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March 29, 2021

SENT VIA U.S. MAIL

HAIN CELESTIAL GROUP, INC.

1111 Marcus Avenue
Lake Success, New York 11042
Certified No: 9489009000276272976896

Office of the Attorney General
P.O. Box 70550
Oakland, CA 94612
Certified No: 9489009000276272976971

Concord City Attorney's Office
1950 Parkside Drive
Concord, CA 94519
Certified No: 9489009000276272976919

Contra Costa County Counsel
1025 Escobar Street, 3rd Floor
Martinez, CA 94553
Certified No: 9489009000276272976926

Contra Costa District Attorney's Office
1025 Escobar Street
Martinez, CA 94553
Certified No: 9489009000276272976933

San Jose City Attorney's Office
200 E. Santa Clara Street, 16th Floor
San Jose, CA 95113
Certified No: 9489009000276272976940

Santa Clara County Counsel
70 West Hedding Street
East Wing, 9th Floor
San Jose, CA 95110
Certified No: 9489009000276272976957

Santa Clara District Attorney's Office
70 West Hedding Street
San Jose, CA 95110
Certified No: 9489009000276272976964

Re: Notice of Hain Celestial Group, Inc.'s Violations of California Health & Safety Code Section 25249.6.

To Whom It May Concern and to Public Prosecutors:

This correspondence shall serve as notice that Hain Celestial Group, Inc. ("Hain Celestial") is in violation of the California Health & Safety Code Section 25249.6, also known as the Safe Drinking Water and Toxic Enforcement Act of 1986 or Proposition 65 ("Proposition 65"). In strict compliance with the statute, Gidget Halcon and Namia Hossain ("aggrieved parties"), consumers of Hain Celestial baby foods, hereby place Hain Celestial and elected prosecutors on notice of Hain Celestial's alleged violations of Proposition 65 and demand that Hain Celestial rectify its practices and procedures. Pursuant to section 25249.7 of Proposition 65, the aggrieved parties intend to bring a private action sixty (60) days or more after effective service of this notice unless the appropriate public enforcement agencies have commenced and are diligently prosecuting an action to rectify these violations.

The products which are causing an exposure without a warning in violation of Proposition 65 are those foods containing: organic brown flour, vitamin pre-mix, organic whole raisings, organic sift white wheat flour, organic spelt flour, organic barley malt extract, organic yellow split pea powder, medium grain whole rice, organic butternut quash puree, organic blueberry puree, organic barley flour, organic cinnamon powder, organic whole wheat flour, organic quick oats, organic barley flour, organic date paste, organic chopped broccoli, organic brown flax milled, organic yellow papaya puree, organic whole wheat fine flour, organic red lentils, organic oat flakes, and organic oat flour.

Baby foods containing these ingredients are causing exposures without a warning in violation of Proposition 65. They are manufactured and distributed by Hain Celestial and offered for sale by retailers to California consumers. Because of this lack of a warning, consumers were exposed to the following chemicals and/or toxic heavy metals without the proper required Proposition warnings:

1. Lead¹: Lead is dangerous – so much so that the federal government has phased out its use in gasoline and house paint. Exposure to lead can have a wide range of effects on a child’s development and behavior, and many effects are permanent, like diminished IQ scores and academic achievement, and increased behavioral problems and attention-related behaviors such as attention deficit hyperactivity disorder (“ADHD”). Lead is included on the Proposition 65 list.²
2. Arsenic³: Healthcare professionals have grown concerned about the subtle and long-term health effects of even low-level arsenic exposure on humans. This concern is especially serious with respect to infants and children exposed to arsenic in water and some foods, such as rice-based products, during sensitive windows of development. Arsenic, in general, can negatively impact one’s skin, nervous system, respiratory system, cardiovascular system, liver, kidney, bladder and prostate, immune system, endocrine system, and developmental processes. Arsenic is included on the Proposition 65 list.⁴

¹ S. COMM. ON ECONOMIC AND CONSUMER POLICY, COMM. ON OVERSIGHT AND REFORM, 117TH CONG., BABY FOODS ARE TAINTED WITH DANGEROUS LEVELS OF ARSENIC, LEAD, CADMIUM, AND MERCURY, <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2021-02-04%20ECP%20Baby%20Food%20Staff%20Report.pdf>. The following ingredients in Hain Celestial baby foods tested dangerously high for the presence of lead: vitamin pre-mix, organic whole wheat flour, organic quick oats, organic barley flour, organic cinnamon powder, organic date paste.

² *Lead and Lead Compounds*, PROPOSITION 65 WARNINGS, <https://www.p65warnings.ca.gov/fact-sheets/lead-and-lead-compounds#:~:text=Lead%20is%20on%20the%20Proposition,defects%20or%20other%20reproductive%20harm.&text=Exposure%20to%20lead%20can%20harm,compounds%20may%20increase%20cancer%20risk>.

³ S. COMM. ON ECONOMIC AND CONSUMER POLICY, COMM. ON OVERSIGHT AND REFORM, 117TH CONG., BABY FOODS ARE TAINTED WITH DANGEROUS LEVELS OF ARSENIC, LEAD, CADMIUM, AND MERCURY. The following ingredients in Hain Celestial baby foods tested dangerously high for the presence of arsenic: organic brown flour, vitamin pre-mix, organic whole raisings, organic sift white wheat flour, organic spelt flour, organic barley malt extract, organic yellow split pea powder, medium grain whole rice, organic butternut squash puree, organic blueberry puree, organic barley flour, organic cinnamon powder. Subcommittee report pages 16 to 17.

⁴ *Arsenic (Inorganic)*, PROPOSITION 65 WARNINGS, <https://www.p65warnings.ca.gov/fact-sheets/arsenic-inorganic>.

3. Cadmium⁵: Cadmium is considered the seventh most significant potential threat to human health.⁶ Research has associated cadmium exposure with diminished IQ and ADHD. Cadmium is included on the Proposition 65 list.⁷

Mercury, a metal, has also been placed on the Proposition 65 list because it can cause birth defects or other reproductive harm.⁸ Although Hain Celestial does not test for the presence of mercury in its baby foods, given that another major baby food manufacturer has been shown to produce baby food containing high amounts of mercury, there is serious concern that Hain Celestial has been doing the same.⁹ Exposure to the listed chemicals from consumption of Hain Celestial baby foods has been occurring without the clear and reasonable warnings required by Proposition 65, and will continue every day until clear and reasonable warnings are provided to consumers and users or until these known-to-be toxic chemicals are removed from or reduced in Hain Celestial baby foods. Without proper warnings regarding the toxic effects of exposure to lead, arsenic, cadmium, and, most likely, mercury resulting from contact with Hain Celestial baby foods, California citizens lack the information necessary to make informed decisions on whether and how to eliminate (or reduce) the risk of exposure to lead, arsenic, cadmium, and mercury from reasonable foreseeable use of Hain Celestial baby foods.

The aggrieved parties intend to file a private enforcement action as provided for in Proposition 65 for the alleged violations by Hain Celestial unless Hain Celestial agrees in an enforceable written instrument to: 1) recall its baby food products containing the above-listed ingredients so as to eliminate further exposures to the identified chemicals; or 2) affix clear and reasonable Proposition 65 warning labels for products containing the above-listed ingredients and sold in the future; or 3) reformulate such products to eliminate the exposures; and 4) pay an appropriate civil penalty.

Consistent with the public interest goals of Proposition 65, the aggrieved parties are interested in seeking a constructive resolution to this matter, and invite Hain Celestial, should it seek early resolution of this matter, to communicate directly with the aggrieved parties' attorneys. Such resolution will avoid further unwarned consumer exposures, as well as resource intensive litigation.

Please direct all questions concerning this notice to the aggrieved parties' attorney, Cinela Aziz at cinela@wilshirelawfirm.com. We await your response.

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⁵ S. COMM. ON ECONOMIC AND CONSUMER POLICY, COMM. ON OVERSIGHT AND REFORM, 117TH CONG., BABY FOODS ARE TAINTED WITH DANGEROUS LEVELS OF ARSENIC, LEAD, CADMIUM, AND MERCURY. The following ingredients tested dangerously high for the presence of cadmium: Organic barley flour, organic chopped broccoli, organic date paste, organic cinnamon powder, organic brown flax milled, organic date paste, organic yellow papaya puree, organic whole wheat fine flour, organic red lentils, organic oat flakes, organic brown flax milled, organic barley flour, organic oat flour

⁶ ATSDR's Substance Priority List, AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY (Jan. 17, 2020), <https://www.atsdr.cdc.gov/spl/index.html>.

⁷ *Cadmium and Cadmium Compounds*, PROPOSITION 65 WARNINGS, <https://www.p65warnings.ca.gov/fact-sheets/cadmium-and-cadmium-compounds>.

⁸ *Mercury and Mercury Compounds*, PROPOSITION 65 WARNINGS, <https://www.p65warnings.ca.gov/fact-sheets/mercury-and-mercury-compounds>.

⁹ S. COMM. ON ECONOMIC AND CONSUMER POLICY, COMM. ON OVERSIGHT AND REFORM, 117TH CONG., BABY FOODS ARE TAINTED WITH DANGEROUS LEVELS OF ARSENIC, LEAD, CADMIUM, AND MERCURY at 32. Specifically, the Subcommittee on Economic and Consumer Policy, Committee on Oversight and Reform found that foods by HappyBABY, a baby food company owned by Nurture, Inc. contained excessive amounts of mercury.

Sincerely,

Cinela Aziz

Cinela Aziz, Esq.

cc: Thiago Coelho, Esq.

Attachments:

Proposition 65 Summary

Certificate of Merit

Certificate of Service

U.S. House of Representatives: Baby Foods

Are Tainted with Dangerous Levels of

Arsenic, Lead, Cadmium, and Mercury

CERTIFICATE OF MERIT
Health and Safety Code Section 25249.7(d)

Re: Gidget Halcon and Namia Hossain's Notice of Proposition 65 Violations by Hain Celestial Group, Inc.

I, Cinela Aziz, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged 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 parties.
3. I have consulted with one or more persons with relevant and appropriate experience and have assembled evidence attached to the copy for the California Attorney General as Exhibit 1 to this Certificate of Merit regarding the lack of warnings for lead, arsenic, cadmium, and mercury that are the subject of the notice.
4. Based on the information obtained 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 so that all of the elements of the plaintiffs' case can be established and that 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 has attached to it factual information sufficient to establish the basis for this certificate, including the information identified in California Health & Safety Code Section 25249.7(h)(2).

Date: March 29, 2021

CERTIFICATE OF SERVICE

I, K. Elizabeth Maddison, am over the age of 18 and not a party to this case. I am a resident of or employed in the county where the mailing occurred. My business is at 3055 Wilshire Boulevard, 12th Floor, Los Angeles, California 90010.

On the date shown above, I served the following:

1. 60-Day Notice of Intent to Sue Under Health and Safety Code section 25249.6
2. Certificate of Merit; Health and Safety Code Section 25249.7(d)
3. Certificate of Merit (Attorney General Copy); Factual information to establish the basis of the certificate of merit (only sent to the Attorney General)

on the alleged violator listed below via First Call Mail through the United States Postal Service by placing a true and correct copy in a sealed envelope, addressed to the entity listed below and providing such envelope to a United States Postal Service Representative:

Hain Celestial Group, Inc.
1111 Marcus Avenue
Lake Success, New York 11042

as well as providing copies of the notice to the public enforcers by placing a true and correct copy in a sealed envelope, addressed to the parties listed on the attached Distribution List.

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

Executed on March 29, 2021, at Los Angeles, California.

/s/ K. Elizabeth Maddison

K. Elizabeth Maddison

Distribution List

1. Office of the Attorney General
P.O. Box 70550
Oakland, CA 94612
2. Concord City Attorney's Office
1950 Parkside Drive
Concord, CA 94519
3. Contra Costa County Counsel
1025 Escobar Street, 3rd Floor
Martinez, CA 94553
4. Contra Costa District Attorney's Office
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