

**REPORT OF CIVIL COMPLAINT FILING**

Please print or type required information

Original Filing     Supplemental Filing     Corrected Filing

PARTIES TO THE ACTION

PLAINTIFF(S)

BIOSPHERE WATCH GROUP, SPC, a California Social Purpose Corporation.

DEFENDANT(S)

VERITAS FARMS, INC., a Nevada Corporation, and DOES 1 through 100, inclusive.

CASE INFO

COURT DOCKET NUMBER

SCV-271736

COURT NAME

Sonoma County Superior Court, Civil Unlimited

SHORT CASE NAME

BIOSPHERE WATCH GROUP, SPC v. VERITAS FARMS, INC.

REPORT INFO

TYPE OF CLAIM (Check All That Apply)

- Proposition 65 Unlawful Discharge
- Proposition 65 Failure to Warn
- B&P Code section 17200
- Other Preliminary and permanent injunctive relief

RELIEF SOUGHT (Check All That Apply)

- Warning
- Discharge Ban
- Civil Penalty

For Internal Use Only

**COPY OF COMPLAINT MUST BE ATTACHED**

FILER INFO

NAME OF CONTACT

Omar Figueroa, Esq.

ORGANIZATION

The Law Offices of Omar Figueroa, Inc.

TELEPHONE NUMBER

( 707 ) 829-0215

ADDRESS

7770 Healdsburg Ave.

FAX NUMBER

( )

CITY

Sebastopol

STATE

CA

ZIP

95472-3352

E-MAIL ADDRESS

omar@omarfigueroa.com

**FILING INSTRUCTIONS:** This form can be completed online and printed. If electronic filing is not available, mail the completed form with a copy of the complaint to the attention of the Prop 65 Coordinator at the address shown above. If you need additional space to complete this form please use an attachment.

1 THE LAW OFFICES OF OMAR FIGUEROA, INC.  
2 Omar Figueroa, SBN 196650  
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5 Sebastopol, CA 95472  
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9 Attorneys for Plaintiff  
10 BIOSPHERE WATCH GROUP, SPC

**ELECTRONICALLY FILED**  
**Superior Court of California**  
**County of Sonoma**  
**10/3/2022 1:53 PM**  
**By: Alex Fleckenstein, Deputy Clerk**

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA

12 COUNTY OF SONOMA

13 BIOSPHERE WATCH GROUP, SPC,

Case No.: SCV-271736

14 Plaintiff,

COMPLAINT FOR CIVIL PENALTIES  
AND INJUNCTIVE RELIEF

15 v.

(Health & Safety Code § 25249.6 *et seq.*,  
Business & Professions Code § 11720)

16 VERITAS FARMS, INC., a Nevada  
17 Corporation, and DOES 1 through 100,  
18 inclusive,

19 Defendants.

20 **I.**  
**INTRODUCTION**

21 1. This Complaint is a representative action brought by Biosphere Watch Group, SPC  
22 (“Plaintiff”) in the public interest of the citizens of the State of California (“the People”). Plaintiff  
23 seeks to remedy Defendants’ failure to inform the People of exposure to Δ<sup>9</sup>-Tetrahydrocannabinol  
24 (also known as “Delta-9-Tetrahydrocannabinol” or “THC”), a reproductive toxicant, as well as beta-  
25 Myrcene (also known as “Myrcene”), a carcinogen. Defendants expose consumers to THC and beta-  
26 Myrcene by manufacturing, importing, selling, and/or distributing numerous products, including but  
27 not limited to: Full Spectrum CBD Lip Balm – Orange Crème, Full Spectrum CBD Lip Balm –  
28

1 Mango, Full Spectrum CBD Lip Balm – Watermelon, Full Spectrum CBD Lip Balm – Strawberry,  
2 Full Spectrum CBD Lip Balm – Cherry, Full Spectrum CBD Tincture – Peppermint, Full Spectrum  
3 CBD Tincture – Strawberry, Full Spectrum CBD Tincture – Unflavored, Full Spectrum  
4 Rejuvenating Night Cream, Full Spectrum CBD capsules, Full Spectrum Hemp Oil Moisturizing  
5 Lotion – Minted Lavender, Full Spectrum Hemp Oil Moisturizing Lotion – Unscented, Full  
6 Spectrum CBD Salve – Lavender Eucalyptus, Full Spectrum CBD Salve – Cooling Menthol, Full  
7 Spectrum CBD Salve – Unscented, Full Spectrum Hyaluronic Day Cream, Full Spectrum CBD  
8 Roller – Zen Mind, Full Spectrum CBD Roller – Zen Mood, PM CBD Full Spectrum Tincture –  
9 Chamomile, CBD Minted Lavender Lotion, Full Spectrum Balm Stick, and Joint Care CBD Pet  
10 Chews (“Products”). Defendants know and intend that customers will be exposed to THC and beta-  
11 Myrcene via dermal contact and ingestion of Products.  
12

13  
14 2. Under California’s Safe Drinking Water and Toxic Enforcement Act of 1986,  
15 California Health and Safety Code, section 2529.6 et seq. (“Proposition 65”), “[n]o person in the  
16 course of doing business shall knowingly and intentionally expose any individual to a chemical  
17 known to the state to cause cancer or reproductive toxicity without first giving clear and reasonable  
18 warning to such individual ...” (Health & Safety Code §25249.6)  
19

20 3. California identified and listed THC as a chemical known to cause developmental  
21 toxicity on January 3, 2020. California identified and listed beta-Myrcene as a chemical known to  
22 cause cancer on March 27, 2015.  
23

24 4. Defendants failed to sufficiently warn consumers and individuals in California about  
25 potential exposure to THC and beta-Myrcene in connection with Defendants’ manufacture,  
26 importation, sale, and/or distribution of Products. This is a violation of Proposition 65.  
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**III.**  
**VENUE AND JURISDICTION**

9. California Constitution Article VI, Section 10 grants the Superior Court original jurisdiction in all cases except those given by statute to other trial courts. The Health and Safety Code statute upon which this action is based does not give jurisdiction to any other court. As such, this Court has jurisdiction.

10. Venue is proper in the Sonoma County Superior Court pursuant to Code of Civil Procedure §§ 394, 395, and 395.5. Wrongful conduct occurred and continues to occur in this County. Defendants conducted and continue to conduct business in this County as it relates to Products.

11. Defendants have sufficient minimum contacts in the State of California or otherwise purposely avail themselves of the California market. Exercising jurisdiction over Defendants is consistent with traditional notions of fair play and substantial justice.

**IV.**  
**CAUSES OF ACTION**

**FIRST CAUSE OF ACTION**  
**(Violation of Proposition 65 – Against All Defendants)**

12. Plaintiff incorporates by reference each and every paragraph above.

13. Proposition 65 mandates that citizens be informed about exposures to chemicals that cause cancer, birth defects, and other reproductive harm.

14. Defendants manufactured, imported, sold, and/or distributed Products containing THC and beta-Myrcene in violation of Health and Safety Code § 25249.6 *et seq.* Plaintiff is informed and believes such violations have continued after receipt of the Notice (defined *infra*) and will continue to occur into the future.

1           15.     In manufacturing, importing, selling, and/or distributing Products, Defendants  
2 failed to provide a clear and reasonable warning to consumers and individuals in California who  
3 may be exposed to THC and beta-Myrcene through reasonably foreseeable use of the Products.  
4

5           16.     The Products expose individuals to THC and beta-Myrcene through dermal contact  
6 and/or ingestion. This exposure is a natural and foreseeable consequence of Defendants placing  
7 the Products into the stream of commerce. As such, Defendants intend that consumers will ingest  
8 Products, thereby exposing them to THC and beta-Myrcene.

9           17.     Defendants knew or should have known that the Products contained THC and  
10 beta-Myrcene, and exposed individuals to THC and beta-Myrcene in the ways provided above.  
11 The Notice informed Defendants of the presence of THC and beta-Myrcene in the Products.  
12 Likewise, media coverage concerning THC and beta-Myrcene in consumer products provided  
13 constructive notice to Defendants.  
14

15           18.     Defendants' actions in this regard were deliberate and not accidental.  
16

17           19.     More than sixty (60) days prior to naming each defendant in this lawsuit, Plaintiff  
18 issued a 60-Day Notice of Violation ("Notice") as required by and in compliance with Proposition  
19 65. Plaintiff provided the Notice to the various required public enforcement agencies along with  
20 a certificate of merit. The Notice alleged that Defendants violated Proposition 65 by failing to  
21 sufficiently warn consumers in California of the health hazards associated with exposures to THC  
22 and beta-Myrcene contained in the Products.  
23

24           20.     The appropriate public enforcement agencies provided with the Notice failed to  
25 commence and diligently prosecute a cause of action against Defendants.

26           21.     Individuals exposed to THC and beta-Myrcene contained in Products through  
27 dermal contact and ingestion resulting from reasonably foreseeable use of the Products have  
28



1 benefit” option; and using names like “Stress Relief,” “Energy Boost,” “Heart Health,”  
2 “Immunity Boost,” “Muscle & Joint” and “Sleep Support” in conjunction with Products.<sup>1</sup>

3  
4 28. As noted above, it is a violation of California law to expose consumers to a  
5 chemical which could cause cancer or reproductive harm without providing an appropriate  
6 Proposition 65 warning when required.

7 29. Defendants engaged in unlawful activity by failing to comply with Proposition 65  
8 with respect to the listed substances THC and beta-Myrcene. These unlawful acts are sufficient to  
9 demonstrate a violation of the unlawful prong of the UCL.  
10

11 30. By failing to include Proposition 65 warnings on the Products and by making  
12 numerous health-related statements about the Products, Defendants advertised in an unfair,  
13 deceptive, untrue or misleading way, which is sufficient to demonstrate a violation of the  
14 advertising prong of the UCL.

15 31. Plaintiff prays for injunctive relief pursuant to Business and Professions Code §  
16 17203 and requests that Defendants be enjoined from exposing consumers to listed chemicals  
17 without the legally required Proposition 65 warnings and from making health-related statements  
18 about the Products.  
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23 //

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28 <sup>1</sup> Shop by Benefit | CBD Products for Your Health Needs | Veritas Farms, Veritas Farms (2022),  
<https://theveritasfarms.com/product-category/shopbybenefit/> (last visited Sep 14, 2022).



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V.  
**PRAAYER FOR RELIEF**

Wherefore, Plaintiff prays for judgment against Defendants as follows:

1. For civil penalties in the amount of \$2,500 per day for each violation of Proposition 65. Plaintiff alleges that damages total a minimum of \$1,000,000;
2. For a preliminary and permanent injunction against Defendants from manufacturing, importing, selling, and/or distributing Products in California without providing a clear and reasonable warning as required by Proposition 65 and related Regulations;
3. For a preliminary and permanent injunction against Defendants from engaging in violations of California's Unfair Competition Law by exposing consumers to listed chemicals without the legally required Proposition 65 warnings and from making health-related statements about the Products;
4. For reasonable attorney's fees and costs of suit pursuant to Health & Safety Code § 25249.7; and
5. Such other and further relief as may be just and proper.

Dated: October 3, 2022

Respectfully submitted,

**THE LAW OFFICES OF OMAR FIGUEROA, INC.**  
Omar Figueroa  
Lauren Mendelsohn

Attorneys for Plaintiff  
BIOSPHERE WATCH GROUP, SPC

By:   
Omar Figueroa

# Exhibit A

Proposition 65  
60-Day Notice of Violation

February 18, 2022

Veritas Farms, Inc.  
ATTN: President & CEO Stephen Johnson  
1815 Griffin Road, Ste. 401  
Dania Beach, FL 33004

60-Day Notice of Violation:  
California Health and Safety Code §25249.5 *et seq.* (Proposition 65)

To Whom it May Concern,

My name is Lauren Mendelsohn and I am a Senior Associate at The Law Offices of Omar Figueroa, Inc. (hereafter "Law Firm"). We represent Biosphere Watch Group SPC, a California social purpose corporation that seeks to safeguard the public from exposure to harmful chemicals by helping to reduce the prevalence of such toxins, educate about warning requirements, encourage corporate responsibility, and create a safe environment for workers and the public.

I am sending this notice on behalf of Biosphere Watch Group SPC acting in the public interest. I have identified the following violations of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65" or "Prop. 65" or "the Act"), codified at California Health & Safety Code §25249.5 *et seq.*, with respect to the products listed below. I hereby send this 60-Day Notice ("Notice") to the alleged violator, who is a person in the course of business in California ("Violator"), and to the public prosecutors listed in the attached Electronic Distribution List. The violations covered by this Notice consist of the product exposure, routes of exposure and types of harm potentially resulting from exposure to the hazardous substances identified below, as follows:

Covered Products:	See Exhibit A
Listed Chemicals:	Δ9-THC (Delta-9-Tetrahydrocannabinol); beta-Myrcene
Routes of exposure:	Ingestion and dermal contact
Types of harm:	Birth defects and other reproductive harm (Δ9-THC); Cancer (beta-Myrcene)

Nature of Alleged Violation (Consumer Product Exposure)

Section 25249.6 of the Act states that “no person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the state to cause cancer or reproductive toxicity without first giving clear and reasonable warning to such individual...” The products that are causing consumer exposures to  $\Delta$ 9-THC (Delta-9-Tetrahydrocannabinol) and/or beta-Myrcene (“Listed Chemicals”) in violation of Proposition 65 and that are covered by this notice are hereafter referred to as the “Covered Products.” Please note that these are only examples of the full range of Covered Products manufactured and/or sold by Violator for which penalties may apply.

Exposures to the Listed Chemicals from use of the Covered Products have occurred, and continue to occur, without the “clear and reasonable warning” required by Proposition 65. Such exposures date at least as far back as January 2022 and possibly earlier, beginning when the Covered Products were first sold in California without the appropriate warnings.

Without clear and reasonable warnings regarding the potentially harmful effects from exposure to the Listed Chemicals that could result from using the Covered Products, California citizens lack the information they need to make informed decisions regarding how to reduce or eliminate their risk of toxic exposure. In addition, pursuant to Proposition 65, internet sales of the Covered Products must also provide the customer with a clear and reasonable warning about the risk of reproductive harm from the Listed Chemicals, even if Violator’s role is limited to that of an online retailer.

Consumers, including pregnant women of childbearing age, are exposed to the Listed Chemicals when they handle and use the Covered Products. Such handling and use may take the form of absorption via dermal contact (handling or touching), ingestion, and/or inhalation, which are all reasonably foreseeable uses of the Covered Products. The Listed Chemicals can also be transferred to consumers’ mouths via hand-to-mouth activities after coming into contact with the Covered Products.

Here, Violator knowingly and intentionally exposed, and continues to expose, consumers within the State of California to the Listed Chemicals without providing the required clear and reasonable warnings that the Covered Products contain the Listed Chemicals. Biosphere Watch Group desires to protect the public by causing Violator to stop manufacturing, distributing and/or selling the Covered Products without adequate warnings or to provide a sufficient clear and reasonable warning as required by Proposition 65.

### Number and Duration of Violations

Each and every instance where a Covered Product is offered for sale to a customer within the State of California without an appropriate clear and reasonable warning, in the format required by California statute and regulations, constitutes a separate violation of Proposition 65. This includes transactions made in-person, via catalog, over the phone, or over the internet by the recipients of this Notice as well as by any other sellers of the Covered Products. Please note that the Covered Products specifically identified in this Notice are not an exhaustive list of products that violate Proposition 65 and for which a penalty may apply.

This Notice satisfies a prerequisite for Biosphere Watch Group, SPC to commence an action against Violator in Superior Courts across California to enforce Proposition 65. The violations addressed by this Notice occurred at numerous locations throughout California as reflected in the public prosecutor addresses listed in the attached distribution list. This Notice is being served upon each person or entity responsible for the alleged violations, the California Attorney General, and the public prosecutors for selected cities and counties where alleged violations occurred.

The violations in this case are ongoing and will continue to occur until the Covered Products are no longer sold to customers within California, or are sold with an appropriate warning. These violations have been occurring since at least January 2022, as well as every day since the Covered Products were introduced into commerce within California.

### Additional Violations

In addition to the violations of Proposition 65's clear and reasonable warning requirement, there are health-related statements on the Violator's website that conflict with the U.S. Food and Drug Administration's (FDA) current guidance. Per the FDA, health-related statements regarding CBD are prohibited since CBD is not an approved drug. Furthermore, the FDA has not approved of the use of CBD as a food additive or a dietary supplement. Violator's marketing of CBD products that violate these FDA rules amounts to unfair competition against companies who have taken the effort to comply with FDA guidelines.

Proposition 65 Information

For general information about the requirements of California's Proposition 65, you may contact the Office of Environmental Health Hazard Assessment's (OEHHA) Proposition 65 Implementation Office at (916) 445-6900. For the Violator's reference, a copy of "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary" prepared by OEHHA is attached.

Resolution of Noticed Claims

Based on the information contained herein and in the Certificate of Merit provided to the Attorney General, the Law Firm intends to file a citizen enforcement action on behalf of Biosphere Watch Group against Violator sixty (60) days after effective service of this Notice unless the relevant public enforcement agencies have commenced and are earnestly prosecuting an action against Violator to redress the violations discussed in this Notice; or, unless Violator enter into a binding written agreement that addresses said violations by recalling any Covered Product which has already been sold or taking steps to provide warnings to consumers who have purchased any Covered Product, adding the appropriate warning to any Covered Product that will be sold in the future, and paying an appropriate civil penalty.

If Violator desires to resolve this dispute without resorting to costly and time-consuming litigation, Law Firm welcomes the opportunity to discuss a potential settlement that serves the public's interest in preventing exposure to the Listed Chemicals without providing the required clear and reasonable warnings. Please direct all such communications to my office at the address below. Settlements can be finalized once the 60-day notice period has elapsed.

Please note that any settlement, civil complaint or substantive court orders in this matter must be submitted to the state Attorney General. Neither I nor my client speak for the Attorney General, any district attorney or any of the city attorneys served with this Notice.

Request for Preservation of Evidence

This Notice serves as a demand to preserve and maintain all relevant evidence pending resolution of this matter. Such relevant evidence includes but is not limited to any information relating to the presence or potential presence of the Listed Chemicals in the Covered Products (such as Certificates of Analysis (COAs) and other laboratory test results); purchase and sales information for any of the Covered Products sold within California; any efforts to comply with Proposition 65 with respect to the Covered Products; communications relating to the presence

or potential presence of the Listed Chemicals in Covered Products (such as statements on Violator's packaging or website); web pages offering the Covered Products for sale showing warnings, if any, available to California consumers at the time of purchase; and representative exemplars of each specific product falling within the Covered Products. This demand applies to all relevant evidence for Covered Products sold in the State of California, as far back as when the Covered Products were first produced or sold by Violator, through the date of the resolution of the claims alleged in this Notice.

#### Additional Notice Information

Examples of Covered Products that were recently observed as being available for purchase or use by consumers within the State of California without the required clear and reasonable warning, which are covered by this Notice, are identified in Exhibit A. The examples are not an exhaustive list. They are intended to assist Violator in investigating and identifying the extent of the potential exposures to the Listed Chemicals from other items that Violator manufactured, distributed, or sold which are not specifically named here but which fall within the definition of the Covered Products.

In accordance with 27 CCR §25600.2(g), please promptly answer the questions on Exhibit B, and return with receipt confirmation to the mailing and/or email address listed below within fifteen (15) calendar days of receipt of this letter.

#### Contact Information

Please refrain from contacting my client. Rather, please direct all communications regarding this Notice to my office at the following address, email and/or phone number:

Law Offices of Omar Figueroa  
ATTN: Prop. 65 Division  
7770 Healdsburg Avenue  
Sebastopol, CA, 95472  
707-829-0215  
[prop65@omarfigueroa.com](mailto:prop65@omarfigueroa.com)

I look forward to your prompt response.



Lauren A. Mendelsohn, Esq.

Attached:

- Exhibit A
- Exhibit B
- Certificate of Merit
- Proposition 65 - A Summary
- Proof of Service
- Electronic Service List



EXHIBIT A

Exemplars of Covered Products

(Not an exhaustive list; additional violations may exist and must also be addressed.)

Product	URL	Manufacturer(s)	Retailer(s)*
Full Spectrum CBD Lip Balm - Orange Creme	<a href="https://theveritasfarms.com/product/cbd-lip-balm/">https://theveritasfarms.com/product/cbd-lip-balm/</a>	Veritas Farms	Veritas Farms
Full Spectrum CBD Lip Balm - Mango	<a href="https://theveritasfarms.com/product/cbd-lip-balm/">https://theveritasfarms.com/product/cbd-lip-balm/</a>	Veritas Farms	Veritas Farms
Full Spectrum CBD Lip Balm - Watermelon	<a href="https://theveritasfarms.com/product/cbd-lip-balm/">https://theveritasfarms.com/product/cbd-lip-balm/</a>	Veritas Farms	Veritas Farms
Full Spectrum CBD Lip Balm - Strawberry	<a href="https://theveritasfarms.com/product/cbd-lip-balm/">https://theveritasfarms.com/product/cbd-lip-balm/</a>	Veritas Farms	Veritas Farms
Full Spectrum CBD Lip Balm - Cherry	<a href="https://theveritasfarms.com/product/cbd-lip-balm/">https://theveritasfarms.com/product/cbd-lip-balm/</a>	Veritas Farms	Veritas Farms
Full Spectrum CBD Tincture - Peppermint	<a href="https://theveritasfarms.com/product/full-spectrum-cbd-tincture-peppermint-250mg/">https://theveritasfarms.com/product/full-spectrum-cbd-tincture-peppermint-250mg/</a>	Veritas Farms	Veritas Farms
Full Spectrum CBD Tincture - Strawberry	<a href="https://theveritasfarms.com/product/cbd-tincture/">https://theveritasfarms.com/product/cbd-tincture/</a>	Veritas Farms	Veritas Farms
Full Spectrum CBD Tincture - Unflavored	<a href="https://theveritasfarms.com/product/full-spectrum-cbd-tincture-unflavored-250mg/">https://theveritasfarms.com/product/full-spectrum-cbd-tincture-unflavored-250mg/</a>	Veritas Farms	Veritas Farms

Product	URL	Manufacturer(s)	Retailer(s)*
Full Spectrum Rejuvenating Night Cream	<a href="https://theveritasfarms.com/product/cbd-night-cream/">https://theveritasfarms.com/product/cbd-night-cream/</a>	Veritas Farms	Veritas Farms
Full Spectrum CBD Capsules	<a href="https://theveritasfarms.com/product/cbd-capsules/">https://theveritasfarms.com/product/cbd-capsules/</a>	Veritas Farms	Veritas Farms
Full Spectrum Hemp Oil Moisturizing Lotion - Minted Lavender	<a href="https://theveritasfarms.com/product/cbd-lotion/">https://theveritasfarms.com/product/cbd-lotion/</a>	Veritas Farms	Veritas Farms
Full Spectrum Hemp Oil Moisturizing Lotion - Unscented	<a href="https://theveritasfarms.com/product/cbd-lotion/">https://theveritasfarms.com/product/cbd-lotion/</a>	Veritas Farms	Veritas Farms
Full Spectrum CBD Salve - Lavender Eucalyptus	<a href="https://theveritasfarms.com/product/cbd-salve/">https://theveritasfarms.com/product/cbd-salve/</a>	Veritas Farms	Veritas Farms
Full Spectrum CBD Salve - Cooling Menthol	<a href="https://theveritasfarms.com/product/cbd-salve/">https://theveritasfarms.com/product/cbd-salve/</a>	Veritas Farms	Veritas Farms
Full Spectrum CBD Salve - Unscented	<a href="https://theveritasfarms.com/product/cbd-salve/">https://theveritasfarms.com/product/cbd-salve/</a>	Veritas Farms	Veritas Farms
Full Spectrum Hyaluronic Day Cream	<a href="https://theveritasfarms.com/product/cbd-day-cream/">https://theveritasfarms.com/product/cbd-day-cream/</a>	Veritas Farms	Veritas Farms
Full Spectrum CBD Roller - Zen Mind	<a href="https://theveritasfarms.com/product/cbd-roll-on/">https://theveritasfarms.com/product/cbd-roll-on/</a>	Veritas Farms	Veritas Farms
Full Spectrum CBD Roller - Zen Mood	<a href="https://theveritasfarms.com/product/cbd-roll-on/">https://theveritasfarms.com/product/cbd-roll-on/</a>	Veritas Farms	Veritas Farms

Product	URL	Manufacturer(s)	Retailer(s)*
PM CBD Full Spectrum Tincture - Chamomile	<a href="https://theveritasfarms.com/product/full-spectrum-chamomile-pm-cbd-tincture/">https://theveritasfarms.com/product/full-spectrum-chamomile-pm-cbd-tincture/</a>	Veritas Farms	Veritas Farms
CBD Minted Lavender Lotion	<a href="https://theveritasfarms.com/product/full-spectrum-lotion-2oz/">https://theveritasfarms.com/product/full-spectrum-lotion-2oz/</a>	Veritas Farms	Veritas Farms
Full Spectrum Balm Stick	Available on other retailers' websites	Veritas Farms	Veritas Farms
Joint Care CBD Pet Chews	<a href="https://theveritasfarms.com/product/hemp-infused-dog-chews-for-sale-veritas-farms/">https://theveritasfarms.com/product/hemp-infused-dog-chews-for-sale-veritas-farms/</a>	Veritas Farms	Veritas Farms

\*Many, if not all, of the products listed above also appear to be sold by other retailers. See Exhibit B for further instructions.

EXHIBIT B

As it relates to each of the Covered Products, including but not limited to those identified on Exhibit A, provide the full legal entity name and any known contact information for:

Any and all manufacturers  
Any and all producers  
Any and all packagers  
Any and all importers  
Any and all suppliers  
Any and all distributors  
Any and all retailers

Please send the above-requested information to the Law Offices of Omar Figueroa within fifteen (15) calendar days of receipt of this Notice to:

Law Offices of Omar Figueroa  
ATTN: Prop. 65 Division  
7770 Healdsburg Avenue  
Sebastopol, CA, 95472  
707-829-0215  
[prop65@omarfigueroa.com](mailto:prop65@omarfigueroa.com)

Thank you for your anticipated cooperation.

CERTIFICATE OF MERIT

I, Lauren Mendelsohn, hereby declare:

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

I am the attorney for the noticing party.

I have consulted with one or more persons with relevant and appropriate experience or expertise who has/have reviewed facts, studies, or other data regarding the alleged exposure to the listed chemical that is the subject of this action and/or the listed chemical in substantially similar products and exposes individuals through the same potential routes.

Based on the information obtained through those consultations, and on all other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that “reasonable and meritorious case for the private action” means that the information provides a credible basis that all elements of the plaintiff’s case can be established and 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 under Health and Safety Code §25249.7(h)(2) including (i) the identity of the persons consulted with and relied on by the certifier, and (ii) certain facts, studies, or other data reviewed by those persons.

Dated: February 18, 2022



Lauren A. Mendelsohn, Esq.

## 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.<sup>1</sup> 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

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<sup>1</sup> 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](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 contaminant<sup>2</sup> 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.

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<sup>2</sup> 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](mailto: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.

PROOF OF SERVICE

I, the undersigned, declare under penalty of perjury:

I am over the age of 18 years and not a party to the within action. I am a resident or employed in the county where the mailing occurred. My business address is 7770 Healdsburg Avenue, Sebastopol, California, 95472.

On the date below, I caused to be served the following documents:

SIXTY-DAY NOTICE OF VIOLATION OF HEALTH & SAFETY CODE § 25249.5 ET. SEQ. (PROPOSITION 65); CERTIFICATE OF MERIT; THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY; PROOF OF SERVICE; ELECTRONIC DISTRIBUTION LIST

By First Class Certified Mail, Return Receipt through the U.S. Postal Service by placing true and correct copies of the above documents in a sealed envelope, addressed to each alleged violator listed below and providing such envelope to a U.S. Postal Service Representative.

President & CEO Stephen Johnson  
Veritas Farms, Inc.  
1815 Griffin Road, Ste. 401  
Dania Beach, FL 33004

By Electronic Mail by causing true and correct electronic copies of the above documents to be e-mailed to public prosecutors on the attached "Electronic Distribution List."

By Electronic Upload by causing true and correct copies of the above documents (and additional Factual Information in Support of Certificate of Merit) to be uploaded to the California Attorney General's website at the web address below.

Office of the California Attorney General  
Proposition 65 Enforcement Reporting  
ATTN: Prop 65 Coordinator  
<https://oag.ca.gov/prop65/add-60-day-notice>

Executed on February 18, 2022, at Sebastopol, California.



Lauren Mendelsohn, Esq.

Proposition 65 Public Prosecutors: Electronic Distribution List

Alameda County District Attorney CEPDProp65@acgov.org	San Diego District Attorney SanDiegoDAProp65@sdcca.org
Calaveras County District Attorney Prop65Env@co.calaveras.ca.us	San Diego City Attorney CityAttyProp65@sandiego.gov
Contra Costa County District Attorney sgrassini@contracostada.org	San Francisco District Attorney alexandra.grayner@sfgov.org
Fresno County District Attorney consumerprotection@fresnocountyca.gov	San Francisco City Attorney Valerie.Lopez@sfcityatty.org
Inyo County District Attorney inyoda@inyocounty.us	San Joaquin County District Attorney DAConsumer.Environmental@sjcda.org
Lassen County District Attorney mlatimer@co.lassen.ca.us	San Luis Obispo County District Attorney edobroth@co.slo.ca.us
Mariposa County District Attorney mcda@mariposacounty.org	Santa Barbara County District Attorney DAProp65@co.santa-barbara.ca.us
Merced County District Attorney Prop65@countyofmerced.com	Santa Clara County District Attorney EPU@da.sccgov.org
Monterey County District Attorney Prop65DA@co.monterey.ca.us	San Jose City Attorney Proposition65notices@sanjoseca.gov
Napa County District Attorney CEPD@countyofnapa.org	Santa Cruz County District Attorney Prop65DA@santacruzcounty.us
Nevada County District Attorney DA.Prop65@co.nevada.ca.us	Sonoma County District Attorney jbarnes@sonoma-county.org
Placer County District Attorney Prop65@placer.ca.gov	Tulare County District Attorney Prop65@co.tulare.ca.us
Plumas County District Attorney Davidhollister@countyofplumas.com	Ventura County District Attorney daspecialops@ventura.org
Riverside County District Attorney Prop65@rivcoda.org	Yolo County District Attorney cfepd@yolocounty.org
Sacramento County District Attorney Prop65@sacda.org	

<https://oag.ca.gov/prop65/electronic-service>