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15 Attorneys for Plaintiff
16 Environmental Health Advocates, Inc.

17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

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

19 **CGC-25-629812**

20 ENVIRONMENTAL HEALTH ADVOCATES,
21 INC.,

22 Plaintiff,

23 v.

24 SMART & FINAL STORES LLC, a California
25 limited liability company; and DOES 1 through
26 100, inclusive,

27 Defendants.

Case No.:

**COMPLAINT FOR CIVIL PENALTIES
AND INJUNCTIVE RELIEF**

(Health & Safety Code § 25249.6 et seq.)

**ELECTRONICALLY
FILED**
*Superior Court of California,
County of San Francisco*

10/02/2025
Clerk of the Court
BY: SHENEQUA GLADNEY
Deputy Clerk

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 cadmium, a known carcinogen
5 and reproductive/developmental toxin. Defendants expose consumers to cadmium by manufacturing,
6 importing, selling, and/or distributing sunflower seed kernels including, but not limited to, First Street
7 Sunflower Seed Kernels Roasted with Sea Salt (“Products”). Defendants know and intend that
8 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.

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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 22. Individuals exposed to cadmium contained in Products through direct ingestion
2 resulting from reasonably foreseeable use of the Products have suffered and continue to suffer
3 irreparable harm. There is no other plain, speedy, or adequate remedy at law.

4 23. Defendants are liable for a maximum civil penalty of \$2,500 per day for each violation
5 of Proposition 65 pursuant to Health and Safety Code, section 252497(b). Injunctive relief is also
6 appropriate pursuant to Health and Safety Code, section 25249.7(a).

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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 Respectfully submitted:

12 Dated: October 2, 2025

ENTORNO LAW, LLP

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