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Attorneys for Plaintiff,

Environmental Health Advocates, Inc.

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN FRANCISCO

ENVIRONMENTAL HEALTH ADVOCATES,
INC.,

Plaintiff,

v.

BARD VALLEY DATE GROWERS

ASSOCIATION, a California agricultural

cooperative; BOB'S RED MILL NATURAL

FOODS, INC., an Oregon corporation;

CATALINA SNACKS, INC. DBA

CATALINA CRUNCH, a Texas corporation;

CORONADO ISLAND GROCERY

COMPANY DBA BAYSIDE MARKET, a

California corporation; COSTCO

WHOLESALE CORPORATION, a

Washington corporation; DSD

MERCHANDISERS, LLC, a California limited

liability company; DALMATIA IMPORT

GROUP, INC., a Florida corporation; DEL

REAL, INC., a California corporation;

FOODMATCH, INC., a New York corporation;

FALCON TRADING COMPANY, INC., a

California corporation; FOOD PLUS, LLC, a

California limited liability company; GARNEA,

LLC, a Texas limited liability company;

Case No.:

CGC-26-640020

**COMPLAINT FOR CIVIL PENALTIES
AND INJUNCTIVE RELIEF**

(Health & Safety Code § 25249.6 et seq.)

ELECTRONICALLY

FILED

Superior Court of California,
County of San Francisco

08/17/2026

Clerk of the Court

BY: ERNALYN BURA

Deputy Clerk

GROCERY OUTLET INC., a California corporation; INTERCONTINENTAL GREAT BRANDS LLC, a Delaware limited liability company; JUSTIN'S, LLC, a Delaware limited liability company; KREMA GROUP, INC. DBA CRAZY RICHARD'S PEANUT BUTTER COMPANY, an Ohio corporation; LUCERNE FOODS, INC, a Delaware corporation; MAGNOLIA FOODS, LLC, a California limited liability company; MONDELEZ GLOBAL LLC, a Delaware limited liability company; NATURE'S BAKERY, LLC, a Delaware limited liability company; NUGGET MARKET, INC., a California corporation; NUTS.COM, INC., a New Jersey corporation; OCEAN BEACH PEOPLES FOOD COOPERATIVE, a California corporation; ONCE AGAIN NUT BUTTER COLLECTIVE INC., a New York corporation; PACIFIC DATE CORPORATION DBA SUN LOVIN' FOODS, a California corporation; POST CONSUMER BRANDS, LLC, a Delaware limited liability company; RALEY'S, a California corporation; RALPH'S GROCERY COMPANY, an Ohio corporation; SAFE FOOD CORPORATION, a Delaware corporation; SAFEWAY INC., a Delaware corporation; SAN JOAQUIN FIGS, INC., a California corporation; SPROUTS FARMERS MARKET, INC., a Delaware corporation; SUN-MAID GROWERS OF CALIFORNIA, a California corporation; SUNSWEET GROWERS INC., a California corporation; THE J. M. SMUCKER COMPANY, an Ohio corporation; THE SAVE MART COMPANIES, LLC DBA FOODMAXX SUPERMARKETS, a California limited liability company; THE VONS COMPANIES, INC., a Michigan corporation; TORN & GLASSER, INC., a California corporation; TRADER JOE'S COMPANY, a California corporation; UNITED NATURAL FOODS, INC., a Delaware corporation; VALLEY FIG GROWERS, a California corporation; WALMART INC., a Delaware corporation; WHOLE FOODS MARKET CALIFORNIA, INC., a California corporation; and DOES 1 through 100, inclusive

Defendants.

I. INTRODUCTION

1. This Complaint is a representative action brought by Environmental Health Advocates, Inc. (“Plaintiff”) in the public interest of the citizens of the State of California (“the People”). Plaintiff seeks to remedy Defendants’ failure to inform the People of exposure to aflatoxins, ochratoxin A, and fumonisin B1 (collectively, the “Chemicals”), each a chemical known to the State of California to cause cancer. Defendants expose consumers to the Chemicals by manufacturing, importing, selling, and/or distributing almond butter, almond flour, chopped dates, date coconut rolls, date rolls, dates, dried figs, fig bar, fig cookies, fig spread, figs, medjools dates, mission figs, peanut butter, peanuts, protein cereal, pumpkin seed butter, raisins, smyrna figs, sopas, superfood bar, tortilla chips, Turkish figs, yellow corn polenta products¹ (collectively, the “Categories”). The Categories include the following 50 products (collectively, the “Products”): (1) Justin's Vanilla Almond Butter, an almond butter product containing aflatoxins; (2) Sam's Choice Creamy Almond Butter, an almond butter product containing aflatoxins; (3) Once Again Organic Unsweetened & Roasted Almond Butter, an almond butter product containing aflatoxins; (4) Sprouts Farmers Market Crunchy Almond Butter Unsalted, an almond butter product containing aflatoxins; (5) Open Nature Almond Butter Crunchy, an almond butter product containing aflatoxins; (6) Once Again Natural Unsweetened & Roasted Almond Butter, an almond butter product containing aflatoxins; (7) Trader Joes Creamy Almond Butter, an almond butter product containing aflatoxins; (8) Bob's Red Mill Super-Fine Natural Almond Flour, an almond flour product containing aflatoxins; (9) Sunsweet Desert Palm Chopped Dates,

¹ See 60- Day Notices of Violation Attorney General Nos. (1) 2026-02476; (2) 2026-02477; (3) 2026-02483; (4) 2026-02461; (5) 2026-02452; (6) 2026-02475; (7) 2026-02682; (8) 2026-02561; (9) 2026-02464; (10) 2026-02672; (11) 2026-02482; (12) 2026-02445; (13) 2026-02480; (14) 2026-02556; (15) 2026-02460; (16) 2026-02467; (17) 2026-02471; (18) 2026-02473; (19) 2026-02474; (20) 2026-02566; (21) 2026-02565; (22) 2026-02563; (23) 2026-02562; (24) 2026-02564; (25) 2026-02455; (26) 2026-02453; (27) 2026-02447; (28) 2026-02466; (29) 2026-02572; (30) 2026-02479; (31) 2026-02559; (32) 2026-02557; (33) 2026-02560; (34) 2026-02558; (35) 2026-02555; (36) 2026-02675; (37) 2026-02676; (38) 2026-02678; (39) 2026-02674; (40) 2026-02549; (41) 2026-02481; (42) 2026-02458; (43) 2026-02658; (44) 2026-02567; (45) 2026-02569; (46) 2026-03884; (47) 2026-02606; (48) 2026-02463; (49) 2026-02579; (50) 2026-02575. A document containing the links to the Notices of Violation on the publicly available Attorney General Website is attached hereto as **Exhibit 1.**

1 a chopped dates product containing aflatoxins; (10) Sun Lovin' Dates Organic Date Coconut Rolls,
2 a date coconut rolls product containing aflatoxins and ochratoxin A; (11) DSD Merchandisers
3 Organic Date Coconut Rolls, a date rolls product containing aflatoxins; (12) Sprouts Organic
4 Coconut Date Rolls, a date rolls product containing aflatoxins and ochratoxin A; (13) UNFI
5 Commodities BB Date Coconut Rolls, a date rolls product containing aflatoxins; (14) Del Real
6 Organic Coconut Date Rolls, a date rolls product containing aflatoxins; (15) Sprouts Farmers
7 Market Dates Chopped Rolled in Oat Flour, a dates product containing aflatoxins; (16) Sun-Maid
8 California Dried Mission Figs, a dried figs product containing aflatoxins; (17) Sunny Fruit
9 Organic Sun-Dried Figs, a dried figs product containing aflatoxins; (18) Nature's Bakery Fig Bar
10 Raspberry Fig, a fig bar product containing aflatoxins and ochratoxin A; (19) Nabisco Fig
11 Newtons Soft & Chewy, a fig bar product containing aflatoxins and ochratoxin A; (20) Nature's
12 Bakery Fig Bar Original Fig, a fig bar product containing aflatoxins; (21) Nature's Bakery Fig
13 Bar Apple Cinnamon, a fig bar product containing aflatoxins and ochratoxin A; (22) Nature's
14 Bakery Strawberry Fig Bar, a fig bar product containing aflatoxins and ochratoxin A; (23) Great
15 Value Fig Bars, a fig bar product containing aflatoxins and ochratoxin A; (24) Nature's Bakery
16 Fig Bar Blueberry Fig, a fig bar product containing aflatoxins; (25) Trader Joe's Fig Cookies, a
17 fig cookies product containing aflatoxins and ochratoxin A; (26) Nutra Fig Mission Figs, a figs
18 product containing aflatoxins; (27) Organic Mission Figs, a figs product containing aflatoxins;
19 (28) Natural Delights Mini Medjools Organic Coconut, a medjools dates product containing
20 aflatoxins; (29) Sprouts Organic Mission Figs, a mission figs product containing aflatoxins; (30)
21 Crazy Richard's 100% Peanuts Crunchy Natural Peanut Butter, a peanut butter product containing
22 aflatoxins; (31) Peter Pan Honey Roast Creamy Peanut Butter, a peanut butter product containing
23 aflatoxins; (32) Smucker's Natural Peanut Butter Chunky, a peanut butter product containing
24 aflatoxins; (33) Great Value No Stir Creamy Peanut Butter, a peanut butter product containing
25 aflatoxins; (34) Santa Cruz Organic Dark Roasted Peanut Butter, a peanut butter product
26 containing aflatoxins; (35) Crazy Richard's Natural Creamy Peanut Butter Spread, a peanut butter
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product containing aflatoxins; (36) Trader Joes Crunchy Peanut Butter Unsalted, a peanut butter product containing aflatoxins; (37) Trader Joes Crunchy Peanut Butter Salted, a peanut butter product containing aflatoxins; (38) Trader Joes Creamy Peanut Butter Salted, a peanut butter product containing aflatoxins; (39) Trader Joes Roasted & Unsalted Peanuts, a peanuts product containing aflatoxins; (40) Sprouts Creamy & Unsalted Pumpkin Seed Butter Roasted & Ground, a pumpkin seed butter product containing aflatoxins; (41) Thunderbird Cashew Fig Carrot Superfood Bar 1, a superfood bar product containing aflatoxins; (42) Divina Fig Spread, a fig spread product containing ochratoxin A; (43) El Comal Sopos, a sopos product containing fumonisin B1; (44) Bob's Red Mill Organic Yellow Corn Polenta, a yellow corn polenta product containing fumonisin B1; (45) Ocean Beach People's Market Organic Smyrna Figs, a smyrna figs product containing fumonisin B1; (46) Catalina Crunch Chocolate Peanut Butter Protein Cereal, a protein cereal product containing ochratoxin A and fumonisin B1; (47) Dalmatia Fig Spread, a fig spread product containing ochratoxin A; (48) Sprouts Farmers Market Chili & Lime Flavored Rolled Corn Tortilla Chips, a tortilla chips product containing fumonisin B1; (49) Natural Turkish Figs, a Turkish figs product containing Ochratoxin A and fumonisin B1; (50) Trader Joe's California Golden Raisins, a raisins product containing ochratoxin A (collectively, the "Products"). Each of the 50 Products contains at least one of the Chemicals identified above; the Products do not all contain the same combination of Chemicals. Of the Products, 41 contain aflatoxins, 13 contain ochratoxin A, and 6 contain fumonisin B1. Defendants know and intend that customers will ingest the Products containing the Chemicals.

2. Under California's Safe Drinking Water and Toxic Enforcement Act of 1986, California Health and Safety Code, section 25249.6 et seq. ("Proposition 65"), "[n]o 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. . . ." (Health & Safety Code, § 25249.6.)

3. California identified and listed each of the Chemicals — aflatoxins, ochratoxin A, and fumonisin B1 — as a chemical known to the state to cause cancer.

4. Defendants failed to sufficiently warn consumers and individuals in California about potential exposure to the Chemicals in connection with Defendants' manufacture, import, sale, or distribution of the Products. This is a violation of Proposition 65.

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

II. PARTIES

6. Plaintiff ENVIRONMENTAL HEALTH ADVOCATES, INC. (“Plaintiff”) is a corporation in the State of California dedicated to protecting the health of California citizens through the elimination or reduction of toxic exposure from consumer products. It brings this action in the public interest pursuant to Health and Safety Code, section 25249.7.

7. Defendant Bard Valley Date Growers Association (“Bard Valley”) is an agricultural cooperative organized and existing under the laws of California. Bard Valley is registered to do business in California, and does business in San Francisco County, within the meaning of Health and Safety Code, section 25249.11. Bard Valley manufactures, imports, sells, or distributes Product No. 28 in California and San Francisco County.

8. Defendant Bob’s Red Mill Natural Foods, Inc. (“Bob’s Red Mill”) is a corporation organized and existing under the laws of Oregon. Bob’s Red Mill is registered to do business in California, and does business in San Francisco County, within the meaning of Health and Safety Code, section 25249.11. Bob’s Red Mill manufactures, imports, sells, or distributes Product Nos. 8 and 44 in California and San Francisco County.

9. Defendant Catalina Snacks, Inc. dba Catalina Crunch (“Catalina Crunch”) is a corporation organized and existing under the laws of Texas. Catalina Crunch is registered to do

business in California, and does business in San Francisco County, within the meaning of Health and Safety Code, section 25249.11. Catalina Crunch manufactures, imports, sells, or distributes Product No. 46 in California and San Francisco County.

10. Defendant Coronado Island Grocery Company dba Bayside Market (“Bayside Market”) is a corporation organized and existing under the laws of California. Bayside Market is registered to do business in California, and does business in San Francisco County, within the meaning of Health and Safety Code, section 25249.11. Bayside Market manufactures, imports, sells, or distributes Product No. 42 in California and San Francisco County.

11. Defendant Costco Wholesale Corporation (“Costco”) is a corporation organized and existing under the laws of Washington. Costco is registered to do business in California, and does business in San Francisco County, within the meaning of Health and Safety Code, section 25249.11. Costco manufactures, imports, sells, or distributes Product No. 17 in California and San Francisco County.

12. Defendant DSD Merchandisers, LLC (“DSD Merchandisers”) is a limited liability company organized and existing under the laws of California. DSD Merchandisers is registered to do business in California, and does business in San Francisco County, within the meaning of Health and Safety Code, section 25249.11. DSD Merchandisers manufactures, imports, sells, or distributes Product No. 11 in California and San Francisco County.

13. Defendant Dalmatia Import Group, Inc. (“Dalmatia”) is a corporation organized and existing under the laws of Florida. Dalmatia is registered to do business in California, and does business in San Francisco County, within the meaning of Health and Safety Code, section 25249.11. Dalmatia manufactures, imports, sells, or distributes Product No. 47 in California and San Francisco County.

14. Defendant Del Real, Inc. (“Del Real”) is a corporation organized and existing under the laws of California. Del Real is registered to do business in California, and does business in San Francisco County, within the meaning of Health and Safety Code, section 25249.11. Del

1 Real manufactures, imports, sells, or distributes Product No. 14 in California and San Francisco
2 County.

3 15. Defendant FOODMatch, Inc. (“FOODMatch”) is a corporation organized and
4 existing under the laws of New York. FOODMatch is registered to do business in California, and
5 does business in San Francisco County, within the meaning of Health and Safety Code, section
6 25249.11. FOODMatch manufactures, imports, sells, or distributes Product No. 42 in California
7 and San Francisco County.

8 16. Defendant Falcon Trading Company, Inc. (“Falcon Trading”) is a corporation
9 organized and existing under the laws of California. Falcon Trading is registered to do business
10 in California, and does business in San Francisco County, within the meaning of Health and Safety
11 Code, section 25249.11. Falcon Trading manufactures, imports, sells, or distributes Product No.
12 45 in California and San Francisco County.

13 17. Defendant Food Plus, LLC (“Food Plus”) is a limited liability company organized
14 and existing under the laws of California. Food Plus is registered to do business in California, and
15 does business in San Francisco County, within the meaning of Health and Safety Code, section
16 25249.11. Food Plus manufactures, imports, sells, or distributes Product No. 43 in California and
17 San Francisco County.

18 18. Defendant Garnea, LLC (“Garnea”) is a limited liability company organized and
19 existing under the laws of Texas. Garnea is registered to do business in California, and does
20 business in San Francisco County, within the meaning of Health and Safety Code, section
21 25249.11. Garnea manufactures, imports, sells, or distributes Product No. 41 in California and
22 San Francisco County.

23 19. Defendant Grocery Outlet Inc. (“Grocery Outlet”) is a corporation organized and
24 existing under the laws of California. Grocery Outlet is registered to do business in California,
25 and does business in San Francisco County, within the meaning of Health and Safety Code,
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1 section 25249.11. Grocery Outlet manufactures, imports, sells, or distributes Product No. 10 in
2 California and San Francisco County.

3 20. Defendant Intercontinental Great Brands LLC (“Intercontinental Great Brands”)
4 is a limited liability company organized and existing under the laws of Delaware. Intercontinental
5 Great Brands is registered to do business in California, and does business in San Francisco County,
6 within the meaning of Health and Safety Code, section 25249.11. Intercontinental Great Brands
7 manufactures, imports, sells, or distributes Product No. 19 in California and San Francisco County.

8 21. Defendant Justin’s, LLC (“Justin’s”) is a limited liability company organized and
9 existing under the laws of Delaware. Justin’s is registered to do business in California, and does
10 business in San Francisco County, within the meaning of Health and Safety Code, section
11 25249.11. Justin’s manufactures, imports, sells, or distributes Product No. 1 in California and San
12 Francisco County.

13 22. Defendant Crema Group, Inc. dba Crazy Richard’s Peanut Butter Company
14 (“Crazy Richard’s”) is a corporation organized and existing under the laws of Ohio. Crazy
15 Richard’s is registered to do business in California, and does business in San Francisco County,
16 within the meaning of Health and Safety Code, section 25249.11. Crazy Richard’s manufactures,
17 imports, sells, or distributes Product Nos. 30 and 35 in California and San Francisco County.

18 23. Defendant Lucerne Foods, Inc (“Lucerne Foods”) is a corporation organized and
19 existing under the laws of Delaware. Lucerne Foods is registered to do business in California, and
20 does business in San Francisco County, within the meaning of Health and Safety Code, section
21 25249.11. Lucerne Foods manufactures, imports, sells, or distributes Product No. 5 in California
22 and San Francisco County.

23 24. Defendant Magnolia Foods, LLC (“Magnolia Foods”) is a limited liability
24 company organized and existing under the laws of California. Magnolia Foods is registered to do
25 business in California, and does business in San Francisco County, within the meaning of Health
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1 and Safety Code, section 25249.11. Magnolia Foods manufactures, imports, sells, or distributes
2 Product No. 43 in California and San Francisco County.

3 25. Defendant Mondelez Global LLC (“Mondelez”) is a limited liability company
4 organized and existing under the laws of Delaware. Mondelez is registered to do business in
5 California, and does business in San Francisco County, within the meaning of Health and Safety
6 Code, section 25249.11. Mondelez manufactures, imports, sells, or distributes Product No. 19 in
7 California and San Francisco County.

8 26. Defendant Nature’s Bakery, LLC (“Nature’s Bakery”) is a limited liability
9 company organized and existing under the laws of Delaware. Nature’s Bakery is registered to do
10 business in California, and does business in San Francisco County, within the meaning of Health
11 and Safety Code, section 25249.11. Nature’s Bakery manufactures, imports, sells, or distributes
12 Product Nos. 18, 20, 21, 22 and 24 in California and San Francisco County.

13 27. Defendant Nugget Market, Inc. (“Nugget Market”) is a corporation organized and
14 existing under the laws of California. Nugget Market is registered to do business in California,
15 and does business in San Francisco County, within the meaning of Health and Safety Code,
16 section 25249.11. Nugget Market manufactures, imports, sells, or distributes Product Nos. 14, 18,
17 20, 21, 24, 30, 35 and 41 in California and San Francisco County.

18 28. Defendant Nuts.com, Inc. (“Nuts.com”) is a corporation organized and existing
19 under the laws of New Jersey. Nuts.com is registered to do business in California, and does
20 business in San Francisco County, within the meaning of Health and Safety Code, section
21 25249.11. Nuts.com manufactures, imports, sells, or distributes Product No. 27 in California and
22 San Francisco County.

23 29. Defendant Ocean Beach Peoples Food Cooperative (“Ocean Beach Co-op”) is a
24 corporation organized and existing under the laws of California. Ocean Beach Co-op is registered
25 to do business in California, and does business in San Francisco County, within the meaning of
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1 Health and Safety Code, section 25249.11. Ocean Beach Co-op manufactures, imports, sells, or
2 distributes Product No. 45 in California and San Francisco County.

3 30. Defendant Once Again Nut Butter Collective Inc. (“Once Again”) is a corporation
4 organized and existing under the laws of New York. Once Again is registered to do business in
5 California, and does business in San Francisco County, within the meaning of Health and Safety
6 Code, section 25249.11. Once Again manufactures, imports, sells, or distributes Product Nos. 3
7 and 6 in California and San Francisco County.

8 31. Defendant Pacific Date Corporation dba Sun Lovin’ Foods (“Sun Lovin’ Foods”)
9 is a corporation organized and existing under the laws of California. Sun Lovin’ Foods is
10 registered to do business in California, and does business in San Francisco County, within the
11 meaning of Health and Safety Code, section 25249.11. Sun Lovin’ Foods manufactures, imports,
12 sells, or distributes Product No. 10 in California and San Francisco County.

13 32. Defendant Post Consumer Brands, LLC (“Post Consumer Brands”) is a limited
14 liability company organized and existing under the laws of Delaware. Post Consumer Brands is
15 registered to do business in California, and does business in San Francisco County, within the
16 meaning of Health and Safety Code, section 25249.11. Post Consumer Brands manufactures,
17 imports, sells, or distributes Product No. 31 in California and San Francisco County.

18 33. Defendant Raley’s (“Raley’s”) is a corporation organized and existing under the
19 laws of California. Raley’s is registered to do business in California, and does business in San
20 Francisco County, within the meaning of Health and Safety Code, section 25249.11. Raley’s
21 manufactures, imports, sells, or distributes Product No. 11 in California and San Francisco County.

22 34. Defendant Ralph’s Grocery Company (“Ralphs”) is a corporation organized and
23 existing under the laws of Ohio. Ralphs is registered to do business in California, and does
24 business in San Francisco County, within the meaning of Health and Safety Code, section
25 25249.11. Ralphs manufactures, imports, sells, or distributes Product Nos. 9 and 47 in California
26 and San Francisco County.
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1 35. Defendant Safe Food Corporation (“Safe Food”) is a corporation organized and
2 existing under the laws of Delaware. Safe Food is registered to do business in California, and
3 does business in San Francisco County, within the meaning of Health and Safety Code, section
4 25249.11. Safe Food manufactures, imports, sells, or distributes Product No. 17 in California and
5 San Francisco County.

6 36. Defendant Safeway Inc. (“Safeway”) is a corporation organized and existing under
7 the laws of Delaware. Safeway is registered to do business in California, and does business in San
8 Francisco County, within the meaning of Health and Safety Code, section 25249.11. Safeway
9 manufactures, imports, sells, or distributes Product No. 5 in California and San Francisco County.

10 37. Defendant San Joaquin Figs, Inc. (“San Joaquin Figs”) is a corporation organized
11 and existing under the laws of California. San Joaquin Figs is registered to do business in
12 California, and does business in San Francisco County, within the meaning of Health and Safety
13 Code, section 25249.11. San Joaquin Figs manufactures, imports, sells, or distributes Product No.
14 26 in California and San Francisco County.

15 38. Defendant Sprouts Farmers Market, Inc. (“Sprouts”) is a corporation organized
16 and existing under the laws of Delaware. Sprouts is registered to do business in California, and
17 does business in San Francisco County, within the meaning of Health and Safety Code, section
18 25249.11. Sprouts manufactures, imports, sells, or distributes Product Nos. 1, 3, 4, 6, 8, 12, 15,
19 26, 29, 40, 44, 46, 48 and 49 in California and San Francisco County.

20 39. Defendant Sun-Maid Growers of California (“Sun-Maid”) is a corporation
21 organized and existing under the laws of California. Sun-Maid is registered to do business in
22 California, and does business in San Francisco County, within the meaning of Health and Safety
23 Code, section 25249.11. Sun-Maid manufactures, imports, sells, or distributes Product No. 16 in
24 California and San Francisco County.

25 40. Defendant Sunsweet Growers Inc. (“Sunsweet”) is a corporation organized and
26 existing under the laws of California. Sunsweet is registered to do business in California, and does
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business in San Francisco County, within the meaning of Health and Safety Code, section 25249.11. Sunsweet manufactures, imports, sells, or distributes Product No. 9 in California and San Francisco County.

41. Defendant The J. M. Smucker Company (“Smucker’s”) is a corporation organized and existing under the laws of Ohio. Smucker’s is registered to do business in California, and does business in San Francisco County, within the meaning of Health and Safety Code, section 25249.11. Smucker’s manufactures, imports, sells, or distributes Product Nos. 32 and 34 in California and San Francisco County.

42. Defendant The Save Mart Companies, LLC dba FoodMaxx Supermarkets (“FoodMaxx”) is a limited liability company organized and existing under the laws of California. FoodMaxx is registered to do business in California, and does business in San Francisco County, within the meaning of Health and Safety Code, section 25249.11. FoodMaxx manufactures, imports, sells, or distributes Product No. 16 in California and San Francisco County.

43. Defendant The Vons Companies, Inc. (“Vons”) is a corporation organized and existing under the laws of Michigan. Vons is registered to do business in California, and does business in San Francisco County, within the meaning of Health and Safety Code, section 25249.11. Vons manufactures, imports, sells, or distributes Product Nos. 5 and 28 in California and San Francisco County.

44. Defendant Torn & Glasser, Inc. (“Torn & Glasser”) is a corporation organized and existing under the laws of California. Torn & Glasser is registered to do business in California, and does business in San Francisco County, within the meaning of Health and Safety Code, section 25249.11. Torn & Glasser manufactures, imports, sells, or distributes Product No. 49 in California and San Francisco County.

45. Defendant Trader Joe’s Company (“Trader Joe’s”) is a corporation organized and existing under the laws of California. Trader Joe’s is registered to do business in California, and does business in San Francisco County, within the meaning of Health and Safety Code, section

25249.11. Trader Joe’s manufactures, imports, sells, or distributes Product Nos. 7, 25, 36, 37, 38, 39, 50 in California and San Francisco County.

46. Defendant United Natural Foods, Inc. (“United Natural Foods”) is a corporation organized and existing under the laws of Delaware. United Natural Foods is registered to do business in California, and does business in San Francisco County, within the meaning of Health and Safety Code, section 25249.11. United Natural Foods manufactures, imports, sells, or distributes Product No. 13 in California and San Francisco County.

47. Defendant Valley Fig Growers (“Valley Fig Growers”) is a corporation organized and existing under the laws of California. Valley Fig Growers is registered to do business in California, and does business in San Francisco County, within the meaning of Health and Safety Code, section 25249.11. Valley Fig Growers manufactures, imports, sells, or distributes Product No. 16 in California and San Francisco County.

48. Defendant Walmart Inc. (“Walmart”) is a corporation organized and existing under the laws of Delaware. Walmart is registered to do business in California, and does business in San Francisco County, within the meaning of Health and Safety Code, section 25249.11. Walmart manufactures, imports, sells, or distributes Product Nos. 2, 19, 22, 23, 31, 32, 33, 34 in California and San Francisco County.

49. Defendant Whole Foods Market California, Inc. (“Whole Foods”) is a corporation organized and existing under the laws of California. Whole Foods is registered to do business in California, and does business in San Francisco County, within the meaning of Health and Safety Code, section 25249.11. Whole Foods manufactures, imports, sells, or distributes Product No. 13 in California and San Francisco County.

50. Plaintiff does not know the true names and/or capacities, whether individual, partners, or corporate, of the Defendants sued herein as DOES 1 through 100, inclusive, and for that reason sues said Defendants under fictitious names pursuant to Cal. Civ. Proc. § 474. Plaintiff will seek leave to amend this Complaint when the true names and capacities of these Defendants

1 have been ascertained. Plaintiff is informed and believes and thereon alleges that these Defendants
2 are responsible in whole or in part for the remedies and penalties sought herein.

3 51. At all times mentioned, Defendants were the agents, alter egos, servants, joint
4 venturers, joint employers, or employees for each other. Defendants acted with the consent of the
5 other Co-Defendants and acted within the course, purpose, and scope of their agency, service, or
6 employment. All conduct was ratified by Defendants, and each of them.

7 **III. VENUE AND JURISDICTION**

8 52. California Constitution Article VI, Section 10 grants the Superior Court original
9 jurisdiction in all cases except those given by statute to other trial courts. The Health and Safety
10 Code statute upon which this action is based does not give jurisdiction to any other court. As such,
11 this Court has jurisdiction.

12 53. Venue is proper in San Francisco County Superior Court pursuant to Code of Civil
13 Procedure, sections 394, 395, and 395.5. Wrongful conduct occurred and continues to occur in
14 this County. Defendants conducted and continue to conduct business in this County as it relates
15 to the Products.

16 54. Defendants have sufficient minimum contacts in the State of California or
17 otherwise purposefully avail themselves of the California market. Exercising jurisdiction over
18 Defendants would be consistent with traditional notions of fair play and substantial justice.

19 **IV. BACKGROUND FACTS**

20 **AFLATOXINS**

21 55. On January 1, 1988, the State of California formally identified and listed aflatoxins
22 as a group of chemicals known to cause cancer. Aflatoxins are a strain of mycotoxins that are
23 produced by molds including *Aspergillus flavus* and *Aspergillus parasiticus*. Aflatoxins are found
24 in a wide variety of foodstuffs, commonly including maize, peanuts, cottonseed, and tree nuts.
25 (See Office of Environmental Health Hazard Assessment, aflatoxins, Chemical Listing Details,
26 available at: <https://oehha.ca.gov/chemicals/aflatoxins> [last visited July 29, 2026].)
27

56. Animal studies have shown that aflatoxins produce liver tumors in mice, rats, fish, ducks, marmosets, tree shrews, and monkeys following administration by several routes, including orally. (See IARC Working Group on the Evaluation of Carcinogenic Risks to Humans, Overall Evaluations of Carcinogenicity: An Updating of IARC Monographs Volumes 1 to 42. Lyon (FR): International Agency for Research on Cancer; 1987, (IARC Monographs on the Evaluation of Carcinogenic Risks to Humans, No. Supplement 7.) AFLATOXINS (Group 1), available at: <https://www.ncbi.nlm.nih.gov/books/NBK533573/> [last visited July 29, 2026].)

57. Human cohort studies conducted in Shanghai and Taiwan, China have found statistically significant increased risk of hepatocellular carcinoma among individuals exposed to aflatoxins as evidenced by elevated levels of aflatoxin-specific biomarkers, an effect that persists independently of hepatitis B virus infection. (See Ross RK, Yuan JM, Yu MC, et al., Urinary aflatoxin biomarkers and risk of hepatocellular carcinoma. *Lancet*. 1992;339:943-946; Wang LY, Hatch M, Chen CJ, et al., Aflatoxin exposure and risk of hepatocellular carcinoma in Taiwan. *Int J Cancer*. 1996;67:620-625, as cited in IARC Working Group on the Evaluation of Carcinogenic Risks to Humans, Chemical Agents and Related Occupations. Lyon (FR): International Agency for Research on Cancer; 2012, (IARC Monographs on the Evaluation of Carcinogenic Risks to Humans, No. 100F.) AFLATOXINS, available at: <https://www.ncbi.nlm.nih.gov/books/NBK304413/> [last visited July 29, 2026].)

58. The Office of Environmental Health Hazard Assessment (“OEHHA”) has established specific safe harbor levels for many of the chemicals listed under Proposition 65. For cancer-causing chemicals in particular, a safe harbor level is called a “No Significant Risk Level,” or “NSRL.” An NSRL is the daily intake level calculated to result in one excess case of cancer in an exposed human population of 100,000, assuming lifetime exposure at the level in question. (See OEHHA’s Proposition 65 Process for Developing Safe Harbor Numbers (February 2001), available at <https://oehha.ca.gov/media/downloads/crn/2001safeharborprocess.pdf> [last visited July 29, 2026].) The State of California has not yet established an NSRL for aflatoxins. However,

research suggests that an NSRL of 0.0152 micrograms/day of aflatoxins is appropriate, where direct ingestion is the route of exposure. (See California Environmental Protection Agency, Office of Environmental Health Hazard Assessment, Expedited Cancer Potency Values and Proposed Regulatory Levels for Certain Proposition 65 Carcinogens (April 1992), available at: <https://oehha.ca.gov/sites/default/files/media/downloads/proposition-65/report/expcancer.pdf> [last visited July 29, 2026].) This NSRL is derived from the conventional cancer potency value listed in the document cited above.

59. As aflatoxins are pervasive contaminants within the food supply chain, rather than an additive that can simply be removed or reformulated out of a product, EHA does not seek to eliminate aflatoxin exposure entirely. Instead, in order to ensure that the injunctive relief sought herein confers a public benefit upon California consumers, EHA adopts the NSRL of 0.0152 micrograms/day for aflatoxins as a target level to be approached through injunctive relief measures — including improved storage practices, biocontrol methods, and other feasible interventions — designed to reduce the average concentration of aflatoxins in foodstuffs.

OCHRATOXIN A

60. On July 1, 1990, the State of California formally identified and listed ochratoxin A as a chemical known to cause cancer, based on formal identification by the National Toxicology Program (NTP), an authoritative body under Proposition 65. ochratoxin A is a mycotoxin produced by mold species including *Aspergillus ochraceus* and *Penicillium verrucosum*, and is a common contaminant of grains, nuts, spices, and dried fruit products. (See Office of Environmental Health Hazard Assessment, Ochratoxin A, Chemical Listing Details, available at: <https://oehha.ca.gov/chemicals/ochratoxin> [last visited July 29, 2026].)

61. Animal studies have shown that ochratoxin A produces renal-cell adenomas and carcinomas in male mice and in rats of both sexes, as well as hepatocellular tumors in mice of both sexes, following oral administration. (See IARC Working Group on the Evaluation of Carcinogenic Risks to Humans, Some Naturally Occurring Substances: Food Items and

1 Constituents, Heterocyclic Aromatic Amines and Mycotoxins. Lyon (FR): International Agency
2 for Research on Cancer; 1993, (IARC Monographs on the Evaluation of Carcinogenic Risks to
3 Humans, No. 56.) OCHRATOXIN A, available at:
4 <https://www.ncbi.nlm.nih.gov/books/NBK513594/> [last visited July 29, 2026].)

5 62. The Office of Environmental Health Hazard Assessment (“OEHHA”) has
6 established specific safe harbor levels for many of the chemicals listed under Proposition 65. For
7 cancer-causing chemicals in particular, a safe harbor level is called a “No Significant Risk Level,”
8 or “NSRL.” An NSRL is the daily intake level calculated to result in one excess case of cancer in
9 an exposed human population of 100,000, assuming lifetime exposure at the level in question.
10 (See OEHHA’s Proposition 65 Process for Developing Safe Harbor Numbers (February 2001),
11 available at <https://oehha.ca.gov/media/downloads/cmr/2001safeharborprocess.pdf> [last visited
12 July 29, 2026].) The State of California has not yet established an NSRL for ochratoxin A.
13 However, research suggests that an NSRL of 0.035 micrograms/day of ochratoxin A is
14 appropriate, where direct ingestion is the route of exposure. (See California Environmental
15 Protection Agency, Office of Environmental Health Hazard Assessment, Expedited Cancer
16 Potency Values and Proposed Regulatory Levels for Certain Proposition 65 Carcinogens (April
17 1992), available at: [https://oehha.ca.gov/sites/default/files/media/downloads/proposition-](https://oehha.ca.gov/sites/default/files/media/downloads/proposition-65/report/expcancer.pdf)
18 [65/report/expcancer.pdf](https://oehha.ca.gov/sites/default/files/media/downloads/proposition-65/report/expcancer.pdf) [last visited July 29, 2026].) This NSRL is derived from the conventional
19 cancer potency value listed in the document cited above.
20

21 63. As ochratoxin A is a pervasive contaminant within the food supply chain, rather
22 than an additive that can simply be removed or reformulated out of a product, EHA does not seek
23 to eliminate ochratoxin A exposure entirely. Instead, in order to ensure that the injunctive relief
24 sought herein confers a public benefit upon California consumers, EHA adopts the NSRL of 0.035
25 micrograms/day for ochratoxin A as a target level to be approached through injunctive relief
26 measures — including improved storage practices, biocontrol methods, and other feasible
27 interventions — designed to reduce the average concentration of ochratoxin A in foodstuffs.
28

FUMONISIN B1

64. On November 14, 2003, the State of California formally identified and listed fumonisin B1 as a chemical known to cause cancer. Fumonisin B1 is a mycotoxin produced primarily by the mold species *Fusarium verticillioides* (formerly *F. moniliforme*) and *Fusarium proliferatum* and is a common contaminant of maize (corn) and maize-based products. (See Office of Environmental Health Hazard Assessment, Chemical Listed Effective November 14, 2003 as Known to the State of California to Cause Cancer: Fumonisin B1, available at: <https://oehha.ca.gov/proposition-65/cnr/chemical-listed-effective-november-14-2003-known-state-california-cause-cancer> [last visited July 29, 2026].)

65. Animal studies have shown that fumonisin B1 causes hepatocellular adenomas and carcinomas in female mice. In male rats, it has been shown to cause cholangiocarcinomas and hepatocellular carcinomas, as well as renal tubule carcinomas, more than half of which were an unusual, malignant tumor subtype. (See IARC Working Group on the Evaluation of Carcinogenic Risks to Humans, Some Traditional Herbal Medicines, Some Mycotoxins, Naphthalene and Styrene. Lyon (FR): International Agency for Research on Cancer; 2002, (IARC Monographs on the Evaluation of Carcinogenic Risks to Humans, No. 82.) FUMONISIN B1, available at: <https://www.ncbi.nlm.nih.gov/books/NBK326615/> [last visited July 29, 2026].)

66. The State of California has not yet established an NSRL for fumonisin B1. However, OEHHA has proposed an NSRL of 1.5 micrograms/day for fumonisin B1, which remains pending adoption. (See Office of Environmental Health Hazard Assessment, Amendment to Section 25705 Specific Regulatory Levels Posing No Significant Risk: fumonisin B1 (October 9, 2009), available at: <https://oehha.ca.gov/proposition-65/cnr/amendment-section-25705-specific-regulatory-levels-posing-no-significant-risk-fumonisin-b1> [last visited July 29, 2026].)

67. Because fumonisin B1 is a pervasive contaminant of maize and maize-based foods rather than an additive that can simply be removed or reformulated out of a product, EHA does not seek to eliminate fumonisin B1 exposure entirely. Instead, in order to ensure that the injunctive relief sought herein confers a public benefit upon California consumers, EHA adopts the NSRL of 1.5 micrograms/day for fumonisin B1 as a target level to be approached through injunctive relief measures — including improved storage practices, biocontrol methods, and other feasible interventions — designed to reduce the average concentration of fumonisin B1 in foodstuffs.

COMBINED TOXICITY- AFLATOXIN, OCHRATOXIN A, AND FUMONISIN B1

68. The toxicity associated with aflatoxin-contaminated products is further compounded by the frequent co-occurrence of other mycotoxins in the same food matrices. Co-exposure to aflatoxins and fumonisin B1 has been associated with increased toxicity and elevated risk of liver and esophageal cancer beyond what would be expected from either mycotoxin individually. Similarly, combined exposure to aflatoxins and ochratoxin A has been associated with increased risk of liver and kidney damage, indicating that co-occurring mycotoxins may produce greater overall toxicity than individual exposure alone. These synergistic interactions amplify the health risks to consumers and complicate risk assessment, as the combined toxicological effect of multiple co-occurring mycotoxins may exceed the sum of their individual contributions. (See Habtamu Fekadu Gemede, *Toxicity, Mitigation, and Chemical Analysis of aflatoxins and Other Toxic Metabolites Produced by Aspergillus: A Comprehensive Review*, *Toxins* 2025, 17, 331, available at [Toxicity, Mitigation, and Chemical Analysis of aflatoxins and Other Toxic Metabolites Produced by As...](#) [last visited August 11, 2026].)

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1 **CAUSES OF ACTION**

2 **FIRST CAUSE OF ACTION**

3 **(Violation of Proposition 65 – Against All Defendants)**

4 69. Plaintiff incorporates by reference each and every allegation contained above.

5 70. Proposition 65 mandates that citizens be informed about exposures to chemicals
6 that cause cancer, birth defects, and other reproductive harm.

7 71. Defendants manufactured, imported, sold, and/or distributed the Products
8 identified above as containing one or more of aflatoxins, ochratoxin A, and/or fumonisin B1
9 (collectively, the “Chemicals”) in violation of Health and Safety Code, section 25249.6 et seq.
10 Plaintiff is informed and believes such violations have continued after receipt of the Notice
11 (defined *infra*) and will continue to occur into the future.

12 72. In manufacturing, importing, selling, and/or distributing those Products,
13 Defendants failed to provide a clear and reasonable warning to consumers and individuals in
14 California who may be exposed to the Chemicals through reasonably foreseeable use of the
15 Products.

16 73. The Products expose individuals to the Chemicals through ingestion. This
17 exposure is a natural and foreseeable consequence of Defendants placing the Products into the
18 stream of commerce. As such, Defendants intend that consumers will ingest the Products,
19 exposing them to the Chemicals.

20 74. Defendants knew or should have known that the Products contained one or more
21 of the Chemicals and exposed individuals to the Chemicals in the ways provided above. The
22 Notice informed Defendants of the presence of the Chemicals in the Products. Likewise, media
23 coverage concerning the Chemicals and related chemicals in consumer products provided
24 constructive notice to Defendants.

25 75. Defendants’ actions in this regard were deliberate and not accidental.
26
27
28

76. More than sixty days prior to naming each defendant in this lawsuit, Plaintiff issued a 60-Day Notice of Violation (“Notice”) as required by and in compliance with Proposition 65. Plaintiff provided the Notice to the various required public enforcement agencies along with a certificate of merit. The Notice alleged that Defendants violated Proposition 65 by failing to sufficiently warn consumers in California of the health hazards associated with exposures to the Chemicals contained in the Products.

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

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

79. Defendants are liable for a maximum civil penalty of \$2,500 per day for each violation of Proposition 65 pursuant to Health and Safety Code, section 252497(b). Injunctive relief is also appropriate pursuant to Health and Safety Code, section 25249.7(a).

PRAYER FOR RELIEF

Wherefore, Plaintiff prays for judgment against Defendants as follows:

1. Civil penalties in the amount of \$2,500 per day for each violation. Plaintiff alleges that damages total a minimum of \$1,000,000;
2. A preliminary and permanent injunction against Defendants from manufacturing, importing, selling, and/or distributing the Products in California without providing a clear and reasonable warning as required by Proposition 65 and related Regulations;
3. Reasonable attorney's fees and costs of suit; and
4. Such other and further relief as may be just and proper.

1 Respectfully submitted:
2 Dated: August 17, 2026

ENTORNO LAW, LLP

3
4 By: 
5 Noam Glick

6 Craig M. Nicholas
7 Jake W. Schulte
8 Gianna E. Tirrell

9 Attorneys for Plaintiff

10 Environmental Health Advocates, Inc.
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EXHIBIT 1

Attorney General Links

- (1) <https://oag.ca.gov/prop65/60-Day-Notice-2026-02476>
- (2) <https://oag.ca.gov/prop65/60-Day-Notice-2026-02477>
- (3) <https://oag.ca.gov/prop65/60-Day-Notice-2026-02483>
- (4) <https://oag.ca.gov/prop65/60-Day-Notice-2026-02461>
- (5) <https://oag.ca.gov/prop65/60-Day-Notice-2026-02452>
- (6) <https://oag.ca.gov/prop65/60-Day-Notice-2026-02475>
- (7) <https://oag.ca.gov/prop65/60-Day-Notice-2026-02682>
- (8) <https://oag.ca.gov/prop65/60-Day-Notice-2026-02561>
- (9) <https://oag.ca.gov/prop65/60-Day-Notice-2026-02464>
- (10) <https://oag.ca.gov/prop65/60-Day-Notice-2026-02672>
- (11) <https://oag.ca.gov/prop65/60-Day-Notice-2026-02482>
- (12) <https://oag.ca.gov/prop65/60-Day-Notice-2026-02445>
- (13) <https://oag.ca.gov/prop65/60-Day-Notice-2026-02480>
- (14) <https://oag.ca.gov/prop65/60-Day-Notice-2026-02556>
- (15) <https://oag.ca.gov/prop65/60-Day-Notice-2026-02460>
- (16) <https://oag.ca.gov/prop65/60-Day-Notice-2026-02467>
- (17) <https://oag.ca.gov/prop65/60-Day-Notice-2026-02471>
- (18) <https://oag.ca.gov/prop65/60-Day-Notice-2026-02473>
- (19) <https://oag.ca.gov/prop65/60-Day-Notice-2026-02474>
- (20) <https://oag.ca.gov/prop65/60-Day-Notice-2026-02566>
- (21) <https://oag.ca.gov/prop65/60-Day-Notice-2026-02565>
- (22) <https://oag.ca.gov/prop65/60-Day-Notice-2026-02563>
- (23) <https://oag.ca.gov/prop65/60-Day-Notice-2026-02562>
- (24) <https://oag.ca.gov/prop65/60-Day-Notice-2026-02564>

- (25) <https://oag.ca.gov/prop65/60-Day-Notice-2026-02455>
- (26) <https://oag.ca.gov/prop65/60-Day-Notice-2026-02453>
- (27) <https://oag.ca.gov/prop65/60-Day-Notice-2026-02447>
- (28) <https://oag.ca.gov/prop65/60-Day-Notice-2026-02466>
- (29) <https://oag.ca.gov/prop65/60-Day-Notice-2026-02572>
- (30) <https://oag.ca.gov/prop65/60-Day-Notice-2026-02479>
- (31) <https://oag.ca.gov/prop65/60-Day-Notice-2026-02559>
- (32) <https://oag.ca.gov/prop65/60-Day-Notice-2026-02557>
- (33) <https://oag.ca.gov/prop65/60-Day-Notice-2026-02560>
- (34) <https://oag.ca.gov/prop65/60-Day-Notice-2026-02558>
- (35) <https://oag.ca.gov/prop65/60-Day-Notice-2026-02555>
- (36) <https://oag.ca.gov/prop65/60-Day-Notice-2026-02675>
- (37) <https://oag.ca.gov/prop65/60-Day-Notice-2026-02676>
- (38) <https://oag.ca.gov/prop65/60-Day-Notice-2026-02678>
- (39) <https://oag.ca.gov/prop65/60-Day-Notice-2026-02674>
- (40) <https://oag.ca.gov/prop65/60-Day-Notice-2026-02549>
- (41) <https://oag.ca.gov/prop65/60-Day-Notice-2026-02481>
- (42) <https://oag.ca.gov/prop65/60-Day-Notice-2026-02458>
- (43) <https://oag.ca.gov/prop65/60-Day-Notice-2026-02658>
- (44) <https://oag.ca.gov/prop65/60-Day-Notice-2026-02567>
- (45) <https://oag.ca.gov/prop65/60-Day-Notice-2026-02569>
- (46) <https://oag.ca.gov/prop65/60-Day-Notice-2026-03884>
- (47) <https://oag.ca.gov/prop65/60-Day-Notice-2026-02606>
- (48) <https://oag.ca.gov/prop65/60-Day-Notice-2026-02463>
- (49) <https://oag.ca.gov/prop65/60-Day-Notice-2026-02579>
- (50) <https://oag.ca.gov/prop65/60-Day-Notice-2026-02575>