

January 3, 2024

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 Dietary Supplement containing Lead.

Dear Alleged Violators and Public Enforcement Agencies:

Keep America Safe and Beautiful (“KASB”), serves this Notice of Violation (“Notice”) on AACE.N, LLC, d.b.a. NutraKey; and Amazon.com Services, LLC (collectively “Violators”) pursuant to and in compliance with Proposition 65. KJT Law Group, LLP represents Keep America Safe and Beautiful (KASB). This Notice satisfies a prerequisite for KASB 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. KASB 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.

KASB is a California nonprofit corporation acting in the interest of the general public, pursuant to California Health & Safety Code § 25249.7(d). KASB’s contact information is the following: 14891 Booney Street, Westminster, California 92683 | 714.227.7269. KASB’s Chief Executive Officer is Ngoc Bich Hoang Vo. KASB seeks to promote awareness of exposures to toxic chemicals in products sold in California and, if possible, to improve human health by eliminating hazardous substances contained in such items, promoting corporate responsibility.

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, KASB 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

KASB has discovered that Dietary Supplement 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 Dietary Supplement include but are not limited to: **“NutraKey – Ultra Strength – InnoFlex – Active Joint Support – UPC #: 0 45635 29320 5.”**

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 Dietary Supplement for distribution or sale in California to consumers. The packaging for Dietary Supplement (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 Dietary Supplement, 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 Dietary Supplement, 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 Dietary Supplement. 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 January 3, 2023, 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

KASB is represented in connection with this matter and may be contacted through:

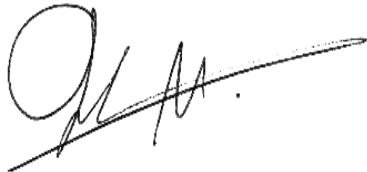
Tro Krikorian, Esq.
KJT Law Group, LLP
230 N. Maryland Avenue, Suite 306, Glendale, CA 91206
Telephone: (818) 507-8525
Email: Tro@KJTLawGroup.com

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, KASB 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), KASB 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). KASB remains open and willing to discussing the possibility of resolving its grievances short of formal litigation.

All communications regarding this notice can 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)

**Dietary Supplement 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: January 3, 2024



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 **January 3, 2024** 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:**

Entity Address: AACE.N, LLC Attn: Legal Department 975 Bennett Drive Longwood, FL 32750	Registered Agent for Service of Process: AACE.N, LLC Attn: Christopher Wagner 975 Bennett Drive Longwood, FL 32750
Entity Address: Amazon.com Services, LLC 410 Terry Avenue North Seattle, WA 98109	Registered Agent for Service of Process: Amazon.com Services, LLC c/o Corporation Service Company 2710 Gateway Oaks Drive, Suite 150N Sacramento, CA 95833

On **January 3, 2024** 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
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On **January 3, 2024** 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

by sending a true and correct copy via electronic mail to the address listed below:

Alameda County District Attorney's Office The Honorable Pamela Y. Price 1225 Fallon Street, Suite 900, Oakland, CA 94612 CEPDProp65@acgov.org

Executed under penalty of perjury pursuant to the laws of the State of California in Glendale, California on **January 3, 2024**.

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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 unless otherwise stated.

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 01/03/2024, 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: 01/03/2024

X


David Birdsall

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

SERVICE LIST

ALPINE COUNTY The Honorable Michael Atwell District Attorney P.O. Box 248 Markleeville, CA 96120	KINGS COUNTY The Honorable Keith Fagundes District Attorney 1400 W. Lacey Boulevard Hanford, CA 93230	ORANGE COUNTY The Honorable Todd Spitzer District Attorney 300 North Flower St. Santa Ana, CA 92703	The Honorable Jeff Rosell District Attorney 701 Ocean Street, Room 200 Santa Cruz, CA 95060	The Honorable Clint Curry District Attorney 215 Fifth Street, Suite 152 Marysville, CA 95901
AMADOR COUNTY The Honorable Todd Riebe District Attorney 708 Court Street Jackson, CA 95642	LAKE COUNTY The Honorable Susan Kronen District Attorney 255 N. Forbes Street Lakeport, CA 95453	PLACER COUNTY The Honorable R. Morgan Gire District Attorney 10810 Justice Center Drive, Suite 240 Roseville, CA 95678	SHASTA COUNTY The Honorable Stephanie A. Bridgett District Attorney 1355 West Street Redding, CA 96001	TEHAMA COUNTY The Honorable Matthew Rogers District Attorney P.O. Box 519 Red Bluff, CA 96800
BUTTE COUNTY The Honorable Michael Ramsey District Attorney 25 County Center Drive Oroville, CA 95965	LASSEN COUNTY The Honorable Melyssah Rios District Attorney 2950 Riverside Drive, Suite 102 Susanville, CA 96130	PLUMAS COUNTY The Honorable David Hollister District Attorney 520 Main Street, Room 404 Quincy, CA 95971	SIERRA COUNTY The Honorable Sandra Groven District Attorney 100 Courthouse Square Downville, CA 95936	CITY OF LOS ANGELES City Attorney's Office 200 N. Main Street, Room 800 Los Angeles, CA 90012
CALAVERAS COUNTY The Honorable Barbara Yook District Attorney 891 Mountain Ranch Road San Andreas, CA 95249	LOS ANGELES COUNTY The Honorable Jackie Lacey District Attorney 211 W. Temple Street, Suite 1200 Los Angeles, CA 90012	RIVERSIDE COUNTY The Honorable Michael Hestrin District Attorney 3960 Orange Street Riverside, CA 92501	SISKIYOU COUNTY The Honorable James Kirk Andrus District Attorney P.O. Box 986 Yreka, CA 96097	CITY OF SACRAMENTO Office of the City Attorney 915 I Street, 4th Floor Sacramento, CA 95814
COLUSA COUNTY The Honorable Matthew Beauchamp District Attorney 310 6th Street Colusa, CA 95932	MADERA COUNTY The Honorable Sally Moreno District Attorney 209 W. Yosemite Avenue Madera, CA 93637	SACRAMENTO COUNTY The Honorable Anne Marie Schubert District Attorney 901 G Street Sacramento, CA 95812	SOLANO COUNTY The Honorable Krishna A. Abrams District Attorney 675 Texas Street, Suite 4500 Fairfield, CA 94533	CITY OF SAN DIEGO City Attorney's Office 1200 3rd Avenue, Suite 1620 San Diego, CA 92101
CONTRA COSTA COUNTY The Honorable Diana Becton District Attorney 900 Ward Street Martinez, CA 94553	MARIN COUNTY The Honorable Lori Frugoli District Attorney 3501 Civic Center Drive, Room 130 San Rafael, CA 94903	SAN BENITO COUNTY The Honorable Joel Buckingham District Attorney 419 4th Street Hollister, CA 95023	SONOMA COUNTY The Honorable Jill Ravitch District Attorney 600 Administration Drive, Room 212J Santa Rosa, CA 95403	CITY OF SAN FRANCISCO City Attorney's Office City Hall, Room 234 1 Dr. Carlton B Goodlett Place San Francisco, CA 94102
DEL NORTE COUNTY The Honorable Krishna A. Abrams District Attorney 450 H Street, Room 171 Crescent City, CA 95531	MARIPOSA COUNTY The Honorable Walter Wall District Attorney P.O. Box 730 Mariposa, CA 95338	SAN BERNARDINO COUNTY The Honorable Jason Anderson District Attorney 303 W. Third Street San Bernardino, CA 92415	STANISLAUS COUNTY The Honorable Birgit Fladager District Attorney 832 12th Street, Suite 300 Modesto, CA 95353	CITY OF SAN JOSE City Attorney's Office 200 E. Santa Clara Street, 16th Floor San Jose, CA 95113
EL DORADO COUNTY The Honorable Vernon Pierson District Attorney 778 Pacific Street Placerville, CA 95667	MENDOCINO COUNTY The Honorable C. David Eyster District Attorney P.O. Box 1000 Ukiah, CA 95482	SAN DIEGO COUNTY The Honorable Summer Stephan District Attorney 330 W. Broadway, Suite 1300 San Diego, CA 92101	SUTTER COUNTY The Honorable Amanda L. Hopper District Attorney 463 Second St, Yuba City, CA 95991	CITY OF OAKLAND City Attorney's Office City Hall, 6th Floor 1 Frank Ogawa Plaza Oakland, CA 94612
FRESNO COUNTY The Honorable Lisa Smittcamp District Attorney 2220 Tulare Street, Suite 1000 Fresno, CA 93721	MERCED COUNTY The Honorable Nicole A. Silveira District Attorney 550 W. Main Street Merced, CA 95340	SAN FRANCISCO COUNTY The Honorable Chesa Boudin, District Attorney 350 Rhode Island Street North Building, Suite 400N San Francisco, CA 94103	TULARE COUNTY The Honorable Tim Ward District Attorney 221 S. Mooney Boulevard, Suite 224 Visalia, CA 93291	
GLENN COUNTY The Honorable Dwayne Stewart District Attorney P.O. Box 430 Willows, CA 95988	MODOC COUNTY The Honorable Jordan Funk District Attorney 204 S. Court Street, Room 202 Alturas, CA 96101	SAN JOAQUIN COUNTY The Honorable Ron Freitas District Attorney P.O. Box 990 Stockton, CA 95202	SUTTER COUNTY District Attorney 446 Second Street, Suite 102 Yuba City, CA 95991	
HUMBOLDT COUNTY The Honorable Maggie Fleming District Attorney 825 5th Street Eureka, CA 95501	MONO COUNTY The Honorable Samuel Kylo District Attorney P.O. Box 2053 Mammoth Lakes, CA 93546	SAN LUIS OBISPO COUNTY The Honorable Dan Dow District Attorney Courthouse Annex, 4th Floor San Luis Obispo, CA 93408	TUOLUMNE COUNTY The Honorable Cassandra Ann Jenecke District Attorney 423 No. Washington Street Sonoma, CA 95370	
IMPERIAL COUNTY The Honorable Gilbert G. Otero District Attorney 940 W. Main Street, Suite 102 El Centro, CA 92243	MONTEREY COUNTY The Honorable Jeannine Pacioni District Attorney 1200 Aguajito Rd. Room 301 Monterrey, CA 93940	SAN MATEO COUNTY The Honorable Stephen M. Wagstaffe District Attorney 400 County Center, Third Floor Redwood City, CA 94063	VENTURA COUNTY The Honorable Gregory Totten District Attorney 800 S. Victoria Avenue Ventura, CA 93009	
INYO COUNTY The Honorable Thomas L. Hardy District Attorney 168 N. Edwards Independence, CA 93526	NAPA COUNTY The Honorable Allison Haley District Attorney 1127 First Street, Suite C Napa, CA 94559	SANTA BARBARA COUNTY The Honorable Joyce Dudley District Attorney 1112 Santa Barbara Street Santa Barbara, CA 93101	YOLO COUNTY The Honorable Jeffery Reisig District Attorney 301 Second Street Woodland, CA 95695	
KERN COUNTY The Honorable Cythia Zimmer District Attorney 1215 Truxtum Avenue Bakersfield, CA 93301	NEVADA COUNTY The Honorable Clifford Newell District Attorney 201 Commercial Street Nevada City, CA 95959	SANTA CLARA COUNTY The Honorable Jeffrey Rosen District Attorney 70 W. Hedding Street, West Wing San Jose, CA 95110	YUBA COUNTY	
		SANTA CRUZ COUNTY		