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ELECTRONICALLY
FILED

Superior Court of California,
County of San Francisco

01/29/2026
Clerk of the Court

BY: ERNALYN BURA
Deputy Clerk

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **FOR THE COUNTY OF SAN FRANCISCO**

CGC-26-633451

10 MERCURY POLICY PROJECT, a Project of
the Tides Center, a 501(c)(3) nonprofit
11 corporation,

12 Plaintiff,

13 vs.

14 EBAY, INC.

15 Defendant

Case No.

**COMPLAINT FOR INJUNCTIVE
RELIEF AND CIVIL PENALTIES AND
OTHER EQUITABLE RELIEF FOR
VIOLATIONS OF PROPOSITION 65
(HEALTH & SAFETY CODE 25249.6, et
16 seq.)**

1 topical application and is accumulated in the body, giving rise to
2 numerous adverse effects. . . . Cosmetic preparations containing
3 mercury compounds are often applied with regularity and frequency
4 for prolonged periods. Such chronic use of mercury-containing skin-
bleaching preparations has resulted in the accumulation of mercury in
the body and the occurrence of severe reactions.

5 (21 C.F.R. § 700.13(b).) The FDA bans mercury in cosmetics in amounts greater than 1 part per
6 million. (21 C.F.R. § 700.13(d)(2) (1974).)

7 14. The dangers of the Products are well known as multiple health and safety agencies
8 across the globe have regularly issued health alerts, announced investigation into, and advised
9 consumers to beware of use of the Products, including those sold on eBay.com, because of the risk
10 of exposure to dangerously high levels of Mercury.

11 15. Multiple advocacy organizations, including MPP, notified eBay in a November 15,
12 2018, letter of the dangers of Products listed on eBay.com, and since at least that time eBay has
13 therefore had actual knowledge of the Mercury content of the Products, as well as their danger to
14 California consumers.

15 16. Testing has shown that Products sold into California on eBay.com contain significant
16 levels of Mercury, far in excess of what is allowed by the FDA.

17 17. Since at least 2018, eBay has, in the course of doing business, knowingly facilitated
18 the sale into California the Products on its website, ebay.com.

19 18. The Products are designed and marketed specifically to be applied directly to the
20 skin.

21 19. The reasonably foreseeable use of the Products causes people in the State of
22 California and members of their households to be exposed to Mercury through three primary routes:
23 dermal absorption, ingestion, or inhalation.

24 20. Dermal absorption occurs with each reasonably foreseeable application of a Product
25 to the user's skin.

26 21. Ingestion occurs post-application as a result of reasonably foreseeable and normal
27 hand-to-mouth behavior, such as eating or preparing food.

1 (Health & Saf. Code, § 25249.6.)

2 32. eBay, in the course of doing business in California, has violated Health and Safety
3 Code section 25249.6 by knowingly and intentionally exposing California consumers to mercury or
4 mercury compounds without first giving clear and reasonable warning to such individuals who were
5 or who shall become exposed to Mercury through dermal contact, ingestion, and/or inhalation
6 during the reasonably foreseeable uses of the Products.

7 33. eBay has violated and continues to violate California Code Regulations, Title 27,
8 section 25602, subd. (b) because neither eBay, nor anyone else, has ever provided a Proposition 65
9 warning in any non-English language used on the labels for the Products on its website.

10 **Prayer For Relief**

11 34. WHEREFORE, MPP prays the Court:

12 A. Grant civil penalties pursuant to Health and Safety Code section 25249.7,
13 subdivision (b)(1) against eBay in the amount of up to \$2,500 per day for each unwarned exposure
14 through use of a Product sold into California as a result of listing on eBay.com;

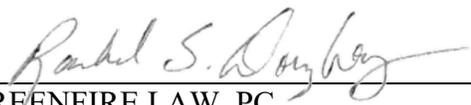
15 B. Enter such injunctions or other orders as are necessary pursuant to Health and
16 Safety Code section 25249.7, subdivision (a) to prevent eBay from exposing persons within the
17 state of California to Mercury without providing clear and reasonable warnings;

18 C. Award MPP reasonable attorneys' fees and costs pursuant to Code of Civil
19 Procedure, section 1021.5 and as otherwise appropriate; and

20 D. Grant such other and further relief as may be just and proper.

21
22 Dated: January 29, 2026

Respectfully Submitted,

23
24 By: 

GREENFIRE LAW, PC

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William R. Fortna

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