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5 *Attorneys for Plaintiff*

ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco

07/01/2026
Clerk of the Court
BY: ERNALYN BURA
Deputy Clerk

6 SUPERIOR COURT OF THE STATE OF CALIFORNIA

7 COUNTY OF SAN FRANCISCO

CGC-26-638663

8
9 GABRIEL ESPINOZA,

10 Plaintiff,

11 vs.

12 MRS. GOOCH'S NATURAL FOOD
13 MARKETS, INC.,

14 Defendant.

Case No.:

**COMPLAINT FOR CIVIL PENALTIES AND
INJUNCTIVE RELIEF**

**(Violation of Health & Safety Code § 25249.5 et
seq.)**

15 Plaintiff Gabriel Espinoza ("Plaintiff"), by and through his attorneys, alleges the following
16 cause of action in the public interest of the citizens of the State of California.

17 **BACKGROUND OF THE CASE**

18 1. Plaintiff brings this representative action on behalf of all California citizens to
19 enforce relevant portions of Safe Drinking Water and Toxic Enforcement Act of 1986, codified at
20 the Health and Safety Code § 25249.5 et seq ("Proposition 65"), which reads, in relevant part,
21 "[n]o person in the course of doing business shall knowingly and intentionally expose any
22 individual to a chemical known to the state to cause cancer or reproductive toxicity without first
23 giving clear and reasonable warning to such individual ...". Health & Safety Code § 25249.6.

24 2. This complaint is a representative action brought by Plaintiff in the public interest
25 of the citizens of the State of California to enforce the People's right to be informed of the health
26 hazards caused by exposure to lead, a toxic chemical found in (a) *Plantstrong*® Thai carrot
27 chickpea organic soups, and (b) *Plantstrong*® organic shitake mushroom broth sold and/or
28 distributed by defendant Mrs. Gooch's Natural Food Markets, Inc. ("Whole Foods" or

1 “Defendant”) in California and manufactured, sold, and/or distributed by Plant-Strong By Engine
2 2, LLC.

3 3. Lead is a harmful chemical known to the State of California to cause cancer and
4 birth defects or other reproductive harm. On October 1, 1992, the state of California listed lead as
5 a chemical known to cause cancer and it has come under the purview of Proposition 65 regulations
6 since that time. Cal. Code Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8 &
7 25249.10(b). On February 27, 1987, the State of California listed lead as a chemical known to
8 cause birth defects or other reproductive harm.

9 4. Proposition 65 requires all businesses with ten (10) or more employees that operate
10 within California or sell products therein to comply with Proposition 65 regulations. Included in
11 such regulations is the requirement that businesses must label any product containing a Proposition
12 65-listed chemical that will create an exposure above safe harbor levels with a “clear and
13 reasonable” warning before “knowingly and intentionally” exposing any person to any such listed
14 chemical.

15 5. Proposition 65 allows for civil penalties of up to \$2,500.00 per day per violation
16 for up to 365 days to be imposed upon defendants in a civil action for violations of Proposition 65.
17 Health & Safety Code § 25249.7(b). Proposition 65 also allows for any court of competent
18 jurisdiction to enjoin the actions of a defendant which “violate or threaten to violate” the statute.
19 Health & Safety Code § 25249.7.

20 6. Plaintiff alleges that Defendant distributes and/or offers for sale in California,
21 without a requisite exposure warning, (a) *Plantstrong*® Thai carrot chickpea organic soups, and
22 (b) *Plantstrong*® organic shitake mushroom broth (collectively, the “Products” and each a
23 “Product”) that expose persons to lead when consumed for their intended purpose.

24 7. Defendant’s failure to warn consumers and other individuals in California of the
25 health hazards associated with exposure to lead in conjunction with the sale and/or distribution of
26 the Products is a violation of Proposition 65 and subjects Defendant to the enjoinderment and civil
27 penalties described herein.

8. Plaintiff seeks civil penalties against Defendant for its violations of Proposition 65 in accordance with Health and Safety Code § 25249.7(b).

9. Plaintiff also seeks injunctive relief, preliminarily and permanently, requiring Defendant to provide purchasers or consumers of the Products with required warnings related to the dangers and health hazards associated with exposure to lead pursuant to Health and Safety Code § 25249.7(a).

10. Plaintiff further seeks a reasonable award of attorney's fees and costs.

PARTIES

11. Plaintiff is a citizen of the State of California acting in the interest of the general public to promote awareness of exposures to toxic chemicals in products sold in California and to improve human health by reducing hazardous substances contained in such items. He brings this action in the public interest pursuant to Health and Safety Code § 25249.7(d).

12. Defendant Mrs. Gooch's Natural Food Markets, Inc., through its business, effectively imports, distributes, sells, and/or offers the Products for sale or use in the State of California, or it implies by its conduct that it imports, distributes, sells, and/or offers the Products for sale or use in the State of California. Plaintiff alleges that defendant Mrs. Gooch's Natural Food Markets, Inc. is a "person" in the course of doing business within the meaning of Health & Safety Code sections 25249.6 and 25249.11.

VENUE AND JURISDICTION

13. Venue is proper in the County of San Francisco because one or more of the instances of wrongful conduct occurred and continue to occur in this county and/or because Defendant conducted, and continues to conduct, business in the County of San Francisco with respect to the Products. The Products are distributed, marketed, and sold to consumers throughout San Francisco County, the alleged Proposition 65 violations necessarily occurred here. Upon information and belief, the Products are consistently in the stream of commerce and available to consumers for purchase in the City and County of San Francisco.

14. This Court has jurisdiction over this action pursuant to California Constitution Article VI, § 10, which grants the Superior Court original jurisdiction in all causes except those

1 given by statute to other trial courts. Health and Safety Code § 25249.7 allows for the enforcement
2 of violations of Proposition 65 in any Court of competent jurisdiction; therefore, this Court has
3 jurisdiction over this lawsuit.

4 15. This Court has jurisdiction over Defendant because Defendant is either a citizen of
5 the State of California, has sufficient minimum contacts with the State of California, is registered
6 with the California Secretary of State as foreign corporations authorized to do business in the State
7 of California, and/or has otherwise purposefully availed itself of the California market. Such
8 purposeful availment has rendered the exercise of jurisdiction by California courts consistent and
9 permissible with traditional notions of fair play and substantial justice. Public policy further
10 supports this conclusion.

11 **STATUTORY BACKGROUND**

12 16. The people of the State of California declared in Proposition 65 their right “[t]o be
13 informed about exposures to chemicals that cause cancer, birth defects, or other reproductive
14 harm.” (Section 1(b) of Initiative Measure, Proposition 65.)

15 17. To effect this goal, Proposition 65 requires that individuals be provided with a
16 “clear and reasonable warning” before being exposed to substances listed by the State of California
17 as causing cancer and birth defects or other reproductive harm. H&S Code § 25249.6 states, in
18 pertinent part:

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

21 18. In this case, exposures are caused by consumer products. A “Consumer Product” is
22 defined as “any article, or component part thereof, including food, that is produced, distributed, or
23 sold for the personal use, consumption or enjoyment of a consumer.” (Cal. Code Regs., tit. 27, §
24 25600.1, subd. (d).) Food includes “dietary supplements” as defined in California Code of
25 Regulations, title 17, section 10200. (*Id.* at subd. (g).) An exposure to a chemical in a Consumer
26 Product is one “which results from a person’s acquisition, purchase, storage, consumption or other
27 reasonably foreseeable use of a consumer good, or any exposure that results from receiving a
28

1 consumer service.” (27 CCR § 25602, para (b).) H&S Code § 25603(c) states that “a person in the
2 course of doing business ... shall provide a warning to any person to whom the product is sold or
3 transferred unless the product is packaged or labeled with a clear and reasonable warning.”

4 19. An exposure to a chemical in a consumer product is one “which results from a
5 person’s acquisition, purchase, storage, consumption or other reasonably foreseeable use of a
6 consumer good, or any exposure that results from receiving a consumer service.” (27 CCR §
7 25602, para (b).) H&S Code § 25603(c) states that “a person in the course of doing business ...
8 shall provide a warning to any person to whom the product is sold or transferred unless the product
9 is packaged or labeled with a clear and reasonable warning.”

10 20. Pursuant to H&S Code § 25603.1, the warning may be provided by using one or
11 more of the following methods individually or in combination:¹

- 12 a. A warning that appears on a product’s label or other labeling.
- 13 b. Identification of the product at the retail outlet in a manner which provides
14 a warning. Identification may be through shelf labeling, signs, menus, or a combination
15 thereof.
- 16 c. The warnings provided pursuant to subparagraphs (a) and (b) shall be
17 prominently placed upon a product’s labels or other labeling or displayed at the retail outlet
18 with such conspicuousness, as compared with other words, statements, designs, or devices
19 in the label, labeling or display as to render it likely to be read and understood by an
20 ordinary individual under customary conditions of purchase or use.
- 21 d. A system of signs, public advertising identifying the system and toll-free
22 information services, or any other system that provides clear and reasonable warnings.

23 21. Proposition 65 provides that any “person who violates or threatens to violate” the
24 statute may be enjoined in a court of competent jurisdiction. (H&S Code § 25249.7.) The phrase
25

26
27 ¹ Alternatively, a person in the course of doing business may elect to comply with the warning
28 requirements set out in the amended version of 27 CCR 25601, *et.seq.* as amended on August 30,
2016, and operative on August 30, 2018.

1 “threaten to violate” is defined to mean creating “a condition in which there is a substantial
2 probability that a violation will occur.” (H&S Code § 25249.11(e).) Violators are liable for civil
3 penalties of up to \$2,500.00 per day for each violation of the Act (H&S Code § 25249.7) for up to
4 365 days.

5 22. Pursuant to Cal. Code Regs. Tit. 27, § 25600.2(e), a retail seller is responsible for
6 providing the warning required by § 25249.6 of the Act for a consumer product exposure when
7 one or more of the following circumstances exist: (a) the retailer seller is selling the product under
8 a brand or trademark that is owned or licensed by the retail seller or an affiliated entity; (b) the
9 retailer seller has knowingly introduced a listed chemical into the product, or knowingly caused
10 the listed chemical to be created in the product; (c) the retail seller has covered, obscured or altered
11 a warning label that has been affixed to the product pursuant to § 25600.2(b); (d) the retail seller
12 has received a notice and warning materials for the exposure pursuant to § 25600.2(b)-(c) and the
13 retail seller has sold the product without conspicuously posting or displaying the warning; or (e)
14 the retailer seller has actual knowledge of the potential consumer product exposure requiring the
15 warning, and there is no manufacturer, producer, packager, importer, supplier, or distributor of the
16 product who: (i) is a “person in the course of doing business under § 25249.11(b) of the Act, and
17 (ii) has designated an agent for service of process in California, or has a place of business in
18 California.

19 **FACTUAL BACKGROUND**

20 23. Lead is a harmful chemical known to the State of California to cause cancer and
21 birth defects or other reproductive harm. On October 1, 1992, the state of California listed lead as
22 a chemical known to cause cancer and it has come under the purview of Proposition 65 regulations
23 since that time. Cal. Code Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8 &
24 25249.10(b). On February 27, 1987, the State of California listed lead as a chemical known to
25 cause birth defects or other reproductive harm.

26 24. On April 14, 2025, Plaintiff purchased the Products from Defendant in California.
27 At the time of the purchase, Defendant did not provide a clear and reasonable exposure warning
28 pursuant to Cal. Code Regs. Tit. 27, § 25602.

1 25. On July 1, 2025 (*Plantstrong*® Thai carrot chickpea organic soups) and August 8,
2 2025 (*Plantstrong*® organic shitake mushroom broth), Plaintiff served notice of alleged violation
3 of Health and Safety Code § 25249.6 (collectively, the “Notices” and each a “Notice”) to
4 Defendant concerning the exposure of California citizens to lead from consumption of the Products
5 without proper warning, subject to a private action to Defendant and to the California Attorney
6 General’s office and the offices of the County District attorneys and City Attorneys for each city
7 with a population greater than 750,000 persons wherein the herein violations allegedly occurred.
8 The exposures that are the subject of the Notices result from the purchase, acquisition, handling
9 and recommended consumption of the Products. The primary route of exposure to lead is through
10 ingestion. When foods contaminated with lead are consumed, ingestion of lead will occur which
11 will increase blood lead levels. No clear and reasonable warning is provided with the Products
12 regarding the health hazards of exposure. See attached at Exhibits “A” – “B” a true and correct
13 copy of each Notice.

14 26. Defendant has actual knowledge that sales of the Products in California will result
15 in an actionable consumer product exposure pursuant to Cal. Health & Safety Code § 25249.5 et
16 seq.

17 27. Defendant has sold the Products under a brand or trademark that is owned or
18 licensed by Defendant or an affiliated entity; and/or Defendant has knowingly introduced lead into
19 the Products, or knowingly caused lead to be created in the Products; and/or Defendant has
20 covered, obscured or altered a warning label that has been affixed to the Products pursuant to §
21 25600.2(b); and/or Defendant has received a notice and warning materials for the exposure
22 pursuant to § 25600.2(b)-(c) and Defendant has sold the product without conspicuously posting or
23 displaying the warning; and/or Defendant has actual knowledge of the potential consumer product
24 exposure requiring the warning, and there is no manufacturer, producer, packager, importer,
25 supplier, or distributor of the Product who: (i) is a “person in the course of doing business under §
26 25249.11(b) of the Act, and (ii) has designated an agent for service of process in California, or has
27 a place of business in California.

1 28. At all times relevant to this action, Defendant has knowingly and intentionally
2 exposed consumers of the Products to lead without first giving a clear and reasonable exposure
3 warning to such individuals. More than five business days after receipt of the Notices, Defendant
4 continued to distribute, sell, and/or offer to and sell in California without the requisite warning
5 information.

6 29. On October 10, 2025, Plaintiff purchased the Products a second time from
7 Defendant. At the time of the purchase, Defendant did not provide a clear and reasonable exposure
8 warning pursuant to Cal. Code Regs. Tit. 27, § 25602.

9 30. As a proximate result of acts by Defendant, as a person in the course of doing
10 business within the meaning of H&S Code § 25249.11, individuals throughout the State of
11 California, including in San Francisco County, have been exposed to lead without a clear and
12 reasonable warning on the Products. The individuals subject to the violative exposures include
13 normal and foreseeable users and consumers that consume the Products, as well as all others
14 exposed to the Products.

15 **SATISFACTION OF NOTICE REQUIREMENTS**

16 31. On April 14, 2025, Plaintiff purchased the Products from Defendant in California.
17 At the time of purchase, Defendant did not provide a Proposition 65 exposure warning for lead or
18 any other Proposition 65 listed chemical in a manner consistent with H&S Code § 25603.1 as
19 described *supra*.

20 32. The Products were sent to a testing laboratory to determine if, and what amount of,
21 lead a consumer would be exposed to per serving size.

22 33. The laboratory provided the results of its analysis. Results of this test determined
23 the Product exposes consumers to lead (collectively, the “Chemical Test Reports” and each a
24 “Chemical Test Report”).

25 34. Plaintiff provided the Chemical Test Reports and Products to an analytical chemist
26 to determine if, based on the findings of the Chemical Test Reports and the reasonable and
27 foreseeable consumption of the Products, exposure to lead will occur at levels that require
28

1 Proposition 65 warnings under the Clear and Reasonable Warnings section 25601 of Title 27 of
2 the California Code of Regulations.

3 35. On July 1, 2025 (*Plantstrong*® Thai carrot chickpea organic soups) and August 8,
4 2025 (*Plantstrong*® organic shitake mushroom broth), Plaintiff received from the analytical
5 chemist exposure assessment reports which concluded that persons in California who consume the
6 Products will be exposed to levels of lead that require a Proposition 65 exposure warning.

7 36. On July 1, 2025 (*Plantstrong*® Thai carrot chickpea organic soups) and August 8,
8 2025 (*Plantstrong*® organic shitake mushroom broth), Plaintiff served the Notices on Defendant
9 concerning the exposure of California citizens to lead from consumption of the Products without
10 proper warning, subject to a private action to Defendant and to the California Attorney General's
11 office and the offices of the County District attorneys and City Attorneys for each city with a
12 population greater than 750,000 persons wherein the herein violations allegedly occurred.

13 37. The Notices complied with all procedural requirements of Proposition 65 including
14 the attachment of a Certificate of Merit affirming that Plaintiff's counsel had consulted with at
15 least one person with relevant and appropriate expertise who reviewed relevant data regarding lead
16 exposure, and that counsel believed there was meritorious and reasonable cause for a private
17 action.

18 38. After receiving the Notices, and to Plaintiff's best information and belief, none of
19 the noticed appropriate public enforcement agencies have commenced and diligently prosecuted a
20 cause of action against Defendant under Proposition 65 to enforce the alleged violations which are
21 the subject of the Notices.

22 39. Plaintiff is commencing this action more than sixty (60) days from the date of the
23 Notices to Defendant, as required by law.

24 **FIRST CAUSE OF ACTION**

25 **(By Plaintiff against Defendant for the Violation of Proposition 65)**

26 40. Plaintiff hereby repeats and incorporates by reference paragraphs 1 through 39 of
27 this Complaint as though fully set forth herein.

41. Defendant has manufactured, processed, marketed, distributed, offered to sell and/or sold the Products in California since at least April 14, 2025.

42. On July 1, 2025 (*Plantstrong*® Thai carrot chickpea organic soups) and August 8, 2025 (*Plantstrong*® organic shitake mushroom broth), Plaintiff served the Notices on Defendant concerning the exposure of California citizens to lead from consumption of the Products without proper warning, subject to a private action to Defendant and to the California Attorney General's office and the offices of the County District attorneys and City Attorneys for each city with a population greater than 750,000 persons wherein the herein violations allegedly occurred.

43. The Notices give Defendant actual knowledge of the potential consumer product exposure requiring the warning pursuant to Cal. Code Regs, Tit. 27, § 25600.2. Consumption of the Products will expose users and consumers thereof to lead, a hazardous chemical found on the Proposition 65 list of chemicals known to be hazardous to human health.

44. The Products do not comply with the Proposition 65 warning requirements.

45. Plaintiff, based on his best information and belief, avers that at all relevant times herein, and at least since July 1, 2025 with respect to the *Plantstrong*® Thai carrot chickpea organic soups; and at least since August 8, 2025 with respect to the *Plantstrong*® organic shitake mushroom broth, continuing until the present, that Defendant has continued to knowingly and intentionally expose California users and consumers of the Products to lead without providing required warnings under Proposition 65.

46. Defendant continues to sell the Products under a brand or trademark that is owned or licensed by Defendant or an affiliated entity; and/or Defendant has knowingly introduced lead into the Products, or knowingly caused lead to be created in the Products; and/or Defendant has covered, obscured or altered a warning label that has been affixed to the Products pursuant to § 25600.2(b); and/or Defendant has received a notice and warning materials for the exposure pursuant to § 25600.2(b)-(c) and Defendant has sold the product without conspicuously posting or displaying the warning; and/or Defendant has actual knowledge of the potential consumer product exposure requiring the warning, and there is no manufacturer, producer, packager, importer, supplier, or distributor of the Products who: (i) is a "person in the course of doing business under

1 § 25249.11(b) of the Act, and (ii) has designated an agent for service of process in California, or
2 has a place of business in California

3 47. On October 10, 2025, more than five business days after Defendant received the
4 Notices, Plaintiff purchased the Products from Defendant. At the time of purchase, Defendant did
5 not provide a Proposition 65 compliant exposure warning.

6 48. The exposures that are the subject of the Notices result from the purchase,
7 acquisition, handling and recommended consumption of the Products. The primary route of
8 exposure to lead is through ingestion. When foods contaminated with lead are consumed, ingestion
9 of lead will occur which will increase blood lead levels. No clear and reasonable warning is
10 provided with the Products regarding the health hazards of exposure.

11 49. Plaintiff, based on his best information and belief, avers that such exposures will
12 continue every day until clear and reasonable warnings are provided to purchasers and consumers
13 or until this known toxic chemical is removed from the Products.

14 50. Defendant has knowledge that the normal and reasonably foreseeable consumption
15 of the Products exposes individuals to lead, and Defendant intends that exposures to lead will occur
16 by their deliberate, non-accidental participation in the importation, distribution, sale and offering
17 of the Products to consumers in California.

18 51. Plaintiff has engaged in good faith efforts to resolve the herein claims prior to this
19 Complaint.

20 52. Pursuant to Health and Safety Code § 25249.7(b), as a consequence of the above
21 described acts, Defendant is liable for a maximum civil penalty of \$2,500 per day per violation.

22 53. Pursuant to Health and Safety Code § 25249.7(a), this Court is specifically
23 authorized to grant injunctive relief in favor of Plaintiff and against Defendant.
24
25
26
27
28

1 **PRAYER FOR RELIEF**

2 WHEREFORE, Plaintiff demands judgment against Defendant and requests the following
3 relief:

4 A. That the court assess civil penalties against Defendant in the amount of \$2,500 per
5 day for each violation for up to 365 days in accordance with Health and Safety Code §
6 25249.7(b);

7 B. That the court preliminarily and permanently enjoin Defendant mandating
8 Proposition 65 compliant warnings on the Products;

9 C. That the court grant Plaintiff reasonable attorney's fees and costs of suit, in the
10 amount of \$50,000.00.

11 D. That the court grant any further relief as may be just and proper.

12 Dated: July 1, 2026

BRODSKY SMITH

13 By: 

14 Evan J. Smith (SBN242352)
15 Ryan P. Cardona (SBN302113)
16 9465 Wilshire Boulevard, Suite 300
17 Beverly Hills, CA 90212
18 Telephone: (877) 534-2590
19 Facsimile: (310) 247-0160

20 *Attorneys for Plaintiff*

EXHIBIT “A”

LAW OFFICES
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MINEOLA, NY 11501
516.741.4977

PENNSYLVANIA OFFICE
TWO BALA PLAZA, STE. 805
BALA CYNWYD, PA 19004
610.667.6200

July 1, 2025

President/CEO Plant-Strong By Engine 2, LLC c/o Richard Esselstyn 5336 Magdalena Drive Austin, TX 78735	President/CEO Plant-Strong By Engine 2, LLC 608 Academy Drive Austin, TX 78704-1817
President/CEO Whole Foods Market, Inc. 6401 Hollis Street, Suite 150 Emeryville, CA 94608	President/CEO Mrs. Gooch's Natural Food Markets, Inc. c/o CT Corporation System 330 N. Brand Blvd., Suite 700 Glendale, CA 91203
President/CEO Whole Foods Market, Inc. c/ CT Corporation System 330 N. Brand Blvd, Suite 700 Glendale, CA 91202	President/CEO Whole Foods Market, Inc. c/o CT Corporation System 1999 Bryan St., Suite 900 Dallas, TX 75201

60-Day Notice of Violation of California Safe Drinking Water and Toxic Enforcement Act¹

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).

Brodsky Smith represents Gabriel Espinoza ("Espinoza"), a citizen of the State of California acting in the interest of the general public to promote awareness of exposures to toxic chemicals from use of consumer products sold in California and to improve human health and the environment by reducing hazardous substances.

With respect to the Product herein, Espinoza has identified a violation of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65") codified at Cal. Health & Safety Code § 25249.5, et seq. This 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 in California. Health & Safety Code § 25249.6 provides that "[n]o person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the State to cause cancer or reproductive toxicity without first providing a clear and reasonable warning to such individual ...". Without proper warnings regarding the toxic effects of exposures to the Listed Chemical resulting from use of the Product, California citizens lack the information necessary to make informed decisions on

¹ The public enforcement agencies that have been served with copies of this Notice are identified in the attached distribution list accompanying the Certificate of Service.

whether and/or how to eliminate (or reduce) the risk of exposure to the Listed Chemical from the reasonably foreseeable use of the Product.

I. DESCRIPTION OF THE VIOLATION

1. **Enforcer:** Gabriel Espinoza, 3924 Carlin Ave. Lynwood, CA 90262; (Ph) 424-285-4896.
2. **Alleged Violator(s):** Plant-Strong By Engine 2, LLC; Whole Foods Market, Inc.; Mrs. Gooch's Natural Food Markets, Inc.
3. **Time Period of Exposure:** Violations have been occurring since at least July 1, 2025 and are continuing to this day.
4. **Listed Chemical:** Lead. Lead is listed under Proposition 65 as a chemical known to the State to cause cancer and birth defects or other reproductive harm.
5. **Product:**

Product ²	Non- Exclusive Examples of the Product
Stew	Plant Strong Thai Carrot Chickpea Organic Stew UPC# 8 50020 04134 3

6. **Description of Exposure:** The exposures that are the subject of this Notice result from the purchase and recommended use of the Product. The primary route of exposure to the Listed Chemical is through ingestion. When foods contaminated with the Listed Chemical are consumed, ingestion of the Listed Chemical will occur which will increase BLLs. No clear and reasonable warning is provided with the Products regarding the health hazards of exposure to the Listed Chemical.

II. PROPOSITION 65 INFORMATION

For the Violators' reference, enclosed is a copy of "Proposition 65: A Summary" that has been prepared by the Office of Environmental Health Hazard Assessment ("OEHHA"). For more information concerning the provisions of Proposition 65, contact OEHHA at 916.445.6900.

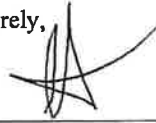
III. RESOLUTION OF THE CLAIMS

Based on the allegations set forth in this Notice, Brodsky Smith intends to file a citizen enforcement lawsuit on behalf of Espinoza against the alleged Violator(s) unless such Violator(s) agree in a binding written agreement to: (1) recall Products already sold; (2) provide Proposition 65 compliant exposure warnings for Products sold in the future or reformulate the Products to eliminate exposures to the Listed Chemical; and (3) pay an appropriate civil penalty based on the factors enumerated in Health & Safety Code § 25249.7(b). Consistent with the public interest goals of Proposition 65 and the desire to have these violations of California law quickly rectified, Espinoza is interested in seeking a constructive resolution of the claims in this Notice without engaging in costly and protracted litigation.

² The specifically identified example of the Product in this Notice is to assist the recipients' investigation of, among other things, the magnitude of potential exposures to the Listed Chemical from other items within the definition of Products. This example is not intended to be an exhaustive or comprehensive identification of each specific offending Product. It is Espinoza's position that the alleged Violators are obligated to conduct a good faith investigation into other Products that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the alleged Violators' custody or control) during the relevant period to ensure that requisite health hazard warnings were and are provided to California citizens prior to purchase and use.

Espinoza has retained me as legal counsel in connection with this Notice. **Please direct all communications regarding this Notice to my attention at Brodsky Smith, 9465 Wilshire Blvd., Ste. 300, Beverly Hills, CA 90212, (877) 534-2590, esmith@brodskysmith.com.**

Sincerely,

A handwritten signature in black ink, appearing to be 'Evan J. Smith', written over a horizontal line.

Evan J. Smith

Attachments

Certificate of Merit

Certificate of Service

The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary

EXHIBIT “B”

LAW OFFICES
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www.brodskysmith.com

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MINEOLA, NY 11501
516.741.4977

PENNSYLVANIA OFFICE
TWO BALA PLAZA, STE. 805
BALA CYNWYD, PA 19004
610.667.6200

August 8, 2025

Member/Manager Plant-Strong By Engine 2, LLC c/o Richard Esselstyn 5336 Magdalena Drive Austin, TX 78735	Member/Manager Plant-Strong By Engine 2, LLC 6601 Via Correto Drive Austin, TX 78749
President/CEO Whole Foods Market California, Inc. c/o CT Corporation System 330 N. Brand Blvd., Suite 700 Glendale, CA 91203	President/CEO Whole Foods Market, Inc. c/o CT Corporation System 330 N. Brand Blvd., Suite 700 Glendale, CA 91203
President/CEO Whole Foods Market, Inc. c/o CT Corporation System 1999 Bryan St., Suite 900 Dallas, TX 75201	President/CEO Whole Foods Market IP, Inc. c/o The Corporation trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
President/CEO Mrs. Gooch's Natural Food Markets, Inc. c/o CT Corporation System 330 N. Brand Blvd., Suite 700 Glendale, CA 91203	

60-Day Notice of Violation of California Safe Drinking Water and Toxic Enforcement Act¹

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).

Brodsky Smith represents Gabriel Espinoza ("Espinoza"), a citizen of the State of California acting in the interest of the general public to promote awareness of exposures to toxic chemicals from use of consumer products sold in California and to improve human health and the environment by reducing hazardous substances.

With respect to the Product herein, Espinoza has identified a violation of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65") codified at Cal. Health & Safety Code § 25249.5, et seq. This violation has occurred and continues to occur because the alleged Violator(s)

¹ The public enforcement agencies that have been served with copies of this Notice are identified in the attached distribution list accompanying the Certificate of Service.

failed to provide a clear and reasonable health hazard warning in connection with the sale or use of the Product in California. Health & Safety Code § 25249.6 provides that “[n]o person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the State to cause cancer or reproductive toxicity without first providing a clear and reasonable warning to such individual ...” Without proper warnings regarding the toxic effects of exposures to the Listed Chemical resulting from use of the Product, California citizens lack the information necessary to make informed decisions on whether and/or how to eliminate (or reduce) the risk of exposure to the Listed Chemical from the reasonably foreseeable use of the Product.

I. DESCRIPTION OF THE VIOLATION

1. **Enforcer:** Gabriel Espinoza, 3924 Carlin Ave. Lynwood, CA 90262; (Ph) 424-285-4896.
2. **Alleged Violator(s):** Plant-Strong By Engine 2, LLC; Whole Foods Market, Inc.; Whole Foods Market IP, Inc.; Whole Foods Market California, Inc.; Mrs. Gooch’s Natural Food Markets, Inc.
3. **Time Period of Exposure:** Violations have been occurring since at least August 8, 2025 and are continuing to this day.
4. **Listed Chemical:** Lead. Lead is listed under Proposition 65 as a chemical known to the State to cause cancer and birth defects or other reproductive harm.
5. **Product:**

Product ²	Non- Exclusive Examples of the Product
Broth	PlantStrong Organic Shitake Mushroom Broth UPC# 8 50020 04122 0

6. **Description of Exposure:** The exposures that are the subject of this Notice result from the purchase and recommended use of the Product. The primary route of exposure to the Listed Chemical is through ingestion. When foods contaminated with the Listed Chemical are consumed, ingestion of the Listed Chemical will occur which will increase BLLs. No clear and reasonable warning is provided with the Products regarding the health hazards of exposure to the Listed Chemical.

II. PROPOSITION 65 INFORMATION

For the Violators’ reference, enclosed is a copy of “Proposition 65: A Summary” that has been prepared by the Office of Environmental Health Hazard Assessment (“OEHHA”). For more information concerning the provisions of Proposition 65, contact OEHHA at 916.445.6900.

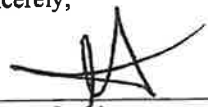
² The specifically identified example of the Product in this Notice is to assist the recipients’ investigation of, among other things, the magnitude of potential exposures to the Listed Chemical from other items within the definition of Products. This example is not intended to be an exhaustive or comprehensive identification of each specific offending Product. It is Espinoza’s position that the alleged Violators are obligated to conduct a good faith investigation into other Products that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the alleged Violators’ custody or control) during the relevant period to ensure that requisite health hazard warnings were and are provided to California citizens prior to purchase and use.

III. RESOLUTION OF THE CLAIMS

Based on the allegations set forth in this Notice, Brodsky Smith intends to file a citizen enforcement lawsuit on behalf of Espinoza against the alleged Violator(s) unless such Violator(s) agree in a binding written agreement to: (1) recall Products already sold; (2) provide Proposition 65 compliant exposure warnings for Products sold in the future or reformulate the Products to eliminate exposures to the Listed Chemical; and (3) pay an appropriate civil penalty based on the factors enumerated in Health & Safety Code § 25249.7(b). Consistent with the public interest goals of Proposition 65 and the desire to have these violations of California law quickly rectified, Espinoza is interested in seeking a constructive resolution of the claims in this Notice without engaging in costly and protracted litigation.

Espinoza has retained me as legal counsel in connection with this Notice. **Please direct all communications regarding this Notice to my attention at Brodsky Smith, 9465 Wilshire Blvd., Ste. 300, Beverly Hills, CA 90212, (877) 534-2590, esmith@brodskysmith.com.**

Sincerely,



Evan J. Smith

Attachments

Certificate of Merit

Certificate of Service

The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary