

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

Pulegone in Mint Essential Oil Air Device Cores

November 13, 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 the Center for Environmental Health ("CEH"), 2201 Broadway, Suite 508, Oakland, CA 94612, (510) 655-3900. CEH is a nonprofit corporation dedicated to protecting the environment, improving human health and supporting environmentally sound practices. Shakoora Azimi-Gaylon is the Senior Director of the Toxic Exposures and Pollution Prevention Program and a responsible individual within CEH.

Description of Violation:

- Violators:
RDFN FUM Natural Products, Ltd.
11126 Hidden Valley Dr. NW
Calgary, Canada T3A5Z6

RDFN FUM Natural Products Inc.
c/o The Corporation Trust Company
Corporation Trust Center
1209 Orange Street
Wilmington DE 19801
- Time Period of Exposure: The violations have been occurring since at least November 13, 2021.
- 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 name of the listed chemical involved in these violations is pulegone ("Pulegone"). Exposures to Pulegone occur from ordinary use of the products identified in this Notice.
- Type of Product: The specific type of product causing these violations is Mint Essential Oil Inhaler Cores.

- Description of Exposure: This Notice addresses exposures to Pulegone. Ordinary use of the products identified in this Notice results in human exposures to Pulegone. Pulegone is found in, and comes out of, the products. The routes of exposure for the violations are inhalation and ingestion when consumers put the products in their mouths and inhale the device. No clear and reasonable Proposition 65 warning is provided with these products regarding the presence of Pulegone in the products.

Resolution of Noticed Claims:

Based on the allegations set forth in this Notice, CEH intends to file a citizen enforcement lawsuit against the alleged violators unless such violators agree in a binding written instrument to: (1) recall products already sold or otherwise provided to consumers; (2) provide clear and reasonable warnings for products sold or otherwise provided to consumers in the future or reformulate such products to eliminate the pulegone exposures; and (3) pay an appropriate civil penalty based on the factors enumerated in California Health and Safety Code Section 25249.7(b). If the alleged violators are interested in resolving this dispute without resort to expensive and time-consuming litigation, please feel free to contact CEH through its counsel identified below. It should be noted that CEH 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 CEH's 60-day Notice. Therefore, while reaching an agreement with CEH will resolve its claims, such agreement may not satisfy the public prosecutors.

Preservation of Relevant Evidence:

This Notice also serves as a demand that the alleged violators 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 pulegone in Mint Essential Oil Air Device Cores; purchase and usage 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 pulegone in such products; and representative exemplars of any such products provided to customers or consumers by the 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 CEH's counsel Mark N. Todzo at Lexington Law Group, 503 Divisadero Street, San Francisco, CA 94117, (415) 913-7800, mtodzo@lexlawgroup.com.

CERTIFICATE OF MERIT
Health & Safety Code §25249.7(d)

I, Mark N. Todzo, hereby declare:

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

2. I am an attorney with the Lexington Law Group, and I represent the noticing party, the Center for Environmental Health.

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.

November 13, 2024



Mark N. Todzo
Attorney for CENTER FOR
ENVIRONMENTAL HEALTH

EXHIBIT 1
November 13, 2024 Notice of Violation
Pulegone in Essential Oil Inhaler Cores

Names and Addresses of Responsible Parties	Non-Exclusive Examples of the Products	Further Description of Non-Exclusive Exemplar
<p>RDFN FUM Natural Products Ltd. 11126 Hidden Valley Dr. NW Calgary Canada T3A5Z6</p> <p>RDFN FUM Natural Products Inc. c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington DE 19801</p>	<p>FÜM Essential Oil Inhaler Crisp Mint Cores</p>	<p>Pack ID: 6 28176 57228 4</p>

1 **PROOF OF SERVICE**

2 I, Star Beltman, declare:

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

6 On November 13, 2024, I served the following document(s) on all interested parties in this
7 action by placing a true copy thereof in the manner and at the addresses indicated below:

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

9 **CERTIFICATE OF MERIT;** and

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

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

15 *Please see attached service list.*

16 **BY ELECTRONIC UPLOAD:** I transmitted a PDF version of the document(s) listed above,
17 as well as a Confidential Supporting Certificate of Merit, to the Office of the Attorney General of
California via the Proposition 65 60-Day Notice Search website at [https://oag.ca.gov/prop65/60-](https://oag.ca.gov/prop65/60-day-notice-search)
18 [day-notice-search](https://oag.ca.gov/prop65/60-day-notice-search).

19 **BY ELECTRONIC MAIL:** I transmitted a PDF version of the document(s) listed above via
20 email to the email address(es) indicated on the attached service list [or noted above] before 5 p.m.
on the date executed.

21 Pamela Y. Price, Alameda District Attorney
22 7677 Oakport Street, Suite 650
Oakland, CA 94621
CEPDProp65@acgov.org

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

23 Barbara Yook, Calaveras District Attorney
24 891 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

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

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

28

1	Devin Chandler, Lassen Program Coordinator 2950 Riverside Dr Susanville, CA 96130 dchandler@co.lassen.ca.us	Anne Marie Schubert, Sacramento District Attorney 901 G Street Sacramento, CA 95814 Prop65@sacda.org
4	Lori E. Frugoli, Marin District Attorney 3501 Civic Center Drive, Room 145 San Rafael, CA 94903 consumer@marincounty.org	Summer Stephan, San Diego District Attorney 330 West Broadway San Diego, CA 92101 SanDiegoDAProp65@sdca.org
6	Walter W. Wall, Mariposa District Attorney P.O. Box 730 Mariposa, CA 95338 mcda@mariposacounty.org	Mark Ankcorn, San Diego Deputy City Attorney 1200 Third Avenue San Diego, CA 92101 CityAttyProp65@sandiego.gov
9	Kimberly Lewis, Merced District Attorney 550 West Main Street Merced, CA 95340 Prop65@countyofmerced.com	Henry Lifton, San Francisco Deputy City Attorney 1390 Market Street, 7th Floor San Francisco, CA 94102 Prop65@sfcityatty.org
11	Jeannine M. Pacioni, Monterey District Attorney 1200 Aguajito Road Monterey, CA 93940 Prop65DA@co.monterey.ca.us	Alexandra Grayner, San Francisco Assistant District Attorney 350 Rhode Island Street San Francisco, CA 94103 alexandra.grayner@sfgov.org
14	Allison Haley, Napa District Attorney 1127 First Street, Suite C Napa, CA 94559 CEPD@countyofnapa.org	Tori Verber Salazar, San Joaquin District Attorney 222 E. Weber Avenue, Room 202 Stockton, CA 95202 DAConsumer.Environmental@sjcda.org
17	Clifford H. Newell, Nevada District Attorney 201 Commercial Street Nevada City, CA 95959 DA.Prop65@co.nevada.ca.us	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
20	Morgan Briggs Gire, Placer District Attorney 10810 Justice Center Drive Roseville, CA 95678 prop65@placer.ca.gov	Christopher Dalbey, Santa Barbara Deputy District Attorney 1112 Santa Barbara St. Santa Barbara, CA 93101 DAProp65@co.santa-barbara.ca.us
23	David Hollister, Plumas District Attorney 520 Main St. Quincy, CA 95971 davidhollister@countyofplumas.com	Nora V. Frimann, Santa Clara City Attorney 200 E. Santa Clara Street, 16th Floor San Jose, CA 96113 Proposition65notices@sanjoseca.gov
25	Paul E. Zellerbach, Riverside District Attorney 3072 Orange Street Riverside, CA 92501 Prop65@rivcoda.org	Bud Porter, Supervising Santa Clara, Deputy District Attorney
26		
27		
28		

1 70 W Hedding St
San Jose, CA 95110
2 EPU@da.sccgov.org

3 Jeffrey S. Rosell, Santa Cruz District
Attorney
4 701 Ocean Street
Santa Cruz, CA 95060
5 Prop65DA@santacruzcounty.us

6
7 Jill Ravitch, Sonoma District Attorney
600 Administration Drive
Santa Rosa, CA 95403
8 ECLD@sonoma-county.org

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

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

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

9
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 November 13, 2024 at San Francisco, California.

12
13 

14 _____
Star Beltman

15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

President/CEO*
RDFN FUM Natural Products Ltd.
11126 Hidden Valley Dr. NW
Calgary Canada T3A5Z6

President/CEO*
RDFN FUM Natural Products Inc.
c/o The Corporation Trust Company
Corporation Trust Center
1209 Orange Street
Wilmington DE 19801