

60-DAY NOTICE OF VIOLATION

(Pursuant to California Health & Safety Code §§ 25249.5, *et seq.*)

July 5, 2018

To:

Wendy Colson, President/CEO
Colson Health, Inc.
17140 Bernardo Center Dr., Ste 354
San Diego, CA 92128

Eugene A. Castagna, Director
Buy Buy Baby, Inc.
c/o CSC – Lawyers Incorporating Service
2710 Gateway Oaks Drive, Suite 150N
Sacramento, CA 95833

C. Douglas McMillon, CEO
Wal-Mart Stores, Inc.
c/o CT Corporation System
818 W. Seventh St., Ste. 930
Los Angeles, CA 90017

Jeff Bezos, President/CEO
Amazon.com, Inc.
c/o CSC – Lawyers Incorporating Service
2710 Gateway Oaks Drive, Suite 150N
Sacramento, CA 95833

President
Lucky Vitamin, LLC
555 East North Lane, Suite 6050
Conshohocken, PA 19428

CC: California Attorney General's Office;
District Attorney's Offices for All California Counties; and
City Attorneys for San Francisco, San Diego, San Jose, Sacramento, and Los Angeles

I. INTRODUCTION

Safe Products for Californians, LLC ("SPFC") is the noticing entity, acting in the interest of the general public. It seeks to reduce or eliminate the presence of hazardous substances in consumer products sold in California, and to ensure that California consumers are aware of the presence of such substances in consumer goods so that they can make an educated effort to limit their own exposure where deemed necessary.

This Notice is provided to the public agencies listed above pursuant to California Health & Safety Code §§ 25249.6, *et seq.* ("Proposition 65"). As noted above, notice is also being provided to the violators, Colson Health, Inc., Buy Buy Baby, Inc., Wal-Mart Stores, Inc., Lucky Vitamin, LLC, and Amazon.com, Inc. (the "Violators"). The violations covered by this Notice consist of the product exposures, routes of exposure, and types of harm potentially resulting from exposure to the toxic chemical ("listed chemical") identified below, as follows:

Product Exposure:	See Section VII, Exhibit A
Listed Chemical:	Lead and Lead Compounds
Routes of Exposure:	Ingestion
Types of Harm:	Birth Defects and Other Reproductive Harm Cancer

II. NATURE OF ALLEGED VIOLATION (PRODUCT EXPOSURE)

The specific type of product that is causing consumer exposures in violation of Proposition 65, and that is covered by this Notice, is listed under “Product Category/Type” in Exhibit A in Section VII below. All products within the type covered by this Notice shall be referred to hereinafter as the “products.” The sales of these products in California dating back to at least November 30, 2017 are subject to this Notice. As a result of sales of these products, exposures to the listed chemical have been occurring without clear and reasonable warnings as required by Proposition 65. Without proper warnings regarding the toxic effects of exposures to the listed chemical, resulting from contact with the products, California citizens lack the information necessary to make informed decisions on whether and how to eliminate (or reduce) the risk of exposure to the toxic chemical from the reasonably foreseeable use of the products.

California consumers are exposed to the listed chemical through the act of buying, acquiring or utilizing the products. By way of example but not limitation, direct exposures occur when people ingest the product per the product label instructions, which recommend that such supplement be regularly consumed, or by infants and children who are breastfed by mothers who have ingested the product per the product label instructions. The concentration of the noted contaminant compound present within each recommended serving (as suggested by the product manufacturer) constitutes a significant contaminant dose exposure to consumers through the intended daily ingestion of the product.

III. CONTACT INFORMATION

Please direct all questions concerning this notice to SPFC at the following address:

Tanya E. Moore, Esq.
MISSION LAW FIRM, A.P.C.
332 North Second Street
San Jose, CA 95112
Telephone (408) 298-2000
Email: service@mission.legal

IV. PROPOSITION 65 INFORMATION

For general information concerning the provisions of Proposition 65, please feel free to contact the Office of Environmental Health Hazard Assessment’s (“OEHHA”) Proposition 65 Implementation Office at (916) 445-6900. For the Violators’ reference, attached is a copy of “Proposition 65: A Summary,” which has been prepared by OEHHA.

V. RESOLUTION OF NOTICED CLAIMS

Based on the allegations set forth in this Notice, SFPC intends to file a citizen enforcement lawsuit against the alleged Violators unless such Violators enter into a binding written agreement to: (1) recall products already sold or undertake best efforts to ensure that the requisite health hazard warnings are provided to those who have received such products; (2) provide clear and reasonable warnings for products sold in the future or reformulate such products to eliminate the exposure of California citizens to the listed chemical(s); and (3) pay an appropriate civil penalty based on the factors enumerated in California Health & Safety Code § 25249.7(b). If the alleged Violators are interested in resolving this dispute without resorting to time-consuming and expensive litigation, please feel free to contact SPFC's counsel identified in Section III above. It should be noted that neither SPFC's counsel nor SPFC can: (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 this Notice. Therefore, while reaching an agreement with SPFC will resolve its claims; such agreement may not satisfy the public prosecutors.

VI. ADDITIONAL NOTICE INFORMATION

(THIS INFORMATION IS NOT REQUIRED TO BE PROVIDED UNDER CAL. CODE REGS., TITLE 22 § 12903(b)(4).)

Identified below is a specific example of a product recently purchased and witnessed as being available for purchase or use in California that is within the category or type of offending product covered by this Notice. Based on publicly available information, the retailers, distributors, and/or manufacturers of the example within the category or type of product are also provided below. SPFC believes and alleges that the sale of the offending products also has occurred without the requisite Proposition 65 "clear and reasonable warnings" at one or more locations and/or via other means including, but not limited to, transactions made over-the-counter, business-to-business, through the internet, and/or via a catalog by the Violators and other distributors and retailers of the manufacturer.

<i>Product*</i>	<i>Retailer(s)</i>	<i>Manufacturer(s)/Distributor(s)</i>
Boobie Bar – Oatmeal Chocolate Chip UPC #850975006008	Buy Buy Baby, Inc. Wal-Mart Stores, Inc. Lucky Vitamin, LLC Amazon.com, Inc.	Colson Health, Inc.
Boobie Bar – Blueberry Coconut UPC #850975006015	Amazon.com, Inc.	Colson Health, Inc.

VII. EXHIBIT A

<i>Product Category/Type</i>	<i>Such As*</i>	<i>Toxins</i>
Lactation Aid	Boobie Bar – Oatmeal Chocolate Chip UPC #850975006008	Lead and Lead Compounds
	Boobie Bar – Blueberry Coconut UPC #850975006015	Lead and Lead Compounds

*The specifically identified example of the type of product that is subject to this Notice is for the recipients' benefit to assist in their investigation of, among other things, the magnitude of potential exposures to the listed chemical from other items within the product category/type listed in Exhibit A. It is important to note that this example is not meant to be an exhaustive or comprehensive identification of each specific offending product of the type listed under "Product Category/Type" in Exhibit A. Further, it is SPFC's position that the alleged Violators are obligated to continue to conduct in good faith an investigation into other specific products within the type or category described above that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the notice recipients' custody or control) during the relevant period so as to ensure that the requisite toxic warnings were and are provided to California citizens prior to purchase.

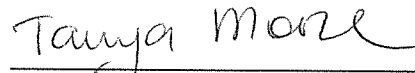
CERTIFICATE OF MERIT

(Pursuant to California Health & Safety Code § 25249.7(d))

I, Tanya E. Moore, 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 the attorney for the noticing party;
3. I have consulted with one or more persons with relevant and appropriate experience or experience who has reviewed facts, studies, or other data regarding the alleged exposure to the listed chemical that is the subject of this 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 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; and
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 § 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: July 5, 2018



Tanya E. Moore

CERTIFICATE OF SERVICE BY MAIL

I, Jessica Mendoza, hereby declare:

1. I am, and was at the time of service hereinafter mentioned, a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is 332 North Second Street, San Jose, California, 95112.

2. On July 6, 2018, I served the following documents:

- 60-Day Notice of Violation
- Certificate of Merit
- "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary"

on the following party by placing a true and correct copy thereof in a sealed envelope, addressed to the party listed below, and depositing it at a United States Postal Service Office for delivery both by First Class Mail and Certified Mail:

Wendy Colson, President/CEO
Colson Health, Inc.
17140 Bernardo Center Dr., Ste 354
San Diego, CA 92128

Eugene A. Castagna, Director
Buy Buy Baby, Inc.
c/o CSC – Lawyers Incorporating Service
2710 Gateway Oaks Drive, Suite 150N
Sacramento, CA 95833

C. Douglas McMillon, CEO
Wal-Mart Stores, Inc.
c/o CT Corporation System
818 W. Seventh St., Ste. 930
Los Angeles, CA 90017

Jeff Bezos, President/CEO
Amazon.com, Inc.
c/o CSC – Lawyers Incorporating Service
2710 Gateway Oaks Drive, Suite 150N
Sacramento, CA 95833

President
Lucky Vitamin, LLC
555 East North Lane, Suite 6050
Conshohocken, PA 19428

3. On July 6, 2018, I served the following documents:

- 60-Day Notice of Violation
- Certificate of Merit

on each of the parties on the service list attached hereto by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties on the service list attached hereto, and depositing it at a United States Postal Service Office for delivery by First Class Mail.

4. On July 6, 2018, I served the following documents:

- 60-Day Notice of Violation
- Certificate of Merit

on the following party by causing a true and correct .PDF copy thereof to be sent via electronic mail to the party listed below, pursuant to Cal. Code Regs., title. 27, § 25903(c)(1):

Contra Costa County District Attorney
sgrassini@contracostada.org

Lassen County District Attorney
mlatimer@co.lassen.ca.us

Monterey County District Attorney
Prop65DA@co.monterey.ca.us

San Luis Obispo County District Attorney
edobroth@co.slo.ca.us

Napa County District Attorney
CEPD@countyofnapa.org

Santa Clara County District Attorney
EPU@da.sccgov.org

Riverside County District Attorney
Prop65@rivcoda.org

Sonoma County District Attorney
jbarnes@sonoma-county.org

Sacramento County District Attorney
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Tulare County District Attorney
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gregory.alker@sfgov.org

Ventura County District Attorney
daspecialops@ventura.org

San Joaquin County District Attorney
DAConsumer.Environmental@sjcda.org

Yolo County District Attorney
cfepd@yolocounty.org

San Diego County District Attorney
CityAttyCrimProp65@sandiego.gov

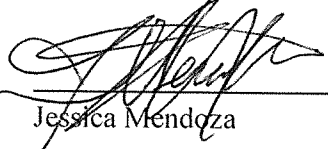
Alameda County District Attorney
CEPDProp65@acgov.org

Santa Barbara County District Attorney
DAProp65@co.santa-barbara.ca.us

Santa Cruz County District Attorney
Prop65DA@santacruzcounty.us

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

Dated: July 6, 2018



Jessica Mendoza
Page 2 of 2

SERVICE LIST

Alameda County District Attorney
1225 Fallon Street, Suite 900
Oakland, CA 94612
CEPDProp65@acgov.org

Alpine County District Attorney
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Markleeville, CA 96120

Amador County District Attorney
708 Court Street #202
Jackson, CA 95642

Butte County District Attorney
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Oroville, CA 95965

Calaveras County District Attorney
891 Mountain Ranch Road
San Andreas, CA 95249

Colusa County District Attorney
346 Fifth Street, Suite 101
Colusa, CA 95932

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900 Ward St
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450 H Street, Room 171
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515 Main Street
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2220 Tulare Street, Suite 1000
Fresno, CA 93721

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Humboldt County District Attorney
825 5th Street, 4th Floor
Eureka, CA 95501

Imperial County District Attorney
940 West Main Street, Suite 102
El Centro, CA 92243

Inyo County District Attorney
P.O. Drawer D
168 N Edwards St
Independence, CA 93526

Kern County District Attorney
1215 Truxtun Avenue, 4th Floor
Bakersfield, CA 93301

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Modoc County District Attorney
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Alturas, CA 96101

Mono County District Attorney
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Bridgeport, CA 93517

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Monterey, CA 93940
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Santa Ana, CA 92701

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Plumas County District Attorney
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3072 Orange Street
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Sacramento, CA 95814
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419 4th Street, Second Floor
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San Bernardino County District Attorney
303 West 3rd Street, 6th Floor
San Bernardino, CA 92415-0502

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Sierra County District Attorney
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Downieville, CA 95936

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Fairfield, CA 94533

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jbarnes@sonoma-county.org

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Modesto, CA 95354

Sutter County District Attorney
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Yuba City, CA 95991

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Red Bluff, CA 96080

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Weaverville, CA 96093

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Yuba County District Attorney
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200 North Main Street
Los Angeles, CA 90012

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Sacramento, CA 95814

Office of the City Attorney, San Diego
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San Diego, CA 92101

Office of the City Attorney,
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1 Dr. Carlton B. Goodlett Place,
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San Jose, CA 95113