AVJUSTICE LAW FIRM
A Professional Law Corporation
714 W. Olympic Blvd Suite #450 Los Angeles, CA 90015
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padilla@avjustice.com
antonio@avjustice.com
http://www.avjustice.com

May 27, 2022

NOTICE OF VIOLATION OF CALIFORNIA HEALTH & SAFETY CODE SECTION 25249.5 *ET SEQ.* (PROPOSITION 65)

Dear Alleged Violators and the Appropriate Public Enforcement Agencies:

We represent Keep America Safe and Beautiful ("KASB"), 14891 Booney Street, Westminster, California 92683. KASB's Executive Director is Ngoc-Bich Hoang Vo. KASB is a California non-profit corporation dedicated to, among other causes, helping safeguard the public from health hazards by bringing about a reduction in the use and misuse of hazardous and toxic chemicals, facilitating a safe environment for consumers and employees, and encouraging corporate responsibility.

KASB has identified violations of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65"), which is codified at California Health & Safety Code §25249.5 et seq., with respect to the products identified below. These violations have occurred and continue to occur because the alleged Violators identified below failed to provide required clear and reasonable warnings with these products. This letter serves as a notice of these violations to the alleged Violators and the appropriate public enforcement agencies. Pursuant to Health and Safety Code Section 25249.7(d), KASB intends to pursue a private enforcement action in the public interest 60 days after effective service of this notice unless the public enforcement agencies have commenced and are diligently prosecuting an action to rectify these violations.

General Information about Proposition 65.

A copy of a summary of Proposition 65, prepared by the Office of Environmental Health Hazard Assessment, is enclosed with thisletter served to the alleged Violators identified below.

Alleged Violators.

The names of the person/company covered by this notice that violatedProposition 65 (hereinafter the "Violators") are:

Popchips, LLC
600 Playhouse Alley
Suite 400
Pasadena, CA 91101

VSB OPCO, LLC
600 Playhouse Alley
Suite 400

Pasadena, CA 91101

Iherb, LLC
17400 Laguna Canyon Road
400
Irvine, CA 92618

Consumer Products and Listed Chemical.

The products that are the subject of this notice and the chemical in those products identified as exceeding allowable levels are: Popchips Cassava Chips.

On February 27, 1987, the State of California officially listed lead as a chemicalknown 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.

It should be noted that KASB may continue to investigate other products that mayreveal further violations and result in subsequent notices of violations.

Route of Exposure.

The consumer exposures that are the subject of this notice result from the recommended use of these products. Consequently, the route of exposure to this chemical has been and continues to be through ingestion.

Approximate Time Period of Violations.

Ongoing violations have occurred every day since at least March 16, 2022, as well as every day since the products were introduced into the California marketplace, and will continue every day until clear and reasonable warnings are provided to product purchasers and users or until this known toxic chemical is either removed from or reduced to allowable levels in the products. Proposition 65requires that a clear and reasonable warning be provided prior to exposure to the identified chemical. The method of warning should be a warning that appears on the product label. The Violators violated Proposition 65 because they failed to provide persons ingesting these products with appropriate warnings that they are being exposed to this chemical.

Consistent with the public interest goals of Proposition 65 and a desire to have these ongoing violations of California law quickly rectified, KASB is interested in seeking a constructive resolution of this matter that includes an enforceable written agreement by the Violators to: (1) reformulate the identified products so as to eliminate further exposures to theidentified chemical, or provide appropriate warnings on the labels of these products; (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. Such a resolution will prevent further unwarned consumer exposures to the identified chemical, as well as an expensive and time-consuming litigation.

KASB has retained us as legal counsel in connection with this matter. **Please direct all communications regarding this Notice of Violation to my attention at the law office address and telephone number indicated on the letterhead or at padilla@avjustice.com**

Sincerely,

Arturo Padilla

Attachments:

Certificate of Merit
Certificate of Service
OEHHA Summary (to Alleged Violators only)
Factual Information in Support of Certificate of Merit (to AG only)

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May 27, 2022

CERTIFICATE OF MERIT

Re: Keep America Safe and Beautiful's Notice of Proposition 65 Violation by Popchips, LLC, VSB OPCO, LLC and Iherb, LLC

I, Arturo Padilla, declare:

1. This Certificate of Merit accompanies the attached 60-day notice in which it is allegedthat 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.

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. I have reviewed the laboratory testing results for the chemical subject to the Notice and rely on these results. The testing was conducted by a reputable accredited testing laboratory and by experienced scientists with doctoral and other degrees in relevant sciences. The facts, studies and other data derived through this investigation overwhelmingly demonstrate that the alleged violators have exposed persons to the listed chemical that is the subject of the Notice and is known to the State of California to cause reproductive and/or developmental harm, and/or cancer.

5. Based on the information obtained through those consultations, and on other information in my possession, I believe there is a reasonable and meritorious case forthe 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.

6. Along with the copy of this Certificate of Merit-served on the Attorney General is attached additional factual information sufficient to establish the basis for this certificate, including the information identified in California Health & Safety Code §25249.7(h)(2), i.e., (I) the identities or persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: May 27, 2022

Arturo Padilla
padilla@avjustice.com

CERTIFICATE OF SERVICE PURSUANT TO 27 CCR § 25903

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 and over the age of 18 years of age. My business address is 714 W. Olympic Blvd., Suite 450, Los Angeles, CA 90015. I am a resident or employed in thecounty where the mailing occurred. The envelope or package was placed in the mail at Los Angeles, California.

On May 27, 2022, between 8:00 a.m. and 5:00 p.m. Pacific Standard Time, I served the following documents: **NOTICE OF VIOLATION OF CALIFORNIA HEALTH & SAFETY CODE §25249.5 *ET SEQ.;* CERTIFICATE OF MERIT; "THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY"** on the following parties by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties listed below and depositing it at a U.S. Postal Service Office with the postage fully prepaid for delivery by Certified First Class Mail:

Current President or CEO of Popchips, LLC
600 Playhouse Alley
Suite 400
Pasadena, CA 91101

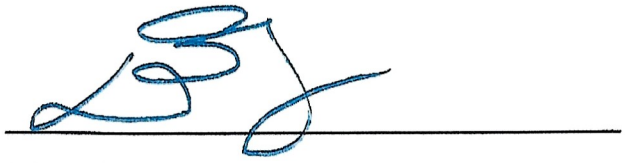
Current President or CEO of VSB OPCO, LLC
600 Playhouse Alley
Suite 400
Pasadena, CA 91101

Amit Pandhi, Registered Agent for Popchips, LLC and VSB OPCO, LLC
600 Playhouse Alley
Suite 400
Pasadena, CA 91101

Current President or CEO of Iherb, LLC
17400 Laguna Canyon Road
400
Irvine, CA 92618

Paracorp, Inc., Registered Agents for Iherb, LLC
2804 Gateway Oaks Dr.
Suite 100
Sacramento, CA 95833

Executed on May 27, 2022, in Los Angeles, California.



Diane Quevedo

CERTIFICATE OF SERVICE PURSUANT TO 27 CCR § 25903

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On May 27, 2022 between 8:00 a.m. and 5:00 p.m. Pacific Standard Time, I verified the following documents **NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 *ET SEQ.;* CERTIFICATE OF MERIT INCLUDING A SUMMARY OF CONFIDENTIAL FACTUAL INFORMATION; ADDITIONAL SUPPORTING INFORMATION FOR CERTIFICATE OF MERIT AS REQUIRED BY CALIFORNIA HEALTH & SAFETY CODE §25249.7(d)(1)** were served 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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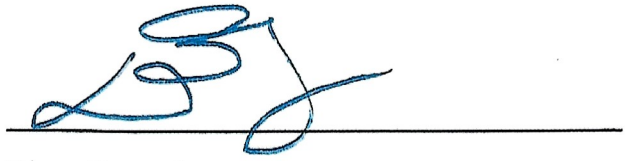

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Nancy O'Malley, District Attorney Alameda County 7677 Oakport Street, Suite 650 Oakland, CA 94621 CEPDProp65@acgov.org	Barbara Yook, District Attorney Calaveras County 891 Mountain Ranch Road San Andreas, CA 95249 Prop65Env@co.calaveras.ca.us
Stacey Grassini, Deputy District Attorney Contra Costa County 900 Ward Street Martinez, CA 94553 sgrassini@contracostada.org	Thomas L. Hardy, District Attorney Inyo County 168 North Edwards Street Independence, CA 93526 inyoda@inyocounty.us
Michelle Latimer, Program Coordinator Lassen County 220 S. Lassen Street Susanville, CA 96130 mlatimer@co.lassen.ca.us	Lisa A. Smittcamp, District Attorney Fresno County 2100 Tulare Street Fresno, CA 93721 consumerprotection@fresnocountyca.gov
Walter W. Wall, District Attorney Mariposa County P.O Box 730 Mariposa, CA 95338 mcda@mariposacounty.org	Kimberly Lewis, District Attorney Merced County 550 West Main Street Merced, CA 95340 Prop65@countyofmerced.com
Jeannine M. Pacioni , District Attorney Monterey County 1200 Aguajito Road, Monterey, CA 93940 Prop65DA@co.monterey.ca.us	Mark Ankcorn, Deputy City Attorney San Diego City Attorney 1200 Third Avenue 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
Tori Verber Salazar, District Attorney San Joaquin County 222 E. Weber Avenue, Room 202 Stockton, CA 95202 DAConsumer.Environmental@sjcda.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
Christopher Dalbey, Deputy District Attorney Santa Barbara County 1112 Santa Barbara Street Santa Barbara, CA 93101 DAProp65@co.santa-barbara.ca.us	Bud Porter, 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 30 I Second Street Woodland, CA 95695 cfepd@yolocounty.org
Alison Haley, District Attorney Napa County 1127 First Street, suite C Napa CA 94559 CEPD@countyofnapa.org	Clifford H. Newell, District Attorney Nevada County 201 Commercial Street Nevada City, CA 95959 DA.Prop65@co.nevada.ca.us
Morgan Briggs Gire, District Attorney Placer County 10810 Justice Center Drive Roseville, CA 95678 Prop65@placer.ca.gov	David Hollister, District Attorney Plumas County 520 Main St Quincy, CA 95971 davidhollister@countyofplumas.com
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

Summer Stephan, District Attorney San Diego County 330 West Broadway San Diego, CA 92101 SanDiegoDAprop65@sdcda.org	Alexandra Grayner, Assistant District Attorney 350 Rhode Island Street San Francisco, CA 94103 Alexandra.grayner@sfgov.org
Nora V. Frimann, City Attorney 200 E. Santa Clara Street, 16th Floor San Jose, CA 96113 Proposition65notices@sanjoseca.gov	Jefferey S. Rosell, District Attorney 701 Ocean Street Santa Cruz, CA 95060 Prop65@santacruzcounty.us
Jill Ravitch, District Attorney 600 Administration Drive Santa Rosa, CA 95403 Jeannie.barnes@sonoma-county.org	Phillip J Cline, District Attorney 221 S Mooney Blvd Visalia, CA 95370 Prop65@co.tulare.ca.us

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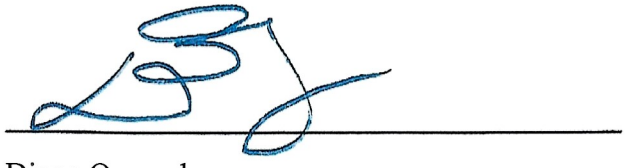

Diane Quevedo

CERTIFICATE OF SERVICE PURSUANT TO 27 CCR § 25903

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On May 27, 2022 between 8:00 a.m. and 5:00 p.m. Pacific Standard Time, I served the following documents: **NOTICE OF VIOLATION, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT** on each parties on the Service List attached hereto by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties on the Service List attached hereto, and depositing it at a U.S. Postal Service Office with the postage fully prepaid for delivery by First Class Mail

Service List

District Attorney of Alameda County 1225 Fallon Street, Room 900 Oakland, CA 94612	District Attorney of Glenn County P.O. Box 430 Willows, CA 95988	District Attorney of Madera County 209 West Yosemite Avenue Madera, CA 93637
District Attorney of Amador County 708 Court Street #202 Jackson, CA 95642	District Attorney of Imperial County 940 West Main Street, Suite 102 El Centro, CA 92243	District Attorney of Mariposa County P.O. Box 730 Mariposa, CA 95338
District Attorney of Calaveras County 891 Mountain Ranch Road San Andreas, CA 95249	District Attorney of Kern County 1215 Truxtun Avenue Bakersfield, CA 93301	District Attorney of Mendocino County P.O. Box 1000 Ukiah, CA 95482
District Attorney of Contra Costa County 900 Ward Street Martinez, CA 94553	District Attorney of Lake County 255 N. Forbes Street Lakeport, CA 95453	District Attorney of Modoc County 204 S. Court Street Room 202 Alturas, CA 96101

District Attorney of El Dorado County 778 Pacific Street Placerville, CA 95667	District Attorney of Los Angeles County 211 W. Temple Street, Suite 1200 Los Angeles, CA 90012	District Attorney of Monterey County P.O. Box 1131 Salinas, CA 93902
District Attorney of Alpine County P.O. Box 248 Markleeville, CA 96120	District Attorney of Marin County 3501 Civic Center Drive, Room #130 San Rafael, CA 94903	District Attorney of Nevada County 201 Commercial Street Nevada City, CA 95959
District Attorney of Butte County 25 Country Center Drive – Administration Building Orville, CA 95965	District Attorney of Humboldt County 825 5th Street Eureka, CA 95501	District Attorney of Placer County 10810 Justice Center Drive Roseville, CA 95678
District Attorney of Colusa County 310 6th Street Colusa, CA 95932	District Attorney of Inyo County 168 North Edwards Independence, CA 93526	District Attorney of Riverside County 3960 Orange Street Riverside, CA 92501
District Attorney of Del Notre County 450 H Street, Room 171 Crescent City, CA 95531	District Attorney of Kings County 1400 West Lacey Blvd. Hanford, CA 93230	District Attorney of Merced County 550 West Main Street Merced, CA 95340
District Attorney of Fresno County 2100 Tulare Street Fresno, CA 93721	District Attorney of Lassen County 2950 Riverside Drive, Suite 102 Susanville, CA 96130	District Attorney of Mono County P.O. Box 2053 Mammoth Lakes, CA 93546
District Attorney of Napa County P.O. Box 720 Napa, CA 94559	District Attorney of San Bernardino County 303 W. Third Street San Bernardino, CA 92415	District Attorney of Tuolumne County 423 N. Washington Street Sonora, CA 95370
District Attorney of Orange County 300 N. Flower Street Santa Ana, CA 92703	District Attorney of San Francisco County 350 Rhode Island Street, North Building, Suite 400N San Francisco, CA 94103	District Attorney of Yolo County 301 Second Street Woodland, CA 95695
District Attorney of Plumas County 520 Main Street, Room 404 Quincy, CA 95971	District Attorney of San Luis Obispo County Courthouse Annex, 4th Floor San Luis Obispo, CA 93408	District Attorney of Solano County 675 Texas Street, Suite 4500 Fairfield, CA 94533
District Attorney of Sacramento County 901 G Street Sacramento, CA 95814	District Attorney of Santa Barbara County 1112 Santa Barbara Street Santa Barbara, CA 93101	District Attorney of Stanislaus County 832 12th Street, Suite 300 Modesto, CA 95353

District Attorney of San Benito County 419 4th Street Hollister, CA 95023	District Attorney of Santa Cruz County 701 Ocean Street, Room 200 Santa Cruz, CA 95060	District Attorney of Tehama County P.O. Box 519 Red Bluff, CA 96080
District Attorney of San Diego County 330 W, Broadway, Suite 1300 San Diego, CA 92101	District Attorney of Sierra County 100 Courthouse Square Downievillie, CA 95936	District Attorney of Tulare County 221 South Mooney Blvd, Suite 224 Visalia, CA 93291
District Attorney of San Joaquin P.O. Box 990 Stockton, CA 95202	District Attorney of Siskiyou County P.O. Box 986 Yreka, CA 96097	District Attorney of Ventura County 800 South Victoria Avenue Ventura, CA 93291
District Attorney of San Mateo County 400 County Center, Third Floor Redwood City, CA 94063	District Attorney of Sonoma County 600 Administration Drive, Room 212J Santa Rosa, CA 95403	District Attorney of Yuba County 215 Fifth Street, Suite 152 Marysville, CA 95901
District Attorney of Santa Clara County 70 W. Hedding Street, West Wing San Jose, CA 95110	District Attorney of Sutter County 462 2nd Street, Suite 102 Yuba City, CA 95991	
District Attorney of Shasta County 1355 West Street Redding, CA 96001	District Attorney of Trinity County P.O. Box 310 Weaverville, CA 96093	

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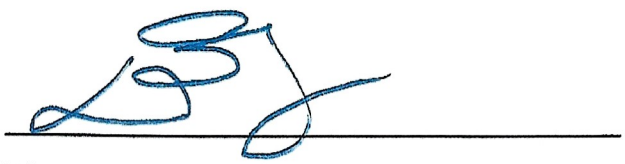

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