

1 Rachel S. Doughty (Cal. Bar No. 255904)  
2 Nathaniel Launer (Cal. Bar No. 366345)  
3 GREENFIRE LAW, PC  
4 2478 Adeline Street, Suite A  
5 Berkeley, CA 94703  
6 Ph/Fax: (510) 900-9502  
7 Email: rdoughty@greenfirelaw.com  
8 nlauner@greenfirelaw.com

9 *Attorneys for Mercury Policy Project*

ELECTRONICALLY  
**FILED**  
Superior Court of California,  
County of San Francisco

**02/06/2026**  
Clerk of the Court  
BY: MARIVIC VIRAY  
Deputy Clerk

**CGC-26-633645**

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

11 **FOR THE COUNTY OF SAN FRANCISCO**

12 MERCURY POLICY PROJECT, a Project of  
13 the Tides Center, a 501(c)(3) nonprofit  
14 corporation,

15 Plaintiff,

16 vs.

17 Beauty Experts, Inc.; and DOES 1-20, inclusive,

18 Defendants

Case No.

**COMPLAINT FOR INJUNCTIVE  
RELIEF AND CIVIL PENALTIES AND  
OTHER EQUITABLE RELIEF FOR  
VIOLATIONS OF PROPOSITION 65  
(HEALTH & SAF. CODE, § 25249.6 et  
seq.) AND CALIFORNIA'S UNFAIR  
COMPETITION LAW (BUS. & PROF.  
CODE, § 17200 et seq.)**

1 Plaintiff MERCURY POLICY PROJECT, a Project of the Tides Center, (“MPP”), acting in  
2 the public interest, based on information and belief and investigation of counsel, hereby makes the  
3 following allegations.

#### 4 Introduction

5 1. Through MPP’s Proposition 65 claims alleged herein, MPP seeks to enjoin Beauty  
6 Experts, Inc. to either (1) prevent the sale of skin lightening, whitening, and brightening cosmetics  
7 containing 1 part per million (ppm) or more of mercury or mercury compounds (the “**Products**”) to  
8 consumers in California; or (2) comply with Proposition 65’s warning requirement by providing a  
9 clear and reasonable warning to consumers in California prior to their purchase and use of the  
10 Products. MPP also seeks civil penalties and any other appropriate relief under Proposition 65.

11 2. Through MPP’s Unfair Competition Law claims alleged herein, MPP seeks to enjoin  
12 Beauty Experts, Inc. from engaging in unfair and unlawful business practices and false advertising,  
13 namely, selling skin lightening whitening, and brightening cosmetics containing 1 ppm or more of  
14 mercury or mercury compounds in violation of the California Sherman Food, Drug, and Cosmetic  
15 Law and the Federal Food, Drug, and Cosmetic Act. MPP also seeks an injunction, punitive  
16 damages, and restitution under the Unfair Competition Law.

#### 17 Parties

18 3. MPP is a 501(c)(3) non-profit corporation dedicated to, among other causes,  
19 promoting policies to eliminate mercury use, reducing human exposure to mercury, and advancing  
20 safe consumer products that do not contain and are not contaminated by mercury or mercury  
21 compounds (collectively “**Mercury**”).

22 4. MPP’s efforts primarily focus on promoting policies to eliminate Mercury use,  
23 reduce the export and trafficking of Mercury, and significantly reduce Mercury exposures at the  
24 local, national, and international levels.

25 5. MPP has had to divert its very limited resources to investigate and counteract BE’s  
26 unfair and unlawful business practices, which are inimical to MPP’s mission.

1 6. Defendant Beauty Experts, Inc., doing business as “B-Experts Cornerstore” and  
2 “bexpertsusa,” (“BE”) is a person in the course of doing business within the meaning of Health and  
3 Safety Code section 25249.11. BE sells and/or distributes the Products in California.

4 7. Defendants DOES 1-20 are each a person in the course of doing business within the  
5 meaning of Health and Safety Code section 25249.11. Defendants DOES 1-20 sell and/or distribute  
6 the Products in California.

7 8. Defendants DOES 1-20 are sued under fictitious names because MPP does not know  
8 the true names and capacities of these defendants. MPP will request permission to amend this  
9 complaint or substitute DOE defendants to state their true names and capacities once their identities  
10 and capacities are ascertained.

11 **Jurisdiction, Venue, and Notice**

12 9. This Court has subject matter jurisdiction over this action under Health and Safety  
13 Code section 25249.7 and Business and Professions Code section 17204 because it is a court of  
14 competent jurisdiction. The Court also has subject matter jurisdiction under California Constitution,  
15 article VI, section 10, because this case does not present a cause of action given by statute to other  
16 trial courts.

17 10. This court has personal jurisdiction over BE because BE has sufficient minimum  
18 contacts with the State of California and/or otherwise purposefully avails itself of the forum by  
19 doing business in the State of California so as to render the exercise of jurisdiction by the California  
20 courts consistent with traditional notions of fair play and substantial justice.

21 11. Venue is proper in the Superior Court of California, County of San Francisco, under  
22 Code of Civil Procedure sections 393 and 395 because this is a court of competent jurisdiction,  
23 MPP seeks civil penalties against BE, one or more instances of wrongful conduct occurred and  
24 continue to occur in the County of San Francisco, and/or BE conducted and continues to conduct  
25 business in the county with respect to the Products.

1 12. MPP has met the statutory requirements for notice to bring this action in the public  
2 interest under Health and Safety Code section 25249.7 and its implementing regulations.

3 13. MPP meets the standing requirements under Business and Professions Code sections  
4 17204 and 17535 to bring its Unfair Competition Law claim.

5 **Statutory and Regulatory Background**

6 **A. Proposition 65**

7 14. Proposition 65 (“**Prop. 65**”), enacted as the Safe Drinking Water and Toxic  
8 Enforcement Act by an overwhelming majority of voters in 1986, is “a remedial statute intended to  
9 protect the public.” (*People ex rel. Lungren v. Superior Court* (1996) 14 Cal.4th 294, 314.)

10 15. Proposition 65 declares it is the People’s right to be “informed about exposures to  
11 chemicals that cause cancer, birth defects, or other reproductive harm.” (Health & Saf. Code Div.  
12 20, Ch. 6.6 Note, § 1, subd. (b).)

13 16. Proposition 65 provides that:

14 No person in the course of doing business shall knowingly and intentionally  
15 expose any individual to a chemical known to the state to cause cancer or  
16 reproductive toxicity without first giving clear and reasonable warning to  
such individual, except as provided in section 25249.10.

17 (Health & Saf. Code, § 25249.6.)

18 17. To “expose any individual” includes exposures resulting from “a person’s  
19 acquisition, purchase, storage, consumption, or other reasonably foreseeable use of a consumer  
20 good, or any exposure that results from receiving a consumer service.” (Cal. Code Regs., tit. 27, §  
21 25602, subd. (b).)

22 18. To “knowingly” expose an individual, the person responsible for such exposure must  
23 have “knowledge of the fact that a discharge of, release of, or exposure to a chemical listed pursuant  
24 to section 25249.8(a) of the act is occurring” but does not need to have “knowledge that the  
25 discharge, release or exposure is unlawful.” (Cal. Code Regs., tit. 27, § 25102, subd. (n).) However,  
26  
27

1 in some instances, “constructive “knowledge” can be sufficient to require a warning. (*Lee v.*  
2 *Amazon, Inc.*, (2022) 76 Cal.App.5th 200, 240 (hereafter *Lee*.)

3 19. To provide a “clear and reasonable” warning for internet sales, the warning must  
4 include a clearly marked hyperlink of the word “WARNING” in bold typeface on the product  
5 display page, or by “otherwise prominently displaying the warning to the purchaser prior to  
6 completing the purchase.” (Cal. Code Regs., tit. 27, § 25602, subd. (b).) A warning is not  
7 “prominently displayed,” however, “if the purchaser must search for it in the general content of the  
8 website.” (*Id.*)

9 20. A sign or label used to provide consumer information about a product that is in a  
10 language other than English must also include a warning “provided in that language in addition to  
11 English.” (Cal. Code Regs., tit. 27, § 25602, subd. (d).)

12 21. Through its provisions, Proposition 65 allows consumers to make informed choices  
13 about the products they buy, including avoiding exposure to dangerous toxic chemicals.

14 22. Proposition 65 provides that any person who, in the course of doing business,  
15 violates its provisions is liable for civil penalties not to exceed \$2,500 per day for each violation,  
16 recoverable in a civil action. (Health & Saf. Code, § 25249.7, subd. (b).)

17 23. Proposition 65 provides that private parties are entitled to bring an action in the  
18 public interest to enforce its provisions. (Health & Saf. Code, § 25249.7, subd. (d).)

19 **B. Unfair Competition Law**

20 24. California’s Unfair Competition Law (“UCL”), Business and Professions Code  
21 section 17200 et seq., prohibits businesses from engaging in unfair or unlawful business practices,  
22 and unfair, deceptive, untrue, or misleading advertising.

23 25. The UCL provides the claims for injunctive relief from false or misleading  
24 advertising and statements shall be prosecuted exclusively in a court of competent jurisdiction by,  
25 *inter alia*, any person, association, or organization who has suffered injury in fact and has lost

1 money or property as a result and meets the standing requirements of California Civil Procedure  
2 Code section 382. (Bus. & Prof. Code, § 172535.)

3 26. California Civil Procedure Code section 382, provides that “when the question is one  
4 of a common or general interest, or many persons, of when the parties are numerous, and it is  
5 impracticable to bring them all before the court, one or more may sue or defend for the benefit of  
6 all.”

### 7 **C. Private Attorney General**

8 27. Under Code of Civil Procedure section 1021.5, the court has discretion to award  
9 attorney fees under the private attorney general doctrine when an action results in the enforcement  
10 of an important right affecting the public interest, a significant benefit has been conferred on the  
11 general public or a broad class of persons, and the necessity and financial burden of private  
12 enforcement transcends the litigant’s personal interest in the case.

### 13 **General Allegations of Fact**

#### 14 **A. BE, in the course of doing businesses, offered for sale, sold, and/or distributed the 15 Products in California.**

16 28. BE is a “person in the course of doing business” as the term is defined under Health  
17 and Safety Code section 25249.11, subdivision (a).

18 29. BE owns and operates an online storefront at [www.bexpertsusa.com](http://www.bexpertsusa.com) and offered the  
19 Products for sale and direct delivery to online customers, as well as for sale and/or distribution  
20 “wholesale” to distributors and other sellers.

21 30. BE, as a third-party seller, offered the Products for sale through online marketplaces,  
22 including the online global marketplace facilitated by [Walmart.com](http://Walmart.com) at [www.walmart.com](http://www.walmart.com).

23 31. Through its own online storefront, wholesale distributions, and sales through online  
24 marketplaces such as [www.walmart.com](http://www.walmart.com), BE reaches millions of potential online customers of the  
25 Products in California.

1 32. Since at least 2022, BE sold and distributed the Products in California through its  
2 online storefront, wholesale distributions, and online marketplaces such as www.walmart.com.

3 **B. Defendants knowingly and intentionally exposed and continue to expose consumers**  
4 **of the Products in California to Mercury.**

5 33. The dangers of the Products are well known and multiple health and safety agencies  
6 across the globe have regularly issued health alerts, announced investigation into, and warned  
7 consumers not to use the Products, including those sold on BE's online storefront at  
8 www.bexpertsusa.com and the online global marketplace facilitated by Walmart.com, because of  
9 the risk of exposure to dangerously high levels of Mercury.

10 34. BE knew that the Products offered for sale and/or distribution contain Mercury.

11 35. Testing has shown that the Products BE sold into California contain significantly  
12 high levels of Mercury, far in excess of the allowable limit under the FD&C.

13 **C. Exposure to Mercury from the Products is reasonably foreseeable and ongoing.**

14 36. The California Office of Environmental Health Hazards Assessment ("OEHHA")  
15 identified and listed "mercury and mercury compounds" as chemicals known to the State of  
16 California to cause birth defects and other reproductive harm under Proposition 65 on July 1, 1990.  
17 Mercury became subject to the "clear and reasonable warning" requirement under Proposition 65 on  
18 July 1, 1991. (Health & Saf. Code, §§ 25249.8, 25249.10, subd. (b); Cal. Code Regs., tit. 27, §  
19 27001, subd. (c).)

20 37. Mercury is broadly known to be an intentionally added ingredient in products  
21 claiming skin lightening, whitening, or brightening effects.

22 38. Mercury is an effective skin lightener because it penetrates deep into the skin where  
23 it interacts with cells known as melanocytes, which produce the pigment known as melanin, a  
24 chemical that darkens the skin. Mercury replaces a critical enzyme in melanocyte cells, which shuts  
25 off the production of melanin and causes the skin to lighten. Mercury is also a well-known,  
26 effective anti-bacterial for the treatment of acne.

1 39. Mercury generally exists in three forms: elemental mercury, inorganic mercury  
2 compounds, and organic mercury. Mercury is toxic to humans in all forms. The most commonly  
3 used active ingredient in skin lightening creams is inorganic mercury because it can be readily and  
4 easily absorbed into cosmetic creams.

5 40. The reasonably foreseeable use of the Products cause people in the State of  
6 California and members of their households to be exposed to mercury and mercury compounds  
7 through three primary routes: ingestion, inhalation, or dermal absorption.

8 41. Ingestion occurs post-application as a result of normal hand-to-mouth behavior, such  
9 as eating or preparing food.

10 42. Inhalation occurs when mercury vaporizes from the cosmetic creams.

11 43. Dermal absorption occurs with each reasonably foreseeable application of a Product  
12 to the user's skin. The Products are designed and marketed specifically for direct contact with skin.

13 44. The exposure of a Product user's household members is foreseeable because use of  
14 the Products results in contamination of household air and surfaces, and household members come  
15 into direct contact with the skin of the primary user of the cosmetic.

16 45. The exposure to Mercury occurs and continues to occur in residences where the  
17 Products are used, and in locations in which the Products are disposed, as a result of consumers  
18 purchasing the Products through BE's online storefront at [www.bexpertsusa.com](http://www.bexpertsusa.com) and the online  
19 global marketplace facilitated by Walmart.com at [www.walmart.com](http://www.walmart.com) in California.

20 46. Each reasonably foreseeable use of the Products—whether by ingestion, inhalation,  
21 or dermal absorption—results in continuing and ongoing exposure to Mercury because Mercury has  
22 a half-life in of two months in the human body, and of decades in the brain.

23 47. Additionally, the Products are each multi-use, resulting in multiple exposures, and  
24 therefore multiple Proposition 65 violations, with the sale and/or distribution of each unit of the  
25 Product in California.

1 48. The Food and Drug Administration (“FDA”) has warned against the use of Mercury  
2 in cosmetics since 1974 due to ease of exposure and bioaccumulation:

3 It is well known that mercury compounds are readily absorbed through the  
4 unbroken skin as well as through the lungs by inhalation and by intestinal  
5 absorption after ingestion. Mercury is absorbed from topical application and  
6 is accumulated in the body, giving rise to numerous adverse effects. . . .  
7 Cosmetic preparations containing mercury compounds are often applied with  
8 regularity and frequency for prolonged periods. Such chronic use of mercury-  
9 containing skin-bleaching preparations has resulted in the accumulation of  
10 mercury in the body and the occurrence of severe reactions.

11 (21 C.F.R. § 700.13(b) (1974).)

12 49. The California Sherman Food, Drug, and Cosmetic Law (“**Sherman Law**”)  
13 considers any cosmetic containing Mercury to be adulterated and prohibits the sale and/or  
14 distribution of adulterated cosmetics in California. (Health & Saf. Code, §§ 111670, 111700.) The  
15 Sherman Law imposes criminal liability without fault, reflecting the public policy of protecting the  
16 public from dangerous products placed on the market, irrespective of negligence in their  
17 manufacture.

18 50. The Federal Food, Drug, and Cosmetic Act (“**FD&C**”), and its implementing  
19 regulations, considers any cosmetic containing Mercury in amounts greater than 1 part per million  
20 to be adulterated and prohibits the introduction, delivery, and receipt of adulterated cosmetics in  
21 interstate commerce nationwide. (21 U.S.C. § 331; 21 C.F.R. § 700.13(d)(2) (1974).)

22 **D. BE failed to provide a clear and reasonable warning for exposure to Mercury.**

23 51. BE has provided no warning for exposure to Mercury, including a warning that  
24 complies with Proposition 65, to consumers of the Products on its online storefront, product display  
25 pages on the online global marketplace facilitated by Walmart.com, the labeling and packing of the  
26 Products, or otherwise.  
27

1 **E. MPP provided notice of the violations.**

2 52. MPP sent a notice of violation (“**Notice**”) to BE for the Products on September 30,  
3 2025, that met all the requirements of Health and Safety Code section 25249.7, subdivision (d),  
4 including providing the Attorney General with a copy of the notice and a certificate of merit.

5 53. Based on information and belief of MPP’s attorney, no public prosecutor has  
6 commenced and is diligently prosecuting an action against the violations at issue herein, and the  
7 notice period provided in Health and Safety Code section 25249.7 has lapsed.

8 **First Cause of Action**

9 **(Violation of Health & Saf. Code, § 25249.6)**

10 1. MPP realleges and incorporates each and every allegation contained in the preceding  
11 paragraphs as though fully set forth herein.

12 2. BE has violated Health and Safety Code section 25249.6 in the course of doing  
13 business by knowingly and intentionally exposing California consumers of Products to Mercury  
14 without first giving clear and reasonable warning to such individuals who were or would become  
15 exposed to Mercury through dermal contact, ingestion, and/or inhalation during the reasonably  
16 foreseeable uses of Products.

17 3. BE has violated and continues to violate California Code of Regulations, title 27,  
18 section 25602, subd. (b) because neither BE, nor anyone else, ever provided a Proposition 65  
19 warning in any non-English language used on the labels for the Products which caused exposures in  
20 California as a result of BE’s business activities.

21 **Second Cause of Action**

22 **(Violation of Bus. & Prof. Code, § 17200 et seq.)**

23 54. MPP realleges and incorporates each and every allegation contained in the preceding  
24 paragraphs as though fully set forth herein.

25 55. BE has violated Business and Professions Code section 17200 et seq. by engaging in  
26 business practices that constitute unfair competition.

1 56. BE engaged in business acts and practices that are “unlawful” because the Products  
2 are adulterated and/or misbranded cosmetics as defined in the Sherman Law and the FD&C and BE  
3 held, offered for sale, sold, proffered delivery, offered for distribution, and/or distributed the  
4 Products in California in violation of the Sherman Law and FD&C.

5 57. BE engaged in false or misleading advertising and statements because BE publicly  
6 disseminated untrue or misleading statements and advertising regarding the safety of the Products  
7 including on their online storefront at www.bexpertsusa.com and the online global marketplace  
8 facilitated by Walmart.com at www.walmart.com. BE knew that these statements and advertising  
9 were untrue or misleading because the Products contain Mercury.

10 58. BE engaged in false advertising because BE did not state the Products contain  
11 Mercury on the labels or packaging of the Products.

12 59. As a direct and proximate result of BE’s violations of the UCL, Plaintiff suffered  
13 injury in fact because they were forced to divert limited organizational resources away from their  
14 core mission and have incurred significant costs associated with investigating the BE’s violations  
15 and communicating with BE.

16 60. As a direct and proximate result of BE’s violations of the UCL, important public  
17 interest rights have been harmed.

18 **Prayer For Relief**

19 61. WHEREFORE, MPP prays the court:


20 A. Enter such injunctions or other orders as are necessary pursuant to Health and  
21 Safety Code section 25249.7, subdivision (a) to prevent BE from exposing  
22 people in the State of California to Mercury without providing clear and  
23 reasonable warnings;

24 B. Assess civil penalties pursuant to Health and Safety Code section 25249.7,  
25 subdivision (b)(1) against BE in the amount of up to \$2,500 per day for each  
26 violation of Proposition 65;

- 1 C. Enter such injunctions or other orders as are necessary pursuant to Business and  
2 Professions Code section 17200 et seq. to prevent BE from offering for sale,  
3 selling, and/or distributing adulterated cosmetics containing mercury and  
4 mercury compounds;
- 5 D. Restitution to California consumers of BE's Products pursuant to Business and  
6 Professions Code section 17203;
- 7 E. Punitive damages pursuant to Business and Professions Code section 17203;
- 8 F. Award MPP reasonable attorneys' fees and costs pursuant to Code of Civil  
9 Procedure section 1021.5 and as otherwise appropriate; and
- 10 G. Grant such other and further relief as may be just and proper.

11  
12 Dated: February 6, 2026

Respectfully Submitted,

13  
14 By: 

15 GREENFIRE LAW, PC  
16 Rachel S. Doughty  
17 Nathaniel Launer

*Attorneys for Mercury Policy Project*