

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

Per local Rule, This case is assigned to
Judge Campins, Julia, for all purposes.

Attorney for Plaintiff Center for Consumer Safety, LLC

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF CONTRA COSTA**

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

Plaintiff,

vs.

**BIO-TECH PHARMACAL, INC., an
Arkansas corporation; SPORTSMED
DISTRIBUTOR INC., a New York
corporation; AMAZON.COM SERVICES
LLC, a Delaware limited liability company;
and DOES 1–20,**

Defendants.

CASE NO. C26-03437

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

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

SUMMONS ISSUED

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

Complaint for Injunctive and Declaratory Relief and Civil Penalties

Page 1

1 section 25249.5 et seq.), also known as "Proposition 65," prohibits any person in the course of doing
2 business from knowingly and intentionally exposing any individual to a chemical known to the State
3 of California to cause cancer or reproductive toxicity without first giving a clear and reasonable
4 warning to that individual. Retinol/retinyl esters, when in daily dosages in excess of 10,000 IU or
5 3,000 retinol equivalents, are known to the State of California to cause reproductive toxicity. This
6 Complaint seeks injunctive and declaratory relief and civil penalties to remedy the ongoing failure of
7 Defendants Bio-Tech Pharmacal, Inc., Sportsmed Distributor Inc., Amazon.com Services LLC, and
8 Does 1–20 (collectively "Defendants") to warn consumers that they are being exposed to retinol/retinyl
9 esters, at daily dosages in excess of 10,000 IU or 3,000 retinol equivalents, from the product identified
10 in paragraph 6, requiring a warning pursuant to Health & Safety Code section 25249.6.

11 II

12 PARTIES

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

17 3. Plaintiff is informed and believes, and on that basis alleges, that Defendant Bio-Tech
18 Pharmacal, Inc. ("Bio-Tech") is an Arkansas corporation based in Fayetteville, Arkansas, that
19 develops, manufactures, packages, labels, markets, and/or distributes nutritional supplement products,
20 including the SUBJECT PRODUCT identified below, which have exposed users to retinol/retinyl
21 esters throughout the State of California, including within the County of Contra Costa, within the
22 relevant statute of limitations period.

23 4. Plaintiff is informed and believes, and on that basis alleges, that Defendant Sportsmed
24 Distributor Inc. ("Sportsmed") is a New York corporation with its principal executive office in
25 Cedarhurst, New York, that markets, distributes, offers for sale, and sells consumer products, including
26 the SUBJECT PRODUCT, to consumers in California, including through the online marketplace at
27 Amazon.com.

1 5. Plaintiff is informed and believes, and on that basis alleges, that Defendant
2 Amazon.com Services LLC ("Amazon") is a Delaware limited liability company with its principal
3 place of business in Seattle, Washington, that operates and/or participates in the operation of the online
4 marketplace at Amazon.com and its fulfillment network, and that markets, offers for sale, sells, stores,
5 distributes, and delivers consumer products, including the SUBJECT PRODUCT, to consumers in
6 California, including within the County of Contra Costa.

7 6. The product that is the subject of this action (the "SUBJECT PRODUCT") is Bio-Tech
8 Pharmacal A-25 Vitamin A 25,000 IU, 100 capsules, also offered for sale as "A-25 Vitamin A
9 Palmitate," in all lots and under all listings and product identifiers through which it has been offered
10 or sold to consumers in California, including Amazon Standard Identification Number
11 B01LWLHVUZ, which is identified as a non-exclusive example in the Notices described in paragraph
12 11.

13 7. Plaintiff is informed and believes, and on that basis alleges, that each Defendant is a
14 "person in the course of doing business" within the meaning of Health & Safety Code section
15 25249.11, and employs, and at all times relevant to this action has employed, ten or more persons
16 within the meaning of Health & Safety Code section 25249.11, subdivision (b), and California Code
17 of Regulations, title 27, section 25102, subdivision (h).

18 8. Defendants Does 1–20 are named herein under fictitious names, as their true names
19 and capacities are unknown to Plaintiff. Plaintiff is informed and believes, and thereon alleges, that
20 each such Doe defendant manufactured, distributed, labeled, offered for sale, sold, or otherwise placed
21 the SUBJECT PRODUCT into commerce in California, and is responsible in some actionable manner
22 for the events and occurrences alleged herein, whether through its own conduct or through the conduct
23 of its agents, servants, or employees, or in some other manner. When the true names and capacities of
24 the Doe defendants are ascertained, Plaintiff will seek leave to amend this Complaint to set forth the
25 same.

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

III

JURISDICTION AND VENUE

9. This Court has jurisdiction pursuant to Article VI, section 10 of the California Constitution, which provides that superior courts "have original jurisdiction in all other causes." The statute under which this action is brought does not specify any other basis for jurisdiction.

10. This Court has jurisdiction over each Defendant because each 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 Contra Costa, so as to render the exercise of jurisdiction over it consistent with traditional notions of fair play and substantial justice.

11. This Complaint is based on the allegations contained in two Notices of Violation concerning the SUBJECT PRODUCT: (a) the Notice of Violation dated July 27, 2026 (Attorney General No. 2026-03604) (the "2026 Notice"), served on the California Attorney General, other public prosecutors, Bio-Tech, Sportsmed, and Amazon; and (b) the Notice of Violation dated July 31, 2025 (Attorney General No. 2025-02769) (the "2025 Notice," and together with the 2026 Notice, the "Notices"), served on the California Attorney General, other public prosecutors, Bio-Tech, and Amazon.com, Inc., which is not named as a defendant in this action. Plaintiff's claims against Bio-Tech are based on both Notices. Plaintiff's claims against Sportsmed and Amazon are based on the 2026 Notice. Each Notice constitutes adequate notice to each Defendant on which it was served because it provided adequate information to allow that 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 each Notice, and each complies with Proposition 65 and its implementing regulations. Each Notice served on an alleged violator also included a copy of "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary." Service of each Notice and its accompanying documents complied with Proposition 65 and its implementing regulations. True and correct copies of the 2026 Notice and the 2025 Notice and associated documents are attached hereto as Exhibits A and B, respectively, and incorporated herein by this reference. More

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

4 12. Venue is proper in this Court because the causes of action arose, in whole or in part, in
5 the County of Contra Costa, where at least one of the violations of law alleged herein has occurred
6 and will continue to occur. Specifically, units of the SUBJECT PRODUCT were purchased over the
7 Internet and delivered, without a clear and reasonable warning, to a purchaser located in Walnut Creek,
8 Contra Costa County, California, following a purchase on or about June 16, 2026, thereby causing an
9 unwarned consumer exposure within this County. Venue is proper under Code of Civil Procedure
10 sections 393, 395, and 395.5 and Health & Safety Code section 25249.7.

11 IV

12 STATUTORY BACKGROUND

13 13. 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 14. 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 15. 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 16. 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 17. The regulations minimize the burden on retail sellers and place primary responsibility
5 for warnings on the manufacturer, producer, packager, importer, supplier, or distributor of a product,
6 which may comply by providing a warning on the product label or labeling or by providing written
7 notice and warning materials to the retail seller. A retail seller is responsible for providing the warning
8 only in the circumstances described in subdivision (e). (Cal. Code Regs., tit. 27, § 25600.2, subds. (a),
9 (b), (e).)

10 18. For internet purchases, a warning meets the requirements of the regulations if it
11 complies with the content requirements of section 25603 and is also provided on the product display
12 page, by a clearly marked hyperlink using the word "WARNING" on the product display page, or by
13 otherwise prominently displaying the warning to the purchaser before the purchase is completed. (Cal.
14 Code Regs., tit. 27, § 25602, subd. (b).) For a warning for a product purchased over the Internet to be
15 deemed clear and reasonable under these regulations, it must be provided both on or with the product,
16 by one of the methods set forth in California Code of Regulations, title 27, section 25602, subdivision
17 (a), and on the product display page or otherwise prior to completion of the purchase, as set forth in
18 subdivision (b). (Cal. Code Regs., tit. 27, § 25602, subds. (a), (b).)

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

24 20. Proposition 65 provides that any person who violates or threatens to violate section
25 25249.6 may be enjoined in any court of competent jurisdiction, and is liable for a civil penalty of up
26 to \$2,500 per day for each violation. (Health & Safety Code, § 25249.7, subds. (a), (b)(1).)

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

V

STATEMENT OF FACTS

22. Bio-Tech has developed, manufactured, packaged, labeled, marketed, and/or distributed the SUBJECT PRODUCT, and has placed it into the stream of commerce for sale to consumers in and/or into the State of California, including through distributors, resellers, and Internet retail channels such as the online marketplace at Amazon.com.

23. Sportsmed and Amazon have offered for sale, sold, distributed, and/or delivered the SUBJECT PRODUCT to consumers in California, including in the County of Contra Costa, through the online marketplace at Amazon.com.

24. The SUBJECT PRODUCT is labeled and sold as "Vitamin A 25,000 IU." Its Supplement Facts panel states a serving size of one capsule and states that each capsule provides 7,500 mcg RAE (25,000 IU) of vitamin A "as vitamin A palmitate." Vitamin A palmitate (retinyl palmitate) is a retinyl ester. The label's suggested use is one capsule per day. Retinol/retinyl esters are highly bioavailable by the oral route. Consumption of the SUBJECT PRODUCT as directed therefore results in a daily exposure to retinol/retinyl esters of 25,000 IU, or 7,500 retinol activity equivalents, which exceeds the 10,000 IU (or 3,000 retinol equivalents) threshold by approximately two-and-one-half times.

25. The SUBJECT PRODUCT has been sold and delivered to consumers in California on each day since at least May 23, 2025, as to Bio-Tech, and on each day since at least June 16, 2026, as to Sportsmed and Amazon, and the violations alleged herein are continuing. Given the opportunity to

1 conduct discovery, Plaintiff is informed and believes that it will establish that additional units of the
2 SUBJECT PRODUCT were sold and delivered to consumers in California during those periods.

3 26. At all times material to this Complaint, California consumers of the SUBJECT
4 PRODUCT have been exposed to retinol/retinyl esters, at daily dosages in excess of 10,000 IU or
5 3,000 retinol equivalents, through their consumption of the SUBJECT PRODUCT as directed.

6 27. Each Defendant has known that the SUBJECT PRODUCT contains retinol/retinyl
7 esters and that consumption of the SUBJECT PRODUCT as directed causes a daily exposure in excess
8 of 10,000 IU. The amount of vitamin A in each capsule is stated in the product's name and on its label.
9 Each Defendant was served with the 2026 Notice, and Bio-Tech was served with the 2025 Notice. The
10 2025 Notice was also served by certified mail on July 31, 2025 on Amazon's affiliate Amazon.com,
11 Inc., and Plaintiff is informed and believes, and on that basis alleges, that Amazon has had actual
12 knowledge of the exposures described in the 2025 Notice since shortly after that service.

13 28. For all times relevant to this Complaint, Defendants have knowingly and intentionally
14 exposed numerous persons throughout California, and within the County of Contra Costa, to
15 retinol/retinyl esters, at daily dosages in excess of 10,000 IU or 3,000 retinol equivalents, without first
16 providing a clear and reasonable warning. Units of the SUBJECT PRODUCT were purchased over
17 the Internet and delivered to California consumers without a clear and reasonable warning. Defendants
18 have failed to provide a clear and reasonable Proposition 65 warning for the SUBJECT PRODUCT
19 on or with the product as delivered to consumers, on its product display or point-of-sale page, or by
20 any other legally permissible method.

21 29. Plaintiff is informed and believes, and on that basis alleges, that Bio-Tech, as the
22 manufacturer of the SUBJECT PRODUCT, has been and remains responsible for providing a clear
23 and reasonable warning for units of the SUBJECT PRODUCT that it placed into the stream of
24 commerce, and that Sportsmed and Amazon are each responsible for providing a clear and reasonable
25 warning for units of the SUBJECT PRODUCT that they offered for sale, sold, or delivered to
26 consumers in California, including because one or more of the circumstances described in California
27 Code of Regulations, title 27, section 25600.2, subdivision (e), applies to each of them.

30. Both prior and subsequent to Plaintiff's Notices, Defendants failed to provide California consumers of the SUBJECT PRODUCT with a clear and reasonable warning that they were being exposed to a chemical known to the State of California to cause reproductive toxicity. This failure to warn is ongoing.

FIRST CAUSE OF ACTION
(Violation of Section 25249.6 of the Health & Safety Code, Failure to Provide Clear and Reasonable Warning under Proposition 65, Against All Defendants)

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

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

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

SECOND CAUSE OF ACTION
(Declaratory Relief, Against All Defendants)

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

1 35. An actual controversy has arisen and now exists between Plaintiff and Defendants,
2 within the meaning of Code of Civil Procedure section 1060, concerning their respective rights and
3 ongoing duties under Proposition 65 with respect to the SUBJECT PRODUCT. Plaintiff contends that
4 each Defendant has a present and continuing obligation, under Health & Safety Code section 25249.6
5 and California Code of Regulations, title 27, sections 25600.2 and 25602, to provide or ensure a clear
6 and reasonable warning before exposing individuals in California to retinol/retinyl esters, at daily
7 dosages in excess of 10,000 IU or 3,000 retinol equivalents, from the SUBJECT PRODUCT. Plaintiff
8 is informed and believes, and on that basis alleges, that Defendants dispute this obligation and contend
9 that no warning is required of them or that any warning presently provided is clear and reasonable and
10 legally sufficient. This controversy is ripe for judicial resolution, and a declaration is necessary and
11 proper because the parties' dispute over Defendants' ongoing warning obligations will continue to
12 govern their conduct and cannot be fully resolved by an award of civil penalties for past violations
13 alone. Plaintiff therefore seeks a judicial declaration of the parties' respective rights and duties,
14 including a declaration that each Defendant is obligated to provide a clear and reasonable warning for
15 the SUBJECT PRODUCT as required by Proposition 65 and its implementing regulations.

16 ///

17 ///

18 ///

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 each 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 each 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 each 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: October 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

NOTICE OF VIOLATION
California Safe Drinking Water and Toxic Enforcement Act
RETINOL/RETINYL ESTERS IN VITAMIN A SUPPLEMENTS

July 27, 2026

To Whom It May Concern: This Notice of Violation (“Notice”) is provided to you pursuant to the California Safe Drinking Water and Toxic Enforcement Act (“Proposition 65”), California Health and Safety Code § 25249.7(d).

- For general information regarding Proposition 65, see the attached summary provided by the Office of Environmental Health Hazard Assessment (copies of summary not provided to public enforcement agencies).
- This Notice is provided by Center for Consumer Safety, LLC (“CCS”), 2001 Addison St Ste 300, Berkeley, CA 94704. CCS is a California company acting in the interest of the general public seeking to further, among other causes, the protection of the environment, toxin reduction, the promotion and improvement of human health, the improvement of consumer rights, and corporate accountability. CCS designates its counsel, Jordan Trent Jones, of Coastal Aegis Law, APC, as the responsible individual with respect to this Notice: (Email: jtjones@coastalaegislaw.com; Phone: (831) 312-8698; Address: 200 Clock Tower Place, Suite D101-E, Carmel, CA 93923).
- This letter serves as notice that the parties listed below 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 violators 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.

Description of Violation:

- This Notice covers the warning provision of Proposition 65, which is found at California Health and Safety Code Section 25249.6.
- Time Period of Violations: The violations have been occurring since at least June 16, 2026, and on information and belief, are continuing.
- Chemical(s) Involved: The name of the listed chemical involved in these violations is retinol/retinyl esters.
- Type of Product: The specific type of product causing the violation is vitamin A supplements. Non-exclusive examples of this specific type of product are listed in the table below.
- Method of Exposure: Ordinary use of the products identified in this Notice results in human exposures to retinol/retinyl esters because retinol/retinyl esters are found in the vitamin A supplements. The route of exposure for the violation is ingestion. These exposures occur in homes, workplaces, and everywhere else throughout California where consumers may be exposed to vitamin A supplements.
- No clear and reasonable Proposition 65 warning is provided with these products regarding the presence of retinol/retinyl esters in the products.

Violators and Products Subject to this Notice

Names and Addresses of Violators	Non-Exclusive Examples of the Products	UPC or Further Description of the Non-Exclusive Exemplar
Bio-Tech Pharmacal Inc c/o Registered Agent Dale Benedict 3481 N. Hwy 112 Fayetteville, AR 72704	Bio-Tech Pharmacal A-25 Vitamin A 25,000 IU	ASIN B01LWLHVUZ
Sportsmed Distributor Inc 14 East 98 St Brooklyn, NY 11212	Bio-Tech Pharmacal A-25 Vitamin A 25,000 IU	ASIN B01LWLHVUZ

Amazon.com Services LLC 410 Terry Avenue North Seattle, WA 98109	Bio-Tech Pharmacal A-25 Vitamin A 25,000 IU	ASIN B01LWLHVUZ
--	--	-----------------

Resolution of Noticed Claims:

- Center for Consumer Safety intends to file a citizen enforcement lawsuit against the alleged violators unless such violators agree in a binding written instrument to: (1) recall all products already sold; (2) provide clear and reasonable warnings for products sold or otherwise provided to consumers in the future or reformulate such products to eliminate the retinol/retinyl esters exposures; and (3) pay an appropriate civil penalty based on the factors enumerated in California Health and Safety Code § 25249.7(b).
- Alleged violators should contact Center for Consumer Safety through its counsel identified in this Notice to discuss resolution of this matter. It should be noted that Center for Consumer Safety cannot (1) finalize any settlement until after the 60-day notice period has expired; nor (2) speak for the Attorney General or any District or City Attorney who received CCS's 60-day Notice. Therefore, while reaching an agreement with CCS will resolve its claims, such agreement may not satisfy the public prosecutors.

Preservation of Relevant Evidence:

- This notice also serves as a demand that the alleged violators preserve and maintain all relevant evidence, including all electronic documents and data, pending resolution of this matter. Such evidence includes but is not limited to all documents related to the presence or potential presence of retinol/retinyl esters in vitamin A supplements; purchase and sales information; efforts to comply with Proposition 65; advertising and marketing material; testing reports; communications with any person relating to the presence or potential presence of retinol/retinyl esters in the products; and any representative exemplars sold to customers or consumers by the alleged violators in the year preceding this Notice through the date of any trial in this matter.

Request for Names and Contact Information

- The retailer is hereby requested to promptly provide the names and contact information for the manufacturers, producers, packagers, importers, suppliers, and/or distributors of the products identified in this Notice per Cal. Code Regs. tit. 27, § 25600.2(g).

Please direct any inquiries regarding this Notice to Center for Consumer Safety's counsel, Jordan Trent Jones, at Coastal Aegis Law, APC, 200 Clock Tower Place, Suite D101-E, Carmel, CA 93923, (831) 312-8698, jtjones@coastalaegislaw.com.

Coastal Aegis Law, APC

Jordan Trent Jones

Jordan Trent Jones
Attorney for Center for Consumer Safety, LLC

Enclosures:

Certificate of Merit; Certificate of Service; Appendix A ("The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary") (sent only to the violators); Factual information sufficient to establish the basis of the Certificate of Merit (sent only to Attorney General)

CERTIFICATE OF MERIT
Health & Safety Code § 25249.7(d)

I, Jordan Trent Jones, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the parties identified in the notice have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.
2. I am an attorney with Coastal Aegis Law, APC, and I represent 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 have reviewed facts, studies, or other data regarding the exposure to the listed chemical that is the subject of the action.
4. Based on the information obtained through those consultations, and on all other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that “reasonable and meritorious case for the private action” means that the information provides a credible basis that all elements of the plaintiff’s case can be established and the information did not prove that the alleged violators will be able to establish any of the affirmative defenses set forth in the statute.
5. The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health and Safety Code section 25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

July 27, 2026

Jordan Trent Jones

Jordan Trent Jones
Attorney for Center for Consumer Safety, LLC

CERTIFICATE OF SERVICE

I, Jamie Decker, hereby declare under California law:

I am over the age of eighteen (18) years and not a party to this action. My business address is 2019 Forest Avenue STE 160, #1076, Chico, CA 95928 and my email address is jamie.decker@coastalaegislaw.com.

On July 27, 2026, I served the following documents on all interested parties in this action by placing a true copy thereof in the manner and at the addresses indicated below:

☑ BY MAIL (CERTIFIED AND FIRST CLASS): I am readily familiar with the practice for collection and processing of correspondence for mailing by LetterStream, a printing and mailing company that sends mail via the U.S. Postal Service. I transmitted a PDF version of the documents noted below to LetterStream on July 27, 2026 for printing and mailing in the ordinary course of business to the names and addresses on the attached service list. The printed correspondence will be deposited by LetterStream in the mail with the U.S. Postal Service.

Please see attached service lists for recipients sent by Certified and First-Class Mail.

Contents mailed: NOTICE OF VIOLATION OF CALIFORNIA SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT; CERTIFICATE OF MERIT; Recipients designated on the service list as “Certified Mail” also received THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY.

☑ BY ELECTRONIC MAIL: I transmitted a PDF version of the documents noted below via email to the email address(es) indicated on the attached service list on the date executed.

Please see attached service list for recipients sent by Electronic Mail.

Contents emailed: NOTICE OF VIOLATION OF CALIFORNIA SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT; CERTIFICATE OF MERIT.

☑ BY ELECTRONIC UPLOAD: I transmitted a PDF version of the documents noted below to the Office of Attorney General of California via the Proposition 65 File a 60-Day Notice website at <https://oag.ca.gov/prop65/add-60-day-notice> on the date executed.

Contents uploaded: NOTICE OF VIOLATION OF CALIFORNIA SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT; CERTIFICATE OF MERIT; CONFIDENTIAL SUPPORTING EVIDENCE FOR CERTIFICATE OF MERIT.

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

Executed on July 27, 2026 at Oroville, California.



Jamie Decker

SERVICE LIST BY CERTIFIED MAIL:

Amazon.com Services LLC c/o Registered Agent CSC - Lawyers Incorporating Service 2710 Gateway Oaks Drive Sacramento, CA 95833	Bio-Tech Pharmacal Inc c/o Registered Agent Dale Benedict 3481 N. Hwy 112 Fayetteville, AR 72704	Sportsmed Distributor Inc 14 East 98 St Brooklyn, NY 11212

SERVICE LIST BY FIRST-CLASS MAIL:

Amador County DA 708 Court Street, #202 Jackson, CA 95642	Butte County DA 25 County Center Drive, Ste. 245 Oroville, CA 95965	Colusa County DA 310 6th Street Colusa, CA 95932
Del Norte County DA 450 H Street, Ste. 171 Crescent City, CA 95531	Glenn County DA P.O. Box 430 Willows, CA 95988	Humboldt County DA 825 5th Street, 4th Floor Eureka, CA 95501
Imperial County DA 940 West Main Street, Ste. 102 El Centro, CA 92243	Kern County DA 1215 Truxtun Ave., 4th Floor Bakersfield, CA 93301	Kings County DA 1400 West Lacey Blvd. Hanford, CA 93230
Lake County DA 255 N. Forbes Street Lakeport, CA 95453	City of LA, City Atty 200 N. Main Street #800 Los Angeles, CA 90012	LA County DA 211 W. Temple St, Ste. 1200 Los Angeles, CA 90012
Madera County DA 300 South G Street, Ste. 300 Madera, CA 93637	Mendocino County DA P.O. Box 1000 Ukiah, CA 95482	Modoc County DA 204 S. Court Street, Room 202 Alturas, CA 96101
Mono County DA P.O. Box 2053 Mammoth Lakes, CA 93546	San Benito County DA 419 4th Street Hollister, CA 95023	San Bernardino County DA 303 W. Third Street San Bernardino, CA 92415
San Mateo County DA 500 County Center, Third Floor Redwood City, CA 94063	Shasta County DA 1355 West Street Redding, CA 96001	Sierra County DA P.O. Box 457 Downieville, CA 95936
Siskiyou County DA P.O. Box 986 Yreka, CA 96097	Solano County DA 675 Texas Street, Ste. 4500 Fairfield, CA 94533	Stanislaus County DA 832 12th Street, Ste. 300 Modesto, CA 95354
Sutter County DA 463 2nd Street, Ste. 102 Yuba City, CA 95991	Tehama County DA P.O. Box 519 Red Bluff, CA 96080	Trinity County DA P.O. Box 310 Weaverville, CA 96093
Yuba County DA 215 5th Street, Ste. 152 Marysville, CA 95901		

SERVICE LIST BY ELECTRONIC MAIL:

Alameda County DA CEPDProp65@acgov.org	Alpine County DA prop65enf@alpinecountyca.gov	Calaveras County DA Prop65Env@co.calaveras.ca.us
Contra Costa County DA Bill.Washam@contracostada.org	El Dorado County DA EDCDAPROP65@edcda.us	Fresno County DA consumerprotection@fresnocountyca.gov
Inyo County DA inyoda@inyocounty.us	Lassen County DA dchandler@co.lassen.ca.us	Marin County DA consumer@marincounty.gov
Mariposa County DA mcda@mariposacounty.org	Merced County DA Prop65@countyofmerced.com	Monterey County DA Prop65DA@co.monterey.ca.us
Napa County DA CEPD@countyofnapa.org	Nevada County DA DA.Prop65@co.nevada.ca.us	Orange County DA Prop65Notice@ocdistrictattorney.gov Prop65Notice@ocdapa.org
Placer County DA prop65@placer.ca.gov	Plumas County DA davidhollister@countyofplumas.com	Riverside County DA Prop65@rivcoda.org
Sacramento County DA Prop65@sacda.org	San Diego County DA SanDiegoDAProp65@sdcda.org	San Diego City, City Attorney CityAttyProp65@sandiego.gov
San Francisco County DA Prop65@sfgov.org	San Francisco City, City Attorney Prop65@sfcityatty.org	San Joaquin County DA DAConsumer.Environmental@sjcda.org
San Jose City, City Attorney Proposition65notices@sanjoseca.gov	San Luis Obispo County DA edobroth@co.slo.ca.us	Santa Barbara County DA DAProp65@co.santa-barbara.ca.us
Santa Clara County DA EPU@da.sccgov.org	Santa Cruz County DA Prop65DA@santacruzcounty.us	Sonoma County DA ECLD@sonoma-county.org ecl@sonomacounty.gov
Tulare County DA Damail@tularecounty.ca.gov	Tuolumne County DA DA@tuolumnecounty.ca.gov	Ventura County DA daspecialops@ventura.org
Yolo County DA cfepd@yolocounty.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

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.

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 B

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

July 31, 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)	
Vayle Benedict Bio Tech Pharmacal Inc. 3481 AR-112 Fayetteville, AR 72704	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):**
 - Bio Tech Pharmacal Inc.
 - 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	MSNOR Bio-Tech Pharmacal A-25 Vitamin A 25,000 IU B01LWLHVUZ

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:
- a. {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
- a.** The Product(s) {Product_Warning} **DO NOT** contain Proposition 65-compliant, clear and reasonable warnings on the product packaging
- b.** 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:

1. Recall Product(s) sold in California; or
2. 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
3. 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 29, 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@sentinelaw.co
- Phone: (707) 599-5420
- USPS PO Box 82, Bayside, CA 95524

Sincerely,

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

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: July 31, 2025

A handwritten signature in cursive script, reading "Shannon C. 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 July 31, 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:

Vayle Benedict Bio Tech Pharmacal Inc. 3481 AR-112 Fayetteville, AR 72704	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: July 31, 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).