

# 60-DAY NOTICE OF VIOLATION

SENT IN COMPLIANCE WITH  
*Cal. Health & Safety Code § 25249.5, et seq.*  
("Proposition 65")

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**DATE:** May 22, 2023

**TO:** **MANUFACTURER**

**Shan Foods Pvt. Ltd**

29 Main Korangi Rd, Mehran Town Sector 23  
Korangi Industrial Area,  
Karachi, Karachi City, Sindh 74900, Pakistan.

**RETAILER**

WAL-MART.COM USA, LLC

Attn: Tom Ward (Member/Manager)  
850 CHERRY AVE SAN BRUNO, CA 94066

## GOVERNMENT OFFICES

California Attorney General's Office

District Attorney's Office for All California Counties; and

City Attorneys for San Francisco, San Diego, San Jose, Sacramento and Los Angeles

**FROM:** Healthy California LLC

## **I. INTRODUCTION**

**Healthy California LLC** ("HC") is the noticing entity, acting in the interest of the general public. It seeks to reduce or eliminate the presence of hazardous substances in consumer products sold in California, and to ensure that California consumers are aware of the presence of such substances in consumer goods so that they can make an educated effort to limit their own exposure where deemed necessary.

This Notice is provided to the public agencies listed above pursuant to California Health & Safety Code § 25249.6, *et seq.* ("Proposition 65"). As noted above, notice is also being provided to the violators: **Shan Foods Pvt. Ltd** and **WAL-MART.COM USA, LLC / Walmart Inc / Wal-mart Stores Inc** (the "Violators"). The violations covered by this Notice consists of a summary of Proposition 65, Statement of Violation, Number and Duration of Violation, Product Category/Type, Listed Chemical(s), Preservation of Evidence, Product Exposure, Routes of Exposure and type of harm resulting from exposure to the chemicals ("Listed Chemicals") as follows:

Product Exposure:	See Section VI. and VII. Exhibit A
Listed Chemical:	Lead
Routes of Exposure:	Ingestion and Dermal Absorption
Type of Harm:	Cancer, Birth Defect and other Reproductive Harm

## **II. STATEMENT OF VIOLATIONS**

The specific type of product that is causing consumer exposures in violation of Proposition 65, and that is covered by this Notice, is listed under “Product Category/Type” in section VI. and the specific toxicant(s)/Listed Chemical(s) is set forth in Exhibit A of Section VII. All products within the category covered by this Notice shall be referred to hereinafter as the “Covered Product(s)” or “Product(s)”. Exposures to the Listed Chemical from the use of the Products have been occurring without the “clear and reasonable warning” required by Proposition 65. The method of the warning should be a label on the product itself. Without proper warnings regarding the toxic effects of exposures to the Listed Chemical resulting from contact with the Products, California citizens lack the information necessary to make informed decisions on whether and how to eliminate (or reduce) the risk of exposure to the Listed Chemical from the reasonably foreseeable use of the Products.

The Notice Recipients knowingly and intentionally exposed, and continue to knowingly and intentionally expose, consumers within the State of California to the Listed Chemical(s), a chemical known to the State of California to cause cancer, birth defects and other reproductive harm, without first giving clear and reasonable warning of this exposure to such individuals. In particular, the Notice Recipients failed to provide a clear and reasonable warning to consumers that the Listed Product exposes consumers to Listed Chemical(s).

## **III. NUMBER AND DURATION OF VIOLATIONS**

Each and every sale of a Covered Product to a consumer in California without a clear and reasonable warning is a violation, including transactions made over the counter, through the internet, and/or via catalogue by the Notice Recipients and any other sellers of the Covered Products. These violations have been occurring since at least from the date of purchase of product provided below in Section VI, will continue until “clear and reasonable warning” are provided prior to exposure of the Listed Chemicals.

## **IV. ROUTE OF EXPOSURE**

California consumers and other individuals, through the act of using and consuming the Covered Product, are exposed to the Listed Chemical. Consumers ingest the Listed Chemical by eating the Covered Product, or when they touch and handle the Covered Products, transfer the Listed Chemical from the Covered Products onto their fingers and hands, and transfer the Listed Chemical from their fingers and hands to their mouths through hand-to-mouth activities that may continue to occur for a significant period after contact with the Covered Products.

By way of example but not limitation, exposures occur when California Citizens use as an ingredient, eat, sample or otherwise ingest the product. These acts cause consumers and other individuals to be exposed to the Listed Chemical through the routine consumption of all or a portion of the product containing the Listed Chemical. People likely to be exposed include both children and adult including women of childbearing age.

## **V. PRODUCT CATEGORY/TYPE**

Identified below is a specific example of Covered Products recently purchased and witnessed as being available for purchase or use in California (the “Violating Product”). Based on publicly available information, the retailers, distributors, and/or manufacturers of the Violating Product is also provided.

The Violating Products are identified for the Notice Recipients’ benefit to assist in their investigation of the allegations set forth in this Notice. The Violating Product is not meant to be an exhaustive or comprehensive identification of each specific offending product falling within the specific type or category of Covered Products at issue in this Notice. It is the HC’s position that the Notice Recipients are obligated to conduct a good-faith investigation into other specific products falling within

the type or category of Covered Products that have been manufactured, imported, distributed, sold, shipped, stored, or are otherwise within the Notice Recipients' custody or control, so as to ensure the requisite toxic warnings were and are provided to California citizens prior to purchase.

Product Category: Food

<u>Violating Product</u>	<u>Date of Purchase</u>	<u>Retailer(s)</u>	<u>Distributor(s)</u>	<u>Manufacturer(s)</u>	<u>Toxicant(s)</u>
SHAN ACHAR GOSHT	4/5/2023	WalMart	Various	Shan Foods Pvt. Ltd	Lead
SHAN CHICKEN MASALA	4/5/2023	WalMart	Various	Shan Foods Pvt. Ltd	Lead
SHAN MALAY CHICKEN BIRYANI	4/5/2023	WalMart	Various	Shan Foods Pvt. Ltd	Lead
SHAN- ZAFRANI GARAM MASALA POWDER	4/5/2023	WalMart	Various	Shan Foods Pvt. Ltd	Lead
SHAN- STRAWBERRY CUSTARD POWDER	4/5/2023	WalMart	Various	Shan Foods Pvt. Ltd	Lead
SHAN- VANILLA CUSTARD POWDER	4/5/2023	WalMart	Various	Shan Foods Pvt. Ltd	Lead
SHAN (JAR)- CHILI PICKLE	4/5/2023	WalMart	Various	Shan Foods Pvt. Ltd	Lead
SHAN PAYA	4/5/2023	WalMart	Various	Shan Foods Pvt. Ltd	Lead
SHAN KOFTA	4/5/2023	WalMart	Various	Shan Foods Pvt. Ltd	Lead
SHAN KARAH	4/5/2023	WalMart	Various	Shan Foods Pvt. Ltd	Lead
SHAN NIHARI	4/5/2023	WalMart	Various	Shan Foods Pvt. Ltd	Lead
SHAN MEAT MASALA	4/5/2023	WalMart	Various	Shan Foods Pvt. Ltd	Lead
SHAN PASANDA MASALA	4/5/2023	WalMart	Various	Shan Foods Pvt. Ltd	Lead
SHAN CHICKEN WHITE KARAH	4/5/2023	WalMart	Various	Shan Foods Pvt. Ltd	Lead
SHAN CHICKEN HANDI	4/5/2023	WalMart	Various	Shan Foods Pvt. Ltd	Lead
SHAN BUTTER CHICKEN	4/5/2023	WalMart	Various	Shan Foods Pvt. Ltd	Lead
SHAN FISH BIRYANI	4/5/2023	WalMart	Various	Shan Foods Pvt. Ltd	Lead
SHAN BIRYANI	4/5/2023	WalMart	Various	Shan Foods Pvt. Ltd	Lead
SHAN TIKKA SEEKH KABAB	4/5/2023	WalMart	Various	Shan Foods Pvt. Ltd	Lead
SHAN TIKKA	4/5/2023	WalMart	Various	Shan Foods Pvt. Ltd	Lead

SHAN PANI PURI MASALA	4/5/2023	WalMart	Various	Shan Foods Pvt. Ltd	Lead
SHAN KEEMA	4/5/2023	WalMart	Various	Shan Foods Pvt. Ltd	Lead
SHAN CHAPLI KABAB	4/5/2023	WalMart	Various	Shan Foods Pvt. Ltd	Lead
SHAN LAHORI FISH	4/5/2023	WalMart	Various	Shan Foods Pvt. Ltd	Lead
SHAN FRIED FISH	4/5/2023	WalMart	Various	Shan Foods Pvt. Ltd	Lead
SHAN- PILAU BIRYANI	4/5/2023	WalMart	Various	Shan Foods Pvt. Ltd	Lead
SHAN- PUNJABI YAKHNI PILAU	4/5/2023	WalMart	Various	Shan Foods Pvt. Ltd	Lead
SHAN- GINGER PASTE	4/5/2023	WalMart	Various	Shan Foods Pvt. Ltd	Lead

**VI. EXHIBIT A – LISTED CHEMICAL**

<b>Toxicant(s)</b>
Lead

**VII. RESOLUTION OF NOTICED CLAIMS**

Consistent with goals of Proposition 65 and a desire to have these violations corrected, HC is interested in seeking a resolution of this matter that includes a binding written agreement by the Violators to: (1) recall any products already sold, or undertake best efforts to ensure that the requisite health hazard warnings are provide to those who have received such products; (2) reformulate the Covered Product so as to eliminate further exposures to the Covered Chemical(s), or provide appropriate warnings on the labels of these products; and (3) pay an appropriate civil penalty. Such a resolution will prevent further unwarned consumer exposure to the Covered chemical(s), as well as expensive and time-consuming litigation. It should be noted that counsel cannot (1) finalize any settlement until after the 60-daynotice period has expired; or (2) speak for the California Attorney General or any District or City Attorney who has received this notice. Therefore, while reaching an agreement with HC will resolve its claims; such an agreement maynot satisfy the public prosecutors.

Proposition 65 requires that notice of intent to sue be given to the violators(s) sixty (60) days before the suit isfiled. *Cal. Health & Safety Code § 25249.7(d)(1)*. With this letter, HC gives notice of the alleged violations to Violator and the appropriate governmental authorities. In absence of any action by the appropriate governmental authorities within sixty (60) calendar days of the sending of this notice HC may file suit. *See Cal. Code Civ. Proc. § 1013; Cal. Health & Safety Code § 25249.7(d)(1); and Cal. Code Regs. Tit. 27 § 25903(d)(1)*. Per *Cal. Code Regs. Tit. 27, § 25600.2(g)* (2018) the retail seller noticed on this 60 Day Notice is hereby requested to promptly provide thenames and contact information for the manufacture(s), producer(s), packager(s), importer(s), supplier(s), and/or distributor(s) of the Listed Products in this Notice.

Healthy California LLC remains open and willing to discuss the possibilities of resolving itsgrievance short of formal litigation.

## **VIII. PRESERVATION OF EVIDENCE**

This Notice also serves as a demand that the Notice Recipients preserve and maintain all relevant evidence, including all electronic document and data, pending resolution of this matter. Such relevant evidence includes but is not limited to all documents relating to the presence of the Listed Chemicals in the Covered Product; purchase and sales information for Covered Products (i.e., list of purchasers and quantity sold; list of manufacture(s), producer(s), packager(s), importer(s), supplier(s), and/or distributor(s) and quantity in each transaction, as well as current inventory of the Covered Product in stock); efforts to comply with Proposition 65 with respect to the Covered Products; communications with any person relating to the presence or potential presence of the Listed Chemical in Covered Products; and representative exemplars of each specific model falling within the Covered Products. This demand applies to all relevant evidence for Covered Products sold in the State of California, as far back as February 20, 2018 through the date of any trial of the claims alleged in this Notice.

## **IX. CERTIFICATE OF MERIT**

Pursuant to Health & Safety Code §25249.6 and Title 11, California Code of Regulations, section 3100, a Certificate of Merit is attached hereto. A second copy of the entire notice and Certificate of Merit is served on the Attorney General with all supporting documentation required by section 3102 attached hereto.

## **X. CONTACT INFORMATION**

Michael Vance, Manager  
Healthy California LLC.  
10407 Brookshire Avenue  
Downey, CA 90241  
Telephone: (562) 644-4185

Sincerely,

Tyler Michael Vance, Esq.

Attachments: Certificate of Merit; Certificate of Service;  
The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary The  
Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): Special Compliance  
Procedure; Confidential Information in Support of Certificate of Merit (Attorney General Only)