

## LAW OFFICE OF RICHARD M. FRANCO

6500 ESTATES DRIVE  
OAKLAND, CA 94611  
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July 24, 2019

To: President or CEO- Jarrow Formulas, Inc.  
President or CEO- Jarrow Industries, Inc.  
California Attorney General  
City Attorneys for Los Angeles, San Diego, San Francisco and San Jose  
District Attorneys for 58 Counties (See attached Certificate of Service)

Re: Notice of Violations of California Safe Drinking Water and Toxic Enforcement Act (Health and Safety Code Section 25249.5 *et seq.*) (Proposition 65)

Dear Addressees:

I represent Center for Food Safety in connection with this Notice of Violations of California's Safe Drinking Water and Toxic Enforcement Act of 1986, which is codified at California Health and Safety Code Section 22249.5 *et seq.*, also known as Proposition 65. Center for Food Safety is a national nonprofit public interest and environmental advocacy organization working to protect human health and the environment by curbing the use of harmful food production practices and by promoting organic and other forms of sustainable agriculture. This letter serves to provide notification to you and to the public enforcement agencies listed above of the violations of Proposition 65 detailed herein.

This letter constitutes notice that the entities listed below have violated and continue to violate the warning provisions of Proposition 65. Specifically, the entities listed below have violated and continue to violate the warning requirement in California Health and Safety Code section 25249.6, which provides that "[n]o 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 giving clear and reasonable warning to such individual..."

**Violators:** The names of the entities that violated Proposition 65 as described in this Notice are Jarrow Formulas, Inc. and Jarrow Industries, Inc. (hereinafter collectively referred to as the "Violators".)

**Listed Chemical:** The violations described herein involve exposure to the listed chemical 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.

Product Causing Violations: The following consumer product is the subject of this notice because it is causing exposures to lead in violation of Proposition 65:

- **Jarrow Formulas Preg-Natal Tablets**

Nature of Violation: The alleged Violators knowingly and intentionally exposed and continue to expose consumers in the State of California to lead without first providing a clear and reasonable Proposition 65 warning. The Violators have manufactured, marketed distributed and/or sold the above-identified products to California consumers, which have exposed and continue to expose California consumers to the listed chemical lead without providing the required Proposition 65 warning.

Route of Exposure: Use of the product identified in this notice results in exposures to lead, primarily via ingestion of the product.

Duration of Violations: The violations have been occurring since at least July 24, 2018, and are ongoing.

A summary of Proposition 65, prepared by the California Office of Environmental Health Hazard Assessment, is enclosed with the copy of this notice sent to the Violators.

Pursuant to California Health and Safety Code section 25249.7(d), Center for Food Safety intends to file a citizen enforcement action sixty days after service of this notice unless the violators agree in an enforceable written instrument to (1) recall products already sold in California; (2) reformulate the products so as to eliminate further exposures to the listed chemical or provide clear and reasonable warnings for products sold in California in the future; and (3) pay an appropriate civil penalty. Center for Food Safety is interested in pursuing a reasonable and constructive resolution to this matter, in order to avoid both further unwarned consumer exposures to lead and expensive and time-consuming litigation.

George Kimbrell is Legal Director of Center for Food Safety and is located in Center for Food Safety's Pacific Northwest Office, at 2009 NE Alberta St., Ste. 207, Portland, Oregon 97211. Center for Food Safety also maintains a California office at 303 Sacramento St., 2<sup>nd</sup> Floor, San Francisco, CA 94111. Center for Food Safety has retained me in connection with this matter. Please direct all correspondence concerning this notice to my attention at the above-listed law office address and telephone number.

Notice of Violation  
July 24, 2019  
Page 3 of 4

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Franco', written in a cursive style.

Richard M. Franco

Attachments: Certificate of Merit  
Certificate of Service  
OEHHA Summary (to Violators and their Registered Agents for  
Service of Process only)  
Additional Supporting Information for Certificate of Merit (to AG only)

**Re: Center for Food Safety's Notice of Proposition Violations by Jarrow Formulas, Inc. and Jarrow Industries, Inc.**

I, Richard M. Franco, declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which is alleged that the parties identified in the notice violated California Health and Safety Code Section 25249.6 by failing to provide clear and reasonable warnings.
2. I am an attorney for the noticing party, Center for Food Safety.
3. I have consulted with one or more persons with relevant and appropriate experience or expertise who have review facts, studies or other data regarding the exposure to the listed chemical that is the subject of the notice.
4. Based on the information obtained through these consultants and other information in my possession, I believe there is a reasonable and meritorious case for a 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, additional factual information sufficient to establish the basis for this certificate has been served on the Attorney General, including the information identified in California Health and Safety Code § 25249.7(h)(2), i.e., the identity of the persons consulted with and relied on by the certifier and the facts, studies or other data reviewed by those persons.

Dated: July 24, 2019



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Richard M. Franco

**CERTIFICATE OF SERVICE**

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

I am a citizen of the United States, over the age of 18 years old and am not a party to this action. My business address is 6500 Estates Drive, Oakland, CA 94611, located in Alameda County, where the mailing occurred.

On July 24, 2019, I served the following documents: **(1) NOTICE OF VIOLATIONS OF CALIFORNIA SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT (HEALTH AND SAFETY CODE SECTION 25249.5 ET SEQ.); (2) CERTIFICATE OF MERIT; and (3) THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY** on the following entities by placing a true and correct copy thereof in a sealed envelope with postage fully prepaid and addressed as listed below, and depositing it with the U.S. Postal Service:

Current President or CEO Jarrow Formulas, Inc. 1824 S. Robertson Blvd. Los Angeles, CA 90035	Jarrow Rogovin (Agent for Service of Process for Jarrow Formulas, Inc.) 1824 S. Robertson Blvd. Los Angeles, CA 90035
Current President or CEO Jarrow Industries, Inc. 12246 Hawkins St. Santa Fe Springs, CA 90670	Bryan O'Neill (Agent for Service of Process for Jarrow Industries, Inc.) 12246 Hawkins St. Santa Fe Springs, CA 90670

On July 24, 2019, I served the following documents: **1) NOTICE OF VIOLATIONS OF CALIFORNIA SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT (HEALTH AND SAFETY CODE SECTION 25249.5 ET SEQ.); (2) CERTIFICATE OF MERIT; and (3) ADDITIONAL INFORMATION SUPPORTING CERTIFICATE OF MERIT PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE § 25149.7(d)(1) and 11 CALIFORNIA CODE OF REGULATIONS § 3102** 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
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On July 24, 2019, I served the following documents: **1) NOTICE OF VIOLATIONS OF CALIFORNIA SAFE DRINKING WATER AND TOXIC**

**ENFORCEMENT ACT (HEALTH AND SAFETY CODE SECTION 25249.5 ET SEQ.); and (2) CERTIFICATE OF MERIT** on the following parties when a true and correct copy thereof was sent via electronic mail to each party listed below:

<p>Stacey Grassini, Deputy District Attorney          Contra Costa County          900 Ward Street          Martinez, CA 94553  <a href="mailto:sgrassini@contracostada.org">sgrassini@contracostada.org</a></p>	<p>Gregory Alker, Assistant District Attorney          San Francisco County          732 Brannan Street          San Francisco, CA 94103  <a href="mailto:gregory.alker@sfgov.org">gregory.alker@sfgov.org</a></p>
<p>Michelle Latimer, Program Coordinator          Lassen County          220 S. Lassen Street          Susanville, CA 96130  <a href="mailto:mlatimer@co.lassen.ca.us">mlatimer@co.lassen.ca.us</a></p>	<p>Valerie Lopez, Deputy City Attorney          San Francisco City Attorney          1390 Market Street, 7<sup>th</sup> Floor          San Francisco, CA 94102  <a href="mailto:Valerie.Lopez@sfcityatty.org">Valerie.Lopez@sfcityatty.org</a></p>
<p>Dije Ndreu, Deputy District Attorney          Monterey County          1200 Aguajito Road          Monterey, CA 93940  <a href="mailto:Prop65DA@co.monterey.ca.us">Prop65DA@co.monterey.ca.us</a></p>	<p>Yen Dang, Supervising Deputy District Atty          Santa Clara County          70 W. Hedding Street          San Jose, CA 95110  <a href="mailto:EPU@da.sccgov.org">EPU@da.sccgov.org</a></p>
<p>Allison Haley, District Attorney          Napa County          931 Parkway Mall          Napa, CA 94559  <a href="mailto:CEPD@countyofnapa.org">CEPD@countyofnapa.org</a></p>	<p>Steven R. Passalacqua, District Attorney          Sonoma County          600 Administration Dr.          Sonoma, CA 95403  <a href="mailto:jbarnes@sonoma-county.org">jbarnes@sonoma-county.org</a></p>
<p>Paul E. Zellerbach, District Attorney          Riverside County          3072 Orange Street          Riverside, CA 92501  <a href="mailto:Prop65@rivdoca.org">Prop65@rivdoca.org</a></p>	<p>Phillip J. Cline, District Attorney          Tulare County          221 S. Mooney Blvd.          Visalia, CA 95370  <a href="mailto:Prop65@co.tulare.ca.us">Prop65@co.tulare.ca.us</a></p>
<p>Anne Marie Schubert, District Attorney          Sacramento County          901 G Street          Sacramento, CA 95814  <a href="mailto:Prop65@sacda.gov">Prop65@sacda.gov</a></p>	<p>Gregory D. Totten, District Attorney          Ventura County          800 S. Victoria Ave          Ventura, CA 93009  <a href="mailto:daspecialops@ventura.org">daspecialops@ventura.org</a></p>
<p>Christopher Dalbey, Deputy District Atty          Santa Barbara County          1112 Santa Barbara Street          Santa Barbara, CA 93101  <a href="mailto:DAProp65@co.santa-barbara.ca.us">DAProp65@co.santa-barbara.ca.us</a></p>	<p>Jeff W. Ressig, District Attorney          Yolo County          301 Second Street          Woodland, CA 95695  <a href="mailto:cfepd@yolocounty.org">cfepd@yolocounty.org</a></p>

<p>Mark Ankcorn, Deputy City Attorney  San Diego City Attorney  1200 Third Ave  San Diego, CA 92101  CityAttyFrancis@sanidiego.gov</p>	<p>Nancy O'Malley, District Attorney  Alameda County  7776 Oakport Street, Suite 650  Oakland, CA 94621  CT-POProp65@alameda.gov</p>
<p>Eric J. Dobroth, Deputy District Attorney  San Luis Obispo County  County Government Center Annex, 4<sup>th</sup>  Floor  San Luis Obispo, CA 93408  edobroth@ccco.slo.ca.us</p>	<p>Tori Verber Salazar, District Attorney  San Joaquin County  222 E. Weber Avenue, Room 202  Stockton, CA 95202  DAConsumerEnvironment@sjcc.org</p>
<p>Barbara Yook, District Attorney  Calaveras County  891 Mountain Ranch Road  San Andreas, CA 95249  Prop65@barbara.calaveras.ca.us</p>	<p>Jeffrey S. Rosell, District Attorney  Santa Cruz County  701 Ocean Street  Santa Cruz, CA 95060  Prop65TIA@sanacruzcounty.gov</p>
<p>Thomas L. Hardy, District Attorney  Inyo County  168 North Edwards Street  Independence, CA 93526  inyoda@inyocounty.us</p>	

On July 24, 2019, I served the following documents: 1) **NOTICE OF VIOLATIONS OF CALIFORNIA SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT (HEALTH AND SAFETY CODE SECTION 25249.5 ET SEQ.);** (2) **CERTIFICATE OF MERIT** on each of the entities on the Service List attached hereto by placing a true and correct copy thereof in a sealed envelope with postage fully prepaid and addressed as listed on the attached Service List, and depositing it with the U.S. Postal Service.

Executed on July 24, 2019 in Oakland, California.



Richard M. Franco



## Service List

District Attorney  
Alpine County  
P.O. Box 248  
Markleeville, CA 96120

District Attorney  
Amador County  
708 Court Street  
Jackson, CA 95642

District Attorney  
Butte County  
25 County Center Drive,  
Suite 245  
Oroville, CA 95965

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

District Attorney  
Del Norte County  
450 H Street, Room 171  
Crescent City, CA 95531

District Attorney  
El Dorado County  
515 Main Street  
Placerville, CA 95667

District Attorney  
Fresno County  
2220 Tulare Street, Suite  
1000 Fresno, CA 93721

District Attorney  
Glenn County  
Post Office Box 430  
Willows, CA 95988

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

District Attorney  
Imperial County  
940 West Main St.  
Ste 102  
El Centro, CA 92243

District Attorney  
Kern County  
1215 Truxtun Avenue  
Bakersfield, CA 93301

District Attorney  
Kings County  
1400 West Lacey  
Boulevard Hanford, CA  
93230

District Attorney  
Lake County  
255 N. Forbes St.  
Lakeport, CA 95453

District Attorney  
Los Angeles County  
Hall of Justice  
211 West Temple St.  
Suite 1200  
Los Angeles, CA 90012

District Attorney  
Madera County  
209 West Yosemite Ave.  
Madera, CA 93637

District Attorney  
Marin County  
3501 Civic Center Drive  
Room 130  
San Rafael, CA 94903

District Attorney  
Mariposa County  
Post Office Box 730  
Mariposa, CA 95338

District Attorney  
Mendocino County  
Post Office Box 1000  
Ukiah, CA 95482

District Attorney  
Merced County  
550 W. Main Street  
Merced, CA 95340

District Attorney  
Modoc County  
204 S Court Street  
Room 202  
Alturas, CA 96101-4020

District Attorney  
Mono County  
Post Office Box 617  
Bridgeport, CA 93517

District Attorney  
Nevada County  
201 Commercial Street  
Nevada City, CA 95959

District Attorney  
Orange County  
401 W. Civic Center Dr.  
Santa Ana, CA 92701

District Attorney  
Placer County  
10810 Justice Center Dr.  
Suite 240  
Roseville, CA 95678

District Attorney  
Plumas County  
520 Main Street, Room 404  
Quincy, CA 95971

District Attorney  
San Benito County  
419 Fourth Street  
2nd Floor  
Hollister, CA 95023

District Attorney  
San Bernardino County  
303 West Third St.  
San Bernardino, CA 92415

District Attorney  
San Diego County  
330 West Broadway  
Suite 1300  
San Diego, CA 92101

District Attorney  
San Mateo County  
400 Country Ctr. 3rd Floor  
Redwood City, CA 94063

District Attorney  
Shasta County  
1355 West Street  
Redding, CA 96001

District Attorney  
Sierra County  
100 Courthouse Square  
2nd Floor  
Downieville, CA 95936

District Attorney  
Siskiyou County  
Post Office Box 986  
Yreka, CA 96097

District Attorney  
Solano County  
675 Texas St., Ste 4500  
Fairfield, CA 94533

District Attorney  
Stanislaus County  
832 12th Street, Ste 300  
Modesto, CA 95354

District Attorney  
Sutter County  
463 Second Street  
Yuba City, CA 95991

District Attorney  
Tehama County  
Post Office Box 519  
Red Bluff, CA 96080

District Attorney  
Trinity County  
Post Office Box 310  
Weaverville, CA 96093

District Attorney  
Tuolumne County  
423 N. Washington Street  
Sonora, CA 95370

District Attorney  
Yuba County  
215 Fifth Street, Suite 152  
Marysville, CA 95901

Los Angeles City  
Attorney's Office  
City Hall East  
200 N. Main St., Ste. 800  
Los Angeles, CA 90012

San Jose City Attorney's  
Office  
200 East Santa Clara Street  
16th Floor  
San Jose, CA 95113