



Kabateck Brown Kellner LLP

**Via Certified U.S. Mail**

THE ENTITIES AND THE PUBLIC ENFORCEMENT AGENCIES LISTED ON THE DISTRIBUTION LIST ACCOMPANYING THE ATTACHED CERTIFICATE OF SERVICE

**RE: Notice of Violation of California Health & Safety Code § 25249.6**

To Whom It May Concern:

Doris Charles, Alvin Jones, Jason Peltier, and Jennifer Peltier (“the Noticing Parties”) serve this Notice of Violation (“Notice”) on each of the entities listed on the distribution list (“the Noticed Party”) pursuant to and in compliance with California Health and Safety Code § 25249.7(d) and 27 California Code of Regulations § 25903.

This Notice satisfies a prerequisite for the Noticing Parties to commence an action against the Noticed Party to enforce the Safe Drinking Water and Toxic Enforcement Act of 1986 (“Proposition 65”). The Noticing Parties intend to bring an enforcement action sixty (60) days after effective service of this Notice, unless the public enforcement agencies have commenced an action to rectify the violations discussed in this Notice. This Notice is being served upon the Noticed Party, the California Attorney General and the district attorney of every county in which a violation is alleged to have occurred, and upon the city attorneys of any cities with populations according to the most recent decennial census of over 750,000 and in which the violation is alleged to have occurred. Where the alleged violators have a current registration with the California Secretary of State that identifies a Chief Executive Officer, President, or General Counsel of the corporation, the Notice is addressed to one of those persons.

Attached as Exhibit A to this Notice is a copy of the “The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary.” The attached Summary was prepared by the California Environmental Protection Agency and provides general information about Proposition 65.

A description of Noticing Parties, the Noticed Party, and the alleged violations addressed by this Notice are as follows:

The Noticing Parties: This Notice is provided by Doris Charles, Alvin Jones, Jason Peltier, and Jennifer Peltier. The Noticing Parties are acting in the public interest pursuant to California Health & Safety Code § 25249.7(d) and are dedicated to protecting the health of all Californians. The Noticing Parties are located in Los Angeles and San Diego Counties in the State of California.



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The Alleged Violator: The Alleged Violators are each of the entities listed in the distribution list accompanying the attached Certificate of Service. Each of the Alleged Violators are believed to be in violation of California Health & Safety Code § 25249.6.

The Violation and the Chemical Involved: On February 27, 1987, the State of California officially listed arsenic (inorganic compounds) as a chemical known to the State to cause cancer. The Noticed Party has exposed and continues to expose consumers within the State of California to arsenic (inorganic compounds) at levels that exceed the No Significant Risk Level without providing clear and reasonable warning of this exposure.

The Consumer Products: The products that are subject of this Notice are the particular wine products listed and sold by the corresponding entities listed on the distribution list. These wine products are produced, manufactured, and/or distributed by each of the Noticed Parties.

Route of Exposure: The principal route of exposure with regard to the arsenic (inorganic compounds) was through ingestion.

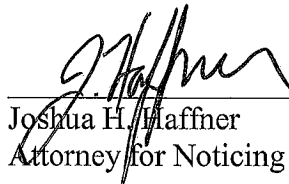
The Duration of the Violations: The violations addressed by this Notice began on or after January 2011, have occurred on every day since at least January 2011, and are ongoing and continuing.

Pursuant to Title 11 of the California Code of Regulations § 3100, a certificate of merit is attached hereto.

Please direct any inquiries regarding this Notice or any communication to the counsel for the Noticing Parties:

Joshua H. Haffner  
Kabateck Brown Kellner LLP  
644 South Figueroa Street  
Los Angeles, CA 90017  
213.217.5000

DATED: March 19, 2015

  
\_\_\_\_\_  
Joshua H. Haffner  
Attorney for Noticing Parties



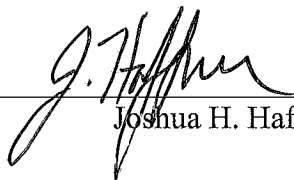
**Kabateck** Brown Kellner LLP

**CERTIFICATE OF MERIT**  
Health and Safety Code § 25249.7(d)

I, Joshua H. Haffner, hereby declare:

- 1) This Certificate of Merit accompanies the attached sixty-day notice(s) in which it alleged the parties identified in the notices have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.
- 2) I am the attorney for the noticing parties.
- 3) I have consulted with one 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 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), 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: March 19, 2015

  
\_\_\_\_\_  
Joshua H. Haffner



**Kabateck** Brown Kellner LLP

**EXHIBIT A**

**“THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986  
(PROPOSITION 65): A SUMMARY”**



**Kabateck Brown Kellner LLP**

**CERTIFICATE OF SERVICE**

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 644 S. Figueroa Street, Los Angeles, California 90017.

On **March 19, 2015**, I served the following:

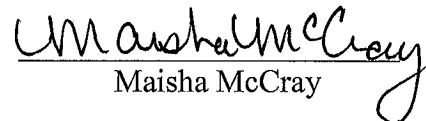
- 1) 60-Day Notice of Intent to Sue Under Health & Safety Code section 25249.6**
- 2) The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65):  
A Summary**
- 3) Certificate of Merit: Health & Safety Code section 25249.7(d)**
- 4) Certificate of Merit (Attorney General Copy): Factual Information Sufficient to  
establish the basis of the Certificate of Merit**

on the interested parties in the action by either electronically filing these documents or placing a true copy thereof enclosed in a sealed envelope addressed as listed on the Service List attached.

**X** **MAIL** I am familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepared at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

**Executed on March 19, 2015, at Los Angeles, California.**

  
Maisha McCray



**Kabateck** Brown Kellner LLP

**EXHIBIT B**

DISTRIBUTION LIST



Kabateck Brown Kellner LLP

**DEFENDANT ENTITIES**

<b>THE ALLEGED VIOLATOR</b>	<b>THE WINE PRODUCT (BRAND, VARIETAL, YEAR*)</b> <i>*Including, but not limited to, any/all vintages prior and subsequent to the "Year" identified for each "Brand" listed</i>
WINERY EXCHANGE, INC. 500 Redwood Blvd., Suite 200 Novato, CA 94947	Acronym, GR8RW Red Blend, 2011 Arrow Creek, Coastal Series Cabernet Sauvignon, 2011 Hawkstone, Cabernet Sauvignon, 2011
SONOMA WINE CO., LLC 9119 Graton Road Graton, CA 95444	Acronym, GR8RW Red Blend, 2011
THE WINE GROUP, INC. 4596 South Tracy Blvd. Tracy, CA 95377  THE WINE GROUP, LLC 4596 South Tracy Blvd. Tracy, CA 95377	Almaden, Heritage White Zinfandel, NV Almaden, Heritage Moscato, NV Almaden, Heritage White Zinfandel, NV Almaden, Heritage Chardonnay, NV Almaden, Mountain Burgundy, NV Almaden, Mountain Rhine, NV Almaden, Mountain Chablis, NV Bay Bridge, Chardonnay, NV Glen Ellen by Concannon, Glen Ellen Reserve Pinot Grigio, 2012 Concannon, Selected Vineyards Pinot Noir, 2011 Glen Ellen by Concannon, Glen Ellen Reserve Merlot, 2010 Corbett Canyon, Pinot Grigio, NV Corbett Canyon, Cabernet Sauvignon, NV Cupcake, Malbec, 2011 Fisheye, Pinot Grigio, 2012 Flipflop, Pinot Grigio, 2012 Flipflop, Moscato, NV Flipflop, Cabernet Sauvignon, NV Foxhorn, White Zinfandel, NV Franzia, Vintner Select White Grenache, NV Franzia, Vintner Select White Zinfandel, NV Franzia, Vintner Select White Merlot, NV Franzia, Vintner Select Burgundy, NV Mogen David, Concord, NV Mogen David, Blackberry Wine, NV Oak Leaf, White Zinfandel, NV Tropicana, Malbec, 2012 Tribuno, Sweet Vermouth, NV
VARNI BROTHERS, CORP. 400 Hosmer Avenue Modesto, CA 95351	Flipflop, Pinot Grigio, 2012 Flipflop, Moscato, NV Flipflop, Cabernet Sauvignon, NV



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<p>CONSTELLATION WINES, US 801 Main Street St. Helena, CA 94574</p>	<p>Almaden, Heritage White Zinfandel, NV Almaden, Heritage Moscato, NV Almaden, Heritage White Zinfandel, NV Almaden, Heritage Chardonnay, NV Almaden, Mountain Burgundy, NV Almaden, Mountain Rhine, NV Almaden, Mountain Chablis, NV Cook's, Spumante, NV HRM Rex-Goliath, Moscato, NV Richards Wild Irish Rose, Red Wine, NV Simply Naked, Moscato, 2011 Vendange, Merlot, NV Vendange, White Zinfandel, NV</p>
<p>GOLDEN STATE VINTNERS 4596 S. Tracy Blvd. Tracy, CA</p>	<p>Fisheye, Pinot Grigio, 2012</p>
<p>SUTTER HOME WINERY, INC., d/b/a TRINCHERO FAMILY ESTATES 100 St. Helena Highway South Street Helena, CA 4574</p>	<p>Bandit, Pinot Grigio, NV Bandit, Chardonnay, NV Bandit, Cabernet Sauvignon Ménage à Trois, Pinot Grigio, 2011 Ménage à Trois, Moscato, 2010 Ménage à Trois, White Blend, 2011 Ménage à Trois, Chardonnay, 2011 Ménage à Trois, Rose, 2011 Ménage à Trois, Cabernet Sauvignon, 2010 Ménage à Trois, California Red Wine, 2011 SeaGlass, Sauvignon Blanc, 2012 Sutter Home, Sauvignon Blanc, 2010 Sutter Home, Gewurztraminer, 2011 Sutter Home, Pink Moscato, NV Sutter Home, Pinot Grigio, 2011 Sutter Home, Moscato, NV Sutter Home, Chenin Blanc, 2011 Sutter Home, Sweet Red, 2010 Sutter Home, Riesling, 2011 Sutter Home, White Merlot, 2011 Sutter Home, Merlot, 2011 Sutter Home, White Zinfandel, 2011 Sutter Home, White Zinfandel, 2012 Sutter Home, Zinfandel, 2010 Wine Cube, Moscato, NV Wine Cube, Pink Moscato, 2011 Wine Cube, Pinot Grigio, 2011 Wine Cube, Pinot Grigio, NV Wine Cube, Chardonnay, 2011 Wine Cube, Chardonnay, NV Wine Cube, Red Sangria, NV Wine Cube, Sauvignon Blanc, 2011 Wine Cube, Cabernet Sauvignon/Shiraz, 2011</p>
<p>REBEL WINE CO., LLC 100 ST Helena Highway South Street Helena, CA 94574</p>	<p>Bandit, Pinot Grigio, NV Bandit, Chardonnay, NV Bandit, Cabernet Sauvignon, NV</p>





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<p>CALIFORNIA NATURAL PRODUCTS 1250 East Lathrop Road Lathrop, CA 95330</p>	<p>Bandit, Pinot Grigio, NV Bandit, Chardonnay, NV Bandit, Cabernet Sauvignon, NV Sutter Home, Sauvignon Blanc, 2010 Sutter Home, Gewurztraminer, 2011 Sutter Home, Pink Moscato, NV Sutter Home, Pinot Grigio, 2011 Sutter Home, Moscato, NV Sutter Home, Chenin Blanc, 2011 Sutter Home, Sweet Red, 2010 Sutter Home, Riesling, 2011 Sutter Home, White Merlot, 2011 Sutter Home, Merlot, 2011 Sutter Home, White Zinfandel, 2011 Sutter Home, White Zinfandel, 2012 Sutter Home, Zinfandel, 2010 Wine Cube, Moscato, NV Wine Cube, Pink Moscato, 2011 Wine Cube, Pinot Grigio, 2011 Wine Cube, Pinot Grigio, NV Wine Cube, Chardonnay, 2011 Wine Cube, Chardonnay, NV Wine Cube, Red Sangria, NV Wine Cube, Sauvignon Blanc, 2011 Wine Cube, Cabernet Sauvignon/Shiraz, 2011 Vendange, Merlot, NV Vendange, White Zinfandel, NV</p>
<p>FOLIE À DEUX WINERY 7481 St. Helena Highway Oakville, CA 94558</p>	<p>Ménage à Trois, Pinot Grigio, 2011 Ménage à Trois, Moscato, 2010 Ménage à Trois, White Blend, 2011 Ménage à Trois, Chardonnay, 2011 Ménage à Trois, Rose, 2011 Ménage à Trois, Cabernet Sauvignon, 2010 Ménage à Trois, California Red Wine, 2011</p>
<p>SEAGLASS WINE CO. P.O. Box 248 St. Helena, CA 94574</p>	<p>SeaGlass, Sauvignon Blanc, 2012</p>
<p>SMITH &amp; HOOK WINERY CORPORATION aka Smith and Hook d/b/a HAHN FAMILY WINES 37700 Foothill Road (Drawer C) Soledad, CA 93960</p>	<p>HRM Rex-Goliath, Moscato, NV</p>
<p>WOODBRIIDGE WINERY, INC. 1649 East Victor Road #1C Lodi, CA 95240</p>	<p>Simply Naked, Moscato, 2011</p>
<p>F. KORBEL &amp; BROS., INC. 13250 River Road Guerneville, CA 95446</p>	<p>Korbel, Sweet Rose Sparkling Wine, NV Korbel, Extra Dry Sparkling Wine, NV</p>



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<p>MEGAN MASON AND RANDY MASON, dba MASON CELLARS 5 Heritage Court Yountville, CA 94559</p> <p>OAKVILLE WINERY MANAGEMENT CORP., GP P.O. Box 434 Oakville, CA 94562</p>	<p>Pomelo, Sauvignon Blanc, 2011</p>
<p>JEAN-CLAUDE BOISSET WINES, USA, INC. 849 Zinfandel Lane Saint Helena, CA 94574</p> <p>RAYMOND VINEYARD AND CELLAR/RAYMOND VINEYARD AND CELLAR, INC. 849 Zinfandel Lane Saint Helena, CA 94574</p>	<p>R Collection by Raymond, Chardonnay, 2012</p>
<p>DON SEBASTIANI &amp; SONS INTERNATIONAL WINE NÉGOCIANTS, CORP. 485 1st West Sonoma, CA 95476</p> <p>DON SEBASTIANI &amp; SONS INTERNATIONAL NÉGOCIANTS 520 Airpark Road Napa, CA 94558</p>	<p>Smoking Loon, Viognier, 2011</p>
<p>FETZER VINEYARDS 12901 Old River Road Hopland, CA 95449</p>	<p>Fetzer, Moscato 2010 Fetzer, Pinot Griogio, 2011</p>
<p>TREASURY WINE ESTATES AMERICAS CO. 610 Air Park Road Napa, CA 94558</p> <p>TREASURY WINES ESTATES HOLDING, INC. P.O. Box 4500 Napa, CA 94558</p>	<p>Beringer, White Merlot, 2011 Beringer, White Zinfandel, 2011 Beringer, Red Moscato, NV Beringer, Refreshingly Sweet Moscato Colores Del Sol, Malbec, 2010</p>
<p>BERINGER VINEYARDS 2000 Main St. St. Helena, CA 94574</p>	<p>Beringer, White Merlot, 2011 Beringer, White Zinfandel, 2011 Beringer, Red Moscato, NV Beringer, Refreshingly Sweet Moscato</p>
<p>BRONCO WINE COMPANY 6342 Bystrum Road Ceres, CA 95307</p> <p>TRADER JOE'S COMPANY 800 S. Shamrock Ave. Monrovia, CA 91016</p>	<p>Charles Shaw, White Zinfandel, 2012</p>



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## PUBLIC AGENCIES

Office of the California Attorney General Proposition 65 Enforcement Reporting ATTN: Prop 65 Coordinator Electronic filing	Kern County District Attorney 1215 Truxtun Avenue Bakersfield, CA 93301
Alameda County District Attorney 1225 Fallon Street, Room 900 Oakland, CA 94612	Kings County District Attorney 1400 West Lacey Boulevard Hanford, CA 93230
Alpine County District Attorney 270 Laramie Street, PO BOX 248 Markleeville, CA 96120	Lake County District Attorney 255 North Forbes Street Lakeport, CA 95453
Amador County District Attorney 708 Court Street Jackson, CA 95642	Lassen County District Attorney 220 S. Lassen Street, Ste. 8 Susanville, CA 96130
Butte County District Attorney 25 County Center Drive Oroville, CA 95965	Los Angeles County District Attorney 210 West Temple Street, Suite 18000 Los Angeles, CA 90012
Calaveras County District Attorney 891 Mountain Ranch Road San Andreas, CA 95249	Madera County District Attorney 209 West Yosemite Avenue Madera, CA 93637
Colusa County District Attorney 346 Fifth Street Colusa, CA 95932	Marin County District Attorney 3501 Civic Center Drive, Room 130 San Rafael, CA 94903
Contra Costa County District Attorney 900 Ward Street Martinez, CA 94553	Mariposa County District Attorney 5101 Jones Street, P.O. Box 730 Mariposa, CA 95338
Del Norte County District Attorney 450 H Street, Room 171 Crescent City, CA 95531	Mendocino County District Attorney P.O. Box 1000 Ukiah, CA 95482
El Dorado County District Attorney 515 Main Street Placerville, CA 95667	Merced County District Attorney 550 W. Main Street Merced, CA 95340
Fresno County District Attorney 2220 Tulare Street, #1000 Fresno, CA 93721	Modoc County District Attorney 204 S. Court Street, Room 202 Alturas, CA 96101
Glenn County District Attorney P.O. Box 430 Willows, CA 95988	Mono County District Attorney P.O. Box 617 Bridgeport, CA 93517
Humboldt County District Attorney 825 5th Street Eureka, CA 95501	Monterey County District Attorney P.O. Box 1131 Salinas, CA 93902
Imperial County District Attorney 940 West Main Street, Suite 102 El Centro, CA 92243	Napa County District Attorney P.O. Box 720 Napa, CA 94559
Inyo County District Attorney P.O. Drawer D Independence, CA 93526	Nevada County District Attorney 201 Commercial Street Nevada City, CA 95959
	Orange County District Attorney 401 Civic Center Drive West Santa Ana, CA 92701



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Placer County District Attorney 10810 Justice Center Drive, Suite 240 Roseville, CA 95678	Bain Solano County District Attorney 675 Texas Street, Suite 4500 Fairfield, CA 94533
Plumas County District Attorney 520 Main Street, Room 404 Quincy, CA 95971	Sonoma County District Attorney 600 Administration Drive, Room 212J Santa Rosa, CA 95403
Riverside County District Attorney 3960 Orange Street Riverside, CA 92501	Stanislaus County District Attorney 832 12th Street, Suite 300 Modesto, CA 95354
Sacramento County District Attorney 901 G Street Sacramento, CA 95814	Adams Sutter County District Attorney 446 Second Street Yuba City, CA 95991
San Benito County District Attorney 419 4th Street, Second Floor Hollister, CA 95203	Tehama County District Attorney 444 Oak Street, Room 1 Red Bluff, CA 96080
San Bernardino County District Attorney 316 N. Mountain View Avenue San Bernardino, CA 92415	Trinity County District Attorney PO Box 310 Weaverville, CA 96093
San Diego County District Attorney 330 W. Broadway Street San Diego, CA 92101	Tulare County District Attorney 221 South Mooney Boulevard, Suite 224 Visalia, CA 93291
San Francisco County District Attorney 850 Bryant Street, Room 322 San Francisco, CA 94103	Tuolumne County District Attorney 423 North Washington Street Sonora, CA 95370
San Joaquin County District Attorney P.O. Box 990 Stockton, CA 95201	Ventura County District Attorney 800 South Victoria Avenue Ventura, CA 93009
San Luis Obispo County District Attorney 1035 Palm Street San Luis Obispo, CA 93408	Yolo County District Attorney 301 Second Street Woodland, CA 95695
San Mateo County District Attorney 400 County Center, Third Floor Redwood City, CA 94063	Yuba County District Attorney 215 Fifth Street Marysville, CA 95901
Santa Barbara County District Attorney 1112 Santa Barbara Street Santa Barbara, CA 93101	Office of the City Attorney, Los Angeles 200 North Main Street Los Angeles, CA 90012
Santa Clara County District Attorney 70 West Hedding Street, West Wing San Jose, CA 95110	Office of the City Attorney, San Diego 1200 Third Avenue, Suite 1620 San Diego, CA 92101
Santa Cruz County District Attorney 701 Ocean Street, Room 200 Santa Cruz, CA 95060	Office of the City Attorney, Sacramento 915 I Street, 4th Floor Sacramento, CA 95814
Shasta County District Attorney 1355 West Street Redding, CA 96001	Office of the City Attorney, San Francisco City Hall, Room 234 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102
Sierra County District Attorney 100 Courthouse Square, Second Floor Downieville, CA 95936	Office of the City Attorney, San Jose 200 East Santa Clara Street San Jose, CA 95113
Siskiyou County District Attorney P.O. Box 986 Yreka, CA 96097	