

LAW OFFICE OF  
**MICHAEL FREUND**

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November 19, 2012

**VIA CERTIFIED MAIL**

Vic Chanawatr  
Vimpex International Corporation  
3197 Airport Loop Drive, Bdg. E  
Costa Mesa, CA 92626

**VIA PRIORITY MAIL**

District Attorneys of All California Counties  
and Select City Attorneys  
(See Attached Certificate of Service)

Office of the California Attorney General  
Proposition 65 Enforcement Reporting  
1515 Clay Street, Suite 2000  
P.O. Box 70550  
Oakland, CA 94612-0550

**Re: Notice of Violation Against Vimpex International Corporation for Violation of California Health & Safety Code Section 25249.5 et seq.**

Dear Alleged Violator and the Appropriate Public Enforcement Agencies:

I represent The Chemical Toxin Working Group, a newly formed California non-profit corporation dedicated to reducing the amount of chemical toxins in consumer products. The Chemical Toxin Working Group was created by David Steinman, who previously provided a Notice of Violation, dated May 17, 2012, against Wal-Mart Stores, Inc., the company that directly sells the product identified below to the public. Through this Notice of Violation, The Chemical Toxin Working Group seeks to reduce consumer exposures to lead in the product set forth herein.

This letter constitutes notification that Vimpex International Corporation ("Vimpex") has violated the warning requirement of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act (commencing with section 25249.5 of the Health and Safety Code). The product subject to this Notice of Violation and the chemical in the product identified as exceeding allowable levels are:

**Great Value Mandarin Oranges – lead**

Vimpex has manufactured, marketed, distributed and/or sold the above product which has exposed and continues to expose numerous individuals within California to lead. This chemical was listed pursuant to Proposition 65 as a chemical known to the State of California to cause cancer on October 1, 1992 and as a chemical known to cause developmental toxicity, and male and female reproductive toxicity on February 27, 1987. The time period of these violations commenced one year after the listed dates above. The primary route of exposure has been through ingestion.

Proposition 65 requires that a clear and reasonable warning be provided prior to exposure to certain listed chemicals. VimpeX is in violation of Proposition 65 because it failed to provide a warning to consumers that they are being exposed to lead. (22 C.C.R. section 12601.) While in the course of doing business, the company is knowingly and intentionally exposing consumers to this chemical without first providing a clear and reasonable warning. (Health and Safety Code section 25249.6.) The method of warning should be a warning that appears on the product's label. 22 C.C.R. section 12601 (b)(1) (A). There are no warnings currently present on the company's label for this product.

Proposition 65 requires that notice and intent to sue be given to a violator 60-days before the suit is filed. With this letter, The Chemical Toxin Working Group gives notice of the alleged violations to the noticed party and the appropriate governmental authorities. This Notice of Violation covers all violations of Proposition 65 that are currently known to the noticing party from information now available. The Chemical Toxin Working Group is continuing its investigation that may reveal further violations. A summary of Proposition 65, prepared by the Office of Environmental Health Hazard Assessment, and referenced as Appendix A, has been provided to the noticed party.

If you have any questions, please contact my office at your earliest convenience.

Sincerely,



Michael Freund

cc: The Chemical Toxin Working Group

Attachments:

Certificate of Merit

Certificate of Service

OEHHA Summary to VimpeX International Corporation

Additional Supporting Information for Certificate of Merit (to Attorney General only)

**CERTIFICATE OF MERIT**

**Health and Safety Code Section 25249.7 (d)**

I, Michael Freund hereby declare:

1. This Certificate of Merit accompanies the attached Notice of Violation 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.
2. I am the attorney for the noticing party The Chemical Toxin Working Group. The Notice of Violation alleges that the party identified has exposed persons in California to lead from the specified consumer product without providing a Proposition 65 warning. Please refer to the Notice of Violation for additional details regarding the product names and alleged violations.
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. In particular, I have consulted with the chemists who conducted the laboratory testing for lead regarding this product and I have relied on the testing results. The testing was conducted by a reputable testing laboratory by experienced scientists. These facts, studies or other data derived through this investigation overwhelmingly demonstrate that the party identified in the Notice of Violation exposes persons to lead through ingestion.
4. Based on the information obtained through these consultants and on other information in my possession, I believe there is sufficient evidence that human exposures exist from exposure to the listed product from the noticed party. Furthermore, 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 California Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health & 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: November 19, 2012



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Michael Freund  
Attorney for The Chemical Toxin Working Group

CERTIFICATE OF SERVICE

I am a citizen of the United States and a resident of the County of Alameda. I am over the age of eighteen years and not a party to the within entitled action. My business address is 1919 Addison Street, Suite 105, Berkeley, California 94704. On November 19, 2012 I served the within:

Notice of Violation Against Vimpex International Corporation for Violation of California Health & Safety Code Section 25249.5 et seq. and Certificate of Merit; (Supporting Documentation sent to Attorney General only)

on the parties in said action, via electronic mail to the California Attorney General and by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Post Office mail box in Berkeley, California addressed as follows:

See attached Service List

I, Michael Freund, declare under penalty of perjury that the foregoing is true and correct. Executed on November 19, 2012 at Berkeley, California

  
\_\_\_\_\_  
Michael Freund

SERVICE LIST

- District Attorney of Alameda County  
1225 Fallon Street, Room 900  
Oakland, CA 94612
- District Attorney of Colusa County  
547 Market Street  
Colusa, CA 95932
- District Attorney of Contra Costa County  
627 Ferry Street  
Martinez, CA 94553
- District Attorney of Alpine County  
P.O. Box 248  
Markleeville, CA 96120
- District Attorney of Del Norte County  
450 H Street, Ste 171  
Crescent City, CA 95531
- 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 El Dorado County  
515 Main Street  
Placerville, CA 95667
- District Attorney of Calaveras County  
891 Mountain Ranch Road  
San Andreas, CA 95249
- 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 Kings County  
1400 West Lacey  
Hanford, CA 93230
- District Attorney of Lake County  
255 N. Forbes Street  
Lakeport, CA 95453
- District Attorney of Humboldt County  
825 5th Street  
Eureka, CA 95501
- District Attorney of Imperial County  
939 Main Street  
El Centro, CA 92243
- District Attorney of Lassen County  
220 S. Lassen St., Ste 8  
Susanville, CA 96130
- District Attorney of Inyo County  
P.O. Drawer D  
Independence, CA 93526
- 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
- District Attorney of Kern County  
1215 Truxtun Avenue  
Bakersfield, CA 93301
- District Attorney of Marin County  
3501 Civic Center Dr., Room 130  
San Rafael, CA 94903
- District Attorney of Mono County  
P.O. Box 617  
Bridgeport, CA 93517
- District Attorney of Mariposa County  
P.O. Box 730  
Mariposa, CA 95338
- District Attorney of Monterey County  
230 Church Street, Bldg. 2  
Salinas, CA 93901
- District Attorney of Mendocino County  
P.O. Box 1000  
Ukiah, CA 95482
- District Attorney of Napa County  
931 Parkway Mall  
Napa, CA 94559
- District Attorney of Merced County  
2222 "M" Street  
Merced, CA 95340
- District Attorney of Nevada County  
201 Church St., Suite 8  
Nevada City, CA 95959
- District Attorney of Orange County  
401 Civic Ctr Drive West  
Santa Ana, CA 92701
- District Attorney of Modoc County  
204 S Court Street  
Alturas, CA 96101-4020
- District Attorney of Placer County  
11562 "B" Avenue  
Auburn, CA 95603
- District Attorney of San Bernardino County  
316 N. Mountain View Avenue  
San Bernardino, CA 92415
- District Attorney of Plumas County  
520 Main Street, Room 404  
Quincy, CA 95971
- District Attorney of San Diego County  
330 West Broadway, Suite 1320  
San Diego, CA 92101
- District Attorney of Riverside County  
4075 Main Street  
Riverside, CA 92501
- District Attorney of San Francisco County  
850 Bryant Street, Rm 325  
San Francisco, CA 94103
- District Attorney of Sacramento County  
901 "G" Street  
Sacramento, CA 95814
- 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 Benito County  
419 Fourth Street, 2<sup>nd</sup> Floor  
Hollister, CA 95023

District Attorney of San Mateo  
County  
400 County Cir, 3<sup>rd</sup> Fl  
Redwood City, CA 94063

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

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

District Attorney of Siskiyou County  
P.O. Box 886  
Yreka, CA 96097

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

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

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

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 Stanislaus  
County  
800 11<sup>th</sup> Street, Room 200  
PO BOX 442  
Modesto, CA 95353

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

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

District Attorney of Tehama County  
P.O. Box 518  
Red Bluff, CA 96080

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

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

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

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

District Attorney of Tuolumne  
County  
423 No. Washington Street  
Sonora, CA 95370

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

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

San Diego City Attorney's Office  
1200 3rd Avenue #1620  
San Diego, CA 92101

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

California Attorney General's  
Office  
Attention: Proposition 65  
Coordinator  
1515 Clay Street, Suite 2000  
P.O. Box 70550  
Oakland, CA 94612

Vic Chanawatr  
Vimpex International Corporation  
3197 Airport Loop Drive, Bdg. E  
Costa Mesa, CA 92626

Robert Falk (Attorney for Vimpex)  
Morrison & Foerster  
425 Market Street  
San Francisco, CA 94105-2482