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14 Environmental Health Advocates, Inc.

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 AZAR NUT COMPANY, a Delaware  
22 corporation; MAPLEBEAR INC., a Delaware  
23 corporation; and DOES 1 through 100,  
24 inclusive,

25 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*

**03/19/2026**  
**Clerk of the Court**  
BY: SHENEQUA GLADNEY  
Deputy Clerk

**CGC-26-635029**

**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, Azar Nut  
7 Company Raw Sunflower Seeds Kernels (“Products”). Defendants know and intend that customers will  
8 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**

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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 The Notice alleged that Defendants violated Proposition 65 by failing to sufficiently warn consumers in  
2 California of the health hazards associated with exposures to cadmium contained in the Products.

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

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

8 24. Defendants are liable for a maximum civil penalty of \$2,500 per day for each violation  
9 of Proposition 65 pursuant to Health and Safety Code, section 252497(b). Injunctive relief is also  
10 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

12 Respectfully submitted:

13 Dated: March 19, 2026

**ENTORNO LAW, LLP**

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