

466 Green Street
San Francisco, CA 94133-4067
Phone: 415-434-1403
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Herbert Chao Gunther
President

October 19, 2001

60-DAY NOTICE

California Health and Safety Code Section 25249.6 (Proposition 65)

TO: The Attorney General of the State of California, The District Attorney of each California County, The City Attorneys for the Cities of Los Angeles, San Diego, San Jose and San Francisco

Re: Exposure Without Adequate Notice
Alleged Violator: **Chicken of the Sea International**
Consumer Affairs
P.O. Box 85568
San Diego, CA 92138-5568

Dear Attorney General, District Attorneys and City Attorneys:

This letter notifies you of violations of California Health & Safety Code Section 25249.6, the warning provisions of the Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65") by Chicken of the Sea International. The particulars are set forth below. You may bring an action to enforce the law under Health & Safety Code Section 25249.7(c).

The noticing party is Public Media Center, 466 Green Street, San Francisco, California 94133-4067, telephone (415) 434-1403. The Public Media Center is a California non-profit organization which, among other things, monitors environmental activities and compliance. The responsible person within the noticing party is Herbert Chao Günther. The law firm representing Public Media Center is The Law Offices of Robert C. Goodman. The responsible attorney is Robert C. Goodman, 177 Post Street, Suite 600, San Francisco, California 94108, telephone (415) 777-2210.

STATEMENT OF PARTICULARS

The violation consists of the following:

Identity of Violator: CHICKEN OF THE SEA INTERNATIONAL

Identity of Chemicals: Mercury and Methyl mercury

Consumer products and services: The alleged violator processes, distributes, and offers for sale canned tuna fish.

Exposure without a clear and reasonable warning: The alleged violator is exposing individuals in the State of California to methyl mercury through ingestion resulting from the normal and intended use of its products and the products identified above which it manufactures and which are sold throughout California. On July 1, 1987, methyl mercury was listed by the State of California as a chemical known to the State to cause reproductive toxicity. After July 1, 1987, the alleged violator has knowingly and intentionally offered the above-described product for sale without providing the clear and reasonable warning required by Proposition 65. The route of exposure is ingestion.

The alleged violator is exposing individuals in the State of California to mercury through ingestion resulting from the normal and intended use of its products and the products identified above which it manufactures and which are sold throughout California. On July 1, 1990, mercury was listed by the State of California as a chemical known to the State to cause reproductive toxicity. After July 1, 1990, the alleged violator has knowingly and intentionally offered the above-described product for sale without providing the clear and reasonable warning required by Proposition 65. The route of exposure is through ingestion.

An explanatory summary of Proposition 65 prepared by California's Office of Environmental Health Hazard Assessment is attached to the copy of this letter served on Chicken of the Sea International as Appendix A.

Individuals exposed: Persons using the above-referenced product.

Proposition 65 Notice Letter
Chicken of the Sea International
Page 3

Duration of violations: Unlawful failure to provide the clear and reasonable warning required by Proposition 65 has occurred since July 1, 1987. Under Proposition 65 each exposure constitutes a separate violation. Health & Safety Code Section 25249.7(b). The maximum civil penalty for each such violation is \$2,500. Id. The same facts constitute a violation of California Business and Professions Code Section 17200, et seq.

Please advise the undersigned as soon as possible of your plans for initiating action under Health & Safety Code Section 25249.7(c) in this matter. Please also provide us with copies of any pleadings you file in this matter and any communications you initiate with any of the parties named in this notice. If we do not hear from you within sixty (60) days of the date of this notice, we will be legally entitled to file an action pursuant to Health & Safety Code Section 25249.7(d).

Very truly yours,



HERBERT CHAO GÜNTHER

cc (w/enclosure of explanatory summary):

President
Chicken of the Sea International
Consumer Affairs
San Diego, CA 92138-5568