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ELECTRONICALLY
FILED
Superior Court of California, County of San Francisco
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Clerk of the Court
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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

CENTER FOR ENVIRONMENTAL HEALTH, a non-profit corporation,

Plaintiff,

v.

MOROCCANOIL, INC., and DOES 1 through 50, inclusive,

Defendants.

Case No. **CGC-26-642033**

COMPLAINT FOR INJUNCTIVE RELIEF AND CIVIL PENALTIES

Health & Safety Code §25249.6, *et seq.*

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Plaintiff Center for Environmental Health, in the public interest, based on information and belief and investigation of counsel, hereby makes the following allegations:

INTRODUCTION

1. This Complaint seeks to remedy Defendants' continuing failure to warn individuals in California that they are being exposed to Safrole, a chemical known to the State of California to cause cancer. This Complaint addresses exposures that have occurred, and continue to occur, through the manufacture, distribution, sale and/or use of Defendants' lotion, soap, and shower gel products ("the Products"). Individuals in California are exposed to Safrole when they use the Products on their skin.

2. Under California's Proposition 65, Health & Safety Code § 25249.5, *et seq.*, it is unlawful for businesses to knowingly and intentionally expose individuals in California to chemicals known to the State to cause cancer, birth defects, or other reproductive harm without first providing clear and reasonable warnings to exposed individuals. Defendants introduce the Products containing significant quantities of Safrole into the California marketplace, thereby exposing those who apply the Products to their skin to Safrole.

3. Despite the fact that Defendants expose consumers to Safrole, Defendants provide no warnings whatsoever about the carcinogenic hazards associated with Safrole exposure resulting from the use of the Products sold by Defendants. Defendants' conduct thus violates the warning provision of Proposition 65. Health & Safety Code § 25249.6.

PARTIES

4. Plaintiff CENTER FOR ENVIRONMENTAL HEALTH ("CEH") is a non-profit corporation dedicated to protecting the public from environmental health hazards and toxic exposures. CEH is based in Oakland, California and incorporated under the laws of the State of California. CEH is a "person" within the meaning of Health & Safety Code § 25249.11(a) and brings this enforcement action in the public interest pursuant to Health & Safety Code § 25249.7(d). CEH is a nationally recognized non-profit environmental advocacy group that has prosecuted a large number of Proposition 65 cases in the public interest. These cases have resulted in significant public benefits, including the reformulation of millions of products to

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remove toxic chemicals and to make them safer. CEH also provides information to Californians about the health risks associated with exposure to hazardous substances, where manufacturers and other responsible parties fail to do so.

5. Defendant MOROCCANOIL, INC. is a person in the course of doing business within the meaning of Health & Safety Code § 25249.11. Defendant MOROCCANOIL, INC. markets, distributes, licenses, and/or sells the Products containing Safrole for sale or use in California under its Moroccanoil brand.

6. DOES 1 through 50 are each a person in the course of doing business within the meaning of Health & Safety Code § 25249.11. DOES 1 through 50 manufacture, distribute, license, and/or sell the Products containing Safrole for sale or use in California.

7. The true names of DOES 1 through 50 are either unknown to CEH at this time or the applicable time period before which CEH may file a Proposition 65 action has not run. When their identities are ascertained or the applicable time period before which CEH may file a Proposition 65 action has run, the Complaint shall be amended to reflect their true names.

8. The defendant identified in paragraph 5 and DOES 1 through 50 are collectively referred to herein as "Defendants."

JURISDICTION AND VENUE

9. The Court has jurisdiction over this action pursuant to Health & Safety Code § 25249.7, which allows enforcement in any court of competent jurisdiction, and pursuant to California Constitution Article VI, Section 10, because this case is a cause not given by statute to other trial courts.

10. This Court has jurisdiction over Defendants because each is a business entity that does sufficient business, has sufficient minimum contacts in California, or otherwise intentionally avails itself of the California market through the sale, marketing, or use of the Products in California or by having such other contacts with California so as to render the exercise of jurisdiction over it by the California courts consistent with traditional notions of fair play and substantial justice.

11. Venue is proper in San Francisco County Superior Court because one or more of the violations arise in the County of San Francisco.

BACKGROUND FACTS

12. The People of the State of California have declared by initiative under Proposition 65 their right "[t]o be informed about exposures to chemicals that cause cancer, birth defects, or other reproductive harm." Proposition 65, § 1(b).

13. To effectuate this goal, Proposition 65 prohibits exposing people to chemicals listed by the State of California as known to cause cancer, birth defects, or other reproductive harm above certain levels without a "clear and reasonable warning" unless the business responsible for the exposure can prove that it fits within a statutory exemption. Health & Safety Code § 25249.6 states, in pertinent part:

> No 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 giving clear and reasonable warning to such individual. . .

14. On January 1, 1988, the State of California officially listed Safrole as a chemical known to cause cancer. 27 California Code of Regulations ("C.C.R.") § 27001(b). On January 1, 1989, Safrole became subject to the clear and reasonable warning requirement regarding its carcinogenicity under Proposition 65. Health & Safety Code § 25249.10(b).

15. People use lotion, soap, and shower gel to clean themselves and hydrate their skin. Defendants' lotion, soap, and shower gel Products contain sufficient quantities of Safrole that individuals are exposed to Safrole through the average use of the Products. The primary route of exposure for the violations is dermal exposure when individuals apply or wear the Products on their skin. These exposures occur in homes, workplaces, and everywhere else throughout California where Defendants' Products are used.

16. Defendants Moroccanoil, Inc. and Does 1-50 market, distribute, license, and/or sell the Products in California. With each of these actions, Defendants operate to propel the Products

toward individuals, bringing lotions, soaps, and shower gels containing Safrole into contact with them.

17. No clear and reasonable warning is provided with the Products regarding the carcinogenic toxicity of Safrole.

18. The failure to provide warnings regarding the carcinogenicity of Safrole in the Products is of particular concern in light of the extreme toxicity of Safrole. In 1960, the U.S. Food and Drug Administration banned the use of Safrole in food based on animal studies showing Safrole to cause liver cancer. *See* 25 Fed. Reg. 12412 (Dec. 3, 1960).

19. Any person acting in the public interest has standing to enforce violations of Proposition 65 provided that such person has supplied the requisite public enforcers with a valid 60-Day Notice of Violation and such public enforcers are not diligently prosecuting the action within such time. Health & Safety Code § 25249.7(d).

20. More than sixty days prior to naming Defendant Moroccanoil, Inc. in this lawsuit, CEH provided a 60-Day "Notice of Violation" of Proposition 65 to the California Attorney General, to the District Attorneys of every county in California, to the City Attorneys of every California city with a population greater than 750,000, and to the named Defendant. In compliance with Health & Safety Code § 25249.7(d) and 27 C.C.R. § 25903(b), the Notice included the following information: (1) the name and address of the violator; (2) the statute violated; (3) the time period during which violations occurred; (4) specific descriptions of the violations, including (a) a description of the specific type of products sold and used in violation of Proposition 65; and (b) the routes of exposure to Safrole from the Products; and (5) the name of the specific Proposition 65-listed chemical that is the subject of the violations described in the Notice.

21. CEH also sent a Certificate of Merit for the Notice to the California Attorney General, to the District Attorneys of every county in California, to the City Attorneys of every California city with a population greater than 750,000, and to the named Defendant. In compliance with Health & Safety Code §25249.7(d) and 11 C.C.R. §3101, each Certificate certified that CEH's counsel: (1) has consulted with one or more persons with relevant and

appropriate experience or expertise who reviewed facts, studies, or other data regarding the exposures to Safrole alleged in the Notice; and (2) based on the information obtained through such consultations, believes that there is a reasonable and meritorious case for a citizen enforcement action based on the facts alleged in the Notice. In compliance with Health & Safety Code § 25249.7(d) and 11 C.C.R. § 3102, each Certificate served on the Attorney General included factual information—provided on a confidential basis—sufficient to establish the basis for the Certificate, including the identity of the person(s) consulted by CEH's counsel and the facts, studies, or other data reviewed by such persons.

22. None of the public prosecutors with the authority to prosecute violations of Proposition 65 have commenced or is diligently prosecuting a cause of action against Defendants under Health & Safety Code § 25249.5, *et seq*., based on the claims asserted in any of CEH's Notices regarding Safrole in the Products.

23. Defendants both know and intend for individuals to come into contact with the Products during normal use by applying and wearing the Products on their skin, thus exposing such individuals to Safrole.

24. Defendants continue to expose consumers to Safrole without prior clear and reasonable warnings regarding the carcinogenicity of Safrole.

25. CEH has engaged in good faith efforts to resolve the claims alleged herein prior to filing this Complaint.

26. Any person "violating or threatening to violate" Proposition 65 may be enjoined in any court of competent jurisdiction. Health & Safety Code § 25249.7. "Threaten to violate" is defined to mean "to create a condition in which there is a substantial probability that a violation will occur." Health & Safety Code § 25249.11(e). Proposition 65 provides for civil penalties not to exceed $2,500 per day for each violation of Proposition 65.

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FIRST CAUSE OF ACTION
(Violations of Health & Safety Code § 25249.6)

27. CEH realleges and incorporates by reference as if specifically set forth herein paragraphs 1 through 26, inclusive.

28. By placing the Products into the stream of commerce, each Defendant is a person in the course of doing business within the meaning of Health & Safety Code § 25249.11.

29. Safrole is a chemical listed by the State of California as a known carcinogen.

30. Each Defendant knows that average use of the Products will expose individuals, who apply and wear these Products on their skin, to Safrole. Each Defendant intends that the Products be used in a manner that results in exposure to Safrole from these Products.

31. Each Defendant has failed, and continues to fail, to provide clear and reasonable warnings regarding the carcinogenicity of Safrole to users of its Products.

32. By committing the acts alleged above, each Defendant has at all times relevant to this Complaint violated Proposition 65 by knowingly and intentionally exposing individuals to Safrole without first giving clear and reasonable warnings to such individuals regarding the carcinogenicity of Safrole.

PRAYER FOR RELIEF

CEH prays for judgment against Defendants as follows:

1. That the Court, pursuant to Health & Safety Code § 25249.7(a), preliminarily and permanently enjoin the Defendants from offering the Products that will be sold in California without either reducing the Safrole levels in their lotion, soap, and shower gel Products such that no Proposition 65 warnings are required or providing prior clear and reasonable warnings, as CEH shall specify in further application to the Court;

2. That the Court, pursuant to Health & Safety Code § 25249.7(b), assess civil penalties against each Defendant in the amount of $2,500 per day for each violation of Proposition 65 according to proof;

3. That the Court, pursuant to Health & Safety Code § 25249.7(a), order Defendants to take action to stop ongoing unwarned exposures to Safrole resulting from using the Products that are sold by Defendants, as CEH shall specify in further application to the Court;

4. That the Court, pursuant to Code of Civil Procedure § 1021.5 or any other applicable theory, grant CEH its reasonable attorneys' fees and costs of suit; and

5. That the Court grant such other and further relief as may be just and proper.

Dated: October 16, 2026

LEXINGTON LAW GROUP, LLP



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