

SIXTY-DAY NOTICE OF VIOLATION

SENT IN COMPLIANCE WITH CALIFORNIA HEALTH & SAFETY CODE §25249.7(d)

DATE: April 10, 2026

TO: Michael Fiddelke, CEO – Target Corporation
California Attorney General’s Office;
District Attorneys and Certain City Attorneys Throughout California

FROM: Jay Epps

My name is Jay Epps. I am a citizen of the State of California acting in furtherance of the public interest. I seek to promote awareness of exposures to certain toxic chemicals in products sold in California and, if possible, to improve human health by reducing hazardous substances contained in such items. This notice is provided to the public agencies listed above pursuant to California Health & Safety Code §25249.6 et seq. (Proposition 65). As noted above, this letter is also being provided to the alleged violator, Target Corporation (in its role as a retailer that transacts consumer purchases online through curbside pickup and/or shipment), which is a person in the course of doing business in California (Violator). The violations covered by this notice consist of the products at issue, route of exposure and type of harm potentially resulting from exposure to the hazardous substance identified below (listed chemical), as follows:

Products:	Nicotine Gum
Listed Chemical:	Nicotine
Route of Exposure:	Ingestion
Type of Harm:	Reproductive Toxicity

I. NATURE OF ALLEGED VIOLATION (CONSUMER PRODUCT EXPOSURE)

The specific products that are causing consumer exposures and potentially occupational exposures, in violation of Proposition 65, and that are covered by this letter shall be referred to hereinafter as the “Products.” Exposures to the listed chemical from the use of the Products have been occurring without the “clear and reasonable warning” required by Proposition 65, dating as far back as April 10, 2022. Without proper warnings regarding the toxic effects of exposures to the listed chemical resulting from the use of the Products, California citizens lack the information necessary to make informed decisions on whether and how to eliminate (or reduce) the risk of exposure to the listed chemical from the reasonably foreseeable use of the Products.

California citizens, through the act of buying, acquiring, receiving or utilizing the Products, are exposed to the listed chemical. By way of example, the gum is placed between the cheek and lower teeth, slowly releasing nicotine absorbed through the mouth. Nicotine is a reproductive toxicant that harms the fetus, with no established Maximum Allowable Dose Level (MADL) under California's Proposition 65. While both men and women use the Products, special attention should be given to pregnant women as the fetus

is at high risk of wide-ranging physical and neurological effects inflicted by prenatal exposure to nicotine.

The California State Plan for Occupational Safety and Health incorporates the provisions of Proposition 65, as approved by Federal OSHA on June 6, 1997. This approval specifically placed certain conditions with regard to occupational exposures on Proposition 65, including that it does not apply to the conduct of manufacturers, by which the Products are branded (e.g., manufacturer's name appears on Product label), occurring outside the State of California so long as the named manufacturer is in the United States. The approval also provides that a United States employer may use the means of compliance in the general hazard communication requirements to comply with Proposition 65. It also requires that supplemental enforcement be subject to the supervision of the California Occupational Safety and Health Administration.

Any settlement, civil complaint or substantive court orders in this matter must be submitted to the state Attorney General. It is important to note that the sale of the Products through online means of transaction must provide the customer with a clear and reasonable warning for the risk of reproductive toxicity pursuant to Proposition 65 and its implementing regulations, even if the Violator's role is limited that of an online retail seller.

II. CONTACT INFORMATION

Please direct all questions concerning this notice to me through my counsel's office at the following address, email and/or telephone number:¹

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c/o Clifford A. Chanler
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New Canaan, CT 06840-3801
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clifford@chanlerllc.com

Jay Epps
c/o Steven Y. Chen
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Rosemead, California 91770
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schen@schenlaw.com

III. PROPOSITION 65 INFORMATION

For general information concerning the provisions of Proposition 65, please feel free to contact the Office of Environmental Health Hazard Assessment's (OEHHA) Proposition 65 Implementation Office at (916) 445-6900. For the Violator's reference, I have attached a copy of "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary" which has been prepared by OEHHA.

IV. POTENTIAL RESOLUTION OF NOTICED CLAIMS

¹ Should your attempt to contact me through my counsel be unsuccessful, I can be reached by mail at 2386 Valley Street, Oakland, CA 94612, or by phone at (415) 849-6181.

Based on the assertions set forth in this notice, I intend to file a citizen enforcement action against the Violator unless it enters into a binding written agreement to: (a) recall Products already sold; (b) provide “clear and reasonable warnings” for Products to be sold online in the future or immediately delist the offending Products from the Violator’s website until a “clear and reasonable warning” is provided for each Product to be sold online; and (c) pay an appropriate civil fine, if any, based on the factors enumerated in California Health & Safety Code §25249.7(b). If the alleged Violator is particularly interested in resolving this dispute without resorting to litigation, please feel free to contact my counsel identified in Section II above. It should be noted that neither my counsel nor I can finalize any settlement with any Violator until after the statutory sixty-day notice period has expired for the covered Products; nor speak for the state Attorney General, any state district attorney or the city attorneys whom received this notice.

V. ADDITIONAL NOTICE INFORMATION

Examples of the Products that were recently purchased for use in California are identified on Exhibit A. I allege that the sale of the offending Products that were shipped to an address in California have also occurred without the requisite Proposition 65 “clear and reasonable warning,” dating as far back as April 10, 2022.

The examples on the attachment are for the recipients’ benefit to assist in their investigation of, among other things, the magnitude of potential exposures to the listed chemical from other items within the product category at issue. To reiterate, the exemplars noted on Exhibit A are not meant to be a list of each offending Product containing the listed chemical sold to California consumers during the relevant period.

The alleged Violator is obligated to conduct a good faith investigation into Products in addition to the exemplars that were offered for sale especially since the notice recipient has had actual notice of the nicotine content, since April 10, 2022, to determine whether a clear and reasonable warning was provided for the applicable toxic endpoint. The requisite warning shall be prominently provided on the product display pages prior to each Product purchased by a California citizen (shipped to a California address or, to a more limited extent, purchased online on target.com for curbside pickup at a California location). Further, such investigation should also ensure that all online offering pages for the Products going forward contain the requisite conspicuous placement of, and clear language for, the risk of reproductive toxicity associated with exposure to the listed chemical.

EXHIBIT A

<i>Product</i>	<i>SKU#</i>
Up & Up Coated Nicotine Gum 4mg	14646620
Nicorette Nicotine Gum 4mg	A-14683244

PROOF OF SERVICE

I, the undersigned, declare under penalty of perjury:

I am over the age of 18 years and not a party to the within action. I am a resident or employed in the county where the mailing occurred. My business address is 2650 River Avenue, Unit A, Rosemead, CA 91770.

On **April 10, 2026**, I caused to be served the following documents:

SIXTY-DAY NOTICE OF VIOLATION SENT IN COMPLIANCE WITH HEALTH & SAFETY CODE § 25249.7(d); CERTIFICATE OF MERIT; AND THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY

XXXX **By Personal Service** by causing true and correct copies of the above documents to be personally delivered to each alleged violator, their agents or to the party or person authorized to receive the above documents for the alleged violator listed below.

Michael Fiddelke, CEO
Target Corporation
c/o C T Corporation System
330 N Brand Blvd
Glendale, CA 91203

On **April 10, 2026**, I caused to be served the following documents:

SIXTY-DAY NOTICE OF VIOLATION SENT IN COMPLIANCE WITH HEALTH & SAFETY CODE § 25249.7(d); AND CERTIFICATE OF MERIT

XXXX **By Electronic Mail** by sending true and correct copies of the above documents to the electronic notification addresses on the attached "Email Service List."

On **April 10, 2026**, I caused to be served the following documents:

SIXTY-DAY NOTICE OF VIOLATION SENT IN COMPLIANCE WITH HEALTH & SAFETY CODE § 25249.7(d); CERTIFICATE OF MERIT; AND CERTIFICATE OF MERIT ATTACHMENTS

XXXX **By Electronic Upload** by causing true and correct copies of the above documents to be uploaded to the California Attorney General's website at the web address on the attached "Electronic Upload Service List."

Executed on **April 10, 2026**, in Rosemead, California.



Steven Chen

CERTIFICATE OF MERIT

California Health & Safety Code §25249.7(d)

I, Clifford A. Chanler, 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 and Safety Code §25249.6 by failing to provide clear and reasonable warnings;
2. I am the 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 are the subject of this action and/or the listed chemical in substantially similar products and exposes individuals through the same potential routes;
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 under Health and Safety Code §25249.7(h)(2) including (i) the identity of the persons consulted with and relied on by the certifier, and (ii) certain facts, studies, or other data reviewed by those persons.

Dated: April 10, 2026



Clifford A. Chanler

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ELECTRONIC UPLOAD SERVICE LIST

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Proposition 65 Enforcement Reporting
ATTN: Prop 65 Coordinator
P.O. Box 70550
Oakland, CA 94612-0550
<https://oag.ca.gov/prop65/add-60-day-notice>