

1 **ENTORNO LAW, LLP**

2 Noam Glick (SBN 251582)
3 Craig M. Nicholas (SBN 178444)
4 Jake W. Schulte (SBN 293777)
5 Janani Natarajan (SBN 346770)
6 Gianna E. Tirrell (SBN 358788)

7 225 Broadway, Suite 1900
8 San Diego, California 92101
9 Tel: (619) 629-0527
10 Email: noam@entornolaw.com
11 Email: craig@entornolaw.com
12 Email: jake@entornolaw.com
13 Email: janani@entornolaw.com
14 Email: gianna@entornolaw.com

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 ENVIRONMENTAL HEALTH ADVOCATES,
20 INC.,

21 Plaintiff,

22 v.

23 JUNE JACOBS LABORATORIES LLC, a
24 Delaware limited liability company; and DOES 1
25 through 100, inclusive,

26 Defendants.

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

10/31/2025
Clerk of the Court
BY: BENJAMIN YUST
Deputy Clerk

CGC-25-630740

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 diethanolamine ("DEA")
5 (“DEA”), a chemical known to the State of California to cause cancer. DEA is a common component
6 of cosmetic and grooming products, and often functions as an emulsifier or foaming agent. Defendants
7 expose consumers to DEA by manufacturing, importing, selling, and/or distributing a variety of face
8 cream including, but not limited to June Jacobs Age Defying Copper Complex (“Products”). Defendants
9 know and intend that customers will use Products containing DEA.

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

15 3. California identified and listed DEA as a chemical known to cause cancer as early as
16 June 22, 2012., thereby requiring a clear and reasonable warning about potential exposure to DEA on
17 any consumer good. Despite this, Defendants failed to sufficiently warn consumers and individuals in
18 California about potential exposure to DEA in connection with Defendants' manufacture, import, sale,
19 or distribution of Products. This is a violation of Proposition 65.

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

II.
PARTIES

24
25 5. Plaintiff ENVIRONMENTAL HEALTH ADVOCATES, INC. (“Plaintiff”) is a
26 corporation in the State of California dedicated to protecting the health of California citizens through
27 the elimination or reduction of toxic exposure from consumer products. Plaintiff has prosecuted a
28 number of Proposition 65 cases in the public interest. These cases have resulted in significant public

1 (Dermal Studies). Natl Toxicol Program Tech Rep Ser. 1999 Jul; 478:1-212. PMID: 12571685.,
2 available at: <https://pubmed.ncbi.nlm.nih.gov/12571685/> [last visited October 31, 2025].)

3 17. The Office of Environmental Health Hazard Assessment (“OEHHA”) has established
4 specific safe harbor levels for many of the chemicals listed under Proposition 65. For cancer-causing
5 chemicals in particular, a safe harbor level is called a “No Significant Risk Level,” or “NSRL.” An
6 NSRL is the daily intake level calculated to result in one excess case of cancer in an exposed human
7 population of 100,000, assuming lifetime exposure at the level in question. (See OEHHA’s Proposition
8 65 Process for Developing Safe Harbor Numbers (February 2001), available at
9 <https://oehha.ca.gov/media/downloads/cmr/2001safeharborprocess.pdf> [last visited October 31, 2025].)

10 The State of California has not yet established an NSRL for DEA. However, research suggests that an
11 NSRL of 5.6 micrograms/day of DEA is appropriate, where dermal absorption is the route of exposure.
12 (See Wang B, Amacher DE, Whittaker MH. Derivation of a No-Significant-Risk-Level (NSRL) for
13 diethanolamine (DEA). Regul Toxicol Pharmacol. 2014 Feb;68(1):76-84. doi:
14 10.1016/j.yrtph.2013.11.009. Epub 2013 Nov 23. PMID: 24275050. [last visited October 31, 2025].)
15 This NSRL is derived from the NTP study described above, using a benchmark dose modeling method
16 based on the incidence of hepatocellular carcinomas in female mice, in accordance with the guidelines
17 of the California Environmental Protection Agency.

18 18. In order to ensure that the injunctive relief sought herein confers a public benefit upon
19 California consumers, EHA adopts the NSRL of 5.6 micrograms/day for DEA derived from the NTP
20 study.

21 **V.**
CAUSES OF ACTION

22 **FIRST CAUSE OF ACTION**

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

24 19. Plaintiff incorporates by reference each and every allegation contained above.

25 20. Proposition 65 mandates that citizens be informed about exposures to chemicals that
26 cause cancer, birth defects, and other reproductive harm.

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1 21. Defendants manufactured, imported, sold, and/or distributed Products containing DEA
2 in violation of Health and Safety Code, section 25249.6 et seq. Plaintiff is informed and believes such
3 violations have continued after receipt of the Notices and will continue to occur into the future.

4 22. In manufacturing, importing, selling, and/or distributing Products, Defendants failed to
5 provide a clear and reasonable warning to consumers and individuals in California who may be exposed
6 to DEA through reasonably foreseeable use of the Products.

7 23. Products expose individuals to DEA through dermal absorption. This exposure is a
8 natural and foreseeable consequence of Defendants placing Products into the stream of commerce. As
9 such, Defendants intend that consumers will use Products, exposing them to DEA.

10 24. Defendants' Products exceed the NSRL of 5.6 micrograms/day, which was derived from
11 the NTP study.

12 25. Defendants knew or should have known that the Products contained DEA and exposed
13 individuals to DEA in the ways provided above. The Notice informed Defendants of the presence of
14 DEA in the Products. Likewise, media coverage concerning DEA and related chemicals in consumer
15 products provided constructive notice to Defendants.

16 26. Defendants' actions in this regard were deliberate and not accidental.

17 27. More than sixty days prior to naming each defendant in this lawsuit, Plaintiff issued a
18 60-Day Notice of Violation upon each Defendant as required by and in compliance with Proposition 65.
19 Plaintiff provided the Notice to the various required public enforcement agencies along with a certificate
20 of merit. The Notice alleged that Defendants violated Proposition 65 by failing to sufficiently warn
21 consumers in California of the health hazards associated with exposures to DEA contained in the
22 Products.

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

25 29. Individuals exposed to DEA contained in Products through dermal absorption resulting
26 from reasonably foreseeable use of the Products have suffered and continue to suffer irreparable harm.
27 There is no other plain, speedy, or adequate remedy at law.

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