

VICTOR C. ROSE (1907-1972)
ALFRED M. KLEIN (1913-2000)
EUGENE MARIAS (1919-1982)

*ROBERT B. STEINBERG
*HOWARD N. LEHMAN
*JASON A. GOTTLIEB
*HERBERT I. GALPERSON
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*G. RONALD FEENBERG
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GREGORY STAMOS
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*ROBERT I. VINES
*MANUEL L. NUNES
DAVID A. ROSEN
RICHARD G. BARONE
WILLIAM M. GREWE
CHRISTOPHER P. RIDOUT
TONI RAYKOVICH

LAW OFFICES OF
ROSE, KLEIN & MARIAS LLP

801 SOUTH GRAND AVENUE
18TH FLOOR
LOS ANGELES, CALIFORNIA 90017-4645
FAX (213) 623-7755
(213) 626-0571

WENDY HAYWARD-MARSHALL
ANDREW J. SHORENSTEIN
STEVEN C. ROBINSON
BABETTE F. BEMEL
LILIA BALLESTEROS
ESTHER OZ
DAVID S. GALPERSON
ARLYN M. LATIN
*RONNY MARTINSSON
HARRY H. SAMARGHACHIAN
SCOTT M. RUBEL
JANET U. KROPP
ALAN P. RIFFEL
JULIE A. CRABTREE
JOAN L. COLLIER
G. LAUREN BELGER
ROSA E. SAHAGÚN
CHRISTEL A. SCHOENFELDER
MONICA D. BATANERO
TRACY K. SMITH

* DENOTES PROFESSIONAL CORPORATION
† ADMITTED ONLY IN SWEDEN

June 14, 2005

VIA CERTIFIED & U.S. MAIL

Paul Davis, President
Jennifer Dunn, Secretary
Kettle Foods, Inc.
3125 Kettle CT SE
Salem, OR 97301

CC: *care of* Agent for service of Process
Hanna Gordon
242 Church St. SE
Salem, OR 97301

Dear Mr. Davis and Ms. Dunn:

The Environmental Law Foundation ("ELF") is a California non-profit organization dedicated to the preservation and enhancement of human health and the environment. ELF has a long-standing interest in reducing health hazards to the public posed by toxic chemicals and protecting the public from harmful substances.

This letter constitutes notice that the entity listed below has violated and continues to violate provisions of the Safe Drinking Water and Toxic Enforcement Act of 1986, California Health and Safety Code §§ 25249.5 *et seq.* Specifically, this entity has violated and continues to violate the warning requirement at § 25249.6 of the California Health and Safety Code, 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..."

Alleged Violator: Kettle Foods, Inc.

Kettle Foods, Inc. produces various products used throughout California. Specifically, Kettle Foods, Inc. makes the snack product, Kettle Chips. These products are available in various types and flavors and may be readily purchased by consumers. Several of these varieties

401 E. OCEAN BOULEVARD, SUITE 300
LONG BEACH, CALIFORNIA 90802-4965
(562) 436-4696 • FAX (562) 436-6157

333 SOUTH ANITA DRIVE, SUITE 700
ORANGE, CALIFORNIA 92668-3320
(714) 937-9205 • FAX (714) 937-9218

3633 E. INLAND EMPIRE BLVD., SUITE 400
ONTARIO, CALIFORNIA 91764-4922
(909) 944-1711 • FAX (909) 944-1722

5740 RALSTON STREET, SUITE 301
VENTURA, CALIFORNIA 93003-6043
(805) 642-7101 • FAX (805) 642-9627

1591 D VENTURA BOULEVARD, 18TH FLOOR
ENCINO, CALIFORNIA 91436-2819
(818) 781-1420 • FAX (213) 623-7755

555 WEST BEECH STREET, SUITE 205
SAN DIEGO, CALIFORNIA 92101-2938
(619) 234-3621 • FAX (619) 234-0649

1290 CENTER COURT DRIVE
COVINA, CALIFORNIA 91724
(626) 967-1408 • FAX (909) 944-1722

827 STATE STREET, SUITE 10
SANTA BARBARA, CALIFORNIA 93101
(805) 564-4226 • FAX (805) 642-9627





contain the chemical Acrylamide, known to the state to cause cancer. These varieties include Kettle Chips (Lightly Salted Natural) and Kettle Chips (Honey Dijon). At all relevant times and continuing to the present time, this entity has exposed and continues to expose all consumers of the Kettle Chips products, within the state of California, to high levels of Acrylamide, a carcinogen. Exposure has occurred through ingestion of the product by consumers.

Because Acrylamide is a chemical listed in Proposition 65 as a cancer-causing chemical, pursuant to Health and Safety Code § 25249.6 this entity was, and is, required to provide clear and reasonable warnings to all consumers of its product. The warnings must state that products contain a chemical known by the State of California to cause cancer. Pursuant to Health and Safety Code § 25249.7(d), ELF intends to bring suit in the public interest against the above named entity sixty days hereafter to correct the violation occasioned by the failure to warn all consumers to the exposure of Acrylamide.

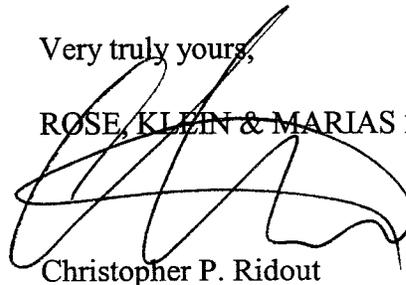
Pursuant to 22 California Code of Regulations § 12903(b)(1), attached is a copy of "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary," a summary of Proposition 65 prepared by the Office of Environmental Health Hazard Assessment of the California Environmental Protection Agency.

Pursuant to Health and Safety Code § 25249.7(d)(1), the undersigned hereby include the attached Certificate of Merit, to wit, that the undersigned have consulted with one or more persons with relevant and appropriate experience or expertise who has or have reviewed facts, studies, or other data regarding the exposure to the listed chemical that is the subject of this notice, and that, based on that information, the undersigned believe there is a reasonable and meritorious case. Factual information sufficient to establish the basis of this Certificate of Merit is included with the notice that is served on the Attorney General and is provided to that office in confidence and is not to be disclosed except according to law.

ELF is located at: 1736 Franklin, 9th Floor, Oakland, California 94612, telephone (510) 208-4555. ELF is represented in this matter by the law firm of Rose, Klein and Marias LLP: 801 S. Grand Ave., 18th Floor, Los Angeles, CA 90017-4645. All communications concerning this matter should be directed to Christopher P. Ridout.

Very truly yours,

ROSE, KLEIN & MARIAS LLP



Christopher P. Ridout

CPR:laa

cc: See attached list

The Honorable George Kennedy
District Attorney
SANTA CLARA COUNTY
70 West Hedding Street, West Wing
San Jose, CA 95110

The Honorable Bob Lee
District Attorney
SANTA CRUZ COUNTY
701 Ocean Street, Room 200
Santa Cruz, CA 95060

The Honorable Gerald Benito
District Attorney
SHASTA COUNTY
1525 Court Street, Third Floor
Redding, CA 96001-1632

The Honorable Lawrence Allen
District Attorney
SIERRA COUNTY
Courthouse
P.O. BOX 457
Downieville, CA 95936

The Honorable James Andrus
District Attorney
SISKIYOU COUNTY
P.O. BOX 986
Yreka, CA 96097

The Honorable David Paulson
District Attorney
SOLANO COUNTY
675 Texas Street, Suite 4500
Fairfield, CA 94533

The Honorable Stephan Passalacqua
District Attorney
SONOMA COUNTY
600 Administration Drive, Rm. 212J
Santa Rosa, CA 95403

The Honorable James Brazelton
District Attorney
STANISLAUS COUNTY
800 11th Street, Room 200
P.O. BOX 442
Modesto, CA 95353

The Honorable Carl Adams
District Attorney
SUTTER COUNTY
446 Second Street
Yuba City, CA 95991

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TEHAMA COUNTY
P.O. BOX 519
Red Bluff, CA 96080

The Honorable David Cross
District Attorney
TRINITY COUNTY
P.O. BOX 1310
Weaverville, CA 96093

The Honorable Phillip Cline
District Attorney
TULARE COUNTY
221 South Mooney Blvd., Ste 224
Visalia, CA 93291

The Hon. Donald Segerstrom, Jr.
District Attorney
TUOLUMNE COUNTY
423 No. Washington Street
Sonora, CA 95370

The Honorable Gregory Totten
District Attorney
VENTURA COUNTY
800 South Victoria Avenue
Ventura, CA 93009

The Honorable David Henderson
District Attorney
YOLO COUNTY
301 Second Street
Woodland, CA 95695

The Honorable Patrick McGrath
District Attorney
YUBA COUNTY
215 Fifth Street
Marysville, CA 95901

The Honorable Rockard Delgadillo
City Attorney
CITY OF LOS ANGELES
200 N. Main Street
Los Angeles, CA 90012

The Honorable Michael Aguirre
City Attorney
CITY OF SAN DIEGO
1200 Third Avenue, 3rd Floor
San Diego, CA 92101

The Honorable Dennis Herrera
City Attorney
CITY OF SAN FRANCISCO
City Hall, Room 234
San Francisco, CA 94102

The Honorable Richard Doyle
City Attorney
CITY OF SAN JOSE
151 W. Mission St.
San Jose, CA 95110

Attorney General of California
Prop. 65 Enforcement Reporting
Attention: Prop. 65 Coordinator
1515 Clay Street, Suite 2000
P.O. Box 70550
Oakland, California 94612-0550

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Oakland, California 94612-0550

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

I, Christopher P. Ridout, 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.

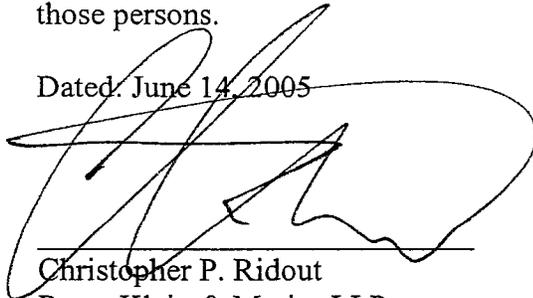
(2) I am an attorney for the Environmental Law Foundation.

(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 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.

Dated: June 14, 2005



Christopher P. Ridout
Rose, Klein & Marias LLP.
801 South Grand Avenue 18th Floor
Los Angeles, CA 90017- 4645
Attorney on behalf of the Environmental Law Foundation