

1 **ENTORNO LAW, LLP**
2 Craig M. Nicholas (SBN 178444)
3 Noam Glick (SBN 251582)
4 Jake W. Schulte (SBN 293777)
5 Gianna E. Tirrell (SBN 358788)
6 225 Broadway, Suite 1900
7 San Diego, California 92101
8 Tel: (619) 629-0527
9 Email: craig@entornolaw.com
10 Email: noam@entornolaw.com
11 Email: jake@entornolaw.com
12 Email: gianna@entornolaw.com

13 Attorneys for Plaintiff
14 Environmental Health Advocates, Inc.

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

16 **IN AND FOR THE COUNTY OF SAN FRANCISCO**

17 ENVIRONMENTAL HEALTH ADVOCATES,
18 INC.,

19 Plaintiff,

20 v.

21 VITA VERDE, INC., a Florida corporation; and
22 DOES 1 through 100, inclusive,

23 Defendants.

Case No.:

**COMPLAINT FOR CIVIL PENALTIES
AND INJUNCTIVE RELIEF**

(Health & Safety Code § 25249.6 et seq.)

ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco

06/01/2026
Clerk of the Court

BY: MARIVIC VIRAY
Deputy Clerk

CGC-26-637476

I.
INTRODUCTION

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2 1. This Complaint is a representative action brought by Environmental Health Advocates,
3 Inc. (“Plaintiff”) in the public interest of the citizens of the State of California (“the People”). Plaintiff
4 seeks to remedy Defendants’ failure to inform the People of exposure to lead, a known carcinogen and
5 reproductive/developmental toxin. Defendants expose consumers to lead by manufacturing, importing,
6 selling, and/or distributing clam sauce including, but not limited to, Flora Imported Red Clam Sauce
7 (“Products”). Defendants know and intend that customers will ingest Products containing lead.

8 2. Under California’s Safe Drinking Water and Toxic Enforcement Act of 1986, California
9 Health and Safety Code, section 25249.6 et seq. (“Proposition 65”), “[n]o person in the course of doing
10 business shall knowingly and intentionally expose any individual to a chemical known to the state to
11 cause cancer or reproductive toxicity without first giving clear and reasonable warning to such
12 individual. . . .” (Health & Safety Code, § 25249.6.)

13 3. California identified and listed lead as a chemical known to cause cancer as early as
14 October 1, 1992, and as a chemical known to cause developmental/reproductive toxicity on February
15 27, 1987.

16 4. Defendants failed to sufficiently warn consumers and individuals in California about
17 potential exposure to lead in connection with Defendants’ manufacture, import, sale, or distribution of
18 Products. This is a violation of Proposition 65.

19 5. Plaintiff seeks injunctive relief compelling Defendants to sufficiently warn consumers
20 in California before exposing them to lead in Products. (Health & Safety Code, § 25249.7(a).) Plaintiff
21 also seeks civil penalties against Defendants for violations of Proposition 65 along with attorney’s fees
22 and costs. (Health & Safety Code, § 25249.7(b).)

II.
PARTIES

23
24 6. Plaintiff ENVIRONMENTAL HEALTH ADVOCATES, INC. (“Plaintiff”) is a
25 corporation in the State of California dedicated to protecting the health of California citizens through
26 the elimination or reduction of toxic exposure from consumer products. It brings this action in the public
27 interest pursuant to Health and Safety Code, section 25249.7.

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1 **IV.**
2 **CAUSES OF ACTION**

3 **FIRST CAUSE OF ACTION**

4 **(Violation of Proposition 65 – Against all Defendants)**

5 13. Plaintiff incorporates by reference each and every allegation contained above.

6 14. Proposition 65 mandates that citizens be informed about exposures to chemicals that
7 cause cancer, birth defects, and other reproductive harm.

8 15. Defendants manufactured, imported, sold, and/or distributed Products containing lead
9 in violation of Health and Safety Code, section 25249.6 et seq. Plaintiff is informed and believes such
10 violations have continued after receipt of the Notice (defined *infra*) and will continue to occur into the
11 future.

12 16. In manufacturing, importing, selling, and/or distributing Products, Defendants failed to
13 provide a clear and reasonable warning to consumers and individuals in California who may be exposed
14 to lead through reasonably foreseeable use of the Products.

15 17. Products expose individuals to lead through direct ingestion. This exposure is a natural
16 and foreseeable consequence of Defendants placing Products into the stream of commerce. As such,
17 Defendants intend that consumers will ingest Products, exposing them to lead.

18 18. Defendants knew or should have known that the Products contained lead and exposed
19 individuals to lead in the ways provided above. The Notice informed Defendants of the presence of
20 lead in the Products. Likewise, media coverage concerning lead and related chemicals in consumer
21 products provided constructive notice to Defendants.

22 19. Defendants' actions in this regard were deliberate and not accidental.

23 20. More than sixty days prior to naming each defendant in this lawsuit, Plaintiff issued a
24 60-Day Notice of Violation ("Notice") as required by and in compliance with Proposition 65. Plaintiff
25 provided the Notice to the various required public enforcement agencies along with a certificate of merit.
26 The Notice alleged that Defendants violated Proposition 65 by failing to sufficiently warn consumers in
27 California of the health hazards associated with exposures to lead contained in the Products.

28 21. The appropriate public enforcement agencies provided with the Notice failed to
commence and diligently prosecute a cause of action against Defendants.

1 **PRAYER FOR RELIEF**

2 Wherefore, Plaintiff prays for judgment against Defendants as follows:

3 1. Civil penalties in the amount of \$2,500 per day for each violation. Plaintiff alleges that
4 damages total a minimum of \$1,000,000;

5 2. A preliminary and permanent injunction against Defendants from manufacturing,
6 importing, selling, and/or distributing Products in California without providing a clear and reasonable
7 warning as required by Proposition 65 and related Regulations;

8 3. Reasonable attorney's fees and costs of suit; and

9 4. Such other and further relief as may be just and proper.

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11
12 Respectfully submitted:

13 Dated: June 1, 2026

ENTORNO LAW, LLP

14
15 By: 
16 Noam Glick

17 Craig M. Nicholas
18 Jake W. Schulte
19 Gianna E. Tirrell

20 Attorneys for Plaintiff
21 Environmental Health Advocates, Inc.
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