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**SENT IN COMPLIANCE WITH CALIFORNIA HEALTH & SAFETY CODE  
§25249.7(d)**

**DATE: April 20th, 2020**

**To: Amazon.com; Murphy's Naturals Inc.;**

**California Attorney General's Office;**

**District Attorney's Office for 58 Counties; and**

**City Attorney's Office for Los Angeles, San Diego, San Jose and San Francisco.**

**From: Masonek Law.**

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**Masonek Law Firm**

**Address: 1411 North Bayfront, Newport Beach, CA 92662**

**Telephone: +1 714 202 4700**

**Email Address: [legalservices@masonekinternational.com](mailto:legalservices@masonekinternational.com)**

April 20th, 2020

**VIA U.S. MAIL**

Xavier Becerra, Attorney General Office of the  
Attorney General Attn: Health & Safety Code §  
25249.7(d)(1) (Proposition 65) Notice 1300 "I" Street  
Sacramento, California 95814-2919

**SELLER IN CALIFORNIA: AMAZON  
AMAZON INC.**

Amazon CEO Doug Jeff Bezos

410 Terry Ave N, Seattle, WA 98109, Estados Unidos

[www.amazon.com](http://www.amazon.com)

**OWNER COMPANY: Murphy's Naturals**

Murphy's Naturals, INC

CEO Philip Freeman

1053 E Whitaker Mill Rd STE 115, Raleigh, NC 27604, Estados Unidos

[www.murphysnaturals.net](http://www.murphysnaturals.net)

*[District & City Attorneys Copied]*

**Re: Notice Pursuant to Cal. Health & Safety Code §§ 25249.7(a) & (d)(1) Violation or**



## Threatened Violation of Proposition 65 Warning by Raymond Vineyard & Cellar, Inc.

To Whom it may Concern and Public Prosecutors:

We represent California consumer Alejandra Stanzione (“AS” “plaintiff”), acting on her behalf and in the interest of the general public. The consumer/citizen seeks to promote awareness of exposures to toxic chemicals in products sold in California and, if possible, to improve public health and safety by reducing the hazardous substances contained in such items. As described below, citizen AS has detected violations of California SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT of 1986 (“Proposition 65” or “act”), codified at California Health and Safety Code §§ 25249.5 *et seq.* by collectively (the violators). This letter serves to provide plaintiff’s notification of this violations to the violators and elected prosecutors. Is the plaintiff’s intention to notify you as to **MURPHY’S NATURALS, INC and AMAZON INC.** violation, or threatened violation, of § 25249.6, *i.e.*, Proposition 65. The violations alleged by this Notice consist of types of harm that may potentially result from exposures to the toxic chemical Carbon Monoxide, which was listed as a known hazardous substance in January of 1989.

Listed Chemical	Carbon Monoxide
Routes of exposure	Inhalation
Types of harm	Developmental toxicity / Cancer

### NATURE OF ALLEGED VIOLATION

#### Duration of the Violations

The violations have been occurring since at least February 13, 2018, and are ongoing.

#### Provision of Proposition 65



This Notice of Violation covers the “warning provision” of Proposition 65, which is found at California Health and Safety Code Section 25249.6.

### **Proposition 65 information**

For general information concerning the provisions of Proposition 65, please feel free to contact the Office of Environmental Health Hazard Assessment (“OEHHA”) in the Proposition 65 Implementation Office at (916) 445-6900, or to visit their website at <http://oehha.ca.gov/proposition-65>.

### **Listed Chemical(s)**

The listed chemical involved in these violations is Carbon Monoxide, known to the State of California to cause cancer.

### **Type of Product and Route of Exposure**

<b>Product</b>	<b>Retailer/ Distributor</b>	<b>Manufacturer</b>
<b>Mosquito repellent. (Sticks). 8 STICKS</b>	<b>Amazon/ Murphy’s Naturals</b>	<b>Murphy’s Naturals</b>
<b>Mosquito repellent. OUTDOOR. (Sticks). 12 STICKS</b>	<b>Amazon/ Murphy’s Naturals</b>	<b>Murphy’s Naturals</b>
<b>Mosquito repellent. TEA LIGHT CANDLES. 12 CANDLES PER BOX</b>	<b>Amazon/ Murphy’s Naturals</b>	<b>Murphy’s Naturals</b>
<b>Mosquito Repellent Incense Cones. 36 CONES.</b>	<b>Amazon/ Murphy’s Naturals</b>	<b>Murphy’s Naturals</b>



<b>Mosquito Repellent Sticks   Plant Based DEET   Bamboo Infused w/Citronella, Lemongrass &amp; Rosemary. 12 Sticks.</b>	<b>Amazon/ MN  Amazon/ Murphy's Naturals</b>	<b>Murphy's Naturals</b>
<b>Ceramic Mosquito Repellent Candle   Made with Essential Oils and a Soy/Beeswax Blend.</b>	<b>Amazon/ Murphy's Naturals</b>	<b>Murphy's Naturals</b>

The type of products causing these violation are mosquito repellent sticks and candles. The consumer is exposed to the Listed Chemical as a result of burning the stick and inhaling the carbon monoxide produced by its burn.

The type of products are pictured below as they are offered for sale on the seller's and distributor's website.





### Description of Violation

AMAZON INC is an online and on site/store retailer selling all type of products to residents of California through its website ([www.amazon.com](http://www.amazon.com)) and physical stores. Five of those products are **Murphy's Naturals Mosquito Repellent Incense Sticks | DEET Free with Plant Based Ingredients | 2.5 Hour Protection | 8 Sticks per Carton**, **Murphy's Naturals Mosquito Repellent Incense Sticks | Made with Plant Based Ingredients | 2.5 Hour Protection | 12 Sticks per Tube**, **Murphy's Naturals Mosquito Repellent Tea Light Candles | Made with Essential Oils and a Soy/Beeswax Blend | 4 Hour Burn Time Per Candle | 12 Candles Per Box**, **Murphy's Naturals Mosquito Repellent Incense Cones | DEET Free with Plant Based Ingredients | 24 Minute Protection | Ceramic Dish Included | 36 Cones**, and **Murphy's Mosquito Sticks | Plant Based DEET Free Insect Repellent Incense Sticks | Bamboo Infused w/Citronella, Lemongrass & Rosemary | 12 Sticks per Tube (5-**



**Pack**), produced by a US company based in Raleigh, North Carolina. No clear and reasonable Proposition 65 warning is provided with these products, neither on the product offering web pages from the seller nor in the packaging, regarding the presence of the Listed Chemical in the products.

## **CONTACT INFORMATION**

Please direct all questions concerning this Notice to our counsel's offices at the following address:

**Masonek Law**

**Jeffrey Masonek or the designated attorney.**

**1411 North Bayfront**

**Newport Beach, CA 92262**

**Main: (714) 202-4700**

**Fax: (714) 202-4700**

**Email: [legalservices@masonekinternational.com](mailto:legalservices@masonekinternational.com)**

## **RESOLUTION OF NOTICED CLAIMS**

Based on the allegations set forth in this Notice, plaintiff AS intends to file a citizen enforcement lawsuit against **MURPHY'S NATURALS, INC and AMAZON INC** unless they agree in a binding written agreement to: (1) recall products already sold or otherwise provided to consumers; (2) provide clear and reasonable warnings for products sold or otherwise provided to consumers in the future to eliminate unknowing exposures or reformulate such products to eliminate Listed Chemicals exposures; and (3) pay an appropriate civil penalty based on the factors enumerated in California Health and Safety Code Section 25249.7(b). If **MURPHY'S NATURALS, INC and AMAZON INC** are interested in resolving this dispute without resort to expensive and time-consuming litigation, please feel free to contact us directly on behalf of the plaintiff. It should be noted that neither Alejandra Stanzione nor us 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 the plaintiff on this matter will resolve its claims, such agreement may not satisfy the public prosecutors.

If the alleged Violator is interested in resolving this dispute please contact the Law Firm identified above.

Sincerely,

**Jeffrey Masonek**  
**Masonek Law Firm**  
**Address: 1411 North Bayfront, Newport Beach, CA 92662**  
**Telephone: +1 714 202 4700**  
**Email Address: [legalservices@masonekinternational.com](mailto:legalservices@masonekinternational.com)**

Attachment: Certificate of Merit (Cal. Health & Safety Code § 25249.7(d)(1))  
cc: City and District Attorneys, as follows:

Stacey Grassini,  Deputy District Attorney Contra Costa County  900 Ward Street  Martinez, CA 94553 <a href="mailto:sgrassini@contracostada.org">sgrassini@contracostada.org</a>	Yen Dang,  Deputy Assistant District Attorney Santa Clara County  70 West Hedding Street, West Wing San Jose, CA 95110 <a href="mailto:epu@da.sccgov.org">epu@da.sccgov.org</a>	Nancy O'Malley,  District Attorney, Alameda County 7776 Oakport Street, Suite 650 Oakland, CA 94621 <a href="mailto:CEPDProp65@acgov.org">CEPDProp65@acgov.org</a>
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<p>Gary Lieberstein</p> <p>District Attorney Napa County 931 Parkway Mall</p> <p>Napa, CA 94559 CEPD@countyofnapa.org</p>	<p>Dije Ndreu, Deputy District Attorney, Monterey County</p> <p>1200 Aguajito Road</p> <p>Monterey, CA 93901 Prop65DA@co.monterey.ca.us</p>	<p>Stephan R. Passalacqua</p> <p>District Attorney, Sonoma County 600 Administration Drive, Rm. 212J Sonoma, CA 95403 jbarnes@sonoma-county.org</p>
<p>Phillip J. Cline</p> <p>District Attorney, Tulare County 221 S. Mooney Avenue, Rm. 224 Visalia, CA 93291 Prop65@co.tulare.ca.us</p>	<p>Gregory D. Totten</p> <p>District Attorney, Ventura County 800 South Victoria Avenue Ventura, CA 93009 daspecialops@ventura.org</p>	<p>Paul E. Zellerbach</p> <p>District Attorney, Riverside County 3072 Orange Street</p> <p>Riverside, CA 92501 Prop65@rivcoda.org</p>
<p>Barbara Yook</p> <p>District Attorney, Calaveras County 891 Mountain Ranch Road</p> <p>San Andreas, CA 95249 Prop65Env@co.calaveras.ca.us</p>	<p>Thomas L. Hardy</p> <p>District Attorney, Inyo County 168 North Edwards Street Independence, CA 93526 inyoda@inyocounty.us</p>	<p>Michelle Latimer</p> <p>Program Coordinator, Lassen County 220 S. Lassen Street, Ste. 8 Susanville, CA 96130 mlatimer@co.lassen.ca.us</p>
<p>Anne Marie Schubert</p> <p>District Attorney, Sacramento County 901 "G" Street</p> <p>Sacramento, CA 95814 Prop65@sacda.org</p>	<p>Mark Ankcorn</p> <p>Deputy City Attorney</p> <p>1200 Third Avenue</p> <p>San Diego, CA 92101 CityAttyProp65@sandiego.gov</p>	<p>Valerie Lopez</p> <p>Deputy City Attorney</p> <p>1390 Market Street, 7th Floor San Francisco, CA 94102 Valerie.Lopez@sfcityatty.org</p>
<p>Gregory Alker</p> <p>Assistant District Attorney 732 Brannan Street</p> <p>San Francisco, CA 94103 gregory.alker@sfgov.org</p>	<p>Tori Verber Salazar,</p> <p>District Attorney 222 E. Weber Avenue, Room 202 Stockton, CA 95202 DAConsumer.Environmental@sjcda.org</p>	<p>Eric J. Dobroth</p> <p>Deputy District Attorney</p> <p>County Government Center Annex, 4th Floor San Luis Obispo, CA 93408 edobroth@co.slo.ca.us</p>



<p>Christopher Dalbey Deputy District Attorney 1112 Santa Barbara St. Santa Barbara, CA 93101 DAProp65@co.santa-barbara.ca.us</p>	<p>Jeffrey S. Rosell District Attorney 701 Ocean Street Santa Cruz , CA 95060 Prop65DA@santacruzcounty.us</p>	<p>Jeff W. Reisig District Attorney 301 Second Street Woodland, CA 95695 cfepd@yolocounty.org</p>
<p>District Attorney of Stanislaus County 832 12th Street, Ste. 300 Modesto, CA 95354</p>	<p>District Attorney of Kern County 1215 Truxtun Avenue Bakersfield, CA 93301</p>	<p>District Attorney of Kings County 1400 West Lacey Blvd. Hanford, CA 93230</p>
<p>District Attorney of Lake County 255 N. Forbes Street Lakeport, CA 95453</p>	<p>District Attorney of Butte County Administration Building 25 County Center Drive Oroville, CA 95965</p>	<p>District Attorney of Los Angeles County 210 W. Temple Street, Ste. 1800 Los Angeles, CA 90012</p>
<p>District Attorney of Madera County 209 West Yosemite Avenue Madera, CA 93637</p>	<p>District Attorney of Marin County 3501 Civic Center Drive, Rm. 130 San Rafael, CA 94903</p>	<p>District Attorney of Mariposa County P.O. Box 730 Mariposa, CA 95338</p>
<p>District Attorney of Mendocino County P.O. Box 1000 Ukiah, CA 95482</p>	<p>District Attorney of Merced County 550 W. Main Street Merced, CA 95340</p>	<p>District Attorney of Modoc County 204 S. Court Street, Rm. 202 Alturas, CA 96101-4020</p>
<p>District Attorney of Mono County P.O. Box 617 Bridgeport, CA 93546</p>	<p>District Attorney of Nevada County 110 Union Street Nevada City, CA 95959</p>	<p>District Attorney of Orange County 401 Civic Center Drive West Santa Ana, CA 92701</p>
<p>District Attorney of Placer County 10810 Justice Center Drive, Ste. 240. Roseville, CA 95678</p>	<p>District Attorney of Plumas County 520 Main Street, Rm. 404 Quincy, CA 95971</p>	<p>District Attorney of Amador County 708 Court Street, Ste. 202 Jackson, CA 95642</p>



District Attorney of San Benito County 419 Fourth Street, 2nd Fl.  Hollister, CA 95023	District Attorney of San Bernardino County 316 N. Mountain View Avenue  San Bernardino, CA 92415	District Attorney of San Diego County 330 West Broadway, Ste. 1300  San Diego, CA 92101
District Attorney of El Dorado County 778 Pacific Street Placerville, CA 95667	District Attorney of Fresno County 2220 Tulare Street, Ste. 1000 Fresno, CA 93721	District Attorney of Glenn County P.O. Box 430 Willows, CA 95988
District Attorney of San Mateo County 400 County Center, 3rd Fl.  Redwood City, CA 94063	District Attorney of Humboldt County 825 5th Street  Eureka, CA 95501	District Attorney of Imperial County 939 Main Street, Ste. 102  El Centro, CA 92243
District Attorney of Shasta County 1355 West Stree. Redding, CA 96001	District Attorney of Sierra County Courthouse 100 Courthouse Sq., 2nd Fl.  Downieville, CA 95936	District Attorney of Siskiyou County P.O. Box 986  Yreka, CA 96097
District Attorney of Solano County 675 Texas Street, Ste. 4500 Fairfield, CA 94533	District Attorney of Sutter County 446 Second Street  Yuba City, CA 95991	District Attorney of Tehama County P.O. Box 519  Red Bluff, CA 96080
District Attorney of Trinity County P.O. Box 310  11 Court Street  Weaverville, CA 96093	District Attorney of Tuolumne County 423 N. Washington Street  Sonora, CA 95370	San Jose City Attorney's  Office 200 East Santa Clara Street San Jose, CA 95113
District Attorney of Yuba County 215 Fifth Street  Marysville, CA 95901	Los Angeles City Attorney's Office City Hall East 200 N. Main Street, Rm. 800  Los Angeles, CA 90012	District Attorney of Colusa County 346 Fifth Street Suite 101 Colusa, CA 95932



District Attorney of Del Norte County 450 H Street, Ste. 171  Crescent City, CA 95531	District Attorney, Alpine County P.O.  Box 248 Markleevile, CA 96120	California Attorney General's Office Attention: Proposition 65 Coordinator and Robert Thomas  1515 Clay Street, Ste. 2000  P.O. Box 70550  Oakland, CA 94612-0550
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April 20th, 2020

**CERTIFICATE OF MERIT PURSUANT TO CAL. HEALTH & SAFETY  
CODE § 25249.7(d)(1)**

I Jeffrey Masonek 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 and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

2. I, in representation of Masonek Law Firm am the attorney for the noticing party.

3. We 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 exposure to the listed chemical that is the subject of the action.

4. Based on the information obtained through those consultations, and on all other information in my possession, We believe there is a reasonable and meritorious case for the private action. We 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 violator will be able to establish any of the affirmative defenses set forth 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 the information identified in Health and 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.

By Masonek Law Firm:

Jeffrey Masonek

A handwritten signature in black ink, appearing to read 'Jeffrey Masonek', written over a horizontal line.

*[Attachments for Attorney General Only]*



## CERTIFICATE OF SERVICE

I, **Thomas Adam**, declare that I am over the age of 18 years, My California address is **916 N. Sweetzer Ave #8 West Hollywood, CA 90069** and I am a neighbor from the county where the service was posted.

On May 6th, I served the following documents:

(1) 60 DAY NOTICE OF VIOLATION SENT IN COMPLIANCE WITH HEALTH AND SAFETY CODE SECTION 25249.7(d);

(2) CERTIFICATE OF MERIT;

(3) PROPOSITION 65: A SUMMARY and,

(4) CERTIFICATE OF MERIT ATTACHMENTS (served only on the Attorney General) on the parties listed below by placing a true and correct copy thereof in a sealed envelope, addressed to each party and depositing it with the U.S. Postal Service for delivery by Certified Mail with the postage thereon fully prepaid:

Via U.S. Mail

AMAZON INC.  
Amazon CEO Doug Jeff Bezos  
410 Terry Ave N, Seattle, WA 98109,

Murphy's Naturals, INC  
CEO Philip Freeman  
1053 E Whitaker Mill Rd STE 115, Raleigh, NC 27604.

On May 6th, I served the California Attorney General (via website Portal) by uploading a true and correct copy thereof as a PDF file via the California Attorney General's website.

On May 6th, I transmitted via electronic mail the above-listed documents to the electronic mail addresses of the City and/or District Attorneys who have specifically authorized e-mail service.

On May 6th, I served the following persons and/or entities at the last known address by placing a true and correct copy thereof in a sealed envelope and depositing it with the U.S. Postal Service for delivery with the postage thereon fully prepaid, and addressed as follows:

*See Attached Service  
List*



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

Executed on May 6th, at **West Hollywood**, California

Thomas Adam