).

1 78. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
2 filing this Complaint.

3
4 **SIXTH CAUSE OF ACTION**

5 **(By CONSUMER ADVOCACY GROUP, INC. and against ASIA, HONG HAR,**
6 **HINTHAR, and DOES 51-60 for Violations of Proposition 65, The Safe Drinking**
7 **Water and Toxic Enforcement Act of 1986 (*Health & Safety Code*, §§ 25249.5, *et***
8 ***seq.*))**

9 **Seafood Products IV**

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

12 80. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
13 distributor, promoter, or retailer of Dried Macrognathus (“Dried Macrognathus II”),
14 identified as exemplar "SEIN HINTAR Brnad"; "Dried Macrognathus"; "MFD 7 NOV
15 22"; "EXP 6 NOV24"; "Packed By: Shwe Hin Thar Yeik Mon Co., Ltd."; "Export: Hong
16 Sar LLC - Shwe Hinthar Inc".

17 81. Dried Macrognathus II contains Lead.

18 82. Defendants knew or should have known that Lead has been identified by the State of
19 California as a chemical known to cause cancer, developmental toxicity, and
20 reproductive toxicity and therefore was subject to Proposition 65 warning requirements.
21 Defendants were also informed of the presence of Lead in Dried Macrognathus II within
22 Plaintiff's notice of alleged violations further discussed above at Paragraph 20f.

23 83. Plaintiff's allegations regarding Dried Macrognathus II concerns “[c]onsumer products
24 exposure[s],” which “is an exposure that results from a person’s acquisition, purchase,
25 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
26 exposure that results from receiving a consumer service.” *Cal. Code Regs.* tit. 27, §
27 25602(b). Dried Macrognathus II are consumer products, and, as mentioned herein,
28 exposures to Lead took place as a result of such normal and foreseeable consumption and
use.

1 84. Plaintiff is informed, believes, and thereon alleges that between May 12, 2022, and the
2 present, each of the Defendants knowingly and intentionally exposed California
3 consumers and users of Dried Macrogna thus II, which Defendants manufactured,
4 distributed, or sold as mentioned above, to Lead, without first providing any type of clear
5 and reasonable warning of such to the exposed persons before the time of exposure.
6 Defendants have distributed and sold Dried Macrogna thus II in California. Defendants
7 know and intend that California consumers will use and consume Dried Macrogna thus
8 II, thereby exposing them to Lead. Further, Plaintiff is
9 informed, believes, and thereon alleges that Defendants are selling Dried Macrogna thus
10 II under a brand or trademark that is owned or licensed by the Defendants or an entity
11 affiliated thereto; have knowingly introduced Lead into Dried Macrogna thus II or
12 knowingly caused Lead to be created in Dried Macrogna thus II; have covered, obscured
13 or altered a warning label that has been affixed to Dried Macrogna thus II by the
14 manufacturer, producer, packager, importer, supplier or distributor of Dried
15 Macrogna thus II; have received a notice and warning materials for exposure from Dried
16 Macrogna thus II without conspicuously posting or displaying the warning materials;
17 and/or have actual knowledge of potential exposure to Lead from Dried Macrogna thus
18 II. Defendants thereby violated Proposition 65.

19 85. The principal routes of exposure are through ingestion, especially direct (oral) ingestion.
20 Persons sustain exposures by eating and consuming Dried Macrogna thus II.

21 86. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
22 Proposition 65 as to Dried Macrogna thus II have been ongoing and continuous, as
23 Defendants engaged and continue to engage in conduct which violates Health and Safety
24 Code Section 25249.6, including the manufacture, distribution, promotion, and sale of
25 Dried Macrogna thus II, so that a separate and distinct violation of Proposition 65
26 occurred each and every time a person was exposed to Lead by Dried Macrogna thus II as
27 mentioned herein.

28

1 87. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
2 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
3 violations alleged herein will continue to occur into the future.

4 88. Based on the allegations herein, Defendants are liable for civil penalties of up to
5 \$2,500.00 per day per individual exposure to Lead from Dried Macrogathus II, pursuant
6 to Health and Safety Code Section 25249.7(b).

7 89. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
8 filing this Complaint.

9
10 **SEVENTH CAUSE OF ACTION**

11 **(By CONSUMER ADVOCACY GROUP, INC. and against HONG SAR,**
12 **HINTHAR, and DOES 61-70 for Violations of Proposition 65, The Safe Drinking**
13 **Water and Toxic Enforcement Act of 1986 (*Health & Safety Code*, §§ 25249.5, *et***
14 ***seq.*))**

15 **Seafood Products V**

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

18 91. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
19 distributor, promoter, or retailer of Fish Crackers ("Fish Crackers I").

20 92. Fish Crackers I contains Lead.

21 93. Defendants knew or should have known that Lead has been identified by the State of
22 California as a chemical known to cause cancer, developmental toxicity, and
23 reproductive toxicity and therefore was subject to Proposition 65 warning requirements.
24 Defendants were also informed of the presence of Lead in Fish Crackers I within
25 Plaintiff's notice of alleged violations further discussed above at Paragraph 20g.

26 94. Plaintiff's allegations regarding Fish Crackers I concerns "[c]onsumer products
27 exposure[s]," which "is an exposure that results from a person's acquisition, purchase,
28 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
exposure that results from receiving a consumer service." *Cal. Code Regs.* tit. 27, §

1 25602(b). Fish Crackers I are consumer products, and, as mentioned herein, exposures
2 to Lead took place as a result of such normal and foreseeable consumption and use.

3 95. Plaintiff is informed, believes, and thereon alleges that between July 3, 2022, and the
4 present, each of the Defendants knowingly and intentionally exposed California
5 consumers and users of Fish Crackers I, which Defendants manufactured, distributed, or
6 sold as mentioned above, to Lead, without first providing any type of clear and
7 reasonable warning of such to the exposed persons before the time of exposure.
8 Defendants have distributed and sold Fish Crackers I in California. Defendants know
9 and intend that California consumers will use and consume Fish Crackers I, thereby
10 exposing them to Lead. Further, Plaintiff is informed, believes, and thereon alleges that
11 Defendants are selling Fish Crackers I under a brand or trademark that is owned or
12 licensed by the Defendants or an entity affiliated thereto; have knowingly introduced
13 Lead into Fish Crackers I or knowingly caused Lead to be created in Fish Crackers I;
14 have covered, obscured or altered a warning label that has been affixed to Fish Crackers
15 I by the manufacturer, producer, packager, importer, supplier or distributor of Fish
16 Crackers I; have received a notice and warning materials for exposure from Fish
17 Crackers I without conspicuously posting or displaying the warning materials; and/or
18 have actual knowledge of potential exposure to Lead from Fish Crackers I. Defendants
19 thereby violated Proposition 65.

20 96. The principal routes of exposure are through ingestion, especially direct (oral) ingestion.
21 Persons sustain exposures by eating and consuming Fish Crackers I.

22 97. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
23 Proposition 65 as to Fish Crackers I have been ongoing and continuous, as Defendants
24 engaged and continue to engage in conduct which violates Health and Safety Code
25 Section 25249.6, including the manufacture, distribution, promotion, and sale of Fish
26 Crackers I, so that a separate and distinct violation of Proposition 65 occurred each and
27 every time a person was exposed to Lead by Fish Crackers I as mentioned herein.

1 98. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
2 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
3 violations alleged herein will continue to occur into the future.

4 99. Based on the allegations herein, Defendants are liable for civil penalties of up to
5 \$2,500.00 per day per individual exposure to Lead from Fish Crackers I, pursuant to
6 Health and Safety Code Section 25249.7(b).

7 100. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
8 filing this Complaint.

9
10 **EIGHTH CAUSE OF ACTION**

11 **(By CONSUMER ADVOCACY GROUP, INC. and against HONG SAR,**
12 **HINTHAR, and DOES 71-80 for Violations of Proposition 65, The Safe Drinking**
13 **Water and Toxic Enforcement Act of 1986 (*Health & Safety Code*, §§ 25249.5, *et***
14 ***seq.*))**

15 **Seafood Products VI**

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

18 102. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
19 distributor, promoter, or retailer of Fish Crackers ("Fish Crackers II"), identified as
20 "SEIN HINTAR"; "Fish Crackers"; "Manufactured by: SHWE HINTHAR YEIK MON
21 CO., LTD."; "Distributed by: TIME MON CO., LTD"; "MFD 2JUL24"; "EXP
22 1JUL26"; "UPC 8834000127618".

23 103. Fish Crackers II contains Lead.

24 104. Defendants knew or should have known that Lead has been identified by the State of
25 California as a chemical known to cause cancer, developmental toxicity, and
26 reproductive toxicity and therefore was subject to Proposition 65 warning requirements.
27 Defendants were also informed of the presence of Lead in Fish Crackers II within
28 Plaintiff's notice of alleged violations further discussed above at Paragraph 20h.

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

7 106. Plaintiff is informed, believes, and thereon alleges that between June 26, 2022, and the
8 present, each of the Defendants knowingly and intentionally exposed California
9 consumers and users of Fish Crackers II, which Defendants manufactured, distributed, or
10 sold as mentioned above, to Lead, without first providing any type of clear and
11 reasonable warning of such to the exposed persons before the time of exposure.
12 Defendants have distributed and sold Fish Crackers II in California. Defendants know
13 and intend that California consumers will use and consume Fish Crackers II, thereby
14 exposing them to Lead. Further, Plaintiff is informed, believes, and thereon alleges that
15 Defendants are selling Fish Crackers II under a brand or trademark that is owned or
16 licensed by the Defendants or an entity affiliated thereto; have knowingly introduced
17 Lead into Fish Crackers II or knowingly caused Lead to be created in Fish Crackers II;
18 have covered, obscured or altered a warning label that has been affixed to Fish Crackers
19 II by the manufacturer, producer, packager, importer, supplier or distributor of Fish
20 Crackers II; have received a notice and warning materials for exposure from Fish
21 Crackers II without conspicuously posting or displaying the warning materials; and/or
22 have actual knowledge of potential exposure to Lead from Fish Crackers II. Defendants
23 thereby violated Proposition 65.

24 107. The principal routes of exposure are through ingestion, especially direct (oral)
25 ingestion. Persons sustain exposures by eating and consuming Fish Crackers II.

26 108. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations
27 of Proposition 65 as to Fish Crackers II have been ongoing and continuous, as
28

1 Defendants engaged and continue to engage in conduct which violates Health and Safety
2 Code Section 25249.6, including the manufacture, distribution, promotion, and sale of
3 Fish Crackers II, so that a separate and distinct violation of Proposition 65 occurred each
4 and every time a person was exposed to Lead by Fish Crackers II as mentioned herein.
5 109. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
6 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
7 violations alleged herein will continue to occur into the future.
8 110. Based on the allegations herein, Defendants are liable for civil penalties of up to
9 \$2,500.00 per day per individual exposure to Lead from Fish Crackers II, pursuant to
10 Health and Safety Code Section 25249.7(b).
11 Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
12 filing this Complaint.

13
14 **NINTH CAUSE OF ACTION**

15 **(By CONSUMER ADVOCACY GROUP, INC. and against HONG SAR,**
16 **HINTHAR, and DOES 81-90 for Violations of Proposition 65, The Safe Drinking**
17 **Water and Toxic Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et***
18 ***seq.*))**

19 **Seafood Products VII**

20 111. Plaintiff repeats and incorporates by reference paragraphs 1 through 25 of this
21 complaint as though fully set forth herein.
22 112. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
23 distributor, promoter, or retailer of Salted Fish ("Salted Fish I").
24 113. Salted Fish I contains Lead.
25 114. Defendants knew or should have known that Lead has been identified by the State of
26 California as a chemical known to cause cancer, developmental toxicity, and
27 reproductive toxicity and therefore was subject to Proposition 65 warning requirements.
28 Defendants were also informed of the presence of Lead in Salted Fish I within Plaintiff's
notice of alleged violations further discussed above at Paragraph 20i.

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

7 116. Plaintiff is informed, believes, and thereon alleges that between July 3, 2025 and the
8 present, each of the Defendants knowingly and intentionally exposed California
9 consumers and users of Salted Fish I, which Defendants manufactured, distributed, or
10 sold as mentioned above, to Lead, without first providing any type of clear and
11 reasonable warning of such to the exposed persons before the time of exposure.
12 Defendants have distributed and sold Salted Fish I in California. Defendants know and
13 intend that California consumers will use and consume Salted Fish I, thereby exposing
14 them to Lead. Further, Plaintiff is informed, believes, and thereon alleges that
15 Defendants are selling Salted Fish I under a brand or trademark that is owned or licensed
16 by the Defendants or an entity affiliated thereto; have knowingly introduced Lead into
17 Salted Fish I or knowingly caused Lead to be created in Salted Fish I; have covered,
18 obscured or altered a warning label that has been affixed to Salted Fish I by the
19 manufacturer, producer, packager, importer, supplier or distributor of Salted Fish I; have
20 received a notice and warning materials for exposure from Salted Fish I without
21 conspicuously posting or displaying the warning materials; and/or have actual
22 knowledge of potential exposure to Lead from Salted Fish I. Defendants thereby
23 violated Proposition 65.

24 117. The principal routes of exposure are through ingestion, especially direct (oral)
25 ingestion. Persons sustain exposures by eating and consuming Salted Fish I.

26 118. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations
27 of Proposition 65 as to Salted Fish I have been ongoing and continuous, as Defendants
28

engaged and continue to engage in conduct which violates Health and Safety Code Section 25249.6, including the manufacture, distribution, promotion, and sale of Salted Fish I, so that a separate and distinct violation of Proposition 65 occurred each and every time a person was exposed to Lead by Salted Fish I as mentioned herein.

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

120. Based on the allegations herein, Defendants are liable for civil penalties of up to \$2,500.00 per day per individual exposure to Lead from Salted Fish I, pursuant to Health and Safety Code Section 25249.7(b).

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

TENTH CAUSE OF ACTION

(By CONSUMER ADVOCACY GROUP, INC. and against HONG SAR, HINTAR, and DOES 91-100 for Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986 (*Health & Safety Code*, §§ 25249.5, *et seq.*))

Seafood Products VIII

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

123. Each of the Defendants is, and at all times mentioned herein was, a manufacturer, distributor, promoter, or retailer of Salted Fish ("Salted Fish II"), identified as "SEIN HINTAR"; "Salted Fish"; "MFD 4OCT23"; "EXP 3OCT25"; "UPC 8834000127731".

124. Salted Fish II contains Lead.

125. Defendants knew or should have known that Lead has been identified by the State of California as a chemical known to cause cancer, developmental toxicity, and reproductive toxicity and therefore was subject to Proposition 65 warning requirements.

Defendants were also informed of the presence of Lead in Salted Fish II within Plaintiff's notice of alleged violations further discussed above at Paragraph 20j.

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

127. Plaintiff is informed, believes, and thereon alleges that between June 26, 2022, and the present, each of the Defendants knowingly and intentionally exposed California consumers and users of Salted Fish II, which Defendants manufactured, distributed, or sold as mentioned above, to Lead, without first providing any type of clear and reasonable warning of such to the exposed persons before the time of exposure.

Defendants have distributed and sold Salted Fish II in California. Defendants know and intend that California consumers will use and consume Salted Fish II, thereby exposing them to Lead. Further, Plaintiff is informed, believes, and thereon alleges that Defendants are selling Salted Fish II under a brand or trademark that is owned or licensed by the Defendants or an entity affiliated thereto; have knowingly introduced Lead into Salted Fish II or knowingly caused Lead to be created in Salted Fish II; have covered, obscured or altered a warning label that has been affixed to Salted Fish II by the manufacturer, producer, packager, importer, supplier or distributor of Salted Fish II; have received a notice and warning materials for exposure from Salted Fish II without conspicuously posting or displaying the warning materials; and/or have actual knowledge of potential exposure to Lead from Salted Fish II. Defendants thereby violated Proposition 65.

128. The principal routes of exposure are through ingestion, especially direct (oral) ingestion. Persons sustain exposures by eating and consuming Salted Fish II.

1 129. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations
2 of Proposition 65 as to Salted Fish II have been ongoing and continuous, as Defendants
3 engaged and continue to engage in conduct which violates Health and Safety Code
4 Section 25249.6, including the manufacture, distribution, promotion, and sale of Salted
5 Fish II, so that a separate and distinct violation of Proposition 65 occurred each and
6 every time a person was exposed to Lead by Salted Fish II as mentioned herein.

7 130. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
8 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
9 violations alleged herein will continue to occur into the future.

10 131. Based on the allegations herein, Defendants are liable for civil penalties of up to
11 \$2,500.00 per day per individual exposure to Lead from Salted Fish II, pursuant to
12 Health and Safety Code Section 25249.7(b).
13 Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
14 filing this Complaint.

15 **PRAYER FOR RELIEF**

16 Plaintiff demands against each of the Defendants as follows:

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

22
23 Dated: October 20, 2025

YEROUSHALMI & YEROUSHALMI*

24
25
26 /s/ Reuben Yeroushalmi

27 Reuben Yeroushalmi
Attorneys for Plaintiff,
CONSUMER ADVOCACY GROUP, INC.