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10 CONSUMER ADVOCACY GROUP, INC.

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David W. Slayton,
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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

CONSUMER ADVOCACY GROUP, INC.,
in the public interest,

Plaintiff,

v.

BLISS TRADEMARK HOLDINGS, LLC, a
New York Limited Liability Company;
CAPTURE ACCESSORIES, LLC, a New
York Limited Liability Company;
THE TJX COMPANIES, INC., a Delaware
Corporation;
MARSHALLS OF CA, LLC, a California
Limited Liability Company;
and DOES 1-10,

Defendants.

CASE NO. 26STCV06597

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)

Plaintiff CONSUMER ADVOCACY GROUP, INC. alleges one cause of action against
defendants BLISS TRADEMARK HOLDINGS, LLC; CAPTURE ACCESSORIES, LLC;
THE TJX COMPANIES, INC.; MARSHALLS OF CA, LLC and DOES 1-10 as follows:

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 BLISS TRADEMARK HOLDINGS, LLC (“BLISS”) is a New York Limited Liability Company doing business in the State of California at all relevant times herein.
3. Defendant CAPTURE ACCESSORIES, LLC (“CAPTURE”) is a New York Limited Liability Company, qualified to do business and doing business in the State of California at all relevant times herein.
4. Defendant THE TJX COMPANIES, INC. (“TJX”) is a Delaware Corporation, qualified to do business and doing business in the State of California at all relevant times herein.
5. Defendant MARSHALLS OF CA, LLC (“MARSHALLS”) is a California Limited Liability Company, qualified to do business and doing business in the State of California at all relevant times herein.
6. Plaintiff is presently unaware of the true names and capacities of defendants DOES 1-10, 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.
7. At all times mentioned herein, the term “Defendants” includes BLISS, CAPTURE, TJX, MARSHALLS, and DOES 1-10.
8. 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.

- 1 9. Upon information and belief, at all times relevant to this action, each of the Defendants,
2 including DOES 1-10, was an agent, servant, or employee of each of the other
3 Defendants. In conducting the activities alleged in this Complaint, each of the
4 Defendants was acting within the course and scope of this agency, service, or
5 employment, and was acting with the consent, permission, and authorization of each of
6 the other Defendants. All actions of each of the Defendants alleged in this Complaint
7 were ratified and approved by every other Defendant or their officers or managing
8 agents. Alternatively, each of the Defendants aided, conspired with and/or facilitated the
9 alleged wrongful conduct of each of the other Defendants.
- 10 10. Plaintiff is informed, believes, and thereon alleges that at all relevant times, each of the
11 Defendants was a person doing business within the meaning of Health and Safety Code
12 Section 25249.11, subdivision (b), and that each of the Defendants had ten (10) or more
13 employees at all relevant times.

14 **JURISDICTION**

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

1 13. Venue is proper in the County of Los Angeles because one or more of the instances of
2 wrongful conduct occurred, and continues to occur, in the County of Los Angeles and/or
3 because Defendants conducted, and continue to conduct, business in the County of Los
4 Angeles with respect to the consumer product that is the subject of this action.

5 **BACKGROUND AND PRELIMINARY FACTS**

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

15 15. Proposition 65 requires the Governor of California to publish a list of chemicals known
16 to the state to cause cancer, birth defects, or other reproductive harm. *Health & Safety*
17 *Code* § 25249.8. The list, which the Governor updates at least once a year, contains over
18 700 chemicals and chemical families. Proposition 65 imposes warning requirements and
19 other controls that apply to Proposition 65-listed chemicals.

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

26 17. Proposition 65 provides that any person "violating or threatening to violate" the statute
27 may be enjoined in any court of competent jurisdiction. *Health & Safety Code* §
28

1 25249.7. "Threaten to violate" means "to create a condition in which there is a
2 substantial probability that a violation will occur." *Health & Safety Code* § 25249.11(e).
3 Defendants are also liable for civil penalties of up to \$2,500.00 per day per violation,
4 recoverable in a civil action. *Health & Safety Code* § 25249.7(b).

- 5 18. Plaintiff identified certain practices of manufacturers and distributors of Blemish
6 Extractor Kit of exposing, knowingly and intentionally, persons in California to Di (2-
7 ethylhexyl) phthalate of such products without first providing clear and reasonable
8 warnings of such to the exposed persons prior to the time of exposure. Plaintiff later
9 discerned that Defendants engaged in such practice.
- 10 19. On January 1, 1988, the Governor of California added Diethyl Hexyl Phthalate and Di
11 (2-ethylhexyl) phthalate ("DEHP") to the list of chemicals known to the State to cause
12 cancer, (*Cal. Code Regs.* tit. 27, § 27001(b)) and on October 24, 2003, the Governor
13 added DEHP to the list of chemicals known to the State to cause developmental male
14 reproductive toxicity (*Cal. Code Regs.* tit. 27, § 27001(c)). Pursuant to Health and
15 Safety Code sections 25249.9 and 25249.10, twenty (20) months after addition of DEHP
16 to the list of chemicals known to the State to cause reproductive toxicity, DEHP became
17 fully subject to Proposition 65 warning requirements and discharge prohibitions.

18 **SATISFACTION OF PRIOR NOTICE**

- 19 20. Plaintiff served the following notices for alleged violations of Health and Safety Code
20 Section 25249.6, concerning consumer products exposures:
- 21 a. On or about July 23, 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 BLISS, CAPTURE, TJX, MARSHALLS, and to
24 the California Attorney General, County District Attorneys, and City Attorneys
25 for each city containing a population of at least 750,000 people in whose
26 jurisdictions the violations allegedly occurred, concerning the Blemish Extractor
27 Kit.

1 b. On or about July 30, 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 BLISS, CAPTURE, TJX, MARSHALLS, and to
4 the California Attorney General, County District Attorneys, and City Attorneys
5 for each city containing a population of at least 750,000 people in whose
6 jurisdictions the violations allegedly occurred, concerning the Blemish Extractor
7 Kit.

8 21. Before sending the notice of alleged violations, Plaintiff investigated the consumer
9 products involved, the likelihood that such products would cause users to suffer
10 significant exposures to DEHP, and the corporate structure of each of the Defendants.

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

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

23 24. Plaintiff is commencing this action more than sixty (60) days from the dates that Plaintiff
24 gave notice of the alleged violations to BLISS, CAPTURE, TJX, MARSHALLS, and the
25 public prosecutors referenced in Paragraph 20.

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

4 **FIRST CAUSE OF ACTION**

5 **(By CONSUMER ADVOCACY GROUP, INC. and against BLISS, CAPTURE,**
6 **TJX, MARSHALLS, and DOES 1-10 for Violations of Proposition 65, The Safe**
7 **Drinking Water and Toxic Enforcement Act of 1986 (*Health & Safety Code, §§***
8 **25249.5, *et seq.*))**

8 **Beauty Accessories**

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

11 27. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
12 distributor, promoter, or retailer of Blemish Extractor Kit (“Blemish Extractor Kit”),
13 identified as: “bliss”; “PROFESSIONAL BLEMISH EXTRACTOR KIT”; “CLEAR
14 GENIUS”; “9 PACK”; “1287 – 077077558-000799-14-2”; “8712 -1217-117544-83”;
15 “53142”; “UPC 802875304722”; “Bliss Trademark Holdings LLC”; “Capture
16 Accessories LLC”.

17 28. Blemish Extractor Kit contains DEHP.

18 29. Defendants knew or should have known that DEHP has been identified by the State of
19 California as a chemical known to cause cancer, developmental toxicity and reproductive
20 toxicity and therefore was subject to Proposition 65 warning requirements. Defendants
21 were also informed of the presence of DEHP in Blemish Extractor Kit within Plaintiff’s
22 notice of alleged violations further discussed above at Paragraphs 20a and 20b.

23 30. Plaintiff’s allegations regarding Blemish Extractor Kit 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)*. Blemish Extractor Kit are consumer products, and, as mentioned herein,
28

1 exposures to DEHP took place as a result of such normal and foreseeable consumption
2 and use.

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

20 32. The principal routes of exposure are through dermal contact, ingestion and inhalation.
21 Persons sustain exposures by handling Blemish Extractor Kit without wearing gloves or
22 any other personal protective equipment, or by touching bare skin or mucous membranes
23 with gloves after handling Blemish Extractor Kit, as well as through direct and indirect
24 hand to mouth contact, hand to mucous membrane, or breathing in particulate matter
25 dispersed from Blemish Extractor Kit.

26 33. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
27 Proposition 65 as to Blemish Extractor Kit have been ongoing and continuous, as
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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 Blemish Extractor Kit, so that a separate and distinct violation of Proposition 65
4 occurred each and every time a person was exposed to DEHP by Blemish Extractor Kit
5 as mentioned herein.

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

9 35. Based on the allegations herein, Defendants are liable for civil penalties of up to
10 \$2,500.00 per day per individual exposure to DEHP from Blemish Extractor Kit,
11 pursuant to Health and Safety Code Section 25249.7(b).

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

14
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: February 27, 2026

YEROUSHALMI & YEROUSHALMI*

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25
26 /s/ Reuben Yeroushalmi

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