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9 CONSUMER ADVOCACY GROUP, INC.

**ELECTRONICALLY FILED**

Superior Court of California,

County of Alameda

**04/15/2026 at 06:18:57 PM**

By: Andrei Gospel,

Deputy Clerk

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

11 **COUNTY OF ALAMEDA**

12 CONSUMER ADVOCACY GROUP, INC.,  
13 in the public interest,

14 Plaintiff,

15 v.

16 WISMETTAC ASIAN FOODS, INC., a  
17 California Corporation;  
18 H MART, INC., a Delaware Corporation;  
19 GRAND SUPERCENTER, INC., a New  
20 York Corporation;  
21 and DOES 1-20,

22 Defendants.

CASE NO. **26CV182658**

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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26 Plaintiff CONSUMER ADVOCACY GROUP, INC. alleges two causes of action  
27 against defendants WISMETTAC ASIAN FOODS, INC.; H MART, INC.; GRAND  
28 SUPERCENTER, INC.; 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 WISMETTAC ASIAN FOODS, INC. (“WISMETTAC”) 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 H MART, INC. (“H MART”) 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 GRAND SUPERCENTER, INC. (“GRAND SUPERCENTER”) is a New York 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 WISMETTAC, H MART, GRAND SUPERCENTER, and DOES 1-20.
7. Plaintiff is informed and believes, and thereon alleges that each of the Defendants at all times mentioned herein have conducted business within the State of California.
8. Upon information and belief, at all times relevant to this action, each of the Defendants, including DOES 1-20, was an agent, servant, or employee of each of the other

1 Defendants. In conducting the activities alleged in this Complaint, each of the  
2 Defendants was acting within the course and scope of this agency, service, or  
3 employment, and was acting with the consent, permission, and authorization of each of  
4 the other Defendants. All actions of each of the Defendants alleged in this Complaint  
5 were ratified and approved by every other Defendant or their officers or managing  
6 agents. Alternatively, each of the Defendants aided, conspired with and/or facilitated the  
7 alleged wrongful conduct of each of the other Defendants.

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

#### 12 **JURISDICTION**

- 13 10. The Court has jurisdiction over this lawsuit pursuant to California Constitution Article  
14 VI, Section 10, which grants the Superior Court original jurisdiction in all causes except  
15 those given by statute to other trial courts. This Court has jurisdiction over this action  
16 pursuant to Health and Safety Code Section 25249.7, which allows enforcement of  
17 violations of Proposition 65 in any Court of competent jurisdiction.
- 18 11. This Court has jurisdiction over Defendants named herein because Defendants either  
19 reside or are located in this State or are foreign corporations authorized to do business in  
20 California, are registered with the California Secretary of State, or who do sufficient  
21 business in California, have sufficient minimum contacts with California, or otherwise  
22 intentionally avail themselves of the markets within California through their  
23 manufacture, distribution, promotion, marketing, or sale of their products within  
24 California to render the exercise of jurisdiction by the California courts permissible  
25 under traditional notions of fair play and substantial justice.
- 26 12. Venue is proper in the County of Alameda because one or more of the instances of  
27 wrongful conduct occurred, and continues to occur, in the County Alameda and/or  
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1 because Defendants conducted, and continue to conduct, business in the County of  
2 Alameda with respect to the consumer product that is the subject of this action.

3 **BACKGROUND AND PRELIMINARY FACTS**

4 13. In 1986, California voters approved an initiative to address growing concerns about  
5 exposure to toxic chemicals and declared their right “[t]o be informed about exposures to  
6 chemicals that cause cancer, birth defects, or other reproductive harm.” Ballot Pamp.,  
7 Proposed Law, Gen. Elec. (Nov. 4, 1986) at p. 3. The initiative, The Safe Drinking  
8 Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code Sections  
9 25249.5, *et seq.* (“Proposition 65”), helps to protect California’s drinking water sources  
10 from contamination, to allow consumers to make informed choices about the products  
11 they buy, and to enable persons to protect themselves from toxic chemicals as they see  
12 fit.

13 14. Proposition 65 requires the Governor of California to publish a list of chemicals known  
14 to the state to cause cancer, birth defects, or other reproductive harm. *Health & Safety*  
15 *Code* § 25249.8. The list, which the Governor updates at least once a year, contains over  
16 700 chemicals and chemical families. Proposition 65 imposes warning requirements and  
17 other controls that apply to Proposition 65-listed chemicals.

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

24 16. Proposition 65 provides that any person "violating or threatening to violate" the statute  
25 may be enjoined in any court of competent jurisdiction. *Health & Safety Code* §  
26 25249.7. "Threaten to violate" means "to create a condition in which there is a  
27 substantial probability that a violation will occur." *Health & Safety Code* § 25249.11(e).

28

1 Defendants are also liable for civil penalties of up to \$2,500.00 per day per violation,  
2 recoverable in a civil action. *Health & Safety Code* § 25249.7(b).

3 17. Plaintiff identified certain practices of manufacturers and distributors of Dried Seaweed  
4 of exposing, knowingly and intentionally, persons in California to Lead and Lead  
5 Compounds and Cadmium and Cadmium Compounds of such products without first  
6 providing clear and reasonable warnings of such to the exposed persons prior to the time  
7 of exposure. Plaintiff later discerned that Defendants engaged in such practice.

8 18. On October 1, 1992, the Governor of California added Lead and Lead Compounds  
9 (“Lead”) to the list of chemicals known to the State to cause cancer (*Cal. Code Regs.* tit.  
10 27, § 27001(b)). Pursuant to Health and Safety Code Sections 25249.9 and 25249.10,  
11 twenty (20) months after addition of Lead to the list of chemicals known to the State to  
12 cause cancer, Lead became fully subject to Proposition 65 warning requirements and  
13 discharge prohibitions.

14 19. On February 27, 1987, the Governor of California added Lead to the list of chemicals  
15 known to the State to cause developmental and reproductive toxicity (*Cal. Code Regs.*  
16 tit. 27, § 27001(c)). Lead is known to the State to cause developmental, female, and  
17 male reproductive toxicity. Pursuant to Health and Safety Code Sections 25249.9 and  
18 25249.10, twenty (20) months after addition of Lead to the list of chemicals known to  
19 the State to cause developmental and reproductive toxicity, Lead became fully subject to  
20 Proposition 65 warning requirements and discharge prohibitions.

21 20. On May 1, 1997, the Governor of California added Cadmium and Cadmium Compounds  
22 to the list of chemicals known to the State to cause developmental and reproductive  
23 toxicity (*Cal. Code Regs.* tit. 27, § 27001(c)). Cadmium is known to the State to cause  
24 developmental, and male reproductive toxicity. Pursuant to Health and Safety Code  
25 Sections 25249.9 and 25249.10, twenty (20) months after addition of Cadmium to the list  
26 of chemicals known to the State to cause developmental and reproductive toxicity,  
27  
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1 Cadmium became fully subject to Proposition 65 warning requirements and discharge  
2 prohibitions.

3 **SATISFACTION OF PRIOR NOTICE**

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

6 a. On or about January 5, 2026, Plaintiff gave notice of alleged violations of  
7 Health and Safety Code Section 25249.6, concerning consumer products  
8 exposures subject to a private action to WISMETTAC, H MART, GRAND  
9 SUPERCENTER, and to the California Attorney General, County District  
10 Attorneys, and City Attorneys for each city containing a population of at least  
11 750,000 people in whose jurisdictions the violations allegedly occurred,  
12 concerning the Dried Seaweed.

13 b. On or about January 12, 2026, 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 WISMETTAC, H MART, GRAND  
16 SUPERCENTER, and to the California Attorney General, County District  
17 Attorneys, and City Attorneys for each city containing a population of at least  
18 750,000 people in whose jurisdictions the violations allegedly occurred,  
19 concerning the Dried Seaweed.

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

24 23. Plaintiff's notice of alleged violation included a Certificate of Merit executed by the  
25 attorney for the noticing party, CAG. The Certificate of Merit stated that the attorney for  
26 Plaintiff who executed the certificate had consulted with at least one person with relevant  
27 and appropriate expertise who reviewed data regarding the exposures to Lead and  
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1 Cadmium, the subject Proposition 65-listed chemical of this action. Based on that  
2 information, the attorney for Plaintiff who executed the Certificate of Merit believed  
3 there was a reasonable and meritorious case for this private action. The attorney for  
4 Plaintiff attached to the Certificate of Merit served on the Attorney General the  
5 confidential factual information sufficient to establish the basis of the Certificate of  
6 Merit.

7 24. 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 25. Plaintiff is commencing this action more than sixty (60) days from the dates that Plaintiff  
11 gave notice of the alleged violations to WISMETTAC, H MART, GRAND  
12 SUPERCENTER, and the public prosecutors referenced in Paragraph 21.

13 26. 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 **FIRST CAUSE OF ACTION**

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

### 21 **Seafood Products I**

22 27. Plaintiff repeats and incorporates by reference paragraphs 1 through 26 of this complaint  
23 as though fully set forth herein.

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

26 29. Dried Seaweed I contains Lead and Cadmium.

27 30. Defendants knew or should have known that Lead and Cadmium have been identified by  
28 the State of California as a chemical known to cause cancer, developmental toxicity and

1 reproductive toxicity and therefore was subject to Proposition 65 warning requirements.  
2 Defendants were also informed of the presence of Lead and Cadmium in Dried Seaweed  
3 I within Plaintiff's notice of alleged violations further discussed above at Paragraphs 21b.

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

11 32. Plaintiff is informed, believes, and thereon alleges that between January 12, 2023 and the  
12 present, each of the Defendants knowingly and intentionally exposed California  
13 consumers and users of Dried Seaweed I, which Defendants manufactured, distributed,  
14 or sold as mentioned above, to Lead and Cadmium, without first providing any type of  
15 clear and reasonable warning of such to the exposed persons before the time of exposure.  
16 Defendants have distributed and sold Dried Seaweed I in California. Defendants know  
17 and intend that California consumers will use and consume Dried Seaweed I, thereby  
18 exposing them to Lead and Cadmium. Further, Plaintiff is informed, believes, and  
19 thereon alleges that Defendants are selling Dried Seaweed I under a brand or trademark  
20 that is owned or licensed by the Defendants or an entity affiliated thereto; have  
21 knowingly introduced Lead and Cadmium into Dried Seaweed II or knowingly caused  
22 Lead and Cadmium to be created in Dried Seaweed I; have covered, obscured or altered  
23 a warning label that has been affixed to Dried Seaweed I by the manufacturer, producer,  
24 packager, importer, supplier or distributor of Dried Seaweed I; have received a notice  
25 and warning materials for exposure from Dried Seaweed I without conspicuously posting  
26 or displaying the warning materials; and/or have actual knowledge of potential exposure

1 to Lead and Cadmium from Dried Seaweed I. Defendants thereby violated Proposition  
2 65.

3 33. The principal routes of exposure are through ingestion, especially direct (oral) ingestion.  
4 Persons sustain exposures by eating and consuming Dried Seaweed I.

5 34. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of  
6 Proposition 65 as to Dried 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 Dried  
9 Seaweed I, so that a separate and distinct violation of Proposition 65 occurred each and  
10 every time a person was exposed to Lead and Cadmium by Dried Seaweed I as  
11 mentioned herein.

12 35. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65  
13 mentioned herein is ever continuing. Plaintiff further alleges and believes that the  
14 violations alleged herein will continue to occur into the future.

15 36. Based on the allegations herein, Defendants are liable for civil penalties of up to  
16 \$2,500.00 per day per individual exposure to Lead and Cadmium from Dried Seaweed I,  
17 pursuant to Health and Safety Code Section 25249.7(b).

18 37. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to  
19 filing this Complaint.

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21 **SECOND CAUSE OF ACTION**

22 **(By CONSUMER ADVOCACY GROUP, INC. and against WISMETTAC, H**  
23 **MART, GRAND SUPERCENTER, and DOES 11-20 for Violations of Proposition**  
24 **65, The Safe Drinking Water and Toxic Enforcement Act of 1986 (*Health & Safety***  
25 ***Code, §§ 25249.5, et seq.*))**

26 **Seafood Products II**

27 38. Plaintiff repeats and incorporates by reference paragraphs 1 through 26 of this complaint  
28 as though fully set forth herein.

1 39. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
2 distributor, promoter, or retailer of Dried Seaweed (“Dried Seaweed II”), identified as:  
3 “Shirakiku”; “Cut Wakame Dried Seaweed”; “DISTRIBUTED BY: WISMETTAC  
4 ASIAN FOODS, INC.”; “Best By: 11.24.2026”; “ITEM: 49007”; “UPC  
5 074410490072”.

6 40. Dried Seaweed II contains Lead and Cadmium.

7 41. Defendants knew or should have known that Lead and Cadmium have been identified by  
8 the State of California as a chemical known to cause cancer, developmental toxicity and  
9 reproductive toxicity and therefore was subject to Proposition 65 warning requirements.

10 Defendants were also informed of the presence of Lead and Cadmium in Dried Seaweed  
11 II within Plaintiff’s notice of alleged violations further discussed above at Paragraph 21a.

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

19 43. Plaintiff is informed, believes, and thereon alleges that between January 5, 2023 the  
20 present, each of the Defendants knowingly and intentionally exposed California  
21 consumers and users of Dried Seaweed II, which Defendants manufactured, distributed,  
22 or sold as mentioned above, to Lead and Cadmium, without first providing any type of  
23 clear and reasonable warning of such to the exposed persons before the time of exposure.  
24 Defendants have distributed and sold Dried Seaweed II in California. Defendants know  
25 and intend that California consumers will use and consume Dried Seaweed II, thereby  
26 exposing them to Lead and Cadmium. Further, Plaintiff is informed, believes, and  
27 thereon alleges that Defendants are selling Dried Seaweed II under a brand or trademark  
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1 that is owned or licensed by the Defendants or an entity affiliated thereto; have  
2 knowingly introduced Lead and Cadmium into Dried Seaweed II or knowingly caused  
3 Lead and Cadmium to be created in Dried Seaweed II; have covered, obscured or altered  
4 a warning label that has been affixed to Dried Seaweed II by the manufacturer, producer,  
5 packager, importer, supplier or distributor of Dried Seaweed II; have received a notice  
6 and warning materials for exposure from Dried Seaweed II without conspicuously  
7 posting or displaying the warning materials; and/or have actual knowledge of potential  
8 exposure to Lead and Cadmium from Dried Seaweed II. Defendants thereby violated  
9 Proposition 65.

10 44. The principal routes of exposure are through ingestion, especially direct (oral) ingestion.  
11 Persons sustain exposures by eating and consuming Dried Seaweed II.

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

19 46. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65  
20 mentioned herein is ever continuing. Plaintiff further alleges and believes that the  
21 violations alleged herein will continue to occur into the future.

22 47. Based on the allegations herein, Defendants are liable for civil penalties of up to  
23 \$2,500.00 per day per individual exposure to Lead and Cadmium from Dried Seaweed II,  
24 pursuant to Health and Safety Code Section 25249.7(b).

25 48. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to  
26 filing this Complaint.

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1 **PRAYER FOR RELIEF**

2 Plaintiff demands against each of the Defendants as follows:

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

8

9 Dated: April 15, 2026

YEROUSHALMI & YEROUSHALMI\*

10

11 /s/ Reuben Yeroushalmi

12 Reuben Yeroushalmi

13 Attorneys for Plaintiff,

14 CONSUMER ADVOCACY GROUP, INC.

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