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5 *Attorneys for Plaintiff*

ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco

06/16/2026
Clerk of the Court
BY: RONNIE OTERO
Deputy Clerk

6 SUPERIOR COURT OF THE STATE OF CALIFORNIA
7
8 COUNTY OF SAN FRANCISCO

9 GABRIEL ESPINOZA,

10 Plaintiff,

11 vs.

12 PIQUE, INC.,

13 Defendant.

Case No.: CGC-26-634230

**FIRST AMENDED COMPLAINT FOR CIVIL
PENALTIES AND INJUNCTIVE RELIEF**

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

14 Plaintiff Gabriel Espinoza ("Plaintiff"), by and through his attorneys, alleges the following
15 cause of action in the public interest of the citizens of the State of California.

16 **BACKGROUND OF THE CASE**

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

23 2. This first amended complaint is a representative action brought by Plaintiff in the
24 public interest of the citizens of the State of California to enforce the People's right to be informed
25 of the health hazards caused by exposure to lead, cadmium, and/or perfluorooctanoic acid
26 ("PFOA"), toxic chemicals found in Pique teas, including but not limited to, (a) Pique cacao chai
27 (lead and cadmium), (b) Pique mint sencha green tea (PFOA), and (c) Pique Nandaka (lead)
28

1 manufactured, sold, and/or distributed by defendant Pique, Inc. (“Pique” or “Defendant”) in
2 California.

3 3. Lead is a harmful chemical known to the State of California to cause cancer and
4 birth defects or other reproductive harm. On October 1, 1992, the state of California listed lead as
5 a chemical known to cause cancer and it has come under the purview of Proposition 65 regulations
6 since that time. Cal. Code Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8 &
7 25249.10(b). On February 27, 1987, the State of California listed lead as a chemical known to
8 cause birth defects or other reproductive harm.

9 4. Cadmium is a harmful chemical known to the State of California to cause cancer
10 and birth defects or other reproductive harm. On October 1, 1987, the state of California listed
11 cadmium as a chemical known to cause cancer and it has come under the purview of Proposition
12 65 regulations since that time. Cal. Code Regs. Tit. 27, § 27001(c); Health & Safety Code §§
13 25249.8 & 25249.10(b). On May 1, 1997, the State of California listed cadmium as a chemical
14 known to cause birth defects or other reproductive harm.

15 5. PFOA is a harmful chemical known to the State of California to cause cancer and
16 birth defects or other reproductive harm. On November 10, 2017, the state of California listed
17 PFOA as a chemical known to cause birth defects or other reproductive harm and it has come
18 under the purview of Proposition 65 regulations since that time. Cal. Code Regs. Tit. 27, §
19 27001(c); Health & Safety Code §§ 25249.8 & 25249.10(b). On February 25, 2022, the State of
20 California listed PFOA as a chemical known to cause cancer.

21 6. Proposition 65 requires all businesses with ten (10) or more employees that operate
22 within California or sell products therein to comply with Proposition 65 regulations. Included in
23 such regulations is the requirement that businesses must label any product containing a Proposition
24 65-listed chemical that will create an exposure above safe harbor levels with a “clear and
25 reasonable” warning before “knowingly and intentionally” exposing any person to any such listed
26 chemical.

8.7. Proposition 65 allows for civil penalties of up to \$2,500.00 per day per violation for up to 365 days (up to a maximum civil penalty amount per violation of \$912,000.00) to be imposed upon defendants in a civil action for violations of Proposition 65. Health & Safety Code § 25249.7(b). Proposition 65 also allows for any court of competent jurisdiction to enjoin the actions of a defendant which “violate or threaten to violate” the statute. Health & Safety Code § 25249.7.

9.8. Plaintiff alleges that Defendant distributes and/or offers for sale in California, without a requisite exposure warning, Pique teas, including but not limited to, (a) Pique cacao chai (lead and cadmium), (b) Pique mint sencha green tea (PFOA), and (c) Pique Nandaka (lead) manufactured, sold, and/or distributed by Defendant in California (collectively, the “Products” and each a “Product”) that expose persons to lead, cadmium, and/or PFOA when consumed for their intended purpose.

10.9. Defendant's failure to warn consumers and other individuals in California of the health hazards associated with exposure to lead, cadmium, and/or PFOA in conjunction with the sale and/or distribution of the Products is a violation of Proposition 65 and subjects Defendant to the enjoinder and civil penalties described herein.

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

42:11. Plaintiff also seeks injunctive relief, preliminarily and permanently, requiring Defendant to provide purchasers or users/consumers of the Products with required warnings related to the dangers and health hazards associated with exposure to lead, cadmium, and/or PFOA pursuant to Health and Safety Code § 25249.7(a).

13.12. Plaintiff further seeks a reasonable award of attorney's fees and costs.

PARTIES

14.13. Plaintiff is a citizen of the State of California acting in the interest of the general public to promote awareness of exposures to toxic chemicals in products sold in California and to improve human health by reducing hazardous substances contained in such items. He brings this action in the public interest pursuant to Health and Safety Code § 25249.7(d).

1 15.14. Defendant Pique, Inc., through its business, effectively imports, distributes, sells,
2 and/or offers the Products for sale or use in the State of California, or it implies by its conduct that
3 it imports, distributes, sells, and/or offers the Products for sale or use in the State of California.
4 Plaintiff alleges that defendant Pique, Inc. is a “person” in the course of doing business within the
5 meaning of Health & Safety Code sections 25249.6 and 25249.11.

6 **VENUE AND JURISDICTION**

7 16.15. Venue is proper in the County of San Francisco because one or more of the
8 instances of wrongful conduct occurred, and continue to occur in this county and/or because
9 Defendant conducted, and continues to conduct, business in the County of San Francisco with
10 respect to the Products.

11 17.16. This Court has jurisdiction over this action pursuant to California Constitution
12 Article VI, § 10, which grants the Superior Court original jurisdiction in all causes except those
13 given by statute to other trial courts. Health and Safety Code § 25249.7 allows for the enforcement
14 of violations of Proposition 65 in any Court of competent jurisdiction; therefore, this Court has
15 jurisdiction over this lawsuit.

16 18.17. This Court has jurisdiction over Defendant because Defendant is either a citizen of
17 the State of California, has sufficient minimum contacts with the State of California, is registered
18 with the California Secretary of State as foreign corporations authorized to do business in the State
19 of California, and/or has otherwise purposefully availed itself of the California market. Such
20 purposeful availment has rendered the exercise of jurisdiction by California courts consistent and
21 permissible with traditional notions of fair play and substantial justice.

22 **STATUTORY BACKGROUND**

23 19.18. The people of the State of California declared in Proposition 65 their right “[t]o be
24 informed about exposures to chemicals that cause cancer, birth defects, or other reproductive
25 harm.” (Section 1(b) of Initiative Measure, Proposition 65.)
26
27
28

1 21.19. To effect this goal, Proposition 65 requires that individuals be provided with a
2 “clear and reasonable warning” before being exposed to substances listed by the State of California
3 as causing cancer and birth defects or other reproductive harm. H&S Code § 25249.6 states, in
4 pertinent part:

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

8 22.20. In this case, exposures are caused by consumer products. A “Consumer Product” is
9 defined as “any article, or component part thereof, including food, that is produced, distributed, or
10 sold for the personal use, consumption or enjoyment of a consumer.” (Cal. Code Regs., tit. 27, §
11 25600.1, subd. (d).) Food includes “dietary supplements” as defined in California Code of
12 Regulations, title 17, section 10200. (*Id.* at subd. (g).) An exposure to a chemical in a Consumer
13 Product is one “which results from a person’s acquisition, purchase, storage, consumption or other
14 reasonably foreseeable use of a consumer good, or any exposure that results from receiving a
15 consumer service.” (27 CCR § 25602, para (b).) H&S Code § 25603(c) states that “a person in the
16 course of doing business ... shall provide a warning to any person to whom the product is sold or
17 transferred unless the product is packaged or labeled with a clear and reasonable warning.”

18 23.21. Pursuant to H&S Code § 25603.1, the warning may be provided by using one or
19 more of the following methods individually or in combination:¹

- 20 a. A warning that appears on a product’s label or other labeling.
- 21 b. Identification of the product at the retail outlet in a manner which provides
22 a warning. Identification may be through shelf labeling, signs, menus, or a combination
23 thereof.
- 24 c. The warnings provided pursuant to subparagraphs (a) and (b) shall be
25 prominently placed upon a product’s labels or other labeling or displayed at the retail outlet

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 with such conspicuousness, as compared with other words, statements, designs, or devices
2 in the label, labeling or display as to render it likely to be read and understood by an
3 ordinary individual under customary conditions of purchase or use.

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

6 24.22. Proposition 65 provides that any “person who violates or threatens to violate” the
7 statute may be enjoined in a court of competent jurisdiction. (H&S Code § 25249.7.) The phrase
8 “threaten to violate” is defined to mean creating “a condition in which there is a substantial
9 probability that a violation will occur.” (H&S Code § 25249.11(e).) Violators are liable for civil
10 penalties of up to \$2,500.00 per day for each violation of the Act (H&S Code § 25249.7) for up to
11 365 days (up to a maximum civil penalty amount per violation of \$912,000.00).

12 **FACTUAL BACKGROUND**

13 25.23. On October 1, 1992, the state of California listed lead as a chemical known to cause
14 cancer and it has come under the purview of Proposition 65 regulations since that time. Cal. Code
15 Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8 & 25249.10(b). On February 27,
16 1987, the State of California listed lead as a chemical known to cause birth defects or other
17 reproductive harm. In summary, lead was listed under Proposition 65 as a chemical known to the
18 State to cause cancer and birth defects or other reproductive harm.

19 26.24. On October 1, 1987, the state of California listed cadmium as a chemical known to
20 cause cancer and it has come under the purview of Proposition 65 regulations since that time. Cal.
21 Code Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8 & 25249.10(b). On May 1,
22 1997, the State of California listed cadmium as a chemical known to cause birth defects or other
23 reproductive harm. In summary, cadmium was listed under Proposition 65 as a chemical known
24 to the State to cause cancer and birth defects or other reproductive harm.

25 27.25. On November 10, 2017, the state of California listed PFOA as a chemical known
26 to cause birth defects or other reproductive harm and it has come under the purview of Proposition
27 65 regulations since that time. Cal. Code Regs. Tit. 27, § 27001(c); Health & Safety Code §§
28 25249.8 & 25249.10(b). On February 25, 2022, the State of California listed PFOA as a chemical

1 known to cause cancer. In summary, PFOA was listed under Proposition 65 as a chemical known
2 to the State to cause cancer and birth defects or other reproductive harm.

3 28.26. The exposures that are the subject of the Notices result from the purchase,
4 acquisition, and recommended consumption of the Products. The primary route of exposure to
5 lead, cadmium, and/or PFOA is through ingestion. When foods contaminated with lead, cadmium,
6 and/or PFOA are consumed, ingestion of lead, cadmium, and/or PFOA will occur. No clear and
7 reasonable warning is provided with the Products regarding the health hazards of exposure.

8 29.27. Defendant has processed, marketed, distributed, offered to sell and/or sold the
9 Products in California since at least February 27 with respect to the Pique Nandaka; since at least
10 March 9, 2026 , 2026 with respect to the Pique organic mint sencha green tea; and since at least
11 March 13, 2026 with respect to the Pique cacao chai. The Products continue to be distributed and
12 sold in California without the requisite warning information.

13 30.28. At all times relevant to this action, Defendant has knowingly and intentionally
14 exposed users and/or consumers of the Products to lead, cadmium, and/or PFOA without first
15 giving a clear and reasonable exposure warning to such individuals.

16 31.29. As a proximate result of acts by Defendant, as a person in the course of doing
17 business within the meaning of H&S Code § 25249.11, individuals throughout the State of
18 California, including in San Francisco County, have been exposed to lead, cadmium, and/or PFOA
19 without a clear and reasonable warning on the Products. The individuals subject to the violative
20 exposures include normal and foreseeable users and consumers that consume the Products, as well
21 as all others exposed to the Products.

22 **SATISFACTION OF NOTICE REQUIREMENTS**

23 32.30. Plaintiff purchased the Products from Pique in California. At the time of purchase,
24 Defendant did not provide a Proposition 65 exposure warning for lead, cadmium, and/or PFOA or
25 any other Proposition 65 listed chemical in a manner consistent with H&S Code § 25603.1 as
26 described *supra*.

27 33.31. The Products were sent to a testing laboratory to determine if, and what amount of,
28 lead, cadmium, and/or PFOA a consumer would be exposed to per serving size.

1 34.32. The laboratory provided the results of its analysis. Results of these test determined
2 the Products expose consumers to lead, cadmium, and/or PFOA (collectively, the “Chemical Test
3 Reports” and each a “Chemical Test Report”).

4 35.33. Plaintiff provided the Chemical Test Reports and Products to an analytical chemist
5 to determine if, based on the findings of the Chemical Test Reports and the reasonable and
6 foreseeable use of the Products, exposure to lead, cadmium, and/or PFOA will occur at levels that
7 require Proposition 65 warnings under the Clear and Reasonable Warnings section 25601 of Title
8 27 of the California Code of Regulations.

9 36.34. On February 27, 2026 (Pique cacao chai), March 9, 2026 (Pique organic mint
10 sencha green tea), and March 13, 2026 (Pique cacao chai), Plaintiff received from the analytical
11 chemist an exposure assessment report which concluded that persons in California who consume
12 the Products will be exposed to levels of lead, cadmium, and/or PFOA that require a Proposition
13 65 exposure warning.

14 37.35. On February 27, 2026 (Pique cacao chai), March 9, 2026 (Pique organic mint
15 sencha green tea), and March 13, 2026 (Pique cacao chai), Plaintiff gave notice of alleged violation
16 of Health and Safety Code § 25249.6 (collectively, the “Notices” and each a “Notice”) to
17 Defendant concerning the exposure of California citizens to lead, cadmium, and/or PFOA
18 contained in the Products without proper warning, subject to a private action to Defendant and to
19 the California Attorney General’s office and the offices of the County District attorneys and City
20 Attorneys for each city with a population greater than 750,000 persons wherein the herein
21 violations allegedly occurred. See attached at Exhibits “A” – “C” a true and correct copy of each
22 Notice.

23 38.36. The Notices complied with all procedural requirements of Proposition 65 including
24 the attachment of a Certificate of Merit affirming that Plaintiff’s counsel had consulted with at
25 least one person with relevant and appropriate expertise who reviewed relevant data regarding
26 lead, cadmium, and/or PFOA exposure, and that counsel believed there was meritorious and
27 reasonable cause for a private action.

1 ~~39.37.~~ After receiving the Notices, and to Plaintiff's best information and belief, none of
2 the noticed appropriate public enforcement agencies have commenced and diligently prosecuted a
3 cause of action against Defendant under Proposition 65 to enforce the alleged violations which are
4 the subject of the Notice.

5 ~~40.38.~~ Plaintiff is commencing this action more than sixty (60) days from the date of each
6 Notice to Defendant, as required by law.

7 **FIRST CAUSE OF ACTION**

8 **(By Plaintiff against Defendant for the Violation of Proposition 65)**

9 ~~41.39.~~ Plaintiff hereby repeats and incorporates by reference paragraphs 1 through 38 of
10 this First Amended Complaint as though fully set forth herein.

11 ~~42.40.~~ Defendant has, at all times mentioned herein, acted as distributor, and/or retailer of
12 the Product.

13 ~~43.41.~~ Consumption of the Products will expose users to lead, cadmium, and/or PFOA,
14 hazardous chemicals found on the Proposition 65 list of chemicals known to be hazardous to
15 human health.

16 ~~44.42.~~ The Product does not comply with the Proposition 65 warning requirements.

17 ~~45.43.~~ Plaintiff, based on his best information and belief, avers that at all relevant times
18 herein, and since at least February 27 with respect to the Pique Nandaka; since at least March 9,
19 2026 , 2026 with respect to the Pique organic mint sencha green tea; and since at least March 13,
20 2026 with respect to the Pique cacao chai, continuing until the present, that Defendant has
21 continued to knowingly and intentionally expose California users and consumers of the Product to
22 lead, cadmium, and/or PFOA without providing required warnings under Proposition 65.

23 ~~46.44.~~ The exposures that are the subject of the Notices result from the purchase,
24 acquisition, and recommended consumption of the Products. The primary route of exposure to
25 lead, cadmium, and/or PFOA is through ingestion. When foods contaminated with lead, cadmium,
26 and/or PFOA are consumed, ingestion of lead, cadmium, and/or PFOA will occur. No clear and
27 reasonable warning is provided with the Products regarding the health hazards of exposure.
28

1 47.45. Plaintiff, based on his best information and belief, avers that such exposures will
2 continue every day until clear and reasonable warnings are provided to purchasers and users or
3 until these known toxic chemicals are removed from the Products.

4 48.46. Defendant has knowledge that the normal and reasonably foreseeable consumption
5 of the Products exposes individuals to lead, cadmium, and/or PFOA, and Defendant intends that
6 exposures to lead, cadmium, and/or PFOA will occur by its deliberate, non-accidental participation
7 in the importation, distribution, sale and offering of the Products to consumers in California

8 49.47. Plaintiff has engaged in good faith efforts to resolve the herein claims prior to this
9 First Amended Complaint.

10 50.48. Pursuant to Health and Safety Code § 25249.7(b), as a consequence of the above
11 described acts, Defendant is liable for a maximum civil penalty of \$2,500 per day per violation.

12 51.49. Pursuant to Health and Safety Code § 25249.7(a), this Court is specifically
13 authorized to grant injunctive relief in favor of Plaintiff and against Defendant.

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 (up to a maximum civil penalty amount per
6 violation of \$912,000.00) in accordance with Health and Safety Code § 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: June 16, 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

20 *Attorneys for Plaintiff*

EXHIBIT “A”

LAW OFFICES
BRODSKY SMITH

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877.534.2590
www.brodskysmith.com

NEW JERSEY OFFICE
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CHERRY HILL, NJ 08034
856.795.7250

NEW YORK OFFICE
240 MINEOLA BOULEVARD
MINEOLA, NY 11501
516.741.4977

PENNSYLVANIA OFFICE
TWO BALA PLAZA, STE. 805
BALA CYNWYD, PA 19004
610.667.6200

February 27, 2026

President/CEO Pique, Inc. c/o Simon Cheng 11693 San Vicente Blvd., #900 Los Angeles, CA 90049	President/CEO Pique, Inc. c/o Incorp Services, Inc. 131 Continental Drive, Suite 301 Newark, DE 19713
President/CEO Pique, Inc. c/o United Corporate Services, Inc. 800 North State Street, Suite 304 Dover, DE 19901	

60-Day Notice of Violation of California Safe Drinking Water and Toxic Enforcement Act¹

To Whom It May Concern:

This Notice of Violation (the "Notice") is provided to you pursuant to and in compliance with California Health & Safety Code § 25249.7(d).

Brodsky Smith represents Gabriel Espinoza ("Espinoza"), a citizen of the State of California acting in the interest of the general public to promote awareness of exposures to toxic chemicals from use of consumer products sold in California and to improve human health and the environment by reducing hazardous substances.

With respect to the Product herein, Espinoza has identified a violation of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65") codified at Cal. Health & Safety Code § 25249.5, et seq. This violation has occurred and continues to occur because the alleged Violator(s) failed to provide a clear and reasonable health hazard warning in connection with the sale or use of the Product in California. Health & Safety Code § 25249.6 provides that "[n]o person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the State to cause cancer or reproductive toxicity without first providing a clear and reasonable warning to such individual ..." Without proper warnings regarding the toxic effects of exposures to the Listed Chemical resulting from use of the Product, California citizens lack the information necessary to make informed decisions on whether and/or how to eliminate (or reduce) the risk of exposure to the Listed Chemical from the reasonably foreseeable use of the Product.

¹ The public enforcement agencies that have been served with copies of this Notice are identified in the attached distribution list accompanying the Certificate of Service.

I. DESCRIPTION OF THE VIOLATION

1. **Enforcer:** Gabriel Espinoza, 3924 Carlin Ave. Lynwood, CA 90262; (Ph) 424-285-4896.
2. **Alleged Violator(s):** Pique, Inc.
3. **Time Period of Exposure:** Violations have been occurring since at least February 27, 2026 and are continuing to this day.
4. **Listed Chemical:** Lead. Lead is listed under Proposition 65 as a chemical known to the State to cause cancer and birth defects or other reproductive harm.
5. **Product:**

Product ²	Non- Exclusive Examples of the Product
Teas that are offered for sale and/or sold in California by Pique, Inc.	Pique Organic Nandaka Tea UPC#8 50030 79530 4

6. **Description of Exposure:** The exposures that are the subject of this Notice result from the purchase and recommended use of the Product. The primary route of exposure to the Listed Chemical is through ingestion. When foods contaminated with the Listed Chemical are consumed, ingestion of the Listed Chemical will occur which will increase BLLs. No clear and reasonable warning is provided with the Products regarding the health hazards of exposure to the Listed Chemical.

II. PROPOSITION 65 INFORMATION

For the Violators' reference, enclosed is a copy of "Proposition 65: A Summary" that has been prepared by the Office of Environmental Health Hazard Assessment ("OEHHA"). For more information concerning the provisions of Proposition 65, contact OEHHA at 916.445.6900.

III. RESOLUTION OF THE CLAIMS

Based on the allegations set forth in this Notice, Brodsky Smith intends to file a citizen enforcement lawsuit on behalf of Espinoza against the alleged Violator(s) unless such Violator(s) agree in a binding written agreement to: (1) recall Products already sold; (2) provide Proposition 65 compliant exposure warnings for Products sold in the future or reformulate the Products to eliminate exposures to the Listed Chemical; and (3) pay an appropriate civil penalty based on the factors enumerated in Health & Safety Code § 25249.7(b). Consistent with the public interest goals of Proposition 65 and the desire to have these violations of California law quickly rectified, Espinoza is interested in seeking a constructive resolution of the claims in this Notice without engaging in costly and protracted litigation.

² The specifically identified example of the Product in this Notice is to assist the recipients' investigation of, among other things, the magnitude of potential exposures to the Listed Chemical from other items within the definition of Products. This example is not intended to be an exhaustive or comprehensive identification of each specific offending Product. It is Espinoza's position that the alleged Violators are obligated to conduct a good faith investigation into other Products that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the alleged Violators' custody or control) during the relevant period to ensure that requisite health hazard warnings were and are provided to California citizens prior to purchase and use.

Espinoza has retained me as legal counsel in connection with this Notice. Please direct all communications regarding this Notice to my attention at Brodsky Smith, 9465 Wilshire Blvd., Ste. 300, Beverly Hills, CA 90212, (877) 534-2590, esmith@brodskysmith.com.

Sincerely,

A handwritten signature in black ink, appearing to be 'EJ Smith', written over a horizontal line.

Evan J. Smith

Attachments

Certificate of Merit

Certificate of Service

The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary

EXHIBIT “B”

LAW OFFICES
BRODSKY SMITH

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PENNSYLVANIA OFFICE
TWO BALA PLAZA, STE. 805
BALA CYNWYD, PA 19004
610.667.6200

March 9, 2026

President/CEO Pique, Inc. c/o Simon Cheng 11693 San Vicente Blvd., #900 Los Angeles, CA 90049	President/CEO Pique, Inc. c/o Incorp Services, Inc. 131 Continental Drive, Suite 301 Newark, DE 19713
President/CEO Pique, Inc. c/o United Corporate Services, Inc. 800 North State Street, Suite 304 Dover, DE 19901	

60-Day Notice of Violation of California Safe Drinking Water and Toxic Enforcement Act¹

To Whom It May Concern:

This Notice of Violation (the "Notice") is provided to you pursuant to and in compliance with California Health & Safety Code § 25249.7(d).

Brodsky Smith represents Gabriel Espinoza ("Espinoza"), a citizen of the State of California acting in the interest of the general public to promote awareness of exposures to toxic chemicals from use of consumer products sold in California and to improve human health and the environment by reducing hazardous substances.

With respect to the Product herein, Espinoza has identified a violation of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65") codified at Cal. Health & Safety Code § 25249.5, et seq. This violation has occurred and continues to occur because the alleged Violator(s) failed to provide a clear and reasonable health hazard warning in connection with the sale or use of the Product in California. Health & Safety Code § 25249.6 provides that "[n]o person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the State to cause cancer or reproductive toxicity without first providing a clear and reasonable warning to such individual ..." Without proper warnings regarding the toxic effects of exposures to the Listed Chemical resulting from use of the Product, California citizens lack the information necessary to make informed decisions on whether and/or how to eliminate (or reduce) the risk of exposure to the Listed Chemical from the reasonably foreseeable use of the Product.

¹ The public enforcement agencies that have been served with copies of this Notice are identified in the attached distribution list accompanying the Certificate of Service.

I. DESCRIPTION OF THE VIOLATION

1. **Enforcer:** Gabriel Espinoza, 3924 Carlin Ave., Lynwood, CA 90262-5204; (Ph) 424-285-4896.
2. **Alleged Violator(s):** Pique, Inc.
3. **Time Period of Exposure:** Violations have been occurring since at least March 9, 2026 and are continuing to this day.
4. **Listed Chemical:** Perfluorooctanoic Acid (PFOA). PFOA is listed under Proposition 65 as a chemical known to the State to cause cancer and birth defects or other reproductive harm.
5. **Product:**

Product²	Non- Exclusive Examples of the Product
Teas that are offered for sale and/or sold in California by Pique, Inc.	Pique Organic Mint Sencha Green Tea

6. **Description of Exposure:** The exposures that are the subject of this Notice result from the purchase and recommended use of the Product. The primary route of exposure to the Listed Chemical is through ingestion. When foods contaminated with the Listed Chemical are consumed, ingestion of the Listed Chemical. No clear and reasonable warning is provided with the Products regarding the health hazards of exposure to the Listed Chemical.

II. PROPOSITION 65 INFORMATION

For the Violators' reference, enclosed is a copy of "Proposition 65: A Summary" that has been prepared by the Office of Environmental Health Hazard Assessment ("OEHHA"). For more information concerning the provisions of Proposition 65, contact OEHHA at 916.445.6900.

III. RESOLUTION OF THE CLAIMS

Based on the allegations set forth in this Notice, Brodsky Smith intends to file a citizen enforcement lawsuit on behalf of Espinoza against the alleged Violator(s) unless such Violator(s) agree in a binding written agreement to: (1) recall Products already sold; (2) provide Proposition 65 compliant exposure warnings for Products sold in the future or reformulate the Products to eliminate exposures to the Listed Chemical; and (3) pay an appropriate civil penalty based on the factors enumerated in Health & Safety Code § 25249.7(b). Consistent with the public interest goals of Proposition 65 and the desire to have these violations of California law quickly rectified, Espinoza is interested in seeking a constructive resolution of the claims in this Notice without engaging in costly and protracted litigation.

² The specifically identified example of the Product in this Notice is to assist the recipients' investigation of, among other things, the magnitude of potential exposures to the Listed Chemical from other items within the definition of Products. This example is not intended to be an exhaustive or comprehensive identification of each specific offending Product. It is Espinoza's position that the alleged Violators are obligated to conduct a good faith investigation into other Products that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the alleged Violators' custody or control) during the relevant period to ensure that requisite health hazard warnings were and are provided to California citizens prior to purchase and use.

Espinoza has retained me as legal counsel in connection with this Notice. **Please direct all communications regarding this Notice to my attention at Brodsky Smith, 9465 Wilshire Blvd., Ste. 300, Beverly Hills, CA 90212, (877) 534-2590, esmith@brodskysmith.com.**

Sincerely,

A handwritten signature in black ink, appearing to be 'Evan J. Smith', written over a horizontal line.

Evan J. Smith

Attachments

Certificate of Merit

Certificate of Service

The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary

EXHIBIT “C”

LAW OFFICES
BRODSKY SMITH

9465 WILSHIRE BLVD., STE. 300
BEVERLY HILLS, CA 90212
877.534.2590
www.brodskysmith.com

NEW JERSEY OFFICE
20 BRACE RD., STE. 350
CHERRY HILL, NJ 08034
856.795.7250

NEW YORK OFFICE
240 MINEOLA BOULEVARD
MINEOLA, NY 11501
516.741.4977

PENNSYLVANIA OFFICE
TWO BALA PLAZA, STE. 805
BALA CYNWYD, PA 19004
610.667.6200

March 13, 2026

President/CEO Pique, Inc. c/o Simon Cheng 11693 San Vicente Blvd., #900 Los Angeles, CA 90049	President/CEO Pique, Inc. c/o Incorp Services, Inc. 131 Continental Drive, Suite 301 Newark, DE 19713
President/CEO Pique, Inc. c/o United Corporate Services, Inc. 800 North State Street, Suite 304 Dover, DE 19901	

60-Day Notice of Violation of California Safe Drinking Water and Toxic Enforcement Act¹

To Whom It May Concern:

This Notice of Violation (the "Notice") is provided to you pursuant to and in compliance with California Health & Safety Code § 25249.7(d).

Brodsky Smith represents Gabriel Espinoza ("Espinoza"), a citizen of the State of California acting in the interest of the general public to promote awareness of exposures to toxic chemicals from use of consumer products sold in California and to improve human health and the environment by reducing hazardous substances.

With respect to the Product herein, Espinoza has identified a violation of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65") codified at Cal. Health & Safety Code § 25249.5, et seq. This violation has occurred and continues to occur because the alleged Violator(s) failed to provide a clear and reasonable health hazard warning in connection with the sale or use of the Product in California. Health & Safety Code § 25249.6 provides that "[n]o person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the State to cause cancer or reproductive toxicity without first providing a clear and reasonable warning to such individual ..." Without proper warnings regarding the toxic effects of exposures to the Listed Chemical resulting from use of the Product, California citizens lack the information necessary to make informed decisions on whether and/or how to eliminate (or reduce) the risk of exposure to the Listed Chemical from the reasonably foreseeable use of the Product.

¹ The public enforcement agencies that have been served with copies of this Notice are identified in the attached distribution list accompanying the Certificate of Service.

I. DESCRIPTION OF THE VIOLATION

1. **Enforcer:** Gabriel Espinoza, 3924 Carlin Ave. Lynwood, CA 90262; (Ph) 424-285-4896.
2. **Alleged Violator(s):** Pique, Inc.
3. **Time Period of Exposure:** Violations have been occurring since at least March 13, 2026 and are continuing to this day.
4. **Listed Chemical:** Lead and Cadmium. Lead and cadmium are listed under Proposition 65 as a chemical known to the State to cause cancer and birth defects or other reproductive harm.
5. **Product:**

Product ²	Non- Exclusive Examples of the Product
Teas that are offered for sale and/or sold in California by Pique, Inc.	Pique Cacao Chai UPC#8 50030 79551 9

6. **Description of Exposure:** The exposures that are the subject of this Notice result from the purchase and recommended use of the Product. The primary route of exposure to the Listed Chemical is through ingestion. When foods contaminated with the Listed Chemical are consumed, ingestion of the Listed Chemical will occur. No clear and reasonable warning is provided with the Products regarding the health hazards of exposure to the Listed Chemical.

II. PROPOSITION 65 INFORMATION

For the Violators' reference, enclosed is a copy of "Proposition 65: A Summary" that has been prepared by the Office of Environmental Health Hazard Assessment ("OEHHA"). For more information concerning the provisions of Proposition 65, contact OEHHA at 916.445.6900.

III. RESOLUTION OF THE CLAIMS

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² The specifically identified example of the Product in this Notice is to assist the recipients' investigation of, among other things, the magnitude of potential exposures to the Listed Chemical from other items within the definition of Products. This example is not intended to be an exhaustive or comprehensive identification of each specific offending Product. It is Espinoza's position that the alleged Violators are obligated to conduct a good faith investigation into other Products that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the alleged Violators' custody or control) during the relevant period to ensure that requisite health hazard warnings were and are provided to California citizens prior to purchase and use.

Espinoza has retained me as legal counsel in connection with this Notice. **Please direct all communications regarding this Notice to my attention at Brodsky Smith, 9465 Wilshire Blvd., Ste. 300, Beverly Hills, CA 90212, (877) 534-2590, esmith@brodskysmith.com.**

Sincerely,

A handwritten signature in black ink, appearing to be 'EJ Smith', written over a horizontal line.

Evan J. Smith

Attachments

Certificate of Merit

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The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary