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BLUE SKY FOREVER

ELECTRONICALLY FILED
Superior Court of California
County of Marin
07/29/2026

James M. Kim, Clerk of the Court
By: T. Blixt, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF MARIN – UNLIMITED CIVIL JURISDICTION

BLUE SKY FOREVER,

Plaintiff,

v.

AMAZONAS LATIN FOOD IMPORTS, INC.;
and DOES 1-30, inclusive,

Defendants.

Case No. CV0010792

**COMPLAINT FOR CIVIL PENALTIES
AND INJUNCTIVE RELIEF**

Violations of Health & Safety Code
§ 25249.5 *et seq.* (Proposition 65) Warning
Requirement

Plaintiff BLUE SKY FOREVER (“Plaintiff”), acting in the public interest, alleges a cause of action against Defendants Amazonas Latin Food Imports, Inc. and DOES 1-30 (“Defendant”) for their alleged violations of Health & Safety Code § 25249.6, *et seq.*, as follows:

INTRODUCTION AND NATURE OF THE ACTION

1. Plaintiff brings this representative action in the public interest on behalf of the citizens of the State of California. By this action, Plaintiff seeks to enforce the People’s right to be informed of the health hazards caused by exposures to Lead, a heavy metal found in and on the olives that are manufactured, imported, distributed, sold or offered for sale by Defendant in the State of California.

2. By this Complaint, plaintiff seeks to remedy Defendant’s failure to warn individuals not covered by California’s Occupational Safety Health Act, Labor Code § 6300 *et seq.* (“consumers”) before exposure to substances known to cause cancer and birth defects or other reproductive

1 harm through exposures to Lead when they purchase, consume, use, and/or ingest Defendant's
2 olives.

3 3. Detectable levels of Lead are found in the olives that Defendant manufactures,
4 processes, packages, imports, sells or distributes for sale to individuals throughout California.

5 4. Pursuant to the Safe Drinking Water and Toxic Enforcement Act of 1986, codified
6 at Health and Safety Code § 25249.6 *et seq.* ("Proposition 65"), it is unlawful for a person in the
7 course of doing business to knowingly and intentionally expose consumers in California to
8 chemicals known to the State to cause cancer and birth defects or other reproductive harm,
9 without first providing a "clear and reasonable" health hazard warning to such individuals prior
10 to purchase or use.

11 5. Defendant manufactures, processes, packages, distributes, imports, sells, and
12 offers for sale, in and into California, olives ("PRODUCTS") containing Lead, without
13 providing a warning regarding the presence of and the harms associated with exposures to Lead
14 in Defendants' PRODUCTS. Such PRODUCTS include, without limitation, the *ACEITUNA DE*
15 *BOTIJA EN SALMUERA ALFONSO OLIVES GROSS WT. 20 OZ (567 g) DRAINED WT. 12.6*
16 *OZ (357g)*. Defendant's conduct is subject to civil penalties for each violation, enjoinder,
17 preliminary and permanent injunctive relief. Health & Safety Code § 25249.7(a) and (b).

18 **PARTIES**

19 6. Plaintiff is a non-profit corporation organized under the laws of California and
20 acting in the public interest to reduce the presence of toxic chemicals found in consumer
21 products. Plaintiff seeks to enforce California citizens' right to be informed about the presence of
22 toxic chemicals in the products they purchase, ingest, and use and the harms associated with
23 exposures to such chemicals. Plaintiff is a "person" within the meaning of Health & Safety Code
24 § 25249.11(a). It brings this action in the public interest, pursuant to Health and Safety Code
25 § 25249.7(d).

26 7. At all relevant times, Defendant Amazonas Latin Food Imports, Inc. ("Amazonas")
27 operated as a "person" "in the course of doing business" within the meaning of and as defined by
28 Health and Safety Code §§ 25249.6 and 25249.11.

§ 25249.7, allowing enforcement by any court of competent jurisdiction. The Superior Courts of the State of California have jurisdiction pursuant to California Constitution Article VI, section 10, which grants the Superior Court “original jurisdiction in all causes except those given by statute to other trial courts.” The statute under which this action is brought does not specify any other basis of subject matter jurisdiction.

15. The Court has jurisdiction over DEFENDANTS, because DEFENDANTS, and each of them, is a person, firm, corporation or association that is a citizen of the State of California, does sufficient business in California, has sufficient minimum contacts in California, and/or otherwise purposefully and intentionally avail themselves of the California market through their manufacture, importation, distribution, promotion, marketing and/or sale of PRODUCTS within the California. DEFENDANTS’ purposeful availment renders the exercise of personal jurisdiction by this Court consistent with traditional notions of fair play and substantial justice.

16. Venue is proper in the Superior Court for the County of Marin, pursuant to Code of Civil Procedure §§ 393, 395, and 395.5, because this Court is a court of competent jurisdiction, because plaintiff seeks civil penalties against DEFENDANTS, because one or more instances of wrongful conduct occurred, and continue to occur, in this county, and/or because DEFENDANTS conducted, and continue to conduct, business in the County of Marin with respect to the PRODUCTS that are the subject of this action.

REGULATORY BACKGROUND AND LAW

17. Formally known as the Safe Drinking Water and Toxic Enforcement Act of 1986 and codified at Health & Safety Code § 25249.6 *et seq.*, Proposition 65 states, in relevant part, “[n]o person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to cause cancer or reproductive toxicity without first giving a clear and reasonable warning to such individual...”

18. Under the Act, a “person in the course of doing business” is defined as a business with ten (10) or more employees. Health & Safety Code § 25249.11(b). The Act prohibits businesses from exposing consumers to hazardous chemicals without first giving a “clear and

reasonable” warning. Health & Safety Code § 25249.6.

19. Exposing consumers to hazardous chemicals means to cause individuals to ingest, inhale, contact via body surfaces or otherwise come into contact with a listed chemical. Cal. Code Regs. (“CCR”), tit. 27, § 25102(i). An exposure to a hazardous chemical is defined as that which “results from a person’s acquisition, purchase, storage, consumption or other reasonably foreseeable use of a product...” 27 CCR § 25600(h).

20. Under Proposition 65, persons violating the statute may be enjoined in any court of competent jurisdiction and may be subject to civil penalties of up to \$2,500 per day, per violation. Health & Safety Code § 25249.7.

21. On February 27, 1987, pursuant to Proposition 65’s implementing regulations, California listed Lead as a chemical known to the State to cause birth defects and reproductive harm or reproductive toxicity., and it became subject to the “clear and reasonable warning” requirements one year later, on February 27, 1988. 27 CCR § 27001(c); Health & Safety Code §§ 25249.8, 25249.10(b).

22. On October 1, 1992, pursuant to Proposition 65’s implementing regulations, California identified and listed Lead as a chemical known to the State to cause cancer. Lead became subject to the “clear and reasonable warning” requirements one year later, on October 1, 1993. 27 CCR § 27001(c); Health & Safety Code §§ 25249.8, 25249.10(b).

STATEMENT OF FACTS

23. DEFENDANTS sell and offer their PRODUCTS for sale in California without a clear and reasonable warning in violation of Cal. Code Regs. Tit. 27, § 25600, *et seq.*

24. DEFENDANTS’ PRODUCTS expose consumers in California to Lead at levels requiring a warning under Proposition 65 when they ingest or otherwise consume the PRODUCTS during reasonably foreseeable use.

25. On May 20, 2026, plaintiff served a 60-Day Notice of Violation (“Notice”), together with the certificate of merit, on Amazonas, the Office of the Attorney General of California, and the requisite public enforcement agencies, alleging, as a result of DEFENDANTS’ sales of the PRODUCTS, consumers in the State of California were, and are,

1 being exposed to Lead through their reasonably foreseeable use, including use by ingestion, of
2 the PRODUCTS without first receiving a “clear and reasonable warning,” as required by
3 Proposition 65.

4 26. After receiving Plaintiff’s Notice, no public enforcement agency commenced and/or
5 is diligently prosecuting a cause of action against DEFENDANTS under Proposition 65 to
6 enforce the alleged violations that are the subject of the Notice.

7 **FIRST CAUSE OF ACTION**

8 **(Violation of Proposition 65 - Against All DEFENDANTS)**

9 27. Plaintiff realleges and incorporates by reference, as if fully stated herein, the
10 allegations set forth in Paragraphs 1 through 26, inclusive.

11 28. DEFENDANTS’ PRODUCTS contain Lead at levels requiring a clear and
12 reasonable warning under Proposition 65.

13 29. DEFENDANTS know or should have known the PRODUCTS they manufacture,
14 process, package, import, distribute, sell, and offer for sale in California contain Lead. As a
15 result of Plaintiff’s Notice, DEFENDANTS now possess actual knowledge of the presence of
16 Lead in the PRODUCTS.

17 30. DEFENDANTS’ PRODUCTS expose consumers in California to Lead by ingestion
18 during the reasonably foreseeable use of the PRODUCTS.

19 31. The normal and reasonably foreseeable use of the PRODUCTS has caused, and
20 continues to cause, exposures to Lead.

21 32. DEFENDANTS know or should know the reasonably foreseeable use of the
22 PRODUCTS exposes individuals to Lead through ingestion.

23 33. DEFENDANTS intend to expose consumers in California exposures to Lead during
24 their reasonably foreseeable use of the PRODUCTS. Such exposures to Lead occur through
25 DEFENDANTS deliberate and non-accidental participation in the California market.

26 34. The exposures to Lead, caused by DEFENDANTS and endured by consumers in
27 California, are not exempt from the “clear and reasonable” warning requirements of Proposition
28 65.

35. DEFENDANTS failed to provide a “clear and reasonable warning” to those consumers in California exposed to Lead through ingestion during their reasonably foreseeable uses of the PRODUCTS. DEFENDANTS continue to fail to provide such warning.

36. Contrary to the express policy and statutory prohibition of Proposition 65, consumers are exposed to Lead through ingestion during their use of PRODUCTS DEFENDANTS sold, sell and offer for sale without a “clear and reasonable” warning. Such consumers suffer irreparable harms for which they have no plain, speedy, or adequate remedy at law.

37. DEFENDANTS manufacture, process, package, import, distribute, sell and offer the PRODUCTS for sale or use in violation of Health and Safety Code § 25249.6, and DEFENDANTS' violations have continued beyond their receipt of Plaintiff's Notice. As such, DEFENDANTS' violations are ongoing and continuous in nature and, unless enjoined, will continue in the future.

38. Pursuant to Health and Safety Code § 25249.7(b), as a consequence of the above-described acts, DEFENDANTS, and each of them, are liable for a maximum civil penalty of \$2,500 per day for each violation.

39. As a consequence of DEFENDANTS' acts and omissions, Health and Safety Code § 25249.7(a) specifically authorizes the Court to grant the relief prayed for herein.

PRAYER FOR RELIEF

Wherefore, Plaintiff prays for relief and judgment against DEFENDANTS, and each of them, as follows:

1. That the Court, pursuant to Health and Safety Code § 25249.7(a), preliminarily and permanently enjoin DEFENDANTS from manufacturing, processing, packaging, distributing, importing, marketing or otherwise offering the PRODUCTS for sale or use in California without first providing a “clear and reasonable” warning to consumers regarding the presence of, and the harms associated with, with exposures to Lead;

2. That the Court, pursuant to Health and Safety Code § 25249.7(a), issue preliminary and permanent injunctions mandating DEFENDANTS recall all PRODUCTS currently in the

1 chain of commerce in California that do not bear a clear and reasonable health hazard warning;

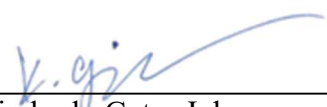
2 3. That the Court assess civil penalties against DEFENDANTS, and each of them, in
3 the amount of \$2,500 per day for each violation of Proposition 65, according to proof;

4 4. That the Court award Plaintiff its reasonable attorneys' fees and costs of suit; and

5 5. That the Court grant any further relief as it deems just and equitable.

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7 Dated: July 29, 2026

SEVEN HILLS LLP

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9 By: 

10 Kimberly Gates Johnson
11 Attorneys for Plaintiff
12 *Blue Sky Forever*
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