

Environmental World Watch, Inc.
4821 LANKERSHIM BLVD, SUITE 239
NORTH HOLLYWOOD, CALIFORNIA 91601
(877) 221-0388 - Facsimile

MARCH 28, 2009

NOTICE OF VIOLATION OF THE SAFE DRINKING WATER AND
TOXIC ENFORCEMENT ACT OF 1986
(California Health and Safety Code §25249.5 et seq.)

AMENDED NOTICE, RE NOTICE AND NEW NOTICE
TO: LANCE INC.

Priority Mail-Proof of Signature Requested

TO THE PARTIES LISTED ON THE
ATTACHED DISTRIBUTION LIST

TO: William J. Prezzano, Chairman
David V. Singer, President, Director, and Chief Executive Officer
Lance Inc.
8600 South Blvd.
Charlotte, NC 2827

Re: Lance Inc. Consumer Products

Dear Sir or Madame:

Environmental World Watch, Inc. (the "Noticing Party") serves this Notice of Violation ("Notice") upon Lance, Inc (hereinafter "Lance") pursuant to and in compliance with California Health and Safety Code ("H&S Code") §25249.7(d) and 22 California Code of Regulations ("CCR") §12903. This Notice satisfies a prerequisite for Noticing Party to commence an action against Lance to enforce the Safe Drinking Water and Toxic Enforcement Act of 1986. The violations addressed by this Notice occur in every county and city in California. This Notice is being served upon each violator, the California Attorney General, the district attorney of every California County and the city attorney of every California City with a population (according to the most recent decennial census) of over 750,000. If Lance has a current registration with the California Secretary of State that identifies a Chief Executive Officer, President, or General Counsel, this Notice is being addressed to, and served upon, one of those persons.

Attached to this Notice is a Copy of "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary". The attached Summary was prepared by the California Environmental Protection Agency and provides general information about the Safe Drinking Water and Toxic Enforcement Act of 1986. Copies of the Summary are not required to be, and are not being provided to the public enforcement agencies.

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Description of the Noticing Party, the Alleged Violator, and the Alleged Violations Addressed by this Notice:

- This Notice is provided by Environmental World Watch, Inc. Environmental World Watch, Inc. (hereinafter "EWW"), is based in Los Angeles and is registered as a Delaware corporation with the office of the California Secretary of State. EWW is acting in the public interest pursuant to H&S Code §25249.7(d), and is dedicated to protecting the environment, improving human health and supporting environmentally sound practices.
- The violators' names and addresses are:
William J. Prezzano, Chairman
David V. Singer, President, Director, and Chief Executive Officer
Lance Inc.
8600 South Blvd.
Charlotte, NC 2827
- The violations addressed by this Notice began on or after January 1, 1991, have occurred on numerous occasions each and every day since January 1, 1991, and are ongoing and continuing.
- This Notice of Violation covers the "warning provision" of Proposition 65, which is found at H&S Code §25249.6.
- The name of each chemical that is listed pursuant to the Safe Drinking Water and Toxic Enforcement Act of 1986 involved in the violations addressed by this Notice is Acrylamide; (the "Listed Chemical"). The Listed Chemical is listed (and has been so listed for more than twelve months) by the Governor of the State of California as being a chemical known to the State of California to cause cancer or reproductive toxicity, or both cancer and reproductive toxicity. See Exhibit B attached hereto.
- The route of exposure for the violations addressed by this Notice is ingestion. There is also a danger of a dermal exposure while preparing the product for consumption.
- The type of consumer products causing the exposures addressed by this Notice are Snack Chips and Snack Puffs, including but not limited to, the following illustrative products:

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TABLE A

LANCE, INC. PRODUCTS:

WHITE CHEDDAR POPCORN

STORMY SALT & VINEGAR RUMBLE POTATO CHIPS

WILD SOUR CREAM & ONION RUMBLE POTATO CHIPS

CHARGIN' CHEDDAR SOUR CREAM RUMBLE POTATO CHIPS

CHEDDAR CHARGED CHEESE PUFFS

TRIPLE CHEESE TWISTERS

- There are numerous sources of the exposures addressed in this Notice. These exposures occur in homes, the workplace and everywhere else in California where these are consumed. These exposures occur principally off the property of the Noticed Company.
- In the course of doing business, LANCE has knowingly and intentionally exposed, and continues to expose, individuals (especially pregnant and post-partum women) to the Listed Chemical. No clear and reasonable warning is or has been provided by LANCE to individuals regarding exposure to the Listed Chemical or regarding the fact that the Listed Chemical is known to the State of California to be a carcinogen, reproductive toxicant, or both a carcinogen and reproductive toxicant.
- These exposures have gone on from 1991 and are ongoing and continuing as EWW believes and so alleges that LANCE has tolled the statute of limitations by fraudulent concealment of the constituents of the ingredients in their from those persons that required warning in the stores where LANCE are sold for consumer consumption in California. The labels on these 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 , and subject to the warning requirements of H&S Code §25249.6 and more specifically 22 CCR §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 CCR §12000. These chemicals are known to the State of California to cause carcinogenic 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 No Significant Risk Level ("NSRL") threshold of 0.2 microgram per day and require a warning of the existence of this chemical danger by the manufacture.

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- The principal route of exposure is through a "consumer 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. These exposures have gone on since January 1, 1991, and are ongoing and continuing at every place in California that the listed in TABLE 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 TABLE and the ingredients of those. 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 58 counties of the state of California as evidenced by the District Attorneys addressed in the enclosed distribution list. EWW believes and so alleges that at least one of the jurisdictions identified had LANCE sold within that county by a LANCE 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 LANCE were allowed to take place without the prerequisite warnings as delineated by the applicable statutes specified in this notice.
- Please direct any inquiries regarding this notice or any communication with the responsible party Dennis Becvar for the noticing entity, Environmental World Watch, Inc. to:

Matthew E. Jackson, Esq.
Environmental World Watch Corp Headquarters,
Los Angeles Offices
4821 Lankershim Blvd Ste 237, Code F
North Hollywood, California 91601

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EXHIBIT B
NOTICED PARTIES:

LANCE, INC.

List Of Chemicals Contained In The Attached 60-Day Notice of Violation That Are Listed By The Governor Of The State Of California As Being Known To The State Of California To Cause Cancer Or Reproductive Toxicity

CARCINOGENS

<u>Chemical</u>	<u>CAS No.</u>	<u>Date Added to List</u>
Acrylamide	79061	January 1, 1990

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CERTIFICATE OF MERIT
HEALTH AND SAFETY CODE SECTION 25249.7(d)

• **ACRYLAMIDE**

NOTICED PARTY:
LANCE, INC.

I, MATTHEW E. JACKSON, on behalf of Environmental World Watch, Inc., 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 California 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: March 28, 2009

Signed by:


Matthew E. Jackson

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CERTIFICATE OF SERVICE

I am over the age of 18 and not a party to this case. I am a resident of or employed in the county where the mailing occurred. My business address is 4821 Lankershim Blvd Ste 239, NH 91601.

On March 28, 2009 I served copies of the documents listed immediately hereafter by first class mail by placing same in sealed envelopes, fully preparing postage thereon, and depositing said envelopes in the U.S. Mail at Los Angeles, California. Said envelopes were addressed as follows:

SEE ATTACHED DISTRIBUTION LIST

(sent via certified mail with applicable postage to those parties listed with an asterisk)

Documents mailed:

1. **NOTICE OF VIOLATION OF THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (California Health and Safety Code §25249.5 et seq.)**

**TO: William J. Prezzano, Chairman
David V. Singer, President, Director, and Chief Executive Officer
Lance Inc.
8600 South Blvd.
Charlotte, NC 2827**

2. **CERTIFICATE OF MERIT - (attachments only sent to California Attorney General's Office)**
3. **"SUMMARY" OF THE ACT.**

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct, and that this declaration was executed on March 26, 2009 at Los Angeles, California.

March 28, 2009

Signed by:



DJ Nichols

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DISTRIBUTION LIST

◆ Current CEO/Pres./Gen. Counsel
 William J. Prezzano, President
 David V. Singer, CEO or
 Executive Officer
 Lance, Inc.
 P.O. Box 32368
 Charlotte, NC 28232

**By Priority Mail-Delivery
 Confirmation Requested**

◆Registered Agent for Service of Process CT
Corporation System
 818 W. Seventh Street Los
 Angeles, CA 90017

**By Priority Mail-Delivery
 Confirmation Requested**

◆**Proposition 65 Enforcement
 Reporting Attention: Prop 65
 Coordinator**
 1515 Clay Street, Suite 2000
 Post Office Box 70550 Oakland,
 California 94612-0550
 Phone: (510) 873-6921
 Fax: (510) 622-2270

**By Certified Mail-Return
 Receipt Requested and
 Facsimile**

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

Los Angeles City Attorney's Office
 1800 City Hall East 200 N. Main
 Street Los Angeles, CA 90012

San Diego City Attorney's Office
 Civic Center Plaza 1200 3rd
 Avenue, Suite 1200 San Diego,
 CA 92101

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

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

Office of the District Attorney of
 Amador County 708 Court
 Street, Room 202 Jackson, CA
 95642

Office of the District Attorney of
 Butte County Administration
 Building 25 County Center
 Drive Oroville, CA 95965

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

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

Office of the District Attorney of
 Contra Costa County PO Box
 670 Martinez, CA 94553

Office of the District Attorney of
 Calaveras County County
 Government Center 891
 Mountain Ranch Road San
 Andreas, CA 95249

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

Office of the District Attorney of
 Fresno County
 2220 Tulare Street, Suite 1000
 Fresno, CA 93721

Office of the District Attorney of
 Del Norte County Courthouse
 450 H Street, Suite 171 Crescent
 City, CA 95531

Office of the District Attorney of
 Humboldt County 825 Fifth
 Street Eureka, CA 95501

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Office of the District Attorney of
 Imperial County
 County Courthouse, Rm. 202
 939 W. Main Street
 El Centro, CA 92243

Office of the District Attorney of
 Glenn County
 540 W. Sycamore Street
 P.O. Box 430
 Willows, CA 95988

Office of the District Attorney of
 Kern County
 1215 Truxtun Avenue, 4th Floor
 Bakersfield, CA 93301

Office of the District Attorney of
 Kings County
 Government Center
 1400 West Lacey Boulevard
 Hanford, CA 93230

Office of the District Attorney of
 Inyo County
 168 N. Edwards Street
 P.O. Drawer D
 Independence, CA 93526

Office of the District Attorney of
 Lassen County
 County Courthouse
 220 S. Lassen Street, Ste. 8
 Susanville, CA 96130

Office of the District Attorney of
 Los Angeles County
 18000 Criminal Courts Building
 210 W. Temple Street
 Los Angeles, CA 90012

Office of the District Attorney of
 Lake County
 255 N. Forbes Street, Ste. 424
 Lakeport, CA 95453

Office of the District Attorney of
 Marin County Hall of Justice,
 Room 183 3501 Civic Center
 Drive San Rafael, CA 94903

Office of the District Attorney of
 Mariposa County P.O. Box 748
 Mariposa, CA 95338

Office of the District Attorney of
 Madera County 209 W.
 Yosemite Avenue Madera, CA
 93637

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

Office of the District Attorney of
 Modoc County County
 Courthouse P.O. Box 1171
 Alturas, CA 96101

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

Office of the District Attorney of
 Monterey County 240 Church
 Street Salinas, CA 93901

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

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

Office of the District Attorney of
 Orange County
 700 Civic Center Drive West, 2nd Floor
 P.O. Box 808
 Santa Ana, CA 92702

Office of the District Attorney of
 Placer County
 11562 "B" Avenue, DeWitt Center
 Auburn, CA 95603

Office of the District Attorney of
 Nevada County
 Courthouse Annex
 201 Church Street, Suite 8
 Nevada City, CA 95959-2504

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

Office of the District Attorney of
 Sacramento County 901 "G"
 Street P.O. Box 749
 Sacramento, CA 95814

Office of the District Attorney of
 Plumas County
 520 Main Street, Room 404
 P.O. Box 10716
 Quincy, CA 95971

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

Office of the District Attorney of
 San Diego County 330 West
 Broadway, Ste. 1320 San Diego,
 CA 92112

Office of the District Attorney of
 San Benito County
 419 4th Street
 Hollister, CA 95023-3801

Office of the District Attorney of
 San Joaquin County 222 E.
 Weber, Room 202 P.O. Box 990
 Stockton, CA 95201

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Office of the District Attorney of
San Luis Obispo County 1050
Monterey Street, Room 450 San
Luis Obispo, CA 93408

Office of the District Attorney of
San Francisco County
Hall of Justice
880 Bryant Street
San Francisco, CA 94103

Office of the District Attorney of
Santa Barbara County 1105
Santa Barbara Street Santa
Barbara, CA 93101

Office of the District Attorney of
Santa Clara County 70 West
Hedding Street, West Wing San
Jose, CA 95110

Office of the District Attorney of
San Mateo County 400 County
Center, 3rd Floor Redwood
City, CA 94063

Office of the District Attorney of
Shasta County
1525 Court Street, Third Floor
P.O. Box 1320
Redding, CA 96001-1632

Office of the District Attorney of
Sierra County County
Courthouse P.O. Box 457
Downsville, CA 95936

Office of the District Attorney of
Santa Cruz County 701 Ocean
Street Ste. 200 Santa Cruz, CA
95061

Office of the District Attorney of
Solano County 600 Union
Avenue Fairfield, CA 94533

Office of the District Attorney of
Sonoma County
Hall of Justice
600 Administration Drive, Room 212-J
Santa Rosa, CA 95403

Office of the District Attorney of
Siskiyou County P.O. Box 986
Yreka, CA 96097

Office of the District Attorney of
Sutler County
Courthouse Annex Box 1555
446 Second Street
Yuba City, CA 95991

Office of the District Attorney of
Tehama County
County Courthouse
P.O. Box 519
Red Bluff, CA 96080-0519

Office of the District Attorney of
Stanislaus County 11001 Street,
Room 200 P.O. Box 442
Modesto, CA 95353

Office of the District Attorney of
Tulare County
County Civic Center
2350 Burrel Avenue, Room 224
Visalia, CA 93291-4593

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

Office of the District Attorney of
Trinity County P.O. Box 310
Weaverville, CA 96093

Office of the District Attorney of
Ventura County
800 South Victoria Avenue, Rm. 314
Ventura, CA 93009

Office of the District Attorney of
Yolo County 204 4th Street
Woodland, CA 95695

Office of the District Attorney of
Yuba County County
Courthouse 215 - 5th Street
Marysville, CA 95901