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Superior Court of California,
County of Los Angeles
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David W. Slayton,
Executive Officer/Clerk of Court,
By Y. Ayala, Deputy Clerk

5 Attorneys for Plaintiff,
6 CONSUMER ADVOCACY GROUP, INC.

7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

8 **COUNTY OF LOS ANGELES**

9 CONSUMER ADVOCACY GROUP, INC.,
10 in the public interest,

11 Plaintiff,

12 v.

13 POCAS INTERNATIONAL CORP., a
California Corporation;
14 THE TJX COMPANIES, INC., a Delaware
Corporation;
15 T.J. MAXX OF CA, LLC, a Delaware
Limited Liability Company;
16 and DOES 1-20,

17 Defendants.

CASE NO. **26STCV09350**

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)

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22 Plaintiff CONSUMER ADVOCACY GROUP, INC. alleges two causes of action
23 against defendants POCAS INTERNATIONAL CORP.; THE TJX COMPANIES, INC.; T.J.
24 MAXX OF CA, LLC; and DOES 1-20 as follows:

THE PARTIES

1. Plaintiff CONSUMER ADVOCACY GROUP, INC. (“Plaintiff” or “CAG”) is an organization qualified to do business in the State of California. CAG is a person within the meaning of Health and Safety Code Section 25249.11, subdivision (a). CAG, acting as a private attorney general, brings this action in the public interest as defined under Health and Safety Code Section 25249.7, subdivision (d).
2. Defendant POCAS INTERNATIONAL CORP. (“POCAS”) is a California Corporation qualified to do business in California and doing business in the State of California at all relevant times herein.
3. Defendant THE TJX COMPANIES, INC. (“TXJ”) is a Delaware Corporation qualified to do business in California, and doing business in the State of California at all relevant times herein.
4. Defendant T.J. MAXX OF CA, LLC (“TJ MAXX”) is a Delaware Limited Liability Corporation qualified to do business in California and doing business in the State of California at all relevant times herein.
5. Plaintiff is presently unaware of the true names and capacities of defendants DOES 1-20, and therefore sues these defendants by such fictitious names. Plaintiff will amend this Complaint to allege their true names and capacities when ascertained. Plaintiff is informed, believes, and thereon alleges that each fictitiously named defendant is responsible in some manner for the occurrences herein alleged and the damages caused thereby.
6. At all times mentioned herein, the term “Defendants” includes POCAS, TJX, TJ MAXX LLC and DOES 1-20.

1 7. Plaintiff is informed and believes, and thereon alleges that each of the Defendants at all
2 times mentioned herein have conducted business within the State of California.

3 8. Upon information and belief, at all times relevant to this action, each of the Defendants,
4 including DOES 1-20, was an agent, servant, or employee of each of the other
5 Defendants. Defendant TJX INC is the parent company of Defendant TJ MAXX. In
6 conducting the activities alleged in this Complaint, each of the Defendants was acting
7 within the course and scope of this agency, service, or employment, and was acting with
8 the consent, permission, and authorization of each of the other Defendants. All actions of
9 each of the Defendants alleged in this Complaint were ratified and approved by every
10 other Defendant or their officers or managing agents. Alternatively, each of the
11 Defendants aided, conspired with and/or facilitated the alleged wrongful conduct of each
12 of the other Defendants.

13 9. Plaintiff is informed, believes, and thereon alleges that at all relevant times, each of the
14 Defendants was a person doing business within the meaning of Health and Safety Code
15 Section 25249.11, subdivision (b), and that each of the Defendants had ten (10) or more
16 employees at all relevant times.

17 **JURISDICTION**

18 10. The Court has jurisdiction over this lawsuit pursuant to California Constitution Article
19 VI, Section 10, which grants the Superior Court original jurisdiction in all causes except
20 those given by statute to other trial courts. This Court has jurisdiction over this action
21 pursuant to Health and Safety Code Section 25249.7, which allows enforcement of
22 violations of Proposition 65 in any Court of competent jurisdiction.

23 11. This Court has jurisdiction over Defendants named herein because Defendants either
24 reside or are located in this State or are foreign corporations authorized to do business in

1 California, are registered with the California Secretary of State, or who do sufficient
2 business in California, have sufficient minimum contacts with California, or otherwise
3 intentionally avail themselves of the markets within California through their
4 manufacture, distribution, promotion, marketing, or sale of their products within
5 California to render the exercise of jurisdiction by the California courts permissible
6 under traditional notions of fair play and substantial justice.

7 12. Venue is proper in the County of Los Angeles because one or more of the instances of
8 wrongful conduct occurred, and continues to occur, in the County of Los Angeles and/or
9 because Defendants conducted, and continue to conduct, business in the County of Los
10 Angeles with respect to the consumer product that is the subject of this action.

11 **BACKGROUND AND PRELIMINARY FACTS**

12 13. In 1986, California voters approved an initiative to address growing concerns about
13 exposure to toxic chemicals and declared their right “[t]o be informed about exposures to
14 chemicals that cause cancer, birth defects, or other reproductive harm.” Ballot Pamp.,
15 Proposed Law, Gen. Elec. (Nov. 4, 1986) at p. 3. The initiative, The Safe Drinking
16 Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code Sections
17 25249.5, *et seq.* (“Proposition 65”), helps to protect California’s drinking water sources
18 from contamination, to allow consumers to make informed choices about the products
19 they buy, and to enable persons to protect themselves from toxic chemicals as they see
20 fit.

21 14. Proposition 65 requires the Governor of California to publish a list of chemicals known
22 to the state to cause cancer, birth defects, or other reproductive harm. *Health & Safety*
23 *Code* § 25249.8. The list, which the Governor updates at least once a year, contains over
24

1 700 chemicals and chemical families. Proposition 65 imposes warning requirements and
2 other controls that apply to Proposition 65-listed chemicals.

3 15. All businesses with ten (10) or more employees that operate or sell products in California
4 must comply with Proposition 65. Under Proposition 65, businesses are: (1) prohibited
5 from knowingly discharging Proposition 65-listed chemicals into sources of drinking
6 water (*Health & Safety Code* § 25249.5), and (2) required to provide “clear and
7 reasonable” warnings before exposing a person, knowingly and intentionally, to a
8 Proposition 65-listed chemical (*Health & Safety Code* § 25249.6).

9 16. Proposition 65 provides that any person "violating or threatening to violate" the statute
10 may be enjoined in any court of competent jurisdiction. *Health & Safety Code* §
11 25249.7. "Threaten to violate" means "to create a condition in which there is a
12 substantial probability that a violation will occur." *Health & Safety Code* § 25249.11(e).
13 Defendants are also liable for civil penalties of up to \$2,500.00 per day per violation,
14 recoverable in a civil action. *Health & Safety Code* § 25249.7(b).

15 17. Plaintiff identified certain practices of manufacturers and distributors of Roasted
16 Seaweed of exposing, knowingly and intentionally, persons in California to Cadmium or
17 Cadmium Compounds (“Cadmium”) of such products without first providing clear and
18 reasonable warnings of such to the exposed persons prior to the time of exposure.
19 Plaintiff later discerned that Defendants engaged in such practice.

20 18. On May 1, 1997, the Governor of California added Cadmium and Cadmium Compounds
21 to the list of chemicals known to the State to cause developmental and reproductive
22 toxicity (*Cal. Code Regs.* tit. 27, § 27001(c)). Cadmium is known to the State to cause
23 developmental, and male reproductive toxicity. Pursuant to Health and Safety Code
24 Sections 25249.9 and 25249.10, twenty (20) months after addition of Cadmium to the list

1 of chemicals known to the State to cause developmental and reproductive toxicity,
2 Cadmium became fully subject to Proposition 65 warning requirements and discharge
3 prohibitions.

4 **SATISFACTION OF PRIOR NOTICE**

5 19. Plaintiff served the following notices for alleged violations of Health and Safety Code
6 Section 25249.6, concerning consumer products exposures:

- 7 a. On or about December 5, 2025, Plaintiff gave notice of alleged violations of
8 Health and Safety Code Section 25249.6, concerning consumer products
9 exposures subject to a private action to POCAS, TJX, TJ MAXX, and to the
10 California Attorney General, County District Attorneys, and City Attorneys for
11 each city containing a population of at least 750,000 people in whose
12 jurisdictions the violations allegedly occurred, concerning the Roasted Seaweed.
- 13 b. On or about December 12, 2025, Plaintiff gave notice of alleged violations of
14 Health and Safety Code Section 25249.6, concerning consumer products
15 exposures subject to a private action to POCAS, TJX, TJ MAXX, and to the
16 California Attorney General, County District Attorneys, and City Attorneys for
17 each city containing a population of at least 750,000 people in whose
18 jurisdictions the violations allegedly occurred, concerning the Roasted Seaweed.

19 20. Before sending the notice of alleged violations, Plaintiff investigated the consumer
20 products involved, the likelihood that such products would cause users to suffer
21 significant exposures to Cadmium, and the corporate structure of each of the Defendants.

22 21. Plaintiff's notice of alleged violation included a Certificate of Merit executed by the
23 attorney for the noticing party, CAG. The Certificate of Merit stated that the attorney for
24 Plaintiff who executed the certificate had consulted with at least one person with relevant

1 and appropriate expertise who reviewed data regarding the exposures to Cadmium, the
2 subject Proposition 65-listed chemical of this action. Based on that information, the
3 attorney for Plaintiff who executed the Certificate of Merit believed there was a
4 reasonable and meritorious case for this private action. The attorney for Plaintiff
5 attached to the Certificate of Merit served on the Attorney General the confidential
6 factual information sufficient to establish the basis of the Certificate of Merit.

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

10 23. Plaintiff is commencing this action more than sixty (60) days from the dates that Plaintiff
11 gave notice of the alleged violations to POCAS, TJX, TJ MAXX, and the public
12 prosecutors referenced in Paragraph 19.

13 24. Plaintiff is informed, believes, and thereon alleges that neither the Attorney General, nor
14 any applicable district attorney or city attorney has commenced and is diligently
15 prosecuting an action against the Defendants.

16
17 **FIRST CAUSE OF ACTION**

18 **(By CONSUMER ADVOCACY GROUP, INC. and against POCAS, TJX, TJ
19 MAXX, and DOES 1-10 for Violations of Proposition 65, The Safe Drinking Water
20 and Toxic Enforcement Act of 1986 (*Health & Safety Code*, §§ 25249.5, *et seq.*))**

21 **Seaweed Snack I**

22 25. Plaintiff repeats and incorporates by reference paragraphs 1 through 24 of this complaint
23 as though fully set forth herein.

24 26. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
25 distributor, promoter, or retailer of Roasted Seaweed ("Seaweed I").

27. Seaweed I contains Cadmium.

1 28. Defendants knew or should have known that Cadmium has been identified by the State
2 of California as a chemical known to cause reproductive toxicity and developmental
3 harm, and therefore was subject to Proposition 65 warning requirements. Defendants
4 were also informed of the presence of Cadmium in Product within Plaintiff's notice of
5 alleged violations further discussed above at Paragraphs 19b.

6 29. Plaintiff's allegations regarding Seaweed I concerns "[c]onsumer products exposure[s],"
7 which "is an exposure that results from a person's acquisition, purchase, storage,
8 consumption, or other reasonably foreseeable use of a consumer good, or any exposure
9 that results from receiving a consumer service." *Cal. Code Regs. tit. 27, § 25602(b)*.
10 Seaweed I is a consumer product, and, as mentioned herein, exposures to Cadmium took
11 place as a result of such normal and foreseeable consumption and use.

12 30. Plaintiff is informed, believes, and thereon alleges that between December 5, 2022 and
13 the present, each of the Defendants knowingly and intentionally exposed California
14 consumers and users of Seaweed I, which Defendants manufactured, distributed, or sold
15 as mentioned above, to Cadmium, without first providing any type of clear and
16 reasonable warning of such to the exposed persons before the time of exposure.
17 Defendants have distributed and sold Seaweed I in California. Defendants know and
18 intend that California consumers will use and consume Seaweed I, thereby exposing
19 them to Cadmium. Further, Plaintiff is informed, believes, and thereon alleges that
20 Defendants have covered, obscured or altered a warning label that has been affixed to
21 Seaweed I by the manufacturer, producer, packager, importer, supplier or distributor of
22 Seaweed I; have received a notice and warning materials for exposure from Product
23 without conspicuously posting or displaying the warning materials; and/or have actual
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1 knowledge of potential exposure to Cadmium from Seaweed I. Defendants thereby
2 violated Proposition 65.

3 31. The principal routes of exposure are through ingestion, especially direct (oral) ingestion.

4 Persons sustain exposures by eating and consuming Seaweed I.

5 32. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of

6 Proposition 65 as to Seaweed I have been ongoing and continuous, as Defendants
7 engaged and continue to engage in conduct which violates Health and Safety Code

8 Section 25249.6, including the manufacture, distribution, promotion, and sale of

9 Seaweed I, so that a separate and distinct violation of Proposition 65 occurred each and
10 every time a person was exposed to Cadmium by Seaweed I as mentioned herein.

11 33. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65

12 mentioned herein is ever continuing. Plaintiff further alleges and believes that the

13 violations alleged herein will continue to occur into the future.

14 34. Based on the allegations herein, Defendants are liable for civil penalties of up to

15 \$2,500.00 per day per individual exposure to Cadmium from Seaweed I, pursuant to
16 Health and Safety Code Section 25249.7(b).

17 35. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to

18 filing this Complaint.

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20 **SECOND CAUSE OF ACTION**

21 **(By CONSUMER ADVOCACY GROUP, INC. and against POCAS, TJX, TJ**
22 **MAXX, and DOES 11-20 for Violations of Proposition 65, The Safe Drinking**
23 **Water and Toxic Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et***
24 ***seq.*))**

25 **Seaweed Snack II**

36. Plaintiff repeats and incorporates by reference paragraphs 1 through 24 of this complaint

as though fully set forth herein.

1 37. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
2 distributor, promoter, or retailer of Roasted Seaweed (“Seaweed II”), identified as: (i)
3 “LAVERLAND CRUNCH”; “HOT & SPICY”; “EXPORTED BY MANJUN FOODS
4 CO., LTD.”; “MANUFACTURED BY: MANJUN FOODS CO., LTD.”; “Best Before:
5 MAR/14/2026”; “Distributed by: POCAS INTERNATIONAL CORP.”; “UPC
6 8802241131688”; “UPC 8802241900918” and (ii) “LAVERLAND CRUNCH”;
7 “TERYAKI”; “EXPORTED BY MANJUN FOODS CO., LTD.”; “MANUFACTURED
8 BY: MANJUN FOODS CO., LTD.”; “Best Before: MAR/14/2026”; “Distributed by:
9 POCAS INTERNATIONAL CORP.”; “UPC 8802241135143”; “UPC 8802241900789”.

10 38. Seaweed II contains Cadmium.

11 39. Defendants knew or should have known that Cadmium has been identified by the State
12 of California as a chemical known to cause reproductive toxicity and developmental
13 harm, and therefore was subject to Proposition 65 warning requirements. Defendants
14 were also informed of the presence of Cadmium in Seaweed II within Plaintiff’s notice of
15 alleged violations further discussed above at Paragraphs 19a.

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

22 41. Plaintiff is informed, believes, and thereon alleges that between December 12, 2022 and
23 the present, each of the Defendants knowingly and intentionally exposed California
24 consumers and users of Seaweed II, which Defendants manufactured, distributed, or sold

1 as mentioned above, to Cadmium, without first providing any type of clear and
2 reasonable warning of such to the exposed persons before the time of exposure.
3 Defendants have distributed and sold Seaweed II in California. Defendants know and
4 intend that California consumers will use and consume Seaweed II, thereby exposing
5 them to Cadmium. Further, Plaintiff is informed, believes, and thereon alleges that
6 Defendants have covered, obscured or altered a warning label that has been affixed to
7 Seaweed II by the manufacturer, producer, packager, importer, supplier or distributor of
8 Seaweed II; have received a notice and warning materials for exposure from Seaweed II
9 without conspicuously posting or displaying the warning materials; and/or have actual
10 knowledge of potential exposure to Cadmium from Seaweed II. Defendants thereby
11 violated Proposition 65.

12 42. The principal routes of exposure are through ingestion, especially direct (oral) ingestion.
13 Persons sustain exposures by eating and consuming Seaweed II.

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

20 44. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
21 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
22 violations alleged herein will continue to occur into the future.
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1 45. Based on the allegations herein, Defendants are liable for civil penalties of up to
2 \$2,500.00 per day per individual exposure to Cadmium from Seaweed II, pursuant to
3 Health and Safety Code Section 25249.7(b).

4 46. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
5 filing this Complaint.

6 **PRAYER FOR RELIEF**

7 Plaintiff demands against each of the Defendants as follows:

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

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17 Dated: March 23, 2026

YEROUSHALMI & YEROUSHALMI*

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20 */s/ Reuben Yeroushalmi*
21 Reuben Yeroushalmi
22 Attorneys for Plaintiff,
23 CONSUMER ADVOCACY GROUP, INC.
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