

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

Lead in Crystallized Ginger Snack Food

August 22, 2014

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, see the attached summary provided by the California EPA (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 the environment, improving human health and supporting environmentally sound practices. Charlie Pizarro is the Associate Director of and a responsible individual within CEH.

Description of Violation:

- Violators: The names and addresses of the violators are identified on the attached Exhibit 1.
- Time Period of Exposure: The violations have been occurring since at least August 22, 2011, and are continuing to this day.
- Provision of Proposition 65: This Notice of Violation covers the "warning provision" of Proposition 65, which is found at California Health and Safety Code Section 25249.6.
- Chemical(s) Involved: The names of the listed chemicals involved in these violations are lead and lead compounds ("Lead"). Exposures to Lead occur from consumption of the products identified in this Notice.
- Type of Product: The specific type of product causing this violation is crystallized ginger snack food. Non-exclusive examples of this specific type of product are listed on the attached Exhibit 1. CEH has previously issued Notices of Violation that identify additional non-exclusive examples of ginger snack foods that contain lead. These Notices may be found on the California Attorney General's website at <http://proposition65.doj.ca.gov/default.asp>.
- Description of Exposure: This Notice addresses consumer exposures to Lead. Consumption of the products identified in this Notice results in human exposures to Lead. The products contain Lead. The primary route of exposure for the violations is direct ingestion when consumers eat the crystallized ginger snack food. These exposures occur in homes, workplaces and everywhere else throughout California where the products are consumed. No clear and reasonable warning is provided with these products regarding the carcinogenic or reproductive hazards of Lead.

Resolution of Noticed Claims:

Based on the allegations set forth in this Notice, CEH intends to file a citizen enforcement lawsuit against each alleged violator unless such violator agrees in a binding written instrument to: (1) recall products already sold; (2) provide clear and reasonable warnings for products sold in the future or reformulate such products to eliminate the Lead exposures; and (3) pay an appropriate civil penalty based on the factors enumerated in California Health and Safety Code Section 25249.7(b). If any alleged violator is interested in resolving this dispute without resort to 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 Attorney General or any District or City Attorney who received CEH's 60-day Notice. Therefore, while reaching an agreement with CEH will resolve its claims, such agreement may not satisfy the public prosecutors.

Please direct any inquiries regarding this Notice to CEH's counsel Eric S. Somers at Lexington Law Group, 503 Divisadero Street, San Francisco, CA 94117, (415) 913-7800, esomers at lexlawgroup.com.

EXHIBIT 1
August 22, 2014 Notice of Violation
Lead in Crystallized Ginger Snack Food

Responsible Parties	Non-Exclusive Examples of the Products	Item or SKU # or Further Description
<p>Amazon.com, Inc. 410 Terry Avenue North Seattle, WA 98109</p>	<p>SincerelyNuts Sliced Ginger Crystal</p>	<p>SKU No. X000G7R3RL</p>
<p>American Roland Food Corporation 71 West 23rd Street New York, NY 10010</p>	<p>Roland Sliced Crystallized Ginger</p>	<p>SKU No. 0-41224-60304-2 Walmart Item No. 03068430662</p>
<p>Euromarket Designs, Inc. 1250 Techny Road Northbrook, IL 60062</p>	<p>The Ginger People Organic Crystallized Ginger Jar</p>	<p>SKU No. 7-34027-91010-2 Crate & Barrel SKU No. 185-558</p>
<p>Frieda's, Inc. 4465 Corporate Center Drive Los Alamitos CA 90720</p>	<p>Frieda's Crystallized Ginger</p>	<p>SKU No. 0-37842-02545-8</p>
<p>Frontier Distribution LLC 3021 78th Street Norway, IA 52318</p> <p>Frontier Natural Products Co-op 3021 78th Street Norway, IA 52318</p>	<p>Frontier Natural Products Co-op All-Natural Crystallized Ginger Pieces</p>	<p>SKU No. 0-89836-18335-4</p>
<p>PANOS Brands, LLC Park 80 East 160 Pehle Avenue 2nd Floor, Suite 204 Saddle Brook, NJ 07663</p>	<p>Ka-Me Sliced Ginger Crystallized</p>	<p>SKU No. 0-70844-00422-9 Walmart Item No. 03068480750</p>

<p>Save Mart Supermarkets 1800 Standiford Avenue Modesto, CA 95350</p>	<p>Frieda's Crystallized Ginger</p>	<p>SKU No. 0-37842-02545-8</p>
<p>Seawind International, LLC 10590 W. Ocean Air Drive Suite 220 San Diego, CA 92103</p>	<p>SunRidge Farms Bulk Crystallized Ginger</p>	<p>N/A</p>
<p>Sincerely Nuts, Inc. 148 39th Street, 5th Floor Brooklyn, NY 11232</p>	<p>SincerelyNuts Sliced Ginger Crystal</p>	<p>SKU No. X000G7R3RL</p>
<p>Wal-Mart Stores, Inc. 702 SW 8th Street Bentonville, AR 72716</p>	<p>Ka-Me Sliced Ginger Crystallized</p>	<p>SKU No. 0-70844-00422-9 Walmart Item No. 03068480750</p>
	<p>Roland Sliced Crystallized Ginger</p>	<p>SKU No. 0-41224-60304-2 Walmart Item No. 03068430662</p>
<p>Y-Opco, LLC 9130 W. Sunset Blvd. Los Angeles, CA 90069</p>	<p>Fresh & Easy Dried Spicy & Sweetened Ginger</p>	<p>SKU No. 5-051379-055721</p>

CERTIFICATE OF MERIT
Health & Safety Code §25249.7(d)

I, Eric S. Somers, 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 & Safety Code §25249.6 by failing to provide clear and reasonable warnings.

2. I am an attorney with the Lexington Law Group, and I represent the noticing party, the Center for Environmental Health.

3. Members of my firm and 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 exposures to the listed chemical that is the subject of the action.

4. Based on the information obtained through those consultations, and on 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 violators will be able to establish any of the affirmative defenses set forth in the statute.

5. The copy of the 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 & Safety Code §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.

August 22, 2014



Eric S. Somers
Attorney for CENTER FOR
ENVIRONMENTAL HEALTH

PROOF OF SERVICE BY MAIL AND ELECTRONIC MAIL

I declare that:

I am employed in San Francisco County, California; my business address is 503 Divisadero Street, San Francisco, California 94117. I am over the age of 18 years and not a party to the within cause and my electronic notification address is cfisher@lexlawgroup.com.

On August 22, 2014, 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 11:58 A.m. on August 22, 2014:

Stacey Grassini, Deputy District Attorney
Contra Costa County
900 Ward Street
Martinez, CA 94553
sgrassini@contracostada.org

Dije Ndreu, Deputy District Attorney
Monterey County
230 Church Street, Bldg. 2
Salinas, CA 93901
Prop65DA@co.monterey.ca.us

Karyn Sinunu-Towery,
Assistant District Attorney
Santa Clara County
70 West Hedding Street, West Wing
San Jose, CA 95110
epu@da.sccgov.org

Gary Lieberstein, District Attorney
Napa County
931 Parkway Mall
Napa, CA 94559
CEPD@countyofnapa.org

Stephan R. Passalacqua, District Attorney
Sonoma County
600 Administration Drive, Rm. 212J
Santa Rosa, CA 95403
jbarnes@sonoma-county.org

Phillip J. Cline, District Attorney
Tulare County
221 S. Mooney Avenue, Rm. 224
Visalia, CA 93291
Prop65@co.tulare.ca.us

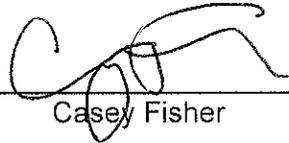
Paul E. Zellerbach, District Attorney
Riverside County
4075 Main Street
Riverside, CA 92501
Prop65@rivcoda.org

Gregory D. Totten, District Attorney Ventura
County
800 South Victoria Avenue
Ventura, CA 93009
daspecialops@ventura.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 August 22, 2014, at San Francisco, California.

Signed: _____

A handwritten signature in black ink, appearing to read 'Casey Fisher', is written over a horizontal line. The signature is stylized and cursive.

Casey Fisher

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
201 Commercial 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	Los Angeles City Attorney's Office City Hall East 200 N. Main Street, Rm. 800 Los Angeles, CA 90012	Lindy Bannister, President * Frontier Natural Products Co-op 3021 78 th Street Norway, IA 52318
District Attorney of Santa Barbara County Attn: Jerry Lule-Jian 312-D E. Cook Street Santa Maria, CA 93454	San Diego City Attorney's Office 1200 Third Avenue, Ste. 1620 San Diego, CA 92101	Lindy Bannister, President * Frontier Natural Products Co-op P.O. Box 299 Norway, IA 52318
District Attorney of Shasta County 1355 West Street Redding, CA 96001	San Francisco City Attorney's Office City Hall, Room 234 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102	Steven Grossman, President * PANOS Brands, LLC Park 80 East 160 Pehle Avenue 2nd Floor, Suite 204 Saddle Brook, NJ 07663
District Attorney of Sierra County Courthouse 100 Courthouse Sq., 2 nd Fl. Downieville, CA 95936	San Jose City Attorney's Office 200 East Santa Clara Street San Jose, CA 95113	Bob Piccinini, CEO* Save Mart Supermarkets 1800 Standiford Avenue Modesto, CA 95350
District Attorney of Siskiyou County P.O. Box 986 Yreka, CA 96097	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	President * Seawind International, LLC 10590 W. Ocean Air Drive Suite 220 San Diego, CA 92103
District Attorney of Solano County 675 Texas Street, Ste. 4500 Fairfield, CA 94533	Jeffrey P. Bezos, CEO * Amazon.com, Inc. 410 Terry Avenue North Seattle, WA 98109	President * Seawind International, LLC 120 ½ South El Camino Real Suite 202 San Clemente, CA 92672
District Attorney of Stanislaus County 832 12th Street, Ste. 300 Modesto, CA 95354	Charles E. Scheidt, President * American Roland Food Corporation 71 West 23 rd Street New York, NY 10010	President * Sincerely Nuts, Inc. 148 39 th Street, 5 th Floor Brooklyn, NY 11232
District Attorney of Sutter County 446 Second Street Yuba City, CA 95991	Sascha Bopp, CEO * Euromarket Designs, Inc. 1250 Techny Road Northbrook, IL 60062	C. Douglas McMillon, CEO * Wal-Mart Stores, Inc. 702 SW 8th Street Bentonville, AR 72716
District Attorney of Tehama County P.O. Box 519 Red Bluff, CA 96080	Karen Caplan, President * Frieda's, Inc. 4465 Corporate Center Drive Los Alamitos CA 90720	President * Y-Opco, LLC 9130 W. Sunset Blvd. Los Angeles, CA 90069
District Attorney of Trinity County P.O. Box 310 11 Court Street Weaverville, CA 96093	President * Frontier Distribution LLC 3021 78 th Street Norway, IA 52318	President * Frontier Distribution LLC P.O. Box 299 Norway, IA 52318
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		