

May 30, 2023

**SIXTY-DAY NOTICE OF INTENT TO SUE FOR VIOLATION OF THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986**  
**(*Cal. Health & Safety Code § 25249.5, et seq.*) (“Proposition 65”)**

Re: Violations of Proposition 65 concerning Complete Protein containing Lead.

Dear Alleged Violators and Public Enforcement Agencies:

Berj Parseghian (“Claimant”), serves this Notice of Violation (“Notice”) on Archon Vitamin, LLC, d.b.a. PlantFusion; and Amazon.com Services, LLC (collectively “Violators”) pursuant to and in compliance with Proposition 65. KJT Law Group, LLP represents Berj Parseghian (Claimant). This Notice satisfies a prerequisite for Claimant to commence an action against Violators in any Superior Court of California to enforce Proposition 65. The violations addressed by this Notice occurred at numerous locations in each county in California as reflected in the district attorney addresses listed in the attached distribution list. Claimant is serving this Notice upon each person or entity responsible for the alleged violations, the California Attorney General, the district attorney for each county where alleged violations occurred, and the City Attorney for each city with a population (according to the most recent decennial census) of over 750,000 located within counties where the alleged violations occurred.

Claimant is a citizen of the State of California, dedicated to protecting the consumer environment, improving human health, and supporting environmentally sound commercial practices. By sending this notice of violations of California’s Safe Drinking Water and Toxic Enforcement Act of 1986, Health & Safety Code §§ 25249.5 *et seq.*, claimant is acting “in the public interest” pursuant to Proposition 65.

This Notice concerns violations of the warning prong of Proposition 65, which states that “[n]o person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the state to cause cancer or reproductive toxicity without first giving clear and reasonable warning to such individual . . .” *Cal. Health & Safety Code § 25249.6.*

Pursuant to § 25249.7(d) of the statute, Claimant intends to bring an enforcement action against the Violators sixty (60) days after the effective service of this notice unless public enforcement agencies have commenced and are diligently prosecuting an action to rectify these violations. A summary of the statute and its implementing regulations, which was prepared by the Office of Environmental Hazard Assessment, the lead agency designated under the State, is enclosed with the copy of this notice served upon the violators (“Proposition 65: A Summary”). The specific details of the violations that are the subject of this notice are provided below.

Consumer Product and Chemical(s) Involved

Claimant has discovered that Complete Protein contains lead. Lead is known to the State of California to cause cancer. “Lead and lead compounds” have been listed as carcinogens since October 1, 1992 and “lead” has been listed as a developmental toxicant for males and females since February 27, 1987. On February 27, 1987, the State of California officially listed lead as a chemical known 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.

Identifiers for the Complete Protein include but are not limited to: **“PlantFusion – Complete Protein – Creamy Vanilla Bean; UPC #: 8 90985 00150 1.”**

This Notice addresses consumer products exposures. A “[c]onsumer products exposure’ is an exposure which results from a person’s acquisition, purchase, storage, consumption, or other reasonably foreseeable use of a consumer good, or any exposure that results from receiving a consumer service.” Cal. Code Regs. 27 tit. § 25602(b).

Description of Violation

Violators caused consumer product exposures in violation of Proposition 65 by producing or making available Complete Protein for distribution or sale in California to consumers. The packaging for Complete Protein (meaning any label or other written, printed or graphic matter affixed to or accompanying the product or its container or wrapper) contains no Proposition 65-compliant warning. Nor did Violator, with regard to Complete Protein, provide a system of signs, public advertising identifying the system and toll-free information services, or any other system, which provided clear and reasonable warnings. Nor did Violator, with regard to Complete Protein, provide identification of the product at retail outlets in a manner that provided a warning through shelf labeling, signs, menus, or a combination thereof.

Route of Exposure

Use of the product identified above results in human exposure to lead. The primary route of lead exposure to consumers is through direct ingestion when consumers eat the Complete Protein. These exposures take place throughout the State of California. No clear and reasonable warning is provided with regards to the carcinogenic and/or reproductive hazard of lead as required by State law.

Duration of Violations

These violations have been occurring every day between since at least May 30, 2022, and every day since the products were introduced into the California marketplace, and will continue every day until clear and reasonable warnings are provided with regards to the carcinogenic and/or reproductive hazard of lead as required by State law or until these known toxic chemicals are removed or reduced to allowable levels in the products.

Counsel

The Claimant is represented in connection with this matter by and may only be contacted through:

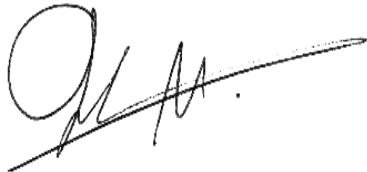
**Tro Krikorian, Esq.**  
**KJT Law Group, LLP**  
**230 N. Maryland Avenue, Suite 306, Glendale, CA 91206**  
**Telephone: (818) 507-8525**  
**Email: Tro@KJTLawGroup.com**

In keeping with the public interest goals of the statute and the objective of protecting individuals and the community at-large from further toxic exposures, KJT Law Group, LLP is interested in seeking a constructive and immediate resolution of this matter in order to avoid continuing unwarned exposure to listed chemicals.

Proposition 65 requires that notice of intent to sue be given to the violator(s) sixty (60) days before the suit is filed. *Cal. Health & Safety Code* § 25249.7(d)(1). With this letter, Claimant 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 (plus ten (10) calendar days because the place of address is beyond the State of California but within the United States), Claimant 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). Claimant remains open and willing to discussing the possibility of resolving its grievances short of formal litigation.

All communications regarding this notice may be made to Tro Krikorian, Esq. at the above listed firm address and telephone number.

Regards,



Tro Krikorian, Esq.  
KJT Law Group, LLP

Attachments:

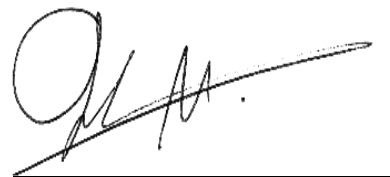
**Certificate of Merit**  
**Supporting Documentation for Certificate of Merit (to Attorney General Only)**  
**Proposition 65: A Summary**  
**Proof of Service (including DA Service List)**

**Complete Protein containing Lead  
CERTIFICATE OF MERIT  
Health & Safety Code § 25249.5 et. seq.**

I, Tro Krikorian, hereby declare:

- 1) This Certificate of Merit accompanies the attached sixty (60) day notice in which it is alleged the parties identified in the notice have violated Health & Safety Code section 25249.6 by failing to provide clear and reasonable warnings.
- 2) I am the attorney for the noticing parties.
- 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 chemicals that are 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: May 30, 2023



Tro Krikorian, Esq.  
**KJT Law Group, LLP**

**PROOF OF SERVICE**

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, over the age of 18 years of age, and am not a party to the action. I am employed in the County of Los Angeles, State of California; my business address is 230 N. Maryland Avenue, Suite 306, Glendale, CA 91206.

On **May 30, 2023** I served the following documents:

**60-DAY NOTICE OF VIOLATIONS; 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 the party listed below and depositing it in a US Postal Service Office with the postage fully prepaid for delivery by **Certified Mail**:

<b>Entity Address:</b> Archon Vitamin LLC Attn: Legal Department 14405 W. Colfax Avenue Lakewood, CO 80401	<b>Registered Agent for Service of Process:</b> Archon Vitamin LLC Attn: Registered Agent 14405 W. Colfax Avenue Lakewood, CO 80401
<b>Entity Address:</b> Amazon.com Services, LLC 410 Terry Avenue North Seattle, WA 98109	<b>Registered Agent for Service of Process:</b> Amazon.com Services, LLC c/o Corporate Service Company 2710 Gateway Oaks Drive, Suite 150N Sacramento, CA 95833

On **May 30, 2023** I served the following documents:

**60-DAY NOTICE OF VIOLATIONS; CERTIFICATE OF MERIT; SUPPORTING DOCUMENTATION FOR CERTIFICATE OF MERIT; THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY**

on the following parties by uploading the foregoing documents at the webpage listed below:

Office of the California Attorney General  
Prop 65 Enforcement Reporting  
1515 Clay Street, Ste. 2000  
Post Office Box 70550  
Oakland, California 94612-0550  
<https://oag.ca.gov/prop65/add-60-day-notice>

Executed under penalty of perjury pursuant to the laws of the State of California in Glendale, California on **May 30, 2023**.

**Vache Thomassian**

**PROOF OF SERVICE AFFIDAVIT**  
CCP 1013(a), CCP 1013(b), and CCP 1013a(3)

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

My name is David Birdsall.

I am over the age of 18 and not a party to the related cause(s).

I am employed at DocuCents in the county of Los Angeles, State of California, which is where the mailing occurred.

My business address is: 960 S Village Oaks Dr, Covina, CA 91724, which is where I placed the correspondence described herein for deposit in the United States Postal Service.

I am readily familiar with the business' practice for collection and processing of correspondence for mailing with the United States Postal Service.

The following correspondence will be deposited with the United States Postal Service this same day in the ordinary course of business.

Each envelope was sealed and placed for collection and mailing on 05/30/2023, following ordinary business practices.

The exact TITLE of the document(s) served and the name(s) and address(s) of the people or entities being served are listed on the following attached Service List(s). This affidavit may include multiple Service Lists for documents which were mailed to many different parties on unrelated causes as part of the ordinary course of services.

I declare under penalty of perjury under the laws of the State of California that the foregoing and all information contained in the attached Service List(s) is true and correct.

Printed name: David Birdsall

Dated: 05/30/2023

X

  
David Birdsall

Attachments: Service List(s) included as part of this affidavit.

## SERVICE LIST

### ALAMEDA COUNTY

The Honorable Pamela Y. Price  
District Attorney  
1225 Fallon Street, Room 900  
Oakland, CA 94612

### ALPINE COUNTY

The Honorable Michael Atwell  
District Attorney  
P.O. Box 248  
Markleeville, CA 96120

### AMADOR COUNTY

The Honorable Todd Riebe  
District Attorney  
708 Court Street  
Jackson, CA 95642

### BUTTE COUNTY

The Honorable Michael Ramsey  
District Attorney  
25 County Center Drive  
Oroville, CA 95965

### CALAVERAS COUNTY

The Honorable Barbara Yook  
District Attorney  
891 Mountain Ranch Road  
San Andreas, CA 95249

### COLUSA COUNTY

The Honorable Matthew Beauchamp  
District Attorney  
310 6th Street  
Colusa, CA 95932

### CONTRA COSTA COUNTY

The Honorable Diana Becton  
District Attorney  
900 Ward Street  
Martinez, CA 94553

### DEL NORTE COUNTY

The Honorable Krishna A. Abrams  
District Attorney  
450 H Street, Room 171  
Crescent City, CA 95531

### EL DORADO COUNTY

The Honorable Vernon Pierson  
District Attorney  
778 Pacific Street  
Placerville, CA 95667

### FRESNO COUNTY

The Honorable Lisa Smittcamp  
District Attorney  
2220 Tulare Street, Suite 1000  
Fresno, CA 93721

### GLENN COUNTY

The Honorable Dwayne Stewart  
District Attorney  
P.O. Box 430  
Willows, CA 95988

### HUMBOLDT COUNTY

The Honorable Maggie Fleming  
District Attorney  
825 5th Street  
Eureka, CA 95501

### IMPERIAL COUNTY

The Honorable Gilbert G. Otero  
District Attorney  
940 W. Main Street, Suite 102  
El Centro, CA 92243

### INYO COUNTY

The Honorable Thomas L. Hardy  
District Attorney  
168 N. Edwards  
Independence, CA 93526

### KERN COUNTY

The Honorable Cythia Zimmer  
District Attorney  
1215 Truxtun Avenue  
Bakersfield, CA 93301

### KINGS COUNTY

The Honorable Keith Fagundes  
District Attorney  
1400 W. Lacey Boulevard  
Hanford, CA 93230

### LAKE COUNTY

The Honorable Susan Krones  
District Attorney  
255 N. Forbes Street  
Lakeport, CA 95453

### LASSEN COUNTY

The Honorable Melyssah Rios  
District Attorney  
2950 Riverside Drive, Suite 102  
Susanville, CA 96130

### LOS ANGELES COUNTY

The Honorable Jackie Lacey  
District Attorney  
211 W. Temple Street, Suite 1200  
Los Angeles, CA 90012

### MADERA COUNTY

The Honorable Sally Moreno  
District Attorney  
209 W. Yosemite Avenue  
Madera, CA 93637

### MARIN COUNTY

The Honorable Lori Frugoli  
District Attorney  
3501 Civic Center Drive, Room 130  
San Rafael, CA 94903

### MARIPOSA COUNTY

The Honorable Walter Wall  
District Attorney  
P.O. Box 730  
Mariposa, CA 95338

### MENDOCINO COUNTY

The Honorable C. David Eyster  
District Attorney  
P.O. Box 1000  
Ukiah, CA 95482

### MERCED COUNTY

The Honorable Nicole A. Silveira  
District Attorney  
550 W. Main Street  
Merced, CA 95340

### MODOC COUNTY

The Honorable Jordan Funk  
District Attorney  
204 S. Court Street, Room 202  
Alturas, CA 96101

### MONO COUNTY

The Honorable Samuel Kylo  
District Attorney  
P.O. Box 2053  
Mammoth Lakes, CA 93546

### MONTEREY COUNTY

The Honorable Jeannine Pacioni  
District Attorney  
1200 Agujajito Rd. Room 301  
Monterrey, CA 93940

### NAPA COUNTY

The Honorable Allison Haley  
District Attorney  
1127 First Street, Suite C  
Napa, CA 94559

### NEVADA COUNTY

The Honorable Clifford Newell  
District Attorney  
201 Commercial Street  
Nevada City, CA 95959

### ORANGE COUNTY

The Honorable Todd Spitzer  
District Attorney  
300 North Flower St.  
Santa Ana, CA 92703

### PLACER COUNTY

The Honorable R. Morgan Gire  
District Attorney  
10810 Justice Center Drive, Suite 240  
Roseville, CA 95678

### PLUMAS COUNTY

The Honorable David Hollister  
District Attorney  
520 Main Street, Room 404  
Quincy, CA 95971

### RIVERSIDE COUNTY

The Honorable Michael Hestrin  
District Attorney  
3960 Orange Street  
Riverside, CA 92501

### SACRAMENTO COUNTY

The Honorable Anne Marie Schubert  
District Attorney  
901 G Street  
Sacramento, CA 95812

### SAN BENITO COUNTY

The Honorable Candice Hooper-  
Mancino  
District Attorney  
419 4th Street  
Hollister, CA 95023

### SAN BERNARDINO COUNTY

The Honorable Jason Anderson  
District Attorney  
303 W. Third Street  
San Bernardino, CA 92415

### SAN DIEGO COUNTY

The Honorable Summer Stephan  
District Attorney  
330 W. Broadway, Suite 1300  
San Diego, CA 92101

### SAN FRANCISCO COUNTY

The Honorable Chesa Boudin,  
District Attorney  
350 Rhode Island Street  
North Building, Suite 400N  
San Francisco, CA 94103

### SAN JOAQUIN COUNTY

The Honorable Tori Verber Salazar  
District Attorney  
P.O. Box 990  
Stockton, CA 95202

### SAN LUIS OBISPO COUNTY

The Honorable Dan Dow  
District Attorney  
Courthouse Annex, 4th Floor  
San Luis Obispo, CA 93408

### SAN MATEO COUNTY

The Honorable Stephen M. Wagstaffe  
District Attorney  
400 County Center, Third Floor  
Redwood City, CA 94063

### SANTA BARBARA COUNTY

The Honorable Joyce Dudley  
District Attorney  
1112 Santa Barbara Street  
Santa Barbara, CA 93101

### SANTA CLARA COUNTY

The Honorable Jeffrey Rosen  
District Attorney  
70 W. Hedding Street, West Wing  
San Jose, CA 95110

### SANTA CRUZ COUNTY

The Honorable Jeff Rosell  
District Attorney  
701 Ocean Street, Room 200  
Santa Cruz, CA 95060

### SHASTA COUNTY

The Honorable Stephanie A. Bridgett  
District Attorney  
1355 West Street  
Redding, CA 96001

### SIERRA COUNTY

The Honorable Sandra Groven  
District Attorney  
100 Courthouse Square  
Downieville, CA 95936

### SISKIYOU COUNTY

The Honorable James Kirk Andrus  
District Attorney  
P.O. Box 986  
Yreka, CA 96097

### SOLANO COUNTY

The Honorable Krishna A. Abrams  
District Attorney  
675 Texas Street, Suite 4500  
Fairfield, CA 94533

### SONOMA COUNTY

The Honorable Jill Ravitch  
District Attorney  
600 Administration Drive, Room 212J  
Santa Rosa, CA 95403

### STANISLAUS COUNTY

The Honorable Birgit Fladager  
District Attorney  
832 12th Street, Suite 300  
Modesto, CA 95353

### SUTTER COUNTY

The Honorable Amanda L. Hopper  
District Attorney  
463 Second St,  
Yuba City, CA 95991

### TRINITY COUNTY

The Honorable Donna Daly  
District Attorney  
P.O. Box 310  
Weaverville, CA 96093

### TULARE COUNTY

The Honorable Tim Ward  
District Attorney  
221 S. Mooney Boulevard, Suite 224  
Visalia, CA 93291

### SUTTER COUNTY

District Attorney  
446 Second Street, Suite 102  
Yuba City, CA 95991

### TUOLUMNE COUNTY

The Honorable Laura Krieg  
District Attorney  
423 No. Washington Street  
Sonora, CA 95370

### VENTURA COUNTY

The Honorable Gregory Totten  
District Attorney  
800 S. Victoria Avenue  
Ventura, CA 93009

### YOLO COUNTY

The Honorable Jeffery Reising  
District Attorney  
301 Second Street  
Woodland, CA 95695

### YUBA COUNTY

The Honorable Clint Curry  
District Attorney  
215 Fifth Street, Suite 152  
Marysville, CA 95901

### TEHAMA COUNTY

The Honorable Matthew Rogers  
District Attorney  
P.O. Box 519  
Red Bluff, CA 96080

### CITY OF LOS ANGELES

City Attorney's Office  
200 N. Main Street, Room 800  
Los Angeles, CA 90012

### CITY OF SACRAMENTO

Office of the City Attorney  
915 I Street, 4th Floor  
Sacramento, CA 95814

### CITY OF SAN DIEGO

City Attorney's Office  
1200 3rd Avenue, Suite 1620  
San Diego, CA 92101

### CITY OF SAN FRANCISCO

City Attorney's Office  
City Hall, Room 234  
1 Dr. Carlton B Goodlett Place  
San Francisco, CA 94102

### CITY OF SAN JOSE

City Attorney's Office  
200 E. Santa Clara Street, 16th Floor  
San Jose, CA 95113

### CITY OF OAKLAND

City Attorney's Office  
City Hall, 6th Floor  
1 Frank Ogawa Plaza  
Oakland, CA 94612