

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

Lead in Lactation Bars and Shakes

May 20, 2024

This Notice of Violation (the "Notice") is provided to you pursuant to and in compliance with California Health and Safety Code section 25249.7(d).

- For general information regarding the California Safe Drinking Water and Toxic Enforcement Act, see the attached summary provided by the California EPA (copies not provided to public enforcement agencies).
- This Notice is provided by *As You Sow* ("AYS"), PO Box 751, Berkeley, CA 94701. AYS is a 501(c)(3) non-profit corporation dedicated to, among other causes, toxics reduction, the promotion of and improvement of human health, the improvement of worker and consumer rights, environmental education and the protection of the environment, and corporate accountability.

Description of Violation:

Violators: Colson Health, Inc.
1782 La Costa Meadows Drive
Suite 104
San Marcos, CA 92078

Target Corporation
1010 Dale Street N
St Paul, MN 55117-5603

Target Corporation
1000 Nicollet Mall
Minneapolis, MN 55403

- Time Period of Exposure: The violations have been occurring since at least May 20, 2021, and are ongoing.
- Provision of Proposition 65: This Notice covers the "warning provision" of Proposition 65, which is found at California Health and Safety Code Section 25249.6.
- Chemical(s) Involved: The names of the listed chemicals involved in these violations are lead and lead compounds ("Lead"). Exposures to Lead occur from consumption of the products identified in this Notice.

- Type of Product: The specific type of product causing these violations is lactation bars and shakes. Non-exclusive examples of this specific type of product are identified on the attached Exhibit 1. Further limitations, if any, on the specific type of products subject to this Notice for the violator are also identified on Exhibit 1.
- Description of Exposure: This Notice addresses consumer exposures to Lead. Consumption of the products identified in this Notice results in human exposures to Lead. The products contain Lead. The primary route of exposure for the violations is direct ingestion when consumers eat the products. These exposures occur in homes and everywhere else throughout California where the products are consumed. No clear and reasonable warning is provided with these products regarding the reproductive toxicity of Lead.

Resolution of Noticed Claims:

Based on the allegations set forth in this Notice, AYS intends to file a citizen enforcement lawsuit against each alleged violator unless such violator agrees in a binding written instrument to: (1) recall products already sold; (2) provide clear and reasonable warnings for products sold in the future or reformulate such products to eliminate the Lead exposures; and (3) pay an appropriate civil penalty based on the factors enumerated in California Health and Safety Code Section 25249.7(b). If any alleged violator is interested in resolving this dispute without resort to expensive and time-consuming litigation, please feel free to contact AYS through its counsel identified below. It should be noted that AYS cannot: (1) finalize any settlement until after the 60-day notice period has expired; nor (2) speak for the Attorney General or any District or City Attorney who received AYS's 60-day Notice. Therefore, while reaching an agreement with AYS will resolve AYS's claims, such agreement may not satisfy the public prosecutors.

Preservation of Relevant Evidence:

This Notice also serves as a demand that each alleged 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 the presence or potential presence of Lead in lactation bars and shakes; purchase and sales information for such products; efforts to comply with Proposition 65 with respect to such products; communications with any person relating to the presence or potential presence of Lead in such products; and representative examples of each unit of any such products sold by each alleged violator in the year preceding this Notice through the date of any trial of the claims alleged in this Notice.

Please direct any inquiries regarding this Notice to AYS's counsel Patrick Carey at Lexington Law Group, LLP, 503 Divisadero Street, San Francisco, CA 94117, (415) 913-7800, pcarey@lexlawgroup.com.

EXHIBIT 1
May 20, 2024 Notice of Violation
Lead in Lactation Bars and Shakes

<p align="center">Names and Addresses of Responsible Parties</p>	<p align="center">Non-Exclusive Examples of the Products</p>
<p align="center">Colson Health, Inc. 1782 La Costa Meadows Drive Suite 104 San Marcos, CA 92078</p> <p align="center">Target Corporation 1010 Dale Street N St Paul, MN 55117-5603</p> <p align="center">Target Corporation 1000 Nicollet Mall Minneapolis, MN 55403</p>	<p align="center">Boobie Bar Milk to the Max Blueberry Muffin Super Lactation Bar, 50 g, UPC No. 8-50975-00601-5; Best by: May 26, 2024, 23179</p>
	<p align="center">Boobie Bar Milk to the Max Oatmeal Chocolate Chip Super Lactation Bar, 50 g, UPC No. 8-50975-00600-8, Best By: January 13, 2024, 23109</p>
	<p align="center">Boobie Body Superfood for Super Moms Chocolate Bliss Meal Replacement Shake, 660g, Lot# B23170002; EXP: 06/2025; UPC No. 8-50975-00629-9</p>
<p align="center">Colson Health, Inc. 1782 La Costa Meadows Drive Suite 104 San Marcos, CA 92078</p>	<p align="center">Boobie Bar Milk to the Max Blueberry Muffin Super Lactation Bar 50 g, UPC No. 8-5097-00601-5; Best By: September 16, 2024, 23292</p>

CERTIFICATE OF MERIT

Health & Safety Code § 25249.7(d)

I, Patrick Carey, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged that the parties identified in the notice have violated Health & Safety Code § 25249.6 by failing to provide clear and reasonable warnings.

2. I am an attorney with the Lexington Law Group, LLP, and I represent the noticing party, As You Sow.

3. Members of my firm and 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 exposures to the listed chemical that is the subject of the action.

4. Based on the information obtained through those consultations, and on 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 plaintiff’s case can be established and the information did not prove that the alleged violators will be able to establish any of the affirmative defenses set forth in the statute.

5. The copy of the 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 & Safety Code § 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.

May 20, 2024



Patrick Carey
Attorney for As You Sow

1 **PROOF OF SERVICE**

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3 I, Lilian Macancela, declare:

4 I am a citizen of the United States and employed in the County of San Francisco, State of
5 California. I am over the age of eighteen (18) years and not a party to this action. My business
6 address is 503 Divisadero Street, San Francisco, CA 94117 and my email address is
7 lmacancela@lexlawgroup.com.

8 On May 20, 2024, I served the following document(s) on all interested parties in this
9 action by placing a true copy thereof in the manner and at the addresses indicated below:

10 **NOTICE OF VIOLATION OF CALIFORNIA SAFE DRINKING WATER AND
11 TOXIC ENFORCEMENT ACT;**

12 **CERTIFICATE OF MERIT;** and

13 **THE SAFE DRINKING AND TOXIC ENFORCEMENT ACT OF 1986
14 (PROPOSITION 65): A SUMMARY** (only sent to those on service list marked with an
15 asterisk).

16 **BY MAIL:** I am readily familiar with the firm's practice for collecting and processing mail
17 with the United States Postal Service ("USPS"). Under that practice, mail would be deposited
18 with USPS that same day with postage thereon fully prepaid at San Francisco, California in the
19 ordinary course of business. On this date, I placed sealed envelopes containing the above
20 mentioned documents for collection and mailing following my firm's ordinary business practices.

21 *Please see attached service list.*

22 **BY ELECTRONIC MAIL:** I transmitted a PDF version of the document(s) listed above via
23 email to the email address(es) indicated below before 5 p.m. on the date executed.

24 Pamela Y. Price, Alameda District Attorney
25 7677 Oakport Street, Suite 650
26 Oakland, CA 94621
27 CEPDProp65@acgov.org

28 James Clinchard, El Dorado Assistant District
Attorney
778 Pacific Street
Placerville, CA 95667
EDCDAPROP65@edcda.us

Barbara Yook, Calaveras District Attorney
891 Mountain Ranch Rd.
San Andreas, CA 95249
Prop65Env@co.calaveras.ca.us

Lisa A. Smittcamp, Fresno District Attorney
2100 Tulare Street
Fresno, CA 93721
consumerprotection@fresnocountyca.gov

Stacey Grassini, Contra Costa Deputy District
Attorney
900 Ward Street
Martinez, CA 94553
sgrassini@contracostada.org

Thomas L. Hardy, Inyo District Attorney
168 North Edwards Street
Independence, CA 93526
inyoda@inyocounty.us

Devin Chandler, Lassen Program Coordinator
2950 Riverside Dr
Susanville, CA 96130
dchandler@co.lassen.ca.us

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Lori E. Frugoli, Marin District Attorney
3501 Civic Center Drive, Room 145
San Rafael, CA 94903
consumer@marincounty.org

Walter W. Wall, Mariposa District Attorney
P.O. Box 730
Mariposa, CA 95338
mcda@mariposacounty.org

Kimberly Lewis, Merced District Attorney
550 West Main Street
Merced, CA 95340
Prop65@countyofmerced.com

Jeannine M. Pacioni, Monterey District Attorney
1200 Aguajito Road
Monterey, CA 93940
Prop65DA@co.monterey.ca.us

Allison Haley, Napa District Attorney
1127 First Street, Suite C
Napa, CA 94559
CEPD@countyofnapa.org

Clifford H. Newell, Nevada District Attorney
201 Commercial Street
Nevada City, CA 95959
DA.Prop65@co.nevada.ca.us

Morgan Briggs Gire, Placer District Attorney
10810 Justice Center Drive
Roseville, CA 95678
prop65@placer.ca.gov

David Hollister, Plumas District Attorney
520 Main St.
Quincy, CA 95971
davidhollister@countyofplumas.com

Paul E. Zellerbach, Riverside District Attorney
3072 Orange Street
Riverside, CA 92501
Prop65@rivcoda.org

Anne Marie Schubert, Sacramento District Attorney
901 G Street
Sacramento, CA 95814
Prop65@sacda.org

Summer Stephan, San Diego District Attorney
330 West Broadway
San Diego, CA 92101
SanDiegoDAProp65@sdccda.org

Mark Ankcorn, San Diego Deputy City Attorney
1200 Third Avenue
San Diego, CA 92101
CityAttyProp65@sandiego.gov

Henry Lifton, San Francisco Deputy City Attorney
1390 Market Street, 7th Floor
San Francisco, CA 94102
Prop65@sfcityattorney.org

Alexandra Grayner, San Francisco Assistant District Attorney
350 Rhode Island Street
San Francisco, CA 94103
alexandra.grayner@sfgov.org

Tori Verber Salazar, San Joaquin District Attorney
222 E. Weber Avenue, Room 202
Stockton, CA 95202
DAConsumer.Environmental@sjcda.org

Eric J. Dobroth, San Luis Obispo Deputy District Attorney
County Government Center Annex, 4th Floor
San Luis Obispo, CA 93408
edobroth@co.slo.ca.us

Christopher Dalbey, Santa Barbara Deputy District Attorney
1112 Santa Barbara St.
Santa Barbara, CA 93101
DAProp65@co.santa-barbara.ca.us

Nora V. Frimann, Santa Clara City Attorney
200 E. Santa Clara Street, 16th Floor
San Jose, CA 96113
Proposition65notices@sanjoseca.gov

Bud Porter, Supervising Santa Clara, Deputy District Attorney
70 W Hedding St
San Jose, CA 95110
EPU@da.sccgov.org

1 Jeffrey S. Rosell, Santa Cruz District Attorney
701 Ocean Street
2 Santa Cruz, CA 95060
3 Prop65DA@santacruzcounty.us

Phillip J. Cline, Tulare District Attorney
221 S Mooney Blvd
Visalia, CA 95370
Prop65@co.tulare.ca.us

4 Jill Ravitch, Sonoma District Attorney
600 Administration Drive
5 Santa Rosa, CA 95403
Jeannie.Barnes@sonoma-county.org

Gregory D. Totten, Ventura District Attorney
800 S Victoria Ave
Ventura, CA 93009
daspecialops@ventura.org

6
7 Jeff W. Reisig, Yolo District Attorney
301 Second Street
8 Woodland, CA 95695
cfepd@yolocounty.org

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10 I declare under penalty of perjury under the laws of the State of California that the
foregoing is true and correct.

11 Executed on May 20, 2024 at San Francisco, California.

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Lilian Macancela

SERVICE LIST

District Attorney of Alpine County
P.O. Box 248
Markleeville, CA 96120

District Attorney of Amador County
708 Court St, Ste. 202
Jackson, CA 95642

District Attorney of Butte County
Administration Building
25 County Center Dr, Ste 245
Oroville, CA 95965

District Attorney of Colusa County
310 6th St
Colusa, CA 95932

District Attorney of Del Norte County
450 H St, Ste. 171
Crescent City, CA 95531

District Attorney of Glenn County
P.O. Box 430
Willows, CA 95988

District Attorney of Humboldt County
825 5th St
Eureka, CA 95501

District Attorney of Imperial County
939 Main St, Ste. 102
El Centro, CA 92243

District Attorney of Kern County
1215 Truxtun Ave
Bakersfield, CA 93301

District Attorney of Kings County
1400 West Lacey Blvd.
Hanford, CA 93230

District Attorney of Lake County
375 3rd St
Lakeport, CA 95453

District Attorney of Los Angeles County
211 W. Temple St, Ste. 1200
Los Angeles, CA 90012-3210

District Attorney of Madera County
300 South G St, Ste 300,
Madera, CA 93637

District Attorney of Mendocino County
P.O. Box 1000
Ukiah, CA 95482

District Attorney of Modoc County
204 S. Court St, Ste 202
Alturas, CA 96101-4020

District Attorney of Mono County
P.O. Box 2053
Mammoth Lakes, CA 93546

District Attorney of Orange County
300 N Flower St
Santa Ana, CA 92703

District Attorney of San Benito County
419 Fourth St, 2nd Fl.
Hollister, CA 95023

District Attorney of San Bernardino County
303 West 3rd St
San Bernardino, CA 92415-0502

District Attorney of San Mateo County
400 County Center, 3rd Fl.
Redwood City, CA 94063

District Attorney of Shasta County
1355 West St
Redding, CA 96001

District Attorney of Sierra County
P.O. Box 457
Downieville, CA 95936

District Attorney of Siskiyou County
311 Fourth St, Rm 204
Yreka, CA 96097

District Attorney of Solano County
675 Texas St, Ste. 4500
Fairfield, CA 94533

District Attorney of Stanislaus County
832 12th St, Ste. 300
Modesto, CA 95354

District Attorney of Sutter County
463 2nd St, Ste 102
Yuba City, CA 95991

District Attorney of Tehama County
444 Oak St, Rm L
Red Bluff, CA 96080

District Attorney of Trinity County
P.O. Box 310
11 Court St
Weaverville, CA 96093

District Attorney of Tuolumne County
423 N Washington St
Sonora, CA 95370

District Attorney of Yuba County
215 Fifth St, Ste 152
Marysville, CA 95901

Los Angeles City Attorney's Office
City Hall East
200 N. Main St, Rm. 800
Los Angeles, CA 90012

BRIAN C. CORNELL, CEO*
Target Corporation
1000 Nicollet Mall
Minneapolis, MN 55403

BRIAN C. CORNELL, CEO*
Target Corporation
1010 Dale Street N
St Paul, MN 55117-5603

President or CEO*
Colson Health, Inc.
1782 La Costa Meadows Drive, Suite 104
San Marcos, CA 92078