



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

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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)

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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

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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

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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
Alpine County
P.O.Box 248
Markleville, CA 96120
prop65enf@alpinecountyca.gov

Barbara Yook, District Attorney
Calaveras County
891 Mountain Ranch Road
San Andreas, CA 95249
Prop65Env@co.calaveras.ca.us

Stacey Grassini, Deputy District Attorney
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Martinez, CA 94553
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Susanville, CA 96130
dchandler@co.lassen.ca.us

Lori E. Frugoli, District Attorney
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550 West Main St
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Jeannine M. Pacioni, District Attorney
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Monterey, CA 93940
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Clifford H. Newell, District Attorney
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Nevada City, CA 95959
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Todd Spitzer, District Attorney
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Morgan Briggs Gire, District Attorney
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David Hollister, District Attorney
Plumas County
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davidhollister@countyofplumas.com

Paul E. Zellerbach, District Attorney
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Prop65@rivcoda.org

Anne Marie Schubert, District Attorney
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Summer Stephan, District Attorney
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330 West Broadway
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SanDiegoDAProp65@sdcda.org

Mark Ankcorn, Deputy City Attorney
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CityAttyProp65@sandiego.gov

Brooke Jenkins, District Attorney
San Francisco District Attorney's Office
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San Francisco, CA 94103
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Henry Lifton, Deputy City Attorney
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Prop65@sfcityatty.org

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

Eric J. Dobroth, Deputy District Attorney
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edobroth@co.slo.ca.us

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DAProp65@co.santa-barbara.ca.us

Bud Porter, Supervising Deputy District Attorney
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Nora V. Frimann, City Attorney
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200 E. Santa Clara Street, 16th Floor
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Proposition65notices@sanjoseca.gov

Jeffrey S. Rosell, District Attorney
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Prop65DA@santacruzcounty.us

Carla Rodriguez, District Attorney
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Phillip J. Cline, District Attorney
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Gregory D. Totten, District Attorney
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Ventura, CA 93009
daspecialops@ventura.org

Jeff W. Reisig, District Attorney
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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

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Service List

District Attorney, Amador County 708 Court Street, Suite 202 Jackson, CA 95642	District Attorney, Modoc County 204 S Court Street, Room 202 Alturas, CA 96101-4020	District Attorney, Tuolumne County 423 N. Washington Street Sonora, CA 95370
District Attorney, Butte County 25 County Center Drive, Suite 245 Oroville, CA 95965	District Attorney, Mono County Post Office Box 617 Bridgeport, CA 93517	District Attorney, Yuba County 215 Fifth Street, Suite 152 Marysville, CA 95901
District Attorney, Colusa County 310 6 th St Colusa, CA 95932	District Attorney, San Benito County 419 Fourth Street, 2nd Floor Hollister, CA 95023	Los Angeles City Attorney's Office City Hall East 200 N. Main Street, Suite 800 Los Angeles, CA 90012
District Attorney, Del Norte County 450 H Street, Room 171 Crescent City, CA 95531	District Attorney, San Bernardino County 303 West Third Street San Bernardino, CA 92415	Office of the City Attorney, Sacramento 915 I Street, 4th Floor Sacramento, CA 95814
District Attorney, Glenn County Post Office Box 430 Willows, CA 95988	District Attorney, San Mateo County 400 County Ctr., 3rd Floor Redwood City, CA 94063	
District Attorney, Humboldt County 825 5th Street 4 th Floor Eureka, CA 95501	District Attorney, Shasta County 1355 West Street Redding, CA 96001	
District Attorney, Imperial County 940 West Main Street, Ste 102 El Centro, CA 92243	District Attorney, Sierra County Post Office Box 457 100 Courthouse Square, 2 nd Floor Downieville, CA 95936	
District Attorney, Kern County 1215 Truxtun Avenue Bakersfield, CA 93301	District Attorney, Siskiyou County Post Office Box 986 Yreka, CA 96097	
District Attorney, Kings County 1400 West Lacey Boulevard Hanford, CA 93230	District Attorney, Solano County 675 Texas Street, Ste 4500 Fairfield, CA 94533	
District Attorney, Lake County 255 N. Forbes Street Lakeport, CA 95453	District Attorney, Stanislaus County 832 12th Street, Ste 300 Modesto, CA 95354	
District Attorney, Los Angeles County Hall of Justice 211 West Temple St., Ste 1200 Los Angeles, CA 90012	District Attorney, Sutter County 463 2 nd Street Yuba City, CA 95991	
District Attorney, Madera County 300 South G Street, Ste 300 Madera, CA 93637	District Attorney, Tehama County Post Office Box 519 Red Bluff, CA 96080	
District Attorney, Mendocino County Post Office Box 1000 Ukiah, CA 95482	District Attorney, Trinity County Post Office Box 310 Weaverville, CA 96093	