

Notice of Violation
Safe Drinking Water and Toxic Enforcement Act of 1986
(California Health and Safety Code §25349.5 *et seq.*)
Re: Lead in Candy and Candy Wrappers

June 14, 2004

The Environmental Health Coalition (“EHC”) has become aware of a grave health threat presented by certain candy that contains lead. Among other things, exposure to lead causes reproductive harm, including miscarriages and birth defects; developmental harm in children, including low IQ; and cancer. In California, you may not expose anyone to lead without providing legally required warnings.

EHC serves this Notice of Violation on you pursuant to California Health and Safety Code §25249.7(d). EHC is nonprofit organization dedicated to environmental and social justice. EHC believes that justice is achieved when empowered communities act together to make a social change. EHC organizes and advocates to protect public health and the environment threatened by toxic pollution. EHC supports efforts that create a just society which fosters a healthy and sustainable quality of life.

This notice is a prerequisite to EHC’s filing of a lawsuit against you to enforce California’s Safe Drinking Water and Toxic Enforcement Act of 1986 (the “Act”). For general information regarding the Act, please see the enclosed summary provided by the California EPA (copies not provided to public enforcement agencies).

A description of the violations is as follows:

- The entities violating the Act are identified in Exhibit A, attached hereto (“Violators”). EHC believes that in the course of doing business, the Violators have knowingly and intentionally exposed, and continue to expose, individuals (including pregnant and nursing mothers, and children) to chemicals known to the State of California to cause cancer and/or birth defects and reproductive harm without the warnings required by law.
- The names of the chemicals involved in these violations are Lead and Lead Compounds (collectively “Lead”). Lead is a chemical known by the State of California to cause cancer and/or reproductive toxicity.
- The category of products causing the violations is candy (including gum) manufactured in Mexico and/or “Mexican-style” candy products. The Lead is contained in the candy and/or the wrappers of the candy products. A representative listing of candy products manufactured, distributed and/or sold by each violator is included on the attached Exhibit A.

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- Consumers of the Violators' candy products are exposed to Lead because the candy contains lead, and in many cases the candy wrapper also contains Lead. Thus, the route of exposure for the violations is direct ingestion when consumers eat the candy and when they lick the wrappers. Also, Lead exposures occur through hand to mouth contact after consumers touch or handle the product wrappers, and through dermal absorption when consumers touch or handle the product wrappers. These exposures occur in homes, workplaces, playgrounds, and everywhere else throughout California where these candies are eaten and/or handled.
- No clear and reasonable warning has been, or is being, provided for these products regarding the carcinogenic or reproductive hazards of Lead.
- 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 & Safety Code §25249.6.

EHC hopes that this matter can be resolved in a manner that will safeguard the health of everyone who enjoys your candy. We hope you will contact us to discuss a resolution of this matter. EHC has sought to ensure that all noticed Violators have ten or more employees, and that the information contained herein is correct. If you believe that there has been some error, please let us know. Please direct all inquires to:

Suzanne Bevash
Environmental Advocates
232 4th Street
Del Mar, California 92014
(858) 793-0670

Thank you for your attention to this matter.

EXHIBIT 1

List of Violators and a Few Examples of Violative Products

Manufacturers	Non-Exclusive Examples of the Products
<p>Canel's S.A. de C.V. General I. Martinez 500 78049 San Luis Potosi MEXICO</p>	<p>Canel's Gum</p>
<p>Dulces Anahuac, S.A. de C.V. Corregidora No. 1206 72210 Puebla, Puebla MEXICO</p>	<p>Pica Limon</p>
<p>Dulces de la Rosa S.A. de C.V. Sinaloa 1562 44260 Guadalajara, Jalisco MEXICO</p>	<p>Pulparindo Dulce de Tamarindo</p>
<p>Dulces Moreliates, S.A. de C.V. Ave. Solidaridad 50 Col. Felix Ireta C.P. 58070 Morelia, Michoacan MEXICO</p>	<p>Serpentinas Serpentinias: Tamarindo y Chile Tablarindo</p>
<p>Dulces Vero USA 5405 Bandera Rd., # 109 San Antonio, TX 78238</p>	<p>Super Rebanaditas Vero Mango Vero Rebanaditas Vero Pica Gomas</p>
<p>Dulmex Dulces Mexicanos Revolucion 14 – Santa Cruz de las Huertas C.P. 45410 Tonalá, Jalisco MEXICO</p>	<p>Bolirindo Rollitos de Tamarindo</p>
<p>Fabrica de Dulces Lovi, S.A. de C.V. Lacia Lopez # 15 San Ignacio Cerro-Gordo, Jalisco MEXICO</p> <p>Fabrica de Dulce Lovi, S.A. de C.V. Calle Salvador Orozco No. 51 San Ignacio Cerro MEXICO</p>	<p>Rolly pop</p>

<p>Grupo Frato , S.A. de C.V. Calle Ejido San Pedro Xalpa No. 16 Col. Amp. San Fco. 04420 Culhuacan, Mexico D.F. MEXICO</p>	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>	Pelon Pelo Rico Crayon Pulpa Sabor Mango Beso Ardiente
<p>Dulceria Chaca Chaca Industria Dulcera Tasachi, S.A. de C.V. Av. Miguel Hidalgo 13, Col. Insurgent Morelia, Michoacan MEXICO</p>	Chaca Chaca
<p>La Cubana/Agroindustrias del Tamarindo Niza No. 12 Col. Juarez 06600 Mexico, D.F. MEXICO</p>	Diabolitos Tamarindin
<p>Productos Hola del Noroeste Avenida Lerdo #691 Primera Seccion C.P. 21100 Mexicali, Baja California MEXICO</p>	Saladito Agridulce Chiqui Hola

Distributors	Non-Exclusive Examples of the Products
<p>Amazon.com, Inc. 1200 12th Avenue, South Seattle, WA 98144-2734</p>	Canel's Pulparindo Vero Mango Vero Rebanaditas
<p>Bizrate.com, Inc. 4053 Redwood Avenue Los Angeles, CA 90066</p>	Pelon Pelo Rico Vero Mango Pica Limon
<p>Dulceria El Confetti / Confetti Inc. 72 N. 27th Street San Jose, CA 95116-1116</p>	Tama roca Crayon mango Tablarindo

Royal Crown Enterprises, Inc. 780 Epperson Drive City of Industry, CA 91748	Pelon Pelo Rico Vero Mango Vero Rebanaditas
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Retailers	Non-Exclusive Examples of the Products
Albertson's Inc. 250 Park Center Blvd. Boise, ID 83706	Pelon Pelo Rico Rebanaditas Canel's Vero Pica Gomas
El Tigre, Inc. 608 N. Escondido Blvd. Escondido, CA 92025	Pulparindo Vero Rebanaditas Vero Mango
Kroger Co. /Food 4 Less 1014 Vine Street Cincinnati, OH 45202 Food 4 Less of California, Inc. 1100 W. Artesia Blvd. Compton, CA 90220	Pulparindo Vero Mango Pelon Pelo Rico
FoodLand IGA 303 Highland Avenue National City CA 91950	Canel's Gum Pelon Pelo Rico Tablarindo
Gigante Supermarket IGA 3175 National Avenue San Diego CA 92113	Vero Mango Pina Loca Tablarindo
Hermanos Lopez, Inc. La Bodega Markets P.O. Box 434180 San Ysidro, CA 92143	Tablarindo Vero Rebanaditas Pelon Pelo Rico
Ralphs Grocery Company 1100 W. Artesia Blvd. Compton, CA 90220	Canel's Gum Vero Mango Vero Pica Gomas
The Vons Companies, Inc. 5918 Stoneridge Mall Road Pleasanton, CA 94588-3229	Vero Mango Canel's Gum Pulparindo

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

I, Suzanne Bevash, on behalf of the Environmental Health Coalition, hereby declare:

(1) This Certificate of Merit accompanies the attached sixty-day notice 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 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 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 & 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.

Dated: 6/14/04

PROOF OF SERVICE BY MAIL

I declare that:

I am employed in Del Mar, California. I am over the age of 18 years and not a party in this case. My business address is 232 4th Street, Del Mar, CA 92014.

On June 14, 2004, I served true copies of the documents listed below by first class mail for addresses within the United States and by international airmail for addresses outside the United States by placing them in sealed envelopes, with postage fully prepaid thereon, and depositing them in the U.S. Mail at Del Mar, California. The envelopes were addressed as follows:

See Attached Service List

Documents mailed:

1. NOTICE OF VIOLATIONS OF CALIFORNIA SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986;
2. THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY (not sent to Government Entities)
3. CERTIFICATE OF MERIT (attachments only sent to California Attorney General's Office)

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on June 14, 2004 at Del Mar, California.

SERVICE LIST

District Attorney of Alameda County
1225 Fallon Street, Room 900
Oakland, CA 94612

District Attorney of Colusa County
547 Market Street
Colusa, CA 95932

District Attorney of Contra Costa
County
725 Court Street, Room 402
Martinez, CA 94553

District Attorney of Alpine County
P.O. Box 248
Markleeville, CA 96120

District Attorney of Del Norte
County
450 H Street, Ste 171
Crescent City, CA 95531

District Attorney of Amador County
708 Court Street, #202
Jackson, CA 95642

District Attorney of Butte County
25 County Center Drive
Oroville, CA 95965

District Attorney of El Dorado
County
515 Main Street
Placerville, CA 95667

District Attorney of Calaveras
County
891 Mountain Ranch Road
San Andreas, CA 95249

District Attorney of Fresno County
2220 Tulare Street, #1000
Fresno, CA 93721

District Attorney of Glenn County
P.O. Box 430
Willows, CA 95988

District Attorney of Kings County
1400 West Lacey
Hanford, CA 93230

District Attorney of Sacramento
County
901 "G" Street
Sacramento, CA 95814

District Attorney of Lake County
255 N. Forbes Street
Lakeport, CA 95453

District Attorney of Humboldt
County
825 5th Street
Eureka, CA 95501

District Attorney of Imperial County
939 W. Main Street
El Centro, CA 92243

District Attorney of Lassen County
220 S. Lassen St., Ste 8
Susanville, CA 96130

District Attorney of Inyo County
P.O. Drawer D
Independence, CA 93526

District Attorney of Los Angeles
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210 W. Temple Street, Room 345
Los Angeles, CA 90012

District Attorney of Madera County
209 West Yosemite Avenue
Madera, CA 93637

District Attorney of Kern County
1215 Truxtun Avenue
Bakersfield, CA 93301

District Attorney of Marin County
3501 Civic Center Dr., Room 130
San Rafael, CA 94903

District Attorney of Mono County
P.O. Box 617
Bridgeport, CA 93517

District Attorney of Mariposa County
P.O. Box 730
Mariposa, CA 95338

District Attorney of Monterey County
PO Box 1131
Salinas, CA 93902

District Attorney of San Joaquin
County
P.O. Box 990
Stockton, CA 95201

District Attorney of Mendocino
County
P.O. Box 1000
Ukiah, CA 95482

District Attorney of Napa County
931 Parkway Mall
Napa, CA 94559

District Attorney of Merced County
2222 "M" Street
Merced, CA 95340

District Attorney of Nevada County
201 Church St., Suite 8
Nevada City, CA 95959

District Attorney of Orange County
401 Civic Ctr Drive West
Santa Ana, CA 92702

District Attorney of Modoc County
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Alturas, CA 96101-4020

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Auburn, CA 95603

District Attorney of San
Bernardino County
316 N. Mountain View Avenue
San Bernardino, CA 92415-0004

District Attorney of Plumas County
520 Main Street, Room 404
Quincy, CA 95971

District Attorney of San Diego
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330 West Broadway, Suite 1320
San Diego, CA 92101

District Attorney of Riverside
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4075 Main Street, 1st Floor
Riverside, CA 92501

District Attorney of San Francisco
County
880 Bryant Street, Rm 325
San Francisco, CA 94103

District Attorney of San Luis
Obispo County
1050 Monterey St, Room 450
San Luis Obispo, CA 93408

District Attorney of San Benito
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419 Fourth Street, 2nd Floor
Hollister, CA 95023

District Attorney of San Mateo
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400 County Ctr, 3rd Fl
Redwood City, CA 94063

District Attorney of Sierra County
Courthouse, P.O. Box 457
Downieville, CA 95936

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1105 Santa Barbara Street
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District Attorney of Siskiyou County
P.O. Box 986
Yreka, CA 96097

District Attorney of Solano County
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70 West Hedding Street
San Jose, CA 95110

District Attorney of Santa Cruz
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Santa Cruz, CA 95061

District Attorney of Sonoma County
600 Administration Drive, Room 212J
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1525 Court Street, Third Floor
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District Attorney of Stanislaus County
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Modesto, CA 95354

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District Attorney of Ventura County
800 South Victoria Ave
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301 Second Street
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215 Fifth Street
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221 S. Mooney Ave, Room 224
Visalia, CA 93291

District Attorney of Tuolumne County
2 South Green
Sonora, CA 95370

San Jose City Attorney's Office
151 West Mission Street
San Jose, CA 95110

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Room 1800, City Hall East
200 N. Main Street
Los Angeles, CA 90012

San Diego City Attorney's Office
1200 3rd Avenue, Suite 1620
San Diego, CA 92101

San Francisco City Attorney's Office
City Hall, Room 234
San Francisco, CA 94102

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