



Matthew Maclear
mcm@atalawgroup.com
415-568-5200

Anthony Barnes
amb@atalawgroup.com
415-326-3173

May 13, 2019

**NOTICE OF VIOLATION OF
CALIFORNIA HEALTH & SAFETY CODE SECTION 25249.5 ET SEQ.
(PROPOSITION 65)**

Dear Alleged Violators and the Appropriate Public Enforcement Agencies:

I represent Environmental Research Center, Inc. ("ERC"), 3111 Camino Del Rio North, Suite 400, San Diego, CA 92108; Tel. (619) 500-3090. ERC's Executive Director is Chris Heptinstall. ERC is a California non-profit corporation dedicated to, among other causes, helping safeguard the public from health hazards by bringing about a reduction in the use and misuse of hazardous and toxic chemicals, facilitating a safe environment for consumers and employees, and encouraging corporate responsibility.

ERC has identified violations of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65"), which is codified at California Health & Safety Code §25249.5 *et seq.*, with respect to the products identified below. These violations have occurred and continue to occur because the alleged Violators identified below failed to provide required clear and reasonable warnings with these products. This letter serves as a notice of these violations to the alleged Violators and the appropriate public enforcement agencies. Pursuant to Health and Safety Code Section 25249.7(d), ERC intends to file a private enforcement action in the public interest 60 days after effective service of this notice unless the public enforcement agencies have commenced and are diligently prosecuting an action to rectify these violations.

General Information about Proposition 65. A copy of a summary of Proposition 65, prepared by the Office of Environmental Health Hazard Assessment, is enclosed with this letter served to the alleged Violators identified below.

Alleged Violators. The names of the companies covered by this notice that violated Proposition 65 (hereinafter the "Violators") are:

**Cend International Limited Liability Company, individually and dba MyProtein
Cend International Limited, individually and dba MyProtein
Cend Limited, individually and dba MyProtein**



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THG International LLC, individually and dba MyProtein
THGPP LLC, individually and dba MyProtein
The Hut.com Limited, individually and dba MyProtein
The Hut IHC Limited, individually and dba MyProtein
The Hut Group Limited, individually and dba MyProtein
The Hut Management Company Limited, individually and dba MyProtein

Consumer Products and Listed Chemicals. The products that are the subject of this notice and the chemicals in those products identified as exceeding allowable levels are:

- 1. MyProtein Impact Whey Protein Mocha - Lead**
- 2. MyProtein Fuel Your Ambition Hard Gainer Extreme Unflavored - Lead**
- 3. MyProtein Fuel Your Ambition Vegan Superfood Blend Chocolate Naturally Flavored - Lead**
- 4. MyProtein Fuel Your Ambition Vegan Superfood Blend Vanilla Naturally Flavored - Lead**
- 5. MyProtein Fuel Your Ambition Pea Protein Vanilla Naturally Flavored - Lead**
- 6. MyProtein Fuel Your Ambition Soy Protein Vanilla Naturally Flavored - Lead**
- 7. MyProtein Fuel Your Ambition Soy Protein Isolate Chocolate Naturally Flavored - Lead**
- 8. MyProtein Total Oats And Whey Vanilla - Lead**
- 9. MyProtein Total Oats And Whey Unflavored - Lead**
- 10. MyProtein Fuel Your Ambition Protein Ice Cream Mix Banana - Lead**
- 11. MyProtein Vegan Superfood Blend Chocolate - Lead**
- 12. MyProtein Vegan Superfood Blend Vanilla - Lead**
- 13. MyProtein Fuel Your Ambition Vegan Blend Vanilla Naturally Flavored - Lead**
- 14. MyProtein Fuel Your Ambition Impact Weight Gainer Chocolate Smooth - Lead**
- 15. MyProtein Weight Gainer Blend Strawberry Cream – Lead, Cadmium**
- 16. MyProtein Impact Weight Gainer Unflavored - Lead**
- 17. MyProtein Fuel Your Ambition Bedtime Extreme Strawberry Cream Naturally & Artificially Flavored - Lead**
- 18. MyProtein Bedtime Extreme Vanilla Naturally & Artificially Flavored - Lead**
- 19. MyProtein Pea Protein Chocolate Naturally Flavored - Lead**
- 20. MyProtein Fuel Your Ambition Impact Whey Protein Chocolate Mint Naturally & Artificially Flavored - Lead**
- 21. MyProtein Fuel Your Ambition Impact Whey Protein Chocolate Smooth Naturally & Artificially Flavored - Lead**
- 22. MyVegan Soy Protein Isolate Unflavored - Lead**
- 23. MyVegan Soy Protein Isolate Chocolate Naturally Flavored - Lead**

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- 24. MyVegan Brown Rice Protein Chocolate Naturally Flavored - Lead**
- 25. MyProtein Vegan Protein Blend Chocolate Naturally Flavored - Lead**
- 26. MyProtein Impact Whey Protein Vanilla Naturally & Artificially Flavored - Lead**
- 27. MyProtein Fuel Your Ambition Impact Whey Protein Chocolate Naturally Flavored - Lead**
- 28. MyProtein Fuel Your Ambition Brown Rice Protein Vanilla Naturally Flavored - Lead**
- 29. MyProtein Fuel Your Ambition Brown Rice Protein Chocolate Naturally Flavored - Lead**

On February 27, 1987, the State of California officially listed lead as a chemical known to cause developmental toxicity, and male and female reproductive toxicity. On October 1, 1992, the State of California officially listed lead and lead compounds as chemicals known to cause cancer.

Cadmium was officially listed as a chemical known to cause developmental toxicity and male reproductive toxicity on May 1, 1997, while cadmium and cadmium compounds were listed as chemicals known to the State of California to cause cancer on October 1, 1987.

It should be noted that ERC may continue to investigate other products that may reveal further violations and result in subsequent notices of violations.

Route of Exposure. The consumer exposures that are the subject of this notice result from the recommended use of these products. Consequently, the route of exposure to these chemicals has been and continues to be through ingestion.

Approximate Time Period of Violations. Ongoing violations have occurred every day since at least May 13, 2016, as well as every day since the products were introduced into the California marketplace, and will continue every day until clear and reasonable warnings are provided to product purchasers and users or until these known toxic chemicals are either removed from or reduced to allowable levels in the products. Proposition 65 requires that a clear and reasonable warning be provided prior to exposure to the identified chemicals. The method of warning should be a warning that appears on the product label. The Violators violated Proposition 65 because they failed to provide persons ingesting these products with appropriate warnings that they are being exposed to these chemicals.

Consistent with the public interest goals of Proposition 65 and a desire to have these ongoing violations of California law quickly rectified, ERC is interested in seeking a constructive resolution of this matter that includes an enforceable written agreement by the Violators to: (1) reformulate the identified products so as to eliminate further exposures to the identified chemicals, or provide appropriate warnings on the labels of these products; (2) pay an appropriate civil penalty; and (3) provide clear and reasonable



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warnings compliant with Proposition 65 to all persons located in California who purchased the above products in the last three years. Such a resolution will prevent further unwarned consumer exposures to the identified chemicals, as well as an expensive and time-consuming litigation.

ERC has retained ATA Law Group as legal counsel in connection with this matter. **Please direct all communications regarding this Notice of Violation to my attention, or the attention of ATA partner Anthony Barnes, using the address or contact information indicated on the letterhead.**

Sincerely,

Matthew Maclear
AQUA TERRA AERIS LAW GROUP

Attachments

Certificate of Merit

Certificate of Service

OEHHA Summary (to Cend International Limited Liability Company, individually and dba MyProtein, Cend International Limited, individually and dba MyProtein, Cend Limited, individually and dba MyProtein, THG International LLC, individually and dba MyProtein, THGPP LLC, individually and dba MyProtein, The Hut.com Limited, individually and dba MyProtein, The Hut IHC Limited, individually and dba MyProtein, The Hut Group Limited, individually and dba MyProtein, The Hut Management Company Limited, individually and dba MyProtein, and their Registered Agents for Service of Process only)

Additional Supporting Information for Certificate of Merit (to AG only)



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CERTIFICATE OF MERIT

Re: Environmental Research Center, Inc.'s Notice of Proposition 65 Violations by Cend International Limited Liability Company, individually and dba MyProtein, Cend International Limited, individually and dba MyProtein, Cend Limited, individually and dba MyProtein, THG International LLC, individually and dba MyProtein, THGPP LLC, individually and dba MyProtein, The Hut.com Limited, individually and dba MyProtein, The Hut IHC Limited, individually and dba MyProtein, The Hut Group Limited, individually and dba MyProtein, and The Hut Management Company Limited, individually and dba MyProtein

I, Matthew Maclear, declare:

1. This Certificate of Merit accompanies the attached 60-day notice in which it is alleged that the parties identified in the notice violated California Health & Safety Code Section 25249.6 by failing to provide clear and reasonable warnings.

2. I am an attorney for the noticing party.

3. I have consulted with one or more persons with relevant and appropriate experience or expertise who have reviewed facts, studies, or other data regarding the exposure to the listed chemicals that are the subject of the notice.

4. Based on the information obtained through those consultants, 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 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.

5. Along with the copy of this Certificate of Merit served on the Attorney General is attached additional factual information sufficient to establish the basis for this certificate, including the information identified in California 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: May 13, 2019


Matthew Maclear



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CERTIFICATE OF SERVICE PURSUANT TO 27 CCR § 25903

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 and over the age of 18 years of age. My business address is 306 Joy Street, Fort Oglethorpe, Georgia 30742. I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Fort Oglethorpe, Georgia.

On May 13, 2019, between 8:00 a.m. and 5:00 p.m. Eastern Time, I served the following documents: **NOTICE OF VIOLATION OF CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT; "THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY"** on the following parties by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties listed below and depositing it at a U.S. Postal Service Office with the postage fully prepaid for delivery by Certified Mail:

Current President or CEO
The Hut.com Limited
5th Floor, Voyager House, Chicago Avenue
Manchester Airport
MANCHESTER
M90 3DQ
United Kingdom

Current President or CEO
Cend International Limited Liability Company
5th Floor, Voyager House, Chicago Avenue
Manchester Airport
MANCHESTER
M90 3DQ
United Kingdom

Current President or CEO
The Hut Group Limited
5th Floor, Voyager House, Chicago Avenue
Manchester Airport
MANCHESTER
M90 3DQ
United Kingdom

Current President or CEO
Cend International Limited
5th Floor, Voyager House, Chicago Avenue
Manchester Airport
MANCHESTER
M90 3DQ
United Kingdom

Current President or CEO
THGPP LLC
5th Floor, Voyager House, Chicago Avenue
Manchester Airport
MANCHESTER
M90 3DQ
United Kingdom

Current President or CEO
Cend Limited
5th Floor, Voyager House, Chicago Avenue
Manchester Airport
MANCHESTER
M90 3DQ
United Kingdom

Current President or CEO
Cend Limited
1350 Cedar Grove Rd
Shepherdsville, KY 40165

Current President or CEO
THG International LLC
1350 Cedar Grove Rd
Shepherdsville, KY 40165



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Current President or CEO

THGPP LLC

1350 Cedar Grove Rd

Shepherdsville, KY 40165

Current President or CEO

Cend International Limited Liability Company

1350 Cedar Grove Rd

Shepherdsville, KY 40165

Current President or CEO

Cend International Limited

1350 Cedar Grove Rd

Shepherdsville, KY 40165

Current President or CEO

The Hut.com Limited

1350 Cedar Grove Rd

Shepherdsville, KY 40165

Current President or CEO

The Hut IHC Limited

1350 Cedar Grove Rd

Shepherdsville, KY 40165

Current President or CEO

The Hut IHC Limited

5th Floor, Voyager House, Chicago Avenue

Manchester Airport

MANCHESTER

M90 3DQ

United Kingdom

Current President or CEO

The Hut Management Company Limited

5th Floor, Voyager House, Chicago Avenue

Manchester Airport

MANCHESTER

M90 3DQ

United Kingdom

Current President or CEO

THG International LLC

5th Floor, Voyager House, Chicago Avenue

Manchester Airport

MANCHESTER

M90 3DQ

United Kingdom

Current President or CEO

The Hut Management Company Limited

1350 Cedar Grove Rd

Shepherdsville, KY 40165

Current President or CEO

The Hut Group Limited

1350 Cedar Grove Rd

Shepherdsville, KY 40165

Universal Registered Agents, Inc.

(Registered Agent for THG International LLC)

400 W Main St, Ste 1800

Louisville, KY 40202

Universal Registered Agents, Inc.

(Registered Agent for THG International LLC)

12 Timber Creek Lane

Newark, DE 19711

Universal Registered Agents, Inc.

(Registered Agent for THGPP LLC)

12 Timber Creek Lane

Newark, DE 19711

Universal Registered Agents, Inc.

(Registered Agent for Cend International Limited Liability Company)

400 W Market St, Ste 1800

Louisville, KY 40202

Universal Registered Agents, Inc.

(Registered Agent for Cend International Limited)

321 W Winnie Lane, Ste 104

Carson City, NV 89703



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On May 13, 2019, between 8:00 a.m. and 5:00 p.m. Eastern Time, I verified the following documents **NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT; ADDITIONAL SUPPORTING INFORMATION FOR CERTIFICATE OF MERIT AS REQUIRED BY CALIFORNIA HEALTH & SAFETY CODE §25249.7(d)(1)** were served on the following party when a true and correct copy thereof was uploaded on the California Attorney General's website, which can be accessed at <https://oag.ca.gov/prop65/add-60-day-notice> :

Office of the California Attorney General
Prop 65 Enforcement Reporting
1515 Clay Street, Suite 2000
Oakland, CA 94612-0550

On May 13, 2019, between 8:00 a.m. and 5:00 p.m. Eastern Time, I verified the following documents **NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT** were served on the following parties when a true and correct copy thereof was sent via electronic mail to each of the parties listed below:

Nancy O'Malley, District Attorney
Alameda County
7677 Oakport Street, Suite 650
Oakland, CA 94621
CEPDProp65@acgov.org

Michelle Latimer, Program Coordinator
Lassen County
220 S. Lassen Street
Susanville, CA 96130
mlatimer@co.lassen.ca.us

Barbara Yook, District Attorney
Calaveras County
891 Mountain Ranch Road
San Andreas, CA 95249
Prop65Env@co.calaveras.ca.us

Dije Ndreu, Deputy District Attorney
Monterey County
1200 Aguajito Road
Monterey, CA 93940
Prop65DA@co.monterey.ca.us

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

Allison Haley, District Attorney
Napa County
1127 First Street, Suite C
Napa, CA 94559
CEPD@countyofnapa.org

Thomas L. Hardy, District Attorney
Inyo County
168 North Edwards Street
Independence, CA 93526
inyoda@inyocounty.us

Paul E. Zellerbach, District Attorney
Riverside County
3072 Orange Street
Riverside, CA 92501
Prop65@rivcoda.org



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Anne Marie Schubert, District Attorney
Sacramento County
901 G Street
Sacramento, CA 95814
Prop65@sacda.org

Mark Ankorn, Deputy City Attorney
San Diego City Attorney
1200 Third Avenue
San Diego, CA 92101
CityAttyProp65@sandiego.gov

Gregory Alker, Assistant District Attorney
San Francisco County
732 Brannan Street
San Francisco, CA 94103
gregory.alker@sfgov.org

Valerie Lopez, Deputy City Attorney
San Francisco City Attorney
1390 Market Street, 7th Floor
San Francisco, CA 94102
Valerie.Lopez@sfcityatty.org

Tori Verber Salazar, District Attorney
San Joaquin County
222 E. Weber Avenue, Room 202
Stockton, CA 95202
DAConsumer.Environmental@sjcda.org

Eric J. Dobroth, Deputy District Attorney
San Luis Obispo County
County Government Center Annex, 4th Floor
San Luis Obispo, CA 93408
edobroth@co.slo.ca.us

Christopher Dalbey, Deputy District Attorney
Santa Barbara County
1112 Santa Barbara Street
Santa Barbara, CA 93101
DAProp65@co.santa-barbara.ca.us

Bud Porter, Supervising Deputy District Attorney
Santa Clara County
70 W Hedding St
San Jose, CA 95110
EPU@da.sccgov.org

Jeffrey S. Rosell, District Attorney
Santa Cruz County
701 Ocean Street
Santa Cruz, CA 95060
Prop65DA@santacruzcounty.us

Stephan R. Passalacqua, District Attorney
Sonoma County
600 Administration Dr
Sonoma, CA 95403
jbarnes@sonoma-county.org

Phillip J. Cline, District Attorney
Tulare County
221 S Mooney Blvd
Visalia, CA 95370
Prop65@co.tulare.ca.us

Gregory D. Totten, District Attorney
Ventura County
800 S Victoria Ave
Ventura, CA 93009
daspecialops@ventura.org

Jeff W. Reisig, District Attorney
Yolo County
301 Second Street
Woodland, CA 95695
cfepd@yolocounty.org



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On May 13, 2019, between 8:00 a.m. and 5:00 p.m. Eastern Time, I served the following documents: **NOTICE OF VIOLATION, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; 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 U.S. Postal Service Office with the postage fully prepaid for delivery by First Class Mail.

Executed on May 13, 2019, in Fort Oglethorpe, Georgia.

A handwritten signature in black ink, appearing to read "Phyllis Dunwoody". The signature is fluid and cursive, written over a horizontal line.

Phyllis Dunwoody



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Service List

District Attorney, Alpine County P.O. Box 248 Markleeville, CA 96120	District Attorney, Los Angeles County Hall of Justice 211 West Temple St., Ste 1200 Los Angeles, CA 90012	District Attorney, San Bernardino County 303 West Third Street San Bernardino, CA 92415	Los Angeles City Attorney's Office City Hall East 200 N. Main Street, Suite 800 Los Angeles, CA 90012
District Attorney, Amador County 708 Court Street, Suite 202 Jackson, CA 95642	District Attorney, Madera County 209 West Yosemite Avenue Madera, CA 93637	District Attorney, San Diego County 330 West Broadway, Suite 1300 San Diego, CA 92101	San Jose City Attorney's Office 200 East Santa Clara Street, 16th Floor San Jose, CA 95113
District Attorney, Butte County 25 County Center Drive, Suite 245 Oroville, CA 95965	District Attorney, Marin County 3501 Civic Center Drive, Room 130 San Rafael, CA 94903	District Attorney, San Mateo County 400 County Ctr., 3rd Floor Redwood City, CA 94063	
District Attorney, Colusa County 346 Fifth Street Suite 101 Colusa, CA 95932	District Attorney, Mariposa County Post Office Box 730 Mariposa, CA 95338	District Attorney, Shasta County 1355 West Street Redding, CA 96001	
District Attorney, Del Norte County 450 H Street, Room 171 Crescent City, CA 95531	District Attorney, Mendocino County Post Office Box 1000 Ukiah, CA 95482	District Attorney, Sierra County 100 Courthouse Square, 2 nd Floor Downieville, CA 95936	
District Attorney, El Dorado County 778 Pacific St Placerville, CA 95667	District Attorney, Merced County 550 W. Main Street Merced, CA 95340	District Attorney, Siskiyou County Post Office Box 986 Yreka, CA 96097	
District Attorney, Fresno County 2220 Tulare Street, Suite 1000 Fresno, CA 93721	District Attorney, Modoc County 204 S Court Street, Room 202 Alturas, CA 96101-4020	District Attorney, Solano County 675 Texas Street, Ste 4500 Fairfield, CA 94533	
District Attorney, Glenn County Post Office Box 430 Willows, CA 95988	District Attorney, Mono County Post Office Box 617 Bridgeport, CA 93517	District Attorney, Stanislaus County 832 12th Street, Ste 300 Modesto, CA 95354	
District Attorney, Humboldt County 825 5th Street 4 th Floor Eureka, CA 95501	District Attorney, Nevada County 201 Commercial Street Nevada City, CA 95959	District Attorney, Sutter County 463 2 nd Street Yuba City, CA 95991	
District Attorney, Imperial County 940 West Main Street, Ste 102 El Centro, CA 92243	District Attorney, Orange County 401 West Civic Center Drive Santa Ana, CA 92701	District Attorney, Tehama County Post Office Box 519 Red Bluff, CA 96080	
District Attorney, Kern County 1215 Truxtun Avenue Bakersfield, CA 93301	District Attorney, Placer County 10810 Justice Center Drive, Ste 240 Roseville, CA 95678	District Attorney, Trinity County Post Office Box 310 Weaverville, CA 96093	
District Attorney, Kings County 1400 West Lacey Boulevard Hanford, CA 93230	District Attorney, Plumas County 520 Main Street, Room 404 Quincy, CA 95971	District Attorney, Tuolumne County 423 N. Washington Street Sonora, CA 95370	
District Attorney, Lake County 255 N. Forbes Street Lakeport, CA 95453	District Attorney, San Benito County 419 Fourth Street, 2nd Floor Hollister, CA 95023	District Attorney, Yuba County 215 Fifth Street, Suite 152 Marysville, CA 95901	