



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

DATE: April 20th, 2020

**To: Amazon.com; Spectrum Brands Holdings Inc.; Walmart Inc; Target Brands Inc;
Lowe's Companies Inc; Home Depot Product Authority 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.

Masonek Law Firm

Address: 1411 North Bayfront, Newport Beach, CA 92662

Telephone: +1 714 202 4700

Email Address: 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

SELLER IN CALIFORNIA: WALMART

WALMART INC.

PRESIDENT: Mike Duke

702 SW 8th St, Bentonville, AR 72716, Estados Unidos

www.walmart.com

SELLER IN CALIFORNIA: HOME DEPOT

Home Depot Product Authority, LLC



CEO: Craig Menear
2455 PACES FERRY ROAD, ATLANTA, GA, 30339, USA United States
www.homedepot.com

SELLER IN CALIFORNIA: TARGET
TARGET BRANDS, INC
CEO: Brian Cornell
000 Nicollet Mall, Minneapolis, MN 55403, USA
www.target.com

SELLER IN CALIFORNIA: LOWE'S
LOWE'S COMPANIES INC
CEO: MARVIN ELLISON
1000 Lowe's Blvd MOORESVILLE, NC 28117-8520 United States
www.lowes.com

OWNER COMPANY: Spectrum Brands Holdings
Spectrum Brands Holdings, Inc
CEO David M. Maura
3001 Deming Way Middleton, WI 53562, US
www.cutterinsectrepellents.com / www.spectrumbrands.com

Cutter Insect Repellents

[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. 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 **Spectrum Brands Holdings, INC Walmart INC; Target Brands INC; Lowe's Companies INC; Home Depot product Authority LLC 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 (“OEHHHA”) 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

Product	Retailer/Distributor	Manufacturer
Cutter 95784 Citronella Candle, Copper.	Amazon/Cutter Insect Repellents/ Home Depot/Target/ Walmart/Lowes	S p e c t r u m Brands Holdings
Cutter 95783 Citro Guard Citronella Candle, Bucket, 17 oz, Pack of 1, Tan.	Amazon/Cutter Insect Repellents/ Home Depot/Target/ Walmart/Lowes	S p e c t r u m Brands Holdings
Cutter HG-96479 Citro Guard Citronella Candle, Mercury Glass, 11-Ounce, Case Pack of 1.	Amazon/Cutter Insect Repellents/ Home Depot/Target/ Walmart/Lowes	S p e c t r u m Brands Holdings
Cutter Citro Guard Candle (Metallic Copper)	Amazon/Cutter Insect Repellents/ Home Depot/Target/ Walmart/Lowes	S p e c t r u m Brands Holdings
Cutter Citronella Candles Set (12-Pack) Natural Insect Repellent Off Blue, Scented Deters Bugs, Flying Insects, Mosquitos Child and Pet Safe, Cruelty Free Patio, Backyard, Outdoor Use.	Amazon/Cutter Insect Repellents/ Home Depot/Target/ Walmart/Lowes	S p e c t r u m Brands Holdings

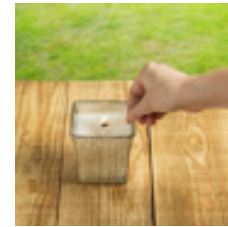


Cutter Scented Citronella Outdoor Candle, Vanilla & Lavender, 11-Ounce Cutter Citronella Candles	Amazon/Cutter Insect Repellents/ Home Depot/Target/ Walmart/Lowes	S p e c t r u m Brands Holdings
Set (12-Pack) Natural Insect Repellent Off Red, Scented Deters Bugs, Flying Insects, Mosquitos Child and Pet Safe, Cruelty Free Patio, Backyard, Outdoor Use.	Amazon/Cutter Insect Repellents/ Home Depot/Target/ Walmart/Lowes	S p e c t r u m Brands Holdings

The type of products causing these violation are mosquito repellent candles. The consumer is exposed to the Listed Chemical as a result of burning the candle 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

Cutter Insect Repellents is a brand owned by Spectrum Brands Holdings INC, producing and selling these products that allegedly are in violation of the requirements set by the State of California. According to their own website information, they distribute the products via **Spectrum Brands Holdings, INC Walmart INC; Target Brands INC; Lowe's Companies**



INC; Home Depot product Authority LLC and AMAZON INC. online and on site/store retailers selling all type of products to residents of California through their websites and physical stores. Seven of those products are: **Cutter 95784 Citronella Candle, Copper, Cutter 95783 Citro Guard Citronella Candle, Bucket, 17 oz, Pack of 1, Tan, Cutter HG-96479 Citro Guard Citronella Candle, Mercury Glass, 11-Ounce, Case Pack of 1, Cutter Citro Guard Candle (Metallic Copper), Cutter Citronella Candles Set (12-Pack) Natural Insect Repellent Off | Blue, Scented | Deters Bugs, Flying Insects, Mosquitos | Child and Pet Safe, Cruelty Free | Patio, Backyard, Outdoor Use, Cutter Scented Citronella Outdoor Candle, Vanilla & Lavender, 11-Ounce Cutter Citronella Candles and Set (12-Pack) Natural Insect Repellent Off | Red, Scented | Deters Bugs, Flying Insects, Mosquitos | Child and Pet Safe, Cruelty Free | Patio, Backyard, Outdoor Use**, produced by a US company based in Middleton, Wisconsin. 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

RESOLUTION OF NOTICED CLAIMS



Based on the allegations set forth in this Notice, plaintiff AS intends to file a citizen enforcement lawsuit against **Spectrum Brands Holdings, INC Walmart INC; Target Brands INC; Lowe's Companies INC; Home Depot product Authority LLC 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 **Spectrum Brands Holdings, INC Walmart INC; Target Brands INC; Lowe's Companies INC; Home Depot product Authority LLC 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

Attachment: Certificate of Merit (Cal. Health & Safety Code § 25249.7(d)(1))

cc: City and District Attorneys, as follows:



<p>Stacey Grassini,</p> <p>Deputy District Attorney Contra Costa County</p> <p>900 Ward Street</p> <p>Martinez, CA 94553 sgrassini@contracostada.org</p>	<p>Yen Dang,</p> <p>Deputy Assistant District Attorney Santa Clara County</p> <p>70 West Hedding Street, West Wing San Jose, CA 95110 epu@da.sccgov.org</p>	<p>Nancy O'Malley,</p> <p>District Attorney, Alameda County 7776 Oakport Street, Suite 650 Oakland, CA 94621 CEPDProp65@acgov.org</p>
<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@sj cda.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</p> <p>301 Second Street Woodland, CA 95695 cfepd@yolocounty.org</p>
<p>District Attorney of Stanislaus County 832 12th Street, Ste. 300</p> <p>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.</p> <p>Hanford, CA 93230</p>
<p>District Attorney of Lake County 255 N. Forbes Street</p> <p>Lakeport, CA 95453</p>	<p>District Attorney of Butte County Administration Building</p> <p>25 County Center Drive</p> <p>Oroville, CA 95965</p>	<p>District Attorney of Los Angeles County 210 W. Temple Street, Ste. 1800</p> <p>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</p> <p>Mariposa, CA 95338</p>
<p>District Attorney of Mendocino County P.O. Box 1000</p> <p>Ukiah, CA 95482</p>	<p>District Attorney of Merced County 550 W. Main Street</p> <p>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</p> <p>Bridgeport, CA 93546</p>	<p>District Attorney of Nevada County 110 Union Street</p> <p>Nevada City, CA 95959</p>	<p>District Attorney of Orange County 401 Civic Center Drive West</p> <p>Santa Ana, CA 92701</p>



District Attorney of Placer County 10810 Justice Center Drive, Ste. 240. Roseville, CA 95678	District Attorney of Plumas County 520 Main Street, Rm. 404 Quincy, CA 95971	District Attorney of Amador County 708 Court Street, Ste. 202 Jackson, CA 95642
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 Street. 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 Markleeville, 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
--	--	---

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', with a long, sweeping underline.

[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

WALMART INC.

PRESIDENT: Mike Duke
702 SW 8th St, Bentonville, AR 72716,

HOME DEPOT PRODUCT AUTHORITY, LLC

CEO: Craig Menear
2455 PACES FERRY ROAD, ATLANTA, GA, 30339,

TARGET BRANDS, INC

CEO: Brian Cornell
000 Nicollet Mall, Minneapolis, MN 55403,

LOWE'S COMPANIES INC

CEO: MARVIN ELLISON
1000 Lowes Blvd MOORESVILLE, NC 28117-8520



SPECTRUM BRANDS HOLDINGS, INC
CEO David M. Maura
3001 Deming Way Middleton, WI 53562,

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