

Jordan Trent Jones (SBN 166600)
COASTAL AEGIS LAW, APC
200 Clock Tower Place, Suite D101-E
Carmel, CA 93923
Telephone: (831) 312-8698
Email: jtjones@coastalaegislaw.com

ELECTRONICALLY FILED
Superior Court of California,
County of Alameda
07/09/2026 at 01:38:48 PM
By: Andrel Gospel,
Deputy Clerk

Attorney for Plaintiff Center for Consumer Safety, LLC

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ALAMEDA**

**CENTER FOR CONSUMER SAFETY, LLC,
a California limited liability company,**

CASE NO. 26CV198150

Plaintiff,

**COMPLAINT FOR INJUNCTIVE AND
DECLARATORY RELIEF AND CIVIL
PENALTIES**

vs.

**NUTRICOST MANUFACTURING, LLC, a
Utah limited liability company; and DOES 1–
10,**

[Miscellaneous Civil Complaint (42)]
Proposition 65, Health & Safety Code §
25249.5 et seq.

Defendants.

Plaintiff Center for Consumer Safety, LLC hereby alleges:

I

INTRODUCTION

1. Plaintiff Center for Consumer Safety, LLC ("Plaintiff" or "CCS") brings this action as a private enforcer, acting in the public interest, pursuant to Health & Safety Code section 25249.7, subdivision (d). The Safe Drinking Water and Toxic Enforcement Act of 1986 (Health & Safety Code section 25249.5 et seq.), also known as "Proposition 65," prohibits any person in the course of doing business from knowingly and intentionally exposing any individual to a chemical known to the State

Complaint for Injunctive and Declaratory Relief and Civil Penalties

1 of California to cause cancer or reproductive toxicity without first giving a clear and reasonable
2 warning to that individual. Retinol/retinyl esters, when in daily dosages in excess of 10,000 IU or
3 3,000 retinol equivalents, are known to the State of California to cause reproductive toxicity. This
4 Complaint seeks injunctive and declaratory relief and civil penalties to remedy the ongoing failure of
5 Defendant Nutricost Manufacturing, LLC, and Does 1–10 (collectively "Defendant") to warn
6 consumers that they are being exposed to retinol/retinyl esters, at daily dosages in excess of 10,000 IU
7 or 3,000 retinol equivalents, from the Product identified in paragraph 3, requiring a warning pursuant
8 to Health & Safety Code section 25249.6.

9 II

10 PARTIES

11 2. Plaintiff CCS is a California limited liability company acting in the public interest, and
12 is a "person" within the meaning of Health & Safety Code section 25249.11, subdivision (a). CCS is
13 dedicated to protecting consumers and the environment from exposures to chemicals known to the
14 State of California to cause cancer or reproductive toxicity.

15 3. Defendant Nutricost Manufacturing, LLC ("Nutricost" or "Defendant") is a Utah
16 limited liability company that develops, manufactures, packages, labels, markets, and/or distributes
17 nutritional supplement products, including the SUBJECT PRODUCT identified below, which have
18 exposed users to retinol/retinyl esters throughout the State of California, including within the County
19 of Alameda, within the relevant statute of limitations period. The product that is the subject of this
20 action (the "SUBJECT PRODUCT"), as identified in the Notice of Violation dated August 1, 2025
21 attached hereto as Exhibit A, is: Nutricost Vitamin A 25000 IU, 500 Softgels (Amazon Standard
22 Identification Number B0BBPZS9JQ). Plaintiff is informed and believes, and on that basis alleges,
23 that Defendant is a "person in the course of doing business" within the meaning of Health & Safety
24 Code section 25249.11, and employs, and at all times relevant to this action has employed, ten or more
25 persons within the meaning of Health & Safety Code section 25249.11, subdivision (b), and California
26 Code of Regulations, title 27, section 25102, subdivision (h).

4. Defendants Does 1–10 are named herein under fictitious names, as their true names and capacities are unknown to Plaintiff. Plaintiff is informed and believes, and thereon alleges, that each such Doe defendant is responsible in some actionable manner for the events and occurrences alleged herein, whether through its own conduct or through the conduct of its agents, servants, or employees, or in some other manner. When the true names and capacities of the Doe defendants are ascertained, Plaintiff will seek leave to amend this Complaint to set forth the same.

III

JURISDICTION AND VENUE

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

6. This Court has jurisdiction over Defendant because Defendant has sufficient minimum contacts with California and otherwise intentionally avails itself of the California market through the marketing, distribution, and/or sale of the SUBJECT PRODUCT in the State of California, including within the County of Alameda, so as to render the exercise of jurisdiction over them consistent with traditional notions of fair play and substantial justice.

7. This Complaint is based on the allegations contained in the Notice of Violation dated August 1, 2025 (the "Notice"), served on the California Attorney General, other public prosecutors, and Defendant. The Notice constitutes adequate notice to Defendant because it provided adequate information to allow Defendant to assess the nature of the alleged violations, consistent with Proposition 65 and its implementing regulations. A certificate of merit and a certificate of service accompanied the Notice, and both comply with Proposition 65 and its implementing regulations. The Notice served on Defendant also included a copy of "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary." Service of the Notice and accompanying documents complied with Proposition 65 and its implementing regulations. Attached hereto as Exhibit A, and incorporated herein by this reference, is a true and correct copy of the Notice and associated

1 documents. More than sixty days have passed since Plaintiff served the Notice, and no public
2 prosecutor has commenced and is diligently prosecuting an action against Defendant with respect to
3 the violations alleged in the Notice.

4 8. Venue is proper in this Court because the causes of action arose, in whole or in part, in
5 the County of Alameda, where at least one of the violations of law alleged herein has occurred and
6 will continue to occur. Specifically, the SUBJECT PRODUCT was purchased over the Internet and
7 delivered, without a clear and reasonable warning, to a purchaser located in Berkeley, Alameda
8 County, California (ZIP Code 94705), on or about May 23, 2025, thereby causing an unwarned
9 consumer exposure within this County. Venue is proper under Code of Civil Procedure section 395.5
10 and Health & Safety Code section 25249.7.

11 IV

12 STATUTORY BACKGROUND

13 9. The Safe Drinking Water and Toxic Enforcement Act of 1986 is an initiative statute
14 enacted as "Proposition 65" by an overwhelming majority of California voters in November 1986.

15 10. The warning requirement of Proposition 65 is contained in Health & Safety Code
16 section 25249.6, which provides:

17
18 No person in the course of doing business shall knowingly and intentionally
19 expose any individual to a chemical known to the state to cause cancer or
20 reproductive toxicity without first giving clear and reasonable warning to
21 such individual, except as provided in Section 25249.10.

22 11. The Office of Environmental Health Hazard Assessment ("OEHHA"), a division of the
23 California Environmental Protection Agency, is the lead agency charged with implementing
24 Proposition 65. OEHHA administers regulations governing Proposition 65, including the clear-and-
25 reasonable-warning regulations set forth in Title 27 of the California Code of Regulations, Article 6.

26 12. The regulations define "expose" to mean "to cause to ingest, inhale, contact via body
27 surfaces or otherwise come into contact with a listed chemical." (Cal. Code Regs., tit. 27, § 25102,
28 subd. (i).) The exposures at issue here are caused by a consumer product. A "consumer product

1 exposure" is "an exposure that results from a person's acquisition, purchase, storage, consumption, or
2 any reasonably foreseeable use of a consumer product, including consumption of a food," and "food"
3 includes dietary supplements. (Cal. Code Regs., tit. 27, § 25600.1, subds. (e), (g).)

4 13. For consumer products purchased over the Internet, a warning is not "clear and
5 reasonable" unless the warning or a clearly marked hyperlink using the word "WARNING" is provided
6 on the product display page, or the warning is otherwise provided to the purchaser prior to completing
7 the purchase; a warning is not "prominently displayed" for a purchaser if the purchaser is not provided
8 with the warning prior to completing the purchase. (Cal. Code Regs., tit. 27, § 25602, subd. (b).) A
9 warning is required both on the product packaging and on the product display or point-of-sale page.

10 14. Retinol/retinyl esters, when in daily dosages in excess of 10,000 IU or 3,000 retinol
11 equivalents, were listed by the State of California on July 1, 1989 as a chemical known to the State to
12 cause reproductive toxicity, including developmental toxicity. There was no duty to provide a clear
13 and reasonable warning until twelve months after that listing date. (Health & Safety Code, § 25249.10,
14 subd. (b).) That grace period expired long before the exposures alleged herein.

15 15. Proposition 65 provides that any person who violates or threatens to violate section
16 25249.6 may be enjoined in any court of competent jurisdiction, and is liable for a civil penalty of up
17 to \$2,500 per day for each violation. (Health & Safety Code, § 25249.7, subds. (a), (b)(1).)

18 16. Proposition 65 may be enforced by any person acting in the public interest who
19 provides at least sixty days' notice of the alleged violation to the alleged violator, the Attorney General,
20 and the appropriate district attorney and city attorney. The failure of those public prosecutors to
21 commence and diligently prosecute an action within sixty days of the notice enables a private
22 enforcement action to be filed pursuant to Health & Safety Code section 25249.7, subdivisions (c) and
23 (d).

24 V

25 STATEMENT OF FACTS

26 17. Defendant has developed, manufactured, packaged, labeled, marketed, and/or
27 distributed the SUBJECT PRODUCT in and/or into the State of California, including in and/or into
28

1 the County of Alameda, where it was sold and delivered to consumers. Consumption of the SUBJECT
2 PRODUCT according to the directions and/or recommendations provided for the product causes
3 consumers to be exposed to retinol/retinyl esters at a daily dosage of approximately 25,000 IU—in
4 excess of the 10,000 IU (or 3,000 retinol equivalents) threshold—thereby requiring a clear and
5 reasonable warning.

6 18. The SUBJECT PRODUCT is labeled and sold as "Vitamin A 25000 IU," and its
7 Supplement Facts identify the source of its Vitamin A as retinyl palmitate, a retinyl ester. Its labeled
8 directions call for consumption of one softgel providing 25,000 IU of retinol/retinyl esters per day.
9 Retinol/retinyl esters are highly bioavailable by the oral route. Consumption of the SUBJECT
10 PRODUCT as directed therefore results in a daily exposure to retinol/retinyl esters that exceeds the
11 10,000 IU (or 3,000 retinol equivalents) threshold by approximately two-and-one-half times.

12 19. Defendant has manufactured and placed into the stream of commerce the SUBJECT
13 PRODUCT, which has been sold and delivered to consumers in California on each day since at least
14 May 23, 2025, and the violations alleged herein are continuing. The SUBJECT PRODUCT is offered
15 for sale to California consumers over the Internet, including through the online marketplace at
16 Amazon.com, and is delivered to California consumers, including consumers in the County of
17 Alameda. Given the opportunity to conduct discovery, Plaintiff is informed and believes that
18 additional units of the SUBJECT PRODUCT were sold and delivered to consumers in California
19 during the relevant period.

20 20. At all times material to this Complaint, including on each day since at least May 23,
21 2025, California consumers of the SUBJECT PRODUCT manufactured and distributed by Defendant
22 have been exposed to retinol/retinyl esters, at daily dosages in excess of 10,000 IU or 3,000 retinol
23 equivalents, based on their consumption of the SUBJECT PRODUCT as directed.

24 21. For all times relevant to this Complaint, including on each day since at least May 23,
25 2025, Defendant has knowingly and intentionally exposed numerous persons throughout California,
26 and within the County of Alameda, to retinol/retinyl esters, at daily dosages in excess of 10,000 IU or
27 3,000 retinol equivalents, without first providing a clear and reasonable warning. The SUBJECT
28

1 PRODUCT was purchased over the Internet and delivered to a California consumer bearing no
2 Proposition 65 warning of any kind on its packaging. In addition, the product display or point-of-sale
3 page through which the SUBJECT PRODUCT is offered for sale to California consumers does not
4 provide a clear and reasonable warning that complies with California Code of Regulations, title 27,
5 section 25602, subdivision (b), including because any warning displayed thereon fails to clearly
6 communicate that the consumer is being exposed to a chemical known to the State of California to
7 cause reproductive toxicity and fails to identify retinol/retinyl esters as the chemical at issue, as
8 required. Defendant has failed to provide a clear and reasonable Proposition 65 warning for the
9 SUBJECT PRODUCT on its packaging, on its product display or point-of-sale page, or by any other
10 legally permissible method.

11 22. Both prior and subsequent to Plaintiff's Notice, including on each day since at least
12 May 23, 2025, Defendant failed to provide California consumers of the SUBJECT PRODUCT with a
13 clear and reasonable warning that they were being exposed to a chemical known to the State of
14 California to cause reproductive toxicity. This failure to warn is ongoing.

15 **FIRST CAUSE OF ACTION**
16 **(Violation of Section 25249.6 of the Health & Safety Code, Failure to Provide Clear and**
17 **Reasonable Warning under Proposition 65)**

18 23. Plaintiff refers to and incorporates by this reference each of the preceding paragraphs
19 as though fully set forth herein.

20 24. By committing the acts alleged above, Defendant has, in the course of doing business,
21 knowingly and intentionally exposed users of the SUBJECT PRODUCT to retinol/retinyl esters, a
22 chemical known to the State of California to cause reproductive toxicity, at daily dosages in excess of
23 10,000 IU or 3,000 retinol equivalents, without first giving clear and reasonable warning to such
24 individuals within the meaning of Health & Safety Code section 25249.6. In so doing, each of the
25 Defendants has violated, and continues to violate with each successive sale of the SUBJECT
26 PRODUCT, Health & Safety Code section 25249.6.

1 25. Said violations render Defendant liable for civil penalties of up to \$2,500 per day for
2 each violation, pursuant to Health & Safety Code section 25249.7, subdivision (b), and subject
3 Defendant to injunctive relief pursuant to Health & Safety Code section 25249.7, subdivision (a).

4
5 **SECOND CAUSE OF ACTION**
6 **(Declaratory Relief)**

7 26. Plaintiff refers to and incorporates by this reference each of the preceding paragraphs
8 as though fully set forth herein.

9 27. An actual controversy has arisen and now exists between Plaintiff and Defendant,
10 within the meaning of Code of Civil Procedure section 1060, concerning their respective rights and
11 ongoing duties under Proposition 65 with respect to the SUBJECT PRODUCT. Plaintiff contends that
12 Defendant has a present and continuing obligation, under Health & Safety Code section 25249.6 and
13 California Code of Regulations, title 27, section 25602, to provide a clear and reasonable warning—
14 on both the packaging of the SUBJECT PRODUCT and its product display or point-of-sale page—
15 before exposing individuals in California to retinol/retinyl esters, at daily dosages in excess of 10,000
16 IU or 3,000 retinol equivalents, from the SUBJECT PRODUCT. Plaintiff is informed and believes,
17 and on that basis alleges, that Defendant disputes this obligation and contends that no warning is
18 required or that any warning it presently provides is clear and reasonable and legally sufficient. This
19 controversy is ripe for judicial resolution, and a declaration is necessary and proper because the parties’
20 dispute over Defendant’s ongoing warning obligations will continue to govern their conduct and
21 cannot be fully resolved by an award of civil penalties for past violations alone. Plaintiff therefore
22 seeks a judicial declaration of the parties’ respective rights and duties, including a declaration that
23 Defendant is obligated to provide a clear and reasonable warning for the SUBJECT PRODUCT as
24 required by Proposition 65 and its implementing regulations.

25 ///

26 ///

27 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

VI

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief as follows:

1. For civil penalties against Defendant, in the maximum amount authorized by Health & Safety Code section 25249.7, subdivision (b), for each and every violation, according to proof;
2. For a preliminary and permanent injunction, and such other orders as are necessary, pursuant to Health & Safety Code section 25249.7, subdivision (a), enjoining Defendant, from exposing persons in California to retinol/retinyl esters from the SUBJECT PRODUCT, at daily dosages in excess of 10,000 IU or 3,000 retinol equivalents, without first providing a clear and reasonable warning;
3. For a declaratory judgment that Defendant has violated Proposition 65 by exposing individuals in California to retinol/retinyl esters from the SUBJECT PRODUCT without providing a clear and reasonable warning;
4. For an award of reasonable attorneys' fees and costs pursuant to Code of Civil Procedure section 1021.5 and/or the substantial benefit doctrine;
5. For costs of suit incurred herein; and
6. For such other and further relief as the Court may deem just and proper.

DATED: July 9, 2026

COASTAL AEGIS LAW, APC



Jordan Trent Jones
Attorney for Plaintiff
Center for Consumer Safety, LLC

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A

Shannon C. Wilhite, Attorney at Law
PO Box 82, Bayside, CA 95524
(707) 599-5420
shannon@sentinellaw.co

August 1, 2025

Re: 60-DAY NOTICE OF INTENT TO SUE

*For violation of the Safe Drinking Water and Toxic Enforcement Act of 1986
(California Health and Safety Code Section 25249.5 et seq.)*

ALLEGED VIOLATOR(S)	
Min Kim Nutricost Manufacturing LLC 277 E 1750 N Vineyard, UT 84059	Andy Jassy Amazon.com, Inc. 440 Terry Ave N Seattle, WA 98109

*NOTICE SENT TO ALLEGED VIOLATORS ABOVE AND THE PUBLIC PROSECUTORS LISTED ON THE
DISTRIBUTION LIST ACCOMPANYING THE ATTACHED CERTIFICATE OF SERVICE*

To Whom it May Concern:

This Notice of Violation (the “Notice”) is provided to you pursuant to and in compliance with California Health & Safety Code 25249.7(d).

Sentinel Law APC represents the Center for Consumer Safety, LLC (“CCS”), a limited liability company in the State of California acting in the public interest related to protecting consumers and the environment from chemical exposures (defined as a “person” within the meaning of California Health & Safety Code 25249.11(a)). CCS’ responsible individual within the entity is Mike White (email: mike@centerforconsumersafety.com | phone: (510) 636-5051), at 2001 Addison St Ste 300 #834, Berkeley, CA 94704. CCS has retained Sentinel Law APC in this matter, and therefore all communication should be directed to the contact information in this Notice’s header.

This letter serves as notice that the parties listed above are in violation of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act, commencing with section 25249.5 of the Health and Safety Code (“Proposition 65”). The violation has occurred and continues to occur because the alleged Violator(s) failed to provide a clear and reasonable health hazard warning in connection with the sale or use of the product(s) detailed below (the “Product(s)”) in California.

This Notice satisfies a prerequisite for CCS to commence an action against the Violator(s) in any Superior Court of California.

DESCRIPTION OF THE VIOLATION

- Enforcer:** Center for Consumer Safety, LLC. 2001 Addison St Ste 300, Berkeley, CA 94704.
- Alleged Violator(s):**
 - Nutricost Manufacturing LLC
 - Amazon.com, Inc.
- Location of Purchase:** Amazon.com
- Time Period of Exposure:** Violations have been occurring since at least May 23, 2025 and are continuing to this day.
- Listed Chemical(s):** Retinol/retinyl esters, when in daily dosages in excess of 10,000 IU or 3,000 retinol equivalents, is listed under Proposition 65 as a chemical known to the State to cause reproductive toxicity. Retinol/retinyl esters, when in daily dosages in excess of 10,000 IU or 3,000 retinol equivalents, was listed on 07/01/1989 — more than 12 months before CCS served this notice.

6. Product(s):

Product Type(s)	Non-Exhaustive Example(s) of the Product
Vitamin A Supplement	Nutricost Vitamin A 25000 IU-B0BBPZS9JQ

Note: The identified Product(s) above are identified to assist the recipient's investigation into, among other things, the breadth of potential exposures to the Listed Chemical from other items within the Product Type(s). This is not intended to be a comprehensive identification of each offending Product. CCS maintains the position that alleged Violator(s) is/are obligated to conduct a good faith investigation into other Products that may have been manufactured, distributed, sold, shipped or stored during the period to ensure full compliance.

- 7. Route(s) of Exposure:** Exposures that are the subject of this Notice result from the purchase, acquisition, handling and normal use of this product. Exposures from the Product(s) include:
- {Direct_Ingest_Stmnt}[Direct ingestion of the Product(s) under normal use]**
- 8. Warnings Provided:** As the Product(s) was/were purchased via the Internet, per 25602(b), Proposition 65-compliant, clear and reasonable warnings must be made on both the product packaging AND the product display page/point of sale page
- The Product(s) {Product_Warning} **DO NOT** contain Proposition 65-compliant, clear and reasonable warnings on the product packaging
 - The Product(s) {POS_Warning} **DO NOT** contain Proposition 65-compliant, clear and reasonable warnings on the product display page/point of sale page

RESOLUTION OF THE CLAIMS

Based on the allegations set forth in this Notice, [I/we] intend to file a citizen enforcement lawsuit on behalf of CCS against the alleged Violator(s) unless such Violator(s) agree in a binding written agreement to:

- Recall Product(s) sold in California; or
- Provide Proposition 65 compliant exposure warnings for Product(s) sold in the future or formulate the Product(s) to eliminate exposures to the Listed Chemical(s); and
- Pay an appropriate civil penalty based on the factors enumerated in Health & Safety Code 25249.7(b)

REQUEST TO PRESERVE EVIDENCE ADDITIONAL EXPECTATIONS PURSUANT TO THIS NOTICE

Alleged Violator(s) are hereby requested to preserve any and all evidence relating to the violations described herein. This includes, without limitation, preserving any and all:

- Warning materials concerning exposure
- Testing reports related to the Product(s)
- Advertising and marketing material related to the Product(s)
- Sales information related to the Product(s)
- Efforts to comply with Proposition 65 with respect to the Product(s)
- Communications with any person relating to the presence or potential presence of the Listed Chemical(s) in the Product(s)

DEMAND FOR RETAILER, PURSUANT TO 25600.2(g) TO IDENTIFY MANUFACTURER(S), PRODUCER(S), PACKAGER(S), IMPORTER(S), SUPPLIER(S), AND DISTRIBUTOR(S) OF PRODUCT(S)

Pursuant to 25600.2(g), "[t]he retail seller of a product that may cause a consumer product exposure shall promptly provide the name and contact information for the manufacturer, producer, packager, importer, supplier, and distributor of the product to the following persons on written request, to the extent that this information is reasonably available to the retail seller," including "[a]ny person who has served notice under Section 25249.7(d)(1) of the Act alleging that the consumer product causes an exposure that requires a warning under the Act".

Please accept this Notice as a formal demand for any non-manufacturing seller or distributor receiving this notice to promptly provide such information. This information should be provided by electronic mail to the address in the head of this Notice.

- The retail seller noticed on this 60-Day Notice is hereby requested to promptly provide the names and contact information for any and all manufacturer(s), producer(s), packager(s), importer(s), supplier(s), and/or distributor(s) of the Product(s)

While CCP is interested in seeking resolution of the claim(s) in this Notice without engaging in costly and protracted litigation, CCP stands ready to file a civil complaint in superior court should no appropriate governmental authority take action and should resolution not be reached by September 30, 2025.

CCP has retained me as legal counsel in connection with this Notice. Please direct all communications regarding this notice to Shannon Wilhite via:

- Email: shannon@sentinellaw.co
- Phone: (707) 599-5420
- USPS PO Box 82, Bayside, CA 95524

Sincerely,

A handwritten signature in cursive script, reading "S. Wilhite", written in black ink. The signature is positioned above a solid black horizontal line.

Shannon C. Wilhite, Attorney at Law

CERTIFICATE OF MERIT

I, Shannon C. Wilhite, hereby declare:

1. 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.
2. I am the 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(s) that is/are the subject of the action.
4. Based on the information obtained through these 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(s) 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 information identified in Health & Safety Code Section 25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certified, and (2) the facts, studies, or other data reviewed by those persons.

Date: August 1, 2025

A handwritten signature in cursive script, reading "S. Wilhite", written in black ink.

Shannon C. Wilhite
Attorney at Law

CERTIFICATE OF SERVICE

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

1. I am a citizen of the United States.
2. I am over the age of 18
3. I am not a party to this case or action.
4. My business address is 4152 Old Railroad Grade Rd., McKinleyville CA 95519. I am a resident of and employed in Humboldt County, California, where the mailing occurred

On August 1, 2025, I served the following documents:

1. 60-Day Notice Of Intent To Sue for Violation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (California Health and Safety Code Section 25249.5 et seq.)
2. Certificate of Merit: Health & Safety Code 25249.7(d)
3. Certificate of Merit (Attorney General Copy): Factual information sufficient to establish the basis of the certificate of merit (*only sent to Attorney General*)
4. The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary

The above referenced documents were served as follows:

To the below parties by placing a true and correct copy thereof in a sealed envelope, addressed to each party at the party's last known address, with the U.S. Postal Service for delivery by First Class Certified Mail with the postage thereon fully prepaid:

Min Kim Nutricost Manufacturing LLC 277 E 1750 N Vineyard, UT 84059	Andy Jassy Amazon.com, Inc. 440 Terry Ave N Seattle, WA 98109
--	--

To District and City Attorneys, who have specifically authorized electronic mail service, by electronic mail of a true and correct copy thereof. To District and City Attorneys, who have not specifically authorized electronic mail service, by placing a true and correct copy thereof in a sealed envelope, addressed to each party at the party's last known address, with the U.S. Postal Service for delivery by First Class Mail with the postage thereon fully prepaid. To the California Attorney General by uploading a true and correct copy thereof at oag.ca.gov/prop65.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: August 1, 2025

Name: Alyson Sobehrad

Signature: *Alyson Sobehrad*

VIA FIRST CLASS MAIL

Alpine County District Attorney PO Box 248 Markleeville, CA 96120	Los Angeles City Attorney 200 N Main Street, #800 Los Angeles, CA 90012	Solano County District Attorney 675 Texas Street, Suite 4500 Fairfield, CA 94533
Amador County District Attorney 708 Court, Suite 202 Jackson, CA 95642	Lake County District Attorney 255 N Forbes St Lakeport, CA 95453	Shasta County District Attorney 1355 West Street Redding, CA 96001
Butte County District Attorney 25 County Center Dr., Suite 245 Oroville CA 95965	Madera County District Attorney 300 S. G Street, Suite 300 Madera, CA 93637	Sierra County District Attorney 100 Courthouse Square Downieville, CA 95936
Colusa County District Attorney 310 6th Street Colusa, CA 95932	Tehama County District Attorney 444 Oak Street, Room L Red Bluff, CA 96080	Kings County District Attorney 1400 West Lacey Blvd. Hanford, CA 93230
Del Norte County District Attorney 450 H St., Room 171 Crescent City, CA 95531	Mendocino County District Attorney P.O. Box 1000 Ukiah, CA 95482	Stanislaus County District Attorney 832 12th Street, Suite 300 Modesto, CA 95353
Tuolumne County District Attorney 423 N. Washington St Sonora, CA 95370	Modoc County District Attorney 204 S. Court Street, Suite 202 Alturas, CA 96101	Siskiyou County District Attorney PO Box 986 Yreka, CA 96097
Glenn County District Attorney PO Box 430 Willows, CA 95988	Mono County District Attorney P.O. Box 2053 Mammoth Lakes, CA 93546	Trinity County District Attorney PO Box 310 Weaverville, CA 96093
Humboldt County District Attorney 825 5th St., 4th Floor Eureka, CA 95501	Sutter County District Attorney 463 2nd Street, Suite 102 Yuba City, CA 95991	Yuba County District Attorney 215 Fifth Street, Suite 152 Marysville, CA 95901
Imperial County District Attorney 940 West Main Street, Suite 102 El Centro, CA 92243	San Benito County District Attorney 419 4th St Hollister, CA 95023	Los Angeles County District Attorney 211 W Temple St, Suite 1200 Los Angeles, CA 90012
Kern County District Attorney 1215 Truxtun Ave. Bakersfield, CA 93301	San Bernardino County District Attorney 303 W 3rd St San Bernardino, CA 92415	

VIA ELECTRONIC SERVICE

Alameda County District Attorney CEPDProp65@acgov.org	Contra Costa County Deputy District Attorney sgrassini@contracostada.org	Calaveras County District Attorney Prop65Env@co.calaveras.ca.us
Monterey County District Attorney Prop65DA@co.monterey.ca.us	Inyo County District Attorney inyoda@inyocounty.us	Lassen County Program Coordinator dchandler@co.lassen.ca.us
Sacramento County District Attorney Prop65@sacda.org	Napa County District Attorney CEPD@countyofnapa.org	Riverside County District Attorney Prop65@rivcoda.org
San Luis Obispo County Deputy District Attorney edobroth@co.slo.ca.us	Santa Barbara County Deputy District Attorney DAProp65@co.santa-barbara.ca.us	Santa Clara Supervising Deputy District Attorney EPU@da.sccgov.org
San Francisco Deputy City Attorney Prop65@sfcityatt.org	Santa Cruz County District Attorney Prop65DA@santacruzcounty.us	San Diego Deputy City Attorney CityAttyProp65@sandiego.gov
Sonoma County District Attorney ECLD@sonoma-county.org	San Joaquin County District Attorney DAConsumer.Environmental@sjcda.org	San Francisco Assistant District Attorney alexandra.grayner@sfgov.org
Tulare County District Attorney Prop65@co.tulare.ca.us	Ventura County District Attorney daspecialops@ventura.org	Yolo County District Attorney cfepd@yolocounty.org
Mariposa County District Attorney mcda@mariposacounty.org	Merced County District Attorney Prop65@countyofmerced.com	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	Santa Clara City Attorney Proposition65notices@sanjoseca.gov
Fresno County District Attorney consumerprotection@fresnocountyca.gov	San Diego District Attorney SanDiegoDAProp65@sdca.org	San Mateo County District Attorney PROP65@smcgov.org
El Dorado County District Attorney EDCDAPROP6S@edcda.us	Marin County District Attorney consumer@marincounty.gov	Orange County District Attorney Prop65Notice@ocdapa.org

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 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 contaminant² 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.

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

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>.

² See Section 25501(a)(4).