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12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 COUNTY OF SAN FRANCISCO

ELECTRONICALLY
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Superior Court of California,
County of San Francisco

02/20/2026
Clerk of the Court
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Deputy Clerk

CGC-26-634247

14 CENTER FOR ENVIRONMENTAL HEALTH,
15 a non-profit corporation,

16 Plaintiff,

17 v.

18 MACY'S, INC.; STAR CHILDREN'S DRESS
19 CO, INC.; and DOES 1 through 100, inclusive,

20 Defendants.

Case No.

**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' ongoing violations of California's
6 Proposition 65, Health & Safety Code §25249.5, *et seq.* Defendants violate Proposition 65 by
7 knowingly and intentionally exposing individuals in California to cadmium, a chemical known to
8 the State of California to cause birth defects and other reproductive harm, without first providing
9 warning. Such exposures have occurred, and continue to occur, through the manufacture,
10 distribution, sale, and use of Defendants' integrated clothing accessories and embellishments such
11 as brooches, pins, charms, and buckles ("Clothing Accessories"). These Clothing Accessories are
12 attached to or otherwise integrated with clothing often designed and sold to children and women
13 and are made of materials and components containing high levels of cadmium. As a result,
14 consumers, including pregnant women, those seeking to become pregnant, small children, and
15 others are exposed to cadmium when they wear the clothing and/or otherwise touch or handle the
16 Clothing Accessories.

17 2. Under Proposition 65, it is unlawful for businesses to knowingly and intentionally
18 expose individuals in California to chemicals known to the State to cause birth defects or other
19 reproductive harm without first providing clear and reasonable warnings to exposed individuals.
20 Defendants introduce the Clothing Accessories containing significant quantities of cadmium into
21 the California marketplace, thereby exposing consumers of the Clothing Accessories, many of
22 whom are pregnant, seeking to become pregnant, or small children, to cadmium.

23 3. Despite the fact that Defendants expose pregnant women, those who are seeking to
24 become pregnant, small children, and others to cadmium, Defendants provide no warnings
25 whatsoever about the reproductive hazards associated with these cadmium exposures.
26 Defendants' conduct thus violates the warning provision of Proposition 65. Health & Safety
27 Code §25249.6.
28

1 **PARTIES**

2 4. Plaintiff CENTER FOR ENVIRONMENTAL HEALTH (“CEH”) is a non-profit
3 corporation dedicated to protecting the public from environmental health hazards and toxic
4 exposures. CEH is based in Oakland, California and incorporated under the laws of the State of
5 California. CEH is a “person” within the meaning of Health & Safety Code §25249.11(a) and
6 brings this enforcement action in the public interest pursuant to Health & Safety Code
7 §25249.7(d). CEH is a nationally recognized non-profit environmental advocacy group that has
8 prosecuted a large number of Proposition 65 cases in the public interest. Through its work, CEH
9 has created substantial public benefit, including the reformulation of thousands of products to
10 remove toxic chemicals, including cadmium, to make them safer. CEH also provides information
11 to Californians about the health risks associated with exposure to hazardous substances, where
12 manufacturers and other responsible parties fail to do so.

13 5. Defendant MACY’S, INC. is a person in the course of doing business within the
14 meaning of Health & Safety Code §25249.11. MACY’S, INC. markets, manufactures,
15 distributes, licenses, sells, or offers to sell Clothing Accessories containing cadmium in
16 California. CEH’s claims against MACY’S, INC. in this action are limited to Clothing
17 Accessories under the Rare Editions brand.

18 6. Defendant STAR CHILDREN’S DRESS CO., INC. is a person in the course of
19 doing business within the meaning of Health & Safety Code §25249.11. STAR CHILDREN’S
20 DRESS CO., INC. manufactures, distributes, sells, or offers to sell Clothing Accessories
21 containing cadmium in California.

22 7. DOES 1 through 100 are each a person in the course of doing business within the
23 meaning of Health & Safety Code §25249.11. DOES 1 through 100 each market, manufacture,
24 distribute and/or sell Clothing Accessories containing cadmium to individuals in California.

25 8. The true names of DOES 1 through 100 are either unknown to CEH at this time or
26 the applicable time period before which CEH may file a Proposition 65 action has not run. When
27 their identities are ascertained or the applicable time period runs, CEH will amend the Complaint
28 to reflect their true names.

1 15. On May 1, 1997, the State of California officially listed cadmium as a chemical
2 known to cause reproductive toxicity. Cadmium became subject to the Proposition 65 “clear and
3 reasonable” reproductive toxicity warning one year later beginning on May 1, 1998. 27 C.C.R.
4 §27001(c); Health & Safety Code §25249.10(b).

5 16. Cadmium in consumer products is of particular concern in light of evidence that
6 cadmium exposure has the potential to negatively impact reproduction and embryonic
7 development in several different ways and at every stage of the reproductive process. *See, e.g.,*
8 Thompson, J., *et al.*, “Review: Cadmium: Toxic Effects on the Reproductive System and the
9 Embryo,” *Reproductive Toxicology* (February 2008) Vol. 25:304; and Ji, Yan-Li, *et al.*, “Pubertal
10 Cadmium Exposure Impairs Testicular Development and Spermatogenesis via Disrupting
11 Testicular Testosterone Synthesis in Adult Mice,” *Reproductive Toxicology* (accepted for
12 publication October 2009) (even low levels of cadmium accumulation in semen may contribute to
13 male infertility).

14 17. Defendants’ Clothing Accessories are made of materials and components that
15 contain cadmium. Cadmium is primarily present in the metallic parts of the Clothing
16 Accessories.

17 18. Defendants’ Clothing Accessories contain sufficient quantities of cadmium such
18 that consumers, including pregnant women and small children, who touch, handle or wear the
19 Clothing Accessories are exposed to a significant amount of cadmium. The primary routes of
20 exposure for the violations are ingestion via hand-to-mouth contact after consumers touch or
21 handle the Clothing Accessories; direct ingestion when consumers place the Clothing Accessories
22 in their mouths; and dermal absorption directly through the skin when consumers touch, handle or
23 wear the Clothing Accessories. These exposures occur in homes, workplaces, schools, and
24 everywhere else throughout California where the Clothing Accessories are touched, handled or
25 worn.

26 19. Defendants fail to provide any warning, let alone the required clear and reasonable
27 warning, with the Clothing Accessories regarding the reproductive toxicity of cadmium.
28

1 20. Any person acting in the public interest has standing to enforce violations of
2 Proposition 65 provided that such person has supplied the requisite public enforcers with a valid
3 60-Day Notice of Violation and such public enforcers are not diligently prosecuting the action
4 within such time. Health & Safety Code §25249.7(d).

5 21. More than sixty days prior to naming each Defendant in this lawsuit, CEH
6 provided a 60-Day “Notice of Violation of Proposition 65” to the California Attorney General,
7 the District Attorneys of every county in California, the City Attorneys of every California city
8 with a population greater than 750,000 and to each of the named Defendants. In compliance with
9 Health & Safety Code §25249.7(d) and 27 C.C.R. §25903(b), each Notice included the following
10 information: (1) the name and address of each violator; (2) the statute violated; (3) the time period
11 during which violations occurred; (4) specific descriptions of the violations, including (a) the
12 routes of exposure to cadmium from the Clothing Accessories, and (b) the specific type of
13 products sold and used in violation of Proposition 65; and (5) the name of the specific Proposition
14 65-listed chemical that is the subject of the violations described in each of the Notices. Each
15 notice also included a proposal for resolution of the noticed claims and a demand that Defendants
16 preserve all evidence relevant to the noticed claims.

17 22. CEH also sent a Certificate of Merit for each Notice to the California Attorney
18 General, the District Attorneys of every county in California, the City Attorneys of every
19 California city with a population greater than 750,000 and to each named Defendant. In
20 compliance with Health & Safety Code §25249.7(d) and 11 C.C.R. §3101, each Certificate
21 certified that CEH’s counsel: (1) has consulted with one or more persons with relevant and
22 appropriate experience or expertise who reviewed facts, studies or other data regarding the
23 exposures to cadmium alleged in each Notice; and (2) based on the information obtained through
24 such consultations, believes that there is a reasonable and meritorious case for a citizen
25 enforcement action based on the facts alleged in each Notice. In compliance with Health &
26 Safety Code §25249.7(d) and 11 C.C.R. §3102, each Certificate served on the Attorney General
27 included factual information—provided on a confidential basis—sufficient to establish the basis
28

1 for the Certificate, including the identity of the person(s) consulted by CEH’s counsel and the
2 facts, studies or other data reviewed by such persons.

3 23. None of the public prosecutors with the authority to prosecute violations of
4 Proposition 65 has commenced or is diligently prosecuting a cause of action against Defendants
5 under Health & Safety Code §25249.5, *et seq.*, based on the claims asserted in the Notice.

6 24. Defendants both know and intend that individuals, including pregnant women,
7 those seeking to become pregnant, and small children, will wear, use, touch and/or handle the
8 Clothing Accessories, thus exposing them to cadmium.

9 25. Under Proposition 65, an exposure is “knowing” where the party responsible for
10 such exposure has:

11 knowledge of the fact that a[n] . . . exposure to a chemical listed pursuant
12 to [Health & Safety Code § 25249.8(a)] is occurring. No knowledge that
the . . . exposure is unlawful is required.

13 27 C.C.R. §25102(n). This knowledge may be either actual or constructive. *See, e.g.*, Final
14 Statement of Reasons Revised (November 4, 1988) (pursuant to former 22 C.C.R. Division 2,
15 §12601).

16 26. Defendants have, at minimum, been informed of the cadmium in their Clothing
17 Accessories by the 60-Day Notice of Violation and accompanying Certificate of Merit served on
18 them by CEH.

19 27. Defendants also have constructive and/or actual knowledge that their Clothing
20 Accessories contain cadmium due to the widespread media coverage concerning the problem of
21 cadmium in consumer products in general.

22 28. As companies that manufacture, import, distribute and/or sell Clothing Accessories
23 for use in the California marketplace, Defendants know or should know that the Clothing
24 Accessories contain heavy metals such as cadmium and that individuals who touch, handle or
25 wear the Clothing Accessories will be exposed to cadmium. The cadmium exposures to
26 consumers who touch, handle or wear the Clothing Accessories are a natural and foreseeable
27 consequence of Defendants placing the Clothing Accessories into the stream of commerce.
28

1 **PRAYER FOR RELIEF**

2 CEH prays for judgment against Defendants as follows:

3 1. That the Court, pursuant to Health & Safety Code §25249.7(a), preliminarily and
4 permanently enjoin Defendants from offering the Clothing Accessories for sale in California
5 without either reformulating the Clothing Accessories such that no Proposition 65 warnings are
6 required or providing prior clear and reasonable warnings, as CEH shall specify in further
7 application to the Court;

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

11 3. That the Court, pursuant to Health & Safety Code §25249.7(a), order Defendants
12 to take action to stop ongoing unwarned exposures to cadmium resulting from use of the Clothing
13 Accessories sold by Defendants, as CEH shall specify in further application to the Court;

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

16 5. That the Court grant such other and further relief as may be just and proper.
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18 Dated: February 20, 2026

Respectfully submitted,

19 LEXINGTON LAW GROUP, LLP
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22 _____
23 Patrick Carey
24 Jacob Janzen
25 Attorneys for Plaintiff
26 CENTER FOR ENVIRONMENTAL HEALTH
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