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Attorneys for Plaintiff
CALSAFE RESEARCH CENTER

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

CALSAFE RESEARCH CENTER, a California non-profit corporation,

Plaintiff,

v.

CALIFORNIA OLIVE RANCH, INC., a California Stock Corporation; and DOES 1 to 100,

Defendants.

Case No.: 25TRCV02994

COMPLAINT FOR CIVIL PENALTIES AND INJUNCTIVE RELIEF

Health & Safety Code §25249.5, *et seq*.

NATURE OF THE ACTION

1. This Complaint is a representative action brought by plaintiff in the public interest of the citizens of the State of California to enforce the People's right to be informed of the health hazards caused by exposure to Lead, a toxic chemical found in the food products identified herein sold by defendant that are purchased by or shipped to citizens in California (the "Products" as defined below). By this Complaint, plaintiff seeks to remedy defendants' continuing failure to warn

consumers and businesses not covered by California's Occupational Safety Health Act, *Labor Code* §§ 6300 *et seq*. about the risks of exposure to Lead defendants knew or should have known are present in the Products that are manufactured, distributed, and offered for sale or use throughout the State of California.

THE PARTIES

2. Plaintiff, CALSAFE RESEARCH CENTER, is a California Nonprofit Corporation (hereinafter "CRC" or "Plaintiff"). CRC brings this action as a private attorney general pursuant to *Health & Safety Code* § 25249.7(d). Individuals, consumers and businesses not covered by California's Occupational Safety Health Act, *Labor Code* §§ 6300 *et seq*. who purchase, use or handle the Products are referred to hereinafter as "consumers."

3. Defendant CALIFORNIA OLIVE RANCH, INC., is a California Stock Corporation doing business in the State of California at all relevant times herein (hereinafter "SUPPLIER" or "Defendant").

4. Plaintiff is presently unaware of the true names and capacities of defendants DOES 1-100, and therefore sues these defendants by such fictitious names. Plaintiff will amend this Complaint to allege their true names and capacities when ascertained. Plaintiff is informed, believes, and thereon alleges that each fictitiously named defendant is responsible in some manner for the occurrences herein alleged and the damages caused thereby.

5. On information and belief, (i) at all times relevant to this action, each of the Defendants, including DOES 1-100, was an agent, servant, or employee of each of the other Defendants; (ii) in conducting the activities alleged in this Complaint, each of the Defendants was acting within the course and scope of this agency, service, or employment, and was acting with the consent, permission, and authorization of each of the other Defendants; (iii) all actions of each of the Defendants alleged in this Complaint were ratified and approved by every other Defendant or their officers or managing agents; and/or (iv) each of the Defendants aided, conspired with and/or facilitated the alleged wrongful conduct of each of the other Defendants.

6. Plaintiff is informed, believes, and thereon alleges that at all relevant times, each of the Defendants was a person doing business within the meaning of *Health & Safety Code* § 25249.11(b), and that each of the Defendants had ten (10) or more employees

JURISDICTION

7. The Court has jurisdiction over this lawsuit pursuant to California Constitution Article VI, Section 10, which grants the Superior Court original jurisdiction in all causes except those given by statute to other trial courts. This Court has jurisdiction over this action pursuant to *Health & Safety Code* § 25249.7, which allows enforcement of violations of Proposition 65 in any Court of competent jurisdiction.

8. This Court has jurisdiction over Defendants named herein because Defendants either reside or are located in this State, or are foreign corporations authorized to do business in California, are registered with the California Secretary of State, or do sufficient business in California and have sufficient minimum contacts with California or otherwise intentionally avail themselves of the markets within California through their manufacture, distribution, promotion, marketing, and/or sale of the Products within California to render the exercise of jurisdiction by the California courts permissible under traditional notions of fair play and substantial justice.

9. This Court is the proper venue for the action because the causes of action have arisen in the County of Los Angeles where some of the violations of law have occurred, and will continue to occur, due to the Defendants' ongoing sale of the Products offered for sale throughout the State of California. Furthermore, venue is proper in this Court under *Code of Civil Procedure* § 395.5 and *Health & Safety Code* § 25249.7.

BACKGROUND AND PRELIMINARY FACTS

10. In 1986, California voters approved an initiative to address growing concerns about exposure to toxic chemicals and declared their right "[t]o be informed about exposures to chemicals that cause cancer, birth defects, or other reproductive harm." Ballot Pamp., Proposed Law, Gen. Elec. (Nov. 4, 1986) at p. 3. The initiative, The Safe Drinking Water and Toxic Enforcement Act of

1986, codified at *Health & Safety Code* § 25249.5, *et seq*. ("Proposition 65"), helps to allow consumers to make informed choices about the products they buy and to enable persons to protect themselves from toxic chemicals as they see fit.

11. Proposition 65 requires the Governor of California to publish a list of chemicals known to the state to cause cancer, birth defects, or other reproductive harm. *Health & Safety Code* § 25249.8. The list, which the Governor updates at least once a year, contains over 900 chemicals and chemical families. Proposition 65 imposes warning requirements and other controls that apply to Proposition 65-listed chemicals.

12. All businesses with ten (10) or more employees that operate or sell products in California must comply with Proposition 65. Under Proposition 65, businesses are: (1) prohibited from knowingly discharging Proposition 65-listed chemicals into sources of drinking water (*Health & Safety Code* § 25249.5), and (2) required to provide "clear and reasonable" warnings before exposing a person, knowingly and intentionally, to a Proposition 65-listed chemical (*Health & Safety Code* § 25249.6).

13. Proposition 65 provides that any person "violating or threatening to violate" the statute may be enjoined in any court of competent jurisdiction. *Health & Safety Code* § 25249.7. "Threaten to violate" means "to create a condition in which there is a substantial probability that a violation will occur." *Health & Safety Code* § 25249.11(e). Defendants are also liable for civil penalties of up to $2,500.00 per day per violation, recoverable in a civil action. *Health & Safety Code* § 25249.7(b).

14. On October 1, 1992, the Governor of California added Lead and Lead Compounds ("Lead") to the list of chemicals known to the State to cause cancer (Cal. *Code Regs*. tit. 27, § 27001(b)). Pursuant to *Health & Safety Code* §§ 25249.9 and 25249.10, twenty (20) months after addition of Lead to the list of chemicals known to the State to cause cancer, Lead became fully subject to Proposition 65 warning requirements and discharge prohibitions.

15. On February 27, 1987, the Governor of California added Lead to the list of chemicals known to the State to cause developmental and reproductive toxicity (Cal. *Code Regs. tit*. 27, § 27001(c)). Lead is known to the State to cause developmental, female, and male reproductive toxicity. Pursuant to *Health & Safety Code* §§ 25249.9 and 25249.10, twenty (20) months after addition of Lead to the list of chemicals known to the State to cause developmental and reproductive toxicity, Lead became fully subject to Proposition 65 warning requirements and discharge prohibitions.

THE PRODUCTS

16. Each of the Defendants is, and at all times mentioned herein was, a manufacturer, distributor, promoter, importer and/or seller of the following products (hereinafter the "Products"): Lucini, Aged Balsamic Vinegar of Modena, Net Wt. 250ml.

17. Each of the Products exposes consumers to Lead in excess of the limits provided by California law. Defendants knew or should have known that Lead has been identified by the State of California as a chemical known to cause cancer and reproductive toxicity and therefore was subject to Proposition 65 warning requirements. Defendants were also informed of the presence of Lead in the Products within Plaintiff's notices of alleged violations further discussed below.

18. Plaintiff's allegations regarding Lead in the Products concerns "[c]onsumer products exposure[s]," which "is an exposure that results from a person's acquisition, purchase, storage, consumption, or other reasonably foreseeable use of a consumer good, or any exposure that results from receiving a consumer service." *Cal. Code Regs*. tit. 27, § 25602(b). Each of the Products is a consumer product, and, as mentioned herein, exposures to Lead took place as a result of such normal and foreseeable consumption and use of the Products.

19. The Products are manufactured, produced, packaged, imported, supplied, sold and/or distributed by SUPPLIER through various retail outlets to consumers.

20. Defendants and DOES 1 through 100 have actual and/or constructive knowledge that the Products contain Lead, that Lead is present in or on the Products in such a way as to expose

consumers through dermal contact, ingestion and/or inhalation during reasonably foreseeable use, and that reasonably foreseeable use of the Products has caused and continues to cause consumer product exposure to Lead within an affected area as defined by 27 *California Code of Regulations* § 25600.1(e).

COMPLIANCE WITH NOTICE REQUIREMENTS

21. Attached hereto and incorporated by reference are copies of a letter ("60-Day Notice" or "Notice"), dated March 7, 2025, which Plaintiff sent to Defendants, and California's Attorney General. Identical letters were sent to every District Attorney in the state, to the City Attorneys of every California city with a population greater than 750,000 and to all Defendants. Attached to the 60-Day Notices were Certificates of Merit attesting to the reasonable and meritorious basis for this action, Certificates of Service attesting to service of the letters on each entity described above, and a description of Proposition 65 prepared by the California Office of Environmental Health Hazard Assessment. Furthermore, factual information sufficient to establish the basis of the Certificates of Merit was enclosed with the 60-Day Notices sent to California's Attorney General. The Notices are attached and are herein incorporated by reference.

22. Before sending the notice of alleged violations, Plaintiff investigated the Products, the likelihood that the Products would cause users to suffer significant exposures to Lead in excess of the limits imposed by California law and the corporate structure of each of the named Defendants.

23. Plaintiff's notices of alleged violations each included a Certificate of Merit executed by the attorney for the noticing party, CRC. The Certificate of Merit stated that the attorney for Plaintiff who executed the certificate had consulted with at least one person with relevant and appropriate expertise who reviewed data regarding the exposures to Lead, the subject Proposition 65-listed chemical of this action. Based on that information, the attorney for Plaintiff who executed the Certificate of Merit believed there was a reasonable and meritorious case for this private action. The attorney for Plaintiff attached to the Certificate of Merit served on the Attorney General the confidential factual information sufficient to establish the basis of the Certificate of Merit.

24. Plaintiff's notice of alleged violations also included a Certificate of Service and a document entitled "The Safe Drinking Water & Toxic Enforcement Act of 1986 (Proposition 65) A Summary." *Health & Safety Code* § 25249.7(d).

25. Plaintiff is commencing this action more than sixty (60) days from the dates that Plaintiff gave notice of the alleged violations to the named Defendants and the public prosecutors referenced above.

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

FIRST CAUSE OF ACTION

(By CRC against Defendants and DOES 1 - 100)

Violations of *Health & Safety Code*, §§ 2524 9.5, *et seq*. *Proposition 65*

27. Plaintiff repeats and incorporates by reference paragraphs 1 through 26 of this complaint as though fully set forth herein

28. Plaintiff is informed, believes, and thereon alleges that between March 7, 2025, and the present, each of the Defendants knowingly and intentionally exposed California consumers and users of the Products to Lead in excess of legal limits, which Defendants manufactured, distributed, or sold as mentioned above, without first providing any type of clear and reasonable warning of such to the exposed persons before the time of exposure.

29. Defendants have manufactured, produced, package, imported, supplied, distributed and/or sold the Products in California and know and intend that consumers will use and consume the Products, thereby exposing them to Lead in excess of legally permissible Lead exposure. Defendants knew or should have known that Lead has been identified by the State of California as a chemical known to cause cancer and reproductive toxicity and therefore was subject to Proposition 65 warning requirements.

30. Contrary to the express policy and statutory prohibition of Proposition 65 enacted directly by California voters, consumers exposed to lead, through dermal contact, ingestion and/or inhalation as a result of their use of the Products that Defendants sold without a "clear and reasonable" health hazard warning, have suffered, and continue to suffer, irreparable harm for which they have no plain, speedy, or adequate remedy at law.

31. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of Proposition 65 as to the Products have been ongoing and continuous, as Defendants engaged and continue to engage in conduct which violates *Health and Safety Code* § 25249.6, including the manufacture, distribution, promotion, and/or sale of the Products, so that a separate and distinct violation of Proposition 65 occurred each and every time a person was exposed to Lead by the Products as mentioned herein.

32. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65 mentioned herein is ever continuing. Plaintiff further alleges and believes that the violations alleged herein will continue to occur into the future.

33. Based on the allegations herein, Defendants are liable for civil penalties of up to $2,500.00 per day per individual exposure to Lead from the Products, pursuant to *Health and Safety Code* § 25249.7(b).

34. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to filing this Complaint.

35. Defendants knew or should have known that the Products contained Lead in amounts sufficient to implicate the requirements of Proposition 65. Defendants' failure to warn consumers and other individuals in California of the health hazards associated with exposures to lead in conjunction with defendants' sales of the Products are violations of Proposition 65 which subject defendants, and each of them, to enjoinment of such conduct as well as civil penalties for each violation. *Health & Safety Code* § 25249.7(a) and (b)(1).

36. On information and belief, Defendants and their divisions have systems, policies and procedures that evidence awareness of Proposition 65 requirements and awareness of products similar to the Products that require Proposition 65 warnings such that they knew or should have known the Products are subject to Proposition 65's notice requirements.

37. For defendants' violations and threatened violations of Proposition 65, plaintiff seeks preliminary and permanent injunctive relief to compel defendants to provide purchasers and users of the Products with the required warning regarding specific health hazards associated with exposures to lead. *Health & Safety Code* §25249.7(a).

38. Pursuant to *Health & Safety Code* §25249.7(b), plaintiff also seeks civil penalties against defendants for their violations of Proposition 65, some of which are ongoing.

PRAYER FOR RELIEF

Plaintiff demands against each of the Defendants as follows:

1. That the Court, pursuant to Health and Safety Code section 25249.7(a), preliminarily and permanently enjoin Defendants from importing, manufacturing, distributing, selling, facilitating and/or offering for sale in the State of California Products that contain the Listed Chemical without first providing a "clear and reasonable warning" under Proposition 65;
2. That the Court grant Plaintiff's reasonable attorneys' fees and costs of suit;
3. That the Court, pursuant to *Health and Safety Code* § 25249.7(b), assess civil penalties against Defendants in such amount as the Court deems appropriate; and,
4. For such other and further relief as the Court may deem just and proper.

Dated September 3, 2025

MANNING LAW, A.P.C

By: _____
Michael J. Manning, Esq.
Attorneys for Plaintiff

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CONSUMER ATTORNEYS

March 7, 2025

NOTICE OF VIOLATION OF
CALIFORNIA HEALTH & SAFETY CODE SECTION 25249.5 *ET SEQ.*
(PROPOSITION 65)

Dear Alleged Violators and the Appropriate Public Enforcement Agencies:

I represent CalSafe Research Center, Inc. ("CRC"), 4533 MacArthur Blvd., Ste. 165, Newport Beach, CA 92660; Tel. (949) 630-0413. CRC's Executive Director is Eric Fairon. CRC is a California non-profit corporation dedicated to, among other causes, helping safeguard the public from health hazards by bringing about a reduction in the use and misuse of hazardous and toxic chemicals, facilitating a safe environment for consumers and employees, and encouraging corporate responsibility.

CRC has identified violations of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65"), which is codified at California Health & Safety Code §25249.5 et seq., with respect to the products identified below. These violations have occurred and continue to occur because the alleged Violators identified below failed to provide required clear and reasonable warnings with these products. This letter serves as a notice of these violations to the alleged Violators and the appropriate public enforcement agencies. Pursuant to Health and Safety Code Section 25249.7(d), CRC intends to pursue a private enforcement action in the public interest 60 days after effective service of this notice unless the public enforcement agencies have commenced and are diligently prosecuting an action to rectify these violations.

General Information about Proposition 65. A copy of a summary of Proposition 65, prepared by the Office of Environmental Health Hazard Assessment, is enclosed with this letter served to the alleged Violators identified below.

Alleged Violators. The names of the person/company covered by this notice that violated Proposition 65 (hereinafter the "Violators") are:

1. California Olive Ranch, Inc.
2. Whole Foods Market California, Inc.

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Consumer Products and Listed Chemical. The products causing exposures in violation of Proposition 65 are **Vinegar/Glaze**, including but not limited to:

Listed Chemical: Lead
Lucini, Aged Balsamic Vinegar of Modena, UPC#648505302504

On February 27, 1987, the State of California officially listed lead as a chemical known to cause developmental toxicity, and male and female reproductive toxicity. On October 1, 1992, the State of California officially listed lead and lead compounds as chemicals known to cause cancer.

It should be noted that CRC may continue to investigate other products that may reveal further violations and result in subsequent notices of violations.

Route of Exposure. The consumer exposures that are the subject of this notice result from the recommended use of these products. Consequently, the route of exposure to this chemical has been and continues to be through ingestion.

Approximate Time Period of Violations. Ongoing violations have occurred every day since at least **January 7, 2025**, as well as every day since the products were introduced into the California marketplace and will continue every day until clear and reasonable warnings are provided to product purchasers and users or until this known toxic chemical is either removed from or reduced to allowable levels in the products. Proposition 65 requires that a clear and reasonable warning be provided prior to exposure to the identified chemical. The method of warning should be a warning that appears on the product label. The Violators violated Proposition 65 because they failed to provide persons ingesting these products with appropriate warnings that they are being exposed to this chemical.

Consistent with the public interest goals of Proposition 65 and a desire to have these ongoing violations of California law quickly rectified, CRC is interested in seeking a constructive resolution of this matter that includes an enforceable written agreement by the Violators to: (1) reformulate the identified products so as to eliminate further exposures to the identified chemical, or provide appropriate warnings on the labels of these products; (2) pay an appropriate civil penalty; and (3) provide clear and reasonable warnings compliant with Proposition 65 to all persons located in California who purchased the above products in the last three years. Such a resolution will prevent further unwarned consumer exposures to the identified chemical, as well as an expensive and time-consuming litigation.

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In accordance with 27 CCR §25600.2(g), please "promptly" answer the questions on Exhibit A, and return with receipt confirmation to CalSafe Research Center, Inc. c/o Joseph R. Manning, Jr., Manning Law, APC, 26100 Towne Centre Drive, Foothill Ranch, CA 92610, or via email to P65@manninglawoffice.com on or before **April 7, 2025**.

CRC has retained me as legal counsel in connection with this matter. **Please direct all communications regarding this Notice of Violation to my attention at the law office address and telephone number indicated on the letterhead or at P65@ManningLawOffice.com.**

Sincerely,

Joseph R. Manning, Jr.
P65@ManningLawOffice.com

Attachments

Certificate of Merit
Certificate of Service
OEHHA Summary (to Alleged Violators only)
Factual Information in Support of Certificate of Merit (to AG only)

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CONSUMER ATTORNEYS

CERTIFICATE OF MERIT

Re: Calsafe Research Center, Inc.'s Notice of Proposition 65 Violations by California Olive Ranch, Inc., and Whole Foods Market California, Inc.

I, Joseph R. Manning, Jr., declare:

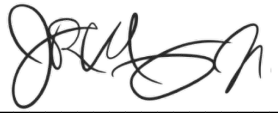
1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the parties identified in the notices have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

2. I am an attorney for the noticing party.

3. I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the alleged exposure to the listed chemical that is the subject of the action.

4. 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.

5. 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: March 7, 2025 

Joseph R. Manning, Jr.
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CONSUMER ATTORNEYS

CERTIFICATE OF SERVICE PURSUANT TO 27 CCR § 25903

I, the undersigned, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

I am a citizen of the United States and over the age of 18 years of age. My business address is 26100 Towne Centre Drive, Foothill Ranch, CA 92610. I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Foothill Ranch, California.

On March 7, 2025 between 8:00 a.m. and 5:00 p.m. Pacific Standard Time, I served the following documents: **NOTICE OF VIOLATION OF CALIFORNIA HEALTH & SAFETY CODE §25249.5 *ET SEQ.*; CERTIFICATE OF MERIT; "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 each of the parties listed below and depositing it at a U.S. Postal Service Office with the postage fully prepaid for delivery by Certified Mail:

California Olive Ranch, Inc. Agent Unisearch, Inc. 1325 J Street, Sacramento, CA 95814	CEO Michael Fox or Current CEO, President, or General Counsel California Olive Ranch, Inc. 265 Airpark Blvd., #200 Chico, CA 95973
Whole Foods Market California, Inc. Agent CT Corporation System 330 N Brand Blvd., Glendale, CA 91203	CEO Keith Manbeck or Current CEO, President, or General Counsel Whole Foods Market California, Inc. P.O. Box 684786 Austin, TX 78768-4786

On March 7, 2025 between 8:00 a.m. and 5:00 p.m. Pacific Standard Time, I verified the following documents **NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 *ET SEQ.*; CERTIFICATE OF MERIT INCLUDING A SUMMARY OF CONFIDENTIAL FACTUAL INFORMATION; ADDITIONAL SUPPORTING INFORMATION FOR CERTIFICATE OF MERIT AS REQUIRED BY CALIFORNIA HEALTH & SAFETY CODE §25249.7(d)(1)** were served on the following party when a true and correct copy thereof was uploaded on the California Attorney General's website, which can be accessed at https://oag.ca.gov/prop65/add-60-day-notice:

Office of the California Attorney General
Prop 65 Enforcement Reporting

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CONSUMER ATTORNEYS

1515 Clay Street, Suite 2000
Oakland, CA 94612-0550

On March 7, 2025 between 8:00 a.m. and 5:00 p.m. Pacific Standard Time, I verified the following documents **NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 *ET SEQ.*; CERTIFICATE OF MERIT** were served on the following parties when a true and correct copy thereof was sent via electronic mail to each of the parties listed below:

Pamela Y. Price, District Attorney Alameda County 7677 Oakport Street, Suite 650 Oakland, CA 94621 CEPDProp65@acgov.org	Barbara Yook, District Attorney Calaveras County 891 Mountain Ranch Road San Andreas, CA 95249 Prop65Env@co.calaveras.ca.us	Stacey Grassini, Deputy District Attorney Contra Costa County 900 Ward Street Martinez, CA 94553 sgrassini@contracostada.org
James Clinchard, Assistant District Attorney El Dorado County 778 Pacific Street Placerville, CA 95667 EDCDAPROP65@edcda.us	Lisa A. Smittcamp, District Attorney Fresno County 2100 Tulare Street Fresno, CA 93721 consumerprotection@fresnocountyca.gov	Thomas L. Hardy, District Attorney Inyo County 168 North Edwards Street Independence, CA 93526 inyoda@inyocounty.us
Devin Chandler, Program Coordinator Lassen County 2950 Riverside Dr Susanville, CA 96130 dchandler@co.lassen.ca.us	Lori E. Frugoli, District Attorney Marin County 3501 Civic Center Drive, Room 130 San Rafael, CA 94903 consumer@marincountyda.org	Walter W. Wall, District Attorney Mariposa County P.O. Box 730 Mariposa, CA 95338 mcda@mariposacounty.org
Kimberly Lewis, District Attorney Merced County 550 West Main St Merced, CA 95340 Prop65@countyofmerced.com	Jeannine M. Pacioni, District Attorney Monterey County 1200 Aguajito Road Monterey, CA 93940 Prop65DA@co.monterey.ca.us	Allison Haley, District Attorney Napa County 1127 First Street, Suite C Napa, CA 94559 CEPD@countyofnapa.org
Clifford H. Newell, District Attorney Nevada County 201 Commercial St Nevada City, CA 95959 DA.Prop65@co.nevada.ca.us	Todd Spitzer, District Attorney Orange County 300 N Flower St Santa Ana, CA 92703 Prop65notice@ocdapa.org	Morgan Briggs Gire, District Attorney Placer County 10810 Justice Center Drive Roseville, CA 95678 Prop65@placer.ca.gov
David Hollister, District Attorney Plumas County 520 Main St Quincy, CA 95971 davidhollister@countyofplumas.com	Paul E. Zellerbach, District Attorney Riverside County 3072 Orange Street Riverside, CA 92501 Prop65@rivcoda.org	Anne Marie Schubert, District Attorney Sacramento County 901 G Street Sacramento, CA 95814 Prop65@sacda.org
Summer Stephan, District Attorney San Diego County 330 West Broadway San Diego, CA 92101 SanDiegoDAProp65@sdcda.org	Mark Ankcorn, Deputy City Attorney San Diego City Attorney 1200 Third Avenue San Diego, CA 92101 CityAttyProp65@sandiego.gov	Alexandra Grayner, Assistant District Attorney San Francisco District Attorney's Office 350 Rhode Island Street San Francisco, CA 94103

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CONSUMER ATTORNEYS

		Alexandra.grayner@sfgov.org
Henry Lifton, Deputy City Attorney 1390 Market Street, 7th Floor San Francisco, CA 94102 Prop65@sfcityatty.org	Tori Verber Salazar, District Attorney San Joaquin County 222 E. Weber Avenue, Room 202 Stockton, CA 95202 DAConsumer.Environmental@sjcda.org	Eric J. Dobroth, Deputy District Attorney San Luis Obispo County County Government Center Annex, 4th Floor San Luis Obispo, CA 93408 edobroth@co.slo.ca.us
Christopher Dalbey, Deputy District Attorney Santa Barbara County 1112 Santa Barbara Street Santa Barbara, CA 93101 DAProp65@co.santa-barbara.ca.us	Bud Porter, Supervising Deputy District Attorney Santa Clara County 70 W Hedding St San Jose, CA 95110 EPU@da.sccgov.org	Nora V. Frimann, City Attorney Santa Clara City Attorney 200 E. Santa Clara Street, 16th Floor San Jose, CA 96113 Proposition65notices@sanjoseca.gov
Jeffrey S. Rosell, District Attorney Santa Cruz County 701 Ocean Street Santa Cruz, CA 95060 Prop65DA@santacruzcounty.us	Jill Ravitch, District Attorney Sonoma County 600 Administration Dr Sonoma, CA 95403 ECLD@sonoma-county.org	Phillip J. Cline, District Attorney Tulare County 221 S Mooney Blvd Visalia, CA 95370 Prop65@co.tulare.ca.us
Gregory D. Totten, District Attorney Ventura County 800 S Victoria Ave Ventura, CA 93009 daspecialops@ventura.org	Jeff W. Reisig, District Attorney Yolo County 301 Second Street Woodland, CA 95695 cfepd@yolocounty.org	

On March 7, 2025 between 8:00 a.m. and 5:00 p.m. Pacific Standard Time, I served the following documents: **NOTICE OF VIOLATION, CALIFORNIA HEALTH & SAFETY CODE §25249.5 *ET SEQ.*; CERTIFICATE OF MERIT** on each parties on the Service List attached hereto by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties on the Service List attached hereto, and depositing it at a U.S. Postal Service Office with the postage fully prepaid for delivery by First Class Mail.

Executed on March 7, 2025, in Foothill Ranch, California.

Krystal Garzon

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CONSUMER ATTORNEYS

Service List

District Attorney, Alpine County P.O. Box 248 Markleeville, CA 96120	District Attorney, Lake County 255 N. Forbes Street Lakeport, CA 95453	District Attorney, Sierra County 100 Courthouse Square, 2nd Floor Downieville, CA 95936
District Attorney, Amador County 708 Court Street, Suite 202 Jackson, CA 95642	District Attorney, Los Angeles County Hall of Justice 211 West Temple St., Ste 1200 Los Angeles, CA 90012	District Attorney, Siskiyou County Post Office Box 986 Yreka, CA 96097
District Attorney, Butte County 25 County Center Drive, Suite 245 Oroville, CA 95965	District Attorney, Madera County 300 S G Street #300 Madera, CA 93637	District Attorney, Solano County 675 Texas Street, Ste 4500 Fairfield, CA 94533
District Attorney, Colusa County 310 6th Street Colusa, CA 95932	District Attorney, Mendocino County Post Office Box 1000 Ukiah, CA 95482	District Attorney, Stanislaus County 832 12th Street, Ste 300 Modesto, CA 95354
District Attorney, Del Norte County 450 H Street, Room 171 Crescent City, CA 95531	District Attorney, Modoc County 204 S Court Street, Room 202 Alturas, CA 96101-4020	District Attorney, Sutter County 463 2nd Street Yuba City, CA 95991
District Attorney, Glenn County Post Office Box 430 Willows, CA 95988	District Attorney, Mono County Post Office Box 617 Bridgeport, CA 93517	District Attorney, Tehama County Post Office Box 519 Red Bluff, CA 96080
District Attorney, Humboldt County 825 5th Street 4th Floor Eureka, CA 95501	District Attorney, San Benito County 419 Fourth Street, 2nd Floor Hollister, CA 95023	District Attorney, Trinity County Post Office Box 310 Weaverville, CA 96093
District Attorney, Imperial County 940 West Main Street, Ste 102 El Centro, CA 92243	District Attorney, San Bernardino County 303 West Third Street San Bernadino, CA 92415	District Attorney, Tuolumne County 423 N. Washington Street Sonora, CA 95370
District Attorney, Kern County 1215 Truxtun Avenue Bakersfield, CA 93301	District Attorney, San Mateo County 400 County Ctr., 3rd Floor Redwood City, CA 94063	District Attorney, Yuba County 215 Fifth Street, Suite 152 Marysville, CA 95901
District Attorney, Kings County 1400 West Lacey Boulevard Hanford, CA 93230	District Attorney, Shasta County 1355 West Street Redding, CA 96001	Los Angeles City Attorney's Office City Hall East 200 N. Main Street, Suite 800 Los Angeles, CA 90012
San Jose City Attorney's Office 200 East Santa Clara Street, 16th Floor San Jose, CA 95113		

Exhibit A

As it relates to each of the products identified in the Notice of Violation, provide the full legal entity name and any known contact information (on or before **April 7, 2025**) for:

(a) Any and all manufacturers

(b) Any and all producers

(c) Any and all packagers

(d) Any and all direct vendors

(e) Any and all exporters

(f) Any and all shippers, and

(g) Any and all sellers

On or before **April 7, 2025**, please email the above-requested information to P65@manninglawoffice.com.

Or send via overnight delivery to:

Calsafe Research Center, Inc.
c/o Joseph R. Manning, Jr.,
Manning Law, APC
26100 Towne Centre Drive
Foothill Ranch, CA 92610

APPENDIX A

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

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

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

The text of Proposition 65 (Health and Safety Code Sections 25249.5 through 25249.13) is available online at: http://oehha.ca.gov/prop65/law/P65law72003.html. Regulations that provide more specific guidance on compliance, and that specify procedures to be followed by the State in carrying out certain aspects of the law, are found in Title 27 of the California Code of Regulations, sections 25102 through 27001.[1] These implementing regulations are available online at: http://oehha.ca.gov/prop65/law/P65Regs.html.

WHAT DOES PROPOSITION 65 REQUIRE?

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

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

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

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

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

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

DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?

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

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

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

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

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

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

Exposures to Naturally Occurring Chemicals in Food. Certain exposures to chemicals that naturally occur in foods (i.e., that do not result from any known human activity, including activity by someone other than the person causing the exposure) are exempt from the warning requirements of the law. If the chemical is a contaminant[2] 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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[2] See Section 25501(a)(4).

HOW IS PROPOSITION 65 ENFORCED?

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

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

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

- An exposure to alcoholic beverages that are consumed on the alleged violator's premises to the extent onsite consumption is permitted by law;

- An exposure to a Proposition 65 listed chemical in a food or beverage prepared and sold on the alleged violator's premises that is primarily intended for immediate consumption on- or off-premises. This only applies if the chemical was not intentionally added to the food, and was formed by cooking or similar preparation of food or beverage components necessary to render the food or beverage palatable or to avoid microbiological contamination;

- An exposure to environmental tobacco smoke caused by entry of persons (other than employees) on premises owned or operated by the alleged violator where smoking is permitted at any location on the premises;

- An exposure to listed chemicals in engine exhaust, to the extent the exposure occurs inside a facility owned or operated by the alleged violator and primarily intended for parking non-commercial vehicles.

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

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

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

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

Revised: May 2017

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