

LAW OFFICES OF
RONALD A. MARRON

A PROFESSIONAL LAW CORPORATION

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San Diego, California 92103

Tel: 619.696.9006
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May 6, 2016

Via Certified Mail to direct Addressees;
Priority Mail to Service List

Dr. Patricia Bragg, President and CEO,
and/or Current Owner, President, or CEO
Bragg Live Foods, Inc.
(aka Bragg Live Food Products)
Box 7
Santa Barbara, CA 93102

Attorney General's Copy

Dr. Patricia Bragg, President and CEO,
and/or Current Owner, President, or CEO
Bragg Live Foods, Inc.
(aka Bragg Live Food Products)
199 Winchester Canyon Rd.
Goleta, CA 93117-1961

Dr. Patricia Bragg, Agent for Service of Process
Bragg Live Foods, Inc.
(aka Bragg Live Food Products)
199 Winchester Canyon Rd.
Goleta, CA 93117-1961

Additional addressees: see Attachment 4, Service List

Attorney General for the State of California; City Attorneys and County District Attorneys

Re: Notice of Violations of California Health & Safety Code Section 25249.5 et seq.

Dear Addressee(s):

This letter is a Notice of Violation of California's Safe Drinking Water and Toxic Enforcement Act of 1986, codified at California Health & Safety Code Section 25249.5 et seq., commonly referred to as "Proposition 65." The Law Offices of Ronald A. Marron and the Elliot Law Office ("Attorneys") represent the clients identified herein in connection with this Notice of Violation.

The Company alleged by this notice to have violated Proposition 65 is Bragg Live Foods, Inc., also known as Bragg Live Food Products.¹ (hereinafter “Bragg”, “the Company”, or “Violator”.) This letter also provides notice, as required under Proposition 65, to the Attorney General of the State of California and to the City Attorneys and the District Attorneys included as addressees in Attachment 4. This letter therefore serves as notice to the alleged Violator and to the appropriate governmental authorities of the herein-alleged Proposition 65 violations concerning the identified products.

The product(s) that is or are the subject of this notice is/are Bragg Liquid Aminos, in all sizes and retail packages (hereinafter the “Product” or “Products”).

Proposition 65 requires that a clear and reasonable warning be provided prior to any consumers’ exposure to chemicals known to the State of California to cause cancer or reproductive toxicity.

Section 25249.6 of the statute specifically requires that “[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 providing clear and reasonable warning to such individual. . . .” Cal. Health & Saf. Code § 25249.6. A summary of Proposition 65 and its requirements, prepared by the California Office of Environmental Health Hazard Assessment (OEHHA), is included with this letter as Attachment 1.

The appropriate method of warning for retail products such as the Product should be a printed warning on the product’s label that is visible to potential and actual purchasers and users.

The chemicals in the Product identified as subject to Proposition 65 and potentially exceeding allowable exposure levels include, at a minimum, 3-monochloropropane-1,2-diol (CAS No. 96-24-2), (hereinafter “3-MCPD”). As of the effective listing date of October 8, 2010, the State of California listed 3-MCPD as a chemical known to the State of California to cause cancer. The effective listing date of this chemical is more than 12 months prior to the date of this Notice of Violation.

The Violator has therefore manufactured, marketed, distributed, and/or sold the listed Products, which have exposed and continue to expose individuals within the State of California to the identified chemical, 3-MCPD, without providing the visible warning required by Proposition 65. Consumer exposures that are the subject of this notice result from the purchase and foreseeable use of these products by consumers. The Product is intended for human consumption. The primary route of exposure to the identified chemical therefore has been and continues to be through ingestion of the Product.

Bragg is therefore alleged to have violated Proposition 65 because it failed to provide an appropriate warning to all persons considering the purchase of, purchasing, and ingesting the Products, that those persons could be exposed to or are being exposed to 3-MCPD.

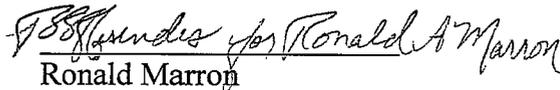
¹ The business’s website identifies the business as Bragg Live Foods, Inc. The Product label identifies the business as Bragg Live Food Products, Inc. Business entity number C0659299, registered at the business address associated with this company is registered with the California Secretary of State as Bragg Live Food Products.

Each of these ongoing violations has occurred on at least every day since May 5, 2015, as well as every day previous to that since the products were introduced in the California marketplace, and will continue every day until clear and reasonable warnings are provided to product purchasers and users or until the Product is reformulated to remove the identified chemical.

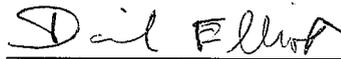
In this matter Attorneys represent Mr. Alexander Wong and Ms. Serena Wong, a married couple, both California citizens, acting in the interests of the general public of California. Pursuant to Section 25249.7(d) of the statute, our clients intend to file a citizen enforcement action sixty days after the effective service of this notice, unless the Violator agrees in an enforceable written instrument to: (1) reformulate the Product so as to eliminate further exposures to the chemical identified herein; or, (2) label the Product so as to provide appropriate warning consistent with the statute; (3) provide clear and reasonable warnings compliant with Proposition 65 to all persons located in California who purchased the Products in the last 3 years; and, (4) pay an appropriate civil penalty as provided for and set forth in Proposition 65.

If you wish to discuss this matter at any time before the expiration of the notice period or such citizen enforcement action is filed, to discuss resolution of this matter or for any other reason, please contact the undersigned at the phone number or email address shown. Our clients may also be contacted through the undersigned at that same phone number, street address, or email, or through the Law Offices of Ronald Marron through the contact information below.

Sincerely,


Ronald Marron

Law Offices of Ronald Marron
651 Arroyo Drive
San Diego, California 92103
Telephone: (619) 696-9006
Facsimile: (619) 564-6665
ron@consumersadvocates.com


David Elliot

Elliot Law Office
2028 3rd Avenue
San Diego, CA 92101
Telephone (858) 228-7997
elliott.david@gotmail.com

cc: see attached Addressee and Service list

Attachments

- 1: Summary of Proposition 65
- 2: Certificate of Merit
- 3: Addressee and Service list
- 4: Certificate/Proof of Service
- 5: Certificate of Merit Attachments
(Attorney General only)

Attachment 1: Summary of Proposition 65

APPENDIX A

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

The following summary has been prepared by the California Office of Environmental Health Hazard Assessment (OEHHA), the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as "Proposition 65"). A copy of this summary must be included as an attachment to any notice of violation served upon an alleged violator of the Act. The summary provides basic information about the provisions of the law, and is intended to serve only as a convenient source of general information. It is not intended to provide authoritative guidance on the meaning or application of the law. Please refer to the statute and OEHHA's implementing regulations (see citations below) for further information.

FOR INFORMATION CONCERNING THE BASIS FOR THE ALLEGATIONS IN THE NOTICE RELATED TO YOUR BUSINESS, CONTACT THE PERSON IDENTIFIED ON THE NOTICE.

The text of Proposition 65 (Health and Safety Code Sections 25249.5 through 25249.13) is available online at: <http://oehha.ca.gov/prop65/law/P65law72003.html>. Regulations that provide more specific guidance on compliance, and that specify procedures to be followed by the State in carrying out certain aspects of the law, are found in Title 27 of the California Code of Regulations, sections 25102 through 27001.¹ These implementing regulations are available online at: <http://oehha.ca.gov/prop65/law/P65Regs.html>.

WHAT DOES PROPOSITION 65 REQUIRE?

The "Proposition 65 List." Under Proposition 65, the lead agency (OEHHA) publishes a list of chemicals that are known to the State of California to cause cancer and/or reproductive toxicity. Chemicals are placed on the Proposition 65 list if they are known to cause cancer and/or birth defects or other reproductive harm, such as damage to

¹ All further regulatory references are to sections of Title 27 of the California Code of Regulations unless otherwise indicated. The statute, regulations and relevant case law are available on the OEHHA website at: <http://www.oehha.ca.gov/prop65/law/index.html>.

Exposures that pose no significant risk of cancer. For chemicals that are listed under Proposition 65 as known to the State to cause cancer, a warning is not required if the business causing the exposure can demonstrate that the exposure occurs at a level that poses “no significant risk.” This means that the exposure is calculated to result in not more than one excess case of cancer in 100,000 individuals exposed over a 70-year lifetime. The Proposition 65 regulations identify specific “No Significant Risk Levels” (NSRLs) for many listed carcinogens. Exposures below these levels are exempt from the warning requirement. See OEHHA’s website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of NSRLs, and Section 25701 *et seq.* of the regulations for information concerning how these levels are calculated.

Exposures that will produce no observable reproductive effect at 1,000 times the level in question. For chemicals known to the State to cause reproductive toxicity, a warning is not required if the business causing the exposure can demonstrate that the exposure will produce no observable effect, even at 1,000 times the level in question. In other words, the level of exposure must be below the “no observable effect level” divided by 1,000. This number is known as the Maximum Allowable Dose Level (MADL). See OEHHA’s website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of MADLs, and Section 25801 *et seq.* of the regulations for information concerning how these levels are calculated.

Exposures to Naturally Occurring Chemicals in a Food. Certain exposures to chemicals that naturally occur in foods (i.e., that do not result from any known human activity, including activity by someone other than the person causing the exposure) are exempt from the warning requirements of the law. If the chemical is a contaminant² it must be reduced to the lowest level feasible. Regulations explaining this exemption can be found in Section 25501.

Discharges that do not result in a “significant amount” of the listed chemical entering any source of drinking water. The prohibition from discharges into drinking water does not apply if the discharger is able to demonstrate that a “significant amount” of the listed chemical has not, does not, or will not pass into or probably pass into a source of drinking water, and that the discharge complies with all other applicable laws, regulations, permits, requirements, or orders. A “significant amount” means any detectable amount, except an amount that would meet the “no significant risk” level for chemicals that cause cancer or that is 1,000 times below the “no observable effect” level for chemicals that cause reproductive toxicity, if an individual were exposed to that amount in drinking water.

² See Section 25501(a)(4)

If a private party alleges that a violation occurred based on one of the exposures described above, the private party must first provide the alleged violator a notice of special compliance procedure and proof of compliance form.

A private party may not file an action against the alleged violator for these exposures, or recover in a settlement any payment in lieu of penalties or any reimbursement for costs and attorney's fees, if the notice of violation was served on or after October 5, 2013, and the alleged violator has done *all* of the following within 14 days of being served notice:

- Corrected the alleged violation;
- Agreed to pay a civil penalty of \$500 (subject to change as noted below) to the private party within 30 days; and
- Notified the private party serving the notice in writing that the violation has been corrected.

The written notification to the private-party must include a notice of special compliance procedure and proof of compliance form completed by the alleged violator as directed in the notice. On April 1, 2019, and every five years thereafter, the dollar amount of the civil penalty will be adjusted by the Judicial Council based on the change in the annual California Consumer Price Index. The Judicial Council will publish the dollar amount of the adjusted civil penalty at each five-year interval, together with the date of the next scheduled adjustment.

An alleged violator may satisfy these conditions only one time for a violation arising from the same exposure in the same facility or on the same premises. The satisfaction of these conditions does not prevent the Attorney General, a district attorney, a city attorney of a city greater than 750,000 in population, or any full-time city prosecutor with the consent of the district attorney, from filing an enforcement action against an alleged violator. The amount of any civil penalty for a violation shall be reduced to reflect any payment made by the alleged violator for the same alleged violation to a private-party.

A copy of the notice of special compliance procedure and proof of compliance form is included with this notice and can be downloaded from OEHHA's website at: <http://oehha.ca.gov/prop65/law/p65law72003.html>. The notice is reproduced here:

over the same alleged violations, and that in any such action, the amount of civil penalty shall be reduced to reflect any payment made at this time.

Date :

Page 2

Name of Noticing Party or attorney for Noticing Party:

Address:

Phone number:

PART 2: TO BE COMPLETED BY THE ALLEGED VIOLATOR OR AUTHORIZED REPRESENTATIVE

Certification of Compliance

Accurate completion of this form will demonstrate that you are now in compliance with California Health and Safety Code §25249.6 for the alleged violation listed above. You must complete and submit the form below to the Noticing Party at the address shown above, postmarked within 14 days of you receiving this notice.

I hereby agree to pay, within 30 days of completion of this notice, a civil penalty of \$500 to the Noticing Party only and certify that I have complied with Health and Safety Code §25249.6 by (check only one of the following):

- Posting a warning or warnings about the alleged exposure that complies with the law, and attaching a copy of that warning and a photograph accurately showing its placement on my premises;
- Posting the warning or warnings demanded in writing by the Noticing Party, and attaching a copy of that warning and a photograph accurately showing its placement on my premises; OR
- Eliminating the alleged exposure, and attaching a statement accurately describing how the alleged exposure has been eliminated.

Certification

My statements on this form, and on any attachments to it, are true, complete, and correct to the best of my knowledge and belief and are made in good faith. I have carefully read the instructions to complete this form. I understand that if I make a false statement on this form, I may be subject to additional penalties under the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65).

Signature of alleged violator or authorized representative Date

Name and title of signatory

Attachment 2: Certificate of Merit

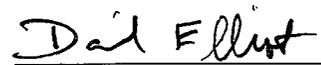
CERTIFICATE OF MERIT

Health & Safety Code Section 25249.7(d)

I, David Elliot, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the parties identified in the notice have violated Health & Safety Code Section 25249.6 by failing to provide clear and reasonable warnings.
2. I am an attorney 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 alleged exposures to the listed chemicals that are the subject of the action.
4. Based on the information obtained through these 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 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(s) will be able to establish any of the affirmative defenses set for the 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 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: May 5, 2016



David Elliot, Attorney for
Noticing Parties

Attachment 3: Certificate of Service

CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

I am a citizen of the United States, over 18 years of age, and am not a party to the action described herein. My business address is 651 Arroyo Drive, San Diego, California 92103. I am employed in San Diego County where the mailing described herein occurred.

On May 6, 2016, I served the following documents: Notice of Violations of California Health & Safety Code Section 25249.5 et seq.; Summary of Proposition 65; Certificate of Merit; on the following entities and individuals by placing a true and correct copy thereof in a sealed envelope, addressed to the person or entity listed below and depositing it in a US Postal Service Office with postage fully prepaid for delivery by Certified Mail:

Dr. Patricia Bragg, President and CEO,
and/or Current Owner, President, or CEO
Bragg Live Foods, Inc.
(aka Bragg Live Food Products)
Box 7
Santa Barbara, CA 93102

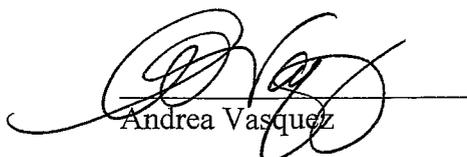
Dr. Patricia Bragg, President and CEO,
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Goleta, CA 9117-1961

Dr. Patricia Bragg, Agent for Service of Process
Bragg Live Foods, Inc.
(aka Bragg Live Food Products)
199 Winchester Canyon Rd.
Goleta, CA 93117-1961

On May 6, 2016 I served the following documents: Notice of Violations of California Health & Safety Code Section 25249.5 et seq.; Certificate of Merit; on each of the individuals on the Service List attached hereto as Attachment 4: Service List, by placing a true and correct copy thereof in a sealed envelope, addressed to the person or entity shown on that List and depositing it in a US Postal Service Office with postage fully prepaid for delivery by Priority Mail.

On May 6, 2016 I served the following documents: Notice of Violations of California Health & Safety Code Section 25249.5 et seq.; Certificate of Merit; Certificate of Merit Attachments; on the Attorney General of the State of California, by placing a true and correct copy thereof in a sealed envelope, addressed to the Attorney General, and depositing it in a US Postal Service Office with postage fully prepaid for delivery by Priority Mail.

Executed on May 6, 2016, in San Diego, California


Andrea Vasquez

Attachment 4: Addressees and Service List

SERVICE LIST

The Honorable Nancy O'Malley Alameda County District Attorney 1225 Fallon Street, Room 900 Oakland, CA 94612	The Honorable Stacey Montgomery Lassen County District Attorney 220 South Lassen Street, Ste. 8 Susanville, CA 96130	The Honorable Candice Hooper San Benito County District Attorney 419 4th Street, Second Floor Hollister, CA 95203	The Honorable Gregg Cohen Tehama County District Attorney 444 Oak Street, Room L Red Bluff, CA 96080
The Honorable Terese Drabec Alpine County District Attorney 270 Laramie Street, PO BOX 248 Markleeville, CA 96120	The Honorable Jackie Lacey Los Angeles County District Attorney 210 West Temple Street, Suite 18000 Los Angeles, CA 90012	The Honorable Michael Ramos San Bernardino County District Attorney 303 West 3rd Street, 6th Floor San Bernardino, CA 92415-0502	The Honorable Eric Heryford Trinity County District Attorney P.O. Box 310 Weaverville, CA 96093
The Honorable Todd Riebe Amador County District Attorney 708 Court Street Jackson, CA 95642	The Honorable David Linn Madera County District Attorney 209 West Yosemite Avenue Madera, CA 93637	The Honorable Bonnie Dumanis San Diego County District Attorney 330 W. Broadway Street San Diego, CA 92101	The Honorable Tim Ward Tulare County District Attorney 221 South Mooney Boulevard, Rm 224 Visalia, CA 93291-4593
The Honorable Michael Ramsey Butte County District Attorney 25 County Center Drive Oroville, CA 95965	The Honorable Edward Berberian Marin County District Attorney 3501 Civic Center Drive, Room 130 San Rafael, CA 94903	The Honorable George Gascon San Francisco County District Attorney 850 Bryant Street, Room 322 San Francisco, CA 94103	The Honorable Laura Krieg Tuolumne County District Attorney 423 North Washington Street Sonora, CA 95370
The Honorable Barbara Yook Calaveras County District Attorney 891 Mountain Ranch Road San Andreas, CA 95249	The Honorable Thomas Cooke Mariposa County District Attorney 5101 Jones Street, P.O. Box 730 Mariposa, CA 95338	The Honorable Tori Verber Salazar San Joaquin County District Attorney 222 East Weber Avenue, Room 202 Stockton, CA 95201	The Honorable Gregory Totten Ventura County District Attorney 800 South Victoria Avenue Ventura, CA 93009
The Honorable John Poyner Colusa County District Attorney 346 Fifth Street Colusa, CA 95932	The Honorable C. David Eyster Mendocino County District Attorney 100 North State Street, P.O. Box 1000 Ukiah, CA 95482	The Honorable Dan Dow San Luis Obispo County District Attorney 1035 Palm Street, 4th Floor San Luis Obispo, CA 93408	The Honorable Jeff Reisig Yolo County District Attorney 301 Second Street Woodland, CA 95695
The Honorable Mark Peterson Contra Costa County District Attorney 900 Ward Street Martinez, CA 94553	The Honorable Larry Morse II Merced County District Attorney 550 W. Main Street Merced, CA 95340	The Honorable Stephen Wagstaffe San Mateo County District Attorney 400 County Center, Third Floor Redwood City, CA 94063	The Honorable Patrick McGrath Yuba County District Attorney 215 Fifth Street Marysville, CA 95901
The Honorable Dale Trigg Del Norte County District Attorney 450 H Street, Room 171 Crescent City, CA 95531	The Honorable Jordan Funk Modoc County District Attorney 204 S. Court Street, Suite 202 Alturas, CA 96101	The Honorable Joyce Dudley Santa Barbara County District Attorney 1112 Santa Barbara Street Santa Barbara, CA 93101	The Honorable Mike Feuer Office of the City Attorney, Los Angeles 800 City Hall East 200 North Main Street Los Angeles, CA 90012
The Honorable Vern Pierson El Dorado County District Attorney 515 Main Street Placerville, CA 95667	The Honorable Tim Kendall Mono County District Attorney P.O. Box 617 Bridgeport, CA 93517	The Honorable Jeffrey Rosen Santa Clara County District Attorney 70 West Hedding Street, West Wing San Jose, CA 95110	The Honorable James Sanchez Office of the City Attorney, Sacramento 915 I Street, 4th Floor Sacramento, CA 95814
The Honorable Lisa Smitcamp Fresno County District Attorney 2220 Tulare Street, #1000 Fresno, CA 93721	The Honorable Dean Flippo Monterey County District Attorney P.O. Box 1131 Salinas, CA 93902	The Honorable Jeff Rosell Santa Cruz County District Attorney 701 Ocean Street, Room 200 Santa Cruz, CA 95060	The Honorable Jan Goldsmith Office of the City Attorney, San Diego 1200 Third Avenue, Suite 1620 San Diego, CA 92101
The Honorable Dwayne Stewart Glenn County District Attorney P.O. Box 430 Willows, CA 95988	The Honorable Gary Lieberstein Napa County District Attorney Carithers Building 931 Parkway Mall P.O. Box 720 Napa, CA 94559	The Honorable Stephen Carlton Shasta County District Attorney 1355 West Street Redding, CA 96001	The Honorable Dennis Herrera Office of the City Attorney, San Francisco 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102
The Honorable Maggie Fleming Humboldt County District Attorney 825 5th Street, Fourth Floor Eureka, CA 95501	The Honorable Clifford Newell Nevada County District Attorney 201 Commercial Street Nevada City, CA 95959	The Honorable Lawrence Allen Sierra County District Attorney 100 Courthouse Square Downville, CA 95936	The Honorable Richard Doyle Office of the City Attorney, San Jose 200 East Santa Clara Street, 16th Floor San Jose, CA 95113
The Honorable Gilbert Otero Imperial County District Attorney 940 West Main Street, Suite 102 El Centro, CA 92243	The Honorable Tony Rackauckas Orange County District Attorney 401 Civic Center Drive West Santa Ana, CA 92701	The Honorable James Kirk Andrus Siskiyou County District Attorney P.O. Box 986 Yreka, CA 96097	Office of the California Attorney General Proposition 65 Enforcement Reporting ATTN: Prop 65 Coordinator 1515 Clay Street, Suite 2000 Oakland, CA 94612-0550
The Honorable Thomas Hardy Inyo County District Attorney 168 North Edwards Street Independence, CA 93526	The Honorable R. Scott Owens Placer County District Attorney 10810 Justice Center Drive, Suite 240 Roseville, CA 95678	The Honorable Krishna Abrams Solano County District Attorney 675 Texas Street, Suite 4500 Fairfield, CA 94533	Manhattan Beach City Attorney Office of the City Atty, Manhattan Bch 1400 Highland Avenue Manhattan Beach CA 90266
The Honorable Lisa Green Kern County District Attorney 1215 Truxtun Avenue Bakersfield, CA 93301	The Honorable David Hollister Plumas County District Attorney 520 Main Street, Room 404 Quincy, CA 95971	The Honorable Jill Ravitch Sonoma County District Attorney 600 Administration Drive, Room 212J Santa Rosa, CA 95403	
The Honorable Keith Fagundas Kings County District Attorney 1400 West Lacey Boulevard Hanford, CA 93230	The Honorable Michael Hestrin Riverside County District Attorney 3960 Orange Street Riverside, CA 92501	The Honorable Brigit Fladager Stanislaus County District Attorney 832 12th Street, Suite 300 Modesto, CA 95354	
The Honorable Donald Anderson Lake County District Attorney 255 North Forbes Street Lakeport, CA 95453	The Honorable Anne Marie Schubert Sacramento County District Attorney 901 G Street Sacramento, CA 95814	The Honorable Amanda Hopper Sutter County District Attorney 463 Second Street, Suite 102 Yuba City, CA 95991	