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

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County of Los Angeles
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David W. Slayton,
Executive Officer/Clerk of Court,
By Y. Ayala, Deputy Clerk

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF LOS ANGELES**

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

13 Plaintiff,

14 vs.

15 ISLAND PACIFIC SUPERMARKETS, INC.
16 a California corporation;
17 SOCIEDAD ACUICOLA GOLPAC SC DE
18 RL DE CV, a business entity form unknown;
and DOES 1-40,

19 Defendants.

CASE NO. **23STCW25926**

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

20
21 Plaintiff The Chemical Toxin Working Group Inc. doing business as Healthy Living
22 Foundation Inc. (“Plaintiff” or “HLF”) hereby alleges the following on information and belief:

23 **INTRODUCTION**

24 1. This action seeks injunctive and declaratory relief and civil penalties to remedy the
25 continuing failure of defendants ISLAND PACIFIC SUPERMARKETS, INC., SOCIEDAD
26 ACUICOLA GOLPAC SC DE RL DE CV, and DOES 1-40 to warn consumers in California that

1 they are being exposed to Lead, a chemical known to the State of California to cause cancer and
2 reproductive toxicity and Cadmium, a chemical known to the State of California to cause
3 reproductive toxicity found in (1) Island Pacific Live Bloody Clams (“Clams”), (2) Island Pacific
4 Live Shell Oyster (“Oysters”), (with Clams and Oysters together referred to as “Products”).

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

10 PARTIES

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

23 4. HLF is a person within the meaning of Health and Safety Code section 25249.11,
24 subdivision (a). HLF, acting as a private attorney general, brings this action in the public interest
25 as defined under Health and Safety Code section 25249.7, subdivision (d).

26 5. ISLAND PACIFIC SUPERMARKETS, INC. (“ISLAND PACIFIC”), is a California

1 corporation, doing business in the State of California at all relevant times herein.

2 6. SOCIEDAD ACUICOLA GOLPAC SC DE RL DE CV (“SOCIEDAD”), is a business
3 entity form unknown, doing business in the State of California at all relevant times herein.

4 7. Plaintiff is presently unaware of the true names and capacities of defendants DOES 1-40,
5 and therefore sues these defendants by such fictitious names. Plaintiff will amend this complaint
6 to allege their true names and capacities when ascertained. Plaintiff is informed, believes, and
7 thereon alleges that each fictitiously named defendant is responsible in some manner for the
8 occurrences herein alleged and the violations caused thereby. DOES 1-40 are each a person in
9 the course of doing business within the meaning of Health and Safety Code §§ 25249.6 and
10 25249.11.

11 8. At all times mentioned herein, the term “Defendants” includes ISLAND PACIFIC,
12 SOCIEDAD, and DOES 1-40.

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

16
17 **JURISDICTION AND VENUE**

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

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

25 12. This Court has jurisdiction over Defendants because Defendants either reside or are
26 located in this State or are foreign corporations authorized to do business in California, are

1 registered with the California Secretary of State, or Defendants have sufficient minimum
2 contacts with California, and otherwise intentionally avails itself of the California market
3 through the marketing, distribution, and/or sale of Products in the State of California, so as to
4 render the exercise of jurisdiction over Defendants by the California courts consistent with
5 traditional notions of fair play and substantial justice.

6 13. Venue is proper in the Los Angeles Superior Court because the cause of action arises out
7 of violations in the County of Los Angeles and/or because Defendants conducted, and continue
8 to conduct, business in the County of Los Angeles with respect to the consumer products that are
9 the subject of this action.

10 14. Plaintiffs seek injunctive and declaratory relief and civil penalties from Defendants'
11 violations of the prohibitions of Proposition 65 (Health and Safety Code § §25249.5 et seq.)

12 **STATUTORY BACKGROUND**

13 15. The Safe Drinking Water and Toxic Enforcement Act of 1986 is an initiative statute
14 passed as "Proposition 65" by close to a two-to-one voting margin. Proposition 65 is referred to
15 as a "right-to-know" law intended to inform consumers of the potential for exposure to toxic
16 chemicals and thereby empower them with the information needed to avoid the exposure.

17 16. Proposition 65 requires that individuals be provided with a "clear and reasonable
18 warning" before being exposed to substances listed by the State of California as causing cancer
19 or reproductive toxicity. The warning requirement of Proposition 65 is contained in Health &
20 Safety Code § 25249.6, which provides,

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

24 17. In this case, the exposures are caused by consumer products. "Consumer product" means
25 any article, or component part thereof, including food, that is produced, distributed, or sold for
26 the personal use, consumption or enjoyment of a consumer. (27 California Code of Regulations

1 § 25600.1(d)) “Consumer product exposure” means an exposure that results from a person's
2 acquisition, purchase, storage, consumption, or any reasonably foreseeable use of a consumer
3 product, including consumption of a food. (27 California Code of Regulations § 25600.1(e)).

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

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

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

17 21. Lead and lead compounds were listed as chemicals known to the State of California to
18 cause cancer on October 1, 1992. Lead became subject to the warning requirement one year later
19 and was therefore subject to the “clear and reasonable” warning requirements of Proposition 65
20 beginning on October 1, 1993. (27 California Code of Regulations § 25000, *et seq.*; Health &
21 Safety Code §25249.5, *et seq.*). Due to the carcinogenicity of lead and lead compounds, the no
22 significant risk level for lead is 15 micrograms a day. (27 California Code of Regulations §
23 25705(b)(1).)

24 22. Cadmium was listed as a chemical known to the State of California to cause reproductive
25 toxicity on May 1, 1997. Cadmium became subject to the warning requirement one year later and
26 was therefore subject to the “clear and reasonable” warning requirements of Proposition 65

1 beginning on May 1, 1998. (27 California Code of Regulations § 25000, *et seq.*; Health & Safety
2 Code § 25249.5, *et seq.*). Due to the toxicity of Cadmium, the maximum allowable dose level is
3 4.1 micrograms a day. (27 California Code of Regulations § 25805(b).) As a point of reference,
4 one microgram is equal to one millionth of a gram (1 microgram = 1/1,000,000 gram).

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

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

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

18 **FACTUAL BACKGROUND**

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

21 27. Plaintiff hired a well-respected and accredited testing laboratory to test Defendant’s
22 Products for Lead. The results of the testing show that the Products contain Lead.

23 28. Plaintiff hired a well-respected and accredited testing laboratory to test Defendant’s
24 Products for Cadmium. The results of the testing show that the Products contain Cadmium.

25 29. Individuals are exposed to the Lead and Cadmium from the reasonable anticipated use of
26 the Products or when they ingest the Products.

1 30. The Products continue to be offered for sale, sold and/or otherwise made available for use
2 and/or handling to persons in California.

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

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

12 **SATISFACTION OF 60 DAY NOTICE**

13 33. On January 10, 2023, Plaintiff served Defendants and each appropriate public
14 enforcement agency with a Proposition 65 Notice, a document entitled “Sixty-Day Notice of
15 Intent to Sue for Violation of the Safe Drinking Water and Toxic Enforcement Act of 1986”
16 (“Notice of Violation”) that provided Defendants and the public enforcement agency with notice
17 that Defendants were in violation of Proposition 65 for failing to warn purchasers and consumers
18 of the Products that ingestion of the Products exposes them to Lead and Cadmium, a chemical
19 known to the State of California to cause cancer and reproductive toxicity. The Notice of
20 Violation is designated with Attorney General number 2023-00121. The Notice of Violation
21 constitutes adequate notice to Defendants because it provided adequate information to allow
22 Defendants to assess the nature of the alleged violations. A certificate of merit and a certificate
23 of service accompanied the Notice of Violation, and both certificates comply with Proposition 65
24 and its implementing regulations. A true and correct copy of the Notice of Violation is attached
25 here as Exhibit A and is incorporated herein by reference.

26 34. More than 60 days have passed since Plaintiff served the Notice of Violation and no

1 public enforcement entity has filed a Complaint in this case.

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

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

8 **FIRST CAUSE OF ACTION**

9 **(Violation of Health & Safety Code § 25249.6, Failure to Provide Clear and Reasonable**
10 **Warning under Proposition 65 – Against ISLAND PACIFIC, SOCIEDAD, and DOES 1-**
11 **10)**

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

14 38. By committing the acts alleged above, Defendants have, in the course of doing business,
15 knowingly and intentionally exposed users of the Clams to Lead without first giving clear and
16 reasonable warning to such individuals within the meaning of Health & Safety Code § 25249.6
17 and continue to violate the statute as the Clams continue to make its way to individuals in
18 California through the chain of commerce.

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

21 **SECOND CAUSE OF ACTION**

22 **(Violation of Health & Safety Code § 25249.6, Failure to Provide Clear and Reasonable**
23 **Warning under Proposition 65 – Against ISLAND PACIFIC, SOCIEDAD, and DOES 11-**
24 **20)**

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

1 41. By committing the acts alleged above, Defendants have, in the course of doing business,
2 knowingly and intentionally exposed users of the Clams to Cadmium without first giving clear
3 and reasonable warning to such individuals within the meaning of Health & Safety Code §
4 25249.6 and continue to violate the statute as the Clams continue to make its way to individuals
5 in California through the chain of commerce.

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

8 **THIRD CAUSE OF ACTION**

9 **(Violation of Health & Safety Code § 25249.6, Failure to Provide Clear and Reasonable**
10 **Warning under Proposition 65 – Against ISLAND PACIFIC and DOES 21-30)**

11
12 43. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 42, inclusive, as if
13 superficially set forth herein.

14 44. By committing the acts alleged above, Defendants have, in the course of doing business,
15 knowingly and intentionally exposed users of the Oysters to Lead without first giving clear and
16 reasonable warning to such individuals within the meaning of Health & Safety Code § 25249.6
17 and continue to violate the statute as the continue to make its way to individuals in California
18 through the chain of commerce.

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

21 **FOURTH CAUSE OF ACTION**

22 **(Violation of Health & Safety Code § 25249.6, Failure to Provide Clear and Reasonable**
23 **Warning under Proposition 65 – Against ISLAND PACIFIC and DOES 31-40)**

24 46. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 45, inclusive, as if
25 superficially set forth herein.

26 47. By committing the acts alleged above, Defendants have, in the course of doing business,

1 knowingly and intentionally exposed users of the Oysters to Cadmium without first giving clear
2 and reasonable warning to such individuals within the meaning of Health & Safety Code §
3 25249.6 and continue to violate the statute as the continue to make its way to individuals in
4 California through the chain of commerce.

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

7 **PRAYER**

8 Wherefore, Plaintiff accordingly prays for the following relief:

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

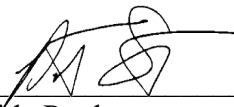
11 50. An injunctive order, pursuant to Health & Safety Code § 25249.7(a), for such temporary
12 restraining orders, preliminary and permanent injunctive orders as are necessary to prevent
13 Defendants from exposing individuals to Lead and Cadmium without providing a clear and
14 reasonable warning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

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

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

17 DATED: October 23, 2023

POULSEN LAW P.C.

18
19 

20 _____
Aida Poulsen
Peter T. Sato
Attorney for Plaintiff
The Chemical Toxin Working Group Inc. doing
21 business as Healthy Living Foundation Inc.
22
23
24
25
26

EXHIBIT A



VIA CERTIFIED FIRST CLASS MAIL

Nino Jefferson Miave Lim, Current
President or CEO
Island Pacific Supermarkets, Inc.
20819 Currier Road, Unit 100
Walnut, CA 91789

Nino Jefferson Miave Lim, Current
President or CEO
Island Pacific Supermarkets, Inc.
20922 Roscoe Blvd.
Canoga Park, CA 91304

Nino Jefferson Miave Lim, Current
President or CEO
Island Pacific Supermarkets, Inc.
4122 Dyer Street
Union City, CA 94587

Paul Di Carlo, Current President or CEO
Dicarlo Seafood Co., Inc.
842 N. Pioneer Ave.
Wilmington, CA 90744

VIA INTERNATIONAL MAIL

Current President or CEO
Sociedad Acuicola Golpac SC DE RL DE
CV
55 and Juan Aldama Colonia Nuevo
Penasco
Puerto Penasco, Mexico 83553

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 Island Pacific Supermarkets, Inc., Dicarolo Seafood Co., Inc., and
lead compounds in Sociedad Acuicola Golpac SC DE RL DE CV

January 10, 2023

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 Products”) listed in the table below, which are manufactured, distributed and/or sold by Island Pacific Supermarkets, Inc., Dicarolo Seafood Co., Inc., and Sociedad Acuicola Golpac SC DE RL DE CV (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 |
|----------------------------------|----------------------------------|---|
| Island Pacific Live Bloody Clams | Cadmium, Lead and lead compounds | Island Pacific Supermarkets, Inc. and Sociedad Acuicola Golpac SC DE RL DE CV |
| Island Pacific Live Shell Oyster | Cadmium, Lead and lead compounds | Island Pacific Supermarkets, Inc. and Dicarlo 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 Product was first offered for sale in California, or January 10, 2020; 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: | January 10, 2023 |
| Noticing Party: | Chemical Toxin Working Group Inc. dba Healthy Living Foundation Inc. |
| Noticed Parties: | Island Pacific Supermarkets, Inc., Dicarolo Seafood Co., Inc., and Sociedad Acuicola Golpac SC DE RL DE CV |

January 10, 2023

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 January 10, 2023 (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: January 10, 2023

By:



Aida Poulsen | Managing attorney | NY | CA
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 January 10, 2023, 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 Island Pacific Supermarkets, Inc., Dicarlo Seafood Co., Inc., and Sociedad Acuicola Golpac SC DE RL DE CV;
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 (or International Mail):

| | |
|--|--|
| Nino Jefferson Miave Lim, Current President or CEO Island Pacific Supermarkets, Inc. 20819 Currier Road, Unit 100 Walnut, CA 91789 | Nino Jefferson Miave Lim, Current President or CEO Island Pacific Supermarkets, Inc. 20922 Roscoe Blvd. Canoga Park, CA 91304 |
| Nino Jefferson Miave Lim, Current President or CEO Island Pacific Supermarkets, Inc. 4122 Dyer Street Union City, CA 94587 | Paul Di Carlo, Current President or CEO Dicarlo Seafood Co., Inc. 842 N. Pioneer Ave. Wilmington, CA 90744 |
| VIA INTERNATIONAL MAIL ONLY Current President or CEO Sociedad Acuicola Golpac SC DE RL DE CV 55 and Juan Aldama Colonia Nuevo Penasco Puerto Penasco, Mexico 83553 | |

On January 10, 2023, 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 Island Pacific Supermarkets, Inc., Dicarlo Seafood Co., Inc., and Sociedad Acuicola Golpac SC DE RL DE CV;
2. Certificate of Merit;

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



contact@PoulsenLaw.org

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 January 10, 2023, 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 Island Pacific Supermarkets, Inc., Dicarlo Seafood Co., Inc., and Sociedad Acuicola Golpac SC DE RL DE CV;
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 |

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



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| | | |
|--|---|--|
| 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 |
| 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 5 th 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 January 10, 2023, 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 Island Pacific Supermarkets, Inc., Dicarlo Seafood Co., Inc., and Sociedad Acuicola Golpac SC DE RL DE CV;
2. Certificate of Merit

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

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



contact@PoulsenLaw.org

| | |
|---|--|
| 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 |
| 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@sdacda.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

January 10, 2023