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ALAMEDA COUNTY

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CLERK OF THE SUPERIOR COURT

By *[Signature]* Deputy

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ALAMEDA**

AS YOU SOW, a 501(c)(3) non-profit
corporation,

Plaintiff,

v.

HUEL LIMITED; and HUEL INC.; and
DOES 1-10,

Defendants.

Case No.: PC19010299

**COMPLAINT FOR CIVIL PENALTIES AND
INJUNCTIVE RELIEF**

(Health & Safety Code § 25249.6 et seq.)

INTRODUCTION

1. California's Safe Drinking Water and Toxic Enforcement Act ("Toxic Enforcement Act" or "the Act"), Health & Safety Code § 25249.5 et seq., prohibits any person in the course of doing business from knowingly and intentionally exposing any individual to a chemical known to the State of California to cause cancer or reproductive toxicity, without first giving clear and reasonable warning of such exposure. Health & Safety Code § 25249.6. This prohibition applies with equal force against business entities that produce, distribute, or sell consumer products, where the reasonable intended use of such products would result in an exposure to a known carcinogen or reproductive toxin.

2. On February 27, 1987, the State of California officially listed lead as a chemical known to the State to cause reproductive toxicity.

3. On May 1, 1997, the State of California officially listed cadmium as a chemical known to the State to cause reproductive toxicity.

4. On information and belief, Defendants Huel Inc. and Huel Limited (collectively "Huel" or "Defendants") produce, distribute, and/or sell Huel Vanilla-Flavored Protein Meal Replacement Powder, and Huel Unflavored Protein Meal Replacement Powder (collectively "Covered Products") to California residents through Defendants' own website, <https://huel.com/>, and the retail seller Amazon.com, <http://www.amazon.com>.

5. Lead and cadmium are present in the Covered Products. Consumers are exposed to lead and cadmium when they ingest the Covered Products.

6. Defendants have failed to provide a clear and reasonable warning that ingestion of the Covered Products will result in exposure to lead and cadmium, chemicals known to the State of California to cause reproductive toxicity. Accordingly, Plaintiff As You Sow seeks an order requiring that Defendants take measures to ensure that California consumers ingesting the Covered Products are not exposed to harmful levels of lead and cadmium, or provide a clear and reasonable warning that ingestion of the Covered Products will result in exposure to chemicals, namely lead and cadmium, known to the State of California to cause reproductive toxicity.

PARTIES

7. Plaintiff AS YOU SOW ("Plaintiff") is an Oakland-based non-profit corporation dedicated to, among other causes, the protection of the environment, toxics reduction, the promotion of and improvement of human health, the improvement of worker and consumer rights, environmental education, and corporate accountability. As You Sow brings this action on its own behalf and in the public interest pursuant to Health and Safety Code § 25249.7(d).

8. Defendant HUEL LIMITED is, on information and belief, a business entity with ten or more employees that has produced, distributed, and/or sold in California the following products: Huel Vanilla-Flavored Protein Meal Replacement Powder, and Huel Unflavored Protein Meal Replacement Powder. On information and belief, Defendant Huel Limited is incorporated in the United Kingdom.

9. Defendant HUEL INC. is, on information and belief, the legal business entity and authorized agent for Defendant Huel Limited in the United States. On information and belief, Huel Inc. is a business entity with ten or more employees that has produced, distributed, and/or sold in California the following products: Huel Vanilla-Flavored Protein Meal Replacement Powder, and Huel Unflavored Protein Meal Replacement Powder.

JURISDICTION AND VENUE

10. This Court has jurisdiction over this action pursuant to Article VI, § 10 of the California Constitution because this case is not a cause given by statute to other courts.

11. This Court has jurisdiction over Defendants because they are business entities that conduct sufficient business, have sufficient minimum contacts in, or otherwise intentionally avail themselves of the market in California through the manufacture, sale, distribution, and/or use of products in California.

12. Venue is proper in this Court because the obligation or liability arises, at least in part, in the County of Alameda.

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LEGAL BACKGROUND

13. In 1986, the voters of California overwhelmingly enacted the Safe Drinking Water and Toxic Enforcement Act. The Act is also commonly referred to as "Proposition 65."

14. The Preamble to the Toxic Enforcement Act ballot measure provides a clear statement of the purpose of the Act:

The people of California find that hazardous chemicals pose a serious potential threat to their health and well-being, that state government agencies have failed to provide them with adequate protection, and that these failures have been serious enough to lead to investigations by federal agencies of the administration of California's toxic protection programs. The people therefore declare their rights:

(a) To protect themselves and the water they drink against chemicals that cause cancer, birth defects, or other reproductive harm.

(b) To be informed about exposures to chemicals that cause cancer, birth defects, or other reproductive harm.

(c) To secure strict enforcement of the laws controlling hazardous chemicals and deter actions that threaten public health and safety

15. Among other requirements, the Toxic Enforcement Act 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, except as provided in Section 25249.10." Health & Safety Code § 25249.6.

16. The Toxic Enforcement Act establishes a procedure by which the State is to develop a list of chemicals "known to the State to cause cancer or reproductive toxicity." Health & Safety Code § 25249.8. No warning is required for a chemical until one year after the State lists the chemical. Health & Safety Code § 25249.10(b).

17. The Office of Environmental Health Hazard Assessment (OEHHA), which is part of the California Environmental Protection Agency (CalEPA), is the lead agency charged with implementing Proposition 65. Health & Safety Code § 25249.12. OEHHA has promulgated regulations implementing Proposition 65. *See 27 CCR § 25102 et seq.*

1 18. On February 27, 1987, lead was placed on OEHHA's list of chemicals known to
2 the State to cause reproductive toxicity. 27 CCR § 27001(b).

3 19. On May 1, 1997, cadmium was placed on OEHHA's list of chemicals known to
4 the State to cause reproductive toxicity. 27 CCR § 27001(b).

5 20. According to applicable regulations, a warning for consumer product exposure is
6 "clear and reasonable" if it is "prominently displayed on a label, labeling, or sign, ... with such
7 conspicuousness as compared with other words, statements, designs or devices on the label,
8 labeling, or sign, as to render the warning likely to be read and understood by an ordinary
9 individual under customary conditions of purchase or use." 27 CCR § 25601(c); *see also Dowhal*
10 *v. SmithKline Beecham Consumer Healthcare* (2004) 32 Cal.4th 910, 918 ("The warning may be
11 communicated through product labeling, point-of-sale signs, or public advertising.").

12 21. According to applicable regulations, for internet purchases, a warning "must be
13 provided by including either the warning or a clearly marked hyperlink using the word
14 '**WARNING**' on the product display page, or by otherwise prominently displaying the warning
15 to the purchaser *prior to completing the purchase.*" 27 CCR § 25602(b) (bold in original)
16 (emphasis in italics added).

17 22. According to applicable regulations, a warning for consumer product exposure
18 must include the following elements:

19 (1) A symbol consisting of a black exclamation point in a yellow equilateral
20 triangle with a bold black outline. Where the sign, label or labeling for the product
21 is not printed using the color yellow, the symbol may be printed in black and
22 white. The symbol shall be placed to the left of the text of the warning, in a size
23 no smaller than the height of the word "WARNING".

24 (2) The word "WARNING" in all capital letters and bold print, and:

25 ... (B) For exposures to listed reproductive toxicants, the words, "This product
26 can expose you to [name of one or more chemicals], a chemical [or chemicals]
27
28

1 known to the State of California to cause birth defects or other reproductive harm.

2 For more information go to www.P65Warnings.ca.gov/product.”¹

3 23. A consumer product exposure is “an exposure that results from a person’s
4 acquisition, purchase, storage, consumption, or any reasonably foreseeable use of a consumer
5 product, including consumption of a food.” 27 CCR § 25600.1(d).

6 24. An exposure is knowing if the person or entity responsible for the exposure had or
7 has “knowledge of the fact that . . . exposure to a chemical listed pursuant to Section 24249.8(a)
8 of the Act is occurring.” 27 CCR § 25102(n).

9 25. This Court has authority to enjoin “[a]ny person that violates or threatens to
10 violate [Health & Safety Code § 25249.6],” and to impose civil penalties “not to exceed two
11 thousand five hundred dollars (\$2,500) per day for each violation in addition to any other penalty
12 established by law.” Health & Safety Code § 25249.7. “Threaten to violate” is defined to mean
13 “to create a condition in which there is a substantial probability that the violation will occur.
14 Health and Safety Code § 25249.11((e).

15 26. Private parties are entitled to bring an action to enforce the Act under Health &
16 Safety Code § 25249.7(d).

17 **FACTUAL BACKGROUND**

18 27. Plaintiff’s testing at an independent laboratory demonstrates that the Covered
19 Products contain lead and cadmium.

20 28. Since at least July 30, 2017, Defendants have produced, distributed, and/or sold
21 the Covered Products in the State of California. The Covered Products are part of a line of meal
22 replacement products under Defendants’ brand name Huel.

23 29. Defendants have had knowledge that the Covered Products they produce,
24 distribute, and/or sell in California contain lead and cadmium.

25 30. The primary route of exposure to lead and cadmium from Defendants’ products is
26 ingestion. This exposure to hazardous lead and cadmium results from the intended and
27 reasonably foreseeable use of the Covered Products.

28 ¹ 27 CCR 25603(a).

1 31. On Defendants' website, <https://huel.com>, Defendants describe the Covered
2 Products as a "nutritionally complete food,"² and suggest that consumers "replace
3 time-pressured, weekly meals like breakfast and lunch"³ with its products, including the Covered
4 Products. The product display page of the Covered Products advertises the Covered Products as
5 "Complete nutrition. Simply delivered."⁴ It also describes the Covered Products, under the
6 heading "vitamins & minerals,"⁵ as containing "[i]deal amounts of all the 27 essential vitamins
7 and minerals,"⁶ without disclosing that the Covered Products also contain lead and cadmium.

8 32. On Amazon.com, Defendants market the Covered Products as a "super
9 convenient complete food."⁷ Under the "About the product" section on the Amazon.com product
10 display page, Defendants state that the Covered Products "provides an optimum balance of
11 proteins, carbs, essential fats, fiber and all 27 essential vitamins and minerals,"⁸ but does not
12 disclose that the Covered Products contain lead and cadmium.

13 33. On information and belief, since at least July 30, 2017, Defendants have
14 produced, distributed, and/or sold the Covered Products within the State of California without
15 providing a clear and reasonable warning, as required by the Toxic Enforcement Act, that the
16 intended and reasonably foreseeable use of the Covered Products will result in consumers'
17 exposure to a chemical known to the State of California to cause reproductive toxicity and birth
18 defects ("Toxic Enforcement Act warning").

19 34. On information and belief, since at least February 22, 2019, Defendants have
20 begun displaying a Toxic Enforcement Act warning in the form of a hyperlink with the text
21 "WARNING: California Proposition 65" on the product display pages of the Covered Products
22

23 ² <https://huel.com/> (last visited March 28, 2019).

24 ³ <https://huel.com/pages/how-to-use> (last visited March 28, 2019).

25 ⁴ <https://huel.com/products/huel> (last visited March 29, 2019).

26 ⁵ *Id.*

27 ⁶ *Id.*

28 ⁷ https://www.amazon.com/Huel-Starter-Kit-Nutritionally-Complete/dp/B07B5BG46D?ref_=bl_dp_s_web_17729162011&th=1 (last visited March 28, 2019).

⁸ *Id.*

1 on Defendants' own website, <https://huel.com/>. The warning text is not "clear and reasonable,"
2 as required by the Act, because it does not conform to the warning elements required by the
3 applicable regulations, and because is not "display[ed] ... to the purchaser prior to completing
4 the purchase." 27 CCR § 25602(b); *id.* at § 25603(a). A true and correct copy of 14 screenshots
5 taken from Defendants' website as of March 28, 2019 are attached as Exhibit 1 to this
6 Complaint.

7 35. The warning text is not prominently displayed to the purchaser prior to
8 completing purchase of the Covered Products on Defendant's website. The hyperlink with the
9 text "WARNING: California Proposition 65" appears only in one place: at the very bottom of the
10 product display page. The hyperlink with warning text is not shown near the text box on the right
11 side of the product display page where a consumer can immediately purchase the Covered
12 Products, so one can purchase the products without ever seeing the warning. *See* Ex. 1, figs. 2-3.
13 The hyperlink with the warning text is only displayed after scrolling through multiple sections: a
14 product description section, a section displaying icons of media outlets where Huel's products
15 have been featured, a section detailing "Benefits of Huel," and section containing a picture of a
16 large Huel water bottle with surrounding texts advertising the products' various nutrients and
17 ingredients, as well as claims about its health benefits. The hyperlink with warning text is only
18 shown beneath two hyperlinked text boxes titled "Nutrition information" and "Ingredient
19 information."⁹ *See* Ex. 1, figs. 2-5. The hyperlink with the warning text appears in a smaller font
20 size than other headings and texts on the page. *See* Ex. 1, fig. 5. The warning text fails to bold
21 the word "Warning," as required by 27 CCR § 25602(b). The words "Proposition 65" are added
22 after "Warning." *See* Ex. 1, fig. 5. Moreover, a consumer may, and is likely to, purchase the
23 product directly through an "add to cart" function on the first product screen they see without
24 ever seeing the warning text. *See* Ex. 1, figs. 7-14.

25 36. On July 30, 2018, Plaintiff served Defendants with written notices of violation
26 stating that Defendants had violated Proposition 65 by exposing individuals to lead and cadmium
27

28 ⁹ <https://huel.com/products/huel?flv=H-ORIG-VA&num=2> (last visited March 28, 2019).

1 in the Covered Products without providing a clear and reasonable warning. True and correct
2 copies of Plaintiff's sixty-day notices are attached as Exhibit 2 to this Complaint.

3 37. Also on July 30, 2018, Plaintiff provided notice of the violation to the Attorney
4 General and the district attorneys and city attorneys in whose jurisdiction the violations are
5 alleged to have occurred.

6 38. Defendants have knowingly and intentionally exposed consumers to lead and
7 cadmium. The exposure has been knowing and intentional because they result from Defendants'
8 production, distribution and/or sale of the Covered Products that contain lead and cadmium, with
9 knowledge that reasonably foreseeable use of the Covered Products will result in consumers'
10 exposure to chemicals, namely lead and cadmium, known to the State of California to cause birth
11 defects or other reproductive harm.

12 39. In accordance with Health and Safety Code section 25249.7(d), this action is
13 being commenced more than 60 days from the date that As You Sow provided notice of the
14 violation of Health and Safety Code section 25249.6 alleged herein to the Attorney General and
15 the district attorneys and city attorneys in whose jurisdiction the violations are alleged to have
16 occurred, and to Defendants. The notices provided to Defendants included certificates of merit
17 that complied with the requirements of Health and Safety Code section 25249.7(d)(1). Factual
18 information sufficient to establish the basis of the certificate of merit was attached to the
19 certificate of merit served on the Attorney General.

20 40. Neither the Attorney General, any district attorney, any city attorney, nor any
21 other public prosecutor has commenced and is diligently prosecuting an action against the
22 violations alleged herein.

23 **FIRST CAUSE OF ACTION**
24 **(Violation of Health & Safety Code § 25249.6)**

25 41. Plaintiff re-alleges and incorporates by reference all the allegations set forth in
26 this Complaint.

27 42. By committing the acts alleged above, Defendants have, in the course of doing
28 business, knowingly and intentionally exposed individuals to chemicals known to the State of

1 California to cause reproductive toxicity without first giving clear and reasonable warning to
2 such individuals, within the meaning of Health and Safety Code section 25249.6.

3 43. These actions violate Health and Safety Code section 25249.6 and render
4 Defendants liable for civil penalties up to \$2,500 per day for each violation, as well as other
5 remedies.

6 **PRAYER FOR RELIEF**

7 WHEREFORE, Plaintiff prays that the Court:

8 A. Grant civil penalties to be paid by Defendants for each violation of Health &
9 Safety Code § 25249.6;

10 B. Pursuant to Health and Safety Code §25249.7, enter such injunctions or other
11 orders as are necessary to prevent Defendants from exposing persons within the State of
12 California to known reproductive toxins resulting from the reasonably foreseeable use of the
13 Covered Products without providing a clear and reasonable warning calculated to ensure that the
14 warning message is available to individuals prior to exposure;

15 C. Award Plaintiff reasonable attorneys' fees and costs; and,

16 D. Grant such other and further relief as the Court deems just and proper.

17
18
19 Respectfully submitted,

20
21 Dated: April 24, 2019

AS YOU SOW

22 By: Sylvia Shih-Yau Wu
23 SYLVIA SHIH-YAU WU
24 DANIELLE R. FUGERE
AS YOU SOW

25 *Attorneys for Plaintiff*
26
27
28

EXHIBIT 1

Figure 1. Huel's website, <https://huel.com>

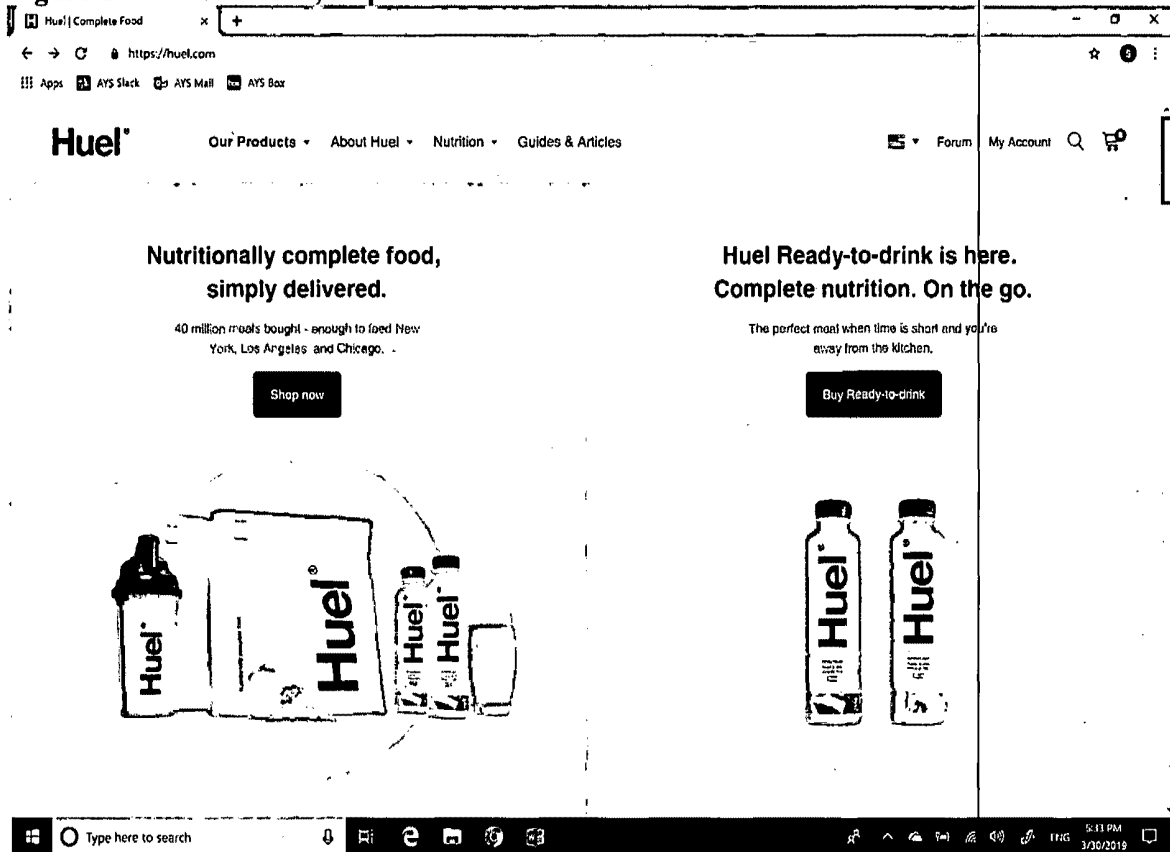


Figure 2. Huel's powder products display page

Huel Our Products ▾ About Huel ▾ Nutrition ▾ Guides & Articles ▾ Forum My Account 🔍 🛒

**FREE SHAKER AND FREE T-SHIRT
WITH ALL FIRST ORDERS OF HUEL POWDER**

Huel Powder v1.1

☐ Single Purchase ☒ Subscribe 14% off

Chocolate Rich and indulgent chocolate flavor	1	+
Vanilla The original Huel vanilla flavor	1	+
Berry Sweet strawberry, raspberry and blueberry flavor	0	+
Unflavored & Unsweetened No flavor and no sweetener	0	+

Natural Flavor Boost & Taster Pack
Try all 8 of our flavor samples at half price! ~~\$4.00~~ \$2.50 ☐

Delivery Every :
4 Weeks (Most Common) ▾

https://huel.com/products/huel-natural-flavor-boost-8-taster-pack

Type here to search

1:14 PM
3/29/2019

Figure 3. Huel's powder product display page (cont'd)

The screenshot shows the Huel website's product page for a powdered food product. The page features a navigation bar with links to 'Our Products', 'About Huel', 'Nutrition', and 'Guides & Articles'. A search bar and a shopping cart icon are also present. The main content area displays a row of product images, followed by a subscription offer for '4 Weeks (Most Common)'. The offer includes a price of '\$59.40' (reduced from '\$66.00') and a 'Subscribe' button. Below the subscription offer, there is a section titled 'Benefits of Huel' with four key points: 'Complete nutrition' (Huel contains all 27 essential vitamins and minerals), 'Save time' (Prepare a complete and tasty meal in seconds), 'Save money' (From only \$1.77 per meal, Subscribe to save), and 'Vegan' (Huel contains no animal products, with minimal environmental impact). The page also features a section 'As seen on:' with logos for various media outlets including Business Insider, CNBC, CNN, Forbes, Highsnobiety, The Guardian, The New York Times, and Wired. The footer includes a search bar and a Windows taskbar showing the date as 3/29/2019.

Huel® Our Products • About Huel • Nutrition • Guides & Articles

Delivery every: 4 Weeks (Most Common)

Cancel anytime. No fees. Learn more about our subscription service here.

34 meals / 13600 calories
Only \$1.75 per meal

~~\$66.00~~ \$59.40

Subscribe

FREE shipping

As seen on:

BUSINESS INSIDER CNBC CNN Forbes HIGHSNOBIETY theguardian THE NEW YORK TIMES WIRED

Benefits of Huel

- Complete nutrition**
Huel contains all 27 essential vitamins and minerals, and much more.
- Save time**
Prepare a complete and tasty meal in seconds.
- Save money**
From only \$1.77 per meal. Subscribe to save.
- Vegan**
Huel contains no animal products, with minimal environmental impact.

Type here to search

1:15 PM 3/29/2019

Figure 4. Huel's powder products display page (cont'd)

Huel Our Products ▾ About Huel ▾ Nutrition ▾ Guides & Articles ▾ Forum ▾ My Account ▾

Complete nutrition. Simply delivered.

Vitamins & minerals

Ideal amounts of all the 27 essential vitamins and minerals, to give your body all the precious micronutrients it needs.

High-protein

A 500-calorie Huel meal contains 36g of high-quality, 100% plant-based protein, with a perfect amino acid profile.

Slow-release carbs

Filled with low-GI, slow-release carbs to give you sustained energy throughout your day.

Essential fatty acids

Balanced omega-3, omega-6 and monounsaturated fats, creating an excellent fatty acid profile.

High-fiber

Made with soluble and insoluble fiber, keeping you full and your digestive system healthy.

Phytonutrients

Packed full of great stuff from plants, with proven beneficial effects on your health.

Windows Taskbar: Type here to search | 11:16 AM 3/29/2019

Figure 5. Huel's powder products display page (cont'd), with Proposition 65 warning.

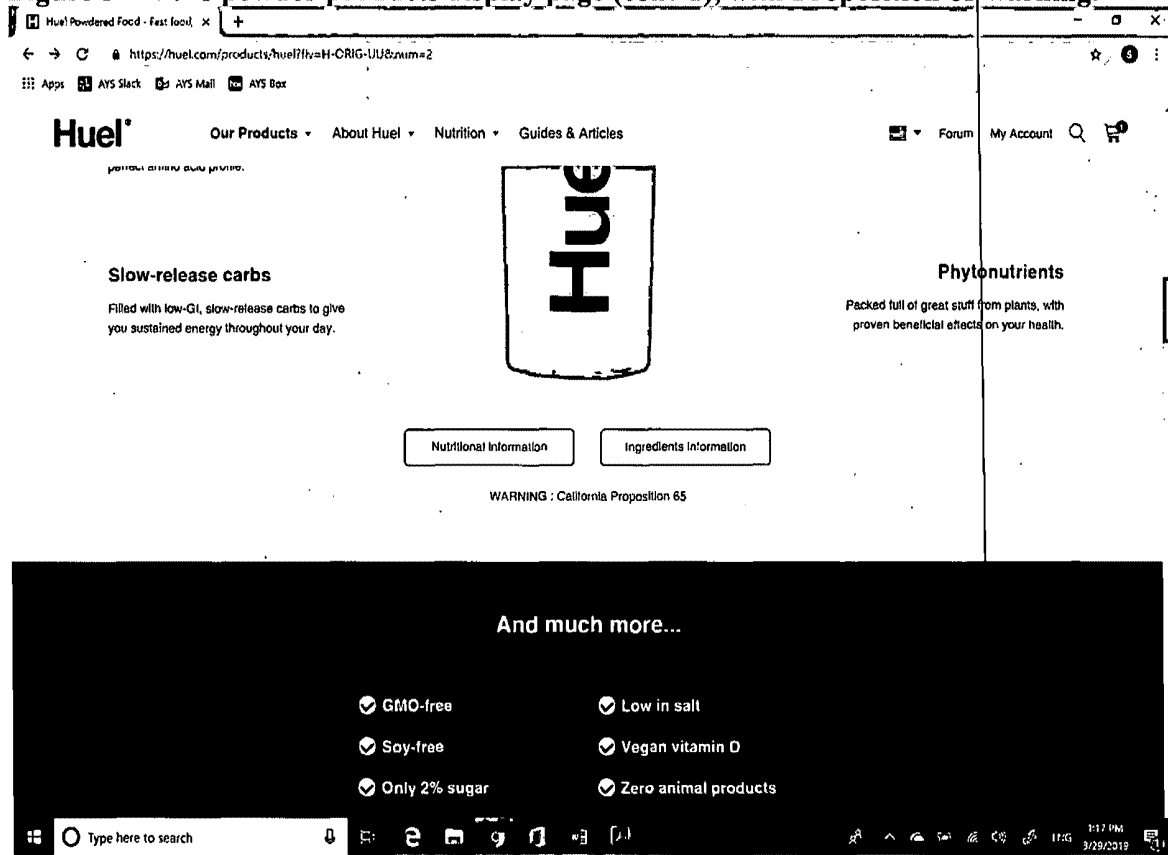


Figure 6. Huel's Proposition 65 warning page, California Proposition 65 & Huel

Huel Our Products ▾ About Huel ▾ Nutrition ▾ Guides & Articles ▾ Forum My Account 🔍 🛒

California Proposition 65 & Huel Products

WARNING: Consuming this product can expose you to chemicals including lead, which is known to the State of California to cause cancer and birth defects or other reproductive harm. For more information go to: www.P65Warnings.ca.gov/food.

Why Huel is Safe

With Huel, our number one priority is the health and well-being of our customers, which is why you can always expect the highest quality products. Our quality standards include us regularly testing our products for the presence of heavy metals. To be clear, Huel is not in violation of any product safety standards, and our checks meet all high quality expectations. Huel products are manufactured in FDA-approved facilities that follow federally regulated current Good Manufacturing Practices (cGMP). No changes to our formula are mandated by law, and we stand by the quality and safety of all Huel products.

Levels of lead in Huel compared with some commonly consumed foods

	Lead
Huel powder /100g*	0.02ppm**
Chicken, tortilla wrap with potato chips & water	0.1ppm
Salmon, rice & mixed veg	0.08ppm
Fruit yogurt, strawberries & honey	0.21ppm
Tuna, cucumber & mayo Sandwich	0.251ppm

*based on Huel v1.0 North American formula
 **ppm means "parts per million" and is a measurement of how much of a substance is present

Type here to search

1:18 PM 3/29/2019

Figure 7. Search results on Huel's website using search phrase "vanilla powder"

The screenshot shows a web browser window displaying the Huel website's search results for the query "vanilla powder". The browser's address bar shows the URL: <https://huel.com/pages/search-results?q=vanilla%20powder>. The website's header includes the Huel logo, navigation links (Our Products, About Huel, Nutrition, Guides & Articles), and user account options (My Account, Forum, Search, Shopping Cart). The main content area is titled "Search Results" and features a filter bar with tabs for Categories, Price, Type, Bags, and Bottles. Below the filter bar, there are tabs for "Products (7)" and "Articles (49)". The "Products (7)" tab is selected, showing four product listings, each with a promotional banner that reads "FREE SHIRT AND FREE T-SHIRT WITH ALL FIRST ORDERS OF ANY PRODUCT". The products listed are:

- Huel Powder Vanilla from \$25.70
- Huel Powder v1.1 from \$66.00
- Huel Powder Berry from \$25.70
- Huel Powder Chocolate from \$25.70

The bottom of the screenshot shows the Windows taskbar with the search bar, taskbar icons, and system clock displaying 1:19 PM on 3/29/2019.

Figure 8. Direct “add to cart” purchase option from Huel’s search results page – no Proposition 65 warning

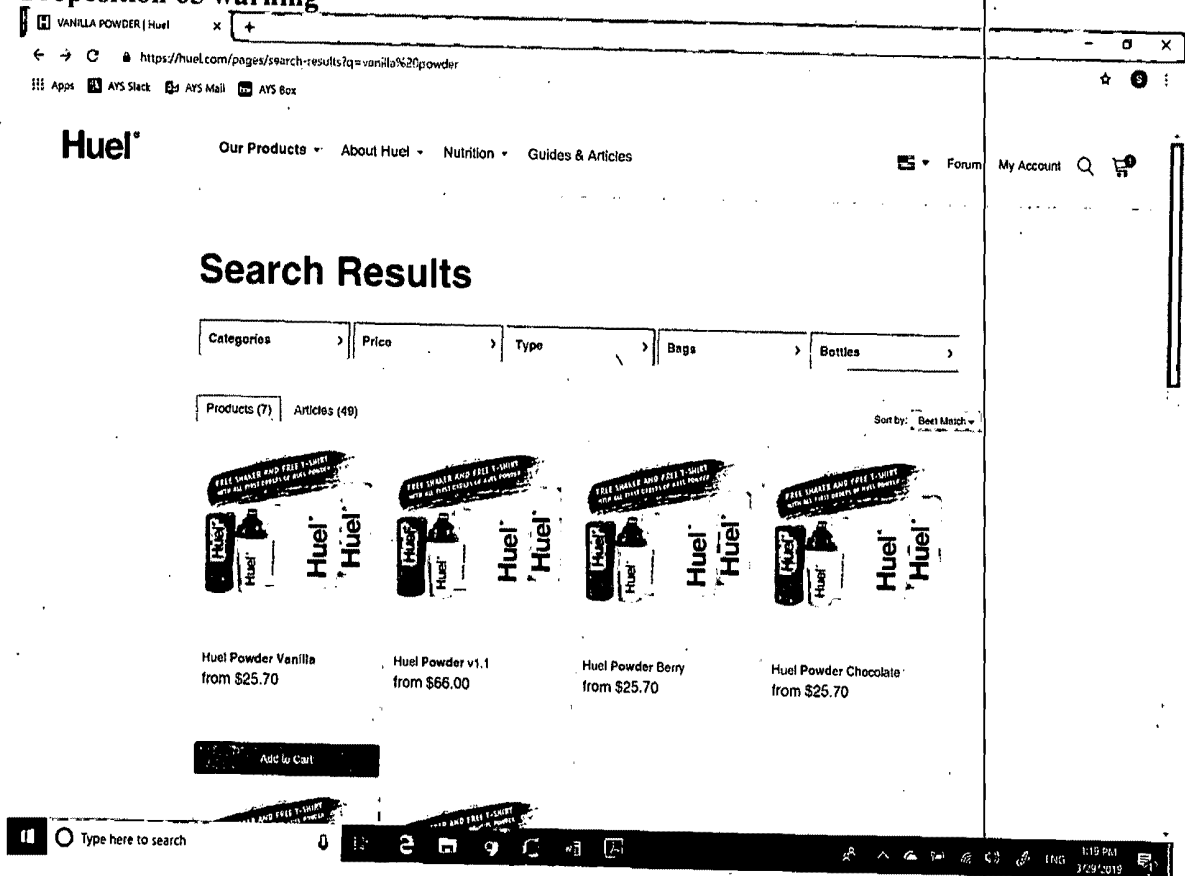



Figure 9. Huel's shopping cart page – no Proposition 65 warning

Huel Our Products ▾ About Huel ▾ Nutrition ▾ Guides & Articles ▾ Forum ▾ My Account ▾

Your cart

Cart icon

PRODUCT	QTY	PRICE
 Huel Powder Vanilla	<input type="text" value="1"/> Remove	\$33.00




Total

\$33.00

[Update Cart](#)

[Secure Checkout](#)

AS SEEN ON



BUSINESS INSIDER   Forbes  theguardian THE NEW YORK TIMES


WIRED

SPECIAL INSTRUCTIONS

Add notes about your order here. Shipping Instructions can be added using the tracking link you will receive in your shipping confirmation email.

Been referred by a friend?

VISA  Apple Pay 

 **amazon payments**

Amazon Payments and Apple Pay accepted for one-time orders only.

Type here to search

10:00 AM 3/29/2019

Figure 10. Huel's shopping cart page (cont'd) – no Proposition 65 warning

Customer Information - Huel - C x



https://huel.com/13745287/checkouts/7492ebc36c3e7de626aacd50642ebb8c?_ga=2.2921456.1594678444.1553887644-1922382613.1553887644

Apps AYS Slack AYS Mail AYS Box

Huel®

Cart > Customer information > Shipping method > Payment method > Review order

Express checkout

 PayPal  amazon pay

OR

Contact information Already have an account? Log in

Email

☒ Keep me up to date on news and exclusive offers


Shipping address


First name Last name

Company (optional)

Address

Apartment, suite, etc. (optional)

 Huel Powder Vanilla \$33.00

Discount code 

Subtotal \$33.00

Shipping Calculated at next step

Total Including \$2.87 in taxes USD \$33.00

Type here to search

11:21 PM 3/29/2019

Figure 11. Huel's shopping cart check-out page, shipping information, personal information redacted – no Proposition 65 warning

The screenshot displays a web browser window with the URL `https://huel.com/13745287/checkouts/7492ebc36c3e7de626a0d50642ebb8c?step=contact_information`. The page title is "Customer Information - Huel". The browser's address bar shows the URL, and the top navigation bar includes links for "Apps", "AYS Slack", "AYS Mail", and "AYS Box".

The main content area is titled "Shipping address" and contains several input fields for personal information. The "First name" and "Last name" fields are redacted with black boxes. The "Company (optional)" field is empty. The "Address" field is redacted. The "Apartment, suite, etc. (optional)" field is empty. The "City" field contains the text "Berkeley". The "Country/Region" dropdown menu is set to "United States", the "State" dropdown menu is set to "California", and the "ZIP code" field contains "94705". The "Phone (optional)" field is empty.

Below the shipping address fields, there is a checkbox labeled "Save this information for next time" which is unchecked. At the bottom of the form, there are two buttons: "Return to cart" and "Continue to shipping method".

The footer of the page includes links for "Privacy policy" and "Terms of service". The browser's status bar at the bottom shows the time as 1:22 PM on 3/29/2019.

Figure 12. Huel's shopping cart check-out page, shipping information, personal information redacted (cont'd) – no Proposition 65 warning

The screenshot shows the Huel website's checkout process. The browser address bar displays the URL: https://huel.com/13745287/checkouts/7492ebc36c3e7deb626a5cd50642ebb8c?previous_step=contact_information&step=shipping_method. The page features the Huel logo and a breadcrumb trail: Cart > Customer information > Shipping method > Payment method > Review order.

Contact Information:

- Contact: [Redacted] [Change](#)
- Ship to: [Redacted] Berkeley CA 94705, United States [Change](#)

Shipping method:

- ☒ USA Shipping [Free](#)

Discount code: [Redacted]

Order Summary:

Subtotal	\$33.00
Shipping	Free
Total Including \$2.23 in taxes	USD \$33.00

At the bottom, there are links for [Privacy policy](#) and [Terms of service](#). The Windows taskbar at the bottom shows the search bar with the text "Type here to search" and the system clock indicating 10:21 PM on 1/29/2019.

Review order - Huel - Checkout

https://huel.com/13745287/checkouts/7492ebc36c3e7de626a4cd50642ebb8c7previous_step=payment_method&step=review

Apps AYS Slack AYS Mail AYS Box

Huel®

Review order

Contact

Change

Ship to

Berkeley CA 94705
United States

Change

Method

USA Shipping - Free
No other methods available

Payment

Change

Subtotal

\$33.00

Shipping

Free

Total
Including \$2.23 in taxes

USD **\$33.00**

Return to payment methods

Complete order

Huel Powder Vanilla

\$33.00

Discount code

Apply

Subtotal

\$33.00

Shipping

Free

Total
Including \$2.23 in taxes

USD **\$33.00**

Figure 14. Huel's shopping cart check-out page, final order confirmation, personal information redacted – no Proposition 65 warning

The screenshot displays the Huel website's checkout process. The browser address bar shows the URL: https://huel.com/13745287/checkouts/7492ebc36c3e7de626eacd50642ebb8c/thank_you. The page features the Huel logo and a confirmation message: "Order #348615-US Thank you [redacted]". A Google Map shows the shipping address as Berkeley, California. The order is confirmed, and the user is informed they will receive a confirmation email. Below this, there is a section for "Order updates" with a checkbox for "Get shipping updates by text". A note at the bottom asks the user to "Please select shipping address" to ensure prompt and accurate delivery. On the right side, a summary of the order is provided:

Item	Price
Huel Powder Vanilla	\$33.00
Subtotal	\$33.00
Shipping	Free
Total Including \$2.23 in taxes	USD \$33.00

The Windows taskbar at the bottom shows the time as 1:26 PM on 3/29/2019.

EXHIBIT 2

July 30, 2018

Huel Limited
James McMaster
Chief Executive Officer
Unit 5, Midshires Business Park
Smeaton Close, Aylesbury
Buckinghamshire, HP19 8HL, England

Re: NOTICE OF VIOLATION OF CALIFORNIA HEALTH AND SAFETY CODE
SECTION 25249.5 ET SEQ.

Dear Mr. McMaster:

As You Sow ("AYS") is a 501(c)(3) non-profit corporation dedicated to, among other causes, toxics reduction, the promotion of and improvement of human health, the improvement of worker and consumer rights, environmental education and the protection of the environment, and corporate accountability. AYS is based in Oakland, California, and was incorporated in 1992 under the laws of the State of California.

AYS has documented violations of California's Safe Drinking Water & Toxic Enforcement Act of 1986 ("Proposition 65"), codified at Health & Safety Code section 25249.5 et seq. This letter serves to provide AYS' notification of these violations to Huel Limited, the violator. Pursuant to section 25249.7(d) of the statute, AYS intends to bring an enforcement action sixty days after effective service of this notice unless the public enforcement agencies have commenced and are diligently prosecuting an action to rectify these violations.

A summary of the statute and its implementing regulations, which was prepared by the lead agency designated under the statute, is enclosed with the notices served upon the violators. The specific details of the violations that are the subject of this notice are provided below.

Alleged violator(s). The name of the violator covered by this notice is:

- Huel Limited

Chemicals. The violations involve exposures to lead and/or cadmium from the products listed below. The State of California has officially listed lead and cadmium as chemicals known to cause birth defects or reproductive harm. See Chemicals Known to the State to Cause Cancer or Reproductive Toxicity, available at http://oehha.ca.gov/prop65/prop65_list/Newlist.html.

Consumer products. The products that are the subject of this notice are nutritional, protein, or meal replacement powder or drink that contain lead and/or cadmium and are, at any time, manufactured, distributed, or sold by the alleged violators, including but not limited to the following:

- Huel, Vanilla Flavor, which is manufactured, distributed and/or sold in California by Huel Limited or Huel Inc.

Route of exposure. Use of the products identified in this notice result in human exposures to lead and cadmium. The route of exposure is ingestion. No clear and reasonable warning is provided with the products regarding the reproductive hazards of lead or cadmium.

Duration of violation. These ongoing violations have occurred on every day since at least July 30, 2017, as well as every day since the products were introduced in the California marketplace, and will continue every day until clear and reasonable warnings are provided to product purchasers and users or until these known toxic chemicals are removed from the products.

Pursuant to Title 11, Cal. Code Regs. section 3100, a certificate of merit is attached hereto.

In keeping with its public interest mission and to expeditiously rectify this ongoing violation of California law, AYS is interested in seeking a constructive resolution of this matter without engaging in costly and protracted litigation. You may communicate directly with AYS to discuss an early resolution of this matter by contacting:

Sylvia Wu
Staff Attorney
As You Sow
1611 Telegraph Ave., Ste. 1450
Oakland, CA 94612
Tel: (510) 735-8156
Email: swu@asyousow.org

Sincerely,

A handwritten signature in black ink, appearing to read "Sylvia Wu", followed by a horizontal line.

Sylvia Wu

July 30, 2018

Huel Inc.
Julian Richard Hearn
Chief Executive Officer
925 N. La Brea Ave, 4th Floor
Los Angeles, CA 90038

Re: NOTICE OF VIOLATION OF CALIFORNIA HEALTH AND SAFETY CODE
SECTION 25249.5 ET SEQ.

Dear Mr. Hearn:

As You Sow ("AYS") is a 501(c)(3) non-profit corporation dedicated to, among other causes, toxics reduction, the promotion of and improvement of human health, the improvement of worker and consumer rights, environmental education and the protection of the environment, and corporate accountability. AYS is based in Oakland, California, and was incorporated in 1992 under the laws of the State of California.

AYS has documented violations of California's Safe Drinking Water & Toxic Enforcement Act of 1986 ("Proposition 65"), codified at Health & Safety Code section 25249.5 et seq. This letter serves to provide AYS' notification of these violations to Huel Inc., the violator. Pursuant to section 25249.7(d) of the statute, AYS intends to bring an enforcement action sixty days after effective service of this notice unless the public enforcement agencies have commenced and are diligently prosecuting an action to rectify these violations.

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Alleged violator(s). The name of the violator covered by this notice is:

- Huel Inc.

Chemicals. The violations involve exposures to lead and/or cadmium from the products listed below. The State of California has officially listed lead and cadmium as chemicals known to cause birth defects or reproductive harm. *See* Chemicals Known to the State to Cause Cancer or Reproductive Toxicity, available at http://oehha.ca.gov/prop65/prop65_list/Newlist.html.

Consumer products. The products that are the subject of this notice are nutritional, protein, or meal replacement powder or drink that contain lead and/or cadmium and are, at any time, manufactured, distributed, or sold by the alleged violators, including but not limited to the following:

- Huel, Vanilla Flavor, which is manufactured, distributed and/or sold in California by Huel Limited or Huel Inc.

Route of exposure. Use of the products identified in this notice result in human exposures to lead and cadmium. The route of exposure is ingestion. No clear and reasonable warning is provided with the products regarding the reproductive hazards of lead or cadmium.

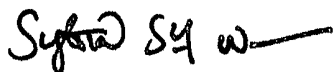
Duration of violation. These ongoing violations have occurred on every day since at least July 30, 2017, as well as every day since the products were introduced in the California marketplace, and will continue every day until clear and reasonable warnings are provided to product purchasers and users or until these known toxic chemicals are removed from the products.

Pursuant to Title 11, Cal. Code Regs. section 3100, a certificate of merit is attached hereto.

In keeping with its public interest mission and to expeditiously rectify this ongoing violation of California law, AYS is interested in seeking a constructive resolution of this matter without engaging in costly and protracted litigation. You may communicate directly with AYS to discuss an early resolution of this matter by contacting:

Sylvia Wu
Staff Attorney
As You Sow
1611 Telegraph Ave., Ste. 1450
Oakland, CA 94612
Tel: (510) 735-8156
Email: swu@asyousow.org

Sincerely,

A handwritten signature in black ink, appearing to read "Sylvia Wu", followed by a horizontal line.

Sylvia Wu

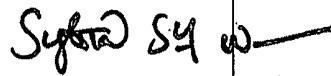
CERTIFICATE OF MERIT

(for As You Sow's Notice of Proposition 65 Violations on Huel Limited & Huel Inc.)

I, Sylvia Wu, declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged that the parties in the notice have violated section 25249.6 of the Health and Safety Code by failing to provide clear and reasonable warnings.
2. I am Staff Attorney for the noticing party.
3. I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding exposure to the listed chemical that is the subject of the action.
4. Based on the information obtained through those consultations, and on all 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 will be able to establish any of the affirmative defenses set forth in the statute.
5. The copy of this Certificate of Merit served on the Attorney General has attached to it to it factual information sufficient to establish the basis for this certificate, including the information identified in section 25249.7(h)(2) of the Health and Safety Code, 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: July 30, 2018



Sylvia Wu

Enclosure (For Attorney General Copy only)

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 and over the age of 18 years. My business address is: 1611 Telegraph Ave., Ste. 1450, Oakland, CA 94612.

On July 30, 2018, I served the following documents:

- Notice of Violation of California Health & Safety Code section 25249.5 et seq.
- Certificate of Merit
- "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary"

on the following parties by placing a true and correct copy thereof in a sealed envelope, addressed to the party listed below, and depositing it at a United States Postal Service Office for delivery by Certified Mail:

Huel Limited
James McMaster, CEO
Unit 5, Midshires Business Park
Smeaton Close, Aylesbury
Buckinghamshire, HP19 8HL, England

Huel Inc.
Julian Richard Hearn, CEO
925 N. La Brea Ave, 4th Floor
Los Angeles, CA 90038

On July 30, 2018, I served the following documents:

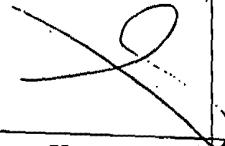
- Notice of Violation of California Health & Safety Code section 25249.5 et seq.
- Certificate of Merit

on each of the District Attorneys on the service list attached hereto either (1) by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties on the service list attached hereto and depositing it at a United States Postal Service mail box for delivery by First Class Mail, or (2) via electronic service to the email addresses listed. The specific method of delivery is indicated in the service list.

On July 30, 2018, I served the following documents on the Attorney General using the Attorney General's Proposition 65 electronic Notice Filing Form (<https://oag.ca.gov/prop65/add-60-day-notice>):

- Notice of Violation of California Health & Safety Code section 25249.5 et seq.
- Certificate of Merit, including Supporting Documentation Required by Title 11, C.C.R. § 3102

Executed on July 30, 2018 at Oakland, California.



Kwan Hong Teoh