



ATTORNEYS AT LAW

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225 Broadway, Suite 1900
San Diego, CA 92101

November 15, 2024

Via Certified Mail

jeng, LLC c/o John Enghausser 2375 Bell Court Lakewood, CO 80215	
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Re: Proposition 65 Notice of Violation

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 chemical Δ^9 -Tetrahydrocannabinol (also known as “Delta-9-Tetrahydrocannabinol or “THC”). THC was listed as a developmental and reproductive toxin on January 3, 2020.

The type of products causing exposures in violation of Proposition 65 are THC-infused seltzers, including but not limited to:

	<u>Product Name</u>	<u>Manufacturer/Supplier</u>	<u>Distributor/Retailer</u>
1.	Jeng THC- Infused Seltzer-Paloma	jeng, LLC	jeng, LLC

Jeng sells THC-infused seltzers online [via its website <https://sipjeng.com/> to consumers in California without first providing clear and reasonable warnings – as required by Proposition 65 and related Regulations – either on the product packaging itself or via online-warning prior to purchase, each of which is independently required under the Act.

The routes of exposure for the violations are inhalation or consumption by consumers. These exposures occur through the reasonably foreseeable use of the THC-infused products sold on Jeng’s website [<https://sipjeng.com/>] without adequate warning. The sales of these products have been occurring since at least October 2024, are continuing to this day and will

continue to occur as long as the products subject to this notice are sold to and used by consumers.

Proposition 65 requires that a clear and reasonable warning is provided with these products regarding the exposures to THC caused by ordinary and reasonably foreseeable use of the products. The aforementioned parties are in violation of Proposition 65 by failing to provide such warnings to consumers and as a result of the sales of these products, exposures THC 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, San Diego, CA 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 jake@entornolaw.com and include clerks@entornolaw.com in the email.

Sincerely,

ENTORNO LAW LLP



Jake Schulte

Noam Glick
Craig Nicholas
Janani Natarajan

Enclosures

CERTIFICATE OF MERIT

I, Jake Schulte, 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: November 15, 2024



Jake Schulte, Attorney at
Law

CERTIFICATE OF SERVICE

I, Gayatri Bhanot, 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 November 15, 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

jeng, LLC c/o John Enghausser 2375 Bell Court Lakewood, CO 80215	
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On November 15, 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 November 15, 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.

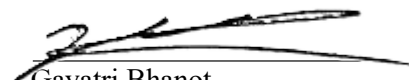
See Attached Service List

On November 15, 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 November 15, 2024, at San Diego, California.


Gayatri Bhanot