



ATTORNEYS AT LAW

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225 Broadway, Suite 1900
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September 26, 2025

Via Certified Mail:

Zack Brothers c/o Michael Joseph Zack 74155 Mockingbird Trail Indian Wells, CA 92210	Current Chief Executive Officer/President Zack Brothers c/o Adam Michael Zack 955 Catalina Blvd #101 San Diego, CA 92106
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Re: Proposition 65 Notice of Violation

This notice amends the original notice of violation AG No. 2025-01705. This notice provides additional information identifying the location(s) where exposures occurred. This notices also identifies Zack Brothers as the true noticed entity.

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 chemical Bisphenol S (“BPS”). This chemical was listed as a female reproductive toxin on December 29, 2023, and as a male reproductive toxin on January 3, 2025.

The specific type of product and/or source of exposure to BPS in violation of Proposition 65 is thermal receipt paper (i.e., “receipts”) issued to consumers in connection with retail transactions. These receipts may be distributed to consumers via cashier, server, cash register, self-checkout terminal, or other method. The exemplar receipt underlying this notice was obtained at 955 Catalina Boulevard San Diego, CA 92106. A complete list of other California locations can be found here: [<https://palmdesert.jensensfoods.com/choose-store/>].

The routes of exposure to BPS include dermal absorption and incidental ingestion via the hand-to-mouth pathway by consumers. These exposures occur through the reasonably foreseeable handling and usage of receipts issued to consumers in connection with retail transactions, via cashier, server, cash register, self-checkout terminals, or other method. These exposures may also continue beyond the premises, as customers routinely take receipts away from the location from

which they were obtained, and store them for purposes of documenting transactions. The distribution of these receipts has been occurring since at least February 2024, are continuing to this day, and will continue to occur as long as the receipts containing BPS subject to this notice are issued to and used by consumers.

Proposition 65 requires that a clear and reasonable warning is provided with these sources of exposure/products regarding the exposures to BPS caused by ordinary handling and use. The Parties are in violation of Proposition 65 by failing to provide such warning to consumers and as a result of the issuance of these receipts, exposures to BPS 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 Allan Cate as a responsible individual within the entity, 888 Prospect Street, Suite 200, La Jolla, CA 92037; 619-738-6177. Mr. Cate 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 noam@entornolaw.com and include clerks@entornolaw.com in the email.

Sincerely,

ENTORNO LAW LLP.



Noam Glick

Craig M. Nicholas
Jake Schulte
Janani Natarajan
Gianna Tirrell

Enclosures

CERTIFICATE OF MERIT

I, Noam Glick, 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 plaintiff’s 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: September 26, 2025



Noam Glick, Attorney at Law

CERTIFICATE OF SERVICE

I, Bisma Khan, 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 September 26, 2025, 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

Zack Brothers c/o Michael Joseph Zack 74155 Mockingbird Trail Indian Wells, CA 92210	Current Chief Executive Officer/President Zack Brothers c/o Adam Michael Zack 955 Catalina Blvd #101 San Diego, CA 92106
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On September 26, 2025, 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 September 26, 2025, 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 September 26, 2025, 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 September 26, 2025, at San Diego, California.

Bisma Khan

Bisma Khan