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8  
9 Attorneys for Plaintiff,  
10 CONSUMER ADVOCACY GROUP, INC.

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

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

13 Plaintiff,

14 v.

15 FRASIER STERLING, INC., a California  
16 Corporation;  
17 THE TJX COMPANIES, INC., a Delaware  
18 Corporation;  
19 MARSHALLS OF CA, LLC, a California  
20 Limited Liability Company;  
21 and DOES 1-20,

22 Defendants.

CASE NO. **26STCV03706**

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)

25 Plaintiff CONSUMER ADVOCACY GROUP, INC. alleges two causes of action  
26 against defendants FRASIER STERLING, INC.; THE TJX COMPANIES, INC.;  
27 MARSHALLS OF CA, LLC ; and DOES 1-20 as follows:  
28

**THE PARTIES**

- 1  
2 1. Plaintiff CONSUMER ADVOCACY GROUP, INC. (“Plaintiff” or “CAG”) is an  
3 organization qualified to do business in the State of California. CAG is a person within  
4 the meaning of Health and Safety Code Section 25249.11, subdivision (a). CAG, acting  
5 as a private attorney general, brings this action in the public interest as defined under  
6 Health and Safety Code Section 25249.7, subdivision (d).
- 7 2. Defendant FRASIER STERLING, INC. (“FRASIER STERLING”) is a California  
8 Corporation, qualified to do business in California, and doing business in the State of  
9 California at all relevant times herein.
- 10 3. Defendant THE TJX COMPANIES, INC (“TJX”) is a Delaware Corporation, qualified  
11 to do business in California, and doing business in the State of California at all relevant  
12 times herein.
- 13 4. Defendant MARSHALLS OF CA, LLC (“MARSHALLS”) is a California Limited  
14 Liability Company, qualified to do business in California, and doing business in the State  
15 of California at all relevant times herein.
- 16 5. Plaintiff is presently unaware of the true names and capacities of defendants DOES 1-20,  
17 and therefore sues these defendants by such fictitious names. Plaintiff will amend this  
18 Complaint to allege their true names and capacities when ascertained. Plaintiff is  
19 informed, believes, and thereon alleges that each fictitiously named defendant is  
20 responsible in some manner for the occurrences herein alleged and the damages caused  
21 thereby.
- 22 6. At all times mentioned herein, the term “Defendants” includes FRASIER STERLING,  
23 TJX, MARSHALLS, and DOES 1-20.
- 24 7. Plaintiff is informed and believes, and thereon alleges that each of the Defendants at all  
25 times mentioned herein have conducted business within the State of California.
- 26 8. Upon information and belief, at all times relevant to this action, each of the Defendants,  
27 including DOES 1-20, was an agent, servant, or employee of each of the other  
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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 9. 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 10. 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 11. 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  
24 California to render the exercise of jurisdiction by the California courts permissible  
25 under traditional notions of fair play and substantial justice.
- 26 12. Venue is proper in the County of Los Angeles because one or more of the instances of  
27 wrongful conduct occurred, and continues to occur, in the County of Los Angeles and/or  
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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 13. 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 14. 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 15. 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  
23 Proposition 65-listed chemical (*Health & Safety Code* § 25249.6).

24 16. Proposition 65 provides that any person "violating or threatening to violate" the statute  
25 may be enjoined in any court of competent jurisdiction. *Health & Safety Code* §  
26 25249.7. "Threaten to violate" means "to create a condition in which there is a  
27 substantial probability that a violation will occur." *Health & Safety Code* § 25249.11(e).

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1 Defendants are also liable for civil penalties of up to \$2,500.00 per day per violation,  
2 recoverable in a civil action. *Health & Safety Code* § 25249.7(b).

3 17. Plaintiff identified certain practices of manufacturers and distributors of Travel  
4 Accessories of exposing, knowingly and intentionally, persons in California to Diethyl  
5 Hexyl Phthalate and Di (2-ethylhexyl) phthalate and Diisononyl Phthalate of such  
6 products without first providing clear and reasonable warnings of such to the exposed  
7 persons prior to the time of exposure. Plaintiff later discerned that Defendants engaged  
8 in such practice.

9 18. On January 1, 1988, the Governor of California added Diethyl Hexyl Phthalate and Di  
10 (2-ethylhexyl) phthalate (“DEHP”) to the list of chemicals known to the State to cause  
11 cancer, (*Cal. Code Regs.* tit. 27, § 27001(b)) and on October 24, 2003, the Governor  
12 added DEHP to the list of chemicals known to the State to cause developmental male  
13 reproductive toxicity (*Cal. Code Regs.* tit. 27, § 27001(c)). Pursuant to Health and  
14 Safety Code sections 25249.9 and 25249.10, twenty (20) months after addition of DEHP  
15 to the list of chemicals known to the State to cause reproductive toxicity, DEHP became  
16 fully subject to Proposition 65 warning requirements and discharge prohibitions.

17 19. On December 20, 2013, the Governor of California added Diisononyl Phthalate  
18 (“DINP”) to the list of chemicals known to the State to cause cancer (*Cal. Code Regs.* tit.  
19 27, § 27001(b)). Pursuant to Health and Safety Code sections 25249.9 and 25249.10,  
20 twenty (20) months after addition of DINP to the list of chemicals known to the State to  
21 cause cancer, DINP became fully subject to Proposition 65 warning requirements and  
22 discharge prohibitions.

### 23 SATISFACTION OF PRIOR NOTICE

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

- 26 a. On or about September 5, 2025, Plaintiff gave notice of alleged violations of  
27 Health and Safety Code Section 25249.6, concerning consumer products

1 exposures subject to a private action to FRASIER STERLING, TJX, and to the  
2 California Attorney General, County District Attorneys, and City Attorneys for  
3 each city containing a population of at least 750,000 people in whose  
4 jurisdictions the violations allegedly occurred, concerning the Luggage Tags.

5 b. On or about September 5, 2025, Plaintiff gave notice of alleged violations of  
6 Health and Safety Code Section 25249.6, concerning consumer products  
7 exposures subject to a private action to FRASIER STERLING, TJX,  
8 MARSHALLS, and to the California Attorney General, County District  
9 Attorneys, and City Attorneys for each city containing a population of at least  
10 750,000 people in whose jurisdictions the violations allegedly occurred,  
11 concerning the Travel Bags.

12 c. On or about September 12, 2025, Plaintiff gave notice of alleged violations of  
13 Health and Safety Code Section 25249.6, concerning consumer products  
14 exposures subject to a private action to FRASIER STERLING, TJX, and to the  
15 California Attorney General, County District Attorneys, and City Attorneys for  
16 each city containing a population of at least 750,000 people in whose  
17 jurisdictions the violations allegedly occurred, concerning the Luggage Tags.

18 d. On or about September 12, 2025, Plaintiff gave notice of alleged violations of  
19 Health and Safety Code Section 25249.6, concerning consumer products  
20 exposures subject to a private action to FRASIER STERLING, TJX,  
21 MARSHALLS, and to the California Attorney General, County District  
22 Attorneys, and City Attorneys for each city containing a population of at least  
23 750,000 people in whose jurisdictions the violations allegedly occurred,  
24 concerning the Travel Bags.

25 21. Before sending the notice of alleged violations, Plaintiff investigated the consumer  
26 products involved, the likelihood that such products would cause users to suffer  
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1 significant exposures to DEHP and DINP, and the corporate structure of each of the  
2 Defendants.

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

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

16 24. Plaintiff is commencing this action more than sixty (60) days from the dates that Plaintiff  
17 gave notice of the alleged violations to FRASIER STERLING, TJX, MARSHALLS, and  
18 the public prosecutors referenced in Paragraph 20.

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

22 **FIRST CAUSE OF ACTION**

23 **(By CONSUMER ADVOCACY GROUP, INC. and against FRASIER**  
24 **STERLING, TJX, and DOES 1-10 for Violations of Proposition 65, The Safe**  
25 **Drinking Water and Toxic Enforcement Act of 1986 (*Health & Safety Code*, §§**  
26 **25249.5, *et seq.*))**

27 **Travel Accessories I**

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

3 27. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
4 distributor, promoter, or retailer of Luggage Tags including but not limited to: “Frasier  
5 Sterling”; “LUGGAGE TAGS”; “SET OF 2”; “74-9315-619796-000599-15-1”.

6 28. Luggage Tags contains DEHP and DINP.

7 29. Defendants knew or should have known that DEHP and DINP have been identified by  
8 the State of California as chemicals known to cause cancer and reproductive toxicity, and  
9 therefore was subject to Proposition 65 warning requirements. Defendants were also  
10 informed of the presence of DEHP and DINP in Luggage Tags within Plaintiff’s notice  
11 of alleged violations further discussed above at Paragraphs 20a, 20c.

12 30. Plaintiff’s allegations regarding Luggage Tags concerns “[c]onsumer products  
13 exposure[s],” which “is an exposure that results from a person’s acquisition, purchase,  
14 storage, consumption, or other reasonably foreseeable use of a consumer good, or any  
15 exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, §*  
16 *25602(b)*. Luggage Tags are consumer products, and, as mentioned herein, exposures to  
17 DEHP and DINP took place as a result of such normal and foreseeable consumption and  
18 use.

19 31. Plaintiff is informed, believes, and thereon alleges that between September 5, 2022 and  
20 the present, each of the Defendants knowingly and intentionally exposed California  
21 consumers and users of Luggage Tags, which Defendants manufactured, distributed, or  
22 sold as mentioned above, to DEHP and DINP, without first providing any type of clear  
23 and reasonable warning of such to the exposed persons before the time of exposure.  
24 Defendants have distributed and sold Luggage Tags in California. Defendants know and  
25 intend that California consumers will use and consume Luggage Tags, thereby exposing  
26 them to DEHP and DINP. Further, Plaintiff is informed, believes, and thereon alleges  
27 that Defendants have covered, obscured or altered a warning label that has been affixed  
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1 to Luggage Tags by the manufacturer, producer, packager, importer, supplier or  
2 distributor of Luggage Tags; have received a notice and warning materials for exposure  
3 from Luggage Tags without conspicuously posting or displaying the warning materials;  
4 and/or have actual knowledge of potential exposure to DEHP and DINP from Luggage  
5 Tags. Defendants thereby violated Proposition 65.

6 32. The principal routes of exposure are through dermal contact, ingestion and inhalation.  
7 Persons sustain exposures by handling Luggage Tags without wearing gloves or any  
8 other personal protective equipment, or by touching bare skin or mucous membranes  
9 with gloves after handling Luggage Tags, as well as through direct and indirect hand to  
10 mouth contact, hand to mucous membrane, or breathing in particulate matter dispersed  
11 from Luggage Tags.

12 33. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of  
13 Proposition 65 as to Luggage Tags 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  
16 Luggage Tags, so that a separate and distinct violation of Proposition 65 occurred each  
17 and every time a person was exposed to DEHP and DINP by Luggage Tags as  
18 mentioned herein.

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

22 35. Based on the allegations herein, Defendants are liable for civil penalties of up to  
23 \$2,500.00 per day per individual exposure to DEHP and DINP from Luggage Tags,  
24 pursuant to Health and Safety Code Section 25249.7(b).

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

1 **SECOND CAUSE OF ACTION**

2 **(By CONSUMER ADVOCACY GROUP, INC. and against FRASIER**  
3 **STERLING, TJX, MARSHALLS, and DOES 11-20 for Violations of Proposition**  
4 **65, The Safe Drinking Water and Toxic Enforcement Act of 1986 (*Health & Safety***  
5 ***Code, §§ 25249.5, et seq.))***

6 **Travel Accessories II**

7 37. Plaintiff repeats and incorporates by reference paragraphs 1 through 25 of this complaint  
8 as though fully set forth herein.

9 38. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
10 distributor, promoter, or retailer of Travel Bags including but not limited to: “Frasier  
11 Sterling”; “TRAVEL BAGS”; “SET OF 2”; “9 IN. X 6 IN.”; “7492 – 9230 – 746916 –  
12 AX65”.

13 39. Travel Bags contains DEHP.

14 40. Defendants knew or should have known that DEHP has been identified by the State of  
15 California as a chemical known to cause cancer and reproductive toxicity, and therefore  
16 was subject to Proposition 65 warning requirements. Defendants were also informed of  
17 the presence of relevant chemical in Travel Bags within Plaintiff’s notice of alleged  
18 violations further discussed above at Paragraphs 20b, 20d.

19 41. Plaintiff’s allegations regarding Travel Bags concerns “[c]onsumer products  
20 exposure[s],” which “is an exposure that results from a person’s acquisition, purchase,  
21 storage, consumption, or other reasonably foreseeable use of a consumer good, or any  
22 exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, §*  
23 *25602(b)*. Travel Bags are consumer products, and, as mentioned herein, exposures to  
24 DEHP took place as a result of such normal and foreseeable consumption and use.

25 42. Plaintiff is informed, believes, and thereon alleges that between September 5, 2022 and  
26 the present, each of the Defendants knowingly and intentionally exposed California  
27 consumers and users of Travel Bags, which Defendants manufactured, distributed, or  
28 sold as mentioned above, to DEHP, without first providing any type of clear and  
reasonable warning of such to the exposed persons before the time of exposure.

1 Defendants have distributed and sold Travel Bags in California. Defendants know and  
2 intend that California consumers will use and consume Travel Bags, thereby exposing  
3 them to DEHP. 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 Travel Bags by the manufacturer, producer, packager, importer, supplier or distributor of  
6 Travel Bags; have received a notice and warning materials for exposure from Travel  
7 Bags without conspicuously posting or displaying the warning materials; and/or have  
8 actual knowledge of potential exposure to DEHP from Travel Bags. Defendants thereby  
9 violated Proposition 65.

10 43. The principal routes of exposure are through dermal contact, ingestion and inhalation.  
11 Persons sustain exposures by handling Travel Bags without wearing gloves or any other  
12 personal protective equipment, or by touching bare skin or mucous membranes with  
13 gloves after handling Travel Bags, as well as through direct and indirect hand to mouth  
14 contact, hand to mucous membrane, or breathing in particulate matter dispersed from  
15 Travel Bags.

16 44. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of  
17 Proposition 65 as to Travel Bags have been ongoing and continuous, as Defendants  
18 engaged and continue to engage in conduct which violates Health and Safety Code  
19 Section 25249.6, including the manufacture, distribution, promotion, and sale of Travel  
20 Bags, so that a separate and distinct violation of Proposition 65 occurred each and every  
21 time a person was exposed to DEHP by Travel Bags as mentioned herein.

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

25 46. Based on the allegations herein, Defendants are liable for civil penalties of up to  
26 \$2,500.00 per day per individual exposure to DEHP from Travel Bags, pursuant to  
27 Health and Safety Code Section 25249.7(b).

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

3  
4 **PRAYER FOR RELIEF**

5 Plaintiff demands against each of the Defendants as follows:

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

11  
12 Dated: February 4, 2026

YEROUSHALMI & YEROUSHALMI\*

13  
14  
15 /s/ Reuben Yeroushalmi

Reuben Yeroushalmi

Attorneys for Plaintiff,

CONSUMER ADVOCACY GROUP, INC.