

1 **ENTORNO LAW, LLP**  
2 Craig M. Nicholas (SBN 178444)  
3 Noam Glick (SBN 251582)  
4 Jake W. Schulte (SBN 293777)  
5 Gianna E. Tirrell (SBN 358788)  
6 225 Broadway, Suite 1900  
7 San Diego, California 92101  
8 Tel: (619) 629-0527  
9 Email: craig@entornolaw.com  
10 Email: noam@entornolaw.com  
11 Email: jake@entornolaw.com  
12 Email: gianna@entornolaw.com

13 Attorneys for Plaintiff  
14 Environmental Health Advocates, Inc.

**ELECTRONICALLY  
FILED**

*Superior Court of California,  
County of San Francisco*

**02/24/2026**  
**Clerk of the Court**  
BY: SHENEQUA GLADNEY  
Deputy Clerk

**CGC-26-634190**

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

16 **IN AND FOR THE COUNTY OF SAN FRANCISCO**

17 ENVIRONMENTAL HEALTH ADVOCATES,  
18 INC.,

19 Plaintiff,

20 v.

21 GELSON'S MARKETS, a California  
22 corporation; and DOES 1 through 100,  
23 inclusive,

24 Defendants.

Case No.:

**COMPLAINT FOR CIVIL PENALTIES  
AND INJUNCTIVE RELIEF**

(Health & Safety Code § 25249.6 et seq.)

**I.**  
**INTRODUCTION**

1  
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 cadmium, a known carcinogen  
5 and reproductive/developmental toxin. Defendants expose consumers to cadmium by manufacturing,  
6 importing, selling, and/or distributing protein bars including, but not limited to, Protein Puck Plant-  
7 Based Energy – Good Vibes and Protein Puck Plant-Based Energy – Wanderlust (“Products”).  
8 Defendants know and intend that customers will ingest Products containing cadmium.

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

14           3.       California identified and listed cadmium as a chemical known to cause developmental/  
15 reproductive toxicity as early as May 1, 1997.

16           4.       Defendants failed to sufficiently warn consumers and individuals in California about  
17 potential exposure to cadmium in connection with Defendants’ manufacture, import, sale, or distribution  
18 of Products. This is a violation of Proposition 65.

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

**II.**  
**PARTIES**

23  
24           6.       Plaintiff ENVIRONMENTAL HEALTH ADVOCATES, INC. (“Plaintiff”) is a  
25 corporation in the State of California dedicated to protecting the health of California citizens through  
26 the elimination or reduction of toxic exposure from consumer products. It brings this action in the public  
27 interest pursuant to Health and Safety Code, section 25249.7.

28 ///



1 **IV.**  
2 **CAUSES OF ACTION**

3 **FIRST CAUSE OF ACTION**

4 **(Violation of Proposition 65 – Against all Defendants)**

5 13. Plaintiff incorporates by reference each and every allegation contained above.

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

8 15. Defendants manufactured, imported, sold, and/or distributed Products containing  
9 cadmium in violation of Health and Safety Code, section 25249.6 et seq. Plaintiff is informed and  
10 believes such violations have continued after receipt of the Notice (defined *infra*) and will continue to  
11 occur into the future.

12 16. In manufacturing, importing, selling, and/or distributing Products, Defendants failed to  
13 provide a clear and reasonable warning to consumers and individuals in California who may be exposed  
14 to cadmium through reasonably foreseeable use of the Products.

15 17. Products expose individuals to cadmium through direct ingestion. This exposure is a  
16 natural and foreseeable consequence of Defendants placing Products into the stream of commerce. As  
17 such, Defendants intend that consumers will ingest Products, exposing them to cadmium.

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

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

23 20. More than sixty days prior to naming each defendant in this lawsuit, Plaintiff issued a  
24 60-Day Notice of Violation ("Notice") as required by and in compliance with Proposition 65. Plaintiff  
25 provided the Notice to the various required public enforcement agencies along with a certificate of merit.  
26 The Notice alleged that Defendants violated Proposition 65 by failing to sufficiently warn consumers in  
27 California of the health hazards associated with exposures to cadmium contained in the Products.

28 21. The appropriate public enforcement agencies provided with the Notice failed to  
commence and diligently prosecute a cause of action against Defendants.



1 **PRAYER FOR RELIEF**

2 Wherefore, Plaintiff prays for judgment against Defendants as follows:

- 3 1. Civil penalties in the amount of \$2,500 per day for each violation. Plaintiff alleges that  
4 damages total a minimum of \$1,000,000;
- 5 2. A preliminary and permanent injunction against Defendants from manufacturing,  
6 importing, selling, and/or distributing Products in California without providing a clear and reasonable  
7 warning as required by Proposition 65 and related Regulations;
- 8 3. Reasonable attorney’s fees and costs of suit; and
- 9 4. Such other and further relief as may be just and proper.
- 10
- 11

12 Respectfully submitted:

13 Dated: February 24, 2026

**ENTORNO LAW, LLP**

14 By:   
15 Noam Glick

16  
17 Craig M. Nicholas  
18 Jake W. Schulte  
19 Gianna E. Tirrell

20 Attorneys for Plaintiff  
21 Environmental Health Advocates, Inc.  
22  
23  
24  
25  
26  
27  
28