

NOTICE OF VIOLATION
California Safe Drinking Water
and Toxic Enforcement Act
Re: Lead In Candy And Candy Wrappers
May 7, 2004

This Notice of Violation is provided to you pursuant to and in compliance with California Health and Safety Code Section 25249.7(d).

- For general information regarding the California Safe Drinking Water and Toxic Enforcement Act, see the attached summary provided by the California EPA (copies not provided to public enforcement agencies).
- This Notice of Violation is provided by the Center for Environmental Health ("CEH"). CEH is a nonprofit corporation dedicated to protecting the environment, improving human health and supporting environmentally sound practices.

Description of Violation:

- The names and addresses of the violators are attached hereto as Exhibit 1.
- The violations have been occurring since at least February 27, 1988 and are continuing to this day.
- This Notice of Violation covers the "warning provision" of Proposition 65, which is found at California Health and Safety Code Section 25249.6.
- The names of the listed chemicals involved in these violations are lead and lead compounds ("Lead"). Exposures to Lead occur from use of the products identified in this notice.
- The category of products causing these violations is candy manufactured in Mexico. A non-exclusive list of examples of the products manufactured, distributed and/or sold by each violator is included on the attached Exhibit 1. The Lead is contained in the candy as well as in the wrappers of the candy products.
- Description of Violations: Use of the products identified in this notice results in human exposures to Lead. The candy itself, as well as the wrapper covering the candy contain Lead. The route of exposure for the violations is direct ingestion when consumers eat the candy. Ingestion also occurs via hand to mouth contact after consumers touch or handle the product wrappers, and dermal absorption directly through the skin when consumers touch or handle the product wrappers. These exposures occur in homes, workplaces and everywhere else throughout California where these candies are eaten and/or handled. No clear and reasonable warning is provided with these products regarding the carcinogenic or reproductive hazards of Lead.

Please direct any inquiries regarding this notice to counsel for the Center for Environmental Health: Mark N. Todzo, Lexington Law Group, LLP, 1627 Irving Street, San Francisco, CA 94122, (415) 759-4111.

**EXHIBIT 1: List of Violators and
Non-Exclusive Examples of the Products
(April 28, 2004 60-Day Notice Letter
By Center for Environmental Health
re: Lead In Candy)**

Manufacturers	Non-Exclusive Examples of the Products
Beneficiadora de Tamarindo de Mexico, S.A. de C.V Alamos No. 7 Col. Sta. Maria Aztahuacan 09500 Mexico, D.F. MEXICO	Betamax Dulce de Tamarindo
Canel's General I. Martinez 500 C.P. 78049 San Luis Potosi, S.L.P. MEXICO	Canel's Gum
Chupaletos, S.A. de C.V. Privada de Sinaloa #1562 44260 Guadalajara, Jalisco MEXICO	Pulparindo Dulce de Tamarindo
Dulcera Chaca Chaca Industrial Dulcera Tasachi S.A. of CV Av. Miguel Hidalgo 13, col. Insurgent, Morelia, Michoacán MEXICO	Chaca Chaca
Moreliates, S.A. de C.V. Ave. Solidaridad 50 Col. Felix Ireta C.P. 58070 Morelia, Michoacan MEXICO	Serpentinas Serpentinatas: Tamarindo y Chile Tablarindo
Dulces Vero USA 5405 Bandera Rd., # 109 San Antonio, TX 78238	Super Rebanaditas Pica Gomas Vero Mango Bolitochos Pina Vero Rebanaditas Super Palindas Vero Pica Gomas
Dulmex Dulces Mexicanos Revolucion 14 – Santa Cruz de las Hu 45410 Tonalá, Jalisco MEXICO	Bolirindo Rollitos de tamarindo
Fabrica de Dulces Lovi, S.A. de C.V. Lacia Lopez # 15 San Ignacio Cerro-Gordo, Jalisco MEXICO	Rolly pop
Grupo Frato , S.A. de C.V. Calle Ejido San Pedro Xalpa No. 16 Col. Amp. San Fco. 04420 Culhuacan, Mexico D.F. C.P. MEXICO	Tama Roca

<p>Grupo Lorena Lorena Mexican Products, Inc. 16017 Kaplan Ave. City of Industry, CA 91744</p> <p>Grupo Lorena, S.A. de C.V. Prol Galeana 116 Colonia Santa Ana Tepetitean 45230 Zapopan, Jalisco MEXICO</p>	<p>Pelon Pelo Rico Crayon Mango Beso Ardiente</p>
<p>La Cubana/Agroindustrias del Tamarindo Niza No. 12 Col. Juarez 06600 Mexico, D.F. MEXICO</p>	<p>Diabolitos Tamarindin</p>
<p>Nutresa, S.A. de C.V. Ave. Henry Ford 14 Fracc Ind San Nicolas 54030 Tlalnepantla, Edo. CP MEXICO</p>	<p>Cremino, praline de avellanas y cacao</p>
<p>Productos Altano, S.A. de C.V. Avila Camacho No. 1389 Las Colonias, 47620 Tepatitlan de Morelos, Jalisco MEXICO</p>	<p>Pina Loca</p>

Distributors	Non-Exclusive Examples of the Products
<p>Amazon.com, Inc. 1200 12th Avenue, South Seattle, WA 98144-2734</p>	<p>Vero Mango Pelon Pelo Rico</p>
<p>CandyWarehouse (www.candywarehouse.com) 5314 3rd Street Irwindale, CA 91706</p>	<p>Super Rebanaditas Vero Mango Vero Rebanaditas Saladitos</p>
<p>DandyBoy (www.dandyboy.com) 8150 Lankershim Blvd. North Hollywood, CA 91605</p>	<p>Super Rebanaditas Vero Mango Vero Rebanaditas Tama Roca (yellow wrapper) Pina Loca</p>
<p>El Pecas 2248 Main Street # 4 Chula Vista, CA 91911</p>	<p>Chaca Chaca Tablarindo</p>
<p>Juanita's PO Box 84 Wilmington, CA 90748</p>	<p>Rollitos de tamarindo</p>
<p>Mojave Foods Corporation 6200 E Slauson Ave. Los Angeles, CA 90040</p>	<p>Rollitos de tamarindo</p>
	<p><i>Cont. on next page</i></p>

Payaso Foods 245 Baldwin Park Blvd. City of Industry, CA 91746	Rollitos de tamarindo
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Retailers	Non-Exclusive Examples of the Products
Food For Less 1014 Vine Street Cincinnati, OH 45202	Vero Mango Pelon Pelo Rico
Gigante USA 2670 N Main St., Suite 370 Santa Ana, CA 92705	Vero Mango
Ralphs Grocery Company 1100 W. Artesia Blvd. Compton, CA 90220	Pelon Pelo Rico
Smart & Final, Inc. P.O. Box 512377 Los Angeles, CA 90051	Vero Mango Tama Roca
The Vons Companies, Inc. 618 Michillinda Ave. Arcadia, CA 91007	Pelon Pelo Rico

CERTIFICATE OF MERIT

Health & Safety Code §25249.7(d)

I, Mark N. Todzo, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged that the parties identified in the notice have violated Health & Safety Code §25249.6 by failing to provide clear and reasonable warnings.

2. I am an attorney with the Lexington Law Group, LLP, and I represent the noticing party, the Center for Environmental Health (“CEH”).

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 exposures 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 the 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 & Safety Code §25249.7(h)(2), i.e. (1) the identity of the persons consulted

with and relied on by the certifier, and (2) the facts, studies or other data reviewed by those persons.

Dated: May 7, 2004

LEXINGTON LAW GROUP, LLP

PROOF OF SERVICE BY MAIL

I declare that:

I am employed in San Francisco County, California. I am over the age of 18 years and not a party to the within cause; my business address is 1627 Irving Street, San Francisco, California 94122.

On May 7, 2004, I served true copies of the following documents:

NOTICE OF VIOLATION OF CALIFORNIA SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT;

CERTIFICATE OF MERIT; and

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY (only sent to those on service list marked with an asterisks).

I placed a true copy of this paper in an envelope addressed to:

See Attached Service List.

I am readily familiar with my firm's practice for collection and processing of correspondence for mailing with the United States Postal Service, to wit, that correspondence will be deposited with the United States Postal Service this same day in the ordinary course of business. I placed the envelope containing the above-mentioned documents for collection and mailing on May 7, 2004, following the ordinary business practice.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on May 7, 2004, at San Francisco, California.

Signed:



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