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June 2, 2023

*By Electronic Mail*

**Amazon.com, Inc.**  
ATTN: Jeff Bezos, CEO  
1200 12<sup>th</sup> Avenue S.  
Suite 1200  
Seattle, WA 98144  
prop-65-claim-notices@amazon.com

**Brett Oberst**  
Doll Amir & Eley LLP  
725 S. Figuereroa Street, Suite 3275  
Los Angeles, CA 90017  
boberst@dollamir.com

*Counsel for Amazon.com, Inc.*

**RE: 60-Day Notice of Violation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) & Demand for Supply Chain Identification**

Dear Mr. Bezos:

This firm represents As You Sow (“Noticing Party”) in connection with this notice of violations of California’s Safe Drinking Water and Toxic Enforcement Act of 1986, which is codified at California Health & Safety Code section 25249.5, et seq. (“Proposition 65”). As You Sow is a non-profit organization working to create a safe, just, and sustainable world in which protecting the environment and human rights is central to corporate decision making.

This letter constitutes notice to the addressee that they have violated and continue to violate provisions of Proposition 65 and its implementing regulations. Specifically, the Alleged Violator—Amazon.com, Inc. (“Violator”)—to which this letter is addressed has violated and continues to violate the warning requirement at section 25249.6 of the California Health & Safety Code, which provides, “No 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[.]”

Pursuant to California Health & Safety Code section 25249.7, subdivision (d), the Noticing Party, as defined in that section, intends to bring an enforcement action against the Violator sixty (60) days after effective service of this notice unless the public enforcement agencies listed in the attached Certificate of Service have commenced and are diligently prosecuting an action to rectify these violations. A summary of Proposition 65 and its implementing regulations, prepared by the Office of Environmental Health Hazard Assessment, the lead agency designated under Proposition 65, is enclosed with the copy of this notice served to the Violator. The specific details of the violations that are the subject of this Notice are provided below.

### Description of Violations

The Violator has contravened the warning requirement at section 25249.6 of the California Health and Safety Code, which provides, “[no] 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 a clear and reasonable warning to such individual.” Violators have manufactured, produced, packaged, imported, supplied, distributed, sold or otherwise provided the consumer products containing mercury listed below directly to consumers through the Violator’s website without providing the clear and reasonable warnings required by Proposition 65 and its implementing regulations, dating at least as far back as November 21, 2015, and continuing each day through the present.

- Time Period of Exposure: The violations have been occurring since at least April 18, 2019, and are continuing to this day.
- Provision of Proposition 65 Implicated: This Notice of Violation covers the “warning provision” of Proposition 65, which is found at California Health and Safety Code, section 25249.6, and its implementing regulations.
- Chemical Involved: The listed chemical involved in this notice of violation is mercury and mercury compounds. This chemical is recognized by the State of California as a developmental toxin. Exposure to mercury or mercury compounds occurs through ingestion, inhalation, and dermal absorption when skin-lightening creams, sold on Amazon.com’s website, are applied.
- Types of Products: The specific types of products causing the violations are skin-lightening, whitening, and “smoothing” creams containing mercury or mercury compounds, and specifically those listed below in Table 1.

**Table 1**

<b>Product</b>	<b>Exemplars<sup>1</sup></b>
Goree	ASIN: B076NLG5N9, B07KQG2V46, B07F89DCZW
Face Fresh	ASIN: B07DYPQHH5
Nunn Care	ASIN: B096TQFMP
Chandni	ASIN: B00BDM0UMM

<sup>1</sup> The listed exemplars are provided to assist in identification only and are not exhaustive of possible name variations and Amazon Standard Identification Numbers (ASINs) under which the products are or may be listed on Amazon.com.

Polla	ASIN: B0794BZ5YC, B0794FC6C3
Crema La Milagrosa	ASIN: B07BR9MH9G, B07GDVMYKD
Piel Eternamente Joven	ASIN: B09ZVHLT28, B0B8L1MFKM
Natural Face	ASIN: B0BRTLRLJBP

- **Description of Exposures:** This Notice addresses consumer product exposures to mercury and mercury compounds resulting from the acquisition, purchase, storage, consumption, or reasonably foreseeable use of creams used to lighten, whiten, or “smooth” skin. Mercury is an additive or active ingredient in such creams. Use of the items listed above, as well as other items of the same formula, results in human exposures to mercury. Mercury exposure occurs in three main routes: ingestion, inhalation, or dermal absorption. Ingestion may occur post-application due to insufficient hand washing prior to eating or preparing food. Inhalation may occur due to the significant amount of mercury vapor produced by use of these creams, which can affect all household members. Dermal absorption may occur as these products are designed and specifically marketed for direct contact with skin. These exposures occur in residences throughout California where the products are used. No clear and reasonable warning is provided with these products regarding the developmental toxicity of using these products or specifically of mercury.

Pursuant to California Code of Regulations, title 11, section 3100, a Certificate of Merit is attached.<sup>2</sup>

### **Resolution of Claims Being Noticed**

Based on the allegations set forth in this Notice, the Noticing Party intends to file a citizen enforcement lawsuit against the Violator unless it agrees to remedy the violations set forth above. If the Violator is interested in resolving this dispute without resort to expensive and time-consuming litigation, please contact the Noticing Party through its counsel identified below.

### **Preservation of Relevant Evidence**

This Notice also serves as a demand that the Violator preserve and maintain all relevant evidence, including all electronic documents and data, pending resolution of this matter. Such relevant evidence includes but is not limited to all documents relating to mercury released from or during the storage, shipment, and use of skin lightening creams; purchases and sales information for such products; communications with any person relating to actual or potential exposures to mercury from the use of such products; representative exemplars of each unit of any of the brands listed above in Table 1 sold since July 2017; the content of internet displays for the products causing the violations; and all communications regarding the alleged violations.

### **Parties**

This Notice is provided on behalf of the following person and organization:

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<sup>2</sup> A second copy of the entire notice and Certificate of Merit is served on the Attorney General, clearly marked “Attorney General Copy: Contains Official Information Pursuant to Evidence Code Section 1040” with all supporting documentation required by Section 3102 attached thereto.

As You Sow  
2201 Broadway  
Oakland, CA 94612  
(510) 735-8158

The Noticing Parties can be contacted through counsel as identified below:

Rachel Doughty  
Greenfire Law, PC  
2748 Adeline Street, Suite A  
Berkeley, CA 94703  
(510) 900-9502  
rdoughty@greenfirelaw.com

### **Demand for Supply Chain Contacts**

Pursuant to California Code of Regulations title 27, article 6, section 25600.2, subdivision (g) you must promptly provide As You Sow (through its counsel) with the names and contact information for each of the manufacturers, producers, packagers, importers, suppliers, and distributors of each of the products listed above in Table 1.

Sincerely,



Rachel S. Doughty  
Greenfire Law, PC

cc: Attorney General (without Summary and with additional confidential information supporting Certificate of Merit)  
District Attorneys and City Attorneys listed in Certificate of Service (without Summary)

Attachments:

Certificate of Merit

Certificate of Service

*The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary* (“Summary”)

## Certificate of Merit

California Health & Safety Code Section 25249.7, Subdivision (d)

I, Rachel Doughty, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice(s) in which it is alleged the parties identified in the notices have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.
2. I am the 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: June 2, 2023

Greenfire Law, PC

By:



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Rachel Doughty