The Carrick Law Group P.C.
350 South Grand Avenue, Suite 2930
Los Angeles, California 90071

February 11, 2011

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

First Class Mail-Proof of Service Attached

King Wai Trading Company
Current President/CEO/General Counsel
30068 Eigenbrodt Way
Union City, CA 94587-1226

Re: Notice of Violations of California Health & Safety Code §25249.5 *et seq.*

Dear Sir or Madam:

This firm represents Vicky Hamilton (the "Noticing Party") in connection with this notice of violations of California's Safe Drinking Water & Toxic Enforcement Act of 1986, codified at Health & Safety Code ("H&S Code") § 25249.5 *et seq.* (also referred to as "Proposition 65").

Attached as Exhibit A 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.

A description of the Noticing Party, the Alleged Violator, and the Alleged Violations Addressed by this Notice follows:

- This Notice is provided by Vicky Hamilton. Ms. Hamilton is an individual who resides in Los Angeles County in California. Ms. Hamilton is acting in the public interest pursuant to H&S Code § 25249.7(d), and is acting to protect the environment, improve human health, and support environmentally sound practices.
- The Noticed Company's name and address is:

  King Wai Trading Company
  Current President/CEO/General Counsel
  30068 Eigenbrodt Way
  Union City, CA 94587-1226

- The violations addressed by this Notice began on or after January 1, 2007, have occurred on numerous occasions each and every day since January 1, 2007, 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.

- **Listed Chemicals.** The names 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 are Lead (listed as a Proposition 65 reproductive toxin on February 27, 1987); and Lead and Lead compounds (listed as a Proposition 65 carcinogen on October 1, 1992) (the "Listed Chemicals"). The Listed Chemicals are listed (and have 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 and/or reproductive toxicity.

- **Route of Exposure.** The routes of exposure for the violations addressed by this Notice result from the purchase, acquisition, handling and recommended use of these products by consumers. Accordingly, consumer exposures have occurred and continue to occur primarily through the ingestion route of exposure, but also may occur through the inhalation and/or dermal contact routes of exposure.

  These exposures are ongoing and continuing, with some continuing from January 1, 2007. The Noticing Party believes and so alleges that King Wai Trading Company (hereafter "KING WAI TRADING") tolled any applicable statute of limitations by failing at any time in the past to disclose the presence of the Listed Chemical in their Product(s) to those individuals to whom the Noticing Party owed a warning when those individuals purchased the Product(s) in retail stores or over the Internet where the Company's Products are sold for consumer use in California. The labels on these Product(s) do not include any warning that would meet the definition of a warning, or otherwise comply with, Title 27 CCR §§ 25601 to 25603.3, inclusive.

- **Consumer Products.** The type of consumer products causing the exposures addressed by this Notice are consumer food products ("Products") manufactured and/or distributed by the Noticed Company, including but not limited to the following illustrative candy Product(s):

  > Jigong Chayote Candy imported from China. The Jigong Chayote Candy container has a copper/gold colored lid, with a picture of a warrior, Chinese symbols, and orange fruit. The word Jigong is printed in green on a black background. Jigong Chayote Candy is imported and distributed by King Wai Trading Company, based in Union City, CA.

- **Duration of Violations.** There are numerous sources of the exposures addressed in this Notice. On information and belief, these exposures occur in homes, the workplace, and everywhere else in California where these Products are used. These exposures occur principally off the property of the Noticed Company.

- In the course of doing business, KING WAI TRADING knowingly and intentionally has exposed, and continues to expose, individuals to the Listed Chemicals in the Products. No clear and reasonable warning is or has been provided by KING WAI TRADING to individuals regarding exposure to the Listed Chemicals or regarding the fact that the Listed Chemicals are substances known to the State of California to cause cancer or reproductive toxicity.

Please direct any inquiries regarding this notice or any communication for the noticing party, Vicky Hamilton to:

Roger Lane Carrick, Esq.
The Carrick Law Group, P.C.
350 S. Grand Avenue, Suite 2930
Los Angeles, CA 90071
Tel.: (213) 346-7930
Fax: (213) 346-7931
E-mail: roger@carricklawgroup.com

# CERTIFICATE OF MERIT

## HEALTH AND SAFETY CODE SECTION 25249.7(d)

I, Roger Lane Carrick, on behalf of Vicky Hamilton hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice(s) in which it is alleged that the party identified in the notice 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: February 11, 2011

ROGER LANE CARRICK
THE CARRICK LAW GROUP, P.C.
ATTORNEYS FOR VICKY HAMILTON

## 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 350 S. Grand Avenue, Suite 2930, Los Angeles, CA 90071-3406.

On February 11, 2011, 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:

| NOTICED COMPANY | REGISTERED AGENT (if any) |
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| King Wai Trading Company<br>Current President/CEO/General Counsel<br>30068 Eigenbrodt Way<br>Union City, CA 94587-1226 | |

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.)**

2. **EXHIBIT A - THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY (Government Entities excluded)**

3. **CERTIFICATE OF MERIT – (attachments only sent to California Attorney General's Office)**

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 February 11, 2011, at Los Angeles, California.

Kimberly A.K. Burgo

**DISTRIBUTION LIST – GOVERNMENT ENTITIES**
***VIA FIRST CLASS U.S. MAIL* – Documents on CD-Rom Mailed:**
**(1) 60-Day Notice of Violation; (2) Certificate of Merit (w/atts. AG's office only); and (3) Certificate of Service**

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| | **CALIFORNIA ATTORNEY GENERAL**<br>CA Department of Justice<br>**PROP. 65 ENFORCEMENT REPORTING**<br>Attn: Prop 65 Coordinator<br>1515 Clay Street, Suite 2000<br>Post Office Box 70550<br>Oakland, CA 94612-0550 | |
| Los Angeles City Attorney's Office<br>800 City Hall East<br>200 North Main Street<br>Los Angeles, CA 90012 | San Diego City Attorney's Office<br>Civic Center Plaza<br>1200 Third Avenue, 3rd Floor<br>San Diego, CA 92101 | San Francisco City Attorney's Office<br>City Hall, Room 234<br>1 Dr. Calton B. Goodlett Place<br>San Francisco, CA 94102-4682 |
| San Jose City Attorney's Office<br>200 East Santa Clara Street, 16th Floor<br>San Jose, CA 95113-1905 | Office of the District Attorney of<br>Alameda County<br>1225 Fallon Street, Room 900<br>Oakland, CA 94612 | Office of the District Attorney of<br>Alpine County<br>P.O. Box 248<br>Markleeville, CA 96120 |
| Office of the District Attorney of<br>Amador County<br>708 Court Street, Room 202<br>Jackson, CA 95642 | Office of the District Attorney of<br>Butte County<br>Administration Building<br>25 County Center Drive<br>Oroville, CA 95965 | Office of the District Attorney of<br>Calaveras County<br>County Government Center<br>891 Mountain Ranch Road<br>San Andreas, CA 95249 |
| Office of the District Attorney of<br>Colusa County<br>346 5th Street, Suite 101<br>Colusa, CA 95932 | Office of the District Attorney of<br>Contra Costa County<br>900 Ward Street<br>Martinez, CA 94553 | Office of the District Attorney of<br>Del Norte County<br>County Courthouse<br>450 H Street, Suite 171<br>Crescent City, CA 95531 |
| Office of the District Attorney of<br>El Dorado County<br>515 Main Street<br>Placerville, CA 95667 | Office of the District Attorney of<br>Fresno County<br>2220 Tulare Street, Suite 1000<br>Fresno, CA 93721 | Office of the District Attorney of<br>Glenn County<br>P.O. Box 430<br>Willows, CA 95988 |
| Office of the District Attorney of<br>Humboldt County<br>825 Fifth Street<br>Eureka, CA 95501 | Office of the District Attorney of<br>Imperial County<br>940 West Main Street, Suite 102<br>El Centro, CA 92243 | Office of the District Attorney of<br>Inyo County<br>P.O. Drawer D<br>Independence, CA 93526 |
| Office of the District Attorney of<br>Kern County<br>1215 Truxtun Avenue, 4th Floor<br>Bakersfield, CA 93301 | Office of the District Attorney of<br>Kings County<br>Government Center<br>1400 West Lacey Boulevard<br>Hanford, CA 93230 | Office of the District Attorney of<br>Lake County<br>255 North Forbes Street, Suite 424<br>Lakeport, CA 95453 |

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| Office of the District Attorney of<br>Lassen County<br>County Courthouse<br>220 South Lassen Street, Suite 8<br>Susanville, CA 96130 | Office of the District Attorney of<br>Los Angeles County<br>18000 Criminal Courts Building<br>210 West Temple Street<br>Los Angeles, CA 90012 | Office of the District Attorney of<br>Madera County<br>209 West Yosemite Avenue<br>Madera, CA 93637 |
| Office of the District Attorney of<br>Marin County<br>3501 Civic Center Drive, Room 130<br>San Rafael, CA 94903 | Office of the District Attorney of<br>Mariposa County<br>P.O. Box 730<br>Mariposa, CA 95338 | Office of the District Attorney of<br>Mendocino County<br>County Courthouse<br>P.O. Box 1000<br>Ukiah, CA 95482 |
| Office of the District Attorney of<br>Merced County<br>2222 "M" Street<br>Merced, CA 95340 | Office of the District Attorney of<br>Modoc County<br>County Courthouse<br>204 South Court Street, Room 202<br>Alturas, CA 96101 | Office of the District Attorney of<br>Mono County<br>County Courthouse<br>P.O. Box 617<br>Bridgeport, CA 93546 |
| Office of the District Attorney of<br>Monterey County<br>PO Box 1131<br>Salinas, CA 93902 | Office of the District Attorney of<br>Napa County<br>PO Box 720<br>Napa, CA 94559 | Office of the District Attorney of<br>Nevada County<br>Courthouse Annex<br>110 Union Street<br>Nevada City, CA 95959 |
| Office of the District Attorney of<br>Orange County<br>401 Civic Center Drive West<br>Santa Ana, CA 92701 | Office of the District Attorney of<br>Placer County<br>10810 Justice Center Drive<br>Roseville, CA 95678 | Office of the District Attorney of<br>Plumas County<br>520 Main Street, Room 404<br>Quincy, CA 95971 |
| Office of the District Attorney of<br>Riverside County<br>3660 Orange Street<br>Riverside, CA 92501 | Office of the District Attorney of<br>Sacramento County<br>901 "G" Street<br>Sacramento, CA 95812 | Office of the District Attorney of<br>San Benito County<br>419 4th Street, 2nd Floor<br>Hollister, CA 95023-3801 |
| Office of the District Attorney of<br>San Bernardino County<br>303 W. Third Street<br>San Bernardino, CA 92415 | Office of the District Attorney of<br>San Diego County<br>330 West Broadway, Suite 1300<br>San Diego, CA 92101 | Office of the District Attorney of<br>San Francisco County<br>Hall of Justice<br>880 Bryant Street, Room 325<br>San Francisco, CA 94103 |
| Office of the District Attorney of<br>San Joaquin County<br>P.O. Box 990<br>Stockton, CA 95202 | Office of the District Attorney of<br>San Luis Obispo County<br>County Government Center, 4th Floor<br>San Luis Obispo, CA 93408 | Office of the District Attorney of<br>San Mateo County<br>400 County Center, 3rd Floor<br>Redwood City, CA 94063 |
| Office of the District Attorney of<br>Santa Barbara County<br>1112 Santa Barbara Street<br>Santa Barbara, CA 93101 | Office of the District Attorney of<br>Santa Clara County<br>70 West Hedding Street, West Wing<br>San Jose, CA 95110 | Office of the District Attorney of<br>Santa Cruz County<br>701 Ocean Street, Suite 200<br>Santa Cruz, CA 95060 |
| Office of the District Attorney of<br>Shasta County<br>1355 West Street<br>Redding, CA 96001 | Office of the District Attorney of<br>Sierra County<br>County Courthouse<br>100 Courthouse Square<br>Downieville, CA 95936 | Office of the District Attorney of<br>Siskiyou County<br>P.O. Box 986<br>Yreka, CA 96097 |

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| Office of the District Attorney of<br>Solano County<br>675 Texas Street, Suite 4500<br>Fairfield, CA 94533 | Office of the District Attorney of<br>Sonoma County<br>Hall of Justice<br>600 Administration Drive, Room 212-J<br>Santa Rosa, CA 95403 | Office of the District Attorney of<br>Stanislaus County<br>832 12th Street, Suite 300<br>Modesto, CA 95354 |
| Office of the District Attorney of<br>Sutter County<br>446 Second Street<br>Yuba City, CA 95992 | Office of the District Attorney of<br>Tehama County<br>County Courthouse<br>P.O. Box 519<br>Red Bluff, CA 96080-0519 | Office of the District Attorney of<br>Trinity County<br>P.O. Box 310<br>11 Court Street<br>Weaverville, CA 96093 |
| Office of the District Attorney of<br>Tulare County<br>County Civic Center<br>221 S. Mooney Boulevard, Room 224<br>Visalia, CA 93291 | Office of the District Attorney of<br>Tuolumne County<br>423 North Washington Street<br>Sonora, CA 95370 | Office of the District Attorney of<br>Ventura County<br>800 South Victoria Avenue, Rm. 314<br>Ventura, CA 93009 |
| Office of the District Attorney of<br>Yolo County<br>301 Second Street<br>Woodland, CA 95695 | Office of the District Attorney of<br>Yuba County<br>County Courthouse<br>215 Fifth Street, Suite 152<br>Marysville, CA 95901 | |