

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

Bisphenol S in Thermal Labels, including but not limited to, Thermal Adhesive Paper, Sticky-Back Thermal Paper, and Thermal Stickers

June 24, 2025

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 of 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 29, 2024 and are continuing to this day.
- Provision of Proposition 65: This Notice covers the exposure/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 S ("BPS"). Exposures to BPS occur from handling of the products identified in this Notice.
- Type of Product: The specific type of product causing these violations is thermal labels, including but not limited to, thermal adhesive paper, sticky-back thermal paper, and thermal sticker labels ("Thermal Labels"). Non-exclusive examples of this specific type of product are identified on the attached Exhibit 1.
- Description of Exposure: This Notice addresses consumer exposures to BPS. Use of the products identified in this Notice results in human exposures to BPS. BPS is found on the surface of the products. Thermal Labels are treated with a surface coating of BPS. The routes of exposure for the violations are dermal absorption directly through the skin when consumers touch or handle the

products, and ingestion via hand-to-mouth contact after consumers touch or handle the products. No clear and reasonable Proposition 65 warning is provided with these products regarding the presence of BPS 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) provide clear and reasonable warnings for products sold or otherwise provided to consumers in the future or reformulate such products to eliminate the BPS exposures; and (2) 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 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 BPS in Thermal Labels; 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 BPS 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 Patrick Carey or Joseph Mann at Lexington Law Group, 503 Divisadero Street, San Francisco, CA 94117, (415) 913-7800, pcarey@lexlawgroup.com, jmann@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 at 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.

June 24, 2025



Patrick Carey
Attorney for CENTER FOR
ENVIRONMENTAL HEALTH

EXHIBIT 1
June 24, 2025 Notice of Violation
Bisphenol S in Thermal Labels, including but not limited to, Thermal Adhesive Paper,
Sticky-Back Thermal Paper, and Thermal Sticker Labels

Names and Addresses of Responsible Parties	Non-Exclusive Examples of the Products	Further Description of Non-Exclusive Exemplar
Gong Cha Tea, LLC Cafe POS LLC 206 Terminal Drive Plainview, NY 11803	Gong Cha Adhesive Beverage Pickup Label from Gong Cha at 1501 Park Street Alameda, CA 94501 (received April 1, 2025)	Order No. 28861890
Krispy Kreme, Inc. 2116 Hawkins Street Charlotte, NC 28203 Krispy Kreme Doughnut Corporation 370 Knollwood Street ,Ste. 500 Winston-Salem, NC 27103	Krispy Kreme Order Receipt Adhesive Label from Krispy Kreme at 1991 Diamond Blvd. Concord, CA 94520 (received April 14, 2025)	Order No. 34483065737478153
Qdoba Restaurant Corporation Qdoba Franchisor LLC 350 Camino de la Reina, Ste. 400 San Diego, CA 92108	Qdoba Order Receipt Adhesive Label from Qdoba at 1815-B Ygnacio Valley Road Walnut Creek, CA 94596 (received April 14, 2025)	Order No. 34485530511998976
British Airways PLC 11 W. 42nd St., Fl. 24 New York, NY 10036	British Airways Thermal Adhesive Luggage Tag from British Airways at 780 S. Airport Blvd. San Francisco, CA 94128 (received April 11, 2025)	Flight No. BA 284 Ticket No. 0125-397808
Save Mart Supermarkets LLC The Save Mart Companies, LLC 1800 Standiford Avenue Modesto, CA 95350	FoodMaxx Adhesive Food Label from FoodMaxx at 4461 Balfour Road Brentwood, CA 94513 (received May 30, 2025)	Store 480 UPC No. 297343-306009

Names and Addresses of Responsible Parties	Non-Exclusive Examples of the Products	Further Description of Non-Exclusive Exemplar
Lush Fresh Handmade Cosmetics LLC 8680 Cambie Street Vancouver, BC V6P 6M9 CANADA	Lush Adhesive Package Label from Lush at 134 Broadway Lane Walnut Creek, 94596 (received May 30, 2025)	UPC No. 0-200961-411758
MG Restaurants, Inc. 563 Clay Street San Francisco, CA 94111	Mixt Adhesive Delivery Order Label from Mixt at 901 Valencia St. San Francisco, CA, 94110 (received January 24, 2025)	Order No. AAAX7MQZ9QEF
Ulta Beauty, Inc. Ulta Salon, Cosmetics & Fragrance, Inc. 1000 Remington Blvd., Suite 120 Bolingbrook, IL 60440	Ulta Beauty Adhesive Order Return Receipt sent from Ulta to 2201 Broadway, Ste. 508 Oakland, CA 94612 (received February 5, 2025)	Order No. M165709901

1 **PROOF OF SERVICE**

2 I, Sophia Filipe, 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
sfilipe@lexlawgroup.com.

6 On June 24, 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
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9	Kimberly Lewis, Merced District Attorney	Henry Lifton, San Francisco Deputy City Attorney
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13 Prop65Notice@ocdapa.org

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

14 Executed on June 24, 2025 at San Francisco, California.



Sophia Filipe

SERVICE LIST

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