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County of Alameda
08/19/2026 at 03:58:15 PM
By: Andrel Gospel,
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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ALAMEDA

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

Plaintiff,
vs.

THINK OPERATIONS, LLC, a Texas limited
liability company,

Defendants.,

CASE NO. **26CV205653**

COMPLAINT FOR INJUNCTIVE
RELIEF AND CIVIL PENALTIES

Plaintiff Center for Consumer Safety, LLC brings this action in the interests of the
general public and, on information and belief, hereby alleges:

INTRODUCTION

1. This action seeks to remedy the continuing failure of Defendant Think
Operations, LLC to warn consumers in California that they are being exposed to lead, a
substance known to the State of California to cause cancer, birth defects, and other reproductive
harm. Defendant manufactures, packages, distributes, markets, and/or sells in California the
following sunscreen products, which contain lead (the "Sunscreens"):

- ThinkKids Zinc Oxide Sunscreen SPF 50, and

- ThinkKids Clear Zinc 20% Sunscreen SPF 30

2. Lead is a chemical known to the State of California to cause cancer, birth defects, and other reproductive harm.

3. The use and/or handling of the Sunscreens causes exposures to the chemical lead at levels requiring a “clear and reasonable warning” under California's Safe Drinking Water and Toxic Enforcement Act of 1986, Health & Safety Code §25249.5, *et seq.* (also known as “Proposition 65”). Defendant failed to provide the health hazard warnings required by Proposition 65.

4. Defendant’s past sales and continued manufacturing, packaging, distributing, marketing and/or sales of the Sunscreen without the required health hazard warnings, causes or threatens to cause individuals, particularly children, to be involuntarily and unwittingly exposed to levels of the chemical lead, which violates or threatens to violate Proposition 65.

5. Plaintiff seeks injunctive relief enjoining Defendant from the continued manufacturing, packaging, distributing, marketing and/or sales of the Sunscreens in California without provision of clear and reasonable warnings regarding the risks of cancer, birth defects, and other reproductive harm posed by exposure to the chemical lead through the use and/or handling of the Sunscreens. Plaintiff seeks an injunctive order compelling Defendant to bring its business practices into compliance with Proposition 65 by providing a clear and reasonable warning to each individual who has been and who in the future may be exposed to the chemical lead from the use of the Sunscreens. Plaintiff also seeks an order compelling Defendant to identify and locate each individual person who in the past has purchased the Sunscreens, and to provide to each such purchaser a clear and reasonable warning that use of the Sunscreens will cause exposures to the chemical lead.

6. In addition to injunctive relief, Plaintiff seeks an assessment of civil penalties up to the maximum civil penalty of \$2,500 per day per exposure, authorized by Proposition 65, to remedy Defendant’s failure to provide clear and reasonable warnings regarding exposures to the chemical lead.

1 **PARTIES**

2 7. Plaintiff Center for Consumer Safety, LLC is a California limited liability
3 company dedicated to safeguarding the public from harmful and toxic chemicals found in
4 everyday products, ensuring that consumers are informed of and protected from exposure to
5 such chemicals, and holding businesses accountable for violations of Proposition 65.

6 8. Plaintiff brings this enforcement action in the public interest pursuant to Health
7 & Safety Code §25249.7(d).

8 9. Defendant Think Operations, LLC is a Texas limited liability company and is a
9 person doing business within the meaning of Health & Safety Code §25249.11.

10 10. Defendant manufactured, marketed, distributed, and/or sold the Sunscreens for
11 use in California and the County of Alameda. Plaintiff is informed and believes, and thereupon
12 alleges, that Defendant continues to manufacture, package, distribute, market and/or sell the
13 Sunscreens for sale or use in California and in Alameda County.

14 **JURISDICTION AND VENUE**

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

19 12. This Court has jurisdiction over Defendant because Defendant has sufficient
20 minimum contacts with California, and otherwise intentionally avails itself of the California
21 market through the marketing, distribution, and/or sale of the Sunscreens in the State of
22 California so as to render the exercise of jurisdiction over it by the California courts consistent
23 with traditional notions of fair play and substantial justice.

24 13. Venue in this action is proper in the Alameda Superior Court because the
25 Defendants have violated or threaten to violate California law in the County of Alameda.

26 14. On June 15, 2026, Plaintiff sent a 60-Day Notice of Proposition 65 Violations
27 (“Notice”) to the requisite public enforcement agencies, and to Defendant. A true and correct
28 copy of the Notice is attached hereto as **Exhibit A**. The Notice was issued pursuant to, and in

1 compliance with, the requirements of Health & Safety Code §25249.7(d) and the statute's
2 implementing regulations regarding the notice of the violations to be given to certain public
3 enforcement agencies and to the violators. The Notice included, *inter alia*, the following
4 information: the name, address, and telephone number of the noticing individuals; the name of
5 the alleged violator; the statute violated; the approximate time period during which violations
6 occurred; and descriptions of the violations, including the chemical involved, the routes of toxic
7 exposure, and the specific product or type of product causing the violations, and was issued as
8 follows:

- 9 a. Defendant was provided a copy of the Notice by Certified Mail.
- 10 b. Defendant was provided a copy of a document entitled "The Safe Drinking
11 Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary,"
12 which is also known as Appendix A to Title 27 of CCR §25903.
- 13 c. The California Attorney General was provided a copy of the Notice via online
14 submission.
- 15 d. The California Attorney General was provided with a Certificate of Merit by the
16 attorney for the noticing party, stating that there is a reasonable and meritorious
17 case for this action, and attaching factual information sufficient to establish a
18 basis for the certificate, including the identity of the persons consulted with and
19 relied on by the certifier, and the facts, studies, or other data reviewed by those
20 persons, pursuant to Health & Safety Code §25249.7(h)(2).
- 21 e. The district attorneys, city attorneys or prosecutors of each jurisdiction within
22 which the Sunscreens are offered for sale within California were provided with a
23 copy of the Notice pursuant to Health & Safety Code § 25249.7(d)(1).

24 15. More than 60 days have passed since Plaintiff sent the Notice to Defendant. The
25 appropriate public enforcement agencies have failed to commence and diligently prosecute a
26 cause of action under Health & Safety Code §25249.5, *et seq.* against Defendant based on the
27 allegations herein.
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17. To effect this goal, Proposition 65 requires that individuals be provided with a “clear and reasonable warning” before being exposed to substances listed by the State of California as causing cancer or reproductive toxicity. Health & Safety Code §25249.6 states:

18. “‘Knowingly’ refers only to knowledge of the fact that a discharge of, release of, or exposure to a chemical listed pursuant to Section 25249.8(a) of the Act is occurring. No knowledge that the discharge, release or exposure is unlawful is required.” (27 California Code of Regulations (“CCR”) § 25102(n).)

20. Proposition 65 provides that any “person who violates or threatens to violate” the statute may be enjoined in a court of competent jurisdiction. (Health & Safety Code §25249.7). The phrase “threaten to violate” is defined to mean creating “a condition in which there is a substantial probability that a violation will occur” (Health & Safety Code §25249.11(e)). Violators are liable for civil penalties of up to \$2,500 per day for each violation of the Act. (Health & Safety Code §25249.7.)

21. On February 27, 1987, the State of California officially listed the chemical lead as a chemical known to cause reproductive toxicity. Lead became subject to the warning

1 requirement one year later and was therefore subject to the “clear and reasonable” warning
2 requirements of Proposition 65 beginning on February 27, 1988. (27 CCR § 25000, *et seq.*;
3 Health & Safety Code §25249.5, *et seq.*). Due to the high toxicity of lead, the maximum
4 allowable dose level for lead is 0.5 µg/day (micrograms per day) for reproductive toxicity. (27
5 CCR § 25805(b).)

6 22. On October 1, 1992, the State of California officially listed the chemicals lead
7 and lead compounds as chemicals known to cause cancer. Lead and lead compounds became
8 subject to the warning requirement one year later and were therefore subject to the “clear and
9 reasonable” warning requirements of Proposition 65 beginning on October 1, 1993 (27 CCR §
10 25000, *et seq.*; Health & Safety Code §25249.6 *et seq.*). Due to the carcinogenicity of lead, the
11 no significant risk level for lead is 15 µg/day (micrograms per day). (27 CCR § 25705(b)(1).)

12 23. To test Defendant’s Sunscreens for lead, Plaintiff hired a well-respected and
13 accredited testing laboratory. The results of testing undertaken by Plaintiff show that use of the
14 Sunscreens causes consumers to be exposed to lead via dermal absorption and incidental
15 ingestion at levels that exceed the 0.5 µg/day “safe harbor” daily dose limits set forth in
16 Proposition 65’s regulations.

17 24. At all times relevant to this action, Defendant knowingly and intentionally
18 exposed the users of the Sunscreens to the chemical lead without first giving a clear and
19 reasonable warning to such individuals that they have been exposed to a chemical known to the
20 State of California to cause cancer, birth defects, and other reproductive harm.

21 25. On information and belief, Plaintiff alleges the Sunscreens have been sold by
22 Defendant for use in California since at least June 18, 2023. On information and belief, the
23 Sunscreens continue to be distributed and sold in California without the requisite warning
24 information. Consumers have been dermally absorbing and ingesting these products for many
25 years, without any knowledge of their exposure to this very dangerous chemical.

26 26. On June 15, 2026, Plaintiff served Defendant and each of the appropriate public
27 enforcement agencies with a Proposition 65 Notice, a document entitled “Notice of Violations
28 of California Health & Safety Code Section 25249.5,” that provided Defendants and the public

1 enforcement agencies with notice that Defendant was in violation of Proposition 65 for failing
2 to warn purchasers and individuals using the Sunscreens that the use of the Sunscreens exposes
3 them to lead, a chemical known to the State of California to cause cancer and/or reproductive
4 toxicity.

5 27. As a proximate result of acts by Defendant, as a person in the course of doing
6 business within the meaning of Health & Safety Code §25249.11, individuals throughout the
7 State of California, including in the County of Alameda, have been exposed to lead without a
8 clear and reasonable warning. The individuals subject to the illegal exposures include normal
9 and foreseeable users of the Sunscreens, as well as all other persons exposed to the Sunscreens.

10
11 **FIRST CAUSE OF ACTION**
12 **(Violation of Section 25249.6 of the Health and Safety Code,**
13 **Failure to Provide Clear and Reasonable Warning under Proposition 65)**

14 28. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 29,
15 inclusive, as if specifically set forth herein.

16 29. By committing the acts alleged above, Defendant has, at all times relevant to this
17 action, and continuing through the present, violated or threatened to violate Health & Safety
18 Code §25249.6 by, in the course of doing business, knowingly and intentionally exposing
19 individuals who use the Sunscreens described in the Notice to the chemical lead, without first
20 providing a clear and reasonable warning to such individuals pursuant to Health & Safety Code
21 §§ 25249.6 and 25249.11(f).

22 30. In doing so, Defendant has violated Health & Safety Code section 25249.6 and
23 continues to violate the statute with each successive sale of the Sunscreens.

24 31. These violations render Defendant liable for civil penalties, up to \$2,500 per day
25 for each violation, and subject Defendant to injunction ordering Defendant to stop violating
26 Proposition 65, to provide warnings to all present and future customers, and to provide warnings
27 to Defendant's past customers who purchased or used the Sunscreens without receiving a clear
28 and reasonable warning.

32. Continuing commission by Defendant of the acts alleged above will irreparably

1 harm the citizens of the State of California, for which harm they have no plain, speedy, or
2 adequate remedy at law.

3 **PRAYER FOR RELIEF**

4 Wherefore, Plaintiff prays for the following relief:

5 1. A preliminary and permanent injunction, pursuant to Health & Safety Code
6 §25249.7(b), enjoining Defendant, its agents, employees, assigns and all persons acting in
7 concert or participating with Defendant, from distributing or selling the Sunscreens in
8 California without first providing a clear and reasonable warning, within the meaning of
9 Proposition 65, that the users of the Sunscreens are exposed to the chemical lead;

10 2. An injunctive order, pursuant to Health & Safety Code §25249.7(b), compelling
11 Defendant to identify and locate each individual who has purchased the Sunscreens since June
12 18, 2023, and to provide a warning to such persons that the use of the Sunscreens will expose
13 the users to chemicals known to birth defects and other reproductive harm;

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

16 4. An award to Plaintiff of its reasonable attorney's fees and costs of suit pursuant
17 to California Code of Civil Procedure §1021.5, as Plaintiff shall specify in further application to
18 the Court; and,

19 5. Such other and further relief as may be just and proper.
20

21 DATED: August 19, 2026

LOZEAU | DRURY LLP

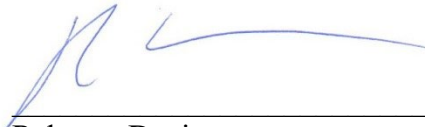
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23 _____
24 Rebecca Davis
25 Victoria Yundt
26 Attorneys for Plaintiff
27 Center for Consumer Safety LLC
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EXHIBIT A

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June 15, 2026

To: President or CEO – Think Operations, LLC
California Attorney General's Office
District Attorney's Office for 58 counties
City Attorney's for San Francisco, San Diego, San Jose, and Los Angeles
(See attached Certificate of Service)

From: Center for Consumer Safety, LLC

Re: Notice of Violations of California Health & Safety Code Section 25249.5 *et seq.*

Dear Addressees:

This firm represents Center for Consumer Safety, LLC ("CCS") in connection with this Notice of Violations of California's Safe Drinking Water and Toxic Enforcement Act, which is codified at California Health & Safety Code Section 25249.5 *et seq.* ("Proposition 65").

CCS is a California limited liability company dedicated to safeguarding the public from harmful and toxic chemicals found in everyday projects. This letter serves to provide notification of these violations to you and to the public enforcement agencies of Proposition 65.

This letter constitutes notice that the entity listed below has violated and continues to violate provisions of Proposition 65. Specifically, the entity listed below has violated and continues to violate the warning requirement at § 25249.6 of the California Health & Safety Code, which 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 giving clear and reasonable warning to such individual..." A summary of Proposition 65, prepared by the California Office of Environmental Health Hazard Assessment, is enclosed with the copy of this letter sent to the Violator.

Alleged Violator: The name of the violator covered by this notice that violated Proposition 65 (hereinafter collectively referred to as the "Violator") is Think Operations, LLC.

Listed Chemical: These violations involve exposure to the listed chemical lead. 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.

Consumer Products: The following specific products that are the subject of this notice are causing exposures in violation of Proposition 65 are:

1. ThinkKids Zinc Oxide Sunscreen SPF 50
2. ThinkKids Clear Zinc 20% Sunscreen SPF 30

Violation: The alleged Violator knowingly and intentionally exposed and continues to expose consumers within the State of California to lead without providing a Proposition 65 warning. The Violator has manufactured, marketed, distributed, and/or sold the listed products, which have exposed and continue to expose numerous individuals within California to the identified chemical, lead.

Route of Exposure: The consumer exposures that are the subject of this notice result from the recommended use of these products by consumers. The route of exposure to lead is through dermal absorption and ingestion.

Proposition 65 requires that a clear and reasonable warning be provided prior to exposure to lead. The listed products were purchased online. A Proposition 65-compliant warning should have appeared on the listed product's packaging and on the product display page and/or point of sale. The Violator violated Proposition 65 because it failed to provide an appropriate warning to persons using these products that they are being exposed to lead. Each of these ongoing violations has occurred on every day since June 15, 2023, as well as every day since the products were introduced in the California marketplace, and will continue every day until clear and reasonable warnings are provided to product purchasers and users.

Pursuant to California Health & Safety Code § 25249.7(d), CCS intends to file a citizen enforcement action sixty days after effective service of this notice unless the Violator agrees in an enforceable written agreement to: (1) reformulate the listed products so as to eliminate further exposures to the identified chemicals; (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. Consistent with the public interest goals of Proposition 65 and my client's objectives in pursuing this notice, CCS is interested in seeking a constructive resolution to this matter. Such resolution will avoid both further unwarned consumer exposures to the identified chemical and expensive and time consuming litigation.

CCS's is located at 2001 Addison St., Suite 300, #834, Berkeley, CA 94704. Its responsible person for purposes of this notice letter is Mike White, who can be reached at mike@centerforconsumersafety.com, phone: (510) 636-5051. CCS has retained my firm in connection with this matter. Please direct all questions concerning this notice to me, Rebecca Davis, at rebecca@lozeaudrury.com, (510) 836-4200, Lozeau Drury LLP, 1939 Harrison St., Suite 150, Oakland, CA 94612.

Notice of Violation of Cal. Health & Safety Code §§ 25249.5 *et seq.*

June 15, 2026

Page 3

Sincerely,



Rebecca L. Davis

Attachments:

Certificate of Merit

Certificate of Service

OEHHA Summary (to Violators and their Registered Agents for Service of Process only)

Additional Supporting Information for Certificate of Merit (to AG only)

CERTIFICATE OF MERIT

**Re: Center for Consumer Safety, LLC 's Notice of Proposition 65 Violations by
Think Operations, LLC**

I, Rebecca Davis, declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged that the parties identified in the notice violated California Health & Safety Code Section 25249.6 by failing to provide clear and reasonable warnings.
2. I am an attorney for the noticing party, Center for Consumer Safety, LLC.
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 notice.
4. Based on the information obtained through those consultants, and 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 plaintiff's case can be established and that 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. Along with the copy of this Certificate of Merit, additional factual information sufficient to establish the basis for this certificate has been served on the Attorney General, including the information identified in California Health & Safety Code §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: June 15, 2026



Rebecca Davis

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 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.

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.

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:

I am a citizen of the United States and over the age of 18 years of age. My business address is 1939 Harrison St., Suite 150, Oakland, California. I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Oakland, California.

On June 15, 2026, I served the following documents: **(1) NOTICE OF VIOLATIONS OF CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; (2) CERTIFICATE OF MERIT; and (3) “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 with postage fully prepaid for delivery by Certified Mail, addressed to the entity listed below, and placing the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business’s practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.

Brenda Wu, Chief Executive Officer
or Current President or CEO
Think Operations, LLC
174 Route 109
West Babylon, NY 11704-6221

Corporation Service Company dba CSC –
Lawyers Incorporating Service
(Registered Agent for Think Operations, LLC)
221 E. 7th Street, Suite 620
Austin, TX 78701-3218

On June 15, 2026, I served the following documents: **(1) NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; (2) CERTIFICATE OF MERIT; and (3) ADDITIONAL SUPPORTING INFORMATION FOR CERTIFICATE OF MERIT AS REQUIRED BY CALIFORNIA HEALTH & SAFETY CODE §25249.7(d)(1)** 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
1515 Clay Street, Suite 2000
Oakland, CA 94612-0550

On June 15, 2026, I served the following documents: **(1) NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; and (2) CERTIFICATE OF MERIT** on the following parties when a true and correct copy thereof was sent via electronic mail to each of the parties listed below:

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On June 15, 2026, I served the following documents: I served the following documents: **(1) NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; and (2) CERTIFICATE OF MERIT** on each of the parties on the Service List attached hereto by placing a true and correct copy thereof in a sealed envelope with postage fully prepaid for delivery by First Class Mail, addressed to each of the entities on the Service List attached hereto, and placing the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.

Executed on June 15, 2026 in Oakland, California.


Toyer Grear

Service List

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