

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

CONSUMER PROTECTION GROUP, LLC,
IN THE PUBLIC INTEREST,

PLAINTIFF,

V.

HOUSE OF SPICES (INDIA) INC.,
PIONEER CASH & CARRY, INC.,
and DOES 1-30

DEFENDANTS.

CASE NO. 22STCV34988

~~[PROPOSED]~~ **ORDER GRANTING
MOTION TO APPROVE AND ENTER
CONSENT JUDGEMENT BETWEEN
CONSUMER PROTECTION GROUP,
LLC, AND DEFENDANT HOUSE OF
SPICE (INDIA) INC.**

[Notice of Motion and Motion;
Memorandum of Points And Authorities,
Supporting Declaration of Jonathan M.
Genish; and [Proposed] Consent Judgment
filed concurrently herewith]

Reservation No.: 645273997937
Date: October 21, 2024
Time: 8:30 am
Dept.: 74
Judge: Hon. Colin Leis

Complaint filed: November 3, 2022

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 On October 21, 2024, at 8:30 AM in Department 61, the Court heard the Motion to
3 Approve and Enter Consent Judgment Between CONSUMER PROTECTION GROUP, LLC
4 (“Plaintiff” or “CPG”) and HOUSE OF SPICE (INDIA) INC (“Defendant”). The Court, having
5 considered the documents filed in connection with this matter, and no opposition being filed, has
6 arrived at the following conclusions and SO ORDERS:

- 7 1. The Court GRANTS the Motion to Approve and Enter Consent Judgment
8 Between Plaintiff and Defendant, in its entirety pursuant to California Health and
9 Safety Code section 25249.7, subdivision (f)(4).
10 2. The Court approves the [Proposed] Consent Judgment, which Plaintiff and
11 Defendant have submitted to this Court for approval pursuant to Proposition 65
12 (*Cal. Health & Safety Code §§25249.5, et seq.*) after making the following
13 findings:

14 The Court finds that the [Proposed] Consent Judgment complies with the requirements of
15 Health and Safety Code § 25249.7 et seq. Defendant’s agreement to change its conduct complies
16 with HSC § 25249.7(f)(4)(A) as follows:

- 17 a) As of the Effective Date, Defendant shall not sell, offer for sale in California, or
18 ship for sale in California any garlic power (“Covered Products”) unless the level of
19 Lead does not exceed 10 parts per billion. For illustration purposes the following
20 warnings are deemed to comply with Proposition 65:

21 **WARNING:** Consuming this product can expose you to Lead, which is known to the State of
22 California to cause cancer and birth defects or other reproductive harm.

23 For more information go to www.P65Warnings.ca.gov/food

24 **Or**

25 **WARNING:** Cancer and Reproductive Harm – www.P65Warnings.ca.gov/food
26
27
28


- 1 b) The warning requirements shall not apply to Covered Products that are
2 manufactured on or prior to the Effective Date.
- 3 c) Within thirty days (30) after the Consent Judgment is entered by the Court or one
4 hundred and twenty days (120) days after this Consent Judgment is executed by
5 the Parties, whichever is later, Defendant must pay a total of one-hundred and fifty
6 thousand dollars (\$150,000.00) covering civil penalties and attorneys' fees and
7 costs. This payment is divided as follows:
- 8 i. Five thousand dollars (\$5,000.00) payment as civil penalties pursuant to
9 Health & Safety Code § 25249.12 are reasonable under the factors set
10 forth in Health & Safety Code, section 25249.7, subdivision (b)(2):
- 11 A. Twelve thousand dollars (\$12,000.00) as civil penalties are
12 reasonable under the factors set forth in Health & Safety Code,
13 section 25249.7, subdivision (b)(2). Pursuant to Health & Safety
14 Code, section 25249.12, nine thousand dollars (\$9,000.00)
15 representing 75% of the total penalty will be paid to State of
16 California's Office of Environmental Health Hazard Assessment
17 (OEHHA), and three thousand dollars (\$3,000.00) representing
18 25% of the total penalty will be paid to Consumer Protection
19 Group, LLC., and;
- 20 B. Defendant's payment of one hundred and thirty-eight thousand
21 dollars (\$138,000.00) for attorney's fees and costs to CPG's
22 attorneys to which the parties have agreed to is reasonable under
23 California law pursuant to *HSC* section 25249.7(f)(4).
- 24 b) Further, the proposed settlement terms are presumed to confer a public benefit. A
25 public benefit is presumed, because the [Proposed] Consent Judgment requires
26 Defendant to sell products with Proposition 65 compliant warnings affixed to said
27 Covered Product or to reformulate the Covered Products to significantly reduce
28 the level of Lead.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

3. The Court shall sign and hereby directs the Clerk to file and enter the ~~[Proposed]~~
Consent Judgment.

IT IS SO ORDERED.

Dated: 10/21/2024



Hon. Colin Leis
Judge of the Superior Court