



T 510.836.4200  
F 510.836.4205

1939 Harrison Street, Ste. 150  
Oakland, CA 94612

www.lozeaudrury.com  
rebecca@lozeaudrury.com

November 1, 2019

To: President or CEO – Sequel Naturals ULC  
California Attorney’s Office  
District Attorney’s Office for 58 counties  
City Attorney’s for San Francisco, San Diego, San Jose, and Los Angeles  
(See attached Certificate of Service)

From: Community Science Institute

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

Dear Addressees:

This firm represents Community Science Institute (“CSI”) in connection with this Supplemental Notice of Violations of California’s Safe Drinking Water and Toxic Enforcement Act of 1986, which is codified at California Health & Safety Code Section 25249.5 *et seq.* (“Proposition 65”). CSI is a fiscally sponsored project of the non-profit organization Social and Environmental Entrepreneurs. CSI’s mission is to unite consumers and industrial neighbors to reform government and industry practices for a toxic free future. This letter serves to provide notification of these violations to you and to the public enforcement agencies of Proposition 65.

This letter supplements CSI’s January 18, 2018 and March 30, 2018 Notices of Violations and constitutes notice that the entity listed below has violated and continues to violate provisions of Proposition 65. Specifically, the entity listed below has violated and continues to violate the warning requirement at § 25249.6 of the California Health & Safety Code, 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 name of the violators covered by this notice that violated Proposition 65 (hereinafter referred to as the “Violators”) is: Sequel Naturals ULC.

Listed Chemicals: This violation involves exposure to the listed chemicals lead and cadmium. On February 27, 1987, California officially listed lead as a chemical known to the State of California to cause developmental toxicity and male and female reproductive toxicity. On October 1, 1992, California officially listed lead and lead compounds as chemicals known to cause cancer. Cadmium and cadmium compounds were officially listed as chemicals known to the State of California to cause cancer on October 1, 1987, while cadmium was officially listed as a chemical known to cause developmental toxicity and male reproductive toxicity on May 1, 1997.

Consumer Products: The following types of products that are the subject of this notice and are causing exposures in violation of Proposition 65 are:

1. Vega Shakes and Powders (including but not limited to Vega One, Vega Protein & Greens, Vega Sport Protein, Vega Smoothie, Vega Clean Protein)
2. Vega Bars (including but not limited to Vega Sport Protein Bars, Vega One Bars, Vega Protein + Snack Bars, Vega Protein Snack Bars)
3. Vega Ready to Drink Beverages (including but not limited to Vega Protein Nutrition Shakes)
4. Vega Snacks (including but not limited to Vega Protein Crisps)

Violation: The alleged Violators knowingly and intentionally exposed and continue to expose consumers within the State of California to lead and/or cadmium without providing a Proposition 65 warning. The Violator has manufactured, marketed, distributed, and/or sold the listed types of products, which have exposed and continue to expose numerous individuals within California to the identified chemicals lead and/or cadmium.

Route of Exposure: Use of the product types identified in this notice results in human exposures to lead and/or cadmium. The primary route of exposure is ingestion, but may also occur through inhalation and/or dermal contact.

Duration of Violation: The violations have been occurring since at least November 1, 2016, 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 letter sent to the Violator.

Pursuant to California Health & Safety Code § 25249.7(d), CSI intends to file a citizen enforcement action sixty days after effective service of this notice unless the Violator agrees in an enforceable written agreement to: (1) reformulate the listed products so as to eliminate further exposures to the identified chemicals; (2) pay an appropriate civil penalty; and (3) provide clear and reasonable warnings compliant with Proposition 65 to all persons located in California who purchased the above products in the last three years. Consistent with the public interest goals of Proposition 65 and my client's objectives in pursuing this notice, CSI is interested in seeking a constructive resolution to this matter. Such resolution will avoid both further unwarned consumer exposures to the identified chemical and expensive and time consuming litigation.

//  
//  
//  
//

Notice of Violation of Cal. Health & Safety Code §§ 25249.5 *et seq.*

November 1, 2019

Page 3

CSI has retained my firm in connection with this matter. CSI's Director is Bradley Angel, who can be contacted through my firm as follows: Bradley Angel, c/o Lozeau Drury LLP, 1939 Harrison St, Suite 150, Oakland, CA 94612. Please direct all questions concerning this notice to me, Rebecca Davis at [rebecca@lozeaudrury.com](mailto:rebecca@lozeaudrury.com) or (510) 836-4200.

Sincerely,



---

Rebecca L. Davis

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)

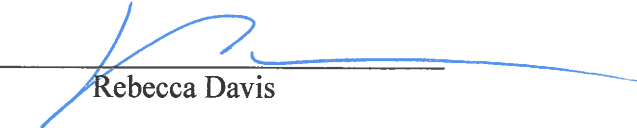
**CERTIFICATE OF MERIT**

**Re: Community Science Institute's Notice of Proposition 65 Violations by Sequel Naturals ULC**

I, Rebecca Davis, declare:

1. This Certificate of Merit accompanies the attached sixty-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, Community Science Institute.
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 chemical that is the subject of the notice.
4. Based on the information obtained through those consultants and 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 violator(s) 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 & 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: November 1, 2019

  
\_\_\_\_\_  
Rebecca Davis

## **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 the age of 18 years old, and am not a party to the within action. My business address is 1939 Harrison St., Suite 150, Oakland, California 94612, in Alameda County, where the mailing occurred.

On November 1, 2019, I served the following documents: **(1) NOTICE OF VIOLATIONS OF THE CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.;** **(2) CERTIFICATE OF MERIT;** **(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 for delivery by Certified Mail, addressed to the entity listed below, and placing the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.

Current President or CEO  
Sequel Naturals ULC  
101-3001 Wayburne Drive  
Burnaby, BC Canada V5G 4W3

GEORGE GIGOUNAS  
GREGORY G. SPERLA  
DLA PIPER LLP (US)  
555 Mission Street, Suite 2400  
San Francisco, California 94105-293  
*Attorneys for Sequel Naturals ULC*

On November 1, 2019, I served the following documents **(1) NOTICE OF VIOLATIONS OF THE CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.;** **(2) CERTIFICATE OF MERIT;** **(3) ADDITIONAL SUPPORTING INFORMATION FOR CERTIFICATE OF MERIT AS REQUIRED BY CALIFORNIA HEALTH & SAFETY CODE § 25249.7(d)(1)** 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 November 1, 2019, I served the following documents **(1) NOTICE OF VIOLATIONS OF THE CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.;** **(2) CERTIFICATE OF MERIT** were served on the following parties when a true and correct copy thereof was sent via electronic mail to the party listed below:

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

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

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

Allison Haley, District Attorney  
Napa County  
931 Parkway Mall  
Napa, CA 94559  
CEPD@countyofnapa.org

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

Anne Marie Schubert, District Attorney  
Sacramento County  
901 G Street  
Sacramento, CA 95814  
Prop65@sacda.org  
Christopher Dalbey, Deputy District Attorney  
Santa Barbara County  
1112 Santa Barbara St.  
Santa Barbara, CA 93101  
DAProp65@co.santa-barbara.ca.us

Mark Ankcorn, Deputy City Attorney  
San Diego City Attorney  
1200 Third Ave.  
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

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

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

Nancy O'Malley, District Attorney  
7776 Oakport Street, Suite 650  
Oakland, CA 94621  
CEPDProp65@acgov.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

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

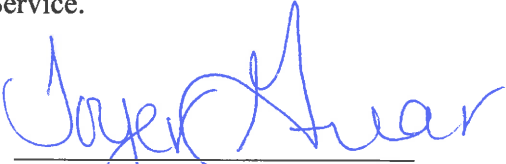
Barbara Yook, District Attorney  
Calaveras County  
891 Mountain Ranch Road  
San Andreas, CA 95249  
Prop65Env@co.calaveras.ca.us

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

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

On November 1, 2019, I served the following documents **(1) NOTICE OF VIOLATIONS OF THE CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; (2) 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 with postage fully prepaid for delivery by First Class Mail, addressed to each of the entities on the Service List attached hereto, and placing the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.

Executed on November 1, 2019, in Oakland, California.

  
\_\_\_\_\_  
Toyer Grear

## 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