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ELECTRONICALLY FILED
Superior Court of California,
County of Alameda
10/23/2026 at 11:45:32 AM
By: Andrel Gospel,
Deputy Clerk

Attorney for Plaintiff Center for Consumer Safety, LLC

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

CENTER FOR CONSUMER SAFETY, LLC, a California limited liability company, **Plaintiff,** **vs.** **BEST NUTRITIONALS LLC, a Delaware limited liability company; and DOES 1–20,** **Defendants.**	**CASE NO.** 26CV217998 **COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF AND CIVIL PENALTIES** [Miscellaneous Civil Complaint (42)] Proposition 65, Health & Safety Code § 25249.5 et seq.

Plaintiff Center for Consumer Safety, LLC hereby alleges:

I

INTRODUCTION

1. Plaintiff Center for Consumer Safety, LLC ("Plaintiff" or "CCS") brings this action as a private enforcer, acting in the public interest, pursuant to Health & Safety Code section 25249.7, subdivision (d). The Safe Drinking Water and Toxic Enforcement Act of 1986 (Health & Safety Code section 25249.5 et seq.), also known as "Proposition 65," prohibits any person in the course of doing business from knowingly and intentionally exposing any individual to a chemical known to the State of California to cause cancer or reproductive toxicity without first giving a clear

and reasonable warning to that individual. Retinol/retinyl esters, when in daily dosages in excess of 10,000 IU or 3,000 retinol equivalents, are known to the State of California to cause reproductive toxicity. This Complaint seeks injunctive and declaratory relief and civil penalties to remedy the ongoing failure of Defendants Best Nutritionals LLC and Does 1–20 (collectively "Defendants") to warn consumers that they are being exposed to retinol/retinyl esters, at daily dosages in excess of 10,000 IU or 3,000 retinol equivalents, from the product identified in paragraph 4, requiring a warning pursuant to Health & Safety Code section 25249.6.

II

PARTIES

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

3. Plaintiff is informed and believes, and on that basis alleges, that Defendant Best Nutritionals LLC ("Best Nutritionals") is a Delaware limited liability company that develops, manufactures or has manufactured for it, packages, labels, markets, distributes, offers for sale, and sells nutritional supplement products under the Best Naturals brand, including the SUBJECT PRODUCT identified below, which have exposed users to retinol/retinyl esters, at daily dosages in excess of 10,000 IU or 3,000 retinol equivalents, throughout the State of California, including within the County of Alameda, within the relevant statute of limitations period. Best Nutritionals offers for sale and sells its products to consumers in California through Internet retail channels, including the online marketplace at Amazon.com, where it sells under the seller name "Best~Naturals," and its own website, shopbestnaturals.com.

4. The product that is the subject of this action (the "SUBJECT PRODUCT") is Best Naturals Vitamin A 7500 mcg softgels, in all lots and under all listings and product identifiers through which it has been offered or sold to consumers in California, including the 180-softgel container and Amazon Standard Identification Number B0954XYBKV, listed as "Best Naturals

Vitamin A 25000 IU (7500 mcg)," which is identified as a non-exclusive example in the Notice described in paragraph 9.

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

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

III

JURISDICTION AND VENUE

7. 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.

8. 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 Alameda, so as to render the exercise of jurisdiction over it consistent with traditional notions of fair play and substantial justice.

9. This Complaint is based on the allegations contained in the Notice of Violation dated July 27, 2026 concerning the SUBJECT PRODUCT (Attorney General No. 2026-03605) (the

"Notice"), served on the California Attorney General, other public prosecutors, Best Nutritionals, and Amazon.com Services LLC, which is not named as a defendant in this action. The Notice constitutes adequate notice to Best Nutritionals because it provided adequate information to allow Best Nutritionals to assess the nature of the alleged violations, consistent with Proposition 65 and its implementing regulations. A certificate of merit and a certificate of service accompanied the Notice, and each complies with Proposition 65 and its implementing regulations. Factual information sufficient to establish the basis of the certificate of merit was attached to the certificate of merit served on the Attorney General, as required by Health & Safety Code section 25249.7, subdivision (d)(1). The Notice served on Best Nutritionals also included a copy of "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary." Service of the Notice and its accompanying documents complied with Proposition 65 and its implementing regulations. A true and correct copy of the Notice and associated documents is attached hereto as **Exhibit A** and incorporated herein by this reference. More than sixty days have passed since Plaintiff served the Notice, and no public prosecutor has commenced and is diligently prosecuting an action against any Defendant with respect to the violations alleged in the Notice.

10. Venue is proper in this Court under Code of Civil Procedure section 395, subdivision (a), because Best Nutritionals is a limited liability company organized under the laws of Delaware, no Defendant resides in California, and Plaintiff designates the County of Alameda for trial. Venue is also proper in this Court under Code of Civil Procedure sections 393, subdivision (a), and 395.5 and Health & Safety Code section 25249.7, because the causes of action arose, in whole or in part, in the County of Alameda, where at least one of the violations of law alleged herein has occurred and will continue to occur. Best Nutritionals offers the SUBJECT PRODUCT for sale to consumers throughout California through Internet retail channels, including the online marketplace at Amazon.com and its own website. Units of the SUBJECT PRODUCT sold by Best Nutritionals through Amazon.com have been delivered to purchasers in the County of Alameda, including a unit delivered in Berkeley, California, in May 2025, and Plaintiff is informed and believes, and on that basis alleges, that units of the SUBJECT PRODUCT have continued to be sold and delivered, without

a clear and reasonable warning, to consumers in the County of Alameda, thereby causing unwarned consumer exposures within this County.

IV

STATUTORY BACKGROUND

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

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

> No 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, except as provided in Section 25249.10.

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

14. The regulations define "expose" to mean "to cause to ingest, inhale, contact via body surfaces or otherwise come into contact with a listed chemical." (Cal. Code Regs., tit. 27, § 25102, subd. (i).) The exposures at issue here are caused by a consumer product. A "consumer product exposure" is "an exposure that results from a person's acquisition, purchase, storage, consumption, or any reasonably foreseeable use of a consumer product, including consumption of a food," and "food" includes dietary supplements. (Cal. Code Regs., tit. 27, § 25600.1, subds. (e), (g).)

15. A warning for a consumer product "must be prominently displayed on a label, labeling, or sign, and must be displayed with such conspicuousness as compared with other words, statements, designs or devices on the label, labeling, or sign, as to render the warning likely to be seen, read, and understood by an ordinary individual under customary conditions of purchase or use." (Cal. Code Regs., tit. 27, § 25601, subd. (c).)

16. Proposition 65 directs OEHHA, to the extent practicable, to minimize the burden on retail sellers. Under the regulations, the manufacturer, producer, packager, importer, supplier, or distributor of a product may comply either by providing a warning on the product label or labeling, or by providing written notice and warning materials to the authorized agent of the business to which it sells or transfers the product. A retail seller is responsible for providing the warning only in the circumstances set forth in subdivision (e). (Cal. Code Regs., tit. 27, § 25600.2, subds. (a), (b), (e).)

17. For food exposures, including dietary supplements, a warning complies with the regulations if it meets the content requirements of section 25607.2 and is provided using one or more of the methods listed in section 25602. (Cal. Code Regs., tit. 27, § 25607.1, subd. (a).) For internet purchases, the warning must also be provided on the product display page, by a clearly marked hyperlink using the word "WARNING" or the words "CA WARNING" or "CALIFORNIA WARNING" on the product display page that links to the warning, or by an otherwise prominently displayed warning provided to the purchaser before the purchase is completed. A warning is not prominently displayed if the purchaser must search for it in the general content of the website. (Id., § 25602, subd. (b)(1).) To come within the safe harbor for an internet purchase, the warning must be provided both by one of the methods set forth in subdivision (a), such as on the product label, and by one of the internet methods set forth in subdivision (b). (Id., § 25602, subds. (a), (b)(1).)

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

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

20. 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

21. Best Nutritionals has developed, manufactured or caused to be manufactured, packaged, labeled, marketed, distributed, offered for sale, and/or sold the SUBJECT PRODUCT under the Best Naturals brand, and has placed it into the stream of commerce for sale to consumers in and/or into the State of California, including through Internet retail channels such as the online marketplace at Amazon.com and Best Nutritionals' own website, shopbestnaturals.com.

22. The SUBJECT PRODUCT is a vitamin A supplement sold as a dietary supplement in softgel form and is consumed by ingestion. Its label states that it contains "7500 mcg" of vitamin A, and its Supplement Facts panel states a serving size of one softgel and states that each serving provides 7500 mcg RAE of vitamin A "as retinyl palmitate." Retinyl palmitate is a retinyl ester. Retinol/retinyl esters are highly bioavailable by the oral route. A serving of 7,500 mcg RAE of vitamin A as retinyl palmitate is equivalent to 25,000 IU, and the SUBJECT PRODUCT is listed and sold as "Vitamin A 25000 IU (7500 mcg)." Consumption of one serving of the SUBJECT PRODUCT per day 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.

23. The SUBJECT PRODUCT has been sold and delivered to consumers in California on each day since at least June 19, 2026, and the violations alleged herein are continuing. Given the opportunity to conduct discovery, Plaintiff is informed and believes that it will establish that additional units of the SUBJECT PRODUCT were sold and delivered to consumers in California during that period.

24. At all times material to this Complaint, California consumers of the SUBJECT PRODUCT have been exposed to retinol/retinyl esters, at daily dosages in excess of 10,000 IU or 3,000 retinol equivalents, through their consumption of the SUBJECT PRODUCT at its labeled serving size.

25. Best Nutritionals has known that the SUBJECT PRODUCT contains retinol/retinyl esters and that consumption of one serving of the SUBJECT PRODUCT per day causes a daily exposure in excess of 10,000 IU. The amount of vitamin A in each serving is stated on the product's label and in the name under which it is listed and sold. Best Nutritionals was served with the Notice, which was delivered to its registered agent on July 30, 2026. Best Nutritionals also received an earlier notice of violation served on behalf of Plaintiff concerning the SUBJECT PRODUCT and retinol/retinyl esters, dated June 23, 2025 (Attorney General No. 2025-02022) (the "2025 Notice"), which was delivered by certified mail to Best Nutritionals at its address in Piscataway, New Jersey. Since its receipt of each notice, Best Nutritionals has continued to offer for sale and sell the SUBJECT PRODUCT to consumers in California without a clear and reasonable warning.

26. For all times relevant to this Complaint, Defendants have knowingly and intentionally exposed numerous persons throughout California, and within the County of Alameda, to retinol/retinyl esters, at daily dosages in excess of 10,000 IU or 3,000 retinol equivalents, without first providing a clear and reasonable warning. Units of the SUBJECT PRODUCT were purchased over the Internet and delivered to California consumers without a clear and reasonable warning on or with the product. The label of the SUBJECT PRODUCT bears no Proposition 65 warning. The cautionary statement on the label concerning use by adults and by persons who are pregnant, nursing, taking medications, or have a medical condition is not a Proposition 65 warning and does not meet the content requirements of California Code of Regulations, title 27, section 25607.2. Defendants have failed to provide a clear and reasonable Proposition 65 warning for the SUBJECT PRODUCT on or with the product as delivered to consumers by any method set forth in section 25602, subdivision (a). Best Nutritionals also offers for sale and sells the SUBJECT PRODUCT to consumers in California through its own website, shopbestnaturals.com, on which, as of October 22, 2026, no Proposition 65 warning

was provided on the product display page or before the purchase was completed. Any warning statement that has appeared in connection with the sale of the SUBJECT PRODUCT has not constituted a clear and reasonable warning within the meaning of Health & Safety Code section 25249.6 and its implementing regulations.

27. Plaintiff is informed and believes, and on that basis alleges, that Best Nutritionals, as the manufacturer and/or distributor of the SUBJECT PRODUCT, has been and remains responsible for providing a clear and reasonable warning for units of the SUBJECT PRODUCT that it placed into the stream of commerce, and that Best Nutritionals is also responsible for providing a clear and reasonable warning for units of the SUBJECT PRODUCT that it offered for sale and sold directly to consumers in California through its own website.

28. Both prior and subsequent to the 2025 Notice and the Notice, 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)

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

30. 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.

31. 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)

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

33. An actual controversy has arisen and now exists between Plaintiff and Defendants, within the meaning of Code of Civil Procedure section 1060, concerning their respective rights and ongoing duties under Proposition 65 with respect to the SUBJECT PRODUCT. Plaintiff contends that each Defendant has a present and continuing obligation, under Health & Safety Code section 25249.6 and California Code of Regulations, title 27, sections 25600.2, 25601, and 25602, to provide or ensure a clear and reasonable warning before exposing individuals in California to retinol/retinyl esters, at daily dosages in excess of 10,000 IU or 3,000 retinol equivalents, from the SUBJECT PRODUCT. Plaintiff is informed and believes, and on that basis alleges, that Defendants dispute this obligation and contend that no warning is required of them or that any warning presently provided is clear and reasonable and legally sufficient. This controversy is ripe for judicial resolution, and a declaration is necessary and proper because the parties' dispute over Defendants' ongoing warning obligations will continue to govern their conduct and cannot be fully resolved by an award of civil penalties for past violations alone. Plaintiff therefore seeks a judicial declaration of the parties' respective rights and duties, including a declaration that each Defendant is obligated to provide a clear and reasonable warning for the SUBJECT PRODUCT as required by Proposition 65 and its implementing regulations.

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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, at daily dosages in excess of 10,000 IU or 3,000 retinol equivalents, from the SUBJECT PRODUCT 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, at daily dosages in excess of 10,000 IU or 3,000 retinol equivalents, 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 23, 2026

COASTAL AEGIS LAW, APC

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

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 19, 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
Best Nutritionals LLC 120 Centennial Ave Piscataway, NJ 08854	Best Naturals Vitamin A 25000 IU (7500 mcg)	ASIN B0954XYBKV
Amazon.com Services LLC 410 Terry Avenue North Seattle, WA 98109	Best Naturals Vitamin A 25000 IU (7500 mcg)	ASIN B0954XYBKV

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

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	Best Nutritionals LLC c/o Registered Agent Corporation Service Company 251 Little Falls Drive Wilmington, DE 19808	Best Nutritionals LLC 120 Centennial Ave Piscataway, NJ 08854

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 ecld@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 contaminant[2] it must be reduced to the lowest level feasible. Regulations explaining this exemption can be found in Section 25501.

Discharges that do not result in a "significant amount" of the listed chemical entering any source of drinking water. The prohibition from discharges into drinking water does not apply if the discharger is able to demonstrate that a "significant amount" of the listed chemical has not, does not, or will not pass into or probably pass into a source of drinking water, and that the discharge complies with all other applicable laws, regulations, permits, requirements, or orders. A "significant amount" means any detectable amount, except an amount that would meet the "no significant risk" level for chemicals that cause cancer or that is 1,000 times below the "no observable effect" level for chemicals that cause reproductive toxicity, if an individual were exposed to that amount in drinking water.

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[2] See Section 25501(a)(4).

HOW IS PROPOSITION 65 ENFORCED?

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

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

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

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

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

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

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

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

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

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

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

Revised: May 2017

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