AG COPY

LAW OFFICES
WEINREB, WEINREB & MANDELL

LAWRENCE A. WEINREB
OF COUNSEL
LAURENCE H. MANDELL*
MICHAEL D. WEINREB
ROBERT J. MANDELL*
MARA E.J. BURNETT
*A LAW CORP.

NORTHRIDGE PROFESSIONAL CENTER
19400 BUSINESS CENTER DRIVE
SUITE 102
NORTHRIDGE, CALIFORNIA 91324-3504
TELEPHONE (818) 886-6600
FAX (818) 772-9739

First Class Mail

TO THE PARTIES LISTED ON THE
ATTACHED DISTRIBUTION LIST

June 26, 2002

Re: H.J. Heinz Company
Ore-Ida Brand French Fries

NOTICE OF ENVIRONMENTAL VIOLATIONS (PROPOSITION 65 NOTICE)

Dear Sir or Madam:

NOTICE IS HEREBY GIVEN that we, the Noticing Party/Complainant, **Environmental World Watch** (hereinafter **"EWW"**), believe that the Noticed Party and Alleged Violators:**H.J. Heinz Company** (hereinafter "**Heinz**") is in violation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (hereinafter "The Act"); and more specifically Health and Safety Code § 25249.5 et seq. and Business and Professions Code § 17200, et seq. (Unfair Business Practices). Heinz, we believe, is also in violation of the requirements to warn as expressed at 22 C.C.R. 12601 (b) et seq. It is our further belief that absent an action by any governmental agency as defined at Health and Safety (hereinafter "H&S") Code § 25249.7(c), at the expiration of 60 days, that EWW may proceed in a court of competent jurisdiction with an action on behalf of the People of the State of California to remedy all the violations delineated herein.

I. BACKGROUND AND ALLEGATIONS

EWW believes and so alleges Heinz manufactures and distributes in California various consumer food products containing carcinogens that are dangerous to the person who ingests this product. Heinz packages these products absent the warnings required by title 22 C.C.R. 12601 (b) (1)-(4) which would supply the end user with important health information required by the Act.

EWW possesses Heinz products from the Ralphs Market at 18010 Chatsworth Street in Granada Hills, California and other testing data from the Center for Science in the Public Interest which unequivocally demonstrate that Heinz has in the past, and is currently, exposing persons in the state of California to carcinogens.

These exposures have gone on from 1991 until 2002 as EWW believes and so alleges that Heinz has tolled the statute of limitations by fraudulent concealment of the constituents of the ingredients in their products from those persons that required warning in the stores where Heinz products are sold for consumer consumption in California. The labels on these products are further absent any warning that would meet the definition delineated at title 22 CCR 12601 (b) (1) (A) nor do they comply with section (b) (3) and (b) (4) (B) of that regulation.

The carcinogen, contained in the ingredients of the products, and subject to the warning requirements of H&S Code § 25249.6 and more specifically 22 C.C.R. 12601(b) et seq. are listed below:

1. Acrylamide

The aforementioned carcinogen is on the Governor's list (Prop 65 List) as expressed at 22 C.C.R. 12000. These chemicals are known to the State of California to cause carciogenic harm to humans requiring special warning labels and care in handling and use. The concentrations of these toxins in the subject consumer food product exceed the Significant Risk threshold of .2 microgram per day and require a warning of the existence of this chemical danger by the manufacture.

The principal route of exposure is through a "consumer products exposure" via ingestion and inhalation. There is a further danger of contacting these carcinogens via a dermal exposure while using the food product as intended by the manufacture. This exposure has gone on since January 1, 1991 and through June 26, 2002 at every place in California that the products listed in Appendix A are offered for sale and consumption. All references to "exposure" in this notice shall be understood to be exposures to the specific product lines in said Appendix and the ingredients of those products. The sale of these products constitutes a transfer of a known carcinogenic chemical into the populous and the normal consumption of the product by the purchaser or others will cause the exposure without a clear and reasonable warning.

The location of these alleged exposures are many and varied while occurring within the 37 counties of the state of California as evidenced by the District Attorneys address's in the enclosed distribution list as Exhibit B. EWW believes and so alleges that at least one of the jurisdictions identified had Heinz products sold within that county by Heinz's retail distributor and that sale caused the utilization of the consumer food product and subsequent exposure.

Further that usage caused exposures in that jurisdiction to the constituents of the consumer food product as identified herein, and those exposures by Heinz were allowed to take place without the prerequisite warnings as delineated by the applicable statutes specified in this notice.

The aforementioned carcinogens remain in the blood stream, tissues and cells after usage of the consumer food product and later cause other chronic damage by further consumption of the same carcinogen

Proposition 65 was passed in 1986 and the chemical addressed in this Notice were added to the Prop. 65 list on January 1, 1990 and were subject to the waning requirements 12 months after their listing.

These exposures without proper warning have occurred off the Alleged Violator's property and away from any source of conspicuous warning such as a sign at the point of sale.

Enclosed please find a summary of "the Act" to help facilitate a better understanding of it's requirements. Also please find a Certificate of Merit now required in all 60 day notices.

Weinreb, Weinreb & Mandell
19400 Business Center Drive
Suite 102
Northridge, California 91324-3504
1 (818) 886-6600

By: _____
Robert J. Mandell for
Environmental World Watch

DISTRIBUTION LIST EXHIBIT A

H. J. Heinz Company
PO Box 57
Pittsburgh, Pa 15230

Agent for Service:
C.T Corp. Systems
818 West 7th Street
Los Angeles, Ca 90017

Proposition 65 Offices
Los Angeles City Attorney
200 North Main Street
1800 City Hall East
Los Angeles, Ca 90012-4110

Proposition 65 Enforcement Reporting
Office of The Attorney General
Attention: Prop 65 Coordinator
1515 Clay Street, Suite 2000
Post Office Box 70550
Oakland, California 94612-0550

Proposition 65 Offices
Los Angeles County District Attorney
210 West Temple Street
Los Angeles, Ca 90012-3210

See Further Distribution at Exhibit "B" attached hereto:

APPENDIX A

H. J. Heinz Brands:

Ore-Ida French Fries

Exhibit B

Alameda County Dist Atty.
1225 Fallon Street, Room 900
Oakland, CA 94612

Alphine County Dist. Atty
P.O. Box 248
Markleeville, CA 96120

Amador County Dist. Atty
708 Court, Suite 202
Jackson, CA 95642

Butte County Dist. Atty
25 County Center Drive
oroville, CA 95965-3385

Calaveras County Dist. Atty
891 Mountain Ranch Road
San Adnreas, CA 95249

Office of the Atty General
P.O. Box 70550
Oakland, CA 94612-0550

Colusa County Dist Atty
Courthouse 547 Market St.
Colusa, CA 95932

Contra Costa County Dist Atty
P.O. Box 670
Martinez, CA 94553

Del Norte County Dist. Atty
450 "H" Street
Crescent City, CA 95531

Los Angeles County Dist Atty
210 W. Temple Street, 18th Fl.
Los Angeles, CA 90012

Madera County Dist Atty
209 W. Yosemite Avenue
Madera, CA 93637

Mariposa County Dist Atty
P.O. Box 730
Mariposa, CA 95338

Marin County Dist Atty
3501 Civic Center Dr., #130
San Rafael, CA 94903

Mendocino County Dist Atty
P.O. Box 1000
Ukaih, CA 95482

Los Angeles City Atty
200 N. Main Street, #1800
Los Angeles, CA 90012

Inyo County Dist Atty
P.O. Drawer D
Independence, CA 93526

Orange County Dist Atty
P.O. Box 808
Santa Ana, CA 92702

Nevada County Dist Atty
201 Church Street, Suite 8
Nevada City, CA 95959

Mono County Dist Atty
P.O. Box 617
Bridgeport, CA 93517

San Joaquin County Dist Atty
P.O. Box 990
Stockton, CA 95201

San Francisco County Dist Atty
850 Bryant St., Rm 322
San Francisco, CA 94103

San Diego County Dist Atty
330 W. Broadway, #1300
San Diego, CA 92101

San Bernardino County Dist Atty
316 N. Mountain View Avenue
San Bernardino, CA 92415

San Francisco City Atty
#1 Dr. Carlton B. Goodlett Place
Suite 234
San Francisco, CA 94102

Placer County Dist. Atty
11562 "B" Avenue
Auburn, CA 95603

Merced County Dist Atty
2222 "M" Street
Merced, CA 93540

Napa County Dist. Atty
P.O. Box 720
Napa, CA 94559

Fresno County Dist Atty
2220 Tulare St., #1000
Fresno, CA 93721

Glenn County Dist Atty
P.O. Box 430
Willows, CA 95988

Humboldt County Dist Atty
825 5th Street, 4th Floor
Eureka, CA 95501

Imperial County Dist Atty
Courthouse 939 Main Street
El Centro, CA 92243

Kern County Dist Atty
1215 Truxtun Avenue
Bakersfield, CA 93301

Kings County Dist Atty
Gov't Ctr, 1400 W. Lacey Blvd.
Hanford, CA 93230

Lake County Dist Atty
255 N. Forbes Street
Lakeport, CA 95453

Modoc County Dist Atty
P.O. Box 1171
Alturas, CA 96101

San Diego City Atty
City Center Plaza
1200 3rd Avenue, #1200
San Diego, CA 92101

Tuolumne County Dist Atty
2 S. Green Street
Sonora, CA 95370

Sacramento County Dist Atty
P.O. Box 749
Sacramento, CA 95812

San Luis Obispo County Dist Atty
County Gov. Center Room 450
San Luis Obispo, CA 93408

San Mateo County Dist Atty
County Government Center
Redwood City, CA 94063

Santa Barbara County Dist Atty
1105 Santa Barbara Street
Santa Barbara, CA 93101

Santa Clara County Dist. Atty
70 W. Hedding Street
San Jose, CA 95110

Santa Cruz County Dist Atty
P.O. Box 1159
Santa Cruz, CA 95061

Stanislaus County Dist Atty
P.O. Box 1555
Yuba City, CA 95992

Lassen County Dist. Atty
200 S. Lassen Street, Suite 8
Susanville, CA 96130

Tulare County Dist. Atty
County Civil Center, Room 224
Visalia, CA 93291

San Benito County Dist Atty
419 4th Street
Hollister, CA 95023

Siskiyou County Dist Atty
P.O. Box 986 Yreka, CA 96097

Solano County Dist Atty
600 Union Avenue
Fairfield, CA 94544

Sonoma County Dist Atty
600 Administration Dr., Rm 212-J
Santa Rosa, CA 95403

Shasta County Dist. Atty
1525 Court St., 3rd Floor
Redding, CA 96001

Sierra County Dist Atty
P.O. Box 457
Downieville, CA 95936

Trinity County Dist Atty
P.O. Box 310
Weaverville, CA 96093

Yuba County Dist Atty
215 5th Street
Marysville, CA 95901

Monterey County Dist Atty
P.O. Box 1131
Salinas, CA 93902

Yola County Dist Atty
310 Second Street
Woodland, CA 95695

El Dorado County Dist Atty
515 Main Street
Placerville, CA 95667

Plumas County Dist Atty
520 Main Street, Rm 404
Quincy, CA 95971

Riverside County Dist Atty
4077 Main Street
Riverside, CA 92501

Ventura County Dist Atty
800 S. Victoria Avenue
Ventura, CA 93009

Tehama County Dist Atty
P.O. Box 519
Red Bluff, CA 96080

San Jose City Atty
151 W. Mission Street
San Jose, CA 95110

CERTIFICATE OF MERIT
Health and Safety Code Sectioin 25249.7(d)

Re: H. J. Heinz Company

I,Robert J. Mandell, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice(s) in which it is alleged (that) 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 exposure to the listed chemical(s) that is the subject of this action.

4. Based upon the information obtained through those consultations, and 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 private action" means that the information provides a credible basis that all the elements of the plaintiffs' case can be established and the information did not prove that the alleged violator 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 24249.7(h)(2) .i.e.(1) the identity of the person consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Date: JUNE 26, 2002

Robert J. Mandell

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in Los Angeles County, State of California. I am over 18 and not a party to the within action; my business address is 19400 Business Center Drive, Suite 102, Northridge, California 91324.

On June 26, 2002, I served the foregoing document described as: **60 DAY NOTICE OF PROPOSITION 65 VIOLATIONS** on interested parties in this action by placing true copies in sealed envelopes addressed as follows:

H.J. HEINZ COMPANY
c/o C.T. Corporation
818 West Seventh Street
Los Angeles, CA 90017

[x] BY MAIL - I deposited such envelope in the mail at Northridge, CA. The envelope was mailed with postage thereon fully prepaid. As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U. S. postal service on that same day with postage thereon fully prepaid at Northridge, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

[ ] PERSONAL SERVICE -I caused such envelope to be delivered by hand upon the addressee set forth above.

[ ] MESSENGER - I caused such envelope to be delivered by hand by Trans California Courier to the office of the party by whose name an asterisk appears.

Executed on June 26, 2002, at Northridge, California.

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

SAUNDRA KANONCHOFF