

July 2, 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 Organic Chia Powder containing Lead.

Dear Alleged Violators and Public Enforcement Agencies:

Keep America Safe and Beautiful (“KASB”), serves this Notice of Violation (“Notice”) on Navitas LLC 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: 10512 Sycamore Avenue, Stanton, California 90680 | 714.227.7269. KASB’s Chief Executive Officer is Lance Nguyen. 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 Organic Chia Powder 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 Organic Chia Powder include but are not limited to: **“Navitas Organics – Organic Chia Powder – Plant Based Superfood; UPC #: 8 58847 00036 9.”**

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 Organic Chia Powder for distribution or sale in California to consumers. The packaging for Organic Chia Powder (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 Organic Chia Powder, 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 Organic Chia Powder, 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 Organic Chia Powder. 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 July 2, 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:

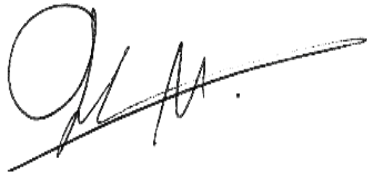
**Tro Krikorian, Esq.**  
**KJT Law Group, LLP**  
**230 N. Maryland Avenue, Suite 306, Glendale, CA 91206**  
**Telephone: (818) 507-8525**  
**Email: Tro@KJTLawGroup.com**

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)**

**Organic Chia Powder 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: July 2, 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 **July 2, 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:**

<b>Entity Address:</b> Navitas LLC Attn: Legal Department 15 Pamaron Way Novato, CA 94949	<b>Registered Agent for Service of Process:</b> Navitas LLC c/o Coagency Global, Inc. 1325 J Street, STE 1550 Sacramento, CA 95814
<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 Corporation Service Company 2710 Gateway Oaks Drive, Suite 150N Sacramento, CA 95833

On **July 2, 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 <a href="https://oag.ca.gov/prop65/add-60-day-notice">https://oag.ca.gov/prop65/add-60-day-notice</a>
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On **July 2, 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 addresses listed below:

Alameda County District Attorney's Office The Honorable Pamela Y. Price CEPDProp65@acgov.org	Marine County District Attorney's Office The Honorable Lori Frugoli consumer@marincounty.gov
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Executed under penalty of perjury pursuant to the laws of the State of California in Glendale, California on **July 2, 2024**.

**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 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 07/02/2024, 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: 07/02/2024

X \_\_\_\_\_

David Birdsall

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

**SENDER : KJT LAW GROUP  
3262 S WESTMONT LN UNIT 3  
ONTARIO CA 91761**

**SERVICE LIST  
CCP 1013a(3)**

This Service List is part of the attached Proof Of Service Affidavit dated 07/02/2024 signed by David Birdsall and describes the documents served for Mailing ID B95DB653731987F2.

Total Number of Images: 18

The TITLE of the document(s) being served is:

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

The following persons/entities were served by placing a true copy thereof into a sealed envelope with postage paid in the manner described in the attached affidavit:

ALPINE COUNTY  
THE HONORABLE MICHAEL ATWELL  
PO BOX 248  
MARKLEEVILLE CA 96120

BUTTE COUNTY  
THE HONORABLE MICHAEL RAMSEY  
25 COUNTY CENTER DR STE 110  
OROVILLE CA 95965

CALAVERAS COUNTY  
THE HONORABLE BARBARA YOOK  
891 MOUNTAIN RANCH RD  
SAN ANDREAS CA 95249

CONTRA COSTA COUNTY  
THE HONORABLE DIANA BECTON  
900 WARD ST  
MARTINEZ CA 94553

EL DORADO COUNTY  
THE HONORABLE VERNON PIERSON  
778 PACIFIC ST  
PLACERVILLE CA 95667

DEL NORTE COUNTY  
THE HONORABLE KRISHNA A ABRAMS

450 H ST RM 171  
CRESCENT CITY CA 95531

HUMBOLDT COUNTY  
THE HONORABLE MAGGIE FLEMING  
825 5TH ST  
EUREKA CA 95501

GLENN COUNTY  
THE HONORABLE DWAYNE STEWART  
PO BOX 430  
WILLOWS CA 95988

IMPERIAL COUNTY  
THE HONORABLE GILBERT G OTERO  
940 W MAIN ST STE 102  
EL CENTRO CA 92243

KERN COUNTY  
THE HONORABLE CYTHIA ZIMMER  
1215 TRUXTUN AVE  
BAKERSFIELD CA 93301

KINGS COUNTY  
THE HONORABLE KEITH FAGUNDES  
1400 W LACEY BLVD  
HANFORD CA 93230

LAKE COUNTY  
THE HONORABLE SUSAN KRONES  
255 N FORBES ST  
LAKEPORT CA 95453

LASSEN COUNTY  
THE HONORABLE MELYSSAH RIOS  
2950 RIVERSIDE DR STE 102  
SUSANVILLE CA 96130

MADERA COUNTY  
THE HONORABLE SALLY MORENO  
209 W YOSEMITE AVE  
MADERA CA 93637

MARIPOSA COUNTY  
THE HONORABLE WALTER WALL  
PO BOX 730  
MARIPOSA CA 95338

NEVADA COUNTY



THE HONORABLE CLIFFORD NEWELL  
201 COMMERCIAL ST  
NEVADA CITY CA 95959

SANTA BARBARA COUNTY  
THE HONORABLE JOYCE DUDLEY  
1112 SANTA BARBARA ST  
SANTA BARBARA CA 93101

SAN MATEO COUNTY  
THE HONORABLE STEPHEN M WAGSTAFFE  
400 COUNTY CTR FL 3  
REDWOOD CITY CA 94063

SANTA CRUZ COUNTY  
THE HONORABLE JEFF ROSELL  
701 OCEAN ST RM 200  
SANTA CRUZ CA 95060

SHASTA COUNTY  
THE HONORABLE STEPHANIE A BRIDGETT  
1355 WEST ST  
REDDING CA 96001

SISKIYOU COUNTY  
THE HONORABLE JAMES KIRK ANDRUS  
PO BOX 986  
YREKA CA 96097

SONOMA COUNTY  
THE HONORABLE JILL RAVITCH  
600 ADMINISTRATION DR RM 212J  
SANTA ROSA CA 95403

STANISLAUS COUNTY  
THE HONORABLE BIRGIT FLADAGER  
832 12TH ST STE 300  
MODESTO CA 95354

SUTTER COUNTY  
THE HONORABLE AMANDA L HOPPER  
463 2ND ST  
YUBA CITY CA 95991

TRINITY COUNTY  
THE HONORABLE DONNA DALY  
PO BOX 310  
WEAVERVILLE CA 96093

VENTURA COUNTY  
THE HONORABLE GREGORY TOTTEN  
800 S VICTORIA AVE  
VENTURA CA 93009

YOLO COUNTY  
THE HONORABLE JEFFERY REISIG  
301 2ND ST  
WOODLAND CA 95695

TEHAMA COUNTY  
THE HONORABLE MATTHEW ROGERS  
PO BOX 519  
RED BLUFF CA 96080

YUBA COUNTY  
THE HONORABLE CLINT CURRY  
215 5TH ST STE 152  
MARYSVILLE CA 95901

MENDOCINO COUNTY  
THE HONORABLE C DAVID EYSTER  
PO BOX 1000  
UKIAH CA 95482

MODOC COUNTY  
THE HONORABLE JORDAN FUNK  
204 S COURT ST STE 6  
ALTURAS CA 96101

MONO COUNTY  
THE HONORABLE SAMUEL KYLLO  
PO BOX 2053  
MAMMOTH LAKES CA 93546

PLUMAS COUNTY  
THE HONORABLE DAVID HOLLISTER  
520 MAIN ST RM 404  
QUINCY CA 95971

SACRAMENTO COUNTY  
THE HONORABLE ANNE MARIE SCHUBERT  
901 G ST  
SACRAMENTO CA 95814

RIVERSIDE COUNTY  
THE HONORABLE MICHAEL HESTRIN  
3960 ORANGE ST STE 500  
RIVERSIDE CA 92501

SAN BERNARDINO COUNTY  
THE HONORABLE JASON ANDERSON  
303 W 3RD ST  
SAN BERNARDINO CA 92415

SUTTER COUNTY  
DISTRICT ATTORNEY  
446 2ND ST STE 102  
YUBA CITY CA 95991

COLUSA COUNTY  
THE HONORABLE MATTHEW BEAUCHAMP  
310 6TH ST  
COLUSA CA 95932

ORANGE COUNTY  
THE HONORABLE TODD SPITZER  
300 N FLOWER ST  
SANTA ANA CA 92703

PLACER COUNTY  
THE HONORABLE R MORGAN GIRE  
10810 JUSTICE CENTER DR STE 240  
ROSEVILLE CA 95678

MONTEREY COUNTY  
THE HONORABLE JEANNINE PACIONI  
1200 AGUAJITO RD RM 301  
MONTEREY CA 93940

AMADOR COUNTY  
THE HONORABLE TODD RIEBE  
708 COURT ST STE 101  
JACKSON CA 95642

MERCED COUNTY  
THE HONORABLE NICOLE A SILVEIRA  
550 W MAIN ST  
MERCED CA 95340

INYO COUNTY  
THE HONORABLE THOMAS L HARDY  
DISTRICT ATTORNEY 168 N EDWARDS  
INDEPENDENCE CA 93526

SAN LUIS OBISPO COUNTY  
THE HONORABLE DAN DOW  
DISTRICT ATTORNEY COURTHOUSE ANX 4TH FL

SAN LUIS OBISPO CA 93408

CITY OF SACRAMENTO  
OFC OF THE CITY ATTORNEY  
915 I ST FL 4  
SACRAMENTO CA 95814

CITY OF OAKLAND  
CITY ATTORNEY S OFFICE  
1 FRANK H OGAWA PLZ FL 1ST  
OAKLAND CA 94612

FRESNO COUNTY  
THE HONORABLE LISA SMITTCAMP  
2220 TULARE ST STE 411 STE 1000  
FRESNO CA 93721

LOS ANGELES COUNTY  
THE HONORABLE JACKIE LACEY  
211 W TEMPLE ST FL 5 STE 1200  
LOS ANGELES CA 90012

SAN DIEGO COUNTY  
THE HONORABLE SUMMER STEPHAN  
330 W BROADWAY STE 1100 STE 1300  
SAN DIEGO CA 92101

SOLANO COUNTY  
THE HONORABLE KRISHNA A ABRAMS  
675 TEXAS ST STE 2600 STE 4500  
FAIRFIELD CA 94533

TULARE COUNTY  
THE HONORABLE TIM WARD  
221 S MOONEY BLVD STE 224  
VISALIA CA 93291

CITY OF LOS ANGELES  
CITY ATTORNEY S OFC  
700 E TEMPLE ST STE 210  
LOS ANGELES CA 90012

CITY OF SAN DIEGO  
CITY ATTORNEY S OFC  
1200 3RD AVE STE 1000  
SAN DIEGO CA 92101

CITY OF SAN JOSE  
CITY ATTORNEY S OFC

200 E SANTA CLARA ST 4T FL TOWER  
SAN JOSE CA 95113

SAN FRANCISCO COUNTY  
THE HONORABLE CHESA BOUDIN DISTRICT ATTO  
350 RHODE ISLAND ST STE 400N  
SAN FRANCISCO CA 94103

SANTA CLARA COUNTY  
THE HONORABLE JEFFREY ROSEN  
70 W HEDDING ST  
SAN JOSE CA 95110

NAPA COUNTY  
THE HONORABLE ALLISON HALEY  
1127 1ST ST STE 128 STE C  
NAPA CA 94559

TUOLUMNE COUNTY  
THE HONORABLE CASSANDRA ANN JENECKE  
423 N WASHINGTON ST DISTRICT ATTORNEY  
SONORA CA 95370

SAN JOAQUIN COUNTY  
THE HONORABLE RON FREITAS  
PO BOX 990  
STOCKTON CA 95201

SAN BENITO COUNTY  
THE HONORABLE JOEL BUCKINGHAM  
419 4TH ST  
HOLLISTER CA 95023

CITY OF SAN FRANCISCO  
CITY ATTORNEY S OFFICE  
1 DR CARLTON B GOODLETT PL STE 234  
SAN FRANCISCO CA 94102

SIERRA COUNTY  
THE HONORABLE SANDRA GROVEN  
100 COURTHOUSE SQ  
DOWNIEVILLE CA 95936

END OF SERVICE LIST FOR THE ABOVE TITLED DOCUMENTS

NOTICE: PAGES PRINTED DUPLEX. SCAN BOTH SIDES OF EACH PAGE TO ENSURE COMPLETE DOCUMENT INTAKE  
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US PATENT NO 8,600,904