

RBC FOUR CO, LLC
ENVIRONMENTAL WORLD WATCH, LLC
PO BOX 828
FILLMORE, CA. 93016

October 23, 2012

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 TO:
POSTFOODS, LLC, And
GENERAL MILLS, INC.
GENERAL MILLS SALES, INC., And
KELLOGG USA, INC.

Priority Mail-Proof of Delivery Requested

TO THE PARTIES LISTED ON THE ATTACHED DISTRIBUTION LIST

Re: Ready to Eat Cereal Products – See Attachment “A”

To: Mr. Ronald D. Wilkinson	POST FOODS, LLC.
Mr. Kendall J. Powell	GENERAL MILLS, INC.
Mr. John A. Bryant	KELLOGG USA, INC.

Dear Sir:

RBC Four Co., LLC and Environmental World Watch, LLC (the "Noticing Parties") serves this Notice of Violation ("Notice") upon:

1. Post Foods, LLC. (hereinafter "Post");
2. General Mills, Inc. and General Mills Sales, Inc. (hereinafter "General");
3. Kellogg USA, Inc. (hereinafter "Kellogg");

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 the Noticing Party to commence an action against Post, General and Kellogg 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 Post, General or Kellogg's 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.

This Notice is provided by RBC Four Co., LLC and Environmental World Watch, LLC, the Noticing Parties, which are based in Fillmore, California. The Noticing Parties are acting in the public interest pursuant to H&S Code §25249.7(d), and are dedicated to protecting the environment, improving human health and supporting environmentally sound practices.

The violators' names and addresses are listed on the Distribution List to this Notice:

This Amended Notice incorporates by reference the previous March 2009 Notices of EWW, INC. predecessor company EWW, LLC. by reference as if fully set forth herein. The violations addressed by the original 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 today.

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 A 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 Ready to Eat Breakfast Cereals, including but not limited to, the Brands and Varieties listed on the Attachment "A" to this Amended Notice.

There are numerous sources of the exposures addressed in this Notice. These exposures occur in homes, workplaces and everywhere else in California where these products are consumed or prepared for consumption. These exposures occur principally off the property of the Noticed Companies.

In the course of doing business, Post, General and Kellogg have 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 Post, General and Kellogg 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.

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These exposures have gone on from 1991 and are ongoing and continuing as the Noticing Party's believe and so alleges that Post, General and Kellogg has tolled the statute of limitations by fraudulent concealment of the constituents of the ingredients in their products from those persons that required warning in the stores where Post, General and Kellogg products are sold for consumer consumption in California and/or have failed and continue to fail to warn in compliance with statute.

The labels on Post, General and Kellogg products are further absent any warning that would meet the definition delineated at Title 27 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 products, 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.

The principal route of exposure is through a "consumer products 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 products listed in ATTACHMENT 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 Post, General and Kellogg products and the ingredients of those products.

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. The Noticing Party's believe and so alleges that at least one of the jurisdictions identified had Cereal products sold within that county by a Post, General and Kellogg 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 Noticed Parties were allowed to take place without the prerequisite warnings as delineated by the applicable statutes specified in this notice.

60-day Notice of Violation
ACRYLAMIDE-CEREAL PRODUCTS
October 23, 2012
Page 4

Please direct any inquiries regarding this notice or any communication with the responsible party William Dunlap for the noticing entity, RBC Four Co., LLC or Environmental World Watch, LLC.

To:

William Dunlap
RBC Four Co., LLC
Environmental World Watch, LLC
PO Box 828
Fillmore, Ca 93016

EXHIBIT A
NOTICED PARTIES:

POSTFOODS, LLC, And

GENERAL MILLS, INC.
GENERAL MILLS SALES, INC. And

KELLOGG USA, 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

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

• ACRYLAMIDE

NOTICED PARTIES:

POST FOODS, LLC, And
GENERAL MILLS, INC.
GENERAL MILLS SALES, INC., And
KELLOGG USA, INC.

I, WILLIAM DUNLAP, on behalf of RBC Four Co. LLC and Environmental World Watch, LLC, 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 expert for the noticing parties.

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 25249.7(h)(2), *See Original Notice*.

Date: October 23, 2012

Signed by:


William Dunlap

POST CEREAL PRODUCTS:

Cocoa Pebbles
Fruity Pebbles
Grape-Nuts
Great Grains Banana Nut Crunch
Great Grains Cranberry Almond Crunch
Honey Bunche of Oats ("HBO") Apple
Cinnamon Bunches
HBO Honey Roasted
HBO Raisin Medley
HBO with Banana Bunches
HBO with Chocolate Bunches
HBO with Cinnamon Bunches
HBO with real Peaches
HBO with Pecan Bunches
HBO with real Strawberries
HBO with Vanilla Bunches
Honey-Comb
Post Bran Flakes
Post Raisin Bran
Selects Blueberry Morning Selects Maple
Pecan Crunch Shredded Wheat Big Biscuit
Shredded Wheat Bite Size

KELLOGG CEREAL
PRODUCTS:

All-Bran (original)
All-Bran Bran Buds
All-Bran Complete Wheat Flakes
Corn Pops
Cracklin' Oat Bran
Crispix
Frosted Flakes (original)
Frosted Mini-Wheats (Big Bite)
Frosted Mini-Wheats (Bite Size)
Kellogg's Corn Flakes (original)
Kellogg's Raisin Bran
Kellogg's Raisin Bran Crunch
Mueslix
Rice Krispies (original)
Smart Start Antioxidant
Smart Start Toasted Oats
Special K (original)

GENERAL MILLS CEREAL
PRODUCTS:

Apple Cinnamon Bunches Cheerios
Berry Burst Cheerios
Cheerios (Yellow Box) Cinnamon Toast
Crunch Cocoa Puffs
Cookie Crisp
Corn Chex
Fiber One (original)
Fiber One Caramel Delight
French Toast Crunch Frosted Cheerios
Golden Grahams
Honey Nut Cheerios Honey Nut
Clusters Kix
Lucky Charms
Multi Grain Cheerios Raisin Nut Bran
Reese's Puffs
Rice Chex
Total Brown Sugar & Oats
Total Corn Flakes Total Raisin Bran
Total Whole Grain
Wheaties (original)
Wheat Chex

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 PO Box 828 Fillmore, Ca 93016.

On October 23, 2012 I served copies of the documents listed immediately hereafter by Priority Mail by placing same in sealed envelopes, fully preparing postage thereon, and depositing said envelopes in the U.S. Mail at Valencia, California. Said envelopes were addressed as follows:

SEE ATTACHED DISTRIBUTION LIST

(sent via Priority Mail with applicable postage to those parties listed with an asterisk)

Documents mailed:

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

**TO: Post Foods, LLC
275 Cliff Street
Battle Creek, MI. 94014**

**General Mills, Inc.
No. One General Mills Blvd.
Minneapolis, MN. 55426**

**Kellogg USA, Inc.
One Kellogg Square
Battle Creek, MI. 49016**

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 Oct 23, 2012 at Valencia, California.

October 23, 2012

Signed by:


Matthew Nichols

60-day Notice of Violation
ACRYLAMIDE-CEREAL
PRODUCTS
October 23, 2012
Page 9

DISTRIBUTION LIST

Mr. Ronald D Wilkinson, CEO *
Post Foods, LLC.
275 Cliff Street
Battle Creek, MI. 49014

Mr Kendall J. Powell, CEO *
General Mills, Inc.
No. One General Mills Blvd.
Minneapolis, MN. 55426

Mr John A. Bryant, CEO *
Kellogg USA, Inc.
One Kellogg Square
Battle Creek, MI. 49016

CALIFORNIA ATTORNEY GENERAL *
CA Department of Justice
PROP. 65 ENFORCEMENT REPORTING
Attn: Prop 65 Coordinator 1515 Clay Street, Suite 2000
Post Office Box 70550 Oakland, CA 94612-0550

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

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

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

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

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

District Attorney of Imperial County
939 Main Street
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
Hanford, CA 93230

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

District Attorney of Nevada County
201 Church St., Suite 8
Nevada City, CA 95959

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

District Attorney of Fresno County
2220 Tulare Street, #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 Colusa County
547 Market Street
Colusa, CA 95932

District Attorney of Contra Costa County
725 Court Street, Room 402
Martinez, CA 94553

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

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

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

District Attorney of Los Angeles County
210 W. Temple Street, Room 345
Los Angeles, CA 90012

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

60-day Notice of Violation
ACRYLAMIDE-CEREAL
PRODUCTS
October 23, 2012
Page 11

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

District Attorney of Placer County
11562 "B" Avenue
Auburn, CA 95603

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

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
Alturas, CA 96101-4020

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

District Attorney of Monterey County
PO Box 1131
Salinas, CA 93901

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

District Attorney of San Luis Obispo County
1050 Monterey St, Room 450
San Luis Obispo, CA 93408

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

District Attorney of Marin County
3501 Civic Center Dr., Room 183
San Rafael, CA 94903

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

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

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

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

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

District Attorney of San Diego County
330 West Broadway, Suite 1320
San Diego, CA 92112

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

District Attorney of Stanislaus County
800 11th Street, Room 200
Modesto, CA 95353

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

District Attorney of Tulare County
221 S. Mooney Ave, Room 224
Visalia, CA 93291

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

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

District Attorney of Santa Cruz County
701 Ocean Street, Room 200
Santa Cruz, CA 95061

District Attorney of Sierra County
Courthouse, P.O. Box 457
Downieville, CA 95936

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

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

District Attorney of Sonoma County
600 Administration Drive, Room 212J
Santa Rosa, CA 95403

District Attorney of Shasta County
1525 Court Street, Third Floor
Redding, CA 96001 1632

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

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

District Attorney of Ventura County
800 South Victoria Ave
Ventura, CA 93009

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

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

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

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

San Diego City Attorney's Office
1200 3rd Avenue, 12th Floor
San Diego, CA 92101

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

District Attorney of Trinity County
P.O. Box 1310
Weaverville, CA 96093