



ATTORNEYS AT LAW

Tel: 619-629-0527
noam@entornolaw.com
jake@entornolaw.com
craig@entornolaw.com

225 Broadway, Suite 1900
San Diego, CA 92101

January 19, 2023

Via Certified Mail

Lee Kum Kee (U.S.A.) Inc.
c/o Simon Chi Shing Wu
14841 Don Julian Road
City of Industry, CA 91746

Lee Kum Kee (USA) Foods Inc.
c/o Simon Chi Shing Wu
14455 Don Julian Road
City of Industry, CA 91746

Tawa Supermarket, Inc.
c/o Jonson Chen
6338 Regio Ave
Buena Park, CA 90620

Instacart
C T Corporation System
28 Liberty Street
New York, NY

Re: Proposition 65 Notice of Violation

To Whom It May Concern:

We represent Environmental Health Advocates, Inc., an organization in the State of California acting in the interest of the general public. This letter serves as notice that the parties listed above are in violation of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act, commencing with section 25249.5 of the Health and Safety Code (“Proposition 65”). In particular, the violations alleged by this notice consist of types of harm that may potentially result from exposures to the toxic chemical Lead. Lead was listed as a developmental and reproductive toxin on February 27, 1987 and listed as a carcinogen on October 1, 1992.

The type of product that is causing exposures in violation of Proposition 65 is sauce, including but not limited to:

	<u>Product Name</u>	<u>Manufacturer</u>	<u>Distributor/Retailer</u>
1.	Lee Kum Kee Chili Garlic Sauce	Lee Kum Kee (U.S.A.) Inc / Lee Kum Kee (USA) Foods Inc.	Tawa Supermarket, Inc. / Instacart

The routes of exposure to the chemical(s) in violation include ingestion by consumers. These exposures occur through the reasonably foreseeable use of the product. The sales of this

product have been occurring since at least December 2022, are continuing to this day and will continue to occur as long as the product subject to this notice is sold to and used by consumers.

Proposition 65 requires that a clear and reasonable warning is provided with these products regarding the exposures to Lead caused by ordinary use of the product. The Parties are in violation of Proposition 65 by failing to provide such warning to consumers and as a result of the sales of this product, exposures to Lead have been occurring without proper warnings.

Pursuant to Proposition 65, notice and intent to sue shall be provided to violators 60-days before filing a complaint. This letter provides notice of the alleged violation to the parties listed above and the appropriate governmental authorities. A summary of Proposition 65 is attached.

EHA identifies Fred Duran as a responsible individual within the entity.

If you have any questions or wish to discuss any of the above, please contact me.

ENTORNO LAW, LLP



Noam Glick

Jake Schulte
Craig Nicholas

Enclosures

CERTIFICATE OF MERIT

I, Noam Glick, 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 am an attorney for the noticing party.

3. I 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, 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 plaintiffs' 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.

Dated: January 19, 2023



Noam Glick, Attorney at Law

CERTIFICATE OF SERVICE

I, Samantha Mason, declare that I am over the age of 18 years, and am not a party to the within action. I am employed in the County of San Diego, California, where the mailing occurs; and my business address is 225 Broadway, 19th Floor, San Diego, California 92101.

On January 19, 2023, I served the following documents: **(1) 60-DAY NOTICE OF VIOLATION SENT IN COMPLIANCE WITH HEALTH & SAFETY CODE SECTION 25249.7(d); (2) CERTIFICATE OF MERIT; (3) PROPOSITION 65: A SUMMARY; and (4) CERTIFICATE OF MERIT ATTACHMENT (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 at my business address with the U.S. Postal Service for delivery by Certified Mail with the postage thereon fully prepaid:

Via Certified Mail

Lee Kum Kee (U.S.A.) Inc.
c/o Simon Chi Shing Wu
14841 Don Julian Road
City of Industry, CA 91746

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Buena Park, CA 90620

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C T Corporation System
28 Liberty Street
New York, NY

On January 19, 2023, 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 January 19, 2023, 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 and the authorization appears on the Attorney General's web site.

See Attached Service List

On January 19, 2023, 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 at my business address 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 January 19, 2023, at San Diego, California.

Samantha Mason
Samantha Mason