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County of Alameda
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7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

8 **COUNTY OF ALAMEDA**

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

CASE NO. **26CV164709**

11 Plaintiff,
12 v.
13 WAL-MART.COM USA, LLC, a California
14 Limited Liability Company;
15 WALMART INC., a Delaware Corporation;
16 and DOES 1-40,
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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 four causes of action
against defendants WAL-MART.COM USA, LLC; WALMART INC; and DOES 1-40 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 WAL-MART.COM USA, LLC (“WAL-MART.COM”) is a California Limited Liability Company, qualified to do business in California, and doing business in the State of California at all relevant times herein.
3. Defendant WALMART, INC. (“WALMART”) is a Delaware Corporation, qualified to do business in California, and doing business in the State of California at all relevant times herein.
4. Plaintiff is presently unaware of the true names and capacities of defendants DOES 1-40, 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.
5. At all times mentioned herein, the term “Defendants” includes WAL-MART.COM, WALMART, and DOES 1-40.
6. 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.
7. Upon information and belief, at all times relevant to this action, each of the Defendants, including DOES 1-40, was an agent, servant, or employee of each of the other

1 Defendants. In conducting the activities alleged in this Complaint, each of the
2 Defendants was acting within the course and scope of this agency, service, or
3 employment, and was acting with the consent, permission, and authorization of each of
4 the other Defendants. All actions of each of the Defendants alleged in this Complaint
5 were ratified and approved by every other Defendant or their officers or managing
6 agents. Alternatively, each of the Defendants aided, conspired with and/or facilitated the
7 alleged wrongful conduct of each of the other Defendants.

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

12 **JURISDICTION**

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

18 10. This Court has jurisdiction over Defendants named herein because Defendants either
19 reside or are located in this State or are foreign corporations authorized to do business in
20 California, are registered with the California Secretary of State, or who do sufficient
21 business in California, have sufficient minimum contacts with California, or otherwise
22 intentionally avail themselves of the markets within California through their
23 manufacture, distribution, promotion, marketing, or sale of their products within

1 California to render the exercise of jurisdiction by the California courts permissible
2 under traditional notions of fair play and substantial justice.

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

7 **BACKGROUND AND PRELIMINARY FACTS**

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

17 13. Proposition 65 requires the Governor of California to publish a list of chemicals known
18 to the state to cause cancer, birth defects, or other reproductive harm. *Health & Safety*
19 *Code* § 25249.8. The list, which the Governor updates at least once a year, contains over
20 700 chemicals and chemical families. Proposition 65 imposes warning requirements and
21 other controls that apply to Proposition 65-listed chemicals.

22 14. All businesses with ten (10) or more employees that operate or sell products in California
23 must comply with Proposition 65. Under Proposition 65, businesses are: (1) prohibited
24 from knowingly discharging Proposition 65-listed chemicals into sources of drinking

1 water (*Health & Safety Code* § 25249.5), and (2) required to provide "clear and
2 reasonable" warnings before exposing a person, knowingly and intentionally, to a
3 Proposition 65-listed chemical (*Health & Safety Code* § 25249.6).

4 15. Proposition 65 provides that any person "violating or threatening to violate" the statute
5 may be enjoined in any court of competent jurisdiction. *Health & Safety Code* §
6 25249.7. "Threaten to violate" means "to create a condition in which there is a
7 substantial probability that a violation will occur." *Health & Safety Code* § 25249.11(e).
8 Defendants are also liable for civil penalties of up to \$2,500.00 per day per violation,
9 recoverable in a civil action. *Health & Safety Code* § 25249.7(b).

10 16. Plaintiff identified certain practices of manufacturers and distributors of Chat Masala and
11 Black Fungus of exposing, knowingly and intentionally, persons in California Lead and
12 Lead Compounds of such products without first providing clear and reasonable warnings
13 of such to the exposed persons prior to the time of exposure. Plaintiff later discerned
14 that Defendants engaged in such practice.

15 17. On October 1, 1992, the Governor of California added Lead and Lead Compounds
16 ("Lead") to the list of chemicals known to the State to cause cancer (*Cal. Code Regs.* tit.
17 27, § 27001(b)). Pursuant to Health and Safety Code Sections 25249.9 and 25249.10,
18 twenty (20) months after addition of Lead to the list of chemicals known to the State to
19 cause cancer, Lead became fully subject to Proposition 65 warning requirements and
20 discharge prohibitions.

21 18. On February 27, 1987, the Governor of California added Lead to the list of chemicals
22 known to the State to cause developmental and reproductive toxicity (*Cal. Code Regs.*
23 tit. 27, § 27001(c)). Lead is known to the State to cause developmental, female, and
24 male reproductive toxicity. Pursuant to Health and Safety Code Sections 25249.9 and

1 25249.10, twenty (20) months after addition of Lead to the list of chemicals known to
2 the State to cause developmental and reproductive toxicity, Lead became fully subject to
3 Proposition 65 warning requirements and discharge prohibitions.

4 **SATISFACTION OF PRIOR NOTICE**

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

7 a. On or about September 5, 2025, Plaintiff gave notice of alleged violations of
8 Health and Safety Code Section 25249.6, concerning consumer products
9 exposures subject to a private action to WAL-MART.COM, WALMART, and
10 to the California Attorney General, County District Attorneys, and City
11 Attorneys for each city containing a population of at least 750,000 people in
12 whose jurisdictions the violations allegedly occurred, concerning the Chat
13 Masala.

14 b. On or about September 12, 2025, Plaintiff gave notice of alleged violations of
15 Health and Safety Code Section 25249.6, concerning consumer products
16 exposures subject to a private action to WAL-MART.COM, WALMART, and
17 to the California Attorney General, County District Attorneys, and City
18 Attorneys for each city containing a population of at least 750,000 people in
19 whose jurisdictions the violations allegedly occurred, concerning the Chat
20 Masala.

21 c. On or about August 11, 2025, Plaintiff gave notice of alleged violations of
22 Health and Safety Code Section 25249.6, concerning consumer products
23 exposures subject to a private action to WAL-MART.COM, WALMART, and
24 to the California Attorney General, County District Attorneys, and City

1 Attorneys for each city containing a population of at least 750,000 people in
2 whose jurisdictions the violations allegedly occurred, concerning the Black
3 Fungus.

4 d. On or about August 18, 2025, Plaintiff gave notice of alleged violations of
5 Health and Safety Code Section 25249.6, concerning consumer products
6 exposures subject to a private action to WAL-MART.COM, WALMART, and
7 to the California Attorney General, County District Attorneys, and City
8 Attorneys for each city containing a population of at least 750,000 people in
9 whose jurisdictions the violations allegedly occurred, concerning the Black
10 Fungus.

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

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

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

4 23. Plaintiff is commencing this action more than sixty (60) days from the dates that Plaintiff
5 gave notice of the alleged violations to WAL-MART.COM, WALMART, and the public
6 prosecutors referenced in Paragraph 19.

7 24. Plaintiff is informed, believes, and thereon alleges that neither the Attorney General, nor
8 any applicable district attorney or city attorney has commenced and is diligently
9 prosecuting an action against the Defendants.

10 **FIRST CAUSE OF ACTION**

11 (By CONSUMER ADVOCACY GROUP, INC. and against WAL-MART.COM,
12 WALMART, and DOES 1-10 for Violations of Proposition 65, The Safe Drinking
13 Water and Toxic Enforcement Act of 1986 (*Health & Safety Code*, §§ 25249.5, et
seq.))
Spices I

14 25. Plaintiff repeats and incorporates by reference paragraphs 1 through 24 of this complaint
15 as though fully set forth herein.

16 26. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
17 distributor, promoter, or retailer of Chat Masala ("Chat Masala I").

18 27. Chat Masala I contains Lead.

19 28. Defendants knew or should have known that Lead has been identified by the State of
20 California as a chemical known to cause cancer and reproductive toxicity, and therefore
21 was subject to Proposition 65 warning requirements. Defendants were also informed of
22 the presence of Lead in Chat Masala I within Plaintiff's notice of alleged violations
23 further discussed above at Paragraphs 19b.

24 29. Plaintiff's allegations regarding Chat Masala I concerns "[c]onsumer products
25 exposure[s]," which "is an exposure that results from a person's acquisition, purchase,

1 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
2 exposure that results from receiving a consumer service.” *Cal. Code Regs.* tit. 27, §
3 25602(b). Chat Masala I are consumer products, and, as mentioned herein, exposures to
4 Lead took place as a result of such normal and foreseeable consumption and use.

5 30. Plaintiff is informed, believes, and thereon alleges that between September 12, 2022 and
6 the present, each of the Defendants knowingly and intentionally exposed California
7 consumers and users of Chat Masala I, which Defendants manufactured, distributed, or
8 sold as mentioned above, to Lead, without first providing any type of clear and
9 reasonable warning of such to the exposed persons before the time of exposure.

10 Defendants have distributed and sold Chat Masala I in California. Defendants know and
11 intend that California consumers will use and consume Chat Masala I, thereby exposing
12 them to Lead. Further, Plaintiff is informed, believes, and thereon alleges that
13 Defendants have covered, obscured or altered a warning label that has been affixed to
14 Chat Masala I by the manufacturer, producer, packager, importer, supplier or distributor
15 of Chat Masala I; have received a notice and warning materials for exposure from Chat
16 Masala I without conspicuously posting or displaying the warning materials; and/or have
17 actual knowledge of potential exposure to Lead from Chat Masala I. Defendants thereby
18 violated Proposition 65.

19 31. The principal routes of exposure are through ingestion, especially direct (oral) ingestion.
20 Persons sustain exposures by eating and consuming Chat Masala I.

21 32. Plaintiff is informed, believes, and thereon alleges that each of Defendants’ violations of
22 Proposition 65 as to Chat Masala I have been ongoing and continuous, as Defendants
23 engaged and continue to engage in conduct which violates Health and Safety Code
24 Section 25249.6, including the manufacture, distribution, promotion, and sale of Chat

Masala I, so that a separate and distinct violation of Proposition 65 occurred each and every time a person was exposed to Lead by Chat Masala I as mentioned herein.

33. 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.

34. 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 Chat Masala I, pursuant to Health and Safety Code Section 25249.7(b).

35. 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 WAL-MART.COM, WALMART, 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.*))

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

37. Each of the Defendants is, and at all times mentioned herein was, a manufacturer, distributor, promoter, or retailer of Chat Masala (“Chat Masala II”) identified as: “Badshah”; “(Seasoning Mix) Chat Masala”; “Mfd. & Mkt. By: Badshah MASALA PVT. LTD.”; “Imported By: Gurudev Imports Inc.”; “Dt. Of Pkg.: 11 AUG 2024”; “Best Before: 10 AUG 2026”; “Batch No: A11HWBRN”; “UPC 8901774002134”.

- a. The scope of this cause of action is limited to the specific lot number and/or batch number; Batch No; A11HWBRN.

38. Chat Masala II contains Lead.

39. Defendants knew or should have known that Lead has been identified by the State of California as a chemical known to cause cancer and reproductive toxicity, and therefore was subject to Proposition 65 warning requirements. Defendants were also informed of the presence of Lead in Chat Masala II within Plaintiff's notice of alleged violations further discussed above at Paragraphs 19a.

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

41. Plaintiff is informed, believes, and thereon alleges that between September 5, 2022 and the present, each of the Defendants knowingly and intentionally exposed California consumers and users of Chat Masala II, which Defendants manufactured, distributed, or sold as mentioned above, to Lead, without first providing any type of clear and reasonable warning of such to the exposed persons before the time of exposure.

Defendants have distributed and sold Chat Masala II in California. Defendants know and intend that California consumers will use and consume Chat Masala II, thereby exposing them to Lead. Further, Plaintiff is informed, believes, and thereon alleges that Defendants have covered, obscured or altered a warning label that has been affixed to Chat Masala II by the manufacturer, producer, packager, importer, supplier or distributor of Chat Masala II; have received a notice and warning materials for exposure from Chat Masala II without conspicuously posting or displaying the warning materials; and/or

1 have actual knowledge of potential exposure to Lead from Chat Masala II. Defendants
2 thereby violated Proposition 65.

3 42. The principal routes of exposure are through ingestion, especially direct (oral) ingestion.
4 Persons sustain exposures by eating and consuming Chat Masala II.

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

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

14 45. Based on the allegations herein, Defendants are liable for civil penalties of up to
15 \$2,500.00 per day per individual exposure to Lead from Chat Masala II, pursuant to
16 Health and Safety Code Section 25249.7(b).

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

19 **THIRD CAUSE OF ACTION**

20 **(By CONSUMER ADVOCACY GROUP, INC. and against WAL-MART.COM,
21 WALMART, and DOES 21-30 for Violations of Proposition 65, The Safe Drinking
22 Water and Toxic Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et
seq.*))**

23 **Mushrooms I**

24 47. Plaintiff repeats and incorporates by reference paragraphs 1 through 46 of this complaint
as though fully set forth herein.

48. Each of the Defendants is, and at all times mentioned herein was, a manufacturer, distributor, promoter, or retailer of Black Fungus I (“Black Fungus I”).

49. Black Fungus I contains Lead.

50. Defendants knew or should have known that Lead has been identified by the State of California as a chemical known to cause cancer and reproductive toxicity, and therefore was subject to Proposition 65 warning requirements. Defendants were also informed of the presence of Lead in Black Fungus I within Plaintiff's notice of alleged violations further discussed above at Paragraphs 19d.

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

52. Plaintiff is informed, believes, and thereon alleges that between August 18, 2022 and the present, each of the Defendants knowingly and intentionally exposed California

consumers and users of Black Fungus I, which Defendants manufactured, distributed, or sold as mentioned above, to Lead, without first providing any type of clear and reasonable warning of such to the exposed persons before the time of exposure.

Defendants have distributed and sold Black Fungus I in California. Defendants know

and intend that California consumers will use and consume Black Fungus I, thereby exposing them to Lead. Further, Plaintiff is informed, believes, and thereon alleges that Defendants have covered, obscured or altered a warning label that has been affixed to Black Fungus I by the manufacturer, producer, packager, importer, supplier or distributor.

1 of Black Fungus I; have received a notice and warning materials for exposure from
2 Black Fungus I without conspicuously posting or displaying the warning materials;
3 and/or have actual knowledge of potential exposure to Lead from Black Fungus I.
4 Defendants thereby violated Proposition 65.

5 53. The principal routes of exposure are through ingestion, especially direct (oral) ingestion.
6 Persons sustain exposures by eating and consuming Black Fungus I.

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

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

16 56. Based on the allegations herein, Defendants are liable for civil penalties of up to
17 \$2,500.00 per day per individual exposure to Lead from Black Fungus I, pursuant to
18 Health and Safety Code Section 25249.7(b).

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

21 **FOURTH CAUSE OF ACTION**

22 **(By CONSUMER ADVOCACY GROUP, INC. and against WAL-MART.COM,
23 WALMART, and DOES 31-40 for Violations of Proposition 65, The Safe Drinking
24 Water and Toxic Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et
seq.*))**

25 **Mushrooms II**

1 58. Plaintiff repeats and incorporates by reference paragraphs 1 through 57 of this complaint
2 as though fully set forth herein.

3 59. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
4 distributor, promoter, or retailer of Black Fungus ("Black Fungus II") identified as:
5 "ORG Nisulmte"; "Dried Premium Black Fungus"; "Vegan"; "Nothing Added"; "Net Wt.
6 5.29 oz (150 g)"; "Distributed By: NutriFoods, Inc"; "Best Before: 12/23/2026";
7 "B08G5ZGDZ4".

8 60. Black Fungus II contains Lead.

9 61. Defendants knew or should have known that Lead has been identified by the State of
10 California as a chemical known to cause cancer and reproductive toxicity, and therefore
11 was subject to Proposition 65 warning requirements. Defendants were also informed of
12 the presence of Lead in Black Fungus II within Plaintiff's notice of alleged violations
13 further discussed above at Paragraphs 19c.

14 62. Plaintiff's allegations regarding Black Fungus II concerns "[c]onsumer products
15 exposure[s]," which "is an exposure that results from a person's acquisition, purchase,
16 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
17 exposure that results from receiving a consumer service." *Cal. Code Regs.* tit. 27, §
18 25602(b). Black Fungus II are consumer products, and, as mentioned herein, exposures
19 to Lead took place as a result of such normal and foreseeable consumption and use.

20 63. Plaintiff is informed, believes, and thereon alleges that between August 11, 2022 and the
21 present, each of the Defendants knowingly and intentionally exposed California
22 consumers and users of Black Fungus II, which Defendants manufactured, distributed, or
23 sold as mentioned above, to Lead, without first providing any type of clear and
24 reasonable warning of such to the exposed persons before the time of exposure.

1 Defendants have distributed and sold Black Fungus II in California. Defendants know
2 and intend that California consumers will use and consume Black Fungus II, thereby
3 exposing them to Lead. Further, Plaintiff is informed, believes, and thereon alleges that
4 Defendants have covered, obscured or altered a warning label that has been affixed to
5 Black Fungus II by the manufacturer, producer, packager, importer, supplier or
6 distributor of Black Fungus II; have received a notice and warning materials for
7 exposure from Black Fungus II without conspicuously posting or displaying the warning
8 materials; and/or have actual knowledge of potential exposure to Lead from Black
9 Fungus II. Defendants thereby violated Proposition 65.

10 64. The principal routes of exposure are through ingestion, especially direct (oral) ingestion.
11 Persons sustain exposures by eating and consuming Black Fungus II.

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

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

21 67. Based on the allegations herein, Defendants are liable for civil penalties of up to
22 \$2,500.00 per day per individual exposure to Lead from Black Fungus II, pursuant to
23 Health and Safety Code Section 25249.7(b).

68. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to 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 14, 2026

YEROUSHALMI & YEROUSHALMI*

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