

Metzger Law Group

Practice Concentrated in Toxic
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November 4, 2011

VIA FIRST-CLASS U.S. MAIL

Chief Executive Officer
Kraft Foods Global, Inc.
Three Lakes Dr.
Northfield, IL 60093

Michele Corash, Esq.
Morrison & Foerster LLP
425 Market Street
San Francisco, CA 94105

**RE: NOTICE OF PROPOSITION 65, CALIFORNIA HEALTH & SAFETY CODE
SECTION 25249.6, VIOLATIONS: EXPOSURE OF CONSUMERS TO
CARCINOGENIC SUBSTANCES WITHOUT FIRST GIVING WARNINGS**

Dear Gentilepersons:

This firm represents the Council for Education and Research on Toxics ("CERT"), a California public benefit corporation whose charitable purposes are education and research regarding toxic substances.

This letter constitutes notice that Kraft Foods Global, Inc., has violated and continues to violate provisions of the California Safe Drinking Water and Toxic Enforcement Act of 1986, Health & Safety Code § 25249.5 *et seq* (commonly known as California's Proposition 65). Specifically, the above named entity has violated and continues to violate Health & Safety Code § 25249.6, 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"

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

Description of Violation: Since June 2002, and continuing to the present, the above named entity has exposed and continues to expose California consumers purchasing coffee to high levels of acrylamide — a toxic chemical contained in the coffee produced, distributed and/or sold by the above named entity. Exposures to acrylamide unavoidably occurred via ingestion whenever a consumer purchased and thereafter consumed the above named entity's acrylamide-containing, coffee. Testing of the above named entity's coffee and other entities' coffee has shown that even a single, small (12-ounce) serving of coffee contains anywhere from 4 to well over 100 times more acrylamide than the No Significant Risk Level ("NSRL") for acrylamide established by California's Office of Environmental Health Hazard Assessment ("OEHHA"). Acrylamide is a toxic chemical known to the State of California to cause cancer and has been listed since January 1990 as a carcinogen on the list of carcinogenic chemicals published by the Governor of the State of California at 22 California Code of Regulations § 1200(b). Because acrylamide is listed in Proposition 65 as a carcinogen, pursuant to Health & Safety Code § 25249.6, the above named entity was, and is, required to warn California consumers purchasing its coffee that its coffee contains a chemical known by the State of California to cause cancer before exposing said consumers to acrylamide contained therein. Since June 2002, the above named entity violated and continues to violate California Health & Safety Code § 25249.6 by exposing numerous individuals within the State of California to acrylamide without first giving clear and reasonable warnings to said individuals that its coffee contains a chemical known by the State of California to cause cancer.

Noticing Entity: The noticing entity is the Council for Education and Research on Toxics ("CERT"), a California public benefit corporation whose charitable purposes are education and research regarding toxic substances. The responsible person within the noticing entity is Raphael Metzger, CERT's General Counsel, to whom all communications should be directed at the following address and telephone number:

Metzger Law Group
Raphael Metzger, Esq.
401 E. Ocean Blvd., Suite 800
Long Beach, CA 90802
ph: 562-437-4499
fax: 562-436-1561

Names of Violator(s): The violator is: Kraft Foods Global, Inc.

Time of Violations: The violations of California Health & Safety Code § 25249.6 are numerous and have been continuous and uninterrupted since approximately June 2002 to the present throughout the State of California. The timing of the violations is such that they occurred every

moment that every individual within the State of California purchased and thereafter ingested acrylamide from the coffee produced, distributed, and/or sold by the above named entity, without first receiving the required Proposition 65 warnings.

Listed Chemicals: The carcinogenic chemical in the coffee produced, distributed, and/or sold by the above named entity which is the subject of the named entity's Proposition 65 violations is acrylamide, CAS No. 79-06-1, which was first listed at 22 California Code of Regulations § 1200(b) as a chemical known to the State of California to cause cancer on January 1, 1990.

Consumer Product Exposure Description: Since June 2002, and continuing to the present, the above named entity has exposed and continues to expose California consumers purchasing coffee to high levels of acrylamide — a toxic chemical contained in the coffee produced, distributed and/or sold by the above named entity. Exposures to acrylamide unavoidably occurred via ingestion whenever a consumer purchased and thereafter consumed the coffee produced, distributed, and/or sold by the above named entity. Tests have shown that the even a single, small (12-ounce) serving of the above named entity's and other entities' coffee contains anywhere from 4 to well over 100 times more acrylamide than the No Significant Risk Level ("NSRL") for acrylamide established by California's Office of Environmental Health Hazard Assessment ("OEHHA"). Acrylamide is a toxic chemical known to the State of California to cause cancer and has been listed since January 1990 as a carcinogen on the list of carcinogenic chemicals published by the Governor of the State of California at 22 California Code of Regulations § 1200(b). Because acrylamide is listed in Proposition 65 as a carcinogen, pursuant to Health & Safety Code § 25249.6, the above named entities were, and are, required to warn consumers of their coffee in California that the coffee that they produce, distribute, and/or sell contains a chemical known by the State of California to cause cancer before exposing said consumers to acrylamide contained therein. Since June 2002, the above named entity violated and continues to violate California Health & Safety Code § 25249.6 by exposing numerous individuals within the State of California to acrylamide without first giving clear and reasonable warnings to said individuals that its coffee contains a chemical known by the State of California to cause cancer. The above named entity's Proposition 65 violations are particularly egregious and hazardous given the high concentrations of acrylamide contained in its coffee and given the fact that most consumers of coffee drink more than a single, small (12-ounce) serving of coffee per day.

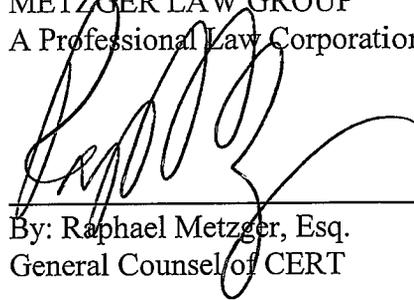
Conclusion. Proposition 65 requires that notice and intent to sue be given to a violator sixty (60) days before suit is filed. By this letter, CERT gives notice of the foregoing violations to the above named entity, and to the appropriate governmental authorities. If the above named entity wishes to resolve this matter before CERT files suit, it should contact counsel at the above-mentioned address and telephone number. Otherwise, suit will be filed after sixty (60) days have elapsed. We look forward to your prompt action terminating the exposures of California consumers

Kraft Foods Global, Inc.
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to the toxic hazards of acrylamide contained in your coffee, or providing the required and necessary warnings regarding the acrylamide contained in your coffee.

Very truly yours,

METZGER LAW GROUP
A Professional Law Corporation

A handwritten signature in black ink, appearing to read 'Raphael Metzger', is written over a horizontal line. The signature is fluid and cursive.

By: Raphael Metzger, Esq.
General Counsel of CERT

cc: all governmental authorities per attached proof of service
attachments: Exhibit "A" - List of Alleged Violators; Summary of Proposition 65; Certificate of Merit; Proof of Service by Mail

Exhibit A
(List of Alleged Violators)

Chief Executive Officer
Kraft Foods Global, Inc.
Three Lakes Dr.
Northfield, IL 60093

CERTIFICATE OF MERIT
Health and Safety Code Section 25249.6

I, Raphael Metzger, hereby declare:

1. I am an attorney at law, duly licensed and authorized to practice law in the State of California.

2. Unless the context indicates otherwise, I have personal knowledge of the matters set forth hereinafter and, if called as a witness, I would competently testify thereto.

3. I am General Counsel for the noticing party, Council for Education and Research on Toxics, a California corporation whose charitable purposes are education and research regarding toxic substances.

4. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged that the party identified in the notice has violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings regarding the acrylamide contained in its coffee.

5. Council for Education and Research on Toxics alleges that since June 2002, and continuing to the present, the entity identified in the attached sixty-day notice has exposed and continues to expose California consumers purchasing coffee to high levels of acrylamide — a toxic chemical contained in the coffee produced, distributed and/or sold by the entity identified in the attached sixty-day notice. Exposures to acrylamide unavoidably occurred via ingestion whenever a consumer purchased and thereafter consumed the acrylamide-containing coffee of the entity identified in the attached sixty-day notice. Testing of the coffee produced, distributed, and/or sold by the entity identified in the attached sixty-day notice and the coffee of other entities has shown that even a single, small (12-ounce) serving of their coffee contains anywhere from 4 to well over 100 times more acrylamide than the No Significant Risk Level (“NSRL”) for acrylamide established by California’s Office of Environmental Health Hazard Assessment (“OEHHA”). Acrylamide is a

toxic chemical known to the State of California to cause cancer and has been listed since January 1990 as a carcinogen on the list of carcinogenic chemicals published by the Governor of the State of California at 22 California Code of Regulations § 1200(b). Because acrylamide is listed in Proposition 65 as a carcinogen, pursuant to Health & Safety Code § 25249.6, the entity named in the attached sixty-day notice was, and is, required to warn California consumers purchasing its coffee that its coffee contains a chemical known by the State of California to cause cancer before exposing said consumers to acrylamide contained therein. Since June 2002, the entity identified in the attached sixty-day notice violated and continues to violate California Health & Safety Code § 25249.6 by exposing numerous individuals within the State of California to acrylamide without first giving clear and reasonable warnings to said individuals that its coffee contains a chemical known by the State of California to cause cancer.

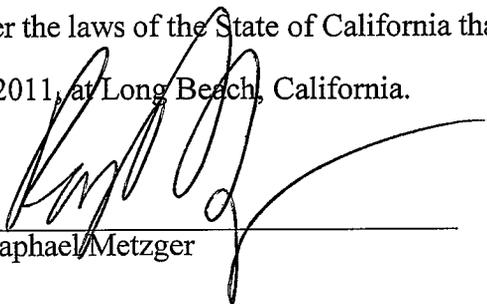
6. I have consulted with an expert who has reviewed facts, studies, and other data regarding the presence of, concentration of, and exposure to acrylamide from the coffee produced, distributed and/or sold by the entity identified in the attached sixty-day notice. The expert that I consulted has the relevant and appropriate experience and expertise to review said facts, studies, and data because this expert holds a Ph.D. in toxicology, has published a number of peer-reviewed articles regarding risk assessment in general and acrylamide risk assessment in particular, and is employed as a senior researcher who regularly performs risk assessments and who supervises and lectures Ph.D. and masters thesis students in the areas of toxicology and risk assessment.

7. Based on the information obtained through my consultation, and on all other information in my possession, I believe that exposures to high levels of acrylamide unavoidably occurred via ingestion whenever a consumer purchased and consumed the coffee of the entity identified in the attached sixty-day notice from approximately June 2002, and continuing to the present. I also believe, based on my consultation and the information in my possession, that there is a reasonable and meritorious case for a private action, pursuant to Health & Safety Code §25249.7(d). I understand that “reasonable and meritorious case for private action” means that

information provides a credible basis that all elements of the private action can be established and that the information did not prove that the alleged violators will be able to establish any of the affirmative defenses set forth in the statute.

8. 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 person consulted with and relied on by the certifier, and (2) the facts and other data reviewed by that person.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed November 4, 2011, at Long Beach, California.



Raphael Metzger

PROOF OF SERVICE BY U.S. MAIL

(Our File No. 9703)

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles. I am over the age of 18 and not a party to this matter. My business address is 401 E. Ocean Blvd., Suite 800, Long Beach, CA 90802. On September 16, 2011, I served the within **Notice of Proposition 65, California Health & Safety Code § 25249.6 Violations: Exposure of Consumers to Carcinogenic Substances Without First Giving Warnings; Certificate of Merit; and Statement entitled "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary"** on the following violators and governmental attorneys who are required to be served copies of said notice, by placing true copies thereof enclosed in sealed envelopes with postage thereon fully prepaid, in the U.S. mail at Long Beach, CA, addressed as follows:

Office of the Attorney General
1515 Clay Street, 20th Floor
Oakland, CA 94612-0550

Office of the City Attorney
800 City Hall East
200 North Main Street
Los Angeles, CA 90012

Office of the City Attorney
Civic Center Plaza
1200 Third Ave., #1620
San Diego, CA 92101

Office of the City Attorney
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Office of the City Attorney
200 E. Santa Clara St., 16th Floor
San Jose, CA 95113-1905

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

District Attorney
Alpine County
270 Laramie Street
P.O. Box 248
Markleeville, CA 96120

District Attorney
Amador County
708 Court Street
Jackson, CA 95642

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

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

District Attorney
Colusa County
346 5th Street, Suite 101
Colusa, CA 95932

District Attorney
Contra Costa County
900 Ward Street
Martinez, CA 94553

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

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

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

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Glenn County
P. O. Box 430
Willows, CA 95988

District Attorney
Humboldt County
825 5th Street, 4th Floor
Eureka, CA 95501

District Attorney
Imperial County
940 Main Street, Suite 102
El Centro, CA 92243

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

District Attorney
Kern County
1215 Truxtun Avenue
Bakersfield, CA 93301

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

District Attorney
Lake County
255 North Forbes Street
Lakeport, CA 95453

District Attorney
Lassen County
220 South Lassen Street, Suite 8
Susanville, CA 96130

District Attorney
Los Angeles County
210 West Temple St., Suite 18000
Los Angeles, CA 90012-3210

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

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

District Attorney
Mariposa County
5101 Jones Street
P.O. Box 730
Mariposa, CA 95338

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

District Attorney
Merced County
650 W. 20th St.
Merced, CA 95340

District Attorney
Modoc County
204 S. Court St., STE. 202
Alturas, CA 96101

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

District Attorney
Monterey County
P.O. Box 1131
Salinas, CA 93902

District Attorney
Napa County
Carithers Building
931 Parkway Mall
Napa, CA 94559

District Attorney
Nevada County
110 Union St.
Nevada City, CA 95959

District Attorney
Orange County
401 Civic Center Drive West
Santa Ana, CA 92701

District Attorney
Placer County
10810 Justice Center Dr., Suite 240
Roseville, CA 95678

District Attorney
Plumas County
520 Main St., Rm. 404
Quincy, CA 95971

District Attorney
Riverside County
3960 Orange Street
Riverside, CA 92501

District Attorney
Sacramento County
901 G Street
Sacramento, CA 95814

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

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

District Attorney
San Diego County
Hall of Justice
330 W. Broadway
San Diego, CA 92101

District Attorney
San Francisco County
Hall of Justice
850 Bryant Street, Room 322
San Francisco, CA 94103

District Attorney
San Joaquin County
P.O. Box 990
Stockton, CA 95201-0990

District Attorney
San Luis Obispo
1035 Palm St., Room 450
San Luis Obispo, CA 93408

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

District Attorney
Santa Barbara County
1112 Santa Barbara Street
Santa Barbara, CA 93101

District Attorney
Santa Clara County
70 West Hedding St., West Wing
San Jose, CA 95110

District Attorney
Santa Cruz County
701 Ocean Street, Rm. 200
Santa Cruz, CA 95060

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1355 West Street
Redding, CA 96001

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100 Courthouse Square, 2nd Floor
P.O. Box 457
Downieville, CA 95936

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

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Solano County
675 Texas Street, Suite 4500
Fairfield, CA 94533-6340

District Attorney
Sonoma County
600 Administration Dr., Room 212-J
Santa Rosa, CA 95403

District Attorney
Stanislaus County
832 12th Street, Suite 300
Modesto, CA 95354

District Attorney
Sutter County
446 2nd Street, Suite 102
Yuba City, CA 95991

District Attorney
Tehama County
444 Oak St., Rm. L
P.O. Box 519
Red Bluff, CA 96080

District Attorney
Trinity County
11 Court St.
P.O. Box 310
Weaverville, CA 96093

District Attorney
Tulare County
221 S. Mooney Blvd., Rm 224
Visalia, CA 93291

District Attorney
Tuolumne County
423 N. Washington St.
Sonora, CA 95370

District Attorney
Ventura County
800 S. Victoria Ave.
Ventura, CA 93009

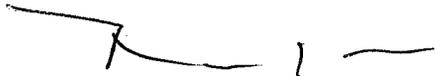
District Attorney
Yolo County
301 Second Street
Woodland, CA 95695

District Attorney
Yuba County
215 5th Street
Marysville, CA 95901

Chief Executive Officer
Kraft Foods Global, Inc.
Three Lakes Dr.
Northfield, IL 60093

Michele Corash, Esq.
Morrison & Foerster LLP
425 Market Street
San Francisco, CA 94105

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed November 4, 2011, at Long Beach, California.



Nina S. Vidal, Declarant