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

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

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

Plaintiff,

vs.

SAMUELS AND SON SEAFOOD CO., INC. a
Pennsylvania corporation; and
DOES 1-80,

Defendants.

CASE NO. **23STCV19516**

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

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

INTRODUCTION

1. This action seeks injunctive and declaratory relief and civil penalties to remedy
the continuing failure of defendants SAMUELS AND SON SEAFOOD CO., INC., and DOES 1-
80 to warn consumers in California that they are being exposed to Lead, a chemical known to the
State of California to cause cancer and reproductive toxicity and Cadmium, a chemical known to

1 the State of California to cause reproductive toxicity found in (1) Blue Point Oysters from United
2 States by GourmetFoodStore.com, (2) Emerald Cove Oysters from Canada by
3 GourmetFoodStore.com, (3) Holy Grail Oysters from United States by GourmetFoodStore.com,
4 and (4) James River Oysters from United States by GourmetFoodStore.com (together
5 “Products”).

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

11 PARTIES

12 3. HLF is a non-profit consumer health organization that: implements measures to
13 reduce 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 reducing their
15 exposure to chemicals; publishes consumer health periodicals, books, and comparative test
16 results. HLF’s Chief Officer David W. Steinman is a publisher, a health journalist and a
17 bestselling author of *Diet For A Poisoned Planet* (Crown Ed., 1990, Ballantine 2d Ed., 1992,
18 Running Press 3d Ed., 2007); among his other books are: *The Safe Shopper’s Bible* (Macmillan
19 Ed., 1995, Wiley 2d Ed., 2000), *The Breast Cancer Prevention Program* (Macmillan Ed., 1997).
20 Mr. Steinman represented the public interest at the National Academy of Sciences on the Safe
21 Seafood Committee that produced *Seafood Safety* (Washington, D.C.: National Academies
22 Press, 1991), advised Congress on related legislation, and has testified before Congress as an
23 expert witness on food safety.

24 4. HLF is a person within the meaning of Health and Safety Code section 25249.11,

1 subdivision (a). HLF, acting as a private attorney general, brings this action in the public interest
2 as defined under Health and Safety Code section 25249.7, subdivision (d).

3 5. SAMUELS AND SON SEAFOOD CO., INC. (“SAMUELS”) is a Pennsylvania
4 corporation, doing business in the State of California at all relevant times herein.

5 6. Plaintiff is presently unaware of the true names and capacities of defendants
6 DOES 1-80, and therefore sues these defendants by such fictitious names. Plaintiff will amend
7 this complaint to allege their true names and capacities when ascertained. Plaintiff is informed,
8 believes, and thereon alleges that each fictitiously named defendant is responsible in some
9 manner for the occurrences herein alleged and the violations caused thereby. DOES 1-80 are
10 each a person in the course of doing business within the meaning of Health and Safety Code §§
11 25249.6 and 25249.11.

12 7. At all times mentioned herein, the term “Defendants” includes SAMUELS, and
13 DOES 1-80.

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

17 **JURISDICTION AND VENUE**

18 9. This Court has jurisdiction pursuant to California Constitution Article VI, Section
19 10, which grants the Superior Court original jurisdiction in all causes except those given by
20 statute to other trial courts. The statute under which this action is brought does not specify any
21 other basis for jurisdiction.

22 10. This Court has jurisdiction over this action pursuant to Health and Safety Code
23 section 25249.7, which allows enforcement of violations of Proposition 65 in any Court of
24 competent jurisdiction.

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

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

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

15 18. Proposition 65 establishes a procedure by which the State is to develop a list of
16 chemicals "known to the State to cause cancer or reproductive toxicity." (Health & Safety, §
17 25249.8.)

18 19. Lead and lead compounds ("Lead") were listed as chemicals known to the State
19 of California to cause reproductive toxicity on February 27, 1987. Lead became subject to the
20 warning requirement one year later and was therefore subject to the "clear and reasonable"
21 warning requirements of Proposition 65 beginning on February 27, 1988. (27 California Code of
22 Regulations § 25000, *et seq.*; Health & Safety Code § 25249.5, *et seq.*) Due to the toxicity of
23 lead, the maximum allowable dose level is 0.5 micrograms a day. (27 California Code of
24 Regulations § 25805(b).) As a point of reference, one microgram is equal to one millionth of a
25 gram (1 microgram = 1/1,000,000 gram).

1 20. Lead and lead compounds were listed as chemicals known to the State of
2 California to cause cancer on October 1, 1992. Lead became subject to the warning requirement
3 one year later and was therefore subject to the “clear and reasonable” warning requirements of
4 Proposition 65 beginning on October 1, 1993. (27 California Code of Regulations § 25000, *et*
5 *seq.*; Health & Safety Code §25249.5, *et seq.*). Due to the carcinogenicity of lead and lead
6 compounds, the no significant risk level for lead is 15 micrograms a day. (27 California Code of
7 Regulations § 25705(b)(1).)

8 21. Cadmium was listed as a chemical known to the State of California to cause
9 reproductive toxicity on May 1, 1997. Cadmium became subject to the warning requirement one
10 year later and was therefore subject to the “clear and reasonable” warning requirements of
11 Proposition 65 beginning on May 1, 1998. (27 California Code of Regulations § 25000, *et seq.*;
12 Health & Safety Code § 25249.5, *et seq.*). Due to the toxicity of Cadmium, the maximum
13 allowable dose level is 4.1 micrograms a day. (27 California Code of Regulations § 25805(b).)
14 As a point of reference, one microgram is equal to one millionth of a gram (1 microgram =
15 1/1,000,000 gram).

16 22. Proposition 65 provides that any “person who violates or threatens to violate” the
17 statute “may be enjoined in a court of competent jurisdiction.” (Health & Safety Code §
18 25249.7). Violators are liable for civil penalties of up to \$2,500 per day for each violation of the
19 Act. (Health & Safety Code §25249.7(b)(1).)

20 23. Violations of Proposition 65 may be enforced by any person in the public interest,
21 after providing a 60-day notice of the violations of the Attorney General, appropriate District
22 Attorneys and City Attorneys and the alleged violator. (Health and Safety Code § 25249.7(d)(1).)
23 Remedies include injunctive relief to prevent actual or threatened violations, and penalties up to
24 \$2,500 per day per violation. (Health and Safety Code §25249.7(a) and (b).)

1 Cadmium without a clear and reasonable warning.

2 **SATISFACTION OF 60 DAY NOTICE**

3 32. On November 11, 2022, Plaintiff served Defendants and each appropriate public
4 enforcement agency with a Proposition 65 Notice, a document entitled “Sixty-Day Notice of
5 Intent to Sue for Violation of the Safe Drinking Water and Toxic Enforcement Act of 1986”
6 (“Notice of Violation”) that provided Defendants and the public enforcement agency with notice
7 that Defendants were in violation of Proposition 65 for failing to warn purchasers and consumers
8 of the Products that ingestion of the Products exposes them to Lead and Cadmium, a chemical
9 known to the State of California to cause cancer and reproductive toxicity. The Notice of
10 Violation is designated with Attorney General number 2022-02729. The Notice of Violation
11 constitutes adequate notice to Defendants because it provided adequate information to allow
12 Defendants to assess the nature of the alleged violations. A certificate of merit and a certificate
13 of service accompanied the Notice of Violation, and both certificates comply with Proposition 65
14 and its implementing regulations. A true and correct copy of the Notice of Violation is attached
15 here as Exhibit A and is incorporated herein by reference.

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

18 34. Plaintiff is commencing this action more than sixty (60) days from the date that
19 Plaintiff served the Notice of Violation on the Defendants and the public prosecutors referenced
20 in the paragraphs above.

21 35. Plaintiff is informed, believes, and thereon alleges that neither the Attorney
22 General, nor any applicable district attorney or city attorney has commenced an action or is
23 diligently prosecuting an action against either of the Defendants.

1 **FIRST CAUSE OF ACTION**

2 **(Violation of Health & Safety Code § 25249.6, Failure to Provide Clear and Reasonable**
3 **Warning under Proposition 65 – Against SAMUELS, and DOES 1-10)**

4 36. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 37,
5 inclusive, as if superficially set forth herein.

6 37. By committing the acts alleged above, Defendants have, in the course of doing
7 business, knowingly and intentionally exposed users of the Blue Point Oysters from United
8 States by GourmetFoodStore.com to Lead without first giving clear and reasonable warning to
9 such individuals within the meaning of Health & Safety Code § 25249.6 and continue to violate
10 the statute as the Blue Point Oysters from United States by GourmetFoodStore.com continue to
11 make its way to individuals in California through the chain of commerce.

12 38. Said violations render Defendants liable for civil penalties, up to \$2,500 per day
13 for each violation, and subject Defendants to injunction.

14 **SECOND CAUSE OF ACTION**

15 **(Violation of Health & Safety Code § 25249.6, Failure to Provide Clear and Reasonable**
16 **Warning under Proposition 65 – Against SAMUELS, and DOES 11-20)**

17 39. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 40,
18 inclusive, as if superficially set forth herein.

19 40. By committing the acts alleged above, Defendants have, in the course of doing
20 business, knowingly and intentionally exposed users of the Blue Point Oysters from United
21 States by GourmetFoodStore.com to Cadmium without first giving clear and reasonable warning
22 to such individuals within the meaning of Health & Safety Code § 25249.6 and continue to
23 violate the statute as the Blue Point Oysters from United States by GourmetFoodStore.com
24 continue to make its way to individuals in California through the chain of commerce.

1 make its way to individuals in California through the chain of commerce.

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

4 **FIFTH CAUSE OF ACTION**

5 **(Violation of Health & Safety Code § 25249.6, Failure to Provide Clear and Reasonable**

6 **Warning under Proposition 65 – Against SAMUELS, and DOES 41-50)**

7 48. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 49,
8 inclusive, as if superficially set forth herein.

9 49. By committing the acts alleged above, Defendants have, in the course of doing
10 business, knowingly and intentionally exposed users of the Holy Grail Oysters from United
11 States by GourmetFoodStore.com to Lead without first giving clear and reasonable warning to
12 such individuals within the meaning of Health & Safety Code § 25249.6 and continue to violate
13 the statute as the Holy Grail Oysters from United States by GourmetFoodStore.com continue to
14 make its way to individuals in California through the chain of commerce.

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

17 **SIXTH CAUSE OF ACTION**

18 **(Violation of Health & Safety Code § 25249.6, Failure to Provide Clear and Reasonable**

19 **Warning under Proposition 65 – Against SAMUELS, and DOES 51-60)**

20 51. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 52,
21 inclusive, as if superficially set forth herein.

22 52. By committing the acts alleged above, Defendants have, in the course of doing
23 business, knowingly and intentionally exposed users of the Holy Grail Oysters from United
24 States by GourmetFoodStore.com to Cadmium without first giving clear and reasonable warning
25 to such individuals within the meaning of Health & Safety Code § 25249.6 and continue to

1 violate the statute as the Holy Grail Oysters from United States by GourmetFoodStore.com
2 continue to make its way to individuals in California through the chain of commerce.

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

5 **SEVENTH CAUSE OF ACTION**

6 **(Violation of Health & Safety Code § 25249.6, Failure to Provide Clear and Reasonable
7 Warning under Proposition 65 – Against SAMUELS, and DOES 61-70)**

8 54. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 55,
9 inclusive, as if superficially set forth herein.

10 55. By committing the acts alleged above, Defendants have, in the course of doing
11 business, knowingly and intentionally exposed users of the James River Oysters from United
12 States by GourmetFoodStore.com to Lead without first giving clear and reasonable warning to
13 such individuals within the meaning of Health & Safety Code § 25249.6 and continue to violate
14 the statute as the James River Oysters from United States by GourmetFoodStore.com continue to
15 make its way to individuals in California through the chain of commerce.

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

18 **EIGHTH CAUSE OF ACTION**

19 **(Violation of Health & Safety Code § 25249.6, Failure to Provide Clear and Reasonable
20 Warning under Proposition 65 – Against SAMUELS, and DOES 71-80)**

21 57. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 58,
22 inclusive, as if superficially set forth herein.

23 58. By committing the acts alleged above, Defendants have, in the course of doing
24 business, knowingly and intentionally exposed users of the James River Oysters from United
25 States by GourmetFoodStore.com to Cadmium without first giving clear and reasonable warning

1 to such individuals within the meaning of Health & Safety Code § 25249.6 and continue to
2 violate the statute as the James River Oysters from United States by GourmetFoodStore.com
3 continue to make its way to individuals in California through the chain of commerce.

4 59. Said violations render Defendants liable for civil penalties, up to \$2,500 per day
5 for each violation, and subject Defendants to injunction.

6 **PRAYER**

7 Wherefore, Plaintiff accordingly prays for the following relief:

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

10 61. An injunctive order, pursuant to Health & Safety Code § 25249.7(a), for such
11 temporary restraining orders, preliminary and permanent injunctive orders as are necessary to
12 prevent Defendants from exposing individuals to Lead and Cadmium without providing a clear
13 and reasonable warning for the Products;

14 62. On all Causes of Action, an award to Plaintiff of its reasonable attorneys' fees and
15 costs;

16 63. For such other relief as the Court may deem just and proper.

17 DATED: August 15, 2023

POULSEN LAW P.C.

18
19 

20 _____
21 Brian Park
22 Attorney for Plaintiff
23 The Chemical Toxin Working Group Inc. doing
24 business as Healthy Living Foundation Inc.

EXHIBIT A



VIA CERTIFIED FIRST CLASS MAIL

Jonathan Knigin, Manager or Managing
Member
Gourmet Food Store, LLC
c/o Jonathan Knigin (registered agent)
3212 NW 64th Street
Boca Raton, FL 33496

Current CEO or President
GourmetFoodStore.com
3212 NW 64th Street
Boca Raton, FL 33496

Samuel J. Dangelo, President or CEO
Samuels and Son Seafood Co., Inc.
3407 South Lawrence Street
Philadelphia, PA 19148

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



RE: Cadmium, Lead and Gourmet Food Store, LLC, GourmetFoodStore.com, and Samuels and
lead compounds in Son Seafood Co., Inc. products

November 11, 2022

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., 1801 Chart Trail, Topanga, California 90290 (“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 Gourmet Food Store, LLC, GourmetFoodStore.com, and Samuels and Son Seafood Co., 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 Products(s) subject to this Notice, the chemical(s) in the Specified Products(s) identified as exceeding allowable levels, and the Noticed Parties responsible for sales of the Specified Products, are as follows:

Specified Products	Violative chemical	Noticed Party
Blue Point Oysters from United States by GourmetFoodStore.com	Cadmium, Lead and lead compounds	Gourmet Food Store, LLC, GourmetFoodStore.com, and Samuels and Son Seafood Co., Inc.
Emerald Cove Oysters from Canada by GourmetFoodStore.com	Cadmium, Lead and lead compounds	Gourmet Food Store, LLC, GourmetFoodStore.com, and Samuels and Son Seafood Co., Inc.
Holy Grail Oysters from United States by GourmetFoodStore.com	Cadmium, Lead and lead compounds	Gourmet Food Store, LLC, GourmetFoodStore.com, and Samuels and Son Seafood Co., Inc.
James River Oysters from United States by GourmetFoodStore.com	Cadmium, Lead and lead compounds	Gourmet Food Store, LLC, GourmetFoodStore.com, and Samuels and Son Seafood Co., Inc.

The primary route of exposure has been through ingestion.

Noticed Parties have manufactured, produced, 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 cadmium and lead.

Cadmium is listed pursuant to Proposition 65 as a chemical known to the State of California to cause developmental toxicity, reproductive toxicity and cancer.

Lead and lead compounds (“lead”) is listed pursuant to Proposition 65 as a chemical known to the State of California to cause developmental toxicity, 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 cadmium and lead. While in the course of doing business, the Noticed Parties are knowingly and intentionally exposing consumers to cadmium and lead 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 cadmium and lead.

With respect to the Specified Products listed above, the violation commenced on the latter of the date that the Specified Products 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 cadmium and lead are removed from the Specified Products, 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 cadmium and lead 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 11, 2022
Noticing Party:	Chemical Toxin Working Group Inc. dba Healthy Living Foundation Inc.
Noticed Parties:	Gourmet Food Store, LLC, GourmetFoodStore.com, and Samuels and Son Seafood Co., Inc.

November 11, 2022

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 11, 2022 (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 11, 2022

By:



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

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



contact@PoulsenLaw.org

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, CA 91356.

On November 11, 2022, 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 Gourmet Food Store, LLC, GourmetFoodStore.com, and Samuels and Son Seafood Co., 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:

Jonathan Knigin, Manager or Managing Member Gourmet Food Store, LLC c/o Jonathan Knigin (registered agent) 3212 NW 64th Street Boca Raton, FL 33496	Samuel J. Dangelo, President or CEO Samuels and Son Seafood Co., Inc. 3407 South Lawrence Street Philadelphia, PA 19148
Current CEO or President GourmetFoodStore.com 3212 NW 64th Street Boca Raton, FL 33496	

On November 11, 2022, 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 Gourmet Food Store, LLC, GourmetFoodStore.com, and Samuels and Son Seafood Co., 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:

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



contact@PoulsenLaw.org

State of California Department of Justice;
Office of the Attorney General of California.

On November 11, 2022, 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 Gourmet Food Store, LLC, GourmetFoodStore.com, and Samuels and Son Seafood Co., 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's Office 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	District Attorney Orange County	District Attorney Trinity County

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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 11, 2022, 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 Gourmet Food Store, LLC, GourmetFoodStore.com, and Samuels and Son Seafood Co., 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 sgrassini@contracostada.org	Inyo County District Attorney inyoda@inyocounty.us
Lassen County District Attorney mlatimer@co.lassen.ca.us	Mariposa County District Attorney mcda@mariposacounty.org

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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

Jonathan Newell
18653 Ventura Blvd., Ste. 136
Tarzana, CA 91356

November 11, 2022