

1 Evan J. Smith, Esquire (SBN 242352)
2 Ryan P. Cardona, Esquire (SBN 302113)
3 BRODSKY SMITH
4 9465 Wilshire Blvd., Ste. 300
5 Beverly Hills, CA 90212
6 Telephone: (877) 534-2590
7 Facsimile: (310) 247-0160

8 *Attorneys for Plaintiff*

ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco

04/28/2026
Clerk of the Court
BY: MARIVIC VIRAY
Deputy Clerk

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF SAN FRANCISCO

11 EMA BELL,

12 Plaintiff,

13 vs.

14 LASSENS NATURAL FOODS &
15 VITAMINS, LLC,

16 Defendant.

Case No.:

**COMPLAINT FOR CIVIL PENALTIES AND
INJUNCTIVE RELIEF**

**(Violation of Health & Safety Code § 25249.5 et
seq.)**

CGC-26-636374

17 Plaintiff Ema Bell (“Plaintiff”), by and through her attorneys, alleges the following cause
18 of action in the public interest of the citizens of the State of California.

19 **BACKGROUND OF THE CASE**

20 1. Plaintiff brings this representative action on behalf of all California citizens to
21 enforce relevant portions of Safe Drinking Water and Toxic Enforcement Act of 1986, codified at
22 the Health and Safety Code § 25249.5 et seq (“Proposition 65”), which reads, in relevant part,
23 “[n]o person in the course of doing business shall knowingly and intentionally expose any
24 individual to a chemical known to the state to cause cancer or reproductive toxicity without first
25 giving clear and reasonable warning to such individual ...”. Health & Safety Code § 25249.6.

26 2. This complaint is a representative action brought by Plaintiff in the public interest
27 of the citizens of the State of California to enforce the People’s right to be informed of the health
28 hazards caused by exposure to lead, a toxic chemical found in *Bean Vivo Organics*® cooked lentils
and quinoa salad protein boosters that are offered for sale and/or sold in California by Lassens
Natural Foods & Vitamins, LLC (“Lassens” or “Defendant”).

1 3. Lead is a harmful chemical known to the State of California to cause cancer and
2 birth defects or other reproductive harm. On October 1, 1992, the state of California listed lead as
3 a chemical known to cause cancer and it has come under the purview of Proposition 65 regulations
4 since that time. Cal. Code Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8 &
5 25249.10(b). On February 27, 1987, the State of California listed lead as a chemical known to
6 cause birth defects or other reproductive harm.

7 4. Proposition 65 requires all businesses with ten (10) or more employees that operate
8 within California or sell products therein to comply with Proposition 65 regulations. Included in
9 such regulations is the requirement that businesses must label any product containing a Proposition
10 65-listed chemical that will create an exposure above safe harbor levels with a “clear and
11 reasonable” warning before “knowingly and intentionally” exposing any person to any such listed
12 chemical.

13 5. Proposition 65 allows for civil penalties of up to \$2,500.00 per day per violation
14 for up to 365 days to be imposed upon defendants in a civil action for violations of Proposition 65.
15 Health & Safety Code § 25249.7(b). Proposition 65 also allows for any court of competent
16 jurisdiction to enjoin the actions of a defendant which “violate or threaten to violate” the statute.
17 Health & Safety Code § 25249.7.

18 6. Plaintiff alleges that Defendant distributes and/or offers for sale in California,
19 without a requisite exposure warning, *Bean Vivo Organics*® cooked lentils and quinoa salad
20 protein boosters (the “Products”) that expose persons to lead when consumed for their intended
21 purpose.

22 7. Defendant’s failure to warn consumers and other individuals in California of the
23 health hazards associated with exposure to lead in conjunction with the sale and/or distribution of
24 the Product is a violation of Proposition 65 and subjects Defendant to the enjoinder and civil
25 penalties described herein.

26 8. Plaintiff seeks civil penalties against Defendant for its violations of Proposition 65
27 in accordance with Health and Safety Code § 25249.7(b).
28

1 of violations of Proposition 65 in any Court of competent jurisdiction; therefore, this Court has
2 jurisdiction over this lawsuit.

3 15. This Court has jurisdiction over Defendant because Defendant is either a citizen of
4 the State of California, has sufficient minimum contacts with the State of California, is registered
5 with the California Secretary of State as foreign corporations authorized to do business in the State
6 of California, and/or has otherwise purposefully availed itself of the California market. Such
7 purposeful availment has rendered the exercise of jurisdiction by California courts consistent and
8 permissible with traditional notions of fair play and substantial justice. Public policy further
9 supports this conclusion.

10 STATUTORY BACKGROUND

11 16. The people of the State of California declared in Proposition 65 their right “[t]o be
12 informed about exposures to chemicals that cause cancer, birth defects, or other reproductive
13 harm.” (Section 1(b) of Initiative Measure, Proposition 65.)

14 17. To effect this goal, Proposition 65 requires that individuals be provided with a
15 “clear and reasonable warning” before being exposed to substances listed by the State of California
16 as causing cancer and birth defects or other reproductive harm. H&S Code § 25249.6 states, in
17 pertinent part:

18 No person in the course of doing business shall knowingly and intentionally expose any
19 individual to a chemical known to the state to cause cancer or reproductive toxicity without
20 first giving clear and reasonable warning to such individual...

21 18. In this case, exposures are caused by consumer products. A “Consumer Product” is
22 defined as “any article, or component part thereof, including food, that is produced, distributed, or
23 sold for the personal use, consumption or enjoyment of a consumer.” (Cal. Code Regs., tit. 27, §
24 25600.1, subd. (d).) Food includes “dietary supplements” as defined in California Code of
25 Regulations, title 17, section 10200. (*Id.* at subd. (g).) An exposure to a chemical in a Consumer
26 Product is one “which results from a person’s acquisition, purchase, storage, consumption or other
27 reasonably foreseeable use of a consumer good, or any exposure that results from receiving a
28 consumer service.” (27 CCR § 25602, para (b).) H&S Code § 25603(c) states that “a person in the

1 course of doing business ... shall provide a warning to any person to whom the product is sold or
2 transferred unless the product is packaged or labeled with a clear and reasonable warning.”

3 19. An exposure to a chemical in a consumer product is one “which results from a
4 person’s acquisition, purchase, storage, consumption or other reasonably foreseeable use of a
5 consumer good, or any exposure that results from receiving a consumer service.” (27 CCR §
6 25602, para (b).) H&S Code § 25603(c) states that “a person in the course of doing business ...
7 shall provide a warning to any person to whom the product is sold or transferred unless the product
8 is packaged or labeled with a clear and reasonable warning.”

9 20. Pursuant to H&S Code § 25603.1, the warning may be provided by using one or
10 more of the following methods individually or in combination:¹

11 a. A warning that appears on a product’s label or other labeling.

12 b. Identification of the product at the retail outlet in a manner which provides
13 a warning. Identification may be through shelf labeling, signs, menus, or a combination
14 thereof.

15 c. The warnings provided pursuant to subparagraphs (a) and (b) shall be
16 prominently placed upon a product’s labels or other labeling or displayed at the retail outlet
17 with such conspicuousness, as compared with other words, statements, designs, or devices
18 in the label, labeling or display as to render it likely to be read and understood by an
19 ordinary individual under customary conditions of purchase or use.

20 d. A system of signs, public advertising identifying the system and toll-free
21 information services, or any other system that provides clear and reasonable warnings.

22 21. Proposition 65 provides that any “person who violates or threatens to violate” the
23 statute may be enjoined in a court of competent jurisdiction. (H&S Code § 25249.7.) The phrase
24 “threaten to violate” is defined to mean creating “a condition in which there is a substantial
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26
27 ¹ Alternatively, a person in the course of doing business may elect to comply with the warning
28 requirements set out in the amended version of 27 CCR 25601, *et.seq.*, as amended on August 30,
2016, and operative on August 30, 2018.

1 probability that a violation will occur.” (H&S Code § 25249.11(e).) Violators are liable for civil
2 penalties of up to \$2,500.00 per day for each violation of the Act (H&S Code § 25249.7) for up to
3 365 days.

4 22. Pursuant to Cal. Code Regs. Tit. 27, § 25600.2(e), a retail seller is responsible for
5 providing the warning required by § 25249.6 of the Act for a consumer product exposure when
6 one or more of the following circumstances exist: (a) the retailer seller is selling the product under
7 a brand or trademark that is owned or licensed by the retail seller or an affiliated entity; (b) the
8 retailer seller has knowingly introduced a listed chemical into the product, or knowingly caused
9 the listed chemical to be created in the product; (c) the retail seller has covered, obscured or altered
10 a warning label that has been affixed to the product pursuant to § 25600.2(b); (d) the retail seller
11 has received a notice and warning materials for the exposure pursuant to § 25600.2(b)-(c) and the
12 retail seller has sold the product without conspicuously posting or displaying the warning; or (e)
13 the retailer seller has actual knowledge of the potential consumer product exposure requiring the
14 warning, and there is no manufacturer, producer, packager, importer, supplier, or distributor of the
15 product who: (i) is a “person in the course of doing business under § 25249.11(b) of the Act, and
16 (ii) has designated an agent for service of process in California, or has a place of business in
17 California.

18 FACTUAL BACKGROUND

19 23. Lead is a harmful chemical known to the State of California to cause cancer and
20 birth defects or other reproductive harm. On October 1, 1992, the state of California listed lead as
21 a chemical known to cause cancer and it has come under the purview of Proposition 65 regulations
22 since that time. Cal. Code Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8 &
23 25249.10(b). On February 27, 1987, the State of California listed lead as a chemical known to
24 cause birth defects or other reproductive harm.

25 24. On October 23, 2025, Plaintiff purchased the Product from Defendant. At the time
26 of the purchase, Defendant did not provide a clear and reasonable exposure warning pursuant to
27 Cal. Code Regs. Tit. 27, § 25602.

1 25. On December 23, 2025, Plaintiff served notice of alleged violation of Health and
2 Safety Code § 25249.6 (the “Notice”) to Defendant concerning the exposure of California citizens
3 to lead from consumption of the Products without proper warning, subject to a private action to
4 Defendant and to the California Attorney General’s office and the offices of the County District
5 attorneys and City Attorneys for each city with a population greater than 750,000 persons wherein
6 the herein violations allegedly occurred. The exposures that are the subject of the Notice result
7 from the purchase, acquisition, handling and recommended consumption of the Product. The
8 primary route of exposure to lead is through ingestion. When foods contaminated with lead are
9 consumed, ingestion of lead will occur which will increase blood lead levels. No clear and
10 reasonable warning is provided with the Products regarding the health hazards of exposure.

11 26. Defendant has actual knowledge that sales of the Product in California will result
12 in an actionable consumer product exposure pursuant to Cal. Health & Safety Code § 25249.5 et
13 seq.

14 27. Defendant has sold the Product under a brand or trademark that is owned or licensed
15 by Defendant or an affiliated entity; and/or Defendant has knowingly introduced lead into the
16 Product, or knowingly caused lead to be created in the Product; and/or Defendant has covered,
17 obscured or altered a warning label that has been affixed to the Product pursuant to § 25600.2(b);
18 and/or Defendant has received a notice and warning materials for the exposure pursuant to §
19 25600.2(b)-(c) and Defendant has sold the product without conspicuously posting or displaying
20 the warning; and/or Defendant has actual knowledge of the potential consumer product exposure
21 requiring the warning, and there is no manufacturer, producer, packager, importer, supplier, or
22 distributor of the Product who: (i) is a “person in the course of doing business under § 25249.11(b)
23 of the Act, and (ii) has designated an agent for service of process in California, or has a place of
24 business in California.

25 28. At all times relevant to this action, Defendant has knowingly and intentionally
26 exposed consumers of the Products to lead without first giving a clear and reasonable exposure
27 warning to such individuals. More than five business days after receipt of the Notice of Violation,
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1 Defendant continued to distribute, sell, and/or offer to and sell in California without the requisite
2 warning information.

3 29. On or about February 21, 2026, Plaintiff purchased the Product a second time from
4 Defendant. At the time of the purchase, Defendant did not provide a clear and reasonable exposure
5 warning pursuant to Cal. Code Regs. Tit. 27, § 25602.

6 30. As a proximate result of acts by Defendant, as a person in the course of doing
7 business within the meaning of H&S Code § 25249.11, individuals throughout the State of
8 California, including in San Francisco County, have been exposed to lead without a clear and
9 reasonable warning on the Products. The individuals subject to the violative exposures include
10 normal and foreseeable users and consumers that consume the Products, as well as all others
11 exposed to the Products.

12 SATISFACTION OF NOTICE REQUIREMENTS

13 31. On October 23, 2025, Plaintiff purchased the Product from Defendant. At the time
14 of purchase, Defendant did not provide a Proposition 65 exposure warning for lead or any other
15 Proposition 65 listed chemical in a manner consistent with H&S Code § 25603.1 as described
16 *supra*.

17 32. On November 11, 2025, the Product was sent to a testing laboratory to determine
18 if, and what amount of, lead a consumer would be exposed to per serving size.

19 33. On December 3, 2025, the laboratory provided the results of its analysis. Results of
20 this test determined the Product exposes consumers to lead (the “Chemical Test Report”).

21 34. Plaintiff provided the Chemical Test Report and Product to an analytical chemist
22 to determine if, based on the findings of the Chemical Test Report and the reasonable and
23 foreseeable consumption of the Product, exposure to lead will occur at levels that require
24 Proposition 65 warnings under the Clear and Reasonable Warnings section 25601 of Title 27 of
25 the California Code of Regulations.

26 35. On December 23, 2025, Plaintiff received from the analytical chemist an exposure
27 assessment report which concluded that persons in California who consume the Products will be
28 exposed to levels of lead that require a Proposition 65 exposure warning.

1 subject to a private action to Defendant and to the California Attorney General’s office and the
2 offices of the County District attorneys and City Attorneys for each city with a population greater
3 than 750,000 persons wherein the herein violations allegedly occurred.

4 43. The Notice gives Defendant actual knowledge of the potential consumer product
5 exposure requiring the warning pursuant to Cal. Code Regs, Tit. 27, § 25600.2. Consumption of
6 the Products will expose users and consumers thereof to lead, a hazardous chemical found on the
7 Proposition 65 list of chemicals known to be hazardous to human health.

8 44. The Products do not comply with the Proposition 65 warning requirements.

9 45. Plaintiff, based on her best information and belief, avers that at all relevant times
10 herein, and at least since December 23, 2025, continuing until the present, that Defendant has
11 continued to knowingly and intentionally expose California users and consumers of the Products
12 to lead without providing required warnings under Proposition 65.

13 46. Defendant continues to sell the Product under a brand or trademark that is owned
14 or licensed by Defendant or an affiliated entity; and/or Defendant has knowingly introduced lead
15 into the Product, or knowingly caused lead to be created in the Product; and/or Defendant has
16 covered, obscured or altered a warning label that has been affixed to the Product pursuant to §
17 25600.2(b); and/or Defendant has received a notice and warning materials for the exposure
18 pursuant to § 25600.2(b)-(c) and Defendant has sold the product without conspicuously posting or
19 displaying the warning; and/or Defendant has actual knowledge of the potential consumer product
20 exposure requiring the warning, and there is no manufacturer, producer, packager, importer,
21 supplier, or distributor of the Product who: (i) is a “person in the course of doing business under §
22 25249.11(b) of the Act, and (ii) has designated an agent for service of process in California, or has
23 a place of business in California

24 47. On or about February 21, 2026, more than five business days after Defendant
25 received the Notice, Plaintiff purchased the Product from Defendant. At the time of purchase,
26 Defendant did not provide a Proposition 65 compliant exposure warning.

27 48. The exposures that are the subject of the Notice result from the purchase,
28 acquisition, handling and recommended consumption of the Product. The primary route of

1 exposure to lead is through ingestion. When foods contaminated with lead are consumed, ingestion
2 of lead will occur which will increase blood lead levels. No clear and reasonable warning is
3 provided with the Products regarding the health hazards of exposure.

4 49. Plaintiff, based on her best information and belief, avers that such exposures will
5 continue every day until clear and reasonable warnings are provided to purchasers and consumers
6 or until this known toxic chemical is removed from the Products.

7 50. Defendant has knowledge that the normal and reasonably foreseeable consumption
8 of the Products exposes individuals to lead, and Defendant intends that exposures to lead will occur
9 by their deliberate, non-accidental participation in the importation, distribution, sale and offering
10 of the Products to consumers in California.

11 51. Plaintiff has engaged in good faith efforts to resolve the herein claims prior to this
12 Complaint.

13 52. Pursuant to Health and Safety Code § 25249.7(b), as a consequence of the above
14 described acts, Defendant is liable for a maximum civil penalty of \$2,500 per day per violation.

15 53. Pursuant to Health and Safety Code § 25249.7(a), this Court is specifically
16 authorized to grant injunctive relief in favor of Plaintiff and against Defendant.

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1 PRAYER FOR RELIEF

2 WHEREFORE, Plaintiff demands judgment against Defendant and requests the following
3 relief:

4 A. That the court assess civil penalties against Defendant in the amount of \$2,500 per
5 day for each violation for up to 365 days in accordance with Health and Safety Code §
6 25249.7(b);

7 B. That the court preliminarily and permanently enjoin Defendant mandating
8 Proposition 65 compliant warnings on the Products;

9 C. That the court grant Plaintiff reasonable attorney’s fees and costs of suit, in the
10 amount of \$50,000.00.

11 D. That the court grant any further relief as may be just and proper.

12 Dated: April 28, 2026

BRODSKY SMITH

13 By:  _____

14 Evan J. Smith (SBN242352)
15 Ryan P. Cardona (SBN302113)
16 9465 Wilshire Boulevard, Suite 300
17 Beverly Hills, CA 90212
18 Telephone: (877) 534-2590
19 Facsimile: (310) 247-0160

Attorneys for Plaintiff