

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

Bisphenol A in Canned Coconut Water

December 19, 2024

This Notice of Violation 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. Emily Reder is the Senior Manager of the Illegal Toxic Threats Program and a responsible individual within CEH.

Description of Violation:

- Violators: The names and addresses of the violators are identified on the attached Exhibit 1.
- Time Period of Exposure: The violations have been occurring since at least December 19, 2021, and are continuing to this day.
- 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 bisphenol A (“BPA”). The violators identified in Exhibit 1 expose individuals to BPA when individuals consume the coconut water contained in the products identified in this Notice.
- Type of Product: The specific type of product causing these violations is canned coconut water. Non-exclusive examples of these types of products are identified on the attached Exhibit 1.
- Description of Exposure: This Notice addresses consumer exposures to BPA. Consumption of the coconut water contained in the products subject to this Notice results in human exposures to BPA. BPA is found in the coconut water contained in the products. The primary route of exposure for the violations is direct ingestion when consumers drink the coconut water contained in the products. These exposures occur in homes, workplaces, and everywhere else

throughout California where the coconut water contained in the products is consumed. No clear and reasonable warning is provided with these products regarding the presence of BPA in the coconut water contained 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; (2) provide clear and reasonable warnings for products sold in the future or reformulate such products to eliminate the BPA exposures; and (3) pay an appropriate civil penalty based on the factors enumerated in California Health and Safety Code Section 25249.7(b). Violators interested in resolving this dispute short of litigation should 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 CEH's 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 BPA in canned coconut water; 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 BPA in such products; and representative exemplars of each lot of each variety of any such products sold by the alleged violator since December 19, 2021 through the date of any trial of the claims alleged in this Notice.

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

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 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, LLP, 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.

December 19, 2024



Patrick Carey
Attorney for CENTER FOR
ENVIRONMENTAL HEALTH

EXHIBIT 1
December 19, 2024 Notice of Violation
Bisphenol A (BPA) in Canned Coconut Water

Names and Addresses of Responsible Parties	Non-Exclusive Examples of the Products	UPC or Further Description
<p>USA Nanfang Food Industry, Inc. 2694 E Temblor Ranch Dr Brea, CA 92821</p> <p>USA Nanfang Food Industry, Inc. 6905 Aragon Circle Buena Park, CA 90620</p> <p>Whole Foods Market California, Inc. 6401 Hollis St. Suite 150 Emeryville, CA 94608</p>	<p>Amy & Brian Coconut Water Original</p>	<p>UPC: 721332820073</p>
<p>P.S.W. Inc. 281 Corporate Terrace Cir. Corona, CA 92879</p> <p>Whole Foods Market California, Inc. 6401 Hollis St. Suite 150 Emeryville, CA 94608</p>	<p>Taste Nirvana Real Coconut Water Pulp with Tender Coconut Bits</p>	<p>UPC: 011259904223</p>
<p>Thai Agri Foods Public Company Limited 155/1 Moo 1, Theparak Rd., Bang Sao Thong, Samut Prakan 10570, Thailand</p> <p>Walmart, Inc. 702 SW 8th Street Bentonville, AR 72716</p>	<p>FOCO Coconut Juice Jugo de Coco</p>	<p>UPC: 016229901479</p>

Names and Addresses of Responsible Parties	Non-Exclusive Examples of the Products	UPC or Further Description
Purcell International 800 Ellinwood Way Pleasant Hill, CA 94523	Sun Harvest 100% Pure Coconut Water	UPC: 041512135224
Khong Guan Corporation 30068 Eigenbrodt Way Union City, CA 94587	Laguna Coconut Juice Drink with Pulp	UPC: 639192501509
Mercado Latino, Inc. 245 Baldwin Park Blvd City of Industry, CA 91746	Faraon Coconut Juice with Pulp	UPC: 074734030930
Edward & Sons Trading Co., Inc. 1160 Eugenia Place, Suite 100 Carpinteria, CA 93013	Nature Factor organic Coconut Water	UPC: 039631002046

Names and Addresses of Responsible Parties	Non-Exclusive Examples of the Products	UPC or Further Description
<p> Advanced Business Strategies LLC 10624 S. Eastern Ave STE A # 403 Henderson, NV 89052 </p> <p> Dollar Tree Stores, Inc. 500 Volvo Parkway Chesapeake, VA 23320 </p>	<p>Original Pure Squeeze Coconut Water</p>	<p>UPC: 850008285950</p>
<p> Rite Aid Corporation 200 Newberry Commons Etters, PA 17319 </p> <p> Rite Aid Corporation 1200 Intrepid Avenue, 2nd Floor Philadelphia, PA 19112 </p> <p> Name Rite, LLC 27261 Las Ramblas, Suite 100 Mission Viejo, CA 92691 </p>	<p>Refreshery Ready to drink Original Coconut Water</p>	<p>UPC: 011822013789</p>
<p> One Hundred Coconuts LLC 250 Henley Place Weehawken, New Jersey 07086 </p> <p> Save Mart Supermarkets LLC 1800 Standiford Avenue Modesto, CA 95350 </p>	<p>Pineapple Pure Coconut Water</p>	<p>UPC: 860004385431</p>

1 **PROOF OF SERVICE**

2 I, Owen Sutter, 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
osutter@lexlawgroup.com.

6 On December 19, 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
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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
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10 Todd Spitzer, District Attorney of Orange County
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13 I declare under penalty of perjury under the laws of the State of California that the
foregoing is true and correct.

14 Executed on December 19, 2024 at San Francisco, California.

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17 _____
Owen Sutter

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SERVICE LIST

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