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14 Environmental Health Advocates, Inc.

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

16 **IN AND FOR THE COUNTY OF SAN FRANCISCO**

17 ENVIRONMENTAL HEALTH ADVOCATES,  
18 INC.,

19 Plaintiff,

20 v.

21 STARKIST CO., a Delaware corporation;  
22 RALPHS GROCERY COMPANY, an Ohio  
23 corporation; and DOES 1 through 100,  
24 inclusive,

25 Defendants.

Case No.:

**COMPLAINT FOR CIVIL PENALTIES  
AND INJUNCTIVE RELIEF**

(Health & Safety Code § 25249.6 et seq.)

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

**04/21/2026**  
Clerk of the Court  
BY: BENJAMIN YUST  
Deputy Clerk

**CGC-26-636158**

**I.**  
**INTRODUCTION**

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2           1.       This Complaint is a representative action brought by Environmental Health Advocates,  
3 Inc. (“Plaintiff”) in the public interest of the citizens of the State of California (“the People”). Plaintiff  
4 seeks to remedy Defendants’ failure to inform the People of exposure to cadmium and lead, known  
5 carcinogens and reproductive/developmental toxins. Defendants expose consumers to cadmium by  
6 manufacturing, importing, selling, and/or distributing tuna salad and tuna including, but not limited to,  
7 Starkist Tuna Creations Whole Grain Dijon Mustard Tuna Salad, Tuna Creations® BOLD Sriracha,  
8 Tuna Creations® Hickory Smoke Flavored, StarKist Jalapeno Tuna, and Starkist Chunk Light Tuna in  
9 Vegetable Oil. Defendants expose consumers to lead by manufacturing, importing, selling, and/or  
10 distributing tuna salad including, but not limited to Starkist Tuna Creations Deli Style Tuna Salad.  
11 Defendants know and intend that customers will directly ingest Starkist Tuna Creations Whole Grain  
12 Dijon Mustard Tuna Salad, Tuna Creations® BOLD Sriracha, Tuna Creations® Hickory Smoke  
13 Flavored, StarKist Jalapeno Tuna, Starkist Chunk Light Tuna in Vegetable Oil, and Starkist Tuna  
14 Creations Deli Style Tuna Salad (“Products”) containing cadmium and lead.

15           2.       Under California’s Safe Drinking Water and Toxic Enforcement Act of 1986, California  
16 Health and Safety Code, section 25249.6 et seq. (“Proposition 65”), “[n]o person in the course of doing  
17 business shall knowingly and intentionally expose any individual to a chemical known to the state to  
18 cause cancer or reproductive toxicity without first giving clear and reasonable warning to such  
19 individual. . . .” (Health & Safety Code, § 25249.6.)

20           3.       California identified and listed cadmium as a chemical known to cause cancer as early  
21 as October 1, 1987 and as a chemical known to cause developmental/ reproductive toxicity as early as  
22 May 1, 1997.

23           4.       California identified and listed lead as a chemical known to cause cancer as early as  
24 October 1, 1992, and as a chemical known to cause developmental/reproductive toxicity on February  
25 27, 1987.

26           5.       Defendants failed to sufficiently warn consumers and individuals in California about  
27 potential exposure to cadmium and lead in connection with Defendants’ manufacture, import, sale, or  
28 distribution of Products. This is a violation of Proposition 65.



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**III.**  
**VENUE AND JURISDICTION**

12. California Constitution Article VI, Section 10 grants the Superior Court original jurisdiction in all cases except those given by statute to other trial courts. The Health and Safety Code statute upon which this action is based does not give jurisdiction to any other court. As such, this Court has jurisdiction.

13. Venue is proper in San Francisco County Superior Court pursuant to Code of Civil Procedure, sections 394, 395, and 395.5. Wrongful conduct occurred and continues to occur in this County. Defendants conducted and continue to conduct business in this County as it relates to Products.

14. Defendants have sufficient minimum contacts in the State of California or otherwise purposefully avail themselves of the California market. Exercising jurisdiction over Defendants would be consistent with traditional notions of fair play and substantial justice.

**IV.**  
**CAUSES OF ACTION**

**FIRST CAUSE OF ACTION**

**(Violation of Proposition 65 – Against all Defendants)**

15. Plaintiff incorporates by reference each and every allegation contained above.

16. Proposition 65 mandates that citizens be informed about exposures to chemicals that cause cancer, birth defects, and other reproductive harm.

17. Defendants manufactured, imported, sold, and/or distributed Products containing cadmium and lead in violation of Health and Safety Code, section 25249.6 et seq. Plaintiff is informed and believes such violations have continued after receipt of the Notice (defined *infra*) and will continue to occur into the future.

18. In manufacturing, importing, selling, and/or distributing Products, Defendants failed to provide a clear and reasonable warning to consumers and individuals in California who may be exposed to cadmium and lead through reasonably foreseeable use of the Products.

19. Products expose individuals to cadmium and lead through direct ingestion. This exposure is a natural and foreseeable consequence of Defendants placing Products into the stream of

1 commerce. As such, Defendants intend that consumers will directly ingest Products, exposing them to  
2 cadmium and lead.

3 20. Defendants knew or should have known that the Products contained cadmium and lead  
4 and exposed individuals to cadmium and lead in the ways provided above. The Notice informed  
5 Defendants of the presence of cadmium and lead in the Products. Likewise, media coverage concerning  
6 cadmium, lead, and related chemicals in consumer products provided constructive notice to Defendants.

7 21. Defendants' actions in this regard were deliberate and not accidental.

8 22. More than sixty days prior to naming each defendant in this lawsuit, Plaintiff issued a  
9 60-Day Notice of Violation ("Notice") as required by and in compliance with Proposition 65. Plaintiff  
10 provided the Notice to the various required public enforcement agencies along with a certificate of merit.  
11 The Notice alleged that Defendants violated Proposition 65 by failing to sufficiently warn consumers in  
12 California of the health hazards associated with exposures to cadmium and lead contained in the  
13 Products.

14 23. The appropriate public enforcement agencies provided with the Notice failed to  
15 commence and diligently prosecute a cause of action against Defendants.

16 24. Individuals exposed to cadmium and lead contained in Products through direct ingestion  
17 resulting from reasonably foreseeable use of the Products have suffered and continue to suffer  
18 irreparable harm. There is no other plain, speedy, or adequate remedy at law.

19 25. Defendants are liable for a maximum civil penalty of \$2,500 per day for each violation  
20 of Proposition 65 pursuant to Health and Safety Code, section 252497(b). Injunctive relief is also  
21 appropriate pursuant to Health and Safety Code, section 25249.7(a).

22 *[Rest of page intentionally left blank.]*  
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1 **PRAYER FOR RELIEF**

2 Wherefore, Plaintiff prays for judgment against Defendants as follows:

- 3 1. Civil penalties in the amount of \$2,500 per day for each violation. Plaintiff alleges that  
4 damages total a minimum of \$1,000,000;
- 5 2. A preliminary and permanent injunction against Defendants from manufacturing,  
6 importing, selling, and/or distributing Products in California without providing a clear and reasonable  
7 warning as required by Proposition 65 and related Regulations;
- 8 3. Reasonable attorney’s fees and costs of suit; and
- 9 4. Such other and further relief as may be just and proper.
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12 Respectfully submitted:

13 Dated: April 21, 2026

**ENTORNO LAW, LLP**

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