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9 Attorneys for Plaintiff
 10 The Chemical Toxin Working Group Inc. doing
 11 business as Healthy Living Foundation Inc.

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
 13 **COUNTY OF LOS ANGELES**

14 THE CHEMICAL TOXIN WORKING
 15 GROUP INC., a California non-profit
 16 corporation, doing business as HEALTHY
 17 LIVING FOUNDATION INC.

18 Plaintiff,

19 v.

20 CALIFORNIA OLIVE RANCH, INC., a
 21 California corporation;
 22 ALBERTSONS COMPANIES, INC., a
 23 Delaware corporation;
 24 ALPHA BETA COMPANY, a California
 25 corporation;
 26 BRISTOL FARMS, a California corporation;
 27 FRED MEYER, INC., a Delaware corporation;
 28 GELSON’S MARKETS, a California
 corporation;
 HUGHES MARKETS, INC., DBA RALPHS a
 California corporation;
 MAPLEBEAR INC. DBA INSTACART, a
 Delaware corporation;
 RALPHS GROCERY COMPANY, a Ohio
 corporation;
 SAFEWAY INC., a Delaware corporation;
 SPROUTS FARMERS MARKET, INC., a
 Delaware corporation;
 SPROUTS FARMERS MARKET, LLC, a
 California limited liability company;

CASE NO. **22STCV33073**

**COMPLAINT FOR INJUNCTIVE
 RELIEF, CIVIL PENALTIES, AND
 OTHER RELIEF UNDER HEALTH AND
 SAFETY CODE SECTION 25249.5, et seq
 (PROPOSITION 65)**

1 THE KROGER CO., an Ohio corporation;
2 THE VONS COMPANIES, INC., a Michigan
3 corporation;
4 VONS SHERMAN OAKS, LLC, a California
5 limited liability company;
6 WALMART INC., a Delaware corporation;
7 WAL-MART STORES EAST, LP, a Delaware
8 limited partnership;
9 and DOES 1-40,

Defendants.

10 Plaintiff The Chemical Toxin Working Group Inc. doing business as Healthy Living
11 Foundation Inc. (“Plaintiff” or “HLF”) hereby alleges the following on information and belief:

12 **INTRODUCTION**

13 1. This action seeks injunctive and declaratory relief and civil penalties to remedy the
14 continuing failure of Defendants California Olive Ranch, Inc., ALBERTSONS
15 COMPANIES, INC., ALPHA BETA COMPANY, BRISTOL FARMS, FRED
16 MEYER, INC., GELSON’S MARKETS, HUGHES MARKETS, INC., DBA
17 RALPHS, MAPLEBEAR INC. DBA INSTACART, RALPHS GROCERY
18 COMPANY, SAFEWAY INC., SPROUTS FARMERS MARKET, INC., SPROUTS
19 FARMERS MARKET, LLC, THE KROGER CO., THE VONS COMPANIES, INC.,
20 VONS SHERMAN OAKS, LLC, WALMART INC., and WAL-MART STORES
21 EAST, LP to warn consumers in California that they are being exposed to Carbaryl, a
22 chemical known to the State of California to cause cancer and reproductive toxicity
23 found in:

- 24 a. California Olive Ranch Global Blend Medium Extra Virgin Olive Oil Argentina,
25 Chile, Portugal, California (“Global Blend Oil”);
- 26 b. California Olive Ranch Reserve Arbosana Extra Virgin Olive Oil (“Arbosana
27 Oil”);
- 28 c. California Olive Ranch Extra Virgin Olive Oil Robust Global Blend Argentina,

1 Chile, Portugal, California (“Robust Oil”);

2 d. California Olive Ranch Extra Virgin Olive Oil 100% California (“California Oil”);

3 e. The Global Blend Oil, Arbosana Oil, Robust Oil, and California Oil are together
4 referred to as the “Products.”

- 5 2. This action is brought in the public interest and is based on The Safe Drinking Water
6 and Toxic Enforcement Act of 1986 (Health and Safety Code § 25249.6 et seq.) also
7 known as “Proposition 65.” This statute mandates that any person in the course of
8 doing business must provide a clear and reasonable warning prior to exposing any
9 individual to a chemical known to the state to cause cancer, birth defects or other
10 reproductive harm.

11 **PARTIES**

- 12 3. HLF is a non-profit consumer health organization that: implements measures to reduce
13 the amount of chemical toxins in foods posing targeted dangers to fetuses, children,
14 pregnant women and women of childbearing age; improves safety for workers by
15 reducing their exposure to chemicals; publishes consumer health periodicals, books,
16 and comparative test results. HLF’s Chief Officer David W. Steinman is a publisher, a
17 health journalist and a bestselling author of Diet For A Poisoned Planet (Crown Ed.,
18 1990, Ballantine 2d Ed., 1992, Running Press 3d Ed., 2007); among his other books
19 are: The Safe Shopper’s Bible (Macmillan Ed., 1995, Wiley 2d Ed., 2000), The Breast
20 Cancer Prevention Program (Macmillan Ed., 1997). Mr. Steinman represented the
21 public interest at the National Academy of Sciences on the Safe Seafood Committee
22 that produced Seafood Safety (Washington, D.C.: National Academies Press, 1991),
23 advised Congress on related legislation, and has testified before Congress as an expert
24 witness on food safety.
- 25 4. HLF is a person within the meaning of Health and Safety Code section 25249.11,
26 subdivision (a). HLF, acting as a private attorney general, brings this action in the
27 public interest as defined under Health and Safety Code section 25249.7, subdivision
28

1 (d).

2 5. Defendant CALIFORNIA OLIVE RANCH, INC. (“OLIVE RANCH”) is a California
3 corporation, doing business in the State of California at all relevant times herein.

4 6. Defendant ALBERTSONS COMPANIES, INC. (“ALBERTSONS”) is a Delaware
5 corporation, doing business in the State of California at all relevant times herein.

6 7. Defendant ALPHA BETA COMPANY (“ALPHA BETA”) is a California
7 corporation, doing business in the State of California at all relevant times herein.

8 8. Defendant BRISTOL FARMS (“BRISTOL”) is a California corporation, doing
9 business in the State of California at all relevant times herein.

10 9. Defendant FRED MEYER, INC. (“FRED MEYER”) is a Delaware corporation, doing
11 business in the State of California at all relevant times herein.

12 10. Defendant GELSON’S MARKETS (“GELSONS”) is a California corporation, doing
13 business in the State of California at all relevant times herein.

14 11. Defendant HUGHES MARKETS, INC. DBA RALPHS (“HUGHES”) is a California
15 corporation, doing business in the State of California at all relevant times herein.

16 12. Defendant MAPLEBEAR INC. DBA INSTACART (“INSTACART”) is a Delaware
17 corporation, doing business in the State of California at all relevant times herein.

18 13. Defendant RALPHS GROCERY COMPANY (“RALPHS”) is an Ohio corporation,
19 doing business in the State of California at all relevant times herein.

20 14. Defendant SAFEWAY INC. (“SAFEWAY”) is a Delaware corporation, doing
21 business in the State of California at all relevant times herein.

22 15. Defendant SPROUTS FARMERS MARKET, INC. (“SPROUTS INC.”) is a Delaware
23 corporation, doing business in the State of California at all relevant times herein.

24 16. Defendant SPROUTS FARMERS MARKET, LLC (“SPROUTS LLC”) is a California
25 limited liability company, doing business in the State of California at all relevant times
26 herein.

27 17. Defendant THE KROGER CO. (“KROGER”) is an Ohio corporation, doing business
28

1 in the State of California at all relevant times herein.

2 18. Defendant THE VONS COMPANIES, INC. (“VONS”) is a Michigan corporation,
3 doing business in the State of California at all relevant times herein.

4 19. Defendant VONS SHERMAN OAKS, LLC (“VONS SHERMAN OAKS”) is a
5 California limited liability company, doing business in the State of California at all
6 relevant times herein.

7 20. Defendant WALMART INC. (“WALMART”) is a Delaware corporation, doing
8 business in the State of California at all relevant times herein.

9 21. Defendant WAL-MART STORES EAST, LP (“WAL-MART STORES”) is a
10 Delaware limited partnership, doing business in the State of California at all relevant
11 times herein.

12 22. Plaintiff is presently unaware of the true names and capacities of defendants DOES 1-
13 40, and therefore sues these defendants by such fictitious names. Plaintiff will amend
14 this complaint to allege their true names and capacities when ascertained. Plaintiff is
15 informed, believes, and thereon alleges that each fictitiously named defendant is
16 responsible in some manner for the occurrences herein alleged and the violations
17 caused thereby. DOES 1-40 are each a person in the course of doing business within
18 the meaning of Health and Safety Code §§ 25249.6 and 25249.11.

19 23. At all times mentioned herein, the term “Defendants” includes OLIVE RANCH,
20 ALBERTSONS, ALPHA BETA, BRISTOL, FRED MEYER, GELSONS, HUGHES,
21 INSTACART, RALPHS, SAFEWAY, SPROUT INC., SPROUTS LLC, KROGER,
22 VONS, VONS SHERMAN OAKS, WALMART, WAL-MART STORES and DOES
23 1-40.

24 24. Defendants employ ten or more persons and have employed ten or more persons at all
25 times relevant to this action, and are each a person in the course of doing business
26 within the meaning of Health and Safety Code §§ 25249.6 and 25249.11.

1 **JURISDICTION AND VENUE**

2 25. This Court has jurisdiction pursuant to California Constitution Article VI, Section 10,
3 which grants the Superior Court original jurisdiction in all causes except those given
4 by statute to other trial courts. The statute under which this action is brought does not
5 specify any other basis for jurisdiction.

6 26. This Court has jurisdiction over this action pursuant to Health and Safety Code section
7 25249.7, which allows enforcement of violations of Proposition 65 in any Court of
8 competent jurisdiction.

9 27. This Court has jurisdiction over Defendants because Defendants either reside or are
10 located in this State or are foreign corporations authorized to do business in California,
11 are registered with the California Secretary of State, or Defendants have sufficient
12 minimum contacts with California, and otherwise intentionally avails itself of the
13 California market through the marketing, distribution, and/or sale of Products in the
14 State of California, so as to render the exercise of jurisdiction over Defendants by the
15 California courts consistent with traditional notions of fair play and substantial justice.

16 28. Venue is proper in the Los Angeles Superior Court because the cause of action arises
17 out of violations in the County of Los Angeles and/or because Defendants conducted,
18 and continue to conduct, business in the County of Los Angeles with respect to the
19 consumer products that are the subject of this action.

20 29. Plaintiffs seek injunctive and declaratory relief and civil penalties from Defendants’
21 violations of the prohibitions of Proposition 65 (Health and Safety Code § 25249.5 et
22 seq.)

23 **STATUTORY BACKGROUND**

24 30. The Safe Drinking Water and Toxic Enforcement Act of 1986 is an initiative statute
25 passed as “Proposition 65” by close to a two-to-one voting margin. Proposition 65 is
26 referred to as a “right-to-know” law intended to inform consumers of the potential for
27 exposure to toxic chemicals and thereby empower them with the information needed

1 to avoid the exposure.

2 31. Proposition 65 requires that individuals be provided with a “clear and reasonable
3 warning” before being exposed to substances listed by the State of California as
4 causing cancer or reproductive toxicity. The warning requirement of Proposition 65 is
5 contained in Health & Safety Code § 25249.6, which provides,

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

9 32. In this case, the exposures are caused by consumer products. “Consumer product”
10 means any article, or component part thereof, including food, that is produced,
11 distributed, or sold for the personal use, consumption or enjoyment of a consumer. (27
12 California Code of Regulations § 25600.1(d)) “Consumer product exposure” means
13 an exposure that results from a person's acquisition, purchase, storage, consumption, or
14 any reasonably foreseeable use of a consumer product, including consumption of a
15 food. (27 California Code of Regulations § 25600.1(e)).

16 33. Proposition 65 requires the State to publish a list of chemicals known to cause cancer
17 or birth defects or other reproductive harm (Health and Safety Code §25249.8.) This
18 list now comprises over 800 chemicals.

19 34. Proposition 65 establishes a procedure by which the State is to develop a list of
20 chemicals “known to the State to cause cancer or reproductive toxicity.” (Health &
21 Safety, § 25249.8.)

22 35. Carbaryl (“Carbaryl”) is listed as a chemical known to the State of California to cause
23 reproductive toxicity on August 7, 2009. Carbaryl became subject to the warning
24 requirement one year later and was therefore subject to the “clear and reasonable”
25 warning requirements of Proposition 65 beginning on August 7, 2010. (27 California
26 Code of Regulations § 25000, *et seq.*; Health & Safety Code § 25249.5, *et seq.*).

27 36. Carbaryl is listed as a chemical known to the State of California to cause cancer on
28

1 February 5, 2010. Carbaryl became subject to the warning requirement one year later
2 and was therefore subject to the “clear and reasonable” warning requirements of
3 Proposition 65 beginning on February 5, 2011. (27 California Code of Regulations §
4 25000, *et seq.*; Health & Safety Code §25249.5, *et seq.*).

5 37. Proposition 65 provides that any “person who violates or threatens to violate” the
6 statute “may be enjoined in a court of competent jurisdiction.” (Health & Safety Code
7 § 25249.7). Violators are liable for civil penalties of up to \$2,500 per day for each
8 violation of the Act. (Health & Safety Code §25249.7(b)(1).)

9 38. Violations of Proposition 65 may be enforced by any person in the public interest,
10 after providing a 60-day notice of the violations of the Attorney General, appropriate
11 District Attorneys and City Attorneys and the alleged violator. (Health and Safety
12 Code § 25249.7(d)(1).) Remedies include injunctive relief to prevent actual or
13 threatened violations, and penalties up to \$2,500 per day per violation. (Health and
14 Safety Code §25249.7(a) and (b).)

15 39. Proposition 65 may be enforced by any person who provides notice sixty days before
16 filing suit to both the violator and designated law enforcement officials. When the law
17 enforcement officials do not file a timely Complaint, this enables a citizen suit to be
18 filed pursuant to Health & Safety Code section 25249.7, subdivisions (c) and (d).

19 **FACTUAL BACKGROUND**

20 40. Defendants are businesses that develop, manufacture, package, distribute, market,
21 offer for sale and/or sell the Products in the State of California.

22 41. Plaintiff hired a well-established and accredited testing laboratory to test Defendants’
23 Products for Carbaryl. The results of the testing show that the Products contain high
24 amounts of Carbaryl.

25 42. Individuals are exposed to the Carbaryl from the reasonable anticipated use of the
26 Products or when they ingest the Product.

27 43. The Products continue to be offered for sale, sold and/or otherwise made available for
28

1 use and/or handling to persons in California.

2 44. At all times relevant to this action, Defendants, therefore, have knowingly and
3 intentionally exposed the users of the Products to Carbaryl without first giving a clear
4 and reasonable warning to such individuals. The Products continue to be distributed
5 and sold in California without providing the requisite warning, and thus the violations
6 are ongoing and continuous and will continue to occur into the future.

7 45. As a proximate result of acts by Defendants, persons in the course of doing business
8 within the meaning of Health & Safety Code § 25249.11(b), individuals throughout
9 the State of California, including in the County of Los Angeles, have been exposed to
10 Carbaryl without a clear and reasonable warning.

11 **SATISFACTION OF 60 DAY NOTICE**

12 46. On November 18, 2021, Plaintiff served Defendant and each appropriate public
13 enforcement agency with a Proposition 65 Notice, a document entitled “Sixty-Day
14 Notice of Intent to Sue for Violation of the Safe Drinking Water and Toxic
15 Enforcement Act of 1986” (“Notice of Violation”) that provided Defendants and the
16 public enforcement agency with notice that Defendants was in violation of Proposition
17 65 for failing to warn purchasers and consumers of the Products that ingestion of the
18 Products expose them to Carbaryl, a chemical known to the State of California to
19 cause cancer and reproductive toxicity. The Notice of Violation is designated with
20 Attorney General number 2021-02866. The Notice of Violation constitutes adequate
21 notice to Defendants because it provided adequate information to allow Defendants to
22 assess the nature of the alleged violations. A certificate of merit and a certificate of
23 service accompanied the Notice of Violation, and both certificates comply with
24 Proposition 65 and its implementing regulations. A true and correct copy of the Notice
25 of Violation is attached here as Exhibit A and is incorporated herein by reference.

26 47. More than 60 days have passed since Plaintiff served the Notice of Violation and no
27 public enforcement entity has filed a Complaint in this case.

1 48. Plaintiff is commencing this action more than sixty (60) days from the date that
2 Plaintiff served the Notice of Violation on the Defendants and the public prosecutors
3 referenced in the paragraphs above.

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

7 **FIRST CAUSE OF ACTION**
8 **(Violation of Health & Safety Code § 25249.6, Failure to Provide Clear and Reasonable**
9 **Warning under Proposition 65 – Against OLIVE RANCH, ALBERTSONS, ALPHA**
10 **BETA, FRED MEYER, GELSONS, HUGHES, INSTACART, RALPHS, SAFEWAY,**
11 **KROGER, VONS, VONS SHERMAN OAKS, WALMART, WAL-MART STORES and**
12 **DOES 1-10)**

13 50. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 49, inclusive,
14 as if superficially set forth herein.

15 51. By committing the acts alleged above, these defendants have, in the course of doing
16 business, knowingly and intentionally exposed users of the Global Blend Oil to
17 Carbaryl, a chemical known to the State of California to cause cancer and reproductive
18 toxicity without first giving clear and reasonable warning to such individuals within
19 the meaning of Health & Safety Code § 25249.6 and continue to violate the statute as
20 the Global Blend Oil continue to make its way to individuals in California through the
21 chain of commerce.

22 52. Said violations render Defendants liable for civil penalties, up to \$2,500 per day for
23 each violation, and subject these defendants to injunction.

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27 ///

1 **SECOND CAUSE OF ACTION**

2 **(Violation of Health & Safety Code § 25249.6, Failure to Provide Clear and Reasonable**
3 **Warning under Proposition 65 – Against OLIVE RANCH, ALBERTSONS,**
4 **INSTACART, SAFEWAY, VONS, VONS SHERMAN OAKS, WALMART, WAL-**
5 **MART STORES and DOES 11-20)**

6 53. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 52, inclusive,
7 as if superficially set forth herein.

8 54. By committing the acts alleged above, these defendants have, in the course of doing
9 business, knowingly and intentionally exposed users of the Arbosana Oil to Carbaryl,
10 a chemical known to the State of California to cause cancer and reproductive toxicity
11 without first giving clear and reasonable warning to such individuals within the
12 meaning of Health & Safety Code § 25249.6 and continue to violate the statute as the
13 Arbosana Oil continue to make its way to individuals in California through the chain
14 of commerce.

15 55. Said violations render Defendants liable for civil penalties, up to \$2,500 per day for
16 each violation, and subject these defendants to injunction.

17 **THIRD CAUSE OF ACTION**

18 **(Violation of Health & Safety Code § 25249.6, Failure to Provide Clear and Reasonable**
19 **Warning under Proposition 65 – Against OLIVE RANCH, BRISTOL, INSTACART and**
20 **DOES 21-30)**

21 56. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 55, inclusive,
22 as if superficially set forth herein.

23 57. By committing the acts alleged above, these defendants have, in the course of doing
24 business, knowingly and intentionally exposed users of the Robust Oil to Carbaryl, a
25 chemical known to the State of California to cause cancer and reproductive toxicity
26 without first giving clear and reasonable warning to such individuals within the
27 meaning of Health & Safety Code § 25249.6 and continue to violate the statute as the
28 Robust Oil continue to make its way to individuals in California through the chain of

1 commerce.

2 58. Said violations render Defendants liable for civil penalties, up to \$2,500 per day for
3 each violation, and subject these defendants to injunction.

4 **FOURTH CAUSE OF ACTION**

5 **(Violation of Health & Safety Code § 25249.6, Failure to Provide Clear and Reasonable**
6 **Warning under Proposition 65 – Against OLIVE RANCH, WALMART, WAL-MART**
7 **STORES and DOES 31-40)**

8 59. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 58, inclusive,
9 as if superficially set forth herein.

10 60. By committing the acts alleged above, these defendants have, in the course of doing
11 business, knowingly and intentionally exposed users of the California Oil to Carbaryl,
12 a chemical known to the State of California to cause cancer and reproductive toxicity
13 without first giving clear and reasonable warning to such individuals within the
14 meaning of Health & Safety Code § 25249.6 and continue to violate the statute as the
15 California Oil continue to make its way to individuals in California through the chain
16 of commerce.

17 61. Said violations render Defendants liable for civil penalties, up to \$2,500 per day for
18 each violation, and subject these defendants to injunction.

19 **PRAYER**

20 Wherefore, Plaintiff accordingly prays for the following relief:

21 62. An assessment of civil penalties pursuant to Health & Safety Code § 25249.7(b),
22 against Defendants in the amount of \$2,500 per day for each violation of Proposition
23 65;

24 63. An injunctive order, pursuant to Health & Safety Code § 25249.7(a), for such
25 temporary restraining orders, preliminary and permanent injunctive orders as are
26 necessary to prevent Defendants from exposing individuals to Carbaryl without
27

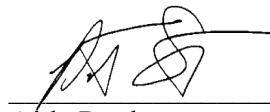
1 providing a clear and reasonable warning for the Product;

2 64. On all Causes of Action, an award to Plaintiff of its reasonable attorneys' fees and
3 costs;

4 65. For such other relief as the Court may deem just and proper.

5 DATED: October 7, 2022

POULSEN LAW P.C.

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9 Aida Poulsen
10 Peter T. Sato
11 Attorneys for Plaintiff
12 The Chemical Toxin Working Group Inc. doing
13 business as Healthy Living Foundation Inc.
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EXHIBIT A

VIA CERTIFIED FIRST CLASS MAIL

Michael Fox or Current
Chief Executive Officer or President
California Olive Ranch, Inc.
265 Airpark Boulevard Suite 200
Chico, California 95973

Michael Fox or Current
Chief Executive Officer or President
California Olive Ranch, Inc.
c/o Chris Chediak
400 Capital Mall Suite 1100
Sacramento, CA 95814

William Rodney McMullen, Current
President or CEO
The Kroger Co.
1014 Vine Street
Cincinnati, Ohio 45202

William Rodney McMullen, Current
President or CEO
The Kroger Co.
c/o Corporation Service Company
50 West Broad Street
Suite 1330
Columbus, OH 43215

Christine S. Wheatley, Current President or
CEO
Ralphs Grocery Company
1014 Vine Street
Cincinnati, Ohio 45202

Christine S. Wheatley, Current President or
CEO
Ralphs Grocery Company
c/o Corporation Service Company Which
Will Do Business In California As CSC -
Lawyers Incorporating Service
2710 Gateway Oaks Drive, Suite 150N
Sacramento, CA 95833

VIA ELECTRONIC FILING

State of California Department of Justice

Office of Attorney General of California
Filing link: oag.ca.gov/prop65

VIA FIRST CLASS MAIL

District Attorneys of California Counties
and City Attorneys, as in the Certificate of
Service

VIA E-MAIL

District Attorneys of California Counties
and City Attorneys, as in the Certificate of
Service



Christine S. Wheatley, Current President or
CEO
Ralphs Grocery Company
c/o Corporation Service Company
50 West Broad Street
Suite 1330
Columbus, OH 43215

Thomas L Schwilke, Current President or
CEO
Hughes Markets, Inc. dba Ralphs
1014 Vine Street
Cincinnati, Ohio 45202

Thomas L Schwilke, Current President or
CEO
Hughes Markets, Inc. dba Ralphs
c/o Corporation Service Company Which
Will Do Business In California As CSC -
Lawyers Incorporating Service
2710 Gateway Oaks Drive, Suite 150N
Sacramento, CA 95833

Dennis R. Gibson, Current President or
CEO
Fred Meyer, Inc.
PO Box 42121
Portland, OR, 97242

Dennis R. Gibson, Current President or
CEO
Fred Meyer, Inc.
c/o Corporation Service Company
1127 Broadway Street NE Ste 310
Salem, OR 97301

Dennis R. Gibson, Current President or
CEO
Fred Meyer, Inc.
c/o Corporation Service Company
251 Little Falls Drive
Wilmington, DE 19808

Christine S. Wheatley, Current President or
CEO
Alpha Beta Company
1014 Vine Street
Cincinnati, Ohio 45202



Christine S. Wheatley, Current President or
CEO
Alpha Beta Company
c/o Corporation Service Company Which
Will Do Business In California As Csc -
Lawyers Incorporating Service
2710 Gateway Oaks Drive, Suite 150N
Sacramento, CA 95833

Douglass McMillon, Current President or
CEO
Walmart, Inc.
702 SW 8th Street
Bentonville, Arkansas 72716

Douglass McMillon, Current President or
CEO
Walmart, Inc.
c/o C T Corporation System
330 N. Brand Blvd. Ste 700
Glendale, CA 91203

Douglass McMillon, Current President or
CEO
Walmart, Inc.
c/o C T Corporation System
124 West Capitol Ave., Suite 1900
Little Rock, AR 72201

Michelle Garbey, Current President or CEO
Wal-mart Stores East, LP
c/o The Corporation Trust Company
Corporation Trust Center 1209 Orange St.
Wilmington, DE 19801

Michelle Garbey, Current President or CEO
Wal-mart Stores East, LP
702 SW 8TH ST
Bentonville, AR 72716

Michelle Garbey, Current President or CEO
Wal-mart Stores East, LP
c/o C T Corporation System
124 West Capitol Ave., Suite 1900
Little Rock, AR 72201

Adam Caldecott, Current President or CEO
Bristol Farms
915 E. 230th St.,
Carson, CA 90745



Adam Caldecott, Current President or CEO
Bristol Farms
c/o Amanda Garcia, Gabriela Sanchez, or
Daisy Montenegro
C T Corporation System
330 N Brand Blvd Ste 700
Glendale, CA 91203

Rob McDougall, Current President or CEO
Gelson's Markets
13833 Freeway Dr.
Santa Fe Springs, CA 90670
Rob McDougall, Current President or CEO
Gelson's Markets
c/o Mark Motsenbocker
13833 Freeway Dr.
Santa Fe Springs, CA 90670

Rob McDougall, Current President or CEO
Gelson's Markets
P.O. Box 512256
Los Angeles, CA 90051

Vivek Sankaran or Current Chief Executive
Officer or President
Albertsons Companies, Inc.
PO Box 20
Boise, Idaho 83726

Vivek Sankaran or Current Chief Executive
Officer or President
Albertsons Companies, Inc.
c/o Amanda Garcia, Gabriela Sanchez, or
Daisy Montenegro
C T Corporation System
330 N Brand Blvd Ste 700
Glendale, CA 91203

Vivek Sankaran or Current Chief Executive
Officer or President
Safeway, Inc.
11555 Dublin Canyon Rd
Pleasanton, CA 94588

Vivek Sankaran or Current Chief Executive
Officer or President
Safeway, Inc.
c/o Amanda Garcia, Gabriela Sanchez, or
Daisy Montenegro



C T Corporation System
330 N Brand Blvd Ste 700
Glendale, CA 91203

Kevin M. Curry or Current Chief Executive
Officer or President
The Vons Companies, Inc.
11555 Dublin Canyon Rd
Pleasanton, CA 94588

Kevin M. Curry or Current Chief Executive
Officer or President
The Vons Companies, Inc.
c/o Amanda Garcia, Gabriela Sanchez, or
Daisy Montenegro
C T Corporation System
330 N Brand Blvd Ste 700
Glendale, CA 91203

Current Chief Executive Officer or
President
Vons Sherman Oaks, LLC
PO Box 20, Corp Tax Dept
Boise, ID 83726-0020

Current Chief Executive Officer or
President
Vons Sherman Oaks, LLC
c/o Amanda Garcia, Gabriela Sanchez, or
Daisy Montenegro
C T Corporation System
330 N Brand Blvd Ste 700
Glendale, CA 91203

Jack Sinclair or Current
Chief Executive Officer or President
Sprouts Farmers Market, Inc. and
Sprouts Farmers Market, LLC
5455 E High St Suite 111
Phoenix, AZ 85054

Jack Sinclair or Current
Chief Executive Officer or President
Sprouts Farmers Market, Inc. and
Sprouts Farmers Market, LLC
c/o Corporate Service Company
251 Little Falls Drive
Wilmington, DE 19808

Apoorva Mehta or Current Chief Executive



Officer or President
Maplebear Inc. which will do business in
California as Instacart
50 Beale Street, Suite 600
San Francisco, CA 94105

Apoorva Mehta or Current Chief Executive
Officer or President
Maplebear Inc. which will do business in
California as Instacart
c/o Cogency Global, Inc.
1325 J. Street, Ste 1550
Sacramento, CA 95814

Apoorva Mehta or Current Chief Executive
Officer or President
Maplebear Inc. which will do business in
California as Instacart
c/o Cogency Global, Inc.
850 New Burton Rd., Ste 201
Dover, DE 19904



RE: Carbaryl in

California Olive Ranch, Inc., The Kroger Co., Ralph Grocery Company, Hughes Markets, Inc. dba Ralphs, Fred Meyer, Inc., Alpha Beta Company, Walmart, Inc., Wal-mart Stores East, LP, Bristol Farms, Gelson's Markets, Albertsons Companies, Inc., Safeway, Inc., The Vons Companies, Inc., Vons Sherman Oaks, LLC, Sprouts Farmers Market, Inc., Sprouts Farmers Market, LLC, and Maplebear Inc. products

November 18, 2021

60-DAY NOTICE OF INTENT TO SUE

for violations of the Safe Drinking Water and Toxic Enforcement Act of 1986

Dear alleged violators and public enforcement agencies,

Poulsen Law P.C. represents The Chemical Toxin Working Group, Inc., a California non-profit corporation, doing business as Healthy Living Foundation Inc. ("HLF," "Noticing Party"), a non-profit consumer health organization engaged in supporting public health, implementing measures reducing the amount of chemical toxins in consumer products, improvement of worker and consumer safety from chemical exposures. as well as publishing comparative results of testing foods and consumer products and educating the public.

HLF has enforced a large number of Cal. Health & Safety Code violations in the public interest and developed an extensive expertise in prosecuting manufacturers and distributors of food and consumer products for violations of health laws and consumer safety. These cases have resulted in significant public benefit, including reformulation of products to remove toxic chemicals to make them safer, and putting label warnings on products tested as contaminated with lead, cadmium, acrylamide, dioxane, or removing them from the California market.

HLF's Chief Officer David Steinman is a journalist, a publisher and an author of a bestseller *Diet For A Poisoned Planet* (Crown ed., 1990, Ballantine 2d ed., 1992, Running Press 3d ed., 2007); his major books also include *The Safe Shopper's Bible* (Macmillan ed., 1995, Wiley 2d ed., 2000), *The Breast Cancer Prevention Program* (Macmillan ed., 1997), *Living Healthy In A Toxic World* (Perseus ed., 1996), *Safe Trip To Eden: Ten Steps To Save The Planet Earth From The Global Warming Meltdown* (Running Press ed., 2007), along with many publications in periodicals and other media.

The Safe Drinking Water and Toxic Enforcement Act of 1986, codified in the California Health & Safety Code sections 25249.5, et seq. ("Proposition 65"), requires that a 60-day notice of intent to sue be provided to a violator of Cal. Health & Safety Code § 25249.6.



With this notice of violation (Notice), HLF gives a written notice of the alleged violation, bringing this action in the public interest as defined under the Cal. Health & Safety Code § 25249.7(d), seeking to prosecute the alleged continuing noncompliance and to warn consumers about their exposure to the violative chemical(s), or reduce and/or eliminate consumer exposures from product(s) (collectively, the “Specified Products” and each a “Specified Product”) listed in the table below, which are manufactured, distributed and/or sold by: California Olive Ranch, Inc., The Kroger Co., Ralph Grocery Company, Hughes Markets, Inc. dba Ralphs, Fred Meyer, Inc., Alpha Beta Company, Walmart, Inc., Wal-mart Stores East, LP, Bristol Farms, Gelson’s Markets, Albertsons Companies, Inc., Safeway, Inc., The Vons Companies, Inc., Vons Sherman Oaks, LLC, Sprouts Farmers Market, Inc., Sprouts Farmers Market, LLC, and Maplebear Inc. (referred to collectively as the “Noticed Parties”).

This Notice covers the violations of Proposition 65 that are currently known to the Noticing Party from information now available as specifically related to the violating products listed below and manufactured, distributed or/and sold by and through the Noticed Parties. HLF is continuing its investigation that may reveal further violations.

The Specified Product(s) subject to this Notice, the chemical(s) in the Specified Product(s) identified as exceeding allowable levels, and the Noticed Parties responsible for sales of the Specified Products, are as follows:

Specified Products	Additional Information ¹	Violative chemical	Noticed Parties
California Olive Ranch Global Blend Medium Extra Virgin Olive Oil Argentina, Chile, Portugal, California	UPC: 850687100056, 16.9 fl oz	carbaryl	California Olive Ranch, Inc. The Kroger Co., Ralph Grocery Company, Hughes Markets, Inc. dba Ralphs, Fred Meyer, Inc., Alpha Beta Company, Walmart, Inc., Wal-mart Stores East, LP, Gelson’s Markets, Albertsons Companies, Inc., Safeway, Inc., The Vons Companies, Inc., Vons Sherman Oaks, LLC, Maplebear Inc.
California Olive Ranch	UPC:	carbaryl	California Olive Ranch, Inc.,

¹ The additional information is not required but is provided to assist the recipients’ investigation of the magnitude of violations. This information is not intended to limit the scope of the alleged violation or Specified Products.



Reserve Arbosana Extra Virgin Olive Oil	850687100018, 16.9 fl oz		Walmart, Inc., Wal-mart Stores East, LP, Albertsons Companies, Inc., Safeway, Inc., The Vons Companies, Inc., Vons Sherman Oaks, LLC, Maplebear Inc.
California Olive Ranch Extra Virgin Olive Oil Robust Global Blend Argentina, Chile, Portugal, California	UPC: 850687100230, 16.9 fl oz	Carbaryl	California Olive Ranch, Inc., Bristol Farms, Maplebear Inc.
California Olive Ranch Extra Virgin Olive Oil 100% California	UPC: 850687110505, 16.9 fl oz	Carbaryl	California Olive Ranch, Inc., Walmart, Inc., Wal-mart Stores East, LP

The primary route of exposure has been through ingestion.

Noticed Parties have manufactured, marketed, distributed and/or sold the Specified Products which, according to the test results, have exposed and continue to expose consumers within the State of California to carbaryl.

Carbaryl is listed pursuant to Proposition 65 as a chemical known to the State of California to cause developmental toxicity, female and male reproductive toxicity and cancer. Cal. Health & Safety Code § 25249.6 requires that a “clear and reasonable” warning be provided prior to exposure to chemicals listed under Proposition 65. The Noticed Parties are in violation of Proposition 65 because the Noticed Parties have failed to provide a warning to consumers that they are being exposed to carbaryl. While in the course of doing business, the Noticed Parties are knowingly and intentionally exposing consumers to carbaryl without first providing a “clear and reasonable” warning.

The method of warning should be a warning that appears on the product’s label. See Cal. Code Regs. tit. 27, § 25602, subd. (a)(3), and subd. (b) for internet purchases also at the point of sale, as applicable. The Noticed Parties have not provided any Proposition 65 warnings as required by law or any other appropriate warnings that persons handling, ingesting and/or otherwise using the Specified Products are being exposed to carbaryl.

With respect to each Specified Product listed above, the violation commenced on the latter of the date that the Specified Product was first offered for sale in California or the date upon which California law codified the allowable level of the relevant chemical; has continued every day since the relevant date the violation commenced; and will continue every day henceforth until carbaryl is removed from each Specified Product, reduced to allowable levels, or until a “clear and reasonable” warning is provided to consumers by the Noticed Parties, as applicable, in accordance with the law.

Pursuant to Title 27, C.C.R. § 25903(b), copies of the following documents are attached hereto for reference by the Notices Parties:

(i) "The Safe Drinking Water and Toxic Enforcement act of 1986 (Proposition 65): A Summary."

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

HLF intends to file a lawsuit after 60 days based on the facts set forth in this Notice. Meanwhile we encourage a prompt resolution of this matter within the said period of 60 days where the Noticed Parties agree in a written agreement to (1) eliminate or reduce carbaryl to an allowable level in the Specified Products or, as an alternative, (2) provide a Proposition 65-compliant warning on the label of the Specified Products and at the point of sale; and (3) pay applicable civil penalties and costs of bringing this action.

Prompt action of the Noticed Parties on this Notice will prevent further consumer exposures to a dangerous chemical without warning, therefore rectifying these alleged ongoing violations of the California law and afford the Noticed Parties the opportunity to avoid increasing costs associated with incompliance and costly litigation.

Please direct all communications regarding this Notice to this office.

Sincerely,



Aida Poulsen | Managing attorney | NY | CA
contact@poulsenlaw.org

ATTACHMENTS

1. Certificate of Merit;
2. Confidential Factual Information supporting Certificate of Merit (to Attorney General only);
3. Certificate of Service;
4. Appendix “A” - “The Safe Drinking Water and Toxic Enforcement act of 1986 (Proposition 65): A Summary” (to the Noticed Parties only);



To:	California Attorney General
Notice of Violation:	November 18, 2021
Noticing Party:	Chemical Toxin Working Group Inc. dba Healthy Living Foundation Inc.
Noticed Parties:	California Olive Ranch, Inc., The Kroger Co., Ralph Grocery Company, Hughes Markets, Inc. dba Ralphs, Fred Meyer, Inc., Alpha Beta Company, Walmart, Inc., Wal-mart Stores East, LP, Bristol Farms, Gelson’s Markets, Albertsons Companies, Inc., Safeway, Inc., The Vons Companies, Inc., Vons Sherman Oaks, LLC, Sprouts Farmers Market, Inc., Sprouts Farmers Market, LLC, and Maplebear Inc.

November 18, 2021

CERTIFICATE OF MERIT

Health and Safety Code Section 25249.7(d)

To the Notice of Violation

I, Aida Poulsen, attorney at law, hereby declare:

This Certificate of Merit accompanies the attached sixty-day notice(s) in which it is alleged the parties identified in the notices have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

I am the attorney for the Noticing Party.

I have reviewed the facts of this case and have consulted with one or more persons with relevant and appropriate experience and expertise who have reviewed facts, studies, and/or other data regarding the alleged exposures to the listed chemical that is the subject of the attached Notice of Violation dated November 18, 2021 (the "Notice").

I have reviewed the laboratory testing results for the chemical subject to the Notice and rely on these results. The testing was conducted by a reputable accredited testing laboratory and by experienced scientists with doctoral and other degrees in relevant sciences. The facts, studies and other data derived through this investigation overwhelmingly demonstrate that the alleged violators have exposed persons to the listed chemical that is the subject of the Notice and is known to the State of California to cause reproductive and/or developmental harm, and/or cancer.

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 plaintiffs' case can be established and the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute.

The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health and 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: November 18, 2021

By:



Aida Poulsen | Managing attorney | NY | CA
contact@poulsenlaw.org

282 11th Avenue, Suite 2612
New York, New York 10001



contact@PoulsenLaw.org

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

CERTIFICATE OF SERVICE

I, Jonathan Newell, am over the age of eighteen years and am not a party to the action, process or case related to or arising out of the Notice of Violation being served under this Certificate of Service. My address is 18653 Ventura Blvd. Ste. 136, Tarzana, California 91356.

On November 18, 2021, between 11:00 a.m. and 5:00 p.m. Pacific Time, I served the following documents:

1. Notice of Violations of California Health & Safety Code Section 25249.5 et seq. by California Olive Ranch, Inc., The Kroger Co., Ralph Grocery Company, Hughes Markets, Inc. dba Ralphs, Fred Meyer, Inc., Alpha Beta Company, Walmart, Inc., Wal-mart Stores East, LP, Bristol Farms, Gelson’s Markets, Albertsons Companies, Inc., Safeway, Inc., The Vons Companies, Inc., Vons Sherman Oaks, LLC, Sprouts Farmers Market, Inc., Sprouts Farmers Market, LLC, and Maplebear Inc.;
2. Certificate of Merit;
3. Appendix “A” - “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 parties below, and causing it to be deposited at a United States Postal Service Office in Los Angeles County, California, for delivery by Certified Mail:

Michael Fox or Current Chief Executive Officer or President California Olive Ranch, Inc. 265 Airpark Boulevard Suite 200 Chico, California 95973	Michael Fox or Current Chief Executive Officer or President California Olive Ranch, Inc. c/o Chris Chediak 400 Capital Mall Suite 1100 Sacramento, CA 95814
William Rodney McMullen, Current President or CEO The Kroger Co.	William Rodney McMullen, Current President or CEO The Kroger Co.

282 11th Avenue, Suite 2612
New York, New York 10001



contact@PoulsenLaw.org

1014 Vine Street Cincinnati, Ohio 45202	c/o Corporation Service Company 50 West Broad Street Suite 1330 Columbus, OH 43215
Christine S. Wheatley, Current President or CEO Ralphs Grocery Company 1014 Vine Street Cincinnati, Ohio 45202	Christine S. Wheatley, Current President or CEO Ralphs Grocery Company c/o Corporation Service Company Which Will Do Business In California As CSC - Lawyers Incorporating Service 2710 Gateway Oaks Drive, Suite 150N Sacramento, CA 95833
Christine S. Wheatley, Current President or CEO Ralphs Grocery Company c/o Corporation Service Company 50 West Broad Street Suite 1330 Columbus, OH 43215	Thomas L Schwilke, Current President or CEO Hughes Markets, Inc. dba Ralphs 1014 Vine Street Cincinnati, Ohio 45202
Thomas L Schwilke, Current President or CEO Hughes Markets, Inc. dba Ralphs c/o Corporation Service Company Which Will Do Business In California As CSC - Lawyers Incorporating Service 2710 Gateway Oaks Drive, Suite 150N Sacramento, CA 95833	Dennis R. Gibson, Current President or CEO Fred Meyer, Inc. PO Box 42121 Portland, OR, 97242
Dennis R. Gibson, Current President or CEO Fred Meyer, Inc. c/o Corporation Service Company 1127 Broadway Street NE Ste 310 Salem, OR 97301	Dennis R. Gibson, Current President or CEO Fred Meyer, Inc. c/o Corporation Service Company 251 Little Falls Drive Wilmington, DE 19808
Christine S. Wheatley, Current President or CEO Alpha Beta Company 1014 Vine Street Cincinnati, Ohio 45202	Christine S. Wheatley, Current President or CEO Alpha Beta Company c/o Corporation Service Company Which Will Do Business In California As CSC - Lawyers Incorporating Service 2710 Gateway Oaks Drive, Suite 150N

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New York, New York 10001



contact@PoulsenLaw.org

	Sacramento, CA 95833
Douglass McMillon, Current President or CEO Walmart, Inc. 702 SW 8 th Street Bentonville, Arkansas 72716	Douglass McMillon, Current President or CEO Walmart, Inc. c/o C T Corporation System 330 N. Brand Blvd. Ste 700 Glendale, CA 91203
Douglass McMillon, Current President or CEO Walmart, Inc. c/o C T Corporation System 124 West Capitol Ave., Suite 1900 Little Rock, AR 72201	Michelle Garbey, Current President or CEO Wal-mart Stores East, LP c/o The Corporation Trust Company Corporation Trust Center 1209 Orange St. Wilmington, DE 19801
Michelle Garbey, Current President or CEO Wal-mart Stores East, LP 702 SW 8TH ST Bentonville, AR 72716	Michelle Garbey, Current President or CEO Wal-mart Stores East, LP c/o C T Corporation System 124 West Capitol Ave., Suite 1900 Little Rock, AR 72201
Adam Caldecott, Current President or CEO Bristol Farms 915 E. 230th St., Carson, CA 90745	Adam Caldecott, Current President or CEO Bristol Farms c/o Amanda Garcia, Gabriela Sanchez, or Daisy Montenegro C T Corporation System 330 N Brand Blvd Ste 700 Glendale, CA 91203
Rob McDougall, Current President or CEO Gelson's Markets 13833 Freeway Dr. Santa Fe Springs, CA 90670	Rob McDougall, Current President or CEO Gelson's Markets P.O. Box 512256 Los Angeles, CA 90051
Rob McDougall, Current President or CEO Gelson's Markets c/o Mark Motsenbocker 13833 Freeway Dr. Santa Fe Springs, CA 90670	

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New York, New York 10001



contact@PoulsenLaw.org

<p>Vivek Sankaran or Current Chief Executive Officer or President Albertsons Companies, Inc. PO Box 20 Boise, Idaho 83726</p>	<p>Vivek Sankaran or Current Chief Executive Officer or President Albertsons Companies, Inc. c/o Amanda Garcia, Gabriela Sanchez, or Daisy Montenegro C T Corporation System 330 N Brand Blvd Ste 700 Glendale, CA 91203</p>
<p>Vivek Sankaran or Current Chief Executive Officer or President Safeway, Inc. 11555 Dublin Canyon Rd Pleasanton, CA 94588</p>	<p>Vivek Sankaran or Current Chief Executive Officer or President Safeway, Inc. c/o Amanda Garcia, Gabriela Sanchez, or Daisy Montenegro C T Corporation System 330 N Brand Blvd Ste 700 Glendale, CA 91203</p>
<p>Kevin M. Curry or Current Chief Executive Officer or President The Vons Companies, Inc. 11555 Dublin Canyon Rd Pleasanton, CA 94588</p>	<p>Kevin M. Curry or Current Chief Executive Officer or President The Vons Companies, Inc. c/o Amanda Garcia, Gabriela Sanchez, or Daisy Montenegro C T Corporation System 330 N Brand Blvd Ste 700 Glendale, CA 91203</p>
<p>Current Chief Executive Officer or President Vons Sherman Oaks, LLC PO Box 20, Corp Tax Dept Boise, ID 83726-0020</p>	<p>Current Chief Executive Officer or President Vons Sherman Oaks, LLC c/o Amanda Garcia, Gabriela Sanchez, or Daisy Montenegro C T Corporation System 330 N Brand Blvd Ste 700 Glendale, CA 91203</p>
<p>Jack Sinclair or Current Chief Executive Officer or President Sprouts Farmers Market, Inc. and Sprouts Farmers Market, LLC 5455 E High St Suite 111 Phoenix, AZ 85054</p>	<p>Jack Sinclair or Current Chief Executive Officer or President Sprouts Farmers Market, Inc. and Sprouts Farmers Market, LLC c/o Corporate Service Company 251 Little Falls Drive Wilmington, DE 19808</p>



<p>Apoorva Mehta or Current Chief Executive Officer or President Maplebear Inc. which will do business in California as Instacart 50 Beale Street, Suite 600 San Francisco, CA 94105</p>	<p>Apoorva Mehta or Current Chief Executive Officer or President Maplebear Inc. which will do business in California as Instacart c/o Cogency Global, Inc. 1325 J. Street, Ste 1550 Sacramento, CA 95814</p>
<p>Apoorva Mehta or Current Chief Executive Officer or President Maplebear Inc. which will do business in California as Instacart c/o Cogency Global, Inc. 850 New Burton Rd., Ste 201 Dover, DE 19904</p>	

On November 18, 2021, between 11:00 a.m. and 11:30 p.m. Pacific Time, I served the following documents:

1. Notice of Violations of California Health & Safety Code Section 25249.5 et seq. by California Olive Ranch, Inc., The Kroger Co., Ralph Grocery Company, Hughes Markets, Inc. dba Ralphs, Fred Meyer, Inc., Alpha Beta Company, Walmart, Inc., Wal-mart Stores East, LP, Bristol Farms, Gelson’s Markets, Albertsons Companies, Inc., Safeway, Inc., The Vons Companies, Inc., Vons Sherman Oaks, LLC, Sprouts Farmers Market, Inc., Sprouts Farmers Market, LLC, and Maplebear Inc.;
2. Certificate of Merit;
3. Confidential Factual Information and Supporting Documentation Required by Title 11, C.C.R. § 3102

on the following parties 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 of California.

On November 18, 2021, between 11:00 a.m. and 5:00 p.m. Pacific Time, I served the following documents:

1. Notice of Violations of California Health & Safety Code Section 25249.5 et seq. by California Olive Ranch, Inc., The Kroger Co., Ralph Grocery Company, Hughes

282 11th Avenue, Suite 2612
New York, New York 10001



contact@PoulsenLaw.org

Markets, Inc. dba Ralphs, Fred Meyer, Inc., Alpha Beta Company, Walmart, Inc., Wal-mart Stores East, LP, Bristol Farms, Gelson’s Markets, Albertsons Companies, Inc., Safeway, Inc., The Vons Companies, Inc., Vons Sherman Oaks, LLC, Sprouts Farmers Market, Inc., Sprouts Farmers Market, LLC, and Maplebear Inc.;

2. Certificate of Merit

on the following parties below by placing a true and correct copy thereof in a sealed envelope, addressed to each of the District Attorney and City Attorney offices listed below, and causing each envelope to be deposited at a United States Postal Service mail box for delivery by First Class Mail:

District Attorney Alpine County PO Box 248 Markleeville, CA 96120	District Attorney Lake County 255 North Forbes Street Lakeport, CA 95453	District Attorney Sierra County PO Box 457 Downieville, CA 95936
District Attorney Amador County 708 Court Street, Suite 202 Jackson, CA 95642	District Attorney Los Angeles County Hall of Justice 211 West Temple St. Ste 1200 Los Angeles, CA 90012	District Attorney Siskiyou County Courthouse 311 Fourth Street, Room 204 Yreka, CA 96097
District Attorney Butte County 25 County Center Drive, Suite 245 Oroville, CA 95965	District Attorney Madera County 209 West Yosemite Avenue Madera, CA 93637	District Attorney Solano County 675 Texas Street, Ste 4500 Fairfield, CA 94533
District Attorney Colusa County 310 6 th Street Colusa, CA 95932	District Attorney Marin County 3501 Civic Center Drive, Room 130 San Rafael, CA 94903	District Attorney Stanislaus County 832 12th Street, Ste 300 Modesto, CA 95354
District Attorney Del Norte County 450 H Street, Suite 171 Crescent City, CA 95531	District Attorney Mendocino County PO Box 1000 Ukiah, CA 95482	District Attorney Sutter County 446 Second Street Yuba City, CA 95991
District Attorney EL Dorado County 778 Pacific Street Placerville, CA 95667	District Attorney Modoc County 204 S Court Street, Room 202 Alturas, CA 96101-4020	District Attorney Tehama County PO Box 519 Red Bluff, CA 96080
District Attorney Fresno County 2220 Tulare Street Suite 1000 Fresno, CA 93721	District Attorney Orange County 300 N Flower St. Santa Ana, CA 92703	District Attorney Trinity County Post Office Box 310 Weaverville, CA 96093

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New York, New York 10001



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District Attorney Glenn County Post Office Box 430 Willows, CA 95988	District Attorney San Benito County 419 4 th Street Hollister, CA 95023	District Attorney Tuolumne County 423 North Washington St. Sonora, CA 95370
District Attorney Humboldt County 825 5th Street 4 th Floor Eureka, CA 95501	District Attorney San Bernardino County 316 No. Mountain View Avenue San Bernardino, CA 92415	District Attorney Yuba County 215 Fifth Street, Suite 152 Marysville, CA 95901
District Attorney Imperial County 940 West Main Street, Suite 102 El Centro, CA 92243	District Attorney San Mateo County 400 County Ctr., 3rd Floor Redwood City, CA 94063	Los Angeles City Attorney's Office City Hall East 200 N. Main Street, Suite 800 Los Angeles, CA 90012
District Attorney Kern County 1215 Truxtun Avenue Bakersfield, CA 93301	District Attorney Shasta County 1355 West Street Redding, CA 96001	San Jose City Attorney's Office 200 East Santa Clara Street, 16 th Floor San Jose, CA 95113
District Attorney Kings County 1400 West Lacey Blvd. Hanford, CA 93230	District Attorney Mono County Post Office Box 617 Bridgeport, CA 93517	

On November 18, 2021, between 11:00 a.m. and 11:30 p.m. Pacific Time, I served the following documents:

1. Notice of Violations of California Health & Safety Code Section 25249.5 et seq. by California Olive Ranch, Inc., The Kroger Co., Ralph Grocery Company, Hughes Markets, Inc. dba Ralphs, Fred Meyer, Inc., Alpha Beta Company, Walmart, Inc., Wal-mart Stores East, LP, Bristol Farms, Gelson's Markets, Albertsons Companies, Inc., Safeway, Inc., The Vons Companies, Inc., Vons Sherman Oaks, LLC, Sprouts Farmers Market, Inc., Sprouts Farmers Market, LLC, and Maplebear Inc.;
2. Certificate of Merit

on each of the parties below, all of which have requested electronic service only via the following email addresses:

Alameda County District Attorney CEPDProp65@acgov.org	Calaveras County District Attorney Prop65Env@co.calaveras.ca.us
Contra Costa County District Attorney	Inyo County District Attorney



TOULSEN LAW P.C.

sgrassini@contracostada.org	inyoda@inyocounty.us
Lassen County District Attorney mlatimer@co.lassen.ca.us	Mariposa County District Attorney mcda@mariposacounty.org
Merced County District Attorney Prop65@countyofmerced.com	Monterey County District Attorney Prop65DA@co.monterey.ca.us
Napa County District Attorney CEPD@countyofnapa.org	Nevada County District Attorney DA.Prop65@co.nevada.ca.us
Placer County District Attorney Prop65@placer.ca.gov	Plumas County District Attorney davidhollister@countyofplumas.com
Riverside County District Attorney Prop65@rivcoda.org	Sacramento County District Attorney Prop65@sacda.org
San Diego City Attorney CityAttyProp65@sandiego.gov	San Diego County District Attorney SanDiegoDAProp65@sdca.org
San Francisco County District Attorney alethea.sargent@sfgov.org	San Francisco City Attorney Valerie.Lopez@sfcityatty.org
San Joaquin County District Attorney DA DAConsumer.Environmental@sjcda.org	San Luis Obispo County District Attorney edobroth@co.slo.ca.us
Santa Barbara County District Attorney DAProp65@co.santa-barbara.ca.us	Santa Clara County District Attorney EPU@da.sccgov.org
Santa Cruz County District Attorney Prop65DA@santacruzcounty.us	Sonoma County District Attorney jbarnes@sonoma-county.org
Tulare County District Attorney Prop65@co.tulare.ca.us	Ventura County District Attorney daspecialops@ventura.org
Yolo County District Attorney cfepd@yolocounty.org	

I, Jonathan Newell, declare under penalty of perjury that the foregoing is true and correct.

Signature

18653 Ventura Blvd. Ste. 136
Tarzana, California 91356

November 18, 2021