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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ALAMEDA

COMMUNITY SCIENCE INSTITUTE, a
non-profit association,

Plaintiff,

vs.

SEQUEL NATURALS LTD, a Canadian
limited company, and SEQUEL
NATURALS ULC, a Canadian unlimited
liability corporation, THE WHITEWAVE
FOODS COMPANY, a Delaware
corporation,

Defendants.

Case No.: RG18909334

FIRST AMENDED COMPLAINT FOR
INJUNCTIVE RELIEF AND CIVIL
PENALTIES

Plaintiff Community Science Institute (“Plaintiff”) brings this action in the interests of
the general public and, on information and belief, hereby alleges:

INTRODUCTION

1. This action seeks to remedy the continuing failure of Defendants Sequel Naturals
LTD, Sequel Naturals ULC, and The WhiteWave Foods Company (collectively “Sequel” or
“Defendants”) to warn consumers in California that they are being exposed to lead, a substance
known to the State of California to cause cancer, birth defects, and other reproductive harm.
Defendants manufacture, package, distribute, market, and/or sell in California the following

1 products, which contain lead (the “Products”):

- 2 1. Vega Protein & Greens Vanilla Flavored
- 3 2. Vega Protein & Greens Chocolate Flavored
- 4 3. Vega One All-In-One Shake Mocha Flavored
- 5 4. Vega One All-In-One Shake Coconut Almond Flavored
- 6 5. Vega One All-In-One Shake French Vanilla Flavored

7 2. California’s Proposition 65 (Health & Safety Code § 25249.5, *et seq.*), is a right
8 to know statute. Under Proposition 65, it is unlawful for businesses to knowingly and
9 intentionally expose individuals in California to chemicals known to the State to cause cancer,
10 birth defects, or other reproductive harm without providing clear and reasonable warnings to
11 individuals prior to exposure.

12 3. When consumers ingest the Products, they are exposed to lead at levels
13 requiring a “clear and reasonable warning” under Proposition 65. Yet Defendants have failed
14 to provide any warning to consumers that they are being exposed to the chemical lead.

15 4. Defendants past and continued manufacturing, distribution, and sale of the
16 Products in California without a clear and reasonable warning causes individuals to be
17 involuntarily and unwittingly exposed to lead at levels that violate Proposition 65.

18 5. Plaintiff seeks injunctive relief enjoining Defendants from the continued
19 manufacturing, distribution, and/or sales of the Products in California without provision of
20 clear and reasonable warnings regarding the risks of reproductive toxicity posed by exposure to
21 lead through consumption of the Products. Plaintiff seeks an injunctive order compelling
22 Defendants to bring their business practices into compliance with Proposition 65 by providing
23 a clear and reasonable warning to each individual who has been and who in the future may be
24 exposed to lead from consumption of the Products. Plaintiff also seeks an order compelling
25 Defendants to identify and locate each individual person who in the past has purchased the
26 Products, and to provide to each such purchaser a clear and reasonable warning that use of the
27 Products will cause exposures to lead.

28 6. In addition to injunctive relief, Plaintiff seeks an assessment of civil penalties up

1 to the maximum civil penalty of \$2,500 per day per exposure, authorized by Proposition 65, to
2 remedy Defendants' failure to provide clear and reasonable warnings regarding exposures to
3 the chemical lead.

4
5 **JURISDICTION AND VENUE**

6 7. This Court has jurisdiction over this action pursuant to Health and Safety Code
7 § 25249.8, allowing enforcement of Proposition 65 in any court of competent jurisdiction, and
8 pursuant to California Constitution Article VI, Section 10, which grants the Superior Court
9 "original jurisdiction in all causes except those given by statute to other trial courts." The
10 causes of actions alleged herein are not given by statute to other trial courts.

11 8. This Court has jurisdiction over Defendants because Defendants are businesses
12 having sufficient minimum contacts with California, or otherwise intentionally availing
13 themselves of the California market through the distribution and sale of the Products in the
14 State of California to render the exercise of jurisdiction over Defendants by the California
15 courts consistent with traditional notions of fair play and substantial justice.

16 9. Venue in this action is proper in the Alameda Superior Court because
17 Defendants violated or threaten to violate California law in the County of Alameda.

18 **PARTIES**

19 10. Plaintiff is a non-profit association. Plaintiff operates as a fiscally sponsored
20 project of the non-profit organization Social and Environmental Entrepreneurs. CSI's mission
21 is to unite consumers and industrial neighbors to reform government and industry practices for
22 a toxic free future. CSI is a person within the meaning of Health & Safety Code §25118 and
23 brings this enforcement action in the public interest pursuant to Health & Safety Code
24 §25249.7(d).
25

26 11. Defendant Sequel Naturals LTD is a limited company, organized under the laws
27 of Canada, and is a person doing business within the meaning of H&S Code §25249.11.

28 12. Defendant Sequel Naturals ULC is an unlimited liability corporation, organized

1 under the laws of Canada, and is a person doing business within the meaning of H&S Code
2 §25249.11.

3
4 13. Defendant The WhiteWave Foods Company is a corporation organized under
5 the laws of Delaware. The WhiteWave Foods Company acquired Defendants Sequel Naturals
6 LTD and Sequel Naturals ULC in 2015. The WhiteWave Foods Company is a person doing
7 business within the meaning of H&S Code §25249.11.

8 14. Defendants manufactured, packaged, distributed, marketed and /or sold the
9 Products for sale or use in California and the County of Alameda. Plaintiff is informed and
10 believes, and thereupon alleges, that Defendants continue to manufacture, package, distribute,
11 market and/or sell the Products for sale or use in California and in Alameda County.

12 **STATUTORY BACKGROUND**

13 15. The People of the State of California have declared in Proposition 65 their right
14 “[t]o be informed about exposures to chemicals that cause cancer, birth defects, or other
15 reproductive harm.” (Section 1(b) of Initiative Measure, Proposition 65).

16 16. To effect this goal, Proposition 65 requires that individuals be provided with a
17 “clear and reasonable warning” before being exposed to substances listed by the State of
18 California as causing cancer or reproductive toxicity. H&S Code §25249.6 states, in pertinent
19 part:

20 No person in the course of doing business shall knowingly and intentionally
21 expose any individual to a chemical known to the state to cause cancer or
22 reproductive toxicity without first giving clear and reasonable warning to such
individual....

23 17. “‘Knowingly’ refers only to knowledge of the fact that a discharge of, release
24 of, or exposure to a chemical listed pursuant to Section 25249.8(a) of the Act is occurring. No
25 knowledge that the discharge, release or exposure is unlawful is required.” (27 California
26 Code of Regulations (“CCR”) § 25102(n).)

27 18. Proposition 65 provides that any “person who violates or threatens to violate”
28 the statute may be enjoined in a court of competent jurisdiction. (H&S Code §25249.7). The

1 phrase “threaten to violate” is defined to mean creating “a condition in which there is a
2 substantial probability that a violation will occur” (H&S Code §25249.11(e)). Violators are
3 liable for civil penalties of up to \$2,500 per day for each violation of the Act. (H&S Code
4 §25249.7.)

5
6 19. On February 27, 1987, the State of California officially listed the chemical lead
7 as a chemical known to cause reproductive toxicity. Lead became subject to the warning
8 requirement one year later and was therefore subject to the “clear and reasonable” warning
9 requirements of Proposition 65 beginning on February 27, 1988. (27 CCR § 25000, et seq.;
10 H&S Code §25249.5, et seq.). Due to the high toxicity of lead, the maximum allowable dose
11 level for lead is 0.5 µg/day (micrograms per day) for reproductive toxicity. (27 CCR
12 § 25805(b).)

13 FACTUAL BACKGROUND

14 20. To test Defendants’ Products for lead, Plaintiff hired a well-respected and
15 accredited testing laboratory. The results of testing undertaken by Plaintiff of Defendants’
16 Products show that the Products tested were in violation of the 0.5 µg/day for lead “safe
17 harbor” daily dose limits set forth in Proposition 65’s regulations. Very significant is the fact
18 that people are being exposed to lead through ingestion as opposed to other not as harmful
19 methods of exposure such as dermal exposure. Ingestion of lead produces much higher
20 exposure levels and health risks than dermal exposure to this chemical.

21 21. Based on the testing results, on January 18, 2018, Plaintiff sent a 60-Day Notice
22 of Proposition 65 Violations to the to the requisite public enforcement agencies, and to
23 Defendant The WhiteWave Foods Company (a true and correct copy of this 60-Day Notice
24 letter is attached hereto as **Exhibit A** and is incorporated by reference). March 30, 2018,
25 Plaintiff sent a 60-Day Notice of Proposition 65 Violations (“Notices”) to the requisite public
26 enforcement agencies, and to Defendants Sequel Naturals LTD and Sequel Naturals ULC (a
27 true and correct copy of this 60-Day Notice letter is attached hereto as **Exhibit B** and is
28

1 incorporated by reference). The Notices were issued pursuant to, and in compliance with, the
2 requirements of H&S Code §25249.7(d) and the statute’s implementing regulations regarding
3 the notice of the violations to be given to certain public enforcement agencies and to the
4 violators. The Notices included, *inter alia*, the following information: the name, address, and
5 telephone number of the noticing individuals; the name of the alleged violator; the statute
6 violated; the approximate time period during which violations occurred; and descriptions of the
7 violations, including the chemical involved, the routes of toxic exposure, and the specific
8 product or type of product causing the violations, and was issued as follows:
9

- 10 a. Defendants were provided a copy of the Notices by Certified Mail.
- 11 b. Defendants were provided a copy of a document entitled “The Safe
12 Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A
13 Summary,” which is also known as Appendix A to Title 27 of CCR
14 §25903.
- 15 c. The California Attorney General was provided a copy of the Notices via
16 online submission.
- 17 d. The California Attorney General was provided with a Certificate of
18 Merit by the attorney for the noticing party, stating that there is a
19 reasonable and meritorious case for this action, and attaching factual
20 information sufficient to establish a basis for the certificate, including
21 the identity of the persons consulted with and relied on by the certifier,
22 and the facts, studies, or other data reviewed by those persons, pursuant
23 to H&S Code §25249.7(h)(2).
- 24 e. The district attorneys, city attorneys or prosecutors of each jurisdiction
25 within which the Products are offered for sale within California were
26 provided with a copy of the Notices pursuant to H&S Code §
27 25249.7(d)(1).
28

1 reasonable warning to such individuals pursuant to Health & Safety Code §§ 25249.6 and
2 25249.11(f).

3
4 30. Continuing commission by Defendants of the acts alleged above will irreparably
5 harm the citizens of the State of California, for which harm they have no plain, speedy, or
6 adequate remedy at law.

7 Wherefore, Plaintiff prays for judgment against Defendants, as set forth hereafter.

8 **PRAYER FOR RELIEF**

9 Wherefore, Plaintiff prays for the following relief:

10 A. A preliminary and permanent injunction, pursuant to H&S Code §25249.7(b),
11 enjoining Defendants, their agents, employees, assigns and all persons acting in concert or
12 participating with Defendants, from distributing or selling the Products in California without
13 first providing a clear and reasonable warning, within the meaning of Proposition 65, that the
14 users of the Products are exposed to the chemical lead;

15 B. An injunctive order, pursuant to H&S Code §25249.7(b), compelling
16 Defendants to identify and locate each individual who has purchased the Products since June
17 19, 2015, and to provide a warning to such persons that the use of the Products will expose the
18 users to chemicals known to cause birth defects and other reproductive harm;

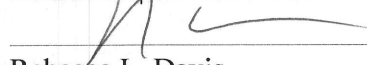
19 C. An assessment of civil penalties pursuant to Health & Safety Code §25249.7(b),
20 against Defendants in the amount of \$2,500 per day for each violation of Proposition 65;

21 D. An award to Plaintiff of its reasonable attorney's fees and costs of suit pursuant
22 to California Code of Civil Procedure §1021.5, as Plaintiff shall specify in further application
23 to the Court; and,

24 E. Such other and further relief as may be just and proper.

25
26 DATED: August 6, 2018

LOZEAU | DRURY LLP

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Rebecca L. Davis
Attorneys for Plaintiff
Community Science Institute

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EXHIBIT A



T 510.836.4200
F 510.836.4205

410 12th Street, Suite 250
Oakland, Ca 94607

www.lozeaudrury.com
rebecca@lozeaudrury.com

January 18, 2018

To: President or CEO – The WhiteWave Foods Company
California Attorney’s Office
District Attorney’s Office for 58 counties
City Attorney’s for San Francisco, San Diego, San Jose, and Los Angeles
(See attached Certificate of Service)

From: Community Science Institute

Re: Notice of Violations of California Health & Safety Code Section 25249.5 *et seq.*

Dear Addressees:

This firm represents Community Science Institute (“CSI”) in connection with this Notice of Violations of California’s Safe Drinking Water and Toxic Enforcement Act of 1986, which is codified at California Health & Safety Code Section 25249.5 *et seq.* (“Proposition 65”). CSI is a fiscally sponsored project of the non-profit organization Social and Environmental Entrepreneurs. CSI’s mission is to unite consumers and industrial neighbors to reform government and industry practices for a toxic free future. This letter serves to provide notification of these violations to you and to the public enforcement agencies of Proposition 65.

This letter constitutes notice that the entity listed below has violated and continues to violate provisions of Proposition 65. Specifically, the entity listed below has violated and continues to violate the warning requirement at § 25249.6 of the California Health & Safety Code, which provides that “[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...”

Violators: The name of the violator covered by this notice that violated Proposition 65 (hereinafter referred to as the “Violator”) is: The WhiteWave Foods Company.

Listed Chemical: This violation involves exposure to the listed chemical lead. On February 27, 1987, California officially listed lead as a chemical known to the State of California to cause developmental toxicity and male and female reproductive toxicity. On October 1, 1992, California officially listed lead and lead compounds as chemicals known to cause cancer.

Consumer Products: The following specific products that are the subject of this notice are causing exposures in violation of Proposition 65 are:

1. Vega Protein & Greens Vanilla Flavored
2. Vega Protein & Greens Chocolate Flavored

January 18, 2018

Page 2

3. Vega One All-In-One Shake Mocha Flavored
4. Vega One All-In-One Shake Coconut Almond Flavored
5. Vega One All-In-One Shake French Vanilla Flavored

Violation: The alleged Violator knowingly and intentionally exposed and continues to expose consumers within the State of California to lead without providing a Proposition 65 warning. The Violator has manufactured, marketed, distributed, and/or sold the listed products, which have exposed and continue to expose numerous individuals within California to the identified chemical, lead.

Route of Exposure: Use of the products identified in this notice results in human exposures to lead. The primary route of exposure is ingestion, but may also occur through inhalation and/or dermal contact.

Duration of Violation: The violations have been occurring since at least January 18, 2015, and are ongoing.

A summary of Proposition 65, prepared by the California Office of Environmental Health Hazard Assessment, is enclosed with the copy of this letter sent to the Violator.

Pursuant to California Health & Safety Code § 25249.7(d), CSI intends to file a citizen enforcement action sixty days after effective service of this notice unless the Violator agrees in an enforceable written agreement to: (1) reformulate the listed products so as to eliminate further exposures to the identified chemicals; (2) pay an appropriate civil penalty; and (3) provide clear and reasonable warnings compliant with Proposition 65 to all persons located in California who purchased the above products in the last three years. Consistent with the public interest goals of Proposition 65 and my client's objectives in pursuing this notice, CSI is interested in seeking a constructive resolution to this matter. Such resolution will avoid both further unwarned consumer exposures to the identified chemical and expensive and time consuming litigation.

CSI's Executive Director is Denny Larson, and is located at 6263 Bernhard Avenue, Richmond, California 94805, Tel. 415-845-4705. CSI has retained my firm in connection with this matter. Please direct all questions concerning this notice to me, Rebecca Davis (rebecca@lozeaudrury.com), Lozeau Drury LLP, 410 12th Street, Suite 250, Oakland, California 94607, (510) 836-4200.

Sincerely,



Rebecca L. Davis

Attachments:

- Certificate of Merit
- Certificate of Service
- OEHHA Summary (to Violators and their Registered Agents for Service of Process only)
- Additional Supporting Information for Certificate of Merit (to AG only)

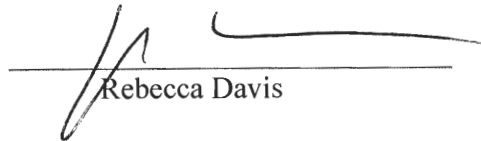
CERTIFICATE OF MERIT

**Re: Community Science Institute's Notice of Proposition 65 Violations by
The WhiteWave Foods Company**

I, Rebecca Davis, declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged that the parties identified in the notice violated California Health & Safety Code Section 25249.6 by failing to provide clear and reasonable warnings.
2. I am an attorney for the noticing party, Community Science Institute.
3. I have consulted with one or more persons with relevant and appropriate experience or expertise who have reviewed facts, studies, or other data regarding the exposure to the listed chemical that is the subject of the notice.
4. Based on the information obtained through those consultants and other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiff's case can be established and that the information did not prove that the alleged violator(s) will be able to establish any of the affirmative defenses set forth in the statute.
5. Along with the copy of this Certificate of Merit, additional factual information sufficient to establish the basis for this certificate has been served on the Attorney General, including the information identified in California Health & Safety Code §25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: January 18, 2018



Rebecca Davis

CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

I am a citizen of the United States, over the age of 18 years old, and am not a party to the within action. My business address is 410 12th Street, Suite 250, Oakland, California 94607, in Alameda County, where the mailing occurred.

On January 18, 2018, I served the following documents: **(1) NOTICE OF VIOLATIONS OF THE CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; (2) CERTIFICATE OF MERIT; (3) THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY** on the following entities by placing a true and correct copy thereof in a sealed envelope with postage fully prepaid for delivery by Certified Mail, addressed to the entity listed below, and placing the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.

Current President or CEO
The WhiteWave Foods Company
12002 Airport Way
Broomfield, CO 80021

Corporate Creations Network Inc.
(Registered Agent for Service of Process
for The WhiteWave Foods Company)
3773 Cherry Creek North Drive #575
Denver, CO 80209

Current President or CEO
The WhiteWave Foods Company
1225 17th Street, Suite 1000
Denver, CO 80202

Corporate Creations Network Inc.
(Registered Agent for Service of Process
for The WhiteWave Foods Company)
3411 Silverside Road Tatnall Building, Ste. 104
Wilmington, DE 19810

On January 18, 2018, I served the following documents **(1) NOTICE OF VIOLATIONS OF THE CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; (2) CERTIFICATE OF MERIT; (3) ADDITIONAL SUPPORTING INFORMATION FOR CERTIFICATE OF MERIT AS REQUIRED BY CALIFORNIA HEALTH & SAFETY CODE § 25249.7(d)(1)** on the following party when a true and correct copy thereof was uploaded on the California Attorney General's website, which can be accessed at <https://oag.ca.gov/prop65/add-60-day-notice>:

Office of the California Attorney General
Prop 65 Enforcement Reporting
1515 Clay Street, Suite 2000
Oakland, CA 94612-0550

On January 18, 2018, I served the following documents **(1) NOTICE OF VIOLATIONS OF THE CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; (2) CERTIFICATE OF MERIT** were served on the following parties when a true and correct copy thereof was sent via electronic mail to the party listed below:

Stacey Grassini, Deputy District Attorney
Contra Costa County
900 Ward Street
Martinez, CA 94553
sgrassini@contracostada.org

Michelle Latimer, Program Coordinator
Lassen County
220 S. Lassen Street
Susanville, CA 96130
mlatimer@co.lassen.ca.us

Dije Ndreu, Deputy District Attorney
Monterey County
1200 Aguajito Road
Monterey, CA 93940
Prop65DA@co.monterey.ca.us

Allison Haley, District Attorney
Napa County
931 Parkway Mall
Napa, CA 94559
CEPD@countyofnapa.org

Paul E. Zellerbach, District Attorney
Riverside County
3072 Orange Street
Riverside, CA 92501
Prop65@rivcoda.org

Anne Marie Schubert, District Attorney
Sacramento County
901 G Street
Sacramento, CA 95814
Prop65@sacda.org

Gregory Alker, Assistant District Attorney
San Francisco County
732 Brannan Street
San Francisco, CA 94103
gregory.alker@sfgov.org

Yen Dang, Supervising Deputy District Attorney
Santa Clara County
70 W Hedding St
San Jose, CA 95110
EPU@da.sccgov.org

Stephan R. Passalacqua, District Attorney
Sonoma County
600 Administration Dr
Sonoma, CA 95403
jbarnes@sonoma-county.org

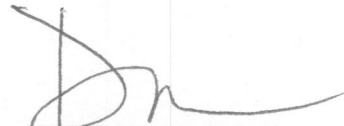
Phillip J. Cline, District Attorney
Tulare County
221 S Mooney Blvd
Visalia, CA 95370
Prop65@co.tulare.ca.us

Gregory D. Totten, District Attorney
Ventura County
800 S Victoria Ave
Ventura, CA 93009
daspecialops@ventura.org

Jeff W. Reisig, District Attorney
Yolo County
301 Second Street
Woodland, CA 95695
cfepd@yolocounty.org

On January 18, 2018, I served the following documents **(1) NOTICE OF VIOLATIONS OF THE CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.;** **(2) CERTIFICATE OF MERIT** on each of the parties on the Service List attached hereto by placing a true and correct copy thereof in a sealed envelope with postage fully prepaid for delivery by First Class Mail, addressed to each of the entities on the Service List attached hereto, and placing the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.

Executed on January 18, 2018, in Oakland, California.


Daniel Charlier-Smith

Service List

District Attorney, Alameda County
1225 Fallon Street, Suite 900
Oakland, CA 94612

District Attorney, Alpine County
P.O. Box 248
Markleeville, CA 96120

District Attorney, Amador County
708 Court Street
Jackson, CA 95642

District Attorney, Butte County
25 County Center Drive, Suite 245
Oroville, CA 95965

District Attorney, Calaveras County
891 Mountain Ranch Road
San Andreas, CA 95249

District Attorney, Colusa County
346 Fifth Street Suite 101
Colusa, CA 95932

District Attorney, Del Norte County
450 H Street, Room 171
Crescent City, CA 95531

District Attorney, El Dorado County
515 Main Street
Placerville, CA 95667

District Attorney, Fresno County
2220 Tulare Street, Suite 1000
Fresno, CA 93721

District Attorney, Glenn County
Post Office Box 430
Willows, CA 95988

District Attorney, Humboldt County
825 5th Street 4th Floor
Eureka, CA 95501

District Attorney, Imperial County
940 West Main Street, Ste 102
El Centro, CA 92243

District Attorney, Inyo County
230 W. Line Street
Bishop, CA 93514

District Attorney, Kern County
1215 Truxtun Avenue
Bakersfield, CA 93301

District Attorney, Kings County
1400 West Lacey Boulevard
Hanford, CA 93230

District Attorney, Lake County
255 N. Forbes Street
Lakeport, CA 95453

District Attorney, Los Angeles County
210 West Temple Street, Suite 18000
Los Angeles, CA 90012

District Attorney, Madera County
209 West Yosemite Avenue
Madera, CA 93637

District Attorney, Marin County
3501 Civic Center Drive, Room 130
San Rafael, CA 94903

District Attorney, Mariposa County
Post Office Box 730
Mariposa, CA 95338

District Attorney, Mendocino County
Post Office Box 1000
Ukiah, CA 95482

District Attorney, Merced County
550 W. Main Street
Merced, CA 95340

District Attorney, Modoc County
204 S Court Street, Room 202
Alturas, CA 96101-4020

District Attorney, Mono County
Post Office Box 617
Bridgeport, CA 93517

District Attorney, Nevada County
201 Commercial Street
Nevada City, CA 95959

District Attorney, Orange County
401 West Civic Center Drive
Santa Ana, CA 92701

District Attorney, Placer County
10810 Justice Center Drive, Ste 240
Roseville, CA 95678

District Attorney, Plumas County
520 Main Street, Room 404
Quincy, CA 95971

District Attorney, San Benito County
419 Fourth Street, 2nd Floor
Hollister, CA 95023

District Attorney, San Bernardino County
316 N. Mountain View Avenue
San Bernardino, CA 92415-0004

District Attorney, San Diego County
330 West Broadway, Suite 1300
San Diego, CA 92101

District Attorney, San Joaquin County
222 E. Weber Ave. Rm. 202
Stockton, CA 95202

District Attorney, San Luis Obispo County
1035 Palm St, Room 450
San Luis Obispo, CA 93408

District Attorney, San Mateo County
400 County Ctr., 3rd Floor
Redwood City, CA 94063

District Attorney, Santa Barbara County
1112 Santa Barbara Street
Santa Barbara, CA 93101

District Attorney, Santa Cruz County
701 Ocean Street, Room 200
Santa Cruz, CA 95060

District Attorney, Shasta County
1355 West Street
Redding, CA 96001

District Attorney, Sierra County
PO Box 457
Downieville, CA 95936

District Attorney, Siskiyou County
Post Office Box 986
Yreka, CA 96097

District Attorney, Solano County
675 Texas Street, Ste 4500
Fairfield, CA 94533

District Attorney, Stanislaus County
832 12th Street, Ste 300
Modesto, CA 95354

District Attorney, Sutter County
446 Second Street
Yuba City, CA 95991

District Attorney, Tehama County
Post Office Box 519
Red Bluff, CA 96080

District Attorney, Trinity County
Post Office Box 310
Weaverville, CA 96093

District Attorney, Tuolumne County
423 N. Washington Street
Sonora, CA 95370

District Attorney, Yuba County
215 Fifth Street, Suite 152
Marysville, CA 95901

Los Angeles City Attorney's Office
City Hall East
200 N. Main Street, Suite 800
Los Angeles, CA 90012

San Diego City Attorney's Office
1200 3rd Avenue, Ste 1620
San Diego, CA 92101

San Francisco, City Attorney
City Hall, Room 234
1 Dr Carlton B Goodlett PL
San Francisco, CA 94102

San Jose City Attorney's Office
200 East Santa Clara Street, 16th Floor
San Jose, CA 95113

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EXHIBIT B



T 510.836.4200
F 510.836.4205

410 12th Street, Suite 250
Oakland, Ca 94607

www.lozeaudrury.com
rebecca@lozeaudrury.com

March 30, 2018

To: President or CEO – Sequel Naturals LTD
President or CEO – Sequel Naturals ULC
California Attorney’s Office
District Attorney’s Office for 58 counties
City Attorney’s for San Francisco, San Diego, San Jose, and Los Angeles
(See attached Certificate of Service)

From: Community Science Institute

Re: Notice of Violations of California Health & Safety Code Section 25249.5 *et seq.*

Dear Addressees:

This firm represents Community Science Institute (“CSI”) in connection with this Notice of Violations of California’s Safe Drinking Water and Toxic Enforcement Act of 1986, which is codified at California Health & Safety Code Section 25249.5 *et seq.* (“Proposition 65”). CSI is a fiscally sponsored project of the non-profit organization Social and Environmental Entrepreneurs. CSI’s mission is to unite consumers and industrial neighbors to reform government and industry practices for a toxic free future. This letter serves to provide notification of these violations to you and to the public enforcement agencies of Proposition 65.

This letter constitutes notice that the entity listed below has violated and continues to violate provisions of Proposition 65. Specifically, the entity listed below has violated and continues to violate the warning requirement at § 25249.6 of the California Health & Safety Code, which provides that “[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...”

Violators: The name of the violators covered by this notice that violated Proposition 65 (hereinafter referred to as the “Violators”) is: 1) Sequel Naturals LTD, and 2) Sequel Naturals ULC.

Listed Chemical: This violation involves exposure to the listed chemical lead. On February 27, 1987, California officially listed lead as a chemical known to the State of California to cause developmental toxicity and male and female reproductive toxicity. On October 1, 1992, California officially listed lead and lead compounds as chemicals known to cause cancer.

Consumer Products: The following specific products that are the subject of this notice are causing exposures in violation of Proposition 65 are:

March 30, 2018

Page 2

1. Vega Protein & Greens Vanilla Flavored
2. Vega Protein & Greens Chocolate Flavored
3. Vega One All-In-One Shake Mocha Flavored
4. Vega One All-In-One Shake Coconut Almond Flavored
5. Vega One All-In-One Shake French Vanilla Flavored

Violation: The alleged Violators knowingly and intentionally exposed and continue to expose consumers within the State of California to lead without providing a Proposition 65 warning. The Violators have manufactured, marketed, distributed, and/or sold the listed products, which have exposed and continue to expose numerous individuals within California to the identified chemical, lead.

Route of Exposure: Use of the products identified in this notice results in human exposures to lead. The primary route of exposure is ingestion, but may also occur through inhalation and/or dermal contact.

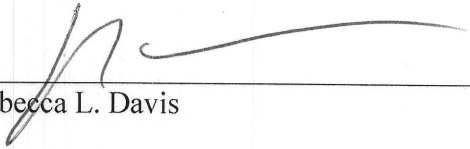
Duration of Violation: The violations have been occurring since at least March 30, 2015, and are ongoing.

A summary of Proposition 65, prepared by the California Office of Environmental Health Hazard Assessment, is enclosed with the copy of this letter sent to the Violators.

Pursuant to California Health & Safety Code § 25249.7(d), CSI intends to file a citizen enforcement action sixty days after effective service of this notice unless the Violators agree in an enforceable written agreement to: (1) reformulate the listed products so as to eliminate further exposures to the identified chemicals; (2) pay an appropriate civil penalty; and (3) provide clear and reasonable warnings compliant with Proposition 65 to all persons located in California who purchased the above products in the last three years. Consistent with the public interest goals of Proposition 65 and my client's objectives in pursuing this notice, CSI is interested in seeking a constructive resolution to this matter. Such resolution will avoid both further unwarned consumer exposures to the identified chemical and expensive and time consuming litigation.

CSI's Executive Director is Denny Larson, and is located at 6263 Bernhard Avenue, Richmond, California 94805, Tel. 415-845-4705. CSI has retained my firm in connection with this matter. Please direct all questions concerning this notice to me, Rebecca Davis (rebecca@lozeaudrury.com), Lozeau Drury LLP, 410 12th Street, Suite 250, Oakland, California 94607, (510) 836-4200.

Sincerely,



Rebecca L. Davis

Attachments:

- Certificate of Merit
- Certificate of Service
- OEHHA Summary (to Violators and their Registered Agents for Service of Process only)

Additional Supporting Information for Certificate of Merit (to AG only)

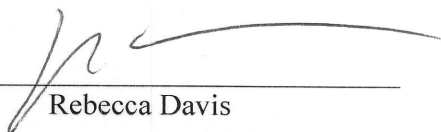
CERTIFICATE OF MERIT

**Re: Community Science Institute's Notice of Proposition 65 Violations by
Sequel Naturals LTD and Sequel Naturals ULC**

I, Rebecca Davis, declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged that the parties identified in the notice violated California Health & Safety Code Section 25249.6 by failing to provide clear and reasonable warnings.
2. I am an attorney for the noticing party, Community Science Institute.
3. I have consulted with one or more persons with relevant and appropriate experience or expertise who have reviewed facts, studies, or other data regarding the exposure to the listed chemical that is the subject of the notice.
4. Based on the information obtained through those consultants and other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiff's case can be established and that the information did not prove that the alleged violator(s) will be able to establish any of the affirmative defenses set forth in the statute.
5. Along with the copy of this Certificate of Merit, additional factual information sufficient to establish the basis for this certificate has been served on the Attorney General, including the information identified in California Health & Safety Code §25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: March 30, 2018



Rebecca Davis

CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

I am a citizen of the United States, over the age of 18 years old, and am not a party to the within action. My business address is 410 12th Street, Suite 250, Oakland, California 94607, in Alameda County, where the mailing occurred.

On March 30, 2018, I served the following documents: **(1) NOTICE OF VIOLATIONS OF THE CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; (2) CERTIFICATE OF MERIT; (3) THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY** on the following entities by placing a true and correct copy thereof in a sealed envelope with postage fully prepaid for delivery by Certified Mail, return receipt requested, addressed to the entity listed below, and placing the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.

Sequel Naturals LTD
101-3001 Wayburne Drive
Burnaby, BC Canada V5G 4W3

Sequel Naturals ULC
101-3001 Wayburne Drive
Burnaby, BC Canada V5G 4W3

On March 30, 2018, I served the following documents **(1) NOTICE OF VIOLATIONS OF THE CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; (2) CERTIFICATE OF MERIT; (3) ADDITIONAL SUPPORTING INFORMATION FOR CERTIFICATE OF MERIT AS REQUIRED BY CALIFORNIA HEALTH & SAFETY CODE § 25249.7(d)(1)** on the following party when a true and correct copy thereof was uploaded on the California Attorney General's website, which can be accessed at <https://oag.ca.gov/prop65/add-60-day-notice>:

Office of the California Attorney General
Prop 65 Enforcement Reporting
1515 Clay Street, Suite 2000
Oakland, CA 94612-0550

On March 30, 2018, I served the following documents **(1) NOTICE OF VIOLATIONS OF THE CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; (2) CERTIFICATE OF MERIT** were served on the following parties when a true and correct copy thereof was sent via electronic mail to the party listed below:

Stacey Grassini, Deputy District Attorney
Contra Costa County
900 Ward Street
Martinez, CA 94553
sgrassini@contracostada.org

Gregory Alker, Assistant District Attorney
San Francisco County
732 Brannan Street
San Francisco, CA 94103
gregory.alker@sfgov.org

Michelle Latimer, Program Coordinator
Lassen County
220 S. Lassen Street
Susanville, CA 96130
mlatimer@co.lassen.ca.us

Dije Ndreu, Deputy District Attorney
Monterey County
1200 Aguajito Road
Monterey, CA 93940
Prop65DA@co.monterey.ca.us

Allison Haley, District Attorney
Napa County
931 Parkway Mall
Napa, CA 94559
CEPD@countyofnapa.org

Paul E. Zellerbach, District Attorney
Riverside County
3072 Orange Street
Riverside, CA 92501
Prop65@rivcoda.org

Anne Marie Schubert, District Attorney
Sacramento County
901 G Street
Sacramento, CA 95814
Prop65@sacda.org

Yen Dang, Supervising Deputy District Attorney
Santa Clara County
70 W Hedding St
San Jose, CA 95110
EPU@da.sccgov.org

Stephan R. Passalacqua, District Attorney
Sonoma County
600 Administration Dr
Sonoma, CA 95403
jlbarnes@sonoma-county.org


Phillip J. Cline, District Attorney
Tulare County
221 S Mooney Blvd
Visalia, CA 95370
Prop65@co.tulare.ca.us

Gregory D. Totten, District Attorney
Ventura County
800 S Victoria Ave
Ventura, CA 93009
daspecialops@ventura.org

Jeff W. Reisig, District Attorney
Yolo County
301 Second Street
Woodland, CA 95695
cfepd@yolocounty.org

On March 30, 2018, I served the following documents **(1) NOTICE OF VIOLATIONS OF THE CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.;** **(2) CERTIFICATE OF MERIT** on each of the parties on the Service List attached hereto by placing a true and correct copy thereof in a sealed envelope with postage fully prepaid for delivery by First Class Mail, addressed to each of the entities on the Service List attached hereto, and placing the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.

Executed on March 30, 2018, in Oakland, California.



Daniel Charlier-Smith

Service List

District Attorney, Alameda County
1225 Fallon Street, Suite 900
Oakland, CA 94612

District Attorney, Alpine County
P.O. Box 248
Markleeville, CA 96120

District Attorney, Amador County
708 Court Street
Jackson, CA 95642

District Attorney, Butte County
25 County Center Drive, Suite 245
Oroville, CA 95965

District Attorney, Calaveras County
891 Mountain Ranch Road
San Andreas, CA 95249

District Attorney, Colusa County
346 Fifth Street Suite 101
Colusa, CA 95932

District Attorney, Del Norte County
450 H Street, Room 171
Crescent City, CA 95531

District Attorney, El Dorado County
515 Main Street
Placerville, CA 95667

District Attorney, Fresno County
2220 Tulare Street, Suite 1000
Fresno, CA 93721

District Attorney, Glenn County
Post Office Box 430
Willows, CA 95988

District Attorney, Humboldt County
825 5th Street 4th Floor
Eureka, CA 95501

District Attorney, Imperial County
940 West Main Street, Ste 102
El Centro, CA 92243

District Attorney, Inyo County
P.O. Drawer D
Independence, CA 93526

District Attorney, Kern County
1215 Truxtun Avenue
Bakersfield, CA 93301

District Attorney, Kings County
1400 West Lacey Boulevard
Hanford, CA 93230

District Attorney, Lake County
255 N. Forbes Street
Lakeport, CA 95453

District Attorney, Los Angeles County
210 West Temple Street, Suite 18000
Los Angeles, CA 90012

District Attorney, Madera County
209 West Yosemite Avenue
Madera, CA 93637

District Attorney, Marin County
3501 Civic Center Drive, Room 130
San Rafael, CA 94903

District Attorney, Mariposa County
Post Office Box 730
Mariposa, CA 95338

District Attorney, Mendocino County
Post Office Box 1000
Ukiah, CA 95482

District Attorney, Merced County
550 W. Main Street
Merced, CA 95340

District Attorney, Modoc County
204 S Court Street, Room 202
Alturas, CA 96101-4020

District Attorney, Mono County
Post Office Box 617
Bridgeport, CA 93517

District Attorney, Nevada County
201 Commercial Street
Nevada City, CA 95959

District Attorney, Orange County
401 West Civic Center Drive
Santa Ana, CA 92701

District Attorney, Placer County
10810 Justice Center Drive, Ste 240
Roseville, CA 95678

District Attorney, Plumas County
520 Main Street, Room 404
Quincy, CA 95971

District Attorney, San Benito County
419 Fourth Street, 2nd Floor
Hollister, CA 95023

District Attorney, San Bernardino County
316 N. Mountain View Avenue
San Bernardino, CA 92415-0004

District Attorney, San Diego County
330 West Broadway, Suite 1300
San Diego, CA 92101

District Attorney, San Joaquin County
222 E. Weber Ave. Rm. 202
Stockton, CA 95202

District Attorney, San Luis Obispo County
1035 Palm St, Room 450
San Luis Obispo, CA 93408

District Attorney, San Mateo County
400 County Ctr., 3rd Floor
Redwood City, CA 94063

District Attorney, Santa Barbara County
1112 Santa Barbara Street
Santa Barbara, CA 93101

District Attorney, Santa Cruz County
701 Ocean Street, Room 200
Santa Cruz, CA 95060

District Attorney, Shasta County
1355 West Street
Redding, CA 96001

District Attorney, Sierra County
PO Box 457
Downieville, CA 95936

District Attorney, Siskiyou County
Post Office Box 986
Yreka, CA 96097

District Attorney, Solano County
675 Texas Street, Ste 4500
Fairfield, CA 94533

District Attorney, Stanislaus County
832 12th Street, Ste 300
Modesto, CA 95354

District Attorney, Sutter County
446 Second Street
Yuba City, CA 95991

District Attorney, Tehama County
Post Office Box 519
Red Bluff, CA 96080

District Attorney, Trinity County
Post Office Box 310
Weaverville, CA 96093

District Attorney, Tuolumne County
423 N. Washington Street
Sonora, CA 95370

District Attorney, Yuba County
215 Fifth Street, Suite 152
Marysville, CA 95901

Los Angeles City Attorney's Office
City Hall East
200 N. Main Street, Suite 800
Los Angeles, CA 90012

San Diego City Attorney's Office
1200 3rd Avenue, Ste 1620
San Diego, CA 92101

San Francisco, City Attorney
City Hall, Room 234
1 Dr Carlton B Goodlett PL
San Francisco, CA 94102

San Jose City Attorney's Office
200 East Santa Clara Street, 16th Floor
San Jose, CA 95113