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December 20, 2013

**VIA FIRST-CLASS U.S. MAIL**

Chief Executive Officer  
Fast Forward Energy, Inc.  
2101 Rexford Road, Suite 236  
Charlotte, NC 28211

Robert C. Bowers, Esq.  
Moore & Van Allen PLLC  
100 North Tryon Street, Suite 4700  
Charlotte, NC 28202

**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 Fast Forward Energy, 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 27 California Code of Regulations § 25903(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 March 2006, 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. As used herein, the term “coffee” means roasted coffee beans, coffee grounds, freeze-dried coffee, flakes/instant coffee, and coffee mixtures used to become drinkable coffee. As used herein, the term “coffee mixtures” refers to products where coffee is the first ingredient listed on the label of the product. Exposures to acrylamide unavoidably occurred via ingestion whenever a consumer purchased and thereafter consumed the above named entity’s acrylamide-containing, coffee. Testing of 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 27 California Code of Regulations § 27001. 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 March 2006, 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: Fast Forward Energy, Inc.

Time of Violations: The violations of California Health & Safety Code § 25249.6 are numerous and have been continuous and uninterrupted since approximately March 2006 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 27 California Code of Regulations § 27001 as a chemical known to the State of California to cause cancer on January 1, 1990.

Consumer Product Exposure Description: Since March 2006, 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. As used herein, the term “coffee” means roasted coffee beans, coffee grounds, freeze-dried coffee, flakes/instant coffee, and coffee mixtures used to become drinkable coffee. As used herein, the term “coffee mixtures” refers to products where coffee is the first ingredient listed on the label of the product. 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 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 27 California Code of Regulations § 27001. 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 consumers of coffee in California that the coffee that it produces, distributes, and/or sells contains a chemical known by the State of California to cause cancer before exposing said consumers to acrylamide contained therein. Since March 2006, 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.

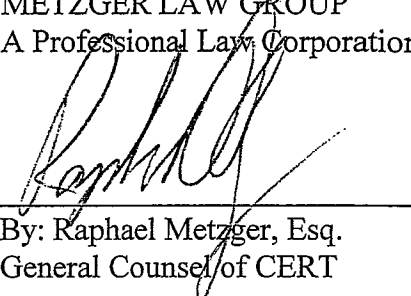
Conclusion. Proposition 65 requires that notice and intent to sue be given to a violator sixty (60) days before suit is filed. By this letter, CERT gives notice of the foregoing violations to the above named entity, and to the appropriate governmental authorities. If the above named entity wishes to resolve this matter before CERT files suit, it should contact counsel at the above-

Fast Forward Energy, Inc.  
December 20, 2013  
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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 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



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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  
Fast Forward Energy, Inc.  
2101 Rexford Road, Suite 236  
Charlotte, NC 28211

**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 March 2006, 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 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 27 California

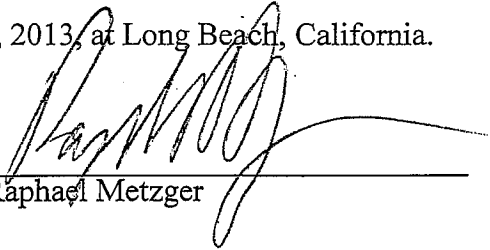
Code of Regulations § 27001. Because acrylamide is listed in Proposition 65 as a carcinogen, pursuant to Health & Safety Code § 25249.6, the entity named in the attached sixty-day notice was, and is, required to warn California consumers purchasing its coffee that its coffee contains a chemical known by the State of California to cause cancer before exposing said consumers to acrylamide contained therein. Since March 2006, 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 coffee. 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 March 2006, 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 December 20, 2013, at Long Beach, California.

  
Raphaël 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 December 20, 2013, 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:

Kamala D. Harris  
Office of the Attorney General  
1515 Clay Street, 20<sup>th</sup> Floor  
Oakland, CA 94612-0550

Douglas Sloan  
Office of the City Attorney  
2600 Fresno Street, Room 2031  
Fresno, CA 93721-3600

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

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

Dennis J. Herrera  
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City Hall, Room 234  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

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Martinez, CA 94553

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El Dorado County  
515 Main Street  
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Fresno County  
2220 Tulare Street, Suite 1000  
Fresno, CA 93721

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P. O. Box 430  
Willows, CA 95988

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Eureka, CA 95501

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255 North Forbes Street  
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Riverside, CA 92501

District Attorney  
Sacramento County  
901 G Street  
Sacramento, CA 95814

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Hollister, CA 95023-3801

District Attorney  
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Stockton, CA 95201-0990

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San Luis Obispo, CA 93408

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Santa Barbara, CA 93101

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Modesto, CA 95354

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446 2nd Street, Suite 102  
Yuba City, CA 95991

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Visalia, CA 93291

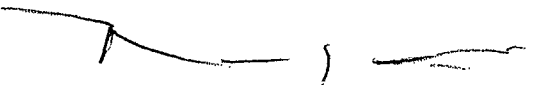
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Ventura, CA 93009

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301 Second Street  
Woodland, CA 95695

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

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed December 20, 2013, at Long Beach, California.



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Nina S. Vidal, Declarant