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Attorneys for Plaintiff,

CONSUMER ADVOCACY GROUP, INC.

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

CONSUMER ADVOCACY GROUP, INC.,
in the public interest,

Plaintiff,

v.

BUMBLE BEE FOODS, LLC, a Delaware
Corporation;
WAL-MART.COM USA, LLC, a California
Limited Liability Company;
WALMART, INC., a Delaware Corporation;
and DOES 1-10,

Defendants.

CASE NO. **26STCV26614**

COMPLAINT FOR PENALTY AND
INJUNCTION

Violation of Proposition 65, the Safe
Drinking Water and Toxic Enforcement
Act of 1986 (*Health & Safety Code*, §
25249.5, *et seq.*)

ACTION IS AN UNLIMITED CIVIL
CASE (exceeds \$35,000)

Plaintiff CONSUMER ADVOCACY GROUP, INC. alleges one cause of action against
defendants BUMBLE BEE FOODS, LLC; WAL-MART.COM USA, LLC; WALMART,
INC.; and DOES 1-10 as follows:

THE PARTIES

1. Plaintiff CONSUMER ADVOCACY GROUP, INC. (“Plaintiff” or “CAG”) is an organization qualified to do business in the State of California. CAG is a person within the meaning of Health and Safety Code Section 25249.11, subdivision (a). CAG, acting as a private attorney general, brings this action in the public interest as defined under Health and Safety Code Section 25249.7, subdivision (d).
2. Defendant BUMBLE BEE FOODS, LLC (“BUMBLE BEE”) is a Delaware Limited Liability Company qualified to do business in California, and doing business in the State of California at all relevant times herein.
3. Defendant WAL-MART.COM USA, LLC (“WAL-MART.COM”) is a California Limited Liability Company, qualified to do business in California and doing business in the State of California at all relevant times herein.
4. Defendant WALMART, INC. (“WALMART”) is a Delaware Corporation, qualified to do business in California and doing business in the State of California at all relevant times herein.
5. Plaintiff is presently unaware of the true names and capacities of defendants DOES 1-10, and therefore sues these defendants by such fictitious names. Plaintiff will amend this Complaint to allege their true names and capacities when ascertained. Plaintiff is informed, believes, and thereon alleges that each fictitiously named defendant is responsible in some manner for the occurrences herein alleged and the damages caused thereby.
6. At all times mentioned herein, the term “Defendants” includes BUMBLE BEE, WAL-MART.COM, WALMART, and DOES 1-10.
7. Plaintiff is informed and believes, and thereon alleges that each of the Defendants at all times mentioned herein have conducted business within the State of California.
8. Upon information and belief, at all times relevant to this action, each of the Defendants, including DOES 1-10, was an agent, servant, or employee of each of the other

1 Defendants. Walmart is the parent company of Wal-Mart.com. In conducting the
2 activities alleged in this Complaint, each of the Defendants was acting within the course
3 and scope of this agency, service, or employment, and was acting with the consent,
4 permission, and authorization of each of the other Defendants. All actions of each of the
5 Defendants alleged in this Complaint were ratified and approved by every other
6 Defendant or their officers or managing agents. Alternatively, each of the Defendants
7 aided, conspired with and/or facilitated the alleged wrongful conduct of each of the other
8 Defendants.

- 9 9. Plaintiff is informed, believes, and thereon alleges that at all relevant times, each of the
10 Defendants was a person doing business within the meaning of Health and Safety Code
11 Section 25249.11, subdivision (b), and that each of the Defendants had ten (10) or more
12 employees at all relevant times.

13 **JURISDICTION**

- 14 10. The Court has jurisdiction over this lawsuit pursuant to California Constitution Article
15 VI, Section 10, which grants the Superior Court original jurisdiction in all causes except
16 those given by statute to other trial courts. This Court has jurisdiction over this action
17 pursuant to Health and Safety Code Section 25249.7, which allows enforcement of
18 violations of Proposition 65 in any Court of competent jurisdiction.
- 19 11. This Court has jurisdiction over Defendants named herein because Defendants either
20 reside or are located in this State or are foreign corporations authorized to do business in
21 California, are registered with the California Secretary of State, or who do sufficient
22 business in California, have sufficient minimum contacts with California, or otherwise
23 intentionally avail themselves of the markets within California through their
24 manufacture, distribution, promotion, marketing, or sale of their products within
25 California to render the exercise of jurisdiction by the California courts permissible
26 under traditional notions of fair play and substantial justice.

1 12. Venue is proper in the County of Los Angeles because one or more of the instances of
2 wrongful conduct occurred, and continues to occur, in the County of Los Angeles and/or
3 because Defendants conducted, and continue to conduct, business in the County of Los
4 Angeles with respect to the consumer product that is the subject of this action.

5 **BACKGROUND AND PRELIMINARY FACTS**

6 13. In 1986, California voters approved an initiative to address growing concerns about
7 exposure to toxic chemicals and declared their right “[t]o be informed about exposures to
8 chemicals that cause cancer, birth defects, or other reproductive harm.” Ballot Pamp.,
9 Proposed Law, Gen. Elec. (Nov. 4, 1986) at p. 3. The initiative, The Safe Drinking
10 Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code Sections
11 25249.5, *et seq.* (“Proposition 65”), helps to protect California’s drinking water sources
12 from contamination, to allow consumers to make informed choices about the products
13 they buy, and to enable persons to protect themselves from toxic chemicals as they see
14 fit.

15 14. Proposition 65 requires the Governor of California to publish a list of chemicals known
16 to the state to cause cancer, birth defects, or other reproductive harm. *Health & Safety*
17 *Code* § 25249.8. The list, which the Governor updates at least once a year, contains over
18 700 chemicals and chemical families. Proposition 65 imposes warning requirements and
19 other controls that apply to Proposition 65-listed chemicals.

20 15. All businesses with ten (10) or more employees that operate or sell products in California
21 must comply with Proposition 65. Under Proposition 65, businesses are: (1) prohibited
22 from knowingly discharging Proposition 65-listed chemicals into sources of drinking
23 water (*Health & Safety Code* § 25249.5), and (2) required to provide “clear and
24 reasonable” warnings before exposing a person, knowingly and intentionally, to a
25 Proposition 65-listed chemical (*Health & Safety Code* § 25249.6).

26 16. Proposition 65 provides that any person "violating or threatening to violate" the statute
27 may be enjoined in any court of competent jurisdiction. *Health & Safety Code* §
28

25249.7. "Threaten to violate" means "to create a condition in which there is a substantial probability that a violation will occur." *Health & Safety Code* § 25249.11(e). Defendants are also liable for civil penalties of up to \$2,500.00 per day per violation, recoverable in a civil action. *Health & Safety Code* § 25249.7(b).

17. Plaintiff identified certain practices of manufacturers and distributors of medium shrimp of exposing, knowingly and intentionally, persons in California to Lead and Lead Compounds of such products without first providing clear and reasonable warnings of such to the exposed persons prior to the time of exposure. Plaintiff later discerned that Defendants engaged in such practice.

18. On October 1, 1992, the Governor of California added Lead and Lead Compounds ("Lead") to the list of chemicals known to the State to cause cancer (*Cal. Code Regs.* tit. 27, § 27001(b)). Pursuant to Health and Safety Code Sections 25249.9 and 25249.10, twenty (20) months after addition of Lead to the list of chemicals known to the State to cause cancer, Lead became fully subject to Proposition 65 warning requirements and discharge prohibitions.

19. On February 27, 1987, the Governor of California added Lead to the list of chemicals known to the State to cause developmental and reproductive toxicity (*Cal. Code Regs.* tit. 27, § 27001(c)). Lead is known to the State to cause developmental, female, and male reproductive toxicity. Pursuant to Health and Safety Code Sections 25249.9 and 25249.10, twenty (20) months after addition of Lead to the list of chemicals known to the State to cause developmental and reproductive toxicity, Lead became fully subject to Proposition 65 warning requirements and discharge prohibitions.

SATISFACTION OF PRIOR NOTICE

20. Plaintiff served the following notices for alleged violations of Health and Safety Code Section 25249.6, concerning consumer products exposures:

- a. On or about April 1, 2026, Plaintiff gave notice of alleged violations of Health and Safety Code Section 25249.6, concerning consumer products exposures

1 subject to a private action to BUMBLE BEE, WAL-MART.COM, WALMART,
2 and to the California Attorney General, County District Attorneys, and City
3 Attorneys for each city containing a population of at least 750,000 people in
4 whose jurisdictions the violations allegedly occurred, concerning the medium
5 shrimp.

6 21. Before sending the notice of alleged violations, Plaintiff investigated the consumer
7 products involved, the likelihood that such products would cause users to suffer
8 significant exposures to Lead, and the corporate structure of each of the Defendants.

9 22. Plaintiff's notice of alleged violation included a Certificate of Merit executed by the
10 attorney for the noticing party, CAG. The Certificate of Merit stated that the attorney for
11 Plaintiff who executed the certificate had consulted with at least one person with relevant
12 and appropriate expertise who reviewed data regarding the exposures to Lead, the
13 subject Proposition 65-listed chemical of this action. Based on that information, the
14 attorney for Plaintiff who executed the Certificate of Merit believed there was a
15 reasonable and meritorious case for this private action. The attorney for Plaintiff
16 attached to the Certificate of Merit served on the Attorney General the confidential
17 factual information sufficient to establish the basis of the Certificate of Merit.

18 23. Plaintiff's notice of alleged violations also included a Certificate of Service and a
19 document entitled "The Safe Drinking Water & Toxic Enforcement Act of 1986
20 (Proposition 65) A Summary." *Health & Safety Code* § 25249.7(d).

21 24. Plaintiff is commencing this action more than sixty (60) days from the dates that Plaintiff
22 gave notice of the alleged violations to BUMBLE BEE, WAL-MART.COM,
23 WALMART, and the public prosecutors referenced in Paragraph 20.

24 25. Plaintiff is informed, believes, and thereon alleges that neither the Attorney General, nor
25 any applicable district attorney or city attorney has commenced and is diligently
26 prosecuting an action against the Defendants.

1 **FIRST CAUSE OF ACTION**

2 **(By CONSUMER ADVOCACY GROUP, INC. and against BUMBLE BEE, WAL-**
3 **MART.COM, WALMART, and DOES 1-10 for Violations of Proposition 65, The**
4 **Safe Drinking Water and Toxic Enforcement Act of 1986 (*Health & Safety Code,***
5 **§§ 25249.5, *et seq.*))**

6 **Seafood Products**

7 26. Plaintiff repeats and incorporates by reference paragraphs 1 through 25 of this complaint
8 as though fully set forth herein.

9 27. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
10 distributor, promoter, or retailer of medium shrimp (“shrimp”), including but not limited
11 to: “BUMBLE BEE”; “MEDIUM SHRIMP”; “NET WT 6 OZ (170g)”;
12 “DISTRIBUTED BY: BUMBLE BEE SEAFOODS”; “BEST BY AUG 2028”; “UPC
13 086600700137”.

14 28. Shrimp contains Lead.

15 29. Defendants knew or should have known that Lead has been identified by the State of
16 California as a chemical known to cause cancer, developmental toxicity and reproductive
17 toxicity and therefore was subject to Proposition 65 warning requirements. Defendants
18 were also informed of the presence of Lead in shrimp within Plaintiff's notice of alleged
19 violations further discussed above at Paragraphs 20a.

20 30. Plaintiff's allegations regarding shrimp concerns “[c]onsumer products exposure[s],”
21 which “is an exposure that results from a person's acquisition, purchase, storage,
22 consumption, or other reasonably foreseeable use of a consumer good, or any exposure
23 that results from receiving a consumer service.” *Cal. Code Regs.* tit. 27, § 25602(b).
24 Shrimp are consumer products, and, as mentioned herein, exposures to Lead took place
25 as a result of such normal and foreseeable consumption and use.

26 31. Plaintiff is informed, believes, and thereon alleges that between April 1, 2023 and the
27 present, each of the Defendants knowingly and intentionally exposed California
28 consumers and users of shrimp, which Defendants manufactured, distributed, or sold as
mentioned above, to Lead, without first providing any type of clear and reasonable

1 warning of such to the exposed persons before the time of exposure. Defendants have
2 distributed and sold shrimp in California. Defendants know and intend that California
3 consumers will use and consume shrimp, thereby exposing them to Lead. Further,
4 Plaintiff is informed, believes, and thereon alleges that Defendants are selling shrimp
5 under a brand or trademark that is owned or licensed by the Defendants or an entity
6 affiliated thereto; have covered, obscured or altered a warning label that has been affixed
7 to shrimp by the manufacturer, producer, packager, importer, supplier or distributor of
8 shrimp; have received a notice and warning materials for exposure from shrimp without
9 conspicuously posting or displaying the warning materials; and/or have actual
10 knowledge of potential exposure to Lead from shrimp. Defendants thereby violated
11 Proposition 65.

12 32. The principal routes of exposure are through ingestion, especially direct (oral) ingestion.
13 Persons sustain exposures by eating and consuming shrimp.

14 33. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
15 Proposition 65 as to shrimp have been ongoing and continuous, as Defendants engaged
16 and continue to engage in conduct which violates Health and Safety Code Section
17 25249.6, including the manufacture, distribution, promotion, and sale of shrimp, so that a
18 separate and distinct violation of Proposition 65 occurred each and every time a person
19 was exposed to Lead by shrimp as mentioned herein.

20 34. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
21 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
22 violations alleged herein will continue to occur into the future.

23 35. Based on the allegations herein, Defendants are liable for civil penalties of up to
24 \$2,500.00 per day per individual exposure to Lead from shrimp, pursuant to Health and
25 Safety Code Section 25249.7(b).

26 36. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
27 filing this Complaint.

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2 **PRAYER FOR RELIEF**

3 Plaintiff demands against each of the Defendants as follows:

- 4 1. A permanent injunction mandating Proposition 65-compliant warnings;
5 2. Penalties pursuant to Health and Safety Code Section 25249.7, subdivision (b);
6 3. Costs of suit;
7 4. Reasonable attorney fees and costs; and
8 5. Any further relief that the court may deem just and equitable.

9
10 Dated: August 21, 2026

YEROUSHALMI & YEROUSHALMI*

11
12 /s/ Reuben Yeroushalmi

13 Reuben Yeroushalmi

14 Attorneys for Plaintiff,

15 CONSUMER ADVOCACY GROUP, INC.
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