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17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
18 **IN AND FOR THE COUNTY OF ALAMEDA**

19 ENVIRONMENTAL HEALTH ADVOCATES,
20 INC.,

21 Plaintiff,

22 v.

23 BRAIDS, WEAVES & THINGS, INC., a Georgia
24 corporation; and DOES 1 through 100, inclusive,

25 Defendants.

Case No.: **25CV116158**

**COMPLAINT FOR CIVIL PENALTIES
AND INJUNCTIVE RELIEF**

(Health & Safety Code § 25249.6 et seq.)

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 diethanolamine (“DEA”), a
5 chemical known to the State of California to cause cancer. DEA is a common component of cosmetic
6 and grooming products and often functions as an emulsifier or foaming agent. Defendants expose
7 consumers to DEA by manufacturing, importing, selling, and/or distributing a variety of shaving gels
8 including, but not limited to, Uncle Jimmy Smooth Glide Shave Gel (“Products”). Defendants know
9 and intend that customers will use Products containing DEA.

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

15 3. On or around June 22, 2012, the State of California added DEA to Proposition 65 as a
16 known carcinogen, thereby requiring a clear and reasonable warning about potential exposure to DEA
17 on any consumer good. Despite this, Defendants failed to sufficiently warn consumers and individuals
18 in California about potential exposure to DEA in connection with Defendants' manufacture, import, sale,
19 or distribution of Products. This is a violation of Proposition 65.

20 4. Plaintiff seeks injunctive relief compelling Defendants to sufficiently warn consumers
21 in California before exposing them to DEA in Products. (Health & Safety Code, § 25249.7(a).) Plaintiff
22 also seeks civil penalties against Defendants for violations of Proposition 65 along with attorney’s fees
23 and costs. (Health & Safety Code, § 25249.7(b).)

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II.
PARTIES

5. Plaintiff ENVIRONMENTAL HEALTH ADVOCATES, INC. (“Plaintiff”) is a corporation in the State of California dedicated to protecting the health of California citizens through the elimination or reduction of toxic exposure from consumer products. Plaintiff has prosecuted a number of Proposition 65 cases in the public interest. These cases have resulted in significant public benefit—including the reformulation and repackaging of numerous consumer products—to make them safer for California consumers, and to properly apprise California consumers of any health risks associated with their usage. Plaintiff brings this action in the public interest pursuant to Health and Safety Code, section 25249.7.

6. Defendant BRAIDS, WEAVES & THINGS, INC. (“BWT”) is a corporation organized and existing under the laws of Georgia. BWT is registered to do business in California, and does business in the County of Alameda, within the meaning of Health and Safety Code, section 25249.11. BWT manufactures, imports, sells, or distributes the Products in California and Alameda County.

7. Plaintiff does not know the true names and/or capacities, whether individual, partners, or corporate, of the Defendants sued herein as DOES 1 through 100, inclusive, and for that reason sues said Defendants under fictitious names pursuant to Cal. Civ. Proc. § 474. Plaintiff will seek leave to amend this Complaint when the true names and capacities of these Defendants have been ascertained. Plaintiff is informed and believes and thereon alleges that these Defendants are responsible in whole or in part for the remedies and penalties sought herein.

8. At all times mentioned, Defendants were the agents, alter egos, servants, joint venturers, joint employers, or employees for each other. Defendants acted with the consent of the other Co-Defendants and acted within the course, purpose, and scope of their agency, service, or employment. All conduct was ratified by Defendants, and each of them.

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III.
VENUE AND JURISDICTION

9. 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.

1 16. Animal studies have reported effects on various organ systems from long-term topical
2 administration of DEA. For example, a study conducted by the National Toxicology Program
3 (hereinafter, the “NTP study”) showed that dermal exposure to DEA amplified the development of
4 tumors in the liver and kidney tubules. (See National Toxicology Program, NTP Toxicology and
5 Carcinogenesis Studies of Diethanolamine (CAS No. 111-42-2) in F344/N Rats and B6C3F1 Mice
6 (Dermal Studies). Natl Toxicol Program Tech Rep Ser. 1999 Jul; 478:1-212. PMID: 12571685.,
7 available at: <https://pubmed.ncbi.nlm.nih.gov/12571685/> [last visited March 20, 2025].)

8 17. The Office of Environmental Health Hazard Assessment (“OEHHA”) has established
9 specific safe harbor levels for many of the chemicals listed under Proposition 65. For cancer-causing
10 chemicals in particular, a safe harbor level is called a “No Significant Risk Level,” or “NSRL.” An
11 NSRL is the daily intake level calculated to result in one excess case of cancer in an exposed human
12 population of 100,000, assuming lifetime exposure at the level in question. (See OEHHA’s Proposition
13 65 Process for Developing Safe Harbor Numbers (February 2001), *available at*
14 <https://oehha.ca.gov/media/downloads/cmr/2001safeharborprocess.pdf> [last visited March 20, 2025].)
15 The State of California has not yet established an NSRL for DEA. However, research suggests that an
16 NSRL of 5.6 micrograms/day of DEA is appropriate, where dermal absorption is the route of exposure.
17 (See Wang B, Amacher DE, Whittaker MH. Derivation of a No-Significant-Risk-Level (NSRL) for
18 diethanolamine (DEA). Regul Toxicol Pharmacol. 2014 Feb;68(1):76-84. doi:
19 10.1016/j.yrtph.2013.11.009. Epub 2013 Nov 23. PMID: 24275050 [last visited March 20, 2025].) This
20 NSRL is derived from the NTP study described above, using a benchmark dose modeling method based
21 on the incidence of hepatocellular carcinomas in female mice, in accordance with the guidelines of the
22 California Environmental Protection Agency.

23 18. In order to ensure that the injunctive relief sought herein confers a public benefit upon
24 California consumers, EHA adopts the NSRL of 5.6 micrograms/day for DEA derived from the NTP
25 study.

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V.
CAUSES OF ACTION

FIRST CAUSE OF ACTION

(Violation of Proposition 65 – Against all Defendants)

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

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

21. Defendants manufactured, imported, sold, and/or distributed Products containing DEA 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 Notices and will continue to occur into the future.

22. 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 DEA through reasonably foreseeable use of the Products.

23. Products expose individuals to DEA through dermal absorption. This exposure is a natural and foreseeable consequence of Defendants placing Products into the stream of commerce. As such, Defendants intend that consumers will use Products, exposing them to DEA.

24. Defendant's Products exceed the NSRL of 5.6 micrograms/day, which was derived from the NTP study.

25. Defendants knew or should have known that the Products contained DEA and exposed individuals to DEA in the ways provided above. The Notice informed Defendants of the presence of DEA in the Products. Likewise, media coverage concerning DEA and related chemicals in consumer products provided constructive notice to Defendants.

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

27. More than sixty days prior to naming each defendant in this lawsuit, Plaintiff issued a 60-Day Notice of Violation upon each Defendant as required by and in compliance with Proposition 65. Plaintiff provided the Notice to the various required public enforcement agencies along with a certificate of merit. The Notice alleged that Defendants violated Proposition 65 by failing to sufficiently warn consumers in California of the health hazards associated with exposures to DEA contained in the Products.

