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ELECTRONICALLY
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Superior Court of California,
County of San Francisco

02/27/2026
Clerk of the Court
BY: BENJAMIN YUST
Deputy Clerk

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN FRANCISCO – UNLIMITED CIVIL JURISDICTION

KEEP AMERICA SAFE AND BEAUTIFUL,
Plaintiff,
v.
CONTIXO, INC.; and DOES 1-30, inclusive,
Defendants.

Case No. **CGC-26-634500**
**COMPLAINT FOR CIVIL PENALTIES
AND INJUNCTIVE RELIEF**
Violations of Health & Safety Code § 25249.5
et seq. (Proposition 65) Warning Requirement

Plaintiff KEEP AMERICA SAFE AND BEAUTIFUL (“KASB”), acting in the public interest, alleges a cause of action against defendants CONTIXO, INC., and Doe Defendants Nos. 1-30 (“Defendants”) for their violations of Health & Safety Code § 25249.5, *et seq.*, as follows:

INTRODUCTION AND NATURE OF THE ACTION

1. KASB brings representative action in the public interest on behalf of the citizens of the State of California. By this action, KASB seeks to enforce the People’s right to be informed of the harms caused by exposures to di(2-ethylhexyl) phthalate (“DEHP”), a toxic chemical found in and on vinyl bags manufactured, imported, distributed, sold, and offered for sale by Defendants in the State of California.

2. By this Complaint, plaintiff seeks to remedy Defendants’ failure to warn individuals not covered by California’s Occupational Safety Health Act, Labor Code § 6300, *et seq.* (“consumers”) exposed to substances known to the State of California to cause birth defects or other

1 and/or offers the PRODUCTS for sale or use to consumers in California.

2 9. Doe Defendants 1-10 (“MANUFACTURER DEFENDANTS”) are each a “person in
3 the course of doing business” within the meaning of and as defined by Health and Safety Code
4 §§ 25249.6 and 25249.11. MANUFACTURER DEFENDANTS, and each of them, assemble,
5 fabricate, and manufacture, or they each imply by their conduct they do so for one or more of the
6 PRODUCTS sold and/or offered for sale or use to consumers in California.

7 10. Doe Defendants 11-20 (“DISTRIBUTOR DEFENDANTS”) are each a person in the
8 course of doing business within the meaning of Health and Safety Code §§ 25249.6 and 25249.11.
9 DISTRIBUTOR DEFENDANTS, and each of them, distribute, transfer, and transport the
10 PRODUCTS sold and offered for sale to consumers in California, or they each imply by their conduct
11 they distribute, transfer, and transport one or more of the PRODUCTS to individuals, businesses, and
12 retailers for sale or use in California.

13 11. Doe Defendants 21-30 (“RETAILER DEFENDANTS”) are each a person in the
14 course of doing business within the meaning of and as defined by Health and Safety Code §§ 25249.6
15 and 25249.11. RETAILER DEFENDANTS, and each of them, offer the PRODUCTS for sale to
16 consumers in California.

17 12. At this time, the true names of Defendants DOES 1 through 30, inclusive, are
18 unknown to KASB, who therefore, sues these Doe Defendants by their fictitious names, pursuant to
19 Code of Civil Procedure § 474. Each of the fictitiously named Defendants is responsible in some
20 manner for the acts and occurrences alleged herein and the violations and harms caused thereby.
21 When ascertained, KASB will identify these Doe Defendants by their true names in an amendment to
22 this Complaint.

23 13. CONTIXO, MANUFACTURER DEFENDANTS, DISTRIBUTOR DEFENDANTS,
24 and RETAILER DEFENDANTS shall be referred to collectively herein as “DEFENDANTS.”

25 **JURISDICTION AND VENUE**

26 14. This Court has jurisdiction pursuant to Health & Safety Code § 25249.7, which allows
27 enforcement by any court of competent jurisdiction. The Superior Courts of the State of California
28 have jurisdiction pursuant to California Constitution Article VI, section 10, which grants the Superior

1 Courts “original jurisdiction in all causes except those given by statute to other trial courts.” The
2 statute under which this action is brought does not specify any other basis of subject matter
3 jurisdiction.

4 15. This Court has jurisdiction over DEFENDANTS because DEFENDANTS, and each of
5 them are a person, firm, corporation or association that is a citizen of the State of California, does
6 sufficient business in California, has sufficient minimum contacts in California, and/or otherwise
7 purposefully and intentionally avail themselves of the California market through their manufacture,
8 importation, distribution, promotion, marketing and sale of PRODUCTS in California.
9 DEFENDANTS’ purposeful availment renders the exercise of personal jurisdiction by this Court
10 consistent with traditional notions of fair play and substantial justice.

11 16. Venue is proper in the Superior Court for the County of San Francisco, pursuant to
12 Code of Civil Procedure §§ 393, 395, and 395.5, because this Court is a court of competent
13 jurisdiction, because KASB seeks civil penalties against DEFENDANTS, because one or more
14 instances of wrongful conduct occurred, and continue to occur, in this county, and/or because
15 DEFENDANTS conducted, and continue to conduct, business in the County of San Francisco with
16 respect to the PRODUCTS.

17 **REGULATORY BACKGROUND AND LAW**

18 17. Formally known as the Safe Drinking Water and Toxic Enforcement Act of 1986 and
19 codified at Health & Safety Code § 25249.6 *et seq.*, Proposition 65 states, in relevant part, “[n]o
20 person in the course of doing business shall knowingly and intentionally expose any individual to a
21 chemical known to cause cancer or reproductive toxicity without first giving a clear and reasonable
22 warning to such individual . . .”

23 18. Under the Act, a “person in the course of doing business” is defined as a business with
24 ten (10) or more employees. Health & Safety Code § 25249.11(b). Businesses are prohibited from
25 exposing consumers to hazardous chemicals without first giving a “clear and reasonable” warning.
26 Health & Saf. Code § 25249.6.

27 19. Exposing consumers to hazardous chemicals means to cause consumers to ingest,
28 inhale, contact via body surfaces or otherwise come into contact with a listed chemical. California

1 Code of Regulations (“Cal. Code Regs.”) Title 27, § 25102(i). An exposure to a hazardous chemical
2 is defined as one that “results from a person’s acquisition, purchase, storage, consumption or other
3 reasonably foreseeable use of a product...” Cal. Code Regs. Tit. 27, § 25600(h).

4 20. Under Proposition 65, persons violating the statute may be enjoined in any court of
5 competent jurisdiction and may be subject to civil penalties of up to \$2,500 per day, per violation.
6 Health & Safety Code § 25249.7.

7 21. On October 24, 2003, pursuant to Proposition 65 implementing regulations, the State
8 of California listed DEHP as a chemical known to cause birth defects or other reproductive harm.
9 DEHP became subject to the “clear and reasonable warning” requirements one year later, on October
10 24, 2004. Cal. Code Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8, 25249.10(b).

11 **STATEMENT OF FACTS**

12 22. DEFENDANTS sell and offer their PRODUCTS for sale in California without a clear
13 and reasonable warning in violation of Cal. Code Regs. Tit. 27, § 25600, *et seq.*

14 23. DEFENDANTS’ PRODUCTS expose consumers and end-users in California to DEHP at
15 levels requiring a warning under Proposition 65 when they touch, handle or otherwise contact the
16 PRODUCTS during reasonably foreseeable use.

17 24. On July 18, 2025, KASB served a 60-Day Notice of Violation (“Notice”), together
18 with the required certificate of merit, on CONTIXO, the Office of the California Attorney General,
19 and all requisite public enforcement agencies, alleging, as a result of DEFENDANTS’ sales of the
20 PRODUCTS, consumers in California were, and are, exposed to DEHP without first receiving the
21 “clear and reasonable warning” required by Proposition 65.

22 25. After receiving KASB’s Notice, no public enforcement agency commenced and is
23 diligently prosecuting a cause of action against DEFENDANTS to enforce the violations of
24 Proposition 65 alleged in the Notice.

25 **FIRST CAUSE OF ACTION**

26 **(Violation of Proposition 65 - Against All DEFENDANTS)**

27 26. KASB realleges and incorporates by reference, as if fully stated herein, the allegations
28 set forth in Paragraphs 1 through 25, inclusive.

1 27. DEFENDANTS' PRODUCTS contain DEHP in levels requiring a clear and
2 reasonable warning under Proposition 65.

3 28. DEFENDANTS know or should have known their PRODUCTS contain DEHP. As a
4 result of KASB's Notice, DEFENDANTS now possess actual knowledge of the presence of DEHP in
5 their PRODUCTS.

6 29. DEFENDANTS' PRODUCTS expose consumers in California to DEHP through
7 dermal contact and ingestion during the reasonably foreseeable use of the PRODUCTS.

8 30. The normal and reasonably foreseeable use of the PRODUCTS causes exposures to
9 DEHP.

10 31. DEFENDANTS know the normal and reasonably foreseeable use of the PRODUCTS
11 exposes consumers to DEHP through dermal contact and/or ingestion.

12 32. DEFENDANTS intend to expose consumers in California to DEHP during their
13 reasonably foreseeable use of the PRODUCTS. Such exposures to DEHP occur through
14 DEFENDANTS' deliberate and non-accidental participation in the California market.

15 33. The exposures to DEHP caused by DEFENDANTS and endured by consumers in
16 California are not exempt from the "clear and reasonable warning" requirements of Proposition 65.

17 34. DEFENDANTS failed to provide a "clear and reasonable warning" to those consumers
18 in California exposed to DEHP through dermal contact and/or ingestion during their reasonably
19 foreseeable use of the PRODUCTS. DEFENDANTS continue to fail to provide such warning.

20 35. Contrary to the express policy and statutory prohibition of Proposition 65, consumers
21 are exposed to DEHP through dermal contact and ingestion during their use of PRODUCTS
22 DEFENDANTS sold, sell and offer for sale without a "clear and reasonable warning." Such
23 consumers in California suffer irreparable harms for which they have no plain, speedy, or adequate
24 remedy at law.

25 36. DEFENDANTS manufacture, import, distribute, sell, and offer the PRODUCTS for
26 sale or use in violation of Health and Safety Code § 25249.6. DEFENDANTS' violations continue
27 beyond their receipt of KASB's Notice. As such, DEFENDANTS' violations are ongoing and
28 continuous in nature and, unless enjoined, will continue in the future.

