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225 Broadway, Suite 1900
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September 13, 2024

Via Certified Mail

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|---|---|
| Conagra Brands, Inc. c/o CT Corporation System 330 N Brand Blvd. Glendale, CA 91203 | Current Chief Executive Officer Conagra Brands, Inc. c/o Sean M. Connolly 222 Merchandise Mart Plaza Chicago, IL 60654 |
| Ralph's Grocery Company c/o CSC – Lawyers Incorporating Service 2710 Gateway Oaks Dr., Ste. 150 N Sacramento, CA 95883 | Current Chief Executive Officer Ralph's Grocery Company c/o Christine S. Wheatley 1014 Vine Street Cincinnati, OH 45202 |

Re: Proposition 65 Notice of Violation

This notice amends the original notice of violation AG No. 2024-02031. This notice serves CEOs for all entities listed.

To Whom It May Concern:

We represent Environmental Health Advocates, Inc., an organization in the State of California acting in the interest of the general public. This letter serves as notice that the parties listed above are in violation of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act, commencing with section 25249.5 of the Health and Safety Code ("Proposition 65"). In particular, the violations alleged by this notice consist of types of harm that may potentially result from exposures to the toxic chemicals lead and cadmium. Lead was listed as a developmental and reproductive toxin on February 27, 1987 and listed as a carcinogen on October 1, 1992. Cadmium was listed as a carcinogen on October 1, 1987 and listed as a developmental and reproductive toxin on May 1, 1997.

The type of product that is causing exposures in violation of Proposition 65 is creamed spinach, including but not limited to:

| | <u>Product Name</u> | <u>Manufacturer</u> | <u>Distributor/Retailer</u> |
|----|----------------------------------|----------------------------|------------------------------------|
| 1. | Birds Eye Sauced Creamed Spinach | Conagra Brands, Inc. | Ralph's Grocery Company |

The routes of exposure to the chemical(s) in violation include ingestion by consumers. These exposures occur through the reasonably foreseeable use of the product. The sales of this

product have been occurring since at least April 2024, are continuing to this day and will continue to occur as long as the product subject to this notice is sold to and used by consumers.

Proposition 65 requires that a clear and reasonable warning is provided with these products regarding the exposures to Lead and Cadmium caused by ordinary use of the product. The Parties are in violation of Proposition 65 by failing to provide such warning to consumers and as a result of the sales of this product, exposures to Lead and Cadmium have been occurring without proper warnings.

Pursuant to Proposition 65, notice and intent to sue shall be provided to violators 60-days before filing a complaint. This letter provides notice of the alleged violation to the parties listed above and the appropriate governmental authorities. A summary of Proposition 65 is attached.

EHA identifies Fred Duran as a responsible individual within the entity, 12245 Carmel Vista Road, Unit 193, 92130; 915-312-2577. Mr. Duran requests all communications be sent to EHA's attorneys.

If you have any questions or wish to discuss any of the above, please contact me at noam@entornolaw.com and include clerks@entornolaw.com in the email.

ENTORNO LAW, LLP



Noam Glick

Craig M. Nicholas
Jake Schulte
Janani Natarajan

Enclosures

CERTIFICATE OF MERIT

I, Noam Glick, hereby declare:

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

2. I am an 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: September 13, 2024



Noam Glick, Attorney at Law

CERTIFICATE OF SERVICE

I, Mia Conti, declare that I am over the age of 18 years, and am not a party to the within action. I am employed in the County of San Diego, California, where the mailing occurs; and my business address is 225 Broadway, 19th Floor, San Diego, California 92101.

On September 13, 2024, I served the following documents: **(1) 60-DAY NOTICE OF VIOLATION SENT IN COMPLIANCE WITH HEALTH & SAFETY CODE SECTION 25249.7(d); (2) CERTIFICATE OF MERIT; (3) PROPOSITION 65: A SUMMARY; and (4) CERTIFICATE OF MERIT ATTACHMENT (served only on the Attorney General)** on the parties listed below by placing a true and correct copy thereof in a sealed envelope, addressed to each party and depositing it at my business address with the U.S. Postal Service for delivery by Certified Mail with the postage thereon fully prepaid:

Via Certified Mail

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|---|---|
| Conagra Brands, Inc. c/o CT Corporation System 330 N Brand Blvd. Glendale, CA 91203 | Current Chief Executive Officer Conagra Brands, Inc. c/o Sean M. Connolly 222 Merchandise Mart Plaza Chicago, IL 60654 |
| Ralph's Grocery Company c/o CSC – Lawyers Incorporating Service 2710 Gateway Oaks Dr., Ste. 150 N Sacramento, CA 95883 | Current Chief Executive Officer Ralph's Grocery Company c/o Christine S. Wheatley 1014 Vine Street Cincinnati, OH 45202 |

On September 13, 2024, I served the California Attorney General (via website Portal) by uploading a true and correct copy thereof as a PDF file via the California Attorney General's website.

On September 13, 2024, I transmitted via electronic mail the above-listed documents to the electronic mail addresses of the City and/or District Attorneys who have specifically authorized e-mail service and the authorization appears on the Attorney General's web site.

See Attached Service List

On September 13, 2024, I served the following persons and/or entities at the last known address by placing a true and correct copy thereof in a sealed envelope and depositing it at my business address with the U.S. Postal Service for delivery with the postage thereon fully prepaid, and addressed as follows:

See Attached Service List

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

Executed on September 13, 2024, at San Diego, California.


Mia Conti