

1 Reuben Yeroushalmi (SBN 193981)
2 reuben@yeroushalmi.com
3 **YEROUSHALMI & YEROUSHALMI***
4 9100 Wilshire Boulevard, Suite 240W
Beverly Hills, California 90212
Telephone: (310) 623-1926
Facsimile: (310) 623-1930

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David W. Slayton,
Executive Officer/Clerk of Court,
By Y. Ayala, Deputy Clerk

5 Attorneys for Plaintiff,
CONSUMER ADVOCACY GROUP, INC.

6
7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
8
9 **COUNTY OF LOS ANGELES**

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

12 Plaintiff,

13 v.

14 BRISTOL FARMS DBA LAZY ACRES
NATURAL MARKET, a California
Corporation;
and DOES 1-20,

15 Defendants.

16 CASE NO. **26STCV01493**

17 COMPLAINT FOR PENALTY AND
INJUNCTION

18 Violation of Proposition 65, the Safe
Drinking Water and Toxic Enforcement
Act of 1986 (*Health & Safety Code*, §
25249.5, *et seq.*)

19 ACTION IS AN UNLIMITED CIVIL
20 CASE (exceeds \$35,000)

21 Plaintiff CONSUMER ADVOCACY GROUP, INC. alleges two causes of action
22 against defendants BRISTOL FARMS DBA LAZY ACRES NATURAL MARKET, and DOES
1-20 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 BRISTOL FARMS DBA LAZY ACRES NATURAL MARKET (“BRISTOL”) is a California Corporation qualified to do business in California, and doing business in the State of California at all relevant times herein.
 3. Plaintiff is presently unaware of the true names and capacities of defendants DOES 1-20, 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.
 4. At all times mentioned herein, the term “Defendants” includes BRISTOL, and DOES 1-20.
 5. 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.
 6. Upon information and belief, at all times relevant to this action, each of the Defendants, including DOES 1-20, was an agent, servant, or employee of each of the other Defendants. In conducting the activities alleged in this Complaint, each of the Defendants was acting within the course and scope of this agency, service, or employment, and was acting with the consent, permission, and authorization of each of

1 the other Defendants. All actions of each of the Defendants alleged in this Complaint
2 were ratified and approved by every other Defendant or their officers or managing
3 agents. Alternatively, each of the Defendants aided, conspired with and/or facilitated the
4 alleged wrongful conduct of each of the other Defendants.

5 7. Plaintiff is informed, believes, and thereon alleges that at all relevant times, each of the
6 Defendants was a person doing business within the meaning of Health and Safety Code
7 Section 25249.11, subdivision (b), and that each of the Defendants had ten (10) or more
8 employees at all relevant times.

9 **JURISDICTION**

10 8. The Court has jurisdiction over this lawsuit pursuant to California Constitution Article
11 VI, Section 10, which grants the Superior Court original jurisdiction in all causes except
12 those given by statute to other trial courts. This Court has jurisdiction over this action
13 pursuant to Health and Safety Code Section 25249.7, which allows enforcement of
14 violations of Proposition 65 in any Court of competent jurisdiction.

15 9. This Court has jurisdiction over Defendants named herein because Defendants either
16 reside or are located in this State or are foreign corporations authorized to do business in
17 California, are registered with the California Secretary of State, or who do sufficient
18 business in California, have sufficient minimum contacts with California, or otherwise
19 intentionally avail themselves of the markets within California through their
20 manufacture, distribution, promotion, marketing, or sale of their products within
21 California to render the exercise of jurisdiction by the California courts permissible
22 under traditional notions of fair play and substantial justice.

20 10. Venue is proper in the County of Los Angeles because one or more of the instances of
21 wrongful conduct occurred, and continues to occur, in the County of Los Angeles and/or

1 because Defendants conducted, and continue to conduct, business in the County of Los
2 Angeles with respect to the consumer product that is the subject of this action.

3 **BACKGROUND AND PRELIMINARY FACTS**

- 4 11. In 1986, California voters approved an initiative to address growing concerns about
5 exposure to toxic chemicals and declared their right “[t]o be informed about exposures to
6 chemicals that cause cancer, birth defects, or other reproductive harm.” Ballot Pamp.,
7 Proposed Law, Gen. Elec. (Nov. 4, 1986) at p. 3. The initiative, The Safe Drinking
8 Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code Sections
9 25249.5, *et seq.* (“Proposition 65”), helps to protect California’s drinking water sources
10 from contamination, to allow consumers to make informed choices about the products
11 they buy, and to enable persons to protect themselves from toxic chemicals as they see
12 fit.
- 13 12. Proposition 65 requires the Governor of California to publish a list of chemicals known
14 to the state to cause cancer, birth defects, or other reproductive harm. *Health & Safety*
15 *Code* § 25249.8. The list, which the Governor updates at least once a year, contains over
16 700 chemicals and chemical families. Proposition 65 imposes warning requirements and
17 other controls that apply to Proposition 65-listed chemicals.
- 18 13. All businesses with ten (10) or more employees that operate or sell products in California
19 must comply with Proposition 65. Under Proposition 65, businesses are: (1) prohibited
20 from knowingly discharging Proposition 65-listed chemicals into sources of drinking
21 water (*Health & Safety Code* § 25249.5), and (2) required to provide “clear and
22 reasonable” warnings before exposing a person, knowingly and intentionally, to a
Proposition 65-listed chemical (*Health & Safety Code* § 25249.6).

- 1 14. Proposition 65 provides that any person "violating or threatening to violate" the statute
2 may be enjoined in any court of competent jurisdiction. *Health & Safety Code* §
3 25249.7. "Threaten to violate" means "to create a condition in which there is a
4 substantial probability that a violation will occur." *Health & Safety Code* § 25249.11(e).
5 Defendants are also liable for civil penalties of up to \$2,500.00 per day per violation,
6 recoverable in a civil action. *Health & Safety Code* § 25249.7(b).
- 7 15. Plaintiff identified certain practices of manufacturers and distributors of Sea Moss of
8 exposing, knowingly and intentionally, persons in California to Lead and Lead
9 Compounds of such products without first providing clear and reasonable warnings of
10 such to the exposed persons prior to the time of exposure. Plaintiff later discerned that
11 Defendants engaged in such practice.
- 12 16. On October 1, 1992 the Governor of California added Lead and Lead Compounds
13 ("Lead") to the list of chemicals known to the State to cause cancer (*Cal. Code Regs.* tit.
14 27, § 27001(b)). Pursuant to Health and Safety Code Sections 25249.9 and 25249.10,
15 twenty (20) months after addition of Lead to the list of chemicals known to the State to
16 cause cancer, Lead became fully subject to Proposition 65 warning requirements and
17 discharge prohibitions.
- 18 17. On February 27, 1987, the Governor of California added Lead to the list of chemicals
19 known to the State to cause developmental and reproductive toxicity (*Cal. Code Regs.*
20 tit. 27, § 27001(c)). Lead is known to the State to cause developmental, female, and
21 male reproductive toxicity. Pursuant to Health and Safety Code Sections 25249.9 and
22 25249.10, twenty (20) months after addition of Lead to the list of chemicals known to
the State to cause developmental and reproductive toxicity, Lead became fully subject to
Proposition 65 warning requirements and discharge prohibitions.

SATISFACTION OF PRIOR NOTICE

18. Plaintiff served the following notices for alleged violations of Health and Safety Code Section 25249.6, concerning consumer products exposures:

- a. On or about August 11, 2025, Plaintiff gave notice of alleged violations of Health and Safety Code Section 25249.6, concerning consumer products exposures subject to a private action to BRISTOL, and to the California Attorney General, County District Attorneys, and City Attorneys for each city containing a population of at least 750,000 people in whose jurisdictions the violations allegedly occurred, concerning the Sea Moss.

b. On or about August 18, 2025, Plaintiff gave notice of alleged violations of Health and Safety Code Section 25249.6, concerning consumer products exposures subject to a private action to BRISTOL, and to the California Attorney General, County District Attorneys, and City Attorneys for each city containing a population of at least 750,000 people in whose jurisdictions the violations allegedly occurred, concerning the Sea Moss.

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

20. Plaintiff's notice of alleged violation included a Certificate of Merit executed by the attorney for the noticing party, CAG. The Certificate of Merit stated that the attorney for Plaintiff who executed the certificate had consulted with at least one person with relevant and appropriate expertise who reviewed data regarding the exposures to Lead, the subject Proposition 65-listed chemical of this action. Based on that information, the attorney for Plaintiff who executed the Certificate of Merit believed there was a

1 reasonable and meritorious case for this private action. The attorney for Plaintiff
2 attached to the Certificate of Merit served on the Attorney General the confidential
3 factual information sufficient to establish the basis of the Certificate of Merit.

- 4
- 5 21. Plaintiff's notice of alleged violations also included a Certificate of Service and a
6 document entitled "The Safe Drinking Water & Toxic Enforcement Act of 1986
7 (Proposition 65) A Summary." *Health & Safety Code* § 25249.7(d).
- 8 22. Plaintiff is commencing this action more than sixty (60) days from the dates that Plaintiff
9 gave notice of the alleged violations to BRISTOL, and the public prosecutors referenced
10 in Paragraph 18.
- 11 23. Plaintiff is informed, believes, and thereon alleges that neither the Attorney General, nor
12 any applicable district attorney or city attorney has commenced and is diligently
13 prosecuting an action against the Defendants.

14 **FIRST CAUSE OF ACTION**

15 (By CONSUMER ADVOCACY GROUP, INC. and against BRISTOL, and DOES
16 1-10 for Violations of Proposition 65, The Safe Drinking Water and Toxic
17 Enforcement Act of 1986 (*Health & Safety Code*, §§ 25249.5, et seq.))

18 **Seaweed I**

- 19 24. Plaintiff repeats and incorporates by reference paragraphs 1 through 23 of this complaint
20 as though fully set forth herein.
- 21 25. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
22 distributor, promoter, or retailer of Sea Moss ("Sea Moss I").
- 23 26. Sea Moss I contains Lead.
- 24 27. Defendants knew or should have known that Lead has been identified by the State of
25 California as a chemical known to cause cancer, reproductive toxicity, and
26 developmental toxicity and therefore was subject to Proposition 65 warning

1 requirements. Defendants were also informed of the presence of Lead in Sea Moss I
2 within Plaintiff's notice of alleged violations further discussed above at Paragraph 18b.

3 28. Plaintiff's allegations regarding Sea Moss I concerns “[c]onsumer products exposure[s],”
4 which “is an exposure that results from a person’s acquisition, purchase, storage,
5 consumption, or other reasonably foreseeable use of a consumer good, or any exposure
6 that results from receiving a consumer service.” *Cal. Code Regs.* tit. 27, § 25602(b).
7 Sea Moss I are consumer products, and, as mentioned herein, exposures to Lead took
place as a result of such normal and foreseeable consumption and use.

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

30. The principal routes of exposure are through ingestion, especially direct (oral) ingestion.

Persons sustain exposures by eating and consuming Sea Moss I..

31. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of Proposition 65 as to Sea Moss I have been ongoing and continuous, as Defendants engaged and continue to engage in conduct which violates Health and Safety Code Section 25249.6, including the manufacture, distribution, promotion, and sale of Sea Moss I, so that a separate and distinct violation of Proposition 65 occurred each and every time a person was exposed to Lead by Sea Moss I as mentioned herein.

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

33. Based on the allegations herein, Defendants are liable for civil penalties of up to \$2,500.00 per day per individual exposure to Lead from Sea Moss I, pursuant to Health and Safety Code Section 25249.7(b).

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

SECOND CAUSE OF ACTION

**(By CONSUMER ADVOCACY GROUP, INC. and against BRISTOL, and DOES
11-20 for Violations of Proposition 65, The Safe Drinking Water and Toxic
Enforcement Act of 1986 (*Health & Safety Code*, §§ 25249.5, et seq.))**

Seaweed II

35. Plaintiff repeats and incorporates by reference paragraphs 1 through 23 of this complaint as though fully set forth herein.

36. Each of the Defendants is, and at all times mentioned herein was, a manufacturer, distributor, promoter, or retailer of Sea Moss ("Sea Moss II") identified as: "THE FOOD MOVEMENT"; "ORGANIC IRISH SEA MOSS SUPER FOOD POWDER";

1 "Distributed by The Food Movment Natural Products Company"; "EXP: 10/2027";
2 "SKU #3358"; "UPC 848181033581".

3 37. Sea Moss II contains Lead.

4 38. Defendants knew or should have known that Lead has been identified by the State of
5 California as a chemical known to cause cancer, reproductive toxicity, and
6 developmental toxicity and therefore was subject to Proposition 65 warning
7 requirements. Defendants were also informed of the presence of Lead in Sea Moss II
8 within Plaintiff's notice of alleged violations further discussed above at Paragraph 18a.

9 39. Plaintiff's allegations regarding Sea Moss II concerns “[c]onsumer products
10 exposure[s],” which “is an exposure that results from a person’s acquisition, purchase,
11 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
12 exposure that results from receiving a consumer service.” *Cal. Code Regs.* tit. 27, §
13 25602(b). Sea Moss II are consumer products, and, as mentioned herein, exposures to
14 Lead took place as a result of such normal and foreseeable consumption and use.

15 40. Plaintiff is informed, believes, and thereon alleges that between August 11, 2022 and the
16 present, each of the Defendants knowingly and intentionally exposed California
17 consumers and users of Sea Moss II, which Defendants manufactured, distributed, or
18 sold as mentioned above, to Lead, without first providing any type of clear and
19 reasonable warning of such to the exposed persons before the time of exposure.

20 Defendants have distributed and sold Sea Moss II in California. Defendants know and
21 intend that California consumers will use and consume Sea Moss II, thereby exposing
22 them to Lead. Further, Plaintiff is informed, believes, and thereon alleges that
Defendants are selling Sea Moss II under a brand or trademark that is owned or licensed
by the Defendants or an entity affiliated thereto; have knowingly introduced Lead into

1 Sea Moss II or knowingly caused Lead to be created in Sea Moss II; have covered,
2 obscured or altered a warning label that has been affixed to Sea Moss II by the
3 manufacturer, producer, packager, importer, supplier or distributor of Sea Moss II; have
4 received a notice and warning materials for exposure from Sea Moss II without
5 conspicuously posting or displaying the warning materials; and/or have actual
6 knowledge of potential exposure to Lead from Sea Moss II. Defendants thereby violated
7 Proposition 65.

- 8 41. The principal routes of exposure are through ingestion, especially direct (oral) ingestion.
9 Persons sustain exposures by eating and consuming Sea Moss II.
- 10 42. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
11 Proposition 65 as to Sea Moss II have been ongoing and continuous, as Defendants
12 engaged and continue to engage in conduct which violates Health and Safety Code
13 Section 25249.6, including the manufacture, distribution, promotion, and sale of Sea
14 Moss I, so that a separate and distinct violation of Proposition 65 occurred each and
15 every time a person was exposed to Lead by Sea Moss II as mentioned herein.
- 16 43. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
17 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
18 violations alleged herein will continue to occur into the future.
- 19 44. Based on the allegations herein, Defendants are liable for civil penalties of up to
20 \$2,500.00 per day per individual exposure to Lead from Sea Moss II, pursuant to Health
21 and Safety Code Section 25249.7(b).
- 22 45. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
23 filing this Complaint.

PRAYER FOR RELIEF

Plaintiff demands against each of the Defendants as follows:

1. A permanent injunction mandating Proposition 65-compliant warnings;
 2. Penalties pursuant to Health and Safety Code Section 25249.7, subdivision (b);
 3. Costs of suit;
 4. Reasonable attorney fees and costs; and
 5. Any further relief that the court may deem just and equitable.

Dated: January 15, 2026

YEROUSHALMI & YEROUSHALMI*

/s/ Reuben Yeroushalmi
Reuben Yeroushalmi
Attorneys for Plaintiff,
CONSUMER ADVOCACY GROUP, INC.