

1 LEXINGTON LAW GROUP
Mark N. Todzo (State Bar No. 168389)
2 Howard Hirsch (State Bar No. 213209)
Lisa Burger (State Bar No. 239676)
3 503 Divisadero Street
San Francisco, CA 94117
4 Telephone: (415) 913-7800
Facsimile: (415) 759-4112
5 mtodzo@lexlawgroup.com
hhirsch@lexlawgroup.com
6 lburger@lexlawgroup.com
7 Attorneys for Plaintiff
CENTER FOR ENVIRONMENTAL HEALTH
8
9

10
11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 COUNTY OF ALAMEDA
13

14 CENTER FOR ENVIRONMENTAL
HEALTH, a non-profit corporation,

15 Plaintiff,
16

17 vs.

18 ADVANTAGE RESEARCH
LABORATORIES, INC.; AUBREY
19 ORGANICS, INC.; BEAUTY WITHOUT
CRUELTY; BOOTS RETAIL USA INC.;
20 THE BOOTS COMPANY PLC; CALIFORNIA
INSIDE & OUT, INC.; COLOMER U.S.A.
LTD.; COSWAY COMPANY, INC.; CURLS,
21 LLC; DERMA E NATURAL BODYCARE;
HEAD ORGANICS COMPANY; THE
22 HIMALAYA DRUG COMPANY; HOUSE OF
CHEATHAM, INC.; INTERNATIONAL
23 TRADE ROUTES OF NEW YORK, INC.;
KINKY-CURLY HAIR CARE, LLC; KISS
24 MY FACE CORPORATION;
LABORATORIOS PHERGAL, S.A.; LAFE'S
25 NATURAL BODYCARE, INC.; LAFE T.
LARSON, INC.; LOTUS BRANDS, INC.;
26 MORROCCO METHOD, INC.; MURRAY'S
WORLDWIDE, INC.; NAMASTÉ
27 LABORATORIES, L.L.C.; NATURE'S BABY
PRODUCTS, INC.; NUBIAN HERITAGE
28 GROUP LLC; NUTRITION RESOURCE,

Case No.

COMPLAINT FOR INJUNCTIVE RELIEF

1 INC. DBA NUTRIBIOTIC; RAINBOW
2 RESEARCH CORPORATION; RENPURE,
3 L.L.C.; STEARNS PRODUCTS, INC.;
4 STRENGTH OF NATURE GLOBAL, LLC;
5 SUNDIAL BRANDS LLC; SUNDIAL
6 CREATIONS LLC; SUNDIAL GROUP LLC;
7 TODD CHRISTOPHER INTERNATIONAL,
8 INC.; VOGUE INTERNATIONAL; and
9 Defendant DOES 1-100,

Defendants.

1 Plaintiff Center for Environmental Health ("CEH"), based on information and
2 belief and investigation of counsel, except for information based on personal knowledge, hereby
3 alleges:

4 INTRODUCTION

5 1. This Complaint seeks to remedy the illegal sale of cosmetic products by defendants
6 Advantage Research Laboratories, Inc.; Aubrey Organics, Inc.; Beauty Without Cruelty; Boots
7 Retail USA Inc.; The Boots Company PLC; California Inside & Out, Inc.; Colomer U.S.A. Ltd.;
8 Cosway Company, Inc.; Curls, LLC; derma e Natural Bodycare; Head Organics Company; The
9 Himalaya Drug Company; House of Cheatham, Inc.; International Trade Routes of New York,
10 Inc.; Kinky-Curly Hair Care, LLC; Kiss My Face Corporation; Laboratorios Phergal, S.A.; Lafe's
11 Natural BodyCare, Inc.; Lafe T. Larson, Inc.; Lotus Brands, Inc.; Morrocco Method, Inc.;
12 Murray's Worldwide, Inc.; Namasté Laboratories, L.L.C.; Nature's Baby Products, Inc.; Nubian
13 Heritage Group LLC; Nutrition Resource, Inc. dba NutriBiotic; Rainbow Research Corporation;
14 Renpure, L.L.C.; Stearns Products, Inc.; Strength of Nature Global, LLC; Sundial Brands LLC;
15 Sundial Creations LLC; Sundial Group LLC; Todd Christopher International, Inc.; and Vogue
16 International (collectively, "Defendants"). Defendants sell cosmetic products (also referred to as
17 personal care products) which are marketed, labeled and sold as "organic," but which in fact
18 contain less than 70% organic ingredients (the "Products"). The Products are all marketed and
19 labeled as organic, yet are largely comprised of ingredients that are not organic.

20 2. Organic products are made with organically grown plants. As such, organic
21 ingredients are produced without the use of pesticides and other harmful or potentially harmful
22 chemicals. Organic products have gained popularity such that over 70% of households in the
23 United States now use some organic products each year, even though such products typically cost
24 more than their non-organic counterparts. Growing concerns over the use of harmful chemicals in
25 the production of non-organic products, together with a desire for more healthy lifestyles, have
26 spurred the popularity of organic products. One of the fastest growing markets for organic
27 products is that of organic personal care cosmetic products. Consumers are willing to pay more
28 for organic personal care products such as skin care, hair care, body care, oral care, deodorant and

1 sunscreen products in order to avoid harmful chemicals in favor of more natural ingredients.
2 Defendants take advantage of this segment of consumers by labeling the Products as organic,
3 when in fact such Products contain significant amounts of non-organic ingredients.

4 3. California law expressly prohibits companies such as Defendants from engaging in
5 this type of misleading labeling. The California Organic Products Act of 2003 ("COPA") requires
6 that any cosmetic product sold, labeled and/or represented as "organic" must be comprised of at
7 least 70% organic ingredients by weight. Nevertheless, Defendants advertise, market, sell and
8 label the Products, which do not contain 70% organic ingredients by weight, as organic.

9 4. Defendants' conduct of advertising, marketing, selling and labeling the Products as
10 organic, when in fact such Products contain less than 70% organic ingredients, constitutes
11 violations of COPA. Accordingly, pursuant to California Civil Code § 111910, CEH seeks an
12 order enjoining Defendants' false and misleading labeling.

13 **PARTIES**

14 5. Plaintiff CEH is a non-profit corporation dedicated to protecting the public from
15 environmental health hazards and toxic exposures. CEH is based in Oakland, California, and
16 incorporated under the laws of the State of California. CEH is a "person" within the meaning of
17 Health & Safety Code § 111910(a) and brings this action solely in that capacity. CEH is a
18 nationally recognized non-profit environmental advocacy group that is concerned with the
19 misrepresentation of products as organic when such products are not.

20 6. Defendant ADVANTAGE RESEARCH LABORATORIES, INC. is a corporation
21 with its principal place of business in Oak Park, Michigan. Defendant Advantage Research
22 Laboratories, Inc. advertises, markets, distributes and/or sells the Products in California.

23 7. Defendant AUBREY ORGANICS, INC. is a corporation with its principal place of
24 business in Tampa, Florida. Defendant Aubrey Organics, Inc. advertises, markets, distributes
25 and/or sells the Products in California.

26 8. Defendant BEAUTY WITHOUT CRUELTY is a corporation with its principal
27 place of business in Twin Lakes, Wisconsin. Defendant Beauty Without Cruelty advertises,
28 markets, distributes and/or sells the Products in California.

1 9. Defendant BOOTS RETAIL USA INC. is a corporation with its principal place of
2 business in Stamford, Connecticut. Defendant Boots Retail USA Inc. advertises, markets,
3 distributes and/or sells the Products in California.

4 10. Defendant THE BOOTS COMPANY PLC is a corporation with its principal place
5 of business in Nottingham, England. Defendant The Boots Company PLC advertises, markets,
6 distributes and/or sells the Products in California.

7 11. Defendant CALIFORNIA INSIDE & OUT, INC. is a corporation with its principal
8 place of business in El Segundo, California. Defendant California Inside & Out, Inc. advertises,
9 markets, distributes and/or sells the Products in California.

10 12. Defendant COLOMER U.S.A. LTD. is a corporation with its principal place of
11 business in Jacksonville, Florida. Defendant Colomer U.S.A. Ltd. advertises, markets, distributes
12 and/or sells the Products in California.

13 13. Defendant COSWAY COMPANY, INC. is a corporation with its principal place of
14 business in Carson, California. Defendant Cosway Company, Inc. advertises, markets, distributes
15 and/or sells the Products in California.

16 14. Defendant CURLS, LLC is a limited liability corporation with its principal place of
17 business in Elk Grove, California. Defendant Curls, LLC advertises, markets, distributes and/or
18 sells the Products in California.

19 15. Defendant DERMA E NATURAL BODYCARE is a corporation with its principal
20 place of business in Simi Valley, California. Defendant derma e Natural Bodycare advertises,
21 markets, distributes and/or sells the Products in California.

22 16. Defendant HEAD ORGANICS COMPANY is a corporation with its principal
23 place of business in Carson, California. Defendant Head Organics Company advertises, markets,
24 distributes and/or sells the Products in California.

25 17. Defendant THE HIMALAYA DRUG COMPANY is a corporation with its
26 principal place of business in Houston, Texas. Defendant The Himalaya Drug Company
27 advertises, markets, distributes and/or sells the Products in California.

28 18. Defendant HOUSE OF CHEATHAM, INC. is a corporation with its principal place

1 of business in Stone Mountain, Georgia. Defendant House of Cheatham, Inc. advertises, markets,
2 distributes and/or sells the Products in California.

3 19. Defendant INTERNATIONAL TRADE ROUTES OF NEW YORK, INC. is a
4 corporation with its principal place of business in Niverville, New York. Defendant International
5 Trade Routes of New York, Inc. advertises, markets, distributes and/or sells the Products in
6 California.

7 20. Defendant KINKY-CURLY HAIR CARE, LLC is a limited liability corporation
8 with its principal place of business in Los Angeles, California. Defendant Kinky-Curly Hair Care,
9 LLC advertises, markets, distributes and/or sells the Products in California.

10 21. Defendant KISS MY FACE CORPORATION is a corporation with its principal
11 place of business in Gardiner, New York. Defendant Kiss My Face Corporation advertises,
12 markets, distributes and/or sells the Products in California.

13 22. Defendant LABORATORIOS PHERGAL, S.A. is a corporation with its principal
14 place of business in Madrid, Spain. Defendant Laboratorios Phergal, S.A. advertises, markets,
15 distributes and/or sells the Products in California.

16 23. Defendant LAFE'S NATURAL BODYCARE, INC. is a corporation with its
17 principal place of business in Austin, Texas. Defendant Lafe's Natural BodyCare, Inc. advertises,
18 markets, distributes and/or sells the Products in California.

19 24. Defendant LAFE T. LARSON, INC. is a corporation with its principal place of
20 business in Austin, Texas. Defendant Lafe T. Larson, Inc. advertises, markets, distributes and/or
21 sells the Products in California.

22 25. Defendant LOTUS BRANDS, INC. is corporation with its principal place of
23 business in Twin Lakes, Wisconsin. Defendant Lotus Brands, Inc. advertises, markets, distributes
24 and/or sells the Products in California.

25 26. Defendant MORROCCO METHOD, INC. is a corporation with its principal place
26 of business in Los Osos, California. Defendant Morrocco Method, Inc. advertises, markets,
27 distributes and/or sells the Products in California.

28 27. Defendant MURRAY'S WORLDWIDE, INC. is a corporation with its principal

1 place of business in Oak Park, Michigan. Defendant Murray's Worldwide, Inc. advertises,
2 markets, distributes and/or sells the Products in California.

3 28. Defendant NAMASTÉ LABORATORIES, L.L.C. is a limited liability corporation
4 with its principal place of business in Blue Island, Illinois. Defendant Namasté Laboratories,
5 L.L.C. advertises, markets, distributes and/or sells the Products in California.

6 29. Defendant NATURE'S BABY PRODUCTS, INC. is a corporation with its
7 principal place of business in Woodland Hills, California. Defendant Nature's Baby Products, Inc.
8 advertises, markets, distributes and/or sells the Products in California.

9 30. Defendant NUBIAN HERITAGE GROUP LLC is a limited liability corporation
10 with its principal place of business in Amityville, New York. Defendant Nubian Heritage Group
11 LLC advertises, markets, distributes and/or sells the Products in California.

12 31. Defendant NUTRITION RESOURCE, INC. DBA NUTRIBIOTIC is a corporation
13 with its principal place of business in Lakeport, California. Defendant Nutrition Resource, Inc.
14 dba NutriBiotic advertises, markets, distributes and/or sells the Products in California.

15 32. Defendant RAINBOW RESEARCH CORPORATION is a corporation with its
16 principal place of business in Bohemia, New York. Defendant Rainbow Research Corporation
17 advertises, markets, distributes and/or sells the Products in California.

18 33. Defendant RENPURE, L.L.C. is a limited liability corporation with its principal
19 place of business in Eden Prairie, Minnesota. Defendant Renpure, L.L.C. advertises, markets,
20 distributes and/or sells the Products in California.

21 34. Defendant STEARNS PRODUCTS, INC. is a corporation with its principal place
22 of business in Simi Valley, California. Defendant Stearns Products, Inc. advertises, markets,
23 distributes and/or sells the Products in California.

24 35. Defendant STRENGTH OF NATURE GLOBAL, LLC is a limited liability
25 corporation with its principal place of business in Savannah, Georgia. Defendant Strength of
26 Nature Global, LLC advertises, markets, distributes and/or sells the Products in California.

1 36. Defendant SUNDIAL BRANDS LLC is a limited liability corporation with its
2 principal place of business in Amityville, New York. Defendant Sundial Brands LLC advertises,
3 markets, distributes and/or sells the Products in California.

4 37. Defendant SUNDIAL CREATIONS LLC is a limited liability corporation with its
5 principal place of business in Amityville, New York. Defendant Sundial Creations LLC
6 advertises, markets, distributes and/or sells the Products in California.

7 38. Defendant SUNDIAL GROUP LLC is a limited liability corporation with its
8 principal place of business in Amityville, New York. Defendant Sundial Group LLC advertises,
9 markets, distributes and/or sells the Products in California.

10 39. Defendant TODD CHRISTOPHER INTERNATIONAL, INC. is a corporation
11 with its principal place of business in Oldsmar, Florida. Defendant Todd Christopher
12 International, Inc. advertises, markets, distributes and/or sells the Products in California.

13 40. Defendant VOGUE INTERNATIONAL is a corporation with its principal place of
14 business in Oldsmar, Florida. Defendant Vogue International advertises, markets, distributes
15 and/or sells the Products in California.

16 41. DOES 1 through 100 are persons or entities whose true names and capacities are
17 presently unknown to Plaintiff, and who therefore are sued by such fictitious names. Plaintiff is
18 informed and believes, and on that basis alleges, that each of the fictitiously named defendants
19 perpetrated some or all of the wrongful acts alleged herein and are responsible in some manner for
20 the matters alleged herein. Plaintiff will amend this Complaint to state the true names and
21 capacities of such fictitiously named defendants when ascertained.

22 42. The defendants identified in paragraphs 6 – 40 and DOES 1-100 are collectively
23 referred to herein as “Defendants.”

24 **JURISDICTION AND VENUE**

25 43. This Court has jurisdiction over this action pursuant to Health & Safety Code
26 § 111910(a), which provides that “any person may bring an action in superior court pursuant to
27 this section and the court shall have jurisdiction...”

28 44. This Court has jurisdiction over Defendants because each is a corporation or other

1 entity that has sufficient minimum contacts in California, is a citizen of California, or otherwise
2 intentionally avails itself of the California market either through the distribution, sale and/or
3 marketing of the Products in the State of California or by having a facility located in California so
4 as to render the exercise of jurisdiction over it by the California courts consistent with traditional
5 notions of fair play and substantial justice.

6 45. Venue in the County of Alameda is proper under California Civil Code § 111910
7 because this Court is a court of competent jurisdiction, CEH is a resident of this County and the
8 Products are sold throughout this County.

9 **BACKGROUND FACTS**

10 46. Defendants advertise, market and label the Products as organic.

11 47. In recognition of the fact that consumers will pay more for organic products,
12 Defendants prominently place the word "organic" on every label of the Products. Nevertheless,
13 the Products are largely comprised of ingredients which Defendants admit are not organic.

14 48. While prominently displaying the word "organic" on every Product, Defendants
15 also include an ingredient list in small print on the back label of each Product. The list of
16 ingredients is typically in a substantially smaller font than the representation that the Product is
17 organic. The list of ingredients identifies the ingredients which are organically produced either
18 with an asterisk (*) or by including the word "organic" with the particular organic ingredient.
19 Based on Defendants' own ingredient list, the ingredients designated on the list of ingredients do
20 not comprise 70% or more of the Products by weight and/or volume.

21 49. The Products are all intended to be rubbed, poured, sprinkled, or sprayed on,
22 introduced into, or otherwise applied to, the human body, or any part of the human body, for
23 cleansing, beautifying, promoting attractiveness, or altering the appearance, and are thus
24 "cosmetics" under California law. Health & Safety Code § 109900.

25 50. COPA includes strict, objective standards regarding what constitutes an organic
26 cosmetic product. Under COPA, "cosmetic products sold, labeled, or represented as organic or
27 made with organic ingredients shall contain, at least 70 percent organically produced ingredients."
28 Health & Safety Code § 110838(a). Calculating the percentage of organically produced

1 ingredients under COPA is straightforward. For products that are sold in solid form, the
2 percentage of organic ingredients is calculated by dividing the weight of the organic ingredients
3 over the total weight of the product excluding the weight of water and salt. *Id.* at § 110838(b).
4 For products that are sold in liquid form, the percentage of organic ingredients is calculated by
5 dividing the fluid volume of the organic ingredients by the fluid volume of the product as a whole
6 excluding water and salt. *Ibid.*

7 51. Under COPA, “sold as organic” means “any use of the term ‘organic,’ ‘organically
8 grown,’ or grammatical variations of those terms, whether orally or in writing, in connection with
9 any product grown, handled, processed, sold, or offered for sale in this state, including, but not
10 limited to, any use of these terms in labeling or advertising of any product and any ingredient in a
11 multi-ingredient product.” Health & Safety Code § 110815(k).

12 52. COPA further provides strict limitations on the labeling of products that contain
13 less than 70% of organically produced ingredients, but seek to identify certain ingredients as
14 organic. Products that contain some, but less than 70%, organically produced ingredients may
15 only identify the organically produced ingredients in one of two ways: (1) by identifying each
16 organically produced ingredient in the ingredient statement with the word “organic” or with an
17 asterisk or other reference mark that is defined below the ingredient; or (2) by displaying the
18 product’s percentage of organic contents on the information panel. Health & Safety Code §
19 110839. Thus, the labeling of Products that contain less than 70% of organically produced
20 ingredients may not include statements such as “made with organic ingredients” or “contains
21 organic ingredients.”

22 53. The Products are all “sold as organic” pursuant to COPA as they are advertised and
23 labeled as “organic” and sold in California. The Products all violate COPA as they contain less
24 than 70% organically produced ingredients.

25 54. For example, the Parnevu® T-Tree™ No-Lye Conditioning Relaxer System by
26 Defendants Advantage Research Laboratories, Inc. and Murray’s Worldwide, Inc. is representative
27 of other Products manufactured, distributed and/or sold in California by Defendants Advantage
28 Research Laboratories, Inc. and Murray’s Worldwide, Inc. that, by Defendants’ own admissions,

1 contain far less than 70% organic ingredients, yet are labeled as “organic.” Specifically, the
2 Parnevu® T-Tree™ No-Lye Conditioning Relaxer System states on the front label that the
3 Product is “Enriched with Organic T-Tree Oil.” However, the list of ingredients on the back label
4 of the Product identifies the following ingredients in the following order¹:

5 A) Protective Gel: Petrolatum.

6 B) Parnevu® T-Tree™ No-Lye Conditioning Relaxer Crème Base:

7 Aqua (Water), Petrolatum, Paraffinum Liquidum (Mineral Oil),
8 Cetearyl Alcohol, Propylene Glycol, Calcium Hydroxide,
9 Ceteareth-20, Quaternium-80, PEG-75 Lanolin, Herbal Extracts:
10 [Water (Aqua), Urtica Dioica (Nettle) Extract, Rosmarinus
11 Officinalis (Rosemary) Leaf Extract, Arctium Lappa Root
12 Extract, Betula Alba Extract, Rosa Canina Fruit Extract,
13 Chondrus Crispus (Carrageenan) Extract, Tussilago Farfara
14 (Coltsfoot) Flower Extract, Prunus Serotina (Wild Cherry) Bark
15 Extract, Taraxacum Officinale (Dandelion) Extract, Sambucus
16 Nigra, Equisetum Hiemale Extract, Echinacea Purpurea Extract,
17 Rumex Crispus Root Extract, Brewers Yeast], Panthenol,
18 Methoxypropylgluconamide.

19 C) Parnevu® T-Tree™ Liquid Activator: Water (Aqua), Guanidine
20 Carbonate, Quaternium-80, Propylene Glycol, Xanthan Gum,
21 Polysorbate 20, Sodium Cocoamphopropionate.

22 D) Parnevu® T-Tree™ Neutralizing & Conditioning Shampoo
23 Color Indicator: Water (Aqua), Sodium Laureth Sulfate, Decyl
24 Glucoside, Cocamidopropyl Betaine, Cocamide DEA, Extract
25 Blend: [Urtica Dioica (Nettle) Extract, Rosmarinus Officinalis
26 (Rosemary) Leaf Extract, Arctium Lappa Root Extract, Betula

27
28 ¹ Ingredient lists on cosmetic products such as the Products are legally required to list the
ingredients in descending order of predominance. 21 C.F.R. § 701.3.

1 Alba Extract, Rosa Canina Fruit Extract, Chondrus Crispus
2 (Carrageenan) Extract, Tussilago Farfara (Coltsfoot) Flower
3 Extract, Prunus Serotina (Wild Cherry) Bark Extract, Taraxacum
4 Officinale (Dandelion) Extract, Sambucus Nigra, Equisetum
5 Hiemale Extract, Echinacea Purpurea Extract, Rumex Crispus
6 Root Extract, Brewers Yeast], Polyquaternium-10, Hydrolyzed
7 Collagen, Disodium EDTA, Citric Acid, Sodium Chloride,
8 Phenolsulfonphthalein, Parfum (Fragrance), Benzyl Benzoate
9 Methylparaben, Propylparaben, Diazolidinyl Urea.

10 E) Parnevu® T-Tree™ Moisture Plus Crème Conditioner: Water
11 (Aqua), Lauryldimonium Hydroxypropyl Hydrolyzed Collagen,
12 Dihydroxyethyl Tallow Glycinate, Petrolatum, Cetyl Alcohol,
13 Dicetyldimonium Chloride, Cyclomethicone, Herbal Extracts:
14 [Water (Aqua), Urtica Dioica (Nettle) Extract, Rosmarinus
15 Officinalis (Rosemary) Leaf Extract, Arctium Lappa Root
16 Extract, Betula Alba Extract, Rosa Canina Fruit Extract,
17 Chondrus Crispus (Carrageenan) Extract, Tussilago Farfara
18 (Coltsfoot) Flower Extract, Prunus Serotina (Wild Cherry) Bark
19 Extract, Taraxacum Officinale (Dandelion) Extract, Sambucus
20 Nigra, Equisetum Hiemale Extract, Echinacea Purpurea Extract,
21 Rumex Crispus Root Extract, Brewers Yeast], Stearyl Alcohol,
22 Stearamidopropyl Dimethylamine, Propylene Glycol, Cetearyl
23 Alcohol, Lactic Acid, Ceteareth-20, Melaleuca Alternifolia (Tea
24 Tree) Leaf Oil, Panthenol, Fragrance (Parfum), Amyl Cinnamal,
25 Imidazolidinyl Urea, Methylparaben, Propylparaben.

26 F) Parnevu® T-Tree™ Scalp Oil: Arachis Hypogaea (Peanut) Oil,
27 Ricinus Communis (Castor) Seed Oil, Canola Oil (Canola), Olea
28 Europaea (Olive) Fruit Oil, Triticum Vulgare (Wheat) Germ Oil,

1 Prunus Amygdalus Dulcis (Sweet Almond) Oil, Sesamum
2 Indicum (Sesame) Seed Oil, Tocopheryl Acetate,
3 Cyclomethicone, Melaleuca Alternifolia (Tea Tree) Leaf Oil,
4 BHT, Fragrance (Parfum), Amyl Cinnamal, Hexyl Cinnamal,
5 Benzyl Salicylate, Hydroxycitronellal, Limonene, Citral,
6 Butylphenyl Methylpropional, Benzyl Benzoate, Eugenol.

7 Thus, of the dozens of ingredients listed on the back label, ***not a single ingredient*** is identified as
8 organic. Accordingly, Defendants Advantage Research Laboratories, Inc. and Murray's
9 Worldwide, Inc. have violated COPA. Health & Safety Code § 110890(a).

10 55. The Collagen & Almond Enriching Moisturizing Lotion by Defendant Aubrey
11 Organics, Inc. is representative of other Products manufactured, distributed and/or sold in
12 California by Defendant Aubrey Organics, Inc. that, by Defendant's own admissions, contain far
13 less than 70% organic ingredients, yet are labeled as "organic." Specifically, the Collagen &
14 Almond Enriching Moisturizing Lotion displays the word "ORGANICS" on the front label, which
15 is a grammatical variation of the term "organic." However, the list of ingredients on the back
16 label of the Product identifies the following ingredients in the following order:

17 Aqua, cetyl alcohol (coconut fatty alcohol), prunus amygdalus
18 dulcis (sweet almond) oil, aloe barbadensis (aloe) leaf juice*,
19 glycerin, triticum vulgare (wheat) germ oil, alcohol denat. (38b,
20 lavender*), soluble collagen**, simmondsia chinensis (jojoba) seed
21 oil*, oenothera biennis (evening primrose) oil*, glyceryl linolenate,
22 glyceryl linoleate, citrus grandis (grapefruit) seed extract,
23 hydrolyzed elastin**, styrax benzoin resin extract, prunus
24 amygdalus amara (bitter almond) oil, mentha piperita (peppermint)
25 oil, citrus aurantium dulcis (orange) oil, liquidambar styraciflua
26 (styrax) oil, cananga odorata (ylang) flower oil, tocopheryl acetate,
27 hamamelis virginiana (witch hazel) water, ascorbic acid, glycine
28 soja (soybean) oil, daucus carota sativa (carrot) root extract, beta-

1 carotene.

2 *Organic

3 ** From sources within the USA

4 Thus, of the twenty-six ingredients listed on the back label, only four are certified organic *by*
5 ***Defendant's own admission*** and those three organic ingredients – aloe barbadensis (aloe) leaf
6 juice, alcohol denat. (38b, lavender), simmondsia chinensis (jojoba) seed oil and oenothera biennis
7 (evening primrose) oil – are only the third, sixth, eighth and ninth most predominant ingredients in
8 the Product (excluding water). As the third, sixth, eighth and ninth most predominant ingredients
9 in the Collagen & Almond Enriching Moisturizing Lotion (excluding water), these four organic
10 ingredients cannot possibly make up more than 44% of such Product, far less than the 70%
11 required under COPA. Accordingly, Defendant Aubrey Organics, Inc. has violated COPA.
12 Health & Safety Code § 110890(a).

13 56. The Organic Aromatherapy Facial Cleanser by Defendants Beauty Without Cruelty
14 and Lotus Brands, Inc. is representative of other Products manufactured, distributed and/or sold in
15 California by Defendants Beauty Without Cruelty and Lotus Brands, Inc. that, by Defendants'
16 own admissions, contain far less than 70% organic ingredients, yet are labeled as "organic."
17 Specifically, the Organic Aromatherapy Facial Cleanser states on the front label that the Product is
18 "organic." However, the list of ingredients on the back label of the Product identifies the
19 following ingredients in the following order:

20 Water, cetyl alcohol, stearyl alcohol, glycerin, lauryl glucoside,
21 Prunus armeniaca (apricot) kernel oil, Simmondsia chinensis
22 (jojoba) seed oil, Prunus amygdalus dulcis (almond) seed oil, Rosa
23 canina (rose hip) seed oil, Persea gratissima (avocado) oil,
24 Pelargonium roseum (geranium) leaf oil*, Lavandula hybrid
25 (lavandin) flower oil*, Mentha spicata (spearmint) oil*, Rosmarinus
26 officinalis (rosemary) oil*, Aloe barbadensis (aloe vera) leaf juice,
27 Macrocystis pyrifera (kelp) extract, Pyrus malus (apple) fruit
28 extract, Citrus medica limonum (lemon) peel extract, Citrus

aurantium dulcis (orange) peel extract, honey extract, allantoin,
panthenol, sorbitol, sodium stearyl glutamate, phenoxyethanol,
benzyl alcohol, potassium sorbate, tocopherol, tocopheryl acetate,
ascorbic acid, citric acid.

* Certified Organic

Thus, of the thirty ingredients listed on the back label, only four are certified organic *by Defendants' own admission* and those four organic ingredients – Pelargonium roseum (geranium) leaf oil, Lavandula hybrid (lavandin) flower oil, Mentha spicata (spearmint) oil and Rosmarinus officinalis (rosemary) oil – are only the tenth through thirteenth most predominant ingredients in the Product (excluding water). As the tenth through thirteenth most predominant ingredients in the Organic Aromatherapy Facial Cleanser (excluding water), these four organic ingredients cannot possibly make up more than 30% of such Product, far less than the 70% required under COPA. Accordingly, Defendants Beauty Without Cruelty and Lotus Brands, Inc. have violated COPA. Health & Safety Code § 110890(a).

57. The Boots Amazon Forest Brazil Nut & Vanilla Body Wash by Defendants Boots Retail USA Inc. and The Boots Company PLC is representative of other Products manufactured, distributed and/or sold in California by Defendants Boots Retail USA Inc. and The Boots Company PLC that, by Defendants' own admissions, contain far less than 70% organic ingredients, yet are labeled as "organic." Specifically, the Boots Amazon Forest Brazil Nut & Vanilla Body Wash states on the front label that the Product contains "ORGANIC vanilla." However, the list of ingredients on the back label of the Product identifies the following ingredients in the following order:

Aqua (Water), Sodium laureth sulfate, Decyl glucoside, Sodium
chloride, Cocamide DEA, Lauryl betaine, Dipropylene glycol,
Parfum (Fragrance), Phenoxyethanol, Benzyl alcohol, PEG-250
distearate, Gylcol distearate, Citric acid, Disodium EDTA,
Potassium sorbate, Glycerin, Laureth-4, Styrene/acrylates
copolymer, Benzophenone-4, Cocamidopropyl betaine, Theobroma

1 grandiflorum seed butter, Bertholletia excelsa seed oil, Vanilla
2 planifolia fruit extract, Alcohol, Denatonium benzoate, Tocopherol,
3 CI 15510 (Orange 4), CI 61570 (Green 5).

4 Thus, of the twenty-seven ingredients listed on the back label, ***not a single ingredient*** is identified
5 as organic. Accordingly, Defendants Boots Retail USA Inc. and The Boots Company PLC have
6 violated COPA. Health & Safety Code § 110890(a).

7 58. The Out of Africa® Handwash Tea Tree with Essential Oil by Defendant
8 California Inside & Out, Inc. is representative of other Products manufactured, distributed and/or
9 sold in California by Defendant California Inside & Out, Inc. that, by Defendant's own
10 admissions, contain far less than 70% organic ingredients, yet are labeled as "organic."
11 Specifically, the Out of Africa® Handwash Tea Tree with Essential Oil states on the front label
12 that the Product is "ORGANIC." However, the list of ingredients on the back label of the Product
13 identifies the following ingredients in the following order:

14 Water, Cocamidopropyl Hydroxysultaine, Sodium Methyl 2-
15 Sulfolaurate, Disodium 2-Sulfolaurate, Cocamidopropyl Betaine,
16 Glycerin, Butyrospermum Parkii (Shea Butter), Melaleuca
17 Altemifolia (Tea Tree) Leaf Oil, Olea Europaea (Olive) Fruit Oil,
18 Aloe Barbadensis (Aloe Vera) Leaf Extract, Cucumis Sativus
19 (Cucumber) fruit Extract, Rosmarinus Officinalis (Rosemary) Leaf
20 Extract, Hydroxypropyl Guar, Glycol Distearate, Potassium Sorbate,
21 Sodium Benzoate.

22 Thus, of the fifteen ingredients listed on the back label, ***not a single ingredient*** is identified as
23 organic. Accordingly, Defendant California Inside & Out, Inc. has violated COPA. Health &
24 Safety Code § 110890(a).

25 59. The Crème of Nature® Kiwi & Citrus Ultra Moisturizing Shampoo is similarly
26 representative of other Products manufactured, distributed and/or sold in California by Defendant
27 Colomer U.S.A. Ltd. that, by Defendant's own admissions, contain far less than 70% organic
28 ingredients, yet are labeled as "organic." Specifically, the Crème of Nature® Kiwi & Citrus Ultra

1 Moisturizing Shampoo states on the front label that the Product contains “Certified Organic
2 Ingredients.” However, the list of ingredients on the back label of the Product identifies the
3 following ingredients in the following order:

4 Aqua (Water) (Eau), Sodium Laureth Sulfate, Cocamidopropyl
5 Betaine, Polyquaternium-7, Glycol Stearate, Actinidia Chinensis
6 (Kiwi) Fruit Extract, Citrus Grandis (Grapefruit) Seed Extract,
7 Mentha Piperita (Peppermint) Leaf Extract, Ocimum Basilicum
8 (Basil) Extract, Polygala Senega Root Extract, Nasturtium
9 Officinale (Watercress) Extract, Salvia Officinalis (Sage) Leaf
10 Extract, Thymus Vulgaris (Thyme) Extract, Rosmarinus Officinalis
11 (Rosemary) Leaf Extract, Polyquaternium-10, Cocamide DEA,
12 Amodimethicone, Polysorbate 20, Isostearyl
13 Ethylimidazoliniumethosulfate, Citric Acid, Tetrasodium EDTA,
14 Parfum (Fragrance), Hexyl Cinnamal, Limonene, Linalool,
15 Methylparaben, Propylparaben, Methylchloroisothiazolinone,
16 Methylisothiazolinone, CI 42053 (Green 3).

17 Thus, of the thirty ingredients listed on the back label, *not a single ingredient* is identified as
18 organic by Defendant’s own admission. Accordingly, Defendant Colomer U.S.A. Ltd. has
19 violated COPA. Health & Safety Code § 110890(a).

20 60. The Clearly Head Conditioner by Defendants Cosway Company, Inc. and Head
21 Organics Company is representative of other Products manufactured, distributed and/or sold in
22 California by Defendants that, by Defendants’ own admissions, contain far less than 70% organic
23 ingredients, yet are labeled as “organic.” Specifically, the Clearly Head Conditioner states on the
24 front label that the Product is “Organic.” However, the list of ingredients on the back label of the
25 Product identifies the following ingredients in the following order:

26 Water, Cetearyl Alcohol, Stearalkonium Chloride, Glyceryl
27 Stearate, Phenoxyethanol, Botanical Fragrance, Dicetyldimonium
28 Chloride, Dimethicone, Panthenol, Aloe Barbadensis (Aloe Vera)

1 Leaf Extract*, Ethylhexyglycerin, Hydrolyzed Soy Protein,
2 Tocopheryl Acetate, Camellia Sinensis (Green & White Tea) Leaf
3 Extract*, Punica Granatum (Pomegranate) Fruit Extract*, Zingiber
4 Officianale (Ginger) Root Extract*.

5 * Certified Organic Ingredients

6 Thus, of the fifteen ingredients listed on the back label, only four are certified organic *by*
7 *Defendants' own admission* and those four organic ingredients – Aloe Barbadensis (Aloe Vera)
8 Leaf Extract, Camellia Sinensis (Green & White Tea) Leaf Extract, Punica Granatum
9 (Pomegranate) Fruit Extract and Zingiber Officianale (Ginger) Root Extract – are only the ninth
10 and thirteenth through fifteenth most predominant ingredients in the Product (excluding water).
11 As the ninth and thirteenth through fifteenth most predominant ingredients in the Clearly Head
12 Conditioner (excluding water), these four organic ingredients cannot possibly make up more than
13 26% of such Product, far less than the 70% required under COPA. Accordingly, Defendants
14 Cosway Company, Inc. and Head Organics Company have violated COPA. Health & Safety Code
15 § 110890(a).

16 61. The Curlicious Curls Cleansing Cream Organic Shampoo by Defendant Curls, LLC
17 is representative of other Products manufactured, distributed and/or sold in California by
18 Defendant Curls, LLC that, by Defendant's own admissions, contain far less than 70% organic
19 ingredients, yet are labeled as "organic." Specifically, the Curlicious Curls Cleansing Cream
20 Organic Shampoo states on the front label that the Product is "Organic." However, the list of
21 ingredients on the back label of the Product identifies the following ingredients in the following
22 order:

23 Water, Sodium Cocyl Isethionate, Sodium Methyl Cocoyl Taurate,
24 Cocamidopropyl Betaine, Steric Acid, Glycerin, Behentrimonium
25 Methosulfate, Cetearyl Alcohol, Polyquaternium-7, Fragrance, Silk
26 Amino Acids, Panthenol, Certified Organic Daucus Carota Sativa
27 (Carrot) Seed Oil, Certified Organic Arnica Montana Flower
28 Extract, Certified Organic Aesculus Hipocastanum (Horse Chestnut)

1 Extract, Certified Organic Salvia Officinalis (Sage) Leaf Extract,
2 Acrylates/C10-30 Alkyl Acrylate Crosspolymer, Potassium Sorbate,
3 Phenoxyethanol, Caprylyl Glycol, Caramel.

4 Thus, of the twenty-one ingredients listed on the back label, only four are certified organic *by*
5 ***Defendant's own admission*** and those four organic ingredients – Certified Organic Daucus Carota
6 Sativa (Carrot) Seed Oil, Certified Organic Arnica Montana Flower Extract, Certified Organic
7 Aesculus Hipocastanum (Horse Chestnut) Extract and Certified Organic Salvia Officinalis (Sage)
8 Leaf Extract – are only the twelfth through fifteenth most predominant ingredients in the Product
9 (excluding water). As the twelfth through fifteenth most predominant ingredients in the
10 Curlicious Curls Cleansing Cream Organic Shampoo (excluding water), these four organic
11 ingredients cannot possibly make up more than 26% of such Product, far less than the 70%
12 required under COPA. Accordingly, Defendant Curls, LLC has violated COPA. Health & Safety
13 Code § 110890(a).

14 62. The Psorzema® Body Wash by Defendants derma e® Natural Bodycare and
15 Stearns Products, Inc. is representative of other Products manufactured, distributed and/or sold in
16 California by Defendants derma e® Natural Bodycare and Stearns Products, Inc. that, by
17 Defendants' own admissions, contain far less than 70% organic ingredients, yet are labeled as
18 "organic." Specifically, the Psorzema® Body Wash states on the front label that the Product is
19 "Organic." However, the list of ingredients on the back label of the Product identifies the
20 following ingredients in the following order:

21 Water (Aqua), Melia Azadirachta (Neem) Leaf Extract, Arctium
22 Lappa (Burdock) Root Extract, Organic Chamomilla Recutita
23 (Matricaria) Flower Extract*, Zanthoxylum Zanthoxyloides (Fagara)
24 Bark Extract, Arctostaphylos Uva Ursi (Bearberry) Leaf Extract,
25 Coptis Chinensis (Chinese Golden Thread) Root Extract, Berberis
26 Aquifolium (Barberry) Extract, Retinyl Palmitate Stearic Acid,
27 Cetearyl Alcohol, Ceteareth 20, Glyceryl Sodium Glutamate,
28 Polysorbate 20, Phenoxyethanol, Ethylhexylglycerin.

* Certified organic by Quality Assurance International, USDA or
Guaranteed Organic Certification Agency.

Thus, of the fourteen ingredients listed on the back label, only one is certified organic *by Defendants' own admission*, and that ingredient is the third most predominant ingredient in the Product (excluding water). As the third most predominant ingredient in the Psorzema® Body Wash (excluding water), this ingredient cannot possibly make up more than 33% of such Product, far less than the 70% required under COPA. Accordingly, Defendants derma e® Natural Bodycare and Stearns Products, Inc. have violated COPA. Health & Safety Code § 110890(a).

63. The Organics by Africa's Best Hair Mayonnaise by Defendant House of Cheatham, Inc. is representative of other Products manufactured, distributed and/or sold in California by Defendant House of Cheatham, Inc. that, by Defendant's own admissions, contain far less than 70% organic ingredients, yet are labeled as "organic." Specifically, the Organics by Africa's Best Hair Mayonnaise states on the front label that the Product is "Organic." However, the list of ingredients on the back label of the Product identifies the following ingredients in the following order:

Aqua (Water), Glycerin, Paraffinum Liquidum (Mineral Oil),
Dicetyldimonium Chloride, Polyquaternium-32, Lanolin Oil,
Behentrimonium Methosulfate, Olea Europaea (Olive) Fruit Oil,
Cetyl Alcohol, DMDM Hydantoin, Cetearyl Alcohol, Phenyl
Trimethicone, Parfum (Fragrance), Dimethicone PEG-8 Laurate,
Origanum Vulgare (Oregano) Leaf, Daucus Carota (Carrot) Seed
Oil, Cholesterol, Soluble Collagen, Tocopherol, Ovum (Egg
Powder), Pantheol, Carthamus Tinctorius (Safflower) Seed Oil, CI
19140 (Yellow 5), CI 42090 (Blue 1), CI 16035 (Red 40),
Rosmarinus Officinalis (Rosemary) Leaf Extract, Equisetum
Hyemale (Horsetail) Extract, Urtica Dioca (Nettle) Extract.

Thus, of the twenty-eight ingredients listed on the back label, *not a single ingredient* is identified as organic. Accordingly, Defendant House of Cheatham, Inc. has violated COPA. Health &

1 Safety Code § 110890(a).

2 64. The Naturtint® Green Technologies Permanent Hair Colorant by Defendants
3 International Trade Routes of New York, Inc. and Laboratorios Phergal, S.A. is representative of
4 other Products manufactured, distributed and/or sold in California by Defendants International
5 Trade Routes of New York, Inc. and Laboratorios Phergal, S.A. that, by Defendants' own
6 admissions, contain far less than 70% organic ingredients, yet are labeled as "organic."
7 Specifically, the Naturtint® Green Technologies Permanent Hair Colorant states on the front label
8 that the Product is "Organic." However, the list of ingredients on the back label of the Product
9 identifies the following ingredients in the following order:

10 **Naturtint®:** PEG-2 Oleamine, Aqua Purificata (Purified Water),
11 Cocamide DEA, Alcohol Denat (Alcohol), Propylene Glycol,
12 Ethanolamine, Oleic Acid, Sodium Sulfite, Tetrasodium Edta,
13 Hydrolyzed Vegetable Protein (Triticum Vulgare, Soy, Corn, Avena
14 Sativa), Sodium Erythorbate, p-Phenylenediamine, 2-
15 Methylresorcinol, 4-Chlororesorcinol, 2-Amino-4-
16 Hydroxyethylaminoanisoole Sulfate, m-Aminophenol.

17 **Color Developer:** Aqua Purificata (Purified Water), Hydrogen
18 Peroxide, Cetyl Alcohol, Cetearyl Alcohol, Laureth-3, Cetareth-20,
19 Oxyquinoline Sulfate.

20 **Nutrideep® Multiplier:** Aqua Purificata (Purified Water),
21 Distearoylethyl Dimonium Chloride, Cetearyl Alcohol, Linum
22 Usitatissimum (Linseed Seed Extract), Citrus Medica Limonum
23 (Lemon Fruit Water), Helianthus Annuuss (Sunflower Extract),
24 Hydrolyzed Wheat Protein, Sodium Benzoate, Potassium Sorbate,
25 Cetyl Alcohol, Parfum (Fragrance), d-Limonene, Citric Acid.

26 **Shampoo:** Aqua Purificata (Purified Water), Sodium
27 Cocoamphoacetate, Glycerin, Lauryl Glucoside, Disodium Cocoyl
28 Glutmate, Sodium Lauryl Glucose Carboxylate, Cocamidopropyl

Betaine, Cocamide DEA, Decyl Glucoside, Linum Usitatissimum
(Linseed Seed Extract), Polyglyceryl-4
Diisostearate/Polyhydroxystearate/Sebacate, Sodium Benzoate,
Potassium Sorbate, Eucalyptus Globulus (Eucalyptus Globulus Oil),
Rosmarinus Officinalis (Rosemary Oil), Citric Acid, Sodium
Chloride.

Thus, of the dozens of ingredients listed on the back label, ***not a single ingredient*** is identified as organic. Accordingly, Defendants International Trade Routes of New York, Inc. and Laboratorios Phergal, S.A. have violated COPA. Health & Safety Code § 110890(a).

65. The Kinky-Curly Spiral Spritz by Defendant Kinky-Curly Hair Care, LLC is representative of other Products manufactured, distributed and/or sold in California by Defendant Kinky-Curly Hair Care, LLC that, by Defendant's own admissions, contain far less than 70% organic ingredients, yet are labeled as "organic." Specifically, the Kinky-Curly Spiral Spritz states on the front label that the Product is "ORGANIC." However, the list of ingredients on the back label of the Product identifies the following ingredients in the following order:

Lavender water, extracts of horsetail, nettles and sage, aloe vera gel,
vitamin B-5, glycerin, citric acid, and grapefruit seed extract.

Thus, of the nine ingredients listed on the back label, ***not a single one*** is identified as organic. Accordingly, Defendant Kinky-Curly Hair Care, LLC has violated COPA. Health & Safety Code § 110890(a)

66. The Hold Up® Styling Mousse by Defendant Kiss My Face Corporation is representative of other Products manufactured, distributed and/or sold in California by Defendant Kiss My Face Corporation that, by Defendant's own admissions, contain far less than 70% organic ingredients, yet are labeled as "organic." Specifically, the Hold Up® Styling Mousse states on the front label that the Product is "ORGANIC." However, the list of ingredients on the back label of the Product identifies the following ingredients in the following order:

Aqua, Polysorbate 20, Hydrolyzed Wheat Protein, Polyquaternum
11, Panthenol, Hydrolyzed Rice Protein, Arctium Lappa (Burdock

1 Extract), Hedra Helix (Ivy Extract), Trigonella Foenum Graecum
2 (Fenugreek Extract), Panthenyl Hydroxypropyl Steardimonium
3 Chloride, Glycerin, Lavendula Angustifolia (Lavender Oil),
4 Camellia Sinensis (Green Tea Extract)*, Citrus Aurantifolia (Lime
5 Oil), Potassium Sorbate, Citric Acid

6 * Certified Organic by Quality Assurance International

7 Thus, of the sixteen ingredients listed on the back label, only one is certified organic *by*
8 ***Defendant's own admission***, and that ingredient is the twelfth most predominant ingredient in the
9 Product (excluding water). As the twelfth most predominant ingredient in the Hold Up® Styling
10 Mousse (excluding water), this ingredient cannot possibly make up more than 8% of such Product,
11 far less than the 70% required under COPA. Accordingly, Defendant Kiss My Face Corporation
12 has violated COPA. Health & Safety Code § 110890(a).

13 67. The Deodorant Stone With Holder by Defendants Lafe's Natural BodyCare, Inc.
14 and Lafe T. Larson, Inc. is representative of other Products manufactured, distributed and/or sold
15 in California by Defendants Lafe's Natural BodyCare, Inc. and Lafe T. Larson, Inc. that, by
16 Defendants' own admissions, contain far less than 70% organic ingredients, yet are labeled as
17 "organic." Specifically, the Deodorant Stone With Holder states on the front label that the Product
18 is "organic." However, the list of ingredients on the back label of the Product identifies only the
19 following ingredient: Potassium Alum (natural mineral salts). Thus, *by Defendants' own*
20 ***admission***, the sole ingredient listed on the back label is not listed as organic. Accordingly,
21 Defendants Lafe's Natural BodyCare, Inc. and Lafe T. Larson, Inc. have violated COPA. Health
22 & Safety Code § 110890(a).

23 68. The Euro Organic Oil Simply Pure Hair & Scalp Therapy by Defendant Morrocco
24 Method, Inc. is representative of other Products manufactured, distributed and/or sold in
25 California by Defendant Morrocco Method, Inc. that, by Defendant's own admissions, contain far
26 less than 70% organic ingredients, yet are labeled as "organic." Specifically, the Euro Organic Oil
27 Simply Pure Hair & Scalp Therapy states on the front label that the Product is "ORGANIC."
28 However, the list of ingredients on the back label of the Product identifies the following

1 ingredients in the following order:

2 Extracts of Bhringarai, Brahmi, Neem, Amla, Sage, Lavender, White Rose,
3 Frankincense & Myrrh. In a base of Sunflower, Almond, Apricot, Avocado &
4 Jojoba Oils. Organic hand picked St. Johns Wort flowers infused in cold pressed
5 olive oil.

6 Although the ingredient list for the Euro Organic Oil Simply Pure Hair & Scalp Therapy is
7 confusing and may violate federal labeling law, it is clear that, *by Defendant's own admission*,
8 only one ingredient is organic, and that ingredient is not the most prominent ingredient in the
9 Product. Accordingly, the Product cannot possibly contain 70% organic ingredients and
10 Defendant Morrocco Method, Inc. has violated COPA. Health & Safety Code § 110890(a).

11 69. The Organic Root Stimulator® Olive Oil Replenishing Pak by Defendant Namasté
12 Laboratories, L.L.C. is representative of other Products manufactured, distributed and/or sold in
13 California by Defendant Namasté Laboratories, L.L.C. that, by Defendant's own admissions,
14 contain far less than 70% organic ingredients, yet are labeled as "organic." Specifically, the
15 Organic Root Stimulator Olive Oil Replenishing Pak states on the front label that the Product is
16 "Organic." However, the list of ingredients on the back label of the Product identifies the
17 following ingredients in the following order:

18 Aqua (Water/Eau), Glycine Soja (Soybean Oil), Glycerine, Olea
19 Europaea (Olive) Fruit Oil, Hydrolyzed Collagen, Quaternium-80,
20 Citrus Aurantium Dulcis (Orange) Oil, Citral, d'Limonene, Linalool,
21 Polyquaternium-37, Propylene Glycol Dicaprylate/Dicaprate, PPG-1
22 Trideceth-6, Panthenol, Silk Amino Acids, PEG-9 Dimethicone,
23 Anthemis Nobilis (Chamomile) Extract, Salvia Officinalis (Sage)
24 Extract, Urtica Dioica (Nettle) Extract, Rosmarinus Officinalis
25 (Rosemary) Extract, Aloe Barbadensis Leaf Juice, Achillea
26 Millefolium (Yarrow) Extract, Actinidia Chinensis (Kiwi) Fruit
27 Juice, Dimethicone, Hydrolyzed Glycosaminoglycans, EDTA,
28 Triethanolamine, DMDM Hydantoin, Methylchloroisothiazolinone,

1 Methylisothiazolinone, CI 15985 (Yellow #6), CI 19140 (Yellow
2 #5).

3 Thus, of the thirty-two ingredients listed on the back label, *not a single one is identified as*
4 *organic*. Accordingly, Defendant Namasté Laboratories, L.L.C. has violated COPA. Health &
5 Safety Code § 110890(a).

6 70. The Nature's Baby ORGANICS® Shampoo & Body Wash in Vanilla-Tangerine
7 Scent or Lavender-Chamomile Scent by Defendant Nature's Baby Products, Inc. is representative
8 of other Products manufactured, distributed and/or sold in California by Defendant Nature's Baby
9 Products, Inc. that, by Defendant's own admissions, contain far less than 70% organic ingredients,
10 yet are labeled as "organic." Specifically, the Nature's Baby ORGANICS® Shampoo & Body
11 Wash in Vanilla-Tangerine Scent or Lavender-Chamomile Scent displays the word "ORGANICS"
12 on the front label, which is a grammatical variation of the term "organic." However, the list of
13 ingredients on the back label of the Product identifies the following ingredients in the following
14 order:

15 Aqua (water), Decyl glucoside (vegetable origin), Cocamidopropyl
16 betaine (from coconut oil), Disodium cocoyl glutamate (from
17 coconut oil), Sodium lauroyl oat amino acid (from oat), Hydrolyzed
18 wheat protein and wheat starch, Dimethyl lauramine oleate (from
19 safflower oil), *Organic Aloe barbadensis leaf juice (aloe vera),
20 Butyrospermum park II (shea butter), Aleurites moluccana seed oil
21 (kukui nut oil), Macadamia ternifolia seed oil (macadamia nut oil),
22 Carthamus tinctorius (safflower) seed oil, *Organic Symphytum
23 officinale (Comfrey) extract, *Organic Calendula officinalis
24 (Calendula) extract, *Organic Anthemis nobilis (Chamomile)
25 extract, Chamomilla recutita (Matricaria) extract, D1 panthenol (pro
26 vitamin B-5), D-alpha Tocopherol (natural vitamin E), Citric Acid,
27 Sodium Benzoate (food grade preservative, kosher natural
28 preservatives), Potassium sorbate (food grade preservative, kosher

1 natural preservatives), Glycine (protein-amino acid), Essential oils
2 of Lavendula Angustifolia & Chamomila Recutita (Matricaria)
3 Flower Oil.

4 * Certified organic ingredient.

5 Thus, of the twenty-four ingredients listed on the back label, only four are certified organic *by*
6 ***Defendant's own admission*** and those four organic ingredients – Organic Aloe barbadensis leaf
7 juice (aloe vera), Organic Symphytum officinale (Comfrey) extract, Organic Calendula officinalis
8 (Calendula) extract and Organic Anthemis nobilis (Chamomile) extract – are only the seventh,
9 twelfth, thirteenth and fourteenth most predominant ingredients in the Product (excluding water).
10 As the seventh, twelfth, thirteenth and fourteenth most predominant ingredients in the Nature's
11 Baby ORGANICS® Shampoo & Body Wash (excluding water), these four organic ingredients
12 cannot possibly make up more than 28% of such Product, far less than the 70% required under
13 COPA. Accordingly, Defendant Nature's Baby Products, Inc. has violated COPA. Health &
14 Safety Code § 110890(a).

15 71. The Coconut & Papaya with Vanilla Bean Extract Body Wash by Defendants
16 Nubian Heritage Group LLC, Sundial Brands LLC, Sundial Creations LLC and Sundial Group
17 LLC is representative of other Products manufactured, distributed and/or sold in California by
18 these Defendants that, by Defendants' own admissions, contain far less than 70% organic
19 ingredients, yet are labeled as "organic." Specifically, the Coconut & Papaya with Vanilla Bean
20 Extract Body Wash states on the front label that the Product is "ORGANIC." However, the list of
21 ingredients on the back label of the Product identifies the following ingredients in the following
22 order:

23 Cocamidopropyl Betaine (Coconut Oil Soap), Sodium Lauroyl
24 Lactylate (Palm Kernel), Glycol Stearate (Palm Kernel), Stearamide
25 AMP (Palm Kernel), Deionized Water, Cocos Nucifera (Coconut)
26 Oil*, Essential Oil Blend, Panthenol (Vitamin B-5), Butyrospermum
27 Parkii (Shea Butter)*, Sodium Lauroyl Hydrolyzed Silk (Silk
28 Proteins), Guar Hydroxypropyltrimonium Chloride, Papain (Papaya

Extract), Lonicera Caprifolium (Honeysuckle) Flower (and)
Lonicera Japonica (Japanese Honeysuckle) Flower Extract, Cocos
Nucifera (Coconut) Milk.

* Certified Organic Ingredient.

Thus, of the fourteen ingredients listed on the back label, only two are certified organic *by Defendants' own admission* and those two organic ingredients – Cocos Nucifera (Coconut) Oil and Butyrospermum Parkii (Shea Butter) – are only the fifth and eighth most predominant ingredients in the Product (excluding water). As the fifth and eighth most predominant ingredients in the Coconut & Papaya with Vanilla Bean Extract Body Wash (excluding water), these two organic ingredients cannot possibly make up more than 25% of such Product, far less than the 70% required under COPA. Accordingly, Defendants Nubian Heritage Group LLC, Sundial Brands LLC, Sundial Creations LLC and Sundial Group LLC have violated COPA. Health & Safety Code § 110890(a).

72. The NutriBiotic® Everyday Clean Conditioner – Botanical Blend by Defendant Nutrition Resource, Inc. dba NutriBiotic is representative of other Products manufactured, distributed and/or sold in California by Defendant Nutrition Resource, Inc. dba NutriBiotic that, by Defendant's own admissions, contain far less than 70% organic ingredients, yet are labeled as "organic." Specifically, the NutriBiotic® Everyday Clean Conditioner – Botanical Blend states on the front label that the Product is "Organic." However, the list of ingredients on the back label of the Product identifies the following ingredients in the following order:

Purified Water, Cetyl Alcohol, Cetearyl Alcohol, Ceteareth 20,
Citric Acid, Panthenol, Aloe Vera Gel, Soy Protein, Glycerin,
Grapefruit Seed Extract, Calendula Extract, Chamomile Extract,
Yucca Extract, Ginkgo Biloba Extract, Horsetail Extract, Nettle
Extract, Kelp Extract, Phospholipids, Sodium Benzoate, Potassium
Sorbate, Essential Oil of Lavender.

Thus, of the twenty ingredients listed on the back label, *not a single one is identified as organic*. Accordingly, Defendant Nutrition Resource, Inc. dba NutriBiotic has violated COPA. Health &

1 Safety Code § 110890(a).

2 73. The Rainbow Baby Oh Baby® Unscented Organic Herbal Shampoo by Defendant
3 Rainbow Research Corporation is representative of other Products manufactured, distributed
4 and/or sold in California by Defendant Rainbow Research Corporation that, by Defendant's own
5 admissions, contain far less than 70% organic ingredients, yet are labeled as "organic."
6 Specifically, the Rainbow Baby Oh Baby® Unscented Organic Herbal Shampoo states on the
7 front label that the Product is "Organic." However, the list of ingredients on the back label of the
8 Product identifies the following ingredients in the following order:

9 Purified Water; Decyl Glucoside (Corn); Coco Betaine (Coconut);
10 Sorbitol; Olive Oil Carboxylate; Glucose; Dimethicone; Tocopherol
11 (Vitamin E); Retinyl Palmitate (Vitamin A); Oat Amino Acids;
12 Organic extracts of Calendula (Marigold), Chamomile, and Lemon
13 Grass; Phenoxytol (Green Tea); Grapefruit Seed Extract.

14 Thus, of the fifteen ingredients listed on the back label, only three are certified organic *by*
15 ***Defendant's own admission*** and those three organic ingredients – Organic extracts of Calendula
16 (Marigold), Chamomile and Lemon Grass – are only the tenth, eleventh and twelfth most
17 predominant ingredients in the Product (excluding water). As the tenth, eleventh and twelfth most
18 predominant ingredients in the Rainbow Baby Oh Baby® Unscented Organic Herbal Shampoo
19 (excluding water), these three organic ingredients cannot possibly make up more than 25% of such
20 Product, far less than the 70% required under COPA. Accordingly, Defendant Rainbow Research
21 Corporation has violated COPA. Health & Safety Code § 110890(a).

22 74. The Renpure™ Organics I Love My Hair! Body and Shine Shampoo by Defendant
23 Renpure, L.L.C. is representative of other Products manufactured, distributed and/or sold in
24 California by Defendant Renpure, L.L.C. that, by Defendant's own admissions, contain far less
25 than 70% organic ingredients, yet are labeled as "organic." Specifically, the Renpure™ Organics
26 I Love My Hair! Body and Shine Shampoo displays on the front label the word "ORGANICS,"
27 which is a grammatical variation of the term "organic." However, the list of ingredients on the
28 back label of the Product identifies the following ingredients in the following order:

1 Water (Aqua), Decyl Glucoside (Coconut Oil), Disodium Lauryl
2 Sulfosuccinate (Vegetable Oil), Cocamidopropyl Betaine (Coconut
3 Oil), Sodium Lauroyl Lactylate (Palm Oil), Chamomilla Recutita
4 (Matricaria) Flower Extract (Certified Organic), Camellia Sinensis
5 (Green Tea) Leaf Extract (Certified Organic), Hydrolyzed Soy
6 Protein, Hydrolyzed Wheat Protein, Helianthus Annuus (Sunflower)
7 Seed Oil (Certified Organic), Panthenol, Polyquaternium-10, PEG-
8 150 Distearate, Glycol Stearate (Palm Oil), Polyquaternium-47,
9 PEG-100 Stearate, Cetyl Betaine, Coco-Glucoside (Coconut Oil),
10 Glyceryl Oleate, Amodimethicone, Glycerin (Vegetable Oil), C11-
11 15 Pareth-7, Laureth-9, Trideceth-12, Benzophenone-4, Trisodium
12 Ethylenediamine Disuccinate, Citric Acid, Diazolidinyl Urea,
13 Lodopropynyl Butylcarbamate, Fragrance (Parfum).

14 Thus, of the twenty-nine ingredients listed on the back label, only three are listed as organic *by*
15 *Defendant's own admission*, and those three ingredients are only the fifth, sixth and ninth most
16 prominent ingredients (excluding water). Thus, as the organic ingredients cannot possibly make
17 up more than 33% of the Product, far less than the 70% required under COPA. Accordingly,
18 Defendant Rempure, L.L.C. has violated COPA. Health & Safety Code § 110890(a).

19 75. The Elasta QP® Intense™ Fortifying Hair Conditioning Treatment by Defendant
20 Strength of Nature Global, LLC is representative of other Products manufactured, distributed
21 and/or sold in California by Defendant Strength of Nature Global, LLC that, by Defendant's own
22 admissions, contain far less than 70% organic ingredients, yet are labeled as "organic."
23 Specifically, the Elasta QP® Intense™ Fortifying Hair Conditioning Treatment states on the front
24 and back labels that the Product is "Organic." However, the list of ingredients on the back label of
25 the Product identifies the following ingredients in the following order:

26 Water (Aqua), Cetyl Alcohol, Quaternium 18, Olea Europaea
27 (Olive) Fruit Oil, Stearyl Alcohol, Cetrimonium Bromide, Cocos
28 Nucifera (Coconut) Oil, Retinyl Palmitate (Vitamin A), Tocopherol

(Vitamin E), Ascorbic Acid (Vitamin C), Biotin (Vitamin H),
Linoleic Acid (Vitamin F), Persia Gratissima (Avocado) Oil
[contains Vitamins B2, D, A, E, K, and Potassium], Guar
Hydroxypropyltrimonium Chloride, Methylparaben, Benzophenone-
4, Hydrolyzed Silk, Melissa Officinalis (Mint Balm) Extract,
Melaleuca Alternifolia (Tea Tree) Leaf Extract, Panax Ginseng
(Ginseng) Root Extract, CI 19140 (FD&C Yellow 5).

Thus, of the twenty ingredients listed on the back label, *not a single ingredient is listed as organic*. Accordingly, Defendant Strength of Nature Global, LLC has violated COPA. Health & Safety Code § 110890(a).

76. The Shea Moisture Organic Raw Shea Butter Moisture Retention Shampoo by Defendants Sundial Brands LLC, Sundial Creations LLC and Sundial Group LLC is representative of other Products manufactured, distributed and/or sold in California by these Defendants that, by Defendants' own admissions, contain far less than 70% organic ingredients, yet are labeled as "organic." Specifically, the Shea Moisture Organic Raw Shea Butter Moisture Retention Shampoo states on the front label that the Product is "ORGANIC." However, the list of ingredients on the back label of the Product identifies the following ingredients in the following order:

Deionized Water, Decyl Glucoside (Sugar Beets), African
Butyrospermum Parkii (Shea Butter)*, Aloe Vera Leaf Juice, Argan
Oil, Panthenol (Pro-Vitamin B-5), Rosemary Extract, Sea Kelp
Extract, Vitamin E, Lonicera Caprifolium (Honeysuckle) Flower
(and) Lonicera Japonica (Japanese Honeysuckle) Flower Extract.

* Certified Organic Ingredient

Thus, of the ten ingredients listed on the back label, only one is certified organic *by Defendants' own admission*, and that ingredient is the second most predominant ingredient in the Product (excluding water). As the second most predominant ingredient in the Organic Raw Shea Butter Moisture Retention Shampoo (excluding water), this ingredient cannot possibly make up more

1 than 50% of such Product, far less than the 70% required under COPA. Accordingly, Defendants
2 Sundial Brands LLC, Sundial Creations LLC and Sundial Group LLC have violated COPA.
3 Health & Safety Code § 110890(a).

4 77. The Organique by Himalaya Toothpaste by Defendant The Himalaya Drug
5 Company is representative of other Products manufactured, distributed and/or sold in California
6 by Defendant The Himalaya Drug Company that, by Defendant's own admissions, contain far less
7 than 70% organic ingredients, yet are labeled as "organic." Specifically, the Organique by
8 Himalaya Toothpaste displays the word "ORGANIQUE" on the front label, which is a
9 grammatical variation of the term "organic." However, the list of ingredients on the back label of
10 the Product identifies the following ingredients in the following order:

11 Vegetable Glycerin, Xylitol, Water, Hydrated Silica, Calcium
12 Carbonate, Lauryl Glucoside, Sodium Cocoyl Glutamate &
13 Disodium Cocoyl Glutamate, Stevia Rebaudiana Extract, Natural
14 Flavor, Potassium Sorbate, Menthol*, Chondrus Crispus, Xanthan
15 Gum, Sodium Chloride, Thymol, Azadirachta Indica Leaf Extract*,
16 Punica Granatum Fruit Extract*, Terminalia Bellerica Fruit
17 Extract*, Phyllanthus Emblica Fruit Extract*, Embelia Ribes Fruit
18 Extract*, Acacia nilotica Bark Extract*.

19 * Organic

20 Thus, of the twenty-one ingredients listed on the back label, only seven are listed as organic *by*
21 *Defendant's own admission*, and those seven ingredients are only the tenth and fifteenth through
22 twentieth most prominent ingredients (excluding water). Thus, the organic ingredients cannot
23 possibly make up more than 35% of the Product, far less than the 70% required to be properly
24 labeled as organic. Accordingly, Defendant The Himalaya Drug Company has violated COPA.
25 Health & Safety Code § 110890(a).

26 78. The Hydrating Teatree Mint Conditioner by Defendants Todd Christopher
27 International, Inc. and Vogue International is representative of other Products manufactured,
28 distributed and/or sold in California by Defendants Todd Christopher International, Inc. and

1 Vogue International that, by Defendants' own admissions, contain far less than 70% organic
2 ingredients, yet are labeled as "organic." Specifically, the Hydrating Teatree Mint Conditioner
3 displays the word "organix" on the front label, which is a grammatical variation of the term
4 "organic." However, the list of ingredients on the back label of the Product identifies the
5 following ingredients in the following order:

6 Aqua (Water), Parfum, Behentrimonium Methosulfate,
7 Cyclopentasiloxane, Dimethicone, Cetearyl Glucoside, Glyceryl
8 Stearate, Glycerin, Cetearyl Alcohol, Simmondsia Chinensis
9 (Jojoba) Seed Oil, Cetyl Alcohol, DMDM Hydantoin, Panthenol,
10 Silk Amino Acids, Melaleuca Alternifolia (Tea Tree) Leaf Oil,
11 Hydrolyzed Milk Protein, Glycine Soja (Soybean) Oil, Menta
12 Piperita (Peppermint) Oil, Butyrospermum Parkii (Shea Butter),
13 Tocopheryl Acetate (Vitamin E), Tetrasodium EDTA,
14 Methylchloroisothiazolinone, Methylisothiazolinone, Limonene,
15 Citronellol.

16 Thus, of the twenty-four ingredients listed on the back label, *not a single one is identified as*
17 *organic*. Accordingly, Defendants Todd Christopher International, Inc. and Vogue International
18 have violated COPA. Health & Safety Code § 110890(a).

19 79. The examples set forth above are only a few of the Products that make up each
20 Defendants' pattern and practice of selling Products as "organic" when in fact the Products do not
21 come close to meeting the COPA requirements for organic cosmetic products.

22 **FIRST CAUSE OF ACTION**
23 **(CEH Alleges Violations of COPA –**
24 **Injunctive Relief Pursuant to Health & Safety Code § 111910(a))**

25 80. CEH realleges and incorporates by reference as if specifically set forth herein
26 Paragraphs 1 through 79, inclusive.

27 81. CEH is a "person" within the meaning of Health & Safety Code § 111910(a).

28 82. Defendants have violated and continue to violate the provisions of COPA, Health
& Safety Code §§ 110838 and/or 110839, as described above.

1 83. Health & Safety Code § 111910(a) provides for injunctive relief for any violation
2 of COPA and affords standing to “any person” to enforce such violations. That Section provides,
3 in part:

4 any person may bring an action in superior court pursuant to this section
5 and the court shall have jurisdiction upon hearing and for cause shown, to
6 grant a temporary or permanent injunction restraining any person from
 violating any provision of Article 7 (commencing with Section 110810) of
 Chapter 5.

7 *Ibid.* That Section further provides that actions for injunctive relief to remedy violations of COPA
8 are not subject to all of the same restrictions as other actions for injunctive relief. Specifically,

9 the person shall not be required to allege facts necessary to show, or tending
10 to show, lack of adequate remedy at law, or to show, or tending to show,
 irreparable damage or loss, or to show, or tending to show, unique or
11 special individual injury or damages.

12 *Ibid.*

13 84. CEH is thus entitled to both preliminary and permanent injunctive relief to restrain
14 Defendants’ violations of COPA. Health & Safety Code § 111910(a).

15 Wherefore, CEH prays for judgment against Defendants, as set forth hereafter.

16 **PRAYER FOR RELIEF**

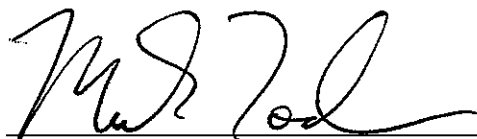
17 CEH prays for judgment and relief against Defendants as follows:

18 A. That the Court preliminarily and permanently enjoin Defendants from
19 violating COPA and require Defendants to correct their past violations of COPA; and

20 B. That the Court grant CEH its reasonable attorneys’ fees and costs of suit
21 pursuant to Health & Safety Code § 111910(b).

1 DATED: June 16, 2011

LEXINGTON LAW GROUP

2 

3 Mark N. Todzo (State Bar No. 168389)

4 Howard J. Hirsch (State Bar No. 213209)

5 Lisa Burger (State Bar No. 239676)

6 LEXINGTON LAW GROUP

7 503 Divisadero Street

8 San Francisco, CA 94117

9 Telephone: (415) 913-7800

10 Facsimile: (415) 759-4112

11 mtodzo@lexlawgroup.com

12 hhirsch@lexlawgroup.com

13 lburger@lexlawgroup.com

14 Attorneys for Plaintiff CENTER FOR
15 ENVIRONMENTAL HEALTH