



Environmental Research Center

3111 Camino Del Rio North, Suite 400

San Diego, CA 92108

619-500-3090

January 2, 2026

NOTICE OF VIOLATIONS OF CALIFORNIA HEALTH & SAFETY CODE SECTION 25249.5 *ET SEQ.* (PROPOSITION 65)

Dear Alleged Violators and the Appropriate Public Enforcement Agencies:

I represent Environmental Research Center, Inc. (“ERC”). ERC is a California non-profit corporation dedicated to, among other causes, helping safeguard the public from health hazards by bringing about a reduction in the use and misuse of hazardous and toxic chemicals, facilitating a safe environment for consumers and employees, and encouraging corporate responsibility.

ERC has identified violations of California’s Safe Drinking Water and Toxic Enforcement Act of 1986 (“Proposition 65”), which is codified at California Health & Safety Code §25249.5 *et seq.*, with respect to the products identified below. These violations have occurred and continue to occur because the alleged Violators identified below failed to provide required clear and reasonable warnings with these products. This letter serves as a notice of these violations to the alleged Violators and the appropriate public enforcement agencies. Pursuant to Section 25249.7(d) of the statute, ERC intends to file a private enforcement action in the public interest 60 days after effective service of this notice unless the public enforcement agencies have commenced and are diligently prosecuting an action to rectify these violations.

General Information about Proposition 65. A copy of a summary of Proposition 65, prepared by the Office of Environmental Health Hazard Assessment, is attached with the copy of this letter served to the alleged Violators identified below.

Alleged Violators. The names of the companies covered by this notice that violated Proposition 65 (hereinafter the “Violators”) are:

Nutritional Medicinals, LLC, individually and dba Functional Formularies
Danone US, LLC, individually and dba Functional Formularies
Danone North America Public Benefit Corporation, individually and dba Functional Formularies
Danone US, Inc., individually and dba Functional Formularies
Danone North America LLC, individually and dba Functional Formularies

Consumer Products and Listed Chemical. The specific types of products causing the violations are dietary and/or nutritional supplements that are powders and/or liquids and which contain PFOA ("Products"). Exemplars of the Products that are the subject of this notice and the specific chemical in those Products identified as exceeding allowable levels include but are not limited to¹:

1. **Functional Formularies Nourish Organic Whole Foods Meal Replacement Original Formula Complete Plant Based Nutrition -Perfluorooctanoic Acid (PFOA)**
2. **Functional Formularies Nourish Organic Whole Foods Meal Replacement Peptide Formula Berry Medley Complete Plant Based Nutrition - Perfluorooctanoic Acid (PFOA)**
3. **Functional Formularies Liquid Hope Organic Whole Foods Meal Replacement Peptide Formula Berry Medley Complete Plant Based Nutrition - Perfluorooctanoic Acid (PFOA)**

On November 10, 2017, the State of California officially listed Perfluorooctanoic Acid (PFOA) as a chemical known to cause developmental toxicity. On February 25, 2022, the State of California officially listed Perfluorooctanoic Acid (PFOA) as a chemical known to cause cancer.

It should be noted that ERC may continue to investigate other products that may reveal further violations and result in subsequent notices of violations.

Route of Exposure. The consumer exposures that are the subject of this notice result from the recommended use of these products. Consequently, the route of exposure to this chemical has been and continues to be through ingestion.

Approximate Time Period of Violations. Ongoing violations have occurred every day since at least January 2, 2023, as well as every day since the products were introduced into the California marketplace and will continue every day until clear and reasonable warnings are provided to product purchasers and users or until this known toxic chemical is either removed from or reduced to allowable levels in the products. Proposition 65 requires that a clear and reasonable warning be provided prior to exposure to the identified chemical. The method of warning should be a warning that appears on the product label. The Violators violated Proposition 65 because they failed to provide persons ingesting these products with appropriate warnings that they are being exposed to this chemical.

Consistent with the public interest goals of Proposition 65 and a desire to have these ongoing violations of California law quickly rectified, ERC is interested in seeking a constructive resolution of this matter that includes an enforceable written agreement by the Violators to: (1) reformulate the identified products so as to eliminate further exposures to the identified chemical, or provide appropriate warnings on the labels of these products; (2) pay an appropriate civil penalty; and (3) provide clear and reasonable warnings compliant with

¹ The Notice covers all of the Violators' dietary and/or nutritional supplement powders and/or liquids containing the chemical listed above, which are provided as exemplars of the Products. There may be additional Products sold into California as a result of the actions of the Violators.

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Proposition 65 to all persons located in California who purchased the above products in the last three years. Such a resolution will prevent further unwarned consumer exposures to the identified chemical, as well as expensive and time-consuming litigation.

ERC's Executive Director is Chris Heptinstall, and is located at 3111 Camino Del Rio North, Suite 400, San Diego, CA 92108; Tel. 619-500-3090. ERC has retained me as legal counsel in connection with this matter. **Please direct all communications regarding this Notice of Violation to my attention at the office address and telephone number indicated on the letterhead or at credence@credencesol.onmicrosoft.com** or Chris Heptinstall, Executive Director of ERC, or Charles Poss, In-House Counsel for ERC, at charles.poss@erc501c3.org.

Sincerely,

Credence Sol

Credence Sol
Attorney for Environmental Research Center

Attachments

Certificate of Merit

Certificate of Service

OEHHA Summary (to Nutritional Medicinals, LLC, individually and dba Functional Formularies, Danone US, LLC, individually and dba Functional Formularies, Danone North America Public Benefit Corporation, individually and dba Functional Formularies, Danone US, Inc., individually and dba Functional Formularies, and Danone North America LLC, individually and dba Functional Formularies and their Registered Agents for Service of Process only)

Additional Supporting Information for Certificate of Merit (to AG only)

CERTIFICATE OF MERIT

Health and Safety Code Section 25249.7 (d)

Re: Environmental Research Center, Inc.'s Notice of Proposition 65 Violations by Nutritional Medicinals, LLC, individually and dba Functional Formularies, Danone US, LLC, individually and dba Functional Formularies, Danone North America Public Benefit Corporation, individually and dba Functional Formularies, Danone US, Inc., individually and dba Functional Formularies, and Danone North America LLC, individually and dba Functional Formularies

I, Credence Sol, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice(s) in which it is alleged the parties identified in the notices 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, Environmental Research Center.

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 chemicals that are 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 violators 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: January 2, 2026

Credence Sol

Credence Sol

CERTIFICATE OF SERVICE PURSUANT TO 27 CCR § 25903

I, the undersigned, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

I am a citizen of the United States and over the age of 18 years of age. My business address is 306 Joy Street, Fort Oglethorpe, Georgia 30742. I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Fort Oglethorpe, Georgia.

On January 2, 2026, between 8:00 a.m. and 5:00 p.m. Eastern Time, I served the following documents: **NOTICE OF VIOLATIONS OF CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT; “THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY”** on the following parties by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties listed below and depositing it in a U.S. Postal Service Office with the postage fully prepaid for delivery by Certified Mail:

Dan Magliocco, President
or Current President or CEO
Danone US, LLC, individually and dba Functional
Formularies, Danone North America Public Benefit
Corporation, individually and dba Functional Formularies,
Danone US, Inc., individually and dba Functional Formularies,
and Danone North America LLC, individually and dba Functional
Formularies
1 Maple Avenue
White Plains, NY 10605

National Registered Agents, Inc.
(Registered Agent for Nutritional Medicinals, LLC, individually
and dba Functional Formularies)
1209 N. Orange St
Wilmington, DE 19801

Victor A. Walton, Jr.
(Registered Agent for Nutritional Medicinals, LLC, individually
and dba Functional Formularies)
301 East Fourth St, Ste 3500
Cincinnati, OH 45202

Dan Magliocco, President
or Current President or CEO
Danone US, LLC, individually and dba Functional
Formularies, Danone North America Public Benefit
Corporation, individually and dba Functional Formularies,
Danone US, Inc., individually and dba Functional Formularies,
and Danone North America LLC, individually and dba Functional
Formularies
1900 Cherry Street
Louisville, CO 80027

Corporate Creations Network Inc.
(Registered Agent for Danone US, LLC,
individually and dba Functional Formularies)
7801 Folsom Blvd #202
Sacramento, CA 95826

Corporate Creations Network Inc.
(Registered Agent for Danone US, LLC, individually
and dba Functional Formularies, Danone North
America Public Benefit Corporation, individually
and dba Functional Formularies, Danone US, Inc.,
individually and dba Functional Formularies, and
Danone North America LLC, individually and dba
Functional Formularies)
1521 Concord Pike, Ste 201
Wilmington, DE 19803

Current President or CEO
Nutritional Medicinals, LLC, individually
and dba Functional Formularies
9277 Centre Pointe Drive Ste 220
West Chester, OH 45069

Corporate Creations Network Inc.
(Registered Agent for Danone US, Inc.,
individually and dba Functional Formularies)
155 E. Boardwalk Dr #490
Fort Collins, CO 80525

On January 2, 2026, between 8:00 a.m. and 5:00 p.m. Eastern Time, I verified the following documents **NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT; ADDITIONAL SUPPORTING INFORMATION FOR CERTIFICATE OF MERIT AS REQUIRED BY CALIFORNIA HEALTH & SAFETY CODE §25249.7(d)(1)** were served on the following party when a true and correct copy thereof was uploaded on the California Attorney General’s website, which can be accessed at <https://oag.ca.gov/prop65/add-60-day-notice> :

Office of the California Attorney General
Prop 65 Enforcement Reporting
1515 Clay Street, Suite 2000
Post Office Box 70550
Oakland, CA 94612-0550

Notice of Violations of California Health & Safety Code §25249.5 *et seq.*

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On January 2, 2026, between 8:00 a.m. and 5:00 p.m. Eastern Time, verified the following documents
**NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.;
CERTIFICATE OF MERIT** were served on the following parties when a true and correct copy thereof was sent
via electronic mail to each of the parties listed below:

Ursula Jones Dickson, District Attorney
Alameda County
7677 Oakport Street, Suite 650
Oakland, CA 94621
CEPDProp65@acgov.org

Robert K. Priscaro, District Attorney
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Markleville, CA 96120
prop65enf@alpinecountyca.gov

Barbara Yook, District Attorney
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891 Mountain Ranch Road
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Prop65Env@co.calaveras.ca.us

Stacey Grassini, Deputy District Attorney
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Santa Ana, CA 92703
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Morgan Briggs Gire, District Attorney
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Roseville, CA 95678
Prop65@placer.ca.gov

Notice of Violations of California Health & Safety Code §25249.5 *et seq.*

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David Hollister, District Attorney
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davidhollister@countyofplumas.com

Paul E. Zellerbach, District Attorney
Riverside County
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Anne Marie Schubert, District Attorney
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Sacramento, CA 95814
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Summer Stephan, District Attorney
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SanDiegoDAProp65@sdca.org

Mark Ankorn, Deputy City Attorney
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CityAttyProp65@sandiego.gov

Brooke Jenkins, District Attorney
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San Francisco, CA 94103
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San Francisco, CA 94102
Prop65@sfcityattorney.org

Tori Verber Salazar, District Attorney
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222 E. Weber Avenue, Room 202
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DAConsumer.Environmental@sjcda.org

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DAProp65@co.santa-barbara.ca.us

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Proposition65notices@sanjoseca.gov

Jeffrey S. Rosell, District Attorney
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Jeff W. Reisig, District Attorney
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Woodland, CA 95695
cfepd@yolocounty.org

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On January 2, 2026, between 8:00 a.m. and 5:00 p.m. Eastern Time, I served the following documents: **NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT** on each of the parties on the Service List attached hereto by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties on the Service List attached hereto, and depositing it with the U.S. Postal Service with the postage fully prepaid for delivery by First Class Mail.

Executed on January 2, 2026, in Fort Oglethorpe, Georgia.


Debra Wright

Service List

District Attorney, Amador
County
708 Court Street, Suite 202
Jackson, CA 95642

District Attorney, Butte
County
25 County Center Drive, Suite
245
Oroville, CA 95965

District Attorney, Colusa
County
310 6th St
Colusa, CA 95932

District Attorney, Del Norte
County
450 H Street, Room 171
Crescent City, CA 95531

District Attorney, Glenn
County
Post Office Box 430
Willows, CA 95988

District Attorney, Humboldt
County
825 5th Street 4th Floor
Eureka, CA 95501

District Attorney, Imperial
County
940 West Main Street, Ste 102
El Centro, CA 92243

District Attorney, Kern County
1215 Truxtun Avenue
Bakersfield, CA 93301

District Attorney, Kings
County
1400 West Lacey Boulevard
Hanford, CA 93230

District Attorney, Lake County
255 N. Forbes Street
Lakeport, CA 95453

District Attorney, Los Angeles
County
Hall of Justice
211 West Temple St., Ste 1200
Los Angeles, CA 90012

District Attorney, Madera
County
300 South G Street, Ste 300
Madera, CA 93637

District Attorney, Mendocino
County
Post Office Box 1000
Ukiah, CA 95482

District Attorney, Modoc
County
204 S Court Street, Room 202
Alturas, CA 96101-4020

District Attorney, Mono
County
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Bridgeport, CA 93517

District Attorney, San Benito
County
419 Fourth Street, 2nd Floor
Hollister, CA 95023

District Attorney, San
Bernardino County
303 West Third Street
San Bernardino, CA 92415

District Attorney, San Mateo
County
400 County Ctr., 3rd Floor
Redwood City, CA 94063

District Attorney, Shasta
County
1355 West Street
Redding, CA 96001

District Attorney, Sierra
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Downieville, CA 95936

District Attorney, Siskiyou
County
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Yreka, CA 96097

District Attorney, Solano
County
675 Texas Street, Ste 4500
Fairfield, CA 94533

District Attorney, Stanislaus
County
832 12th Street, Ste 300
Modesto, CA 95354

District Attorney, Sutter
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Yuba City, CA 95991

District Attorney, Tehama
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District Attorney, Trinity
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Weaverville, CA 96093

District Attorney, Tuolumne
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Sonora, CA 95370

District Attorney, Yuba
County
215 Fifth Street, Suite 152
Marysville, CA 95901

Los Angeles City Attorney's
Office
City Hall East
200 N. Main Street, Suite 800
Los Angeles, CA 90012

Office of the City Attorney,
Sacramento
915 I Street, 4th Floor
Sacramento, CA 95814