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ELECTRONICALLY
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Superior Court of California,
County of San Francisco

06/10/2026
Clerk of the Court
BY: JEFFREY FLORES
Deputy Clerk

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

CENTER FOR ENVIRONMENTAL HEALTH,
a non-profit corporation,

Plaintiff,

v.

DANISH CROWN USA, INC.; and DOES 1
through 20, inclusive,

Defendants.

Case No. **CGC-26-637762**

**COMPLAINT FOR INJUNCTIVE
RELIEF AND CIVIL PENALTIES**

Health & Safety Code §25249.6, *et seq.*

1 Plaintiff Center for Environmental Health, in the public interest, based on information and
2 belief and investigation of counsel, except for information based on knowledge, hereby makes the
3 following allegations:

4 **INTRODUCTION**

5 1. This Complaint seeks to remedy Defendants' continuing failure to warn
6 individuals in California that they are being exposed to Bisphenol A ("BPA"), a chemical known
7 to the State of California to cause developmental harm. BPA is an endocrine-disrupting chemical
8 that is known to cause reproductive harm. This Complaint addresses exposures that have
9 occurred, and continue to occur, through the manufacture, distribution, sale and/or use of
10 Defendants' canned processed meat products ("Canned Meat"). Individuals in California are
11 exposed to BPA when they consume the Canned Meat.

12 2. Under California's Proposition 65, Health & Safety Code §25249.5, *et seq.*, it is
13 unlawful for businesses to knowingly and intentionally expose individuals in California to
14 chemicals known to the State to cause cancer, birth defects, or other reproductive harm without
15 first providing clear and reasonable warnings to exposed individuals. Defendants introduce the
16 Canned Meat containing significant quantities of BPA into the California marketplace, thereby
17 exposing those who consume the Canned Meat, including pregnant women, to BPA.

18 3. Defendants provide no warnings whatsoever about the reproductive toxicity
19 associated with BPA exposure. Defendants' conduct thus violates the warning provision of
20 Proposition 65. Health & Safety Code §25249.6.

21 **PARTIES**

22 4. Plaintiff CENTER FOR ENVIRONMENTAL HEALTH ("CEH") is a non-profit
23 corporation dedicated to protecting the public from environmental health hazards and toxic
24 exposures. CEH is based in Oakland, California and incorporated under the laws of the State of
25 California. CEH is a "person" within the meaning of Health & Safety Code §25249.11(a) and
26 brings this enforcement action in the public interest pursuant to Health & Safety Code
27 §25249.7(d). CEH is a nationally recognized non-profit environmental advocacy group that has
28 prosecuted a large number of Proposition 65 cases in the public interest. These cases have

1 resulted in significant public benefits, including the reformulation of millions of products to
2 remove toxic chemicals and to make them safer. CEH also provides information to Californians
3 about the health risks associated with exposure to hazardous substances, where manufacturers and
4 other responsible parties fail to do so.

5 5. Defendant DANISH CROWN USA, INC. is a person in the course of doing
6 business within the meaning of Health & Safety Code §25249.11. Defendant DANISH CROWN
7 USA, INC. markets, distributes, licenses, and/or sells Canned Meat containing BPA for sale or
8 use in California.

9 6. DOES 1 through 20 are each a person in the course of doing business within the
10 meaning of Health & Safety Code §25249.11. DOES 1 through 20 manufacture, distribute,
11 license, and/or sell Canned Meat for sale or consumption in California.

12 7. The true names of DOES 1 through 20 are either unknown to CEH at this time or
13 the applicable time period before which CEH may file a Proposition 65 action has not run. When
14 their identities are ascertained or the applicable time period before which CEH may file a
15 Proposition 65 action has run, the Complaint shall be amended to reflect their true names.

16 8. The defendant identified in paragraph 5 and DOES 1 through 20 are collectively
17 referred to herein as “Defendants.”

18 **JURISDICTION AND VENUE**

19 9. The Court has jurisdiction over this action pursuant to Health & Safety Code
20 §25249.7, which allows enforcement in any court of competent jurisdiction, and pursuant to
21 California Constitution Article VI, Section 10, because this case is a cause not given by statute to
22 other trial courts.

23 10. This Court has jurisdiction over Defendants because each is a business entity that
24 does sufficient business, has sufficient minimum contacts in California, or otherwise intentionally
25 avails itself of the California market through the sale, marketing, or use of Canned Meat in
26 California or by having such other contacts with California so as to render the exercise of
27 jurisdiction over it by the California courts consistent with traditional notions of fair play and
28 substantial justice.

11. Venue is proper in San Francisco County Superior Court because one or more of the violations arise in the County of San Francisco.

BACKGROUND FACTS

12. The People of the State of California have declared by initiative under Proposition 65 their right “[t]o be informed about exposures to chemicals that cause cancer, birth defects, or other reproductive harm.” Proposition 65, §1(b).

13. To effectuate this goal, Proposition 65 prohibits exposing people to chemicals listed by the State of California as known to cause cancer, birth defects, or other reproductive harm above certain levels without a “clear and reasonable warning” unless the business responsible for the exposure can prove that it fits within a statutory exemption. Health & Safety Code §25249.6 states, in pertinent part:

No 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 giving clear and reasonable warning to such individual. . .

14. On May 11, 2015, the State of California officially listed BPA as a female reproductive toxicant. 27 California Code of Regulations (“C.C.R.”) §27001(b). On May 11, 2016, BPA became subject to the clear and reasonable warning requirement regarding reproductive toxicity under Proposition 65. Health & Safety Code §25249.10(b).

15. On December 18, 2020, the State of California officially listed BPA as a developmental toxicant. 27 C.C.R. §27001(b).

16. Canned Meat is canned processed meat products. The addition of BPA in Canned Meat is not necessary, as aluminum cans that contain the Canned Meat can be made without BPA. Yet, Defendants’ Canned Meat contains sufficient quantities of BPA that individuals are exposed to BPA through the average use of the products. The primary route of exposure for the violations is ingestion exposure when consumers consume the Canned Meat. These exposures occur in homes, workplaces, and everywhere else throughout California where Defendants’ Canned Meat is ingested. Because Canned Meat is consumed by individuals, including pregnant women and children, many of the exposures at issue in this case are to vulnerable individuals.

1 17. Defendant Danish Crown USA, Inc. and DOES 1-20 market, distribute, license,
2 and/or sell Canned Meat in California. Each of these actions Defendants operate to propel the
3 Canned Meat toward individuals, bringing Canned Meat that contains BPA into contact with
4 them.

5 18. No clear and reasonable warning is provided with the Canned Meat regarding the
6 reproductive toxicity of BPA. The failure to provide warnings regarding the reproductive toxicity
7 of BPA in the Canned Meat is of particular concern in light of the extreme toxicity of BPA.

8 19. Any person acting in the public interest has standing to enforce violations of
9 Proposition 65 provided that such person has supplied the requisite public enforcers with a valid
10 60-Day Notice of Violation and such public enforcers are not diligently prosecuting the action
11 within such time. Health & Safety Code §25249.7(d).

12 20. More than sixty days prior to naming each Defendant in this lawsuit, CEH
13 provided a 60-Day “Notice of Violation” of Proposition 65 to the California Attorney General, to
14 the District Attorneys of every county in California, to the City Attorneys of every California city
15 with a population greater than 750,000, and to each of the named Defendants. In compliance with
16 Health & Safety Code §25249.7(d) and 27 C.C.R. §25903(b), each Notice included the following
17 information: (1) the name and address of each violator; (2) the statute violated; (3) the time period
18 during which violations occurred; (4) specific descriptions of the violations, including (a) a
19 description of the specific type of products sold and used in violation of Proposition 65; (b) the
20 routes of exposure to BPA from Defendants’ Products; and (5) the name of the specific
21 Proposition 65-listed chemical that is the subject of the violations described in each Notice.

22 21. CEH also sent a Certificate of Merit for each Notice to the California Attorney
23 General, to the District Attorneys of every county in California, to the City Attorneys of every
24 California city with a population greater than 750,000, and to each of the named Defendants. In
25 compliance with Health & Safety Code §25249.7(d) and 11 C.C.R. §3101, each Certificate
26 certified that CEH’s counsel: (1) has consulted with one or more persons with relevant and
27 appropriate experience or expertise who reviewed facts, studies, or other data regarding the
28 exposures to BPA alleged in each Notice; and (2) based on the information obtained through such

1 consultations, believes that there is a reasonable and meritorious case for a citizen enforcement
2 action based on the facts alleged in each Notice. In compliance with Health & Safety Code
3 §25249.7(d) and 11 C.C.R. §3102, each Certificate served on the Attorney General included
4 factual information – provided on a confidential basis – sufficient to establish the basis for the
5 Certificate, including the identity of the person(s) consulted by CEH’s counsel and the facts,
6 studies, or other data reviewed by such persons.

7 22. None of the public prosecutors with the authority to prosecute violations of
8 Proposition 65 have commenced or is diligently prosecuting a cause of action against Defendants
9 under Health & Safety Code §25249.5, *et seq.*, based on the claims asserted in any of CEH’s
10 Notices regarding BPA in the Canned Meat.

11 23. Defendants both know and intend for individuals will come into contact with the
12 Canned Meat during normal use by consuming the Canned Meat, thus exposing such individuals
13 to BPA.

14 24. Defendants continue to expose consumers to BPA without prior clear and
15 reasonable warnings regarding the reproductive toxicity of BPA.

16 25. CEH has engaged in good-faith efforts to resolve the claims alleged herein prior to
17 filing this Complaint.

18 26. Any person “violating or threatening to violate” Proposition 65 may be enjoined in
19 any court of competent jurisdiction. Health & Safety Code §25249.7. “Threaten to violate” is
20 defined to mean “to create a condition in which there is a substantial probability that a violation
21 will occur.” Health & Safety Code §25249.11(e). Proposition 65 provides for civil penalties not
22 to exceed \$2,500 per day for each violation of Proposition 65.

23
24 **FIRST CAUSE OF ACTION**
(Violations of Health & Safety Code §25249.6)

25 27. CEH realleges and incorporates by reference as if specifically set forth herein
26 Paragraphs 1 through 26, inclusive.

27 28. By placing the Canned Meat into the stream of commerce, each Defendant is a
28 person in the course of doing business within the meaning of Health & Safety Code §25249.11.

29. BPA is a chemical listed by the State of California as a known female reproductive toxicant.

30. Each Defendant knows that average use of the Canned Meat will expose individuals who consume these products to BPA. Each Defendant intends that the Canned Meat be used in a manner that results in exposure to BPA from these products.

31. Each Defendant has failed, and continues to fail, to provide clear and reasonable warnings regarding the carcinogenicity and reproductive toxicity of BPA to users of its Canned Meat.

32. By committing the acts alleged above, each Defendant has, at all times relevant to this Complaint, violated Proposition 65 by knowingly and intentionally exposing individuals to BPA without first giving clear and reasonable warnings to such individuals regarding the reproductive toxicity of BPA.

PRAYER FOR RELIEF

CEH prays for judgment against Defendants as follows:

1. That the Court, pursuant to Health & Safety Code §25249.7(a), preliminarily and permanently enjoin the Defendants from offering Canned Meat that will be sold in California without either reducing the BPA levels in their canned processed meat products such that no Proposition 65 warnings are required or providing prior clear and reasonable warnings, as CEH shall specify in further application to the Court;

2. That the Court, pursuant to Health & Safety Code §25249.7(b), assess civil penalties against each Defendant in the amount of \$2,500 per day for each violation of Proposition 65 according to proof;

3. That the Court, pursuant to Health & Safety Code §25249.7(a), order Defendants to take action to stop ongoing unwarned exposures to BPA resulting from consuming canned processed meat products sold by Defendants, as CEH shall specify in further application to the Court;

4. That the Court, pursuant to Code of Civil Procedure §1021.5 or any other applicable theory, grant CEH its reasonable attorneys' fees and costs of suit; and

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5. That the Court grant such other and further relief as may be just and proper.

Dated: June 10, 2026

Respectfully submitted,

LEXINGTON LAW GROUP, LLP



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Meredyth Mellow
Attorneys for Plaintiff
CENTER FOR ENVIRONMENTAL HEALTH