

2-11-20;13:44 ;Khansari Law

;14242486689

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**SUMMONS
(CITACION JUDICIAL)**

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

JUSTIN'S, LLC; and DOES 1 to 50

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

THE CHEMICAL TOXIN WORKING GROUP INC.

SUM-100

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

FILED BY FAX

ALAMEDA COUNTY

December 11, 2020

CLERK OF
THE SUPERIOR COURT
By Joanne Downie, Deputy

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate those nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen este citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le queda más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desochar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): Alameda County Superior Court
Oakland, Rene C. Davidson Alameda County Courthouse
1225 Fallon Street, Oakland, California 94612

CASE NUMBER:
(Número del Caso):

RG20082547

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Andre A. Khansari, Khansari Law Corporation, 11845 W. Olympic Blvd., Suite 1000, Los Angeles, CA 90064

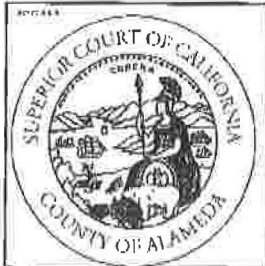
DATE:
(Fecha) December 11, 2020

Clerk, by *Maureen J. Downie*, Deputy
(Secretaria) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

- 1. as an individual defendant.
- 2. as the person sued under the fictitious name of (specify):
- 3. on behalf of (specify):
 - under: CCP 416.10 (corporation) CCP 416.60 (minor)
 - CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 - CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 - other (specify): _____
- 4. by personal delivery on (date):



'2-11-20;13:44 ;Khansari Law

;14242486689

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1 Andre A. Khansari, Esq. (SBN 223528)
 2 *andre@khansarilaw.com*
 3 KHANSARI LAW CORPORATION
 4 11845 Olympic Blvd., Suite 1000
 5 Los Angeles, California 90064
 6 Tel: (424) 248-6688
 7 Fax: (424) 248-6689
 8
 9 Attorneys for Plaintiff,
 10 THE CHEMICAL TOXIN WORKING GROUP INC.

FILED BY FAX
 ALAMEDA COUNTY
 December 11, 2020
 CLERK OF
 THE SUPERIOR COURT
 By Joanne Downie, Deputy
 CASE NUMBER:
 RG20082547

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

11 THE CHEMICAL TOXIN WORKING
 12 GROUP INC.,

13 Plaintiff,

14 vs.

15 JUSTIN'S, LLC; and DOES 1 to 50,

16 Defendants.

CASE NO.

**COMPLAINT FOR INJUNCTIVE
 RELIEF AND CIVIL PENALTIES**

[Violations of Proposition 65, the Safe
 Drinking Water and Toxic Enforcement
 Act of 1986 (*Health & Safety Code* §§
 25249.5, *et seq.*)]

UNLIMITED CIVIL
 (Demand exceeds \$25,000)

21 Plaintiff, THE CHEMICAL TOXIN WORKING GROUP INC. ("CTWG" or
 22 "Plaintiff"), brings this action in the interests of the general public pursuant to California's
 23 Safe Drinking Water and Toxic Enforcement Act of 1986, codified as California Health &
 24 Safety Code ("HSC") §§ 25249.5 *et seq.* and related statutes (also known and referred to
 25 herein as "Proposition 65") and, based on information and belief, hereby alleges:

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I
THE PARTIES

1. Plaintiff CTWG, also known as The Healthy Living Foundation, is a California non-profit public benefit corporation dedicated to, among other causes, reducing the amount of chemical toxins in food and other consumer products, the promotion of human health, environmental safety, and improvement of worker and consumer safety.

2. Plaintiff is a person within the meaning of HSC § 25249.11(a) and brings this enforcement action in the public interest pursuant to HSC § 25249.7(d).

3. Defendant JUSTIN’S, LLC, formerly known as Justin’s Nut Butter, LLC (“JUSTIN’S” or “Defendant”) is a Delaware limited liability company, and a person doing business in the State of California within the meaning of HSC §25249.11(b) and had ten (10) or more employees at all relevant times.

4. Defendant owns, administers, directs, controls, and/or operate facilities and/or agents, distributors, sellers, marketers, or other retail operations who places each of the “Subject Products” (as defined in Paragraph 15, p.6 below) into the stream of commerce in California (including but not limited to Alameda County) which contain acrylamide without first giving “clear and reasonable” warnings.

5. Defendants DOES 1-50 are named herein under fictitious names, as their true names and capacities are unknown to Plaintiff. Plaintiff is informed and believes, and thereon alleges, that each of said DOES has manufactured, packaged, distributed, marketed, sold and/or has otherwise been involved in the chain of commerce of, and continues to manufacture, package, distribute, market, sell, and/or otherwise continues to be involved in the chain of commerce of the Subject Products for sale or use in California, and/or is responsible, in some actionable manner, for the events and happenings referred to herein, either through its conduct or through the conduct of its agents, servants or employees, or in some other manner, causing the harms alleged herein. Plaintiff will seek leave to amend this Complaint to set forth the true names and capacities of DOES when ascertained.

1 See HSC § 25249.8. The list, which the Governor updates at least once a year, contains
2 over 700 chemicals and chemical families. Proposition 65 imposes warning requirements
3 and other controls that apply to Proposition 65-listed chemicals.

4 13. All businesses with ten (10) or more employees that operate or sell products
5 in California must comply with Proposition 65. Under Proposition 65, businesses are: (1)
6 prohibited from knowingly discharging Proposition 65-listed chemicals into sources of
7 drinking water (HSC § 25249.5), and (2) required to provide “clear and reasonable”
8 warnings before exposing a person, knowingly and intentionally, to a Proposition 65-listed
9 chemical (HSC § 25249.6).

10 14. Proposition 65 provides that any person who “violates or threatens to
11 violate” the statute “may be enjoined in any court of competent jurisdiction.” HSC
12 §25249.7(a). “Threaten to violate” is defined to mean creating “a condition in which there
13 is a substantial probability that a violation will occur.” HSC §25249.11(e). Violators are
14 liable for civil penalties of up to \$2,500 per day for each violation of Proposition 65. See
15 HSC §25249.7(b).

16
17 **IV**
18 **BACKGROUND AND PRELIMINARY FACTS**

19 15. This action seeks to remedy the continuing failure of Defendant’s failure to
20 clearly and reasonably warn consumers in California that they are being exposed to
21 acrylamide, a chemical known to the State of California to cause cancer, birth defects,
22 developmental toxicity, and male reproductive toxicity.

23 16. Defendant manufactured, packaged, distributed, marketed, sold and/or has
24 otherwise been involved in the chain of commerce of, and continues to manufacture,
25 distributes, packages, promotes, markets, sells and/or otherwise continues to be
26 involved in the chain of the following food products (collectively referred to as the
27 “Subject Products”, and each product, a “Subject Product”) which contain the chemical
28 acrylamide:

- 1 i. Justin's Maple Almond Butter;
- 2 ii. Justin's Classic Almond Butter;
- 3 iii. Justin's Vanilla Almond Butter;
- 4 iv. Justin's Honey Almond Butter;
- 5 v. Justin's Peanut Butter Blend_Honey; and
- 6 vi. Justin's Hazelnut Butter Blend_Chocolate.

7 17. The Subject Products continue to be offered for sale, sold and/or otherwise
8 provided for use and/or handling to individuals in California.

9 18. The consumption, use and/or handling of the Subject Products cause
10 exposures to acrylamide at levels requiring a "clear and reasonable warning" under
11 Proposition 65. Defendant expose's consumers of the Subject Products to acrylamide and
12 has failed to provide the health hazard warnings required by Proposition 65.

13 19. The past, and continued manufacturing, packaging, distributing, marketing
14 and/or sale of the Subject Products, without the required health hazard warnings, causes
15 individuals to be involuntarily exposed to high levels of acrylamide in violation of
16 Proposition 65.

17 20. Plaintiff seeks injunctive relief enjoining Defendant from the continued
18 manufacturing, packaging, distributing, marketing and/or selling of the Subject Products in
19 California without first providing clear and reasonable warnings, within the meaning of
20 Proposition 65, regarding the risks of cancer, birth defects and other reproductive harm
21 posed by exposures to acrylamide through the ingestion, use and/or handling of the Subject
22 Products. Plaintiff seeks an injunctive order compelling Defendant to bring its business
23 practices into compliance with Proposition 65 by providing clear and reasonable warnings
24 to each individual who may be exposed to acrylamide from the ingestion, use and/or
25 handling of the Subject Products. Plaintiff also seeks an order compelling Defendant to
26 identify and locate each individual person who in the past has purchased each of the
27 Subject Products, and to provide to each such purchaser a clear and reasonable warning
28 that the use each of the Subject Products, as applicable, will cause exposure to acrylamide.

1 21. In addition to injunctive relief, Plaintiff seeks an assessment of civil penalties
2 to remedy Defendant's failure to provide clear and reasonable warnings regarding
3 exposures to acrylamide.

4 22. On January 01, 1990, the State of California officially listed acrylamide as a
5 chemical known to cause cancer.

6 23. On February 25, 2011, the State of California officially listed acrylamide as a
7 chemical known to cause developmental toxicity and male reproductive toxicity.

8 24. The No Significant Risk Level ("NSRL") for cancer as relating acrylamide is
9 0.20 µg/day. The NSRL is calculated based on a body weight of 58 kg for an adult or
10 pregnant woman, 70 kg for an adult male, 40 kg for an adolescent, 20 kg for a child, 10 kg
11 for an infant, and 3.5 kg for a neonate (27 CCR § 25803, subd. (b)). The exposure
12 estimates from each of the Subject Products exceed the acrylamide NSRL set by the
13 California Office of Environmental Health Hazard Assessment ("OEHHA"). As a result,
14 each Subject Product is required to have a clear and reasonable warning under Proposition
15 65.

16 25. Plaintiff purchased each Subject Product without a Proposition 65 warning
17 on the Subject Product, or as required by Proposition 65.

18 26. To test the Subject Products for acrylamide, Plaintiff engaged a well-
19 respected and accredited testing laboratory that used the testing protocol used and
20 approved by the California Attorney General. The results of testing undertaken by Plaintiff
21 of the Subject Products, show that the Subject Products tested were in violation of the 0.20
22 g/day NSRL "safe harbor" daily limit for acrylamide set forth in Proposition 65's
23 regulations. As a result, each Subject Product is required to have clear and reasonable
24 warning under Proposition 65.

25 27. As a proximate result of acts by Defendant, as a person in the course of
26 doing business within the meaning of HSC §25249.11(b), individuals throughout the State
27 of California, including in the County of Alameda, have been exposed to acrylamide
28 without clear and reasonable warnings. The individuals subject to exposures to acrylamide

1 32. Before sending the Notice of alleged violations, Plaintiff investigated the
2 consumer products involved, the likelihood that such products would cause users to suffer
3 significant exposures to acrylamide and the corporate structure of Defendant.

4 33. The Notice of alleged violations included a Certificate of Merit executed by
5 the attorney for the noticing party, Plaintiff CTWG. The Certificate of Merit stated that
6 the attorney for Plaintiff who executed the certificate had consulted with at least one
7 person with relevant and appropriate expertise who reviewed data regarding the exposures
8 to acrylamide, the subject Proposition 65-listed chemical related to this action. Based on
9 that information, the attorney for Plaintiff who executed the Certificate of Merit believed
10 there was a reasonable and meritorious case for this private action. The attorney for
11 Plaintiff attached to the Certificate of Merit, served on the AG, DAs, and City Attorneys,
12 as applicable, the confidential factual information sufficient to establish the basis of the
13 Certificate of Merit.

14 34. Plaintiff's Notice of alleged violations also includes a Certificate of Service
15 and documents entitled "Appendix "A" - The Safe Drinking Water & Toxic Enforcement
16 Act of 1986 (Proposition 65): A Summary", and "Appendix "B" - The Safe Drinking
17 Water & Toxic Enforcement Act of 1986 (Proposition 65): Special Compliance
18 Procedure". HSC § 25249.7(d)

19 35. The Notice was issued pursuant to, and in compliance with, the requirements
20 of HSC § 25249.7(d) and the statute's implementing regulations regarding the notice of the
21 violations to be given to certain public enforcement agencies and to the violator. The
22 Notice included, *inter alia*, the following information: the name, address, and telephone
23 number of the noticing individual; the name of the alleged violator; the statute violated; the
24 approximate time period during which violations occurred; and descriptions of the
25 violations including the chemical involved, the routes of toxic exposure, and the specific
26 product or type of product causing the violations.

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1 36. Plaintiff is commencing this action more than seventy (70) days from the
2 date that Plaintiff served the Notice to Defendant and the public prosecutors referenced in
3 the paragraphs above.

4 37. Plaintiff is informed, believes, and thereon alleges that neither the Attorney
5 General, nor any applicable district attorney or city attorney has commenced an action or is
6 diligently prosecuting an action against Defendant.

7 38. Plaintiff also filed and served four prior related notices of Proposition 65
8 violations (“Notices of Violations”) related to acrylamide in the noted Subject Products, to
9 entities affiliated with Defendant, in addition to several retailers, as follows (referred to
10 collectively as the “Prior Notices”):

- 11 a. “First NOV” (AG No. 2018-01578): on August 29, 2018, Plaintiff
12 filed and served a Notice of Violations to entities affiliated with
13 Defendant, namely Hormel Foods Corporation (“HFC”), Hormel
14 Foods International Corporation (“HFIC”), Hormel Foods Sales, LLC
15 (“HFS”, and together with HFC and HFIC, collectively, the “Hormel
16 Entities”), and on retailer Raley’s, with respect to the following
17 Subject Products – (i) Justin’s Maple Almond Butter, (ii) Justin’s
18 Classic Almond Butter, (iii) Justin’s Vanilla Almond Butter, and (iv)
19 Justin’s Honey Almond Butter;
- 20 b. “Second NOV” (AG No. 2018-01655): on September 05, 2018,
21 Plaintiff filed and served a Notices of Violations to each of the
22 Hormel Entities, and on retailer Target Corporation (“Target”), with
23 respect to the Subject Product – Justin’s Peanut Butter Blend
24 Honey;
- 25 c. “Third NOV” (AG No. 2018-01656): on September 06, 2018,
26 Plaintiff filed and served a Notice of Violations to each of the Hormel
27 Entities, and on retailer The Kroger Co. (“Kroger”), with respect to
28 the Subject Product – Justin’s Hazelnut Butter Blend Chocolate; and

1 d. "Fourth NOV" (AG No. 2019-00144): on January 23, 2019, Plaintiff
2 filed and served a Notice of Violations to Justin's Nut Butter, LLC,
3 now known as JUSTIN'S, with respect to all of the Subject Products.

4 39. Plaintiff reserves the right to join to this action, as applicable and
5 appropriate, any of the Hormel Entities, Target, Kroger or Justin's Nut Butter, LLC.

6 40. Plaintiff, on the one hand, and Defendant and the Hormel Entities, on the
7 other hand, entered into several statutes of limitations tolling agreements to allow the
8 parties sufficient time to discuss resolution of the alleged violations referenced in the
9 Notice and the Prior Notices. The final *Statutes of Limitations Tolling Agreement* (the
10 "Tolling Agreement") was fully executed as of November 18, 2020. Pursuant to Section 2
11 of the Tolling Agreement, Plaintiff, on the one hand, and Defendant and the Hormel
12 Entities, on the other hand, agreed to toll:

13 "each and every: (a) time limit, statute of limitation and/or
14 statute of repose (of any kind or nature, including all statutes
15 of limitations specified within the Prop 65 statute), (b) deadline
16 and/or defense based in whole or in part upon the passage of
17 time from certain events, and (c) contractual provision or
18 deadline, if any, requiring the Parties to institute or assert any
19 claim, right, objection, action, arbitration, administrative
20 proceeding or legal proceeding, or take any step therein, within
21 a specific period of time" . . .

22 during the "Tolling Period" (as defined in Section 3 of the Tolling Agreement). The
23 Tolling Period was defined as commencing on November 08, 2018 and ending on
24 December 11, 2020 with respect to the Notice and Prior Notices.

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1 FIRST CAUSE OF ACTION

2 **(Injunctive Relief for Violations of Proposition 65, The Safe Drinking Water and**
3 **Toxic Enforcement Act of 1986 (*Health & Safety Code*, §§ 25249.5, *et seq.*))**
4 **(Against Defendant and DOES 1 - 50)**

5 41. Plaintiff repeats and incorporates by reference Paragraphs 1 through 40,
6 inclusive, as if specifically set forth in this cause of action.

7 42. By committing the acts alleged in this Complaint, Defendant at all times
8 relevant to this action, and continuing through the present, has violated and continues to
9 violate HSC § 25249.6 by, in the course of doing business, knowingly and intentionally
10 exposing individuals, who ingest, use, or handle the Subject Products, to the chemical
11 acrylamide at levels exceeding allowable exposure levels under Proposition 65
12 guidelines without Defendant, nor the Hormel Entities, first giving clear and reasonable
13 warnings to such individuals pursuant to HSC §§ 25249.6 and 25249.11(f).

14 43. Defendant has manufactured, packaged, distributed, marketed, sold and/or
15 has otherwise been involved in the chain of commerce of the Subject Products, and
16 continues to manufacture, package, distribute, market, sell and/or otherwise continues to
17 be involved in the chain of commerce of the Subject Product, which has been, is, and will
18 be ingested, used and/or handled by individuals in California, without Defendant providing
19 clear and reasonable warnings, within the meaning of Proposition 65, regarding the risks of
20 cancer posed by exposure to acrylamide through the ingestion, use and/or handling of each
21 Subject Product. Furthermore, Defendant has threatened to violate HSC § 25249.6 by the
22 Subject Products being marketed, offered for sale, sold and/or otherwise provided for
23 ingestion, use and/or handling to individuals in California.

24 44. By the above-described acts, Defendant has violated HSC § 25249.6 and are
25 therefore subject to an injunction ordering Defendant to stop violating Proposition 65, and
26 to provide warnings to consumers and other individuals who will purchase, use and/or
27 handle each Subject Product.

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1 exposure to acrylamide through the use and/or handling of each Subject Product.
2 Furthermore, Defendant has threatened to violate HSC § 25249.6 by the Subject Products
3 being marketed, offered for sale, sold and/or otherwise provided for ingestion, use and/or
4 handling to individuals in California.

5 50. By the above-described acts, Defendant is liable, pursuant to HSC §
6 25249.7(b), for a civil penalty of up to \$2,500 per day for each violation of HSC § 25249.6
7 relating to each Subject Product.

8 51. Wherefore, Plaintiff prays judgment against Defendant, as set forth hereafter.

9
10 **PRAYER FOR RELIEF**

11 WHEREFORE, Plaintiff prays for relief against Defendant as follows:

- 12 1. A preliminary and permanent injunction enjoining Defendant, and its
13 agents, employees, assigns and all persons acting in concert or
14 participating with Defendant, from manufacturing, packaging,
15 distributing, marketing and/or selling each Subject Product for sale or
16 use in California without first providing clear and reasonable
17 warnings, within the meaning of Proposition 65, that the users and/or
18 handlers of each Subject Product are exposed to the chemical
19 acrylamide;
- 20 2. An injunctive order, pursuant to HSC § 25249.7(b) and 27 CCR §§
21 25603 and 25603.1, compelling Defendant to provide “clear and
22 reasonable” warnings on the label of each Subject Product, and at the
23 point of sale for internet sales, or as otherwise required under
24 Proposition 65. The warning should indicate that each Subject
25 Product will expose the user or consumer to chemicals known to the
26 State of California to cause cancer;

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3. An assessment of civil penalties against Defendant, pursuant to HSC § 25249.7(b), in the amount of \$2,500 per day for each violation of Proposition 65 relating to each Subject Product;
4. An award to Plaintiff of its attorneys' fees pursuant to CCP § 1021.5 or the substantial benefit theory;
5. An award of costs of suit herein pursuant to CCP § 1032 *et seq.* or as otherwise warranted; and
6. Such other and further relief as the Court may deem just and proper.

Respectfully submitted,

DATED: December 10, 2020

KHANSARI LAW CORPORATION



Andre A. Khansari, Esq.
Attorneys for Plaintiff,
**THE CHEMICAL TOXIN WORKING
GROUP INC.**

EXHIBIT "A"

EXHIBIT "A"

**XAVIER BECERRA***Attorney General* Search

Translate Website | Traducir Sitio Web

Confirmation

- 60 Day Notice Record *60 Day Notice 2019-00155* has been created.
- The following information was submitted and will be available to the public after review and publication by the Proposition 65 Coordinator.

Thank you for filing online. You may print this for your record by clicking the Print button below.

AG Number: 2019-00155**Notice PDF:**  2019-00155.pdf**Date Filed:** 01/25/2019**Noticing Party:** The Chemical Toxin Working Group, Inc.**Plaintiff Attorney:** Andre A. Khansari**Alleged Violators:** Justin's, LLC**Chemicals:** Acrylamide**Source:** Justin's Maple Almond Butter
Justin's Classic Almond Butter
Justin's Vanilla Almond Butter

Justin's Honey Almond Butter

Justin's Peanut Butter Blend

Justin's Hazelnut Butter Blend

Proposition 65

Proposition 65 Home

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This electronic reporting process replaces the filing of hard copy forms to report Proposition 65 private enforcement actions to the Attorney General.

The on-line reporting system is launched from the *Search 60-Day Notice* page. Instructions are available to help you through the process.



Andre A. Khansari, Esq.
Direct Dial: (424) 248-6610
Email: andre@khansarilaw.com

January 25, 2019

VIA CERTIFIED MAIL

Manager
Justin's, LLC
736 Pearl Street
Boulder, Colorado 80302

Justin's, LLC
c/o The Corporation Company
7700 E Arapahoe Road, Suite 220
Centennial, Colorado 80112-1268

VIA U.S. MAIL

District Attorneys of All California Counties
and Select City Attorneys
(See Attached - Certificate of Service)

VIA CERTIFIED MAIL

Manager
Justin's, LLC
1 Hormel Place,
Attn: Tax Department
Austin, Minnesota 55912

VIA ELECTRONIC FILING

State of California Department of Justice
Office of the Attorney General
Proposition 65 Enforcement Reporting
Filing link: oag.ca.gov/prop65

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

Dear Alleged Violator and the Appropriate Public Enforcement Agencies:

We represent The Chemical Toxin Working Group, Inc., a California non-profit corporation, aka The Healthy Living Foundation ("HLF"), an organization dedicated to reducing the amount of chemical toxins in consumer products, the promotion of human health, environmental safety, and improvement of worker and consumer safety. David Steinman created HLF to effectuate his commitments as an environmentalist, journalist, consumer health advocate, publisher and author. His major books include "Diet for a Poisoned Planet" (1990, 2007); "The Safe Shopper's Bible" (1995); "Living Healthy in a Toxic World" (1996); and "Safe Trip to Eden: Ten Steps to Save the Planet Earth from Global Warming Meltdown" (2007), along with his many publications as the publisher of the "Healthy Living Magazine" and its associated websites and periodicals.

Through this Notice of Violations (this "**Notice**"), HLF seeks to reduce and/or eliminate consumer exposures to acrylamide from nut butter(s) sold by Justin's, LLC (the "**Noticed Party**"). This Notice constitutes written notification that the Noticed Party

has violated the warning requirements of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act (codified at California Health & Safety Code §25249.5, *et seq.*). The products subject to this Notice (the “**specified products**”) and the chemicals in the specified product(s) identified as exceeding allowable levels are the following:

- **Justin’s Maple Almond Butter — Acrylamide**
- **Justin’s Classic Almond Butter — Acrylamide**
- **Justin’s Vanilla Almond Butter — Acrylamide**
- **Justin’s Honey Almond Butter — Acrylamide**
- **Justin’s Peanut Butter Blend__Honey — Acrylamide**
- **Justin’s Hazelnut Butter Blend__Chocolate — Acrylamide**

The Noticed Party has manufactured, marketed, distributed and/or sold the specified products which have exposed and continue to expose numerous individuals within California to acrylamide. This chemical was listed pursuant to Proposition 65 as a chemical known to the State of California to cause cancer on January 01, 1990, and as a chemical known to cause developmental toxicity and reproductive toxicity on February 25, 2011.

With respect to the specified products listed above, the violation: commenced on the latter of the date that the specified products were each first offered for sale in California or the date upon which California law codified the allowable level of the relevant chemical surpassed by the specified product(s); have continued every day since the relevant date the violation commenced; and will continue every day henceforth until acrylamide is removed from the specified product(s), reduced to allowable levels, or until a “clear and reasonable” warning is provided to consumers by the Noticed Party in accordance with the law. The primary route of exposure has been through ingestion, however dermal and inhalation exposure is also a possible mode of exposure.

Proposition 65 requires that a “clear and reasonable” warning be provided prior to exposure to certain listed chemicals. The Noticed Party are in violation of Proposition 65 because the Noticed Party has failed to provide a warning to consumers that they are being exposed to acrylamide. While in the course of doing business, the Noticed Party is “knowingly and intentionally” exposing consumers to acrylamide without first providing a “clear and reasonable” warning. See Cal. Health and Safety Code § 25249.6. The method of warning should be a warning that appears on the products’ label. See Cal. Code Regs. tit. 27, § 25603.1, subd. (a). The Noticed Party has not provided any Proposition 65 warnings on the specified products’ label(s) or any other appropriate

warnings that persons handling, ingesting and/or otherwise using the specified products are being exposed to acrylamide.

Proposition 65 requires that notice and intent to sue be provided to a violator 60-days before a suit is filed in connection therewith. With this Notice, HLF gives written notice of the alleged violations to the Noticed Party and the appropriate governmental authorities. This Notice covers all violations of Proposition 65 that are currently known to HLF from information now available as related to the violating products sold through the Noticed Party, among other retailers and/or distributors, as applicable. HLF is continuing its investigation that may reveal further violations.

Pursuant to Title 27, C.C.R. § 25903(b), copies of the documents entitled (i) "The Safe Drinking Water and Toxic Enforcement act of 1986 (Proposition 65): A Summary", referenced as Appendix "A", and (ii) "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): Special Compliance Procedure", referenced as Appendix "B", are attached hereto for reference by the Noticed Party.

Pursuant to Title 11, C.C.R. § 3100, a "Certificate of Merit" is attached hereto.

HLF is interested in a prompt resolution of this matter with an enforceable written agreement by the Noticed Party to (1) eliminate or reduce acrylamide to an allowable level in, or provide appropriate warning on the label of, each of the specified product(s); and (2) pay an appropriate civil penalty. Such a resolution will prevent further unwarned consumer exposures and expensive and time-consuming litigation.

In keeping with its public interest mission and to expeditiously rectify these ongoing violations of California law, HLF is interested in seeking a constructive resolution of this matter without engaging in costly and protracted litigation. Please direct all communications regarding this Notice to my office on behalf of HLF.

If you have any questions, please contact my office at your earliest convenience. Thank you for your time and consideration with respect to this urgent matter.

Sincerely,
KHANSARI LAW CORP., APC



Andre A. Khansari, Esq.
(Attachments)

Attachments:

1. Certificate of Merit;
2. Certificate of Service;
3. Additional Supporting Information for Certificate of Merit (to Attorney General only); and
4. Appendix "A" – "The Safe Drinking Water and Toxic Enforcement act of 1986 (Proposition 65): A Summary", and Appendix "B" – "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): Special Compliance Procedure" (to the Noticed Party only).

Copy to: The Chemical Toxin Working Group, Inc. (via email only)

CERTIFICATE OF MERIT

**Re: The Chemical Toxin Working Group Inc.'s Notice of Proposition 65
Violations by Justin's, LLC**

I, Andre A. Khansari, hereby declare:

1. This Certificate of Merit (this "Certificate") accompanies the attached Notice of Violations dated January 25, 2019 (the "NOV") in which it is alleged that the party identified in the NOV ("alleged violator") has violated California Health and Safety Code Section 25249.6 by failing to provide clear and reasonable warnings.
2. I am the attorney for the noticing party The Chemical Toxin Working Group, Inc. aka The Healthy Living Foundation. The NOV alleges that the alleged violator has exposed persons in California to the listed chemical that is the subject of this Certificate. Please refer to the NOV for additional details regarding the product(s) name and alleged violations.
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 alleged exposure to the listed chemical that is the subject of this Certificate. I have reviewed the laboratory testing results for the chemical subject to the NOV and relied on these results. The testing was conducted by a reputable testing laboratory, and by experienced scientists. The facts, studies and other data derived through this investigation overwhelmingly demonstrate that the alleged violator exposes persons to the listed chemical that is the subject of this Certificate.
4. Based on the information obtained through these consultants and on other information in my possession, I believe there is sufficient evidence that the listed products in the NOV expose people to unlawfully high levels of the specified chemical. Furthermore, 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 served on the California Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health & Safety Code Section 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 25, 2019



Andre A. Khansari
Attorney for The Chemical Toxin Working Group, Inc.

APPENDIX A

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY

The following summary has been prepared by the California Office of Environmental Health Hazard Assessment (OEHHA), the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as "Proposition 65"). A copy of this summary must be included as an attachment to any notice of violation served upon an alleged violator of the Act. The summary provides basic information about the provisions of the law, and is intended to serve only as a convenient source of general information. It is not intended to provide authoritative guidance on the meaning or application of the law. The reader is directed to the statute and OEHHA implementing regulations (see citations below) for further information.

FOR INFORMATION CONCERNING THE BASIS FOR THE ALLEGATIONS IN THE NOTICE RELATED TO YOUR BUSINESS, CONTACT THE PERSON IDENTIFIED ON THE NOTICE.

The text of Proposition 65 (Health and Safety Code Sections 25249.5 through 25249.13) is available online at: <http://oehha.ca.gov/prop65/law/P65law72003.html>. Regulations that provide more specific guidance on compliance, and that specify procedures to be followed by the State in carrying out certain aspects of the law, are found in Title 27 of the California Code of Regulations, sections 25102 through 27001.¹ These implementing regulations are available online at: <http://oehha.ca.gov/prop65/law/P65Regs.html>.

WHAT DOES PROPOSITION 65 REQUIRE?

The "Proposition 65 List." Under Proposition 65, the lead agency (OEHHA) publishes a list of chemicals that are known to the State of California to cause cancer and/or reproductive toxicity. Chemicals are placed on the Proposition 65 list if they are known to cause cancer and/or birth defects or other reproductive harm, such as damage to

¹ All further regulatory references are to sections of Title 27 of the California Code of Regulations unless otherwise indicated. The statute, regulations and relevant case law are available on the OEHHA website at: <http://www.oehha.ca.gov/prop65/law/index.html>.

female or male reproductive systems or to the developing fetus. This list must be updated at least once a year. The current Proposition 65 list of chemicals is available on the OEHHA website at: http://www.oehha.ca.gov/prop65/prop65_list/Newlist.html.

Only those chemicals that are on the list are regulated under Proposition 65. Businesses that produce, use, release or otherwise engage in activities involving listed chemicals must comply with the following:

Clear and reasonable warnings. A business is required to warn a person before “knowingly and intentionally” exposing that person to a listed chemical unless an exemption applies. The warning given must be “clear and reasonable.” This means that the warning must: (1) clearly make known that the chemical involved is known to cause cancer, or birth defects or other reproductive harm; and (2) be given in such a way that it will effectively reach the person before he or she is exposed to that chemical. Some exposures are exempt from the warning requirement under certain circumstances discussed below.

Prohibition from discharges into drinking water. A business must not knowingly discharge or release a listed chemical into water or onto land where it passes or probably will pass into a source of drinking water. Some discharges are exempt from this requirement under certain circumstances discussed below.

DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?

Yes. You should consult the current version of the statute and regulations (<http://www.oehha.ca.gov/prop65/law/index.html>) to determine all applicable exemptions, the most common of which are the following:

Grace Period. Proposition 65 warning requirements do not apply until 12 months after the chemical has been listed. The Proposition 65 discharge prohibition does not apply to a discharge or release of a chemical that takes place less than 20 months after the listing of the chemical.

Governmental agencies and public water utilities. All agencies of the federal, state or local government, as well as entities operating public water systems, are exempt.

Businesses with nine or fewer employees. Neither the warning requirement nor the discharge prohibition applies to a business that employs a total of nine or fewer employees. This includes all employees, not just those present in California.

Exposures that pose no significant risk of cancer. For chemicals that are listed under Proposition 65 as known to the State to cause cancer, a warning is not required if the business causing the exposure can demonstrate that the exposure occurs at a level that poses “no significant risk.” This means that the exposure is calculated to result in not more than one excess case of cancer in 100,000 individuals exposed over a 70-year lifetime. The Proposition 65 regulations identify specific “No Significant Risk Levels” (NSRLs) for many listed carcinogens. Exposures below these levels are exempt from the warning requirement. See OEHHA's website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of NSRLs, and Section 25701 *et seq.* of the regulations for information concerning how these levels are calculated.

Exposures that will produce no observable reproductive effect at 1,000 times the level in question. For chemicals known to the State to cause reproductive toxicity, a warning is not required if the business causing the exposure can demonstrate that the exposure will produce no observable effect, even at 1,000 times the level in question. In other words, the level of exposure must be below the “no observable effect level” divided by 1,000. This number is known as the Maximum Allowable Dose Level (MADL). See OEHHA's website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of MADLs, and Section 25801 *et seq.* of the regulations for information concerning how these levels are calculated.

Exposures to Naturally Occurring Chemicals in Food. Certain exposures to chemicals that naturally occur in foods (i.e., that do not result from any known human activity, including activity by someone other than the person causing the exposure) are exempt from the warning requirements of the law. If the chemical is a contaminant² it must be reduced to the lowest level feasible. Regulations explaining this exemption can be found in Section 25501.

Discharges that do not result in a “significant amount” of the listed chemical entering any source of drinking water. The prohibition from discharges into drinking water does not apply if the discharger is able to demonstrate that a “significant amount” of the listed chemical has not, does not, or will not pass into or probably pass into a source of drinking water, and that the discharge complies with all other applicable laws, regulations, permits, requirements, or orders. A “significant amount” means any detectable amount, except an amount that would meet the “no significant risk” level for chemicals that cause cancer or that is 1,000 times below the “no observable effect” level for chemicals that cause reproductive toxicity, if an individual were exposed to that amount in drinking water.

² See Section 25501(a)(4).

HOW IS PROPOSITION 65 ENFORCED?

Enforcement is carried out through civil lawsuits. These lawsuits may be brought by the Attorney General, any district attorney, or certain city attorneys. Lawsuits may also be brought by private parties acting in the public interest, but only after providing notice of the alleged violation to the Attorney General, the appropriate district attorney and city attorney, and the business accused of the violation. The notice must provide adequate information to allow the recipient to assess the nature of the alleged violation. The notice must comply with the information and procedural requirements specified in Section 25903 of Title 27 and sections 3100-3103 of Title 11. A private party may not pursue an independent enforcement action under Proposition 65 if one of the governmental officials noted above initiates an enforcement action within sixty days of the notice.

A business found to be in violation of Proposition 65 is subject to civil penalties of up to \$2,500 per day for each violation. In addition, the business may be ordered by a court to stop committing the violation.

A private party may not file an enforcement action based on certain exposures if the alleged violator meets specific conditions. For the following types of exposures, the Act provides an opportunity for the business to correct the alleged violation:

- An exposure to alcoholic beverages that are consumed on the alleged violator's premises to the extent onsite consumption is permitted by law;
- An exposure to a Proposition 65 listed chemical in a food or beverage prepared and sold on the alleged violator's premises that is primarily intended for immediate consumption on- or off-premises. This only applies if the chemical was not intentionally added to the food, and was formed by cooking or similar preparation of food or beverage components necessary to render the food or beverage palatable or to avoid microbiological contamination;
- An exposure to environmental tobacco smoke caused by entry of persons (other than employees) on premises owned or operated by the alleged violator where smoking is permitted at any location on the premises;
- An exposure to listed chemicals in engine exhaust, to the extent the exposure occurs inside a facility owned or operated by the alleged violator and primarily intended for parking non-commercial vehicles.

If a private party alleges that a violation occurred based on one of the exposures described above, the private party must first provide the alleged violator a notice of special compliance procedure and proof of compliance form.

A copy of the notice of special compliance procedure and proof of compliance form is included in Appendix B and can be downloaded from OEHHA's website at: <http://oehha.ca.gov/prop65/law/p65law72003.html>.

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

Contact the Office of Environmental Health Hazard Assessment's Proposition 65 Implementation Office at (916) 445-6900 or via e-mail at P65Public.Comments@oehha.ca.gov.

Revised: May 2017

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.7, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

APPENDIX B

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): SPECIAL COMPLIANCE PROCEDURE

This Appendix B contains the notice of special compliance procedure and proof of compliance form prepared by the California Office of Environmental Health Hazard Assessment (OEHHA), the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as "Proposition 65"). Under the Act, a private party may not file an enforcement action based on certain exposures if the alleged violator meets specific conditions. These exposures are:

- An exposure to alcoholic beverages that are consumed on the alleged violator's premises to the extent onsite consumption is permitted by law;
- An exposure to a Proposition 65 listed chemical in a food or beverage prepared and sold on the alleged violator's premises that is primarily intended for immediate consumption on- or off-premises. This only applies if the chemical was not intentionally added to the food, and was formed by cooking or similar preparation of food or beverage components necessary to render the food or beverage palatable or to avoid microbiological contamination;
- An exposure to environmental tobacco smoke caused by entry of persons (other than employees) on premises owned or operated by the alleged violator where smoking is permitted at any location on the premises;
- An exposure to listed chemicals in engine exhaust, to the extent the exposure occurs inside a facility owned or operated by the alleged violator and primarily intended for parking non-commercial vehicles.

A private party may not file an action against the alleged violator for these exposures, or recover in a settlement any payment in lieu of penalties any reimbursement for costs and attorney's fees, if the alleged violator has done *all* of the following within 14 days of being served notice:

- Corrected the alleged violation;
- Agreed to pay a civil penalty of \$500 (subject to change in 2019 and every five years thereafter) to the private party within 30 days; and

- Notified the private party serving the notice in writing that the violation has been corrected.

An alleged violator may satisfy these conditions only one time for a violation arising from the same exposure in the same facility or on the same premises. The satisfaction of these conditions does not prevent the Attorney General, a district attorney, a city attorney of a city of greater than 750,000 population, or any full-time city prosecutor with the consent of the district attorney, from filing an enforcement action against an alleged violator.

When a private party sends a notice of alleged violation that alleges one or more of the exposures listed above, the notice must include a notice of special compliance procedure, and a proof of compliance form to be completed by the alleged violator as directed in the notice.

The notice and proof of compliance form is reproduced here:

Date:
Name of Noticing Party or attorney for Noticing Party:
Address:
Phone number:

Page 1

SPECIAL COMPLIANCE PROCEDURE
PROOF OF COMPLIANCE

You are receiving this form because the Noticing Party listed above has alleged that you are violating California Health and Safety Code §25249.6 (Prop. 65).

The Noticing Party may not bring any legal proceedings against you for the alleged violation checked below if:

- (1) You have actually taken the corrective steps that you have certified in this form.**
- (2) The Noticing Party has received this form at the address shown above, accurately completed by you, postmarked within 14 days of your receiving this notice.**
- (3) The Noticing Party receives the required \$500 penalty payment from you at the address shown above postmarked within 30 days of your receiving this notice.**
- (4) This is the first time you have submitted a Proof of Compliance for a violation arising from the same exposure in the same facility on the same premises.**

PART 1: TO BE COMPLETED BY THE NOTICING PARTY OR ATTORNEY FOR THE NOTICING PARTY

The alleged violation is for an exposure to: (check one)

___Alcoholic beverages that are consumed on the alleged violator's premises to the extent on-site consumption is permitted by law.

___A chemical known to the state to cause cancer or reproductive toxicity in a food or beverage prepared and sold on the alleged violator's premises for immediate consumption on or off premises to the extent: (1) the chemical was not intentionally added; and (2) the chemical was formed by cooking or similar preparation of food or beverage components necessary to render the food or beverage palatable or to avoid microbiological contamination.

___Environmental tobacco smoke caused by entry of persons (other than employees) on premises owned or operated by the alleged violator where smoking is permitted at any location on the premises.

___Chemicals known to the State to cause cancer or reproductive toxicity in engine exhaust, to the extent the exposure occurs inside a facility owned or operated by the alleged violator and primarily intended for parking noncommercial vehicles.

IMPORTANT NOTES:

(1) You have no potential liability under California Health and Safety Code §25249.6 if your business has nine (9) or fewer employees.

(2) Using this form will NOT prevent the Attorney General, a district attorney, a city attorney, or a prosecutor in whose jurisdiction the violation is alleged to have occurred from filing an action over the same alleged violations, and that in any such action, the amount of civil penalty shall be reduced to reflect any payment made at this time.

Date:
Name of Noticing Party or attorney for Noticing Party:
Address:
Phone number:

Page 2

PART 2: TO BE COMPLETED BY THE ALLEGED VIOLATOR OR AUTHORIZED REPRESENTATIVE

Certification of Compliance

Accurate completion of this form will demonstrate that you are now in compliance with California Health and Safety Code §25249.6 for the alleged violation listed above. You must complete and submit the form below to the Noticing Party at the address shown above, postmarked within 14 days of you receiving this notice.

I hereby agree to pay, within 30 days of completion of this notice, a civil penalty of \$500 to the Noticing Party only and certify that I have complied with Health and Safety Code §25249.6 by (check only one of the following):

- Posting a warning or warnings about the alleged exposure that complies with the law, and attaching a copy of that warning and a photograph accurately showing its placement on my premises;
- Posting the warning or warnings demanded in writing by the Noticing Party, and attaching a copy of that warning and a photograph accurately showing its placement on my premises; OR
- Eliminating the alleged exposure, and attaching a statement accurately describing how the alleged exposure has been eliminated.

Certification

My statements on this form, and on any attachments to it, are true, complete, and correct to the best of my knowledge and belief and are made in good faith. I have carefully read the instructions to complete this form. I understand that if I make a false statement on this form, I may be subject to additional penalties under the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65).

Signature of alleged violator or authorized representative

Date

Name and title of signatory

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

Contact the Office of Environmental Health Hazard Assessment's Proposition 65 Implementation Office at (916) 445-6900 or via e-mail at P65Public.Comments@oehha.ca.gov.

Revised: May 2017

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.7, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

CERTIFICATE OF SERVICE

I am a citizen of the United States and a resident of the County of Los Angeles. I am over the age of eighteen years and not a party to the within entitled action or process. My business address is **11845 W. Olympic Blvd., Suite 1000, Los Angeles, California 90064.**

On January 25, 2019 , I served the following documents:

- (i) **Notice of Violations by Justin's, LLC for Violations of California Health & Safety Code Section 25249.5 et seq.,**
- (ii) **Certificate of Merit, and**
- (iii) **Appendix "A" – "The Safe Drinking Water and Toxic Enforcement act of 1986 (Proposition 65): A Summary", and Appendix "B" – "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): Special Compliance Procedure",**

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

Manager
Justin's, LLC
736 Pearl Street
Boulder, CO 80302

Manager
Justin's, LLC
1 Hornel Place,
Attn: Tax Department
Austin, MN 55912

Justin's, LLC
c/o The Corporation Company
7700 E Arapahoe Road, Suite 220
Centennial, CO 80112-1268

On January 25, 2019 , I served the following documents:

- (i) **Notice of Violations by Justin's, LLC for Violations of California Health & Safety Code Section 25249.5 et seq.,**
- (ii) **Certificate of Merit, and**
- (iii) **Additional Information and Supporting Documentation Required by Title 11, C.C.R. §3102,**

on the following party by filing electronically a true and correct copy thereof as permitted through the website of the California Office of the Attorney General via link at oag.ca.gov/prop65:

State of California Department of Justice
Office of the Attorney General

On January 25, 2019 , I served the following documents:

- (i) **Notice of Violations by Justin's, LLC for Violations of California Health & Safety Code Section 25249.5 et seq., and**
- (ii) **Certificate of Merit,**

on each of the parties on the service list attached hereto (see attached "**Service List**") by placing a true and correct copy thereof in a sealed envelope, addressed to each of the District Attorney and City Attorney offices listed on the attached service list, and causing each envelope to be deposited at a United States Postal Service mail box for delivery by First Class Mail, except for the Contra Costa County District

Attorney, Lassen County District Attorney, Riverside County District Attorney, Sacramento County District Attorney, San Francisco County District Attorney, Napa County District Attorney, San Joaquin County District Attorney, San Luis Obispo County District Attorney, Santa Clara County District Attorney, Sonoma County District Attorney, Tulare County District Attorney, Ventura County District Attorney, Monterey County District Attorney, Yolo County District Attorney, Santa Barbara County District Attorney, and Alameda County District Attorney, and San Francisco City Attorney which have requested electronic service only via the following email addresses: sgrassini@contracostada.org; mlalimer@co.lassen.ca.us; prop65@rivcoda.org; prop65@sacda.org; Gregory.alker@sfgov.org; cepd@countyofnapa.org; daconsumer.environmental@sjcda.org; edobroth@co.slo.ca.us; epu@da.sccgov.org; jbarnes@sonoma-county.org; prop65@co.tulare.ca.us; daspecialops@ventura.org; Prop65DA@co.monterey.ca.us; cfepd@yolocounty.org; DAProp65@co.santa-barbara.ca.us and CEPDProp65@acgov.org, and Valerie.lopez@sfcityatty.org.

I, Andre A. Khansari, declare under penalty of perjury that the foregoing is true and correct. Executed on January 25, 2019 at Los Angeles, California.



Andre A. Khansari

SERVICE LIST

<p>DISTRICT ATTORNEY ALAMEDA COUNTY 1225 FALLON STREET, SUITE 900 OAKLAND, CA 94612 CEPDPProp65@acgov.org</p>	<p>DISTRICT ATTORNEY KERN COUNTY 1215 TRUXTUN AVENUE BAKERSFIELD, CA 93301</p>	<p>DISTRICT ATTORNEY NEVADA COUNTY 201 COMMERCIAL STREET NEVADA CITY, CA 95959</p>
<p>DISTRICT ATTORNEY ALPINE COUNTY P.O. BOX 248 MARKLEEVILLE, CA 96120</p>	<p>DISTRICT ATTORNEY KINGS COUNTY 400 WEST LACEY BLVD. HANFORD, CA 93230</p>	<p>DISTRICT ATTORNEY ORANGE COUNTY 401 WEST CIVIC CENTER DR. SANTA ANA, CA 92701</p>
<p>DISTRICT ATTORNEY AMADOR COUNTY 708 COURT STREET, SUITE 202 JACKSON, CA 95642</p>	<p>DISTRICT ATTORNEY LAKE COUNTY 255 N. FORBES STREET LAKEPORT, CA 95453</p>	<p>DISTRICT ATTORNEY PLACER COUNTY 10810 JUSTICE CENTER DRIVE, STE. 240 ROSEVILLE, CA 95678</p>
<p>DISTRICT ATTORNEY BUTTE COUNTY 25 COUNTY CENTER DRIVE, STE 245 OROVILLE, CA 95965</p>	<p>DISTRICT ATTORNEY LASSEN COUNTY 220 SOUTH LASSEN STREET, SUITE 8 SUSANVILLE, CA 96130 mlatimer@co.lassen.ca.us</p>	<p>DISTRICT ATTORNEY PLUMAS COUNTY 520 MAIN STREET, ROOM 404 QUINCY, CA 95911</p>
<p>DISTRICT ATTORNEY CALAVERAS COUNTY 891 MOUNTAIN RANCH ROAD SAN ANDREAS, CA 95249</p>	<p>DISTRICT ATTORNEY LOS ANGELES COUNTY 210 WEST TEMPLE STREET, STE 18000 LOS ANGELES, CA 90012</p>	<p>DISTRICT ATTORNEY RIVERSIDE COUNTY 3072 ORANGE STREET RIVERSIDE, CA 92501 Prop65@rivcoda.org</p>
<p>DISTRICT ATTORNEY COLUSA COUNTY 346 FIFTH STREET SUITE 101 COLUSA, CA 95932</p>	<p>DISTRICT ATTORNEY MADERA COUNTY 209 WEST YOSEMITE AVENUE MADERA, CA 93637</p>	<p>DISTRICT ATTORNEY SACRAMENTO COUNTY 901 "G" STREET SACRAMENTO, CA 95814 Prop65@sacda.org</p>
<p>DISTRICT ATTORNEY CONTRA COSTA COUNTY 900 WARD STREET. MARTINEZ, CA 94553 sgrassini@contracostada.org</p>	<p>DISTRICT ATTORNEY MARIN COUNTY 350 CIVIC CENTER DRIVE, RM. 130 SAN RAFAEL, CA 94903</p>	<p>DISTRICT ATTORNEY SAN BENITO COUNTY 419 4TH STREET HOLLISTER, CA 95023</p>
<p>DISTRICT ATTORNEY DEL NORTE COUNTY 450 H STREET SUITE 171 CRESCENT CITY, CA 95531</p>	<p>DISTRICT ATTORNEY MARIPOSA COUNTY POST OFFICE BOX 730 MARIPOSA, CA 95338</p>	<p>DISTRICT ATTORNEY SAN BERNARDINO COUNTY 316 N. MOUNTAIN VIEW AVENUE SAN BERNARDINO, CA 92415</p>
<p>DISTRICT ATTORNEY EL DORADO COUNTY 515 MAIN STREET PLACERVILLE, CA 95667</p>	<p>DISTRICT ATTORNEY MENDOCINO COUNTY P. O. BOX 1000 UKIAH, CA 95482</p>	<p>DISTRICT ATTORNEY SAN DIEGO COUNTY 330 WEST BROADWAY, SUITE 1300 SAN DIEGO, CA 92101</p>
<p>DISTRICT ATTORNEY FRESNO COUNTY 2220 TULARE STREET, SUITE 1000 FRESNO, CA 93721</p>	<p>DISTRICT ATTORNEY MERCED COUNTY 550 W. MAIN STREET MERCED, CA 95340</p>	<p>DISTRICT ATTORNEY SAN FRANCISCO COUNTY 732 BRANNAN STREET SAN FRANCISCO, CA 94103 Gregory.alker@sfgov.org</p>

SERVICE LIST

<p>DISTRICT ATTORNEY GLENN COUNTY POST OFFICE BOX 430 WILLOWS, CA 95988</p>	<p>DISTRICT ATTORNEY SAN MATEO COUNTY 400 COUNTY CTR., 3RD FLOOR REDWOOD CITY, CA 94063</p>	<p>DISTRICT ATTORNEY SUTTER COUNTY 446 SECOND STREET YUBA CITY, CA 95991</p>
<p>DISTRICT ATTORNEY HUMBOLDT COUNTY 825 5TH STREET 4TH FLOOR EUREKA, CA 95501</p>	<p>DISTRICT ATTORNEY SANTA BARBARA COUNTY 1112 SANTA BARBARA STREET SANTA BARBARA, CA 93101 DAProp65@co.santa-barbara.ca.us</p>	<p>DISTRICT ATTORNEY TEHAMA COUNTY P.O. BOX 519 RED BLUFF CA 96080</p>
<p>DISTRICT ATTORNEY IMPERIAL COUNTY 940 WEST MAIN STREET, STE 102 EL CENTRO, CA 92243</p>	<p>DISTRICT ATTORNEY SANTA CLARA COUNTY 70 WEST HEDDING STREET SAN JOSE, CA 95110 EPU@da.sccgov.org</p>	<p>DISTRICT ATTORNEY TRINITY COUNTY P. O. BOX 310 WEAVERVILLE, CA 96093</p>
<p>DISTRICT ATTORNEY INYO COUNTY P.O. DRAWER D INDEPENDENCE, CA 93526</p>	<p>DISTRICT ATTORNEY SANTA CRUZ COUNTY 701 OCEAN STREET. ROOM 200 SANTA CRUZ, CA 95060</p>	<p>DISTRICT ATTORNEY TULARE COUNTY 221 S. MOONEY BLVD. VISALIA, CA 95370 Prop65@co.tulare.ca.us</p>
<p>DISTRICT ATTORNEY MODOC COUNTY 204 S. COURT STREET, ROOM 202 ALTURAS, CA 96101</p>	<p>DISTRICT ATTORNEY SHASTA COUNTY 1355 WEST STREET REDDING, CA 96001</p>	<p>DISTRICT ATTORNEY TUOLUMNE COUNTY 423 N. WASHINGTON ST. SONORA, CA 95370</p>
<p>DISTRICT ATTORNEY MONO COUNTY P. O. BOX 617 BRIDGEPORT, CA 93517</p>	<p>DISTRICT ATTORNEY SIERRA COUNTY P.O. BOX 457 DOWNIEVILLE, CA 95936</p>	<p>DISTRICT ATTORNEY VENTURA COUNTY 800 SOUTH VICTORIA AVE, STE 314 VENTURA, CA 93009 daspecialops@ventura.org</p>
<p>SAN FRANCISCO, CITY ATTORNEY CITY HALL, ROOM 234 1 DR. CARLTON B GOODLETT PLACE SAN FRANCISCO, CA 94102 Valerie.lopez@sfcityatty.org.</p>	<p>DISTRICT ATTORNEY SISKIYOU COUNTY P. O. BOX 986 YREKA, CA 96097</p>	<p>BERKELEY CITY ATTORNEY'S OFFICE 2180 MILVIA STREET, 4TH FLOOR BERKELEY, CA 94704</p>
<p>DISTRICT ATTORNEY NAPA COUNTY 1127 First Street, Suite C NAPA, CA 94559 CEPD@countyofnapa.org</p>	<p>DISTRICT ATTORNEY SOLANO COUNTY 675 TEXAS STREET, STE 4500 FAIRFIELD, CA 94533</p>	<p>DISTRICT ATTORNEY YUBA COUNTY 215 FIFTH STREET, SUITE 152 MARYSVILLE, CA 95901</p>
<p>DISTRICT ATTORNEY SAN JOAQUIN COUNTY 222 E. WEBER AVE., RM. 202 STOCKTON, CA 95202 DACustomer.Environmental@sjcda.org</p>	<p>DISTRICT ATTORNEY SONOMA COUNTY 600 ADMINISTRATIVE DRIVE SONOMA, CA 95403 jbarnes@sonoma-county.org</p>	<p>LOS ANGELES CITY ATTORNEY'S OFFICE CITY HALL EAST 200 N. MAIN STREET, SUITE 800 LOS ANGELES, CA 90012</p>
<p>DISTRICT ATTORNEY SAN LUIS OBISPO COUNTY COUNTY GOVERNMENT CENTER ANNEX SAN LUIS OBISPO, CA 93408 edobroth@co.slo.ca.us</p>	<p>DISTRICT ATTORNEY STANISLAUS COUNTY 83212 STREET, SUITE 300 MODESTO, CA 95354</p>	<p>SAN DIEGO CITY ATTORNEY'S OFFICE 1200 3RD AVENUE, SUITE 1620 SAN DIEGO, CA 92101</p>

SERVICE LIST

**DISTRICT ATTORNEY
MONTEREY COUNTY
1200 AGUAJITO ROAD
MONTEREY, CA 93940
Prop65DA@co.monterey.ca.us**

**DISTRICT ATTORNEY
YOLO COUNTY
301 Second Street
WOODLAND, CA 95695
cfepd@yolocounty.org**

**OAKLAND CITY ATTORNEY
CITY HALL, 6TH FLOOR
1 FRANK OGAWA PLAZA
OAKLAND, CA 94612**