



2201 Broadway, Suite 302
Oakland, CA 94612

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ceh@ceh.org
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**Notice of Violation of
Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65)
(CA Health and Safety Code Section 25249.5 et seq.)**

December 23, 2011

This Notice of Violation is provided to you pursuant to and in compliance with California Health and Safety Code Section 25249.7(d). For general information regarding the California Safe Drinking Water and Toxic Enforcement Act (Proposition 65), see the attached summary provided by California EPA's Office of Environmental Health Hazard Assessment (copies not provided to public enforcement agencies).

This Notice of Violation is provided by the Center for Environmental Health ("CEH"), 2201 Broadway, Suite 302, Oakland, CA 94612, (510) 655-3900. CEH is a nonprofit corporation dedicated to protecting people from toxic chemicals and promoting business products and practices that are safe for public health and the environment. Rick Franco is Staff Attorney for and a responsible individual within CEH.

Description of the Violation:

- Violator(s): The names and addresses of the alleged violators are:

Wal-Mart Stores, Inc. 702 SW 8 th Street Bentonville, AR 72716	Golden Heritage Foods, LLC 120 Santa Fe Street Hillsboro, KS 67063
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- Time Period of Exposures: The violations have been occurring since at least December 23, 2008, and are continuing to this day.
- Provision of Proposition 65: This is a Notice of Violation of the "warning" provision of Proposition 65, which is found at California Health and Safety Code Section 25249.6.
- Chemical(s) Involved: The listed chemical(s) involved in these violations are lead and lead compounds ("Lead"). Exposures to Lead occur from use of the products identified in this Notice of Violation.
- Type of Product: The specific type of product causing these violations is honey. A non-exclusive example of this specific type of product marketed, distributed and/or sold by the alleged violators in California is **Thrifty Bee Dark & Robust Internationally Sourced Honey**.
- Description of Exposure: This Notice addresses consumer exposures to Lead. Consumption of the products identified in this Notice results in human exposures to Lead via ingestion. No clear and reasonable warning is provided with these products regarding the carcinogenic or reproductive hazards associated with Lead exposure.

Based on the allegations set forth in this Notice and following expiration of the 60-day Notice period, CEH intends to file a citizen enforcement lawsuit against each of the alleged violators unless such alleged violator enters into a binding written agreement to: (1) recall products already sold; (2)

reformulate such products to eliminate the **Lead** exposure or take appropriate measures to otherwise comply with Proposition 65; and (3) pay an appropriate civil penalty based on the factors enumerated in California Health and Safety Code Section 25249.7(b). If any of the alleged violators is interested in resolving this dispute without expensive and time-consuming litigation, please feel free to contact CEH through its counsel identified below. It should be noted that CEH cannot (1) finalize any settlement until after the 60-day notice period has expired, nor (2) speak for the California Attorney General or any District or City Attorney who received CEH's 60-day Notice. Therefore, while reaching an agreement with CEH will resolve CEH's claims, such agreement may not satisfy the public prosecutors.

Please direct any inquiries regarding this Notice to CEH through its counsel Rick Franco (rick@ceh.org), 2201 Broadway, Suite 302, Oakland, CA 94612, (510) 655-3900 x301.

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

I, Rick Franco, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged that the parties identified in the notice have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.
2. I am employed by and am the attorney for the noticing party, Center for Environmental Health.
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 plaintiff's 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: December 23, 2011



Rick Franco
Attorney for CENTER FOR
ENVIRONMENTAL HEALTH

PROOF OF SERVICE BY MAIL AND ELECTRONIC MAIL

I declare that:

I am employed in Alameda County, California; my business address is 2201 Broadway, Suite 302, Oakland, California 94612. I am over the age of 18 years and not a party to this cause.

On December 23, 2011, I served true copies of the following documents:

NOTICE OF VIOLATION OF CALIFORNIA SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT;

CERTIFICATE OF MERIT; and

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY (only sent to those on service list marked with an asterisk).

On this date, I deposited fully prepaid and sealed envelopes containing the above-mentioned documents with the United States Postal Service, addressed to the following individuals:

Please see attached service list.

Also on this date, I transmitted via electronic mail the documents listed above to the electronic mail addresses set forth below at 11:00 a.m. on **December 23, 2011:**

Lon Wixon, Deputy District Attorney Contra Costa County lwixon@contracostada.org	Gary Lieberstein, District Attorney. Napa County CEPD@countyofnapa.org
Birgit Fladager, District Attorney Stanislaus County Prop65@standa.org	Stephan R. Passalacqua, District Attorney Sonoma County jbarnes@sonoma-county.org
Dije Ndreu, Deputy District Attorney Monterey County Prop65DA@co.monterey.ca.us	Philip J. Cline, District Attorney Tulare County Prop65@co.tulare.ca.us
Gregory D. Totten, District Attorney Ventura County daspecialops@ventura.org	Paul E. Zellerbach, District Attorney Riverside County Prop65@rivcoda.org
Karen Sinunu-Towery, Assistant District Attorney Santa Clara County epu@da.sccgov.org	

The transmission was reported as complete and without error.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on December 23, 2011 at San Francisco, California.



Ryan Nestle

SERVICE LIST

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

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

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

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

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

District Attorney of Colusa County
547 Market Street, Ste. 102
Colusa, CA 95932

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

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

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

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

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

District Attorney of Imperial County
939 Main Street, Ste. 102
El Centro, CA 92243

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

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

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

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

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

District Attorney of Los Angeles
County
210 W. Temple Street, Ste. 1800
Los Angeles, CA 90012-3210

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

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

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

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

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

District Attorney of Modoc County
204 S. Court Street, Rm. 202
Alturas, CA 96101-4020

District Attorney of Mono County
P.O. Box 617
Bridgeport, CA 93546

District Attorney of Nevada County
110 Union Street
Nevada City, CA 95959

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

District Attorney of Placer County
10810 Justice Center Drive, Ste.
240 Roseville, CA 95678

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

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

District Attorney of San Benito
County 419 Fourth Street, 2nd Fl.
Hollister, CA 95023

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

District Attorney of San Diego
County
330 West Broadway, Ste. 1300 San
Diego, CA 92101

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

District Attorney of San Joaquin
County
P.O. Box 990
Stockton, CA 95202

District Attorney of San Luis Obispo
County
1050 Monterey Street, Rm. 450
San Luis Obispo, CA 93408

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

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

District Attorney of Santa Barbara
County
Attn: Jerry Lule-Jian
312-D E. Cook Street
Santa Maria, CA 93454

District Attorney of Shasta County
1525 Court Street, 3rd Fl.
Redding, CA 96001-1632

District Attorney of Sierra County
Courthouse
100 Courthouse Sq., 2nd Fl.
Downieville, CA 95936

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

District Attorney of Solano County
675 Texas Street, Ste. 4500
Fairfield, CA 94533

District Attorney of Sutter County
446 Second Street
Yuba City, CA 95991

District Attorney of Tehama County
P.O. Box 519
Red Bluff, CA 96080

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

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

District Attorney of Yolo
County 301 Second Street
Woodland, CA 95695

District Attorney of Yuba County
215 Fifth Street
Marysville, CA 95901

Los Angeles City Attorney's Office
City Hall East
200 N. Main Street, Rm. 800
Los Angeles, CA 90012

San Diego City Attorney's Office
1200 Third Avenue, Ste. 1620
San Diego, CA 92101

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

San Jose City Attorney's Office
200 East Santa Clara Street
San Jose, CA 95113

California Attorney General's Office
Attention: Proposition 65 Coordinator
and Robert Thomas
1515 Clay Street, Ste. 2000
P.O. Box 70550 Oakland, CA
94612-0550

Mike Duke, CEO*
Wal-Mart Stores, Inc.
702 SW 8th Street
Bentonville, AR 72716

Brent Barkman, President*
Golden Heritage Foods, LLC
120 Santa Fe Street
Hillsboro, KS 67063