

## NOTICE OF VIOLATION

### California Safe Drinking Water and Toxic Enforcement Act

#### Bisphenol A in Canned Coconut Water

March 6, 2025

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. 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: 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 March 6, 2022, 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 March 6, 2022 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](mailto: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.

March 6, 2025



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Patrick Carey  
Attorney for CENTER FOR  
ENVIRONMENTAL HEALTH

**EXHIBIT 1**  
**March 6, 2025 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><b>Kehe Distributors, Inc.</b><br/> 1245 E. Diehl Rd., Suite 200<br/> Naperville, IL 60563</p> <p><b>Kehe Distributors, LLC</b><br/> 1245 E. Diehl Rd., Suite 200<br/> Naperville, IL 60563</p>  | <p>Cadia Pulp Free Coconut Water</p>               | <p>UPC: 815369011709</p>   |
| <p><b>Theppadungporn Coconut Co., Ltd.</b><br/> 5/895 Borommaratchachonnani Road, Arun Amarin, Bangkok Noi, Bangkok 10700 Thailand</p> <p><b>Rite Aid Corporation</b><br/> 200 Newberry Commons<br/> Etters, PA 17319</p> <p><b>Rite Aid Corporation</b><br/> 1200 Intrepid Avenue, 2nd Floor<br/> Philadelphia, PA 19112</p> | <p>Chaokoh Brand Young Coconut Juice with Pulp</p> | <p>UPC: 044738210591</p>   |
| <p><b>ALDI Foods Inc.</b><br/> 1200 North Kirk Road<br/> Batavia, IL 60510</p> <p><b>ALDI Inc.</b><br/> 1200 North Kirk Road<br/> Batavia, IL 60510</p>   | <p>Nature's Nectar Coconut Water with Pulp</p>     | <p>EAN: 4061463885357</p>  |

| <b>Names and Addresses of Responsible Parties</b>  | <b>Non-Exclusive Examples of the Products</b>   | <b>UPC or Further Description</b>            |
|--|---|--|
| <p> <b>Mira International Foods, Inc.</b><br/>           11 Elkins Road<br/>           East Brunswick, NJ 08816         </p> <p> <b>Grocery Outlet Inc.</b><br/>           5650 Hollis Street<br/>           Emeryville, CA 94608         </p>                       | <p>           Azul Coconut Water (Agua de Coco) with Mango         </p>               | <p>           UPC: 036426108167         </p> |
| <p> <b>CoAqua NA, Inc.</b><br/>           5150 Palm Valley Rd. STE 408<br/>           Ponte Vedra Beach, FL 32082         </p> <p> <b>Sprouts Farmers Market, Inc.</b><br/>           5455 East High Street, Suite 111<br/>           Phoenix, AZ 85054         </p> | <p>           CoAqua Super Premium Coconut Water         </p>                         | <p>           UPC: 860009146730         </p> |
| <p> <b>The Neighborhood Beverage Company, Inc.</b><br/>           7651 Southland Blvd.<br/>           Orlando, FL 32809         </p>   | <p>           Once Upon a Coconut<br/>           100% Pure Coconut Water         </p> | <p>           UPC: 860010962213         </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 March 6, 2025, 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  
7677 Oakport Street, Suite 650  
Oakland, CA 94621  
22 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  
891 Mountain Ranch Rd.  
24 San Andreas, CA 95249  
Prop65Env@co.calaveras.ca.us

Lisa A. Smittcamp, Fresno District Attorney  
2100 Tulare Street  
25 Fresno, CA 93721  
consumerprotection@fresnocountyca.gov

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

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

|    |   |  |
|----|---|--|
| 1  | Devin Chandler, Lassen Program<br>Coordinator<br>2950 Riverside Dr<br>Susanville, CA 96130<br>dchandler@co.lassen.ca.us           | Anne Marie Schubert, Sacramento District<br>Attorney<br>901 G Street<br>Sacramento, CA 95814<br>Prop65@sacda.org   |
| 4  | Lori E. Frugoli, Marin District Attorney<br>3501 Civic Center Drive, Room 145<br>San Rafael, CA 94903<br>consumer@marincounty.gov | Summer Stephan, San Diego District<br>Attorney<br>330 West Broadway<br>San Diego, CA 92101<br>SanDiegoDAProp65@sdca.org  |
| 6  | Walter W. Wall, Mariposa District Attorney<br>P.O. Box 730<br>Mariposa, CA 95338<br>mcda@mariposacounty.org                       | Mark Ankcorn, San Diego Deputy City<br>Attorney<br>1200 Third Avenue<br>San Diego, CA 92101<br>CityAttyProp65@sandiego.gov   |
| 9  | Kimberly Lewis, Merced District Attorney<br>550 West Main Street<br>Merced, CA 95340<br>Prop65@countyofmerced.com                 | Henry Lifton, San Francisco Deputy City<br>Attorney<br>1390 Market Street, 7th Floor<br>San Francisco, CA 94102<br>Prop65@sfcityatty.org                           |
| 11 | Jeannine M. Pacioni, Monterey District<br>Attorney<br>1200 Aguajito Road<br>Monterey, CA 93940<br>Prop65DA@co.monterey.ca.us      | Alexandra Grayner, San Francisco Assistant<br>District Attorney<br>350 Rhode Island Street<br>San Francisco, CA 94103<br>alexandra.grayner@sfgov.org               |
| 14 | Allison Haley, Napa District Attorney<br>1127 First Street, Suite C<br>Napa, CA 94559<br>CEPD@countyofnapa.org                    | Tori Verber Salazar, San Joaquin District<br>Attorney<br>222 E. Weber Avenue, Room 202<br>Stockton, CA 95202<br>DAConsumer.Environmental@sjcda.org                 |
| 17 | Clifford H. Newell, Nevada District<br>Attorney<br>201 Commercial Street<br>Nevada City, CA 95959<br>DA.Prop65@co.nevada.ca.us    | Eric J. Dobroth, San Luis Obispo Deputy<br>District Attorney<br>County Government Center Annex, 4th<br>Floor<br>San Luis Obispo, CA 93408<br>edobroth@co.slo.ca.us |
| 20 | Morgan Briggs Gire, Placer District<br>Attorney<br>10810 Justice Center Drive<br>Roseville, CA 95678<br>prop65@placer.ca.gov      | Christopher Dalbey, Santa Barbara Deputy<br>District Attorney<br>1112 Santa Barbara St.<br>Santa Barbara, CA 93101<br>DAProp65@co.santa-barbara.ca.us              |
| 23 | David Hollister, Plumas District Attorney<br>520 Main St.<br>Quincy, CA 95971<br>davidhollister@countyofplumas.com                | Nora V. Frimann, Santa Clara City Attorney<br>200 E. Santa Clara Street, 16th Floor<br>San Jose, CA 96113<br>Proposition65notices@sanjoseca.gov                    |
| 25 | Paul E. Zellerbach, Riverside District<br>Attorney<br>3072 Orange Street<br>Riverside, CA 92501<br>Prop65@rivcoda.org             |  |
| 26 |   |  |
| 27 |   |  |
| 28 |   |  |

1 Bud Porter, Supervising Santa Clara, Deputy  
District Attorney  
2 70 W Hedding St  
San Jose, CA 95110  
3 EPU@da.sccgov.org

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

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

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

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

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

10 Todd Spitzer, District Attorney of Orange County  
300 N Flower St  
11 Santa Ana, CA 92703  
12 Prop65Notice@ocdapa.org

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 March 6, 2025 at San Francisco, California.

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Star Beltman

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## 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 San Benito County  
419 Fourth St, 2<sup>nd</sup> 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, 3<sup>rd</sup> 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\*  
Kehe Distributors, Inc.  
1245 E. Diehl Rd., Suite 200  
Naperville, IL 60563  
CEO Deborah Conklin

President/CEO\*  
Kehe Distributors, LLC  
1245 E. Diehl Rd., Suite 200  
Naperville, IL 60563

President/CEO\*  
Theppadungporn Coconut  
Co., Ltd.  
5/895 Borommaratchachonnani Road, Arun Amarin,  
Bangkok Noi, Bangkok 10700 Thailand

President/CEO\*  
Rite Aid Corporation  
200 Newberry Commons  
Etters, PA 17319

President/CEO\*  
Rite Aid Corporation  
1200 Intrepid Avenue, 2nd Floor  
Philadelphia, PA 19112

President/CEO\*  
ALDI Foods Inc.  
1200 North Kirk Road  
Batavia, IL 60510

President/CEO\*  
ALDI Inc.  
1200 North Kirk Road  
Batavia, IL 60510

President/CEO\*  
ALDI Inc.  
c/o C T Corporation System  
208 S La Salle St STE 814  
Chicago, IL 60604

President/CEO\*  
Mira International Foods, Inc.  
11 Elkins Road  
East Brunswick, NJ 08816

President/CEO\*  
Grocery Outlet Inc.  
5650 Hollis Street  
Emeryville, CA 94608

President/CEO\*  
CoAqua NA, Inc.  
5150 Palm Valley Rd. STE 408  
Ponte Vedra Beach, FL 32082

President/CEO\*  
CoAqua NA, Inc.  
c/o C T Corporation System  
1200 South Pine Island Road  
Plantation, FL 33324

President/CEO\*  
Sprouts Farmers Market, Inc.  
5455 East High Street, Suite 111  
Phoenix, AZ 85054

President/CEO\*  
The Neighborhood Beverage Company, Inc.  
7651 Southland Blvd.  
Orlando, FL 32809