

# NOTICE OF VIOLATION

## California Safe Drinking Water and Toxic Enforcement Act

### LEAD IN MEAL REPLACEMENT DRINK MIX

04/17/2026

This Notice of Violation (“Notice”) is provided to you pursuant to and in compliance with California Health and Safety Code § 25249.7(d).

- For general information regarding the California Safe Drinking Water and Toxic Enforcement Act (“Proposition 65”), see the attached summary provided by the Office of Environmental Health Hazard Assessment (copies of summary not provided to public enforcement agencies).
- This Notice is provided by Public Protection Alliance LLC, 2450 Colorado Ave, Suite 100E, Santa Monica CA 90404. Public Protection Alliance is a California company acting in the interest of the general public seeking to further, among other causes, the protection of the environment, toxin reduction, the promotion and improvement of human health, the improvement of consumer rights, and corporate accountability. Public Protection Alliance designates its counsel, Emily Culbertson, as the responsible individual with regard to this Notice.

#### **Description of Violation:**

- Violators: The names and addresses of the violators are identified in the table below.
- Time Period of Exposure: The violations have been occurring since at least 07/24/2025 and are continuing to this day.
- Provision of Proposition 65: This Notice covers the 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 lead.
- Type of Product: The specific type of product causing the violation is meal replacement drink mix. Non-exclusive examples of this specific type of product are listed in the table below.
- Description of Exposure: Ordinary use of the products identified in this Notice results in human exposures to lead because lead is found in the meal replacement drink mix. The route of exposure for the violation is ingestion. These exposures

occur in homes, workplaces, and everywhere else throughout California where consumers may be exposed to meal replacement drink mix.

- No clear and reasonable Proposition 65 warning is provided with these products regarding the presence of lead in the products.

**Violators and Products Subject to this Notice**

Names and Addresses of Violators	Non-Exclusive Examples of the Products	UPC or Further Description of the Non-Exclusive Exemplar
Metagenics, LLC 25 Enterprise Suite 200 Aliso Viejo, CA 92656	Bariatric Advantage High Protein Meal Replacement Drink Mix	ASIN B08DBKYL1D
Pattern Inc 1441 W. Innovation Way Suite 500 Lehi, UT 84043	Bariatric Advantage High Protein Meal Replacement Drink Mix	ASIN B08DBKYL1D
Amazon.com Services LLC 410 Terry Avenue North Seattle, WA 98109	Bariatric Advantage High Protein Meal Replacement Drink Mix	ASIN B08DBKYL1D

**Resolution of Noticed Claims:**

- Public Protection Alliance intends to file a citizen enforcement lawsuit against the alleged violators unless such violators agree in a binding written instrument to: (1) recall all products already sold; (2) provide clear and reasonable warnings for products sold or otherwise provided to consumers in the future or reformulate such products to eliminate the lead exposures; and (3) pay an appropriate civil penalty based on the factors enumerated in California Health and Safety Code § 25249.7(b).
- Alleged violators should contact Public Protection Alliance through its counsel identified below to discuss resolution of this matter. It should be noted that Public Protection Alliance 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 Public Protection Alliance’s 60-day Notice. Therefore, while reaching an agreement with Public Protection Alliance 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 related to the presence or potential presence of lead in meal replacement drink mix; purchase and sales information for such products; efforts to comply with Proposition 65 with respect to such products; advertising and marketing material related to such products; testing reports related to such products; communications with any person relating to the presence or potential presence of lead in such products; any representative exemplars of any such products sold 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.

### **Request for Names and Contact Information**

- The retailer is hereby requested to promptly provide the names and contact information for the manufacturers, producers, packagers, importers, suppliers, and/or distributors of the products identified in this Notice per Cal. Code Regs. tit. 27, §25600.2(g).

Please direct any inquiries regarding this Notice to Public Protection Alliance's counsel, Emily Culbertson, at Akempis PC, 730 Arizona Ave, Floor 2, Santa Monica CA 90401, (424) 433-4760, [emilyculbertson@akempis.com](mailto:emilyculbertson@akempis.com).

AKEMPIS P.C.



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Emily Culbertson  
Attorney for Public Protection Alliance LLC

### **Enclosures:**

Certificate of Merit

Certificate of Service

Appendix A ("The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary") (sent only to the Violators)

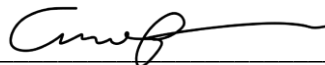
Factual information sufficient to establish the basis of the Certificate of Merit (sent only to Attorney General)

**CERTIFICATE OF MERIT**  
**Health & Safety Code § 25249.7(d)**

I, Emily Culbertson, 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 with Akempis P.C., and I represent the noticing party, Public Protection Alliance, LLC.
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 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 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.

04/17/2026



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Emily Culbertson  
Attorney for Public Protection Alliance LLC

## CERTIFICATE OF SERVICE

I, Emily Culbertson, hereby declare:

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen (18) years and not a party to this action. My business address is 730 Arizona Ave, 2<sup>nd</sup> Floor, Santa Monica CA 90401 and my email address is emilyculbertson@akempis.com.

On 04/17/2026, I served the following documents on all interested parties in this action by placing a true copy thereof in the manner and at the addresses indicated below:

**BY CERTIFIED MAIL:** I am readily familiar with the practice for collection and processing for correspondence for certified mailing by LetterStream, a printing and mailing company that sends certified mail via the U.S. Postal Service. I transmitted a PDF version of the documents noted below to LetterStream on 04/17/2026 for printing and mailing in the ordinary course of business to the names and addresses on the attached service lists. The printed correspondence will be deposited by LetterStream in the mail with the U.S. Postal Service.

***Please see attached service list for recipients sent by Certified Mail.***

***Contents mailed:*** NOTICE OF VIOLATION OF CALIFORNIA SAFE DRINKING WATER AND TOXIC ENVIRONMENT ACT; CERTIFICATE OF MERIT; THE SAFE DRINKING WATER AND TOXIC ENVIRONMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY

**BY MAIL:** I am readily familiar with the practice for collection and processing for correspondence for mailing by LetterStream, a printing and mailing company that sends certified mail via the U.S. Postal Service. I transmitted a PDF version of the documents noted below to LetterStream on 04/17/2026 for printing and mailing in the ordinary course of business to the names and addresses on the attached service lists. The printed correspondence will be deposited by LetterStream in the mail with the U.S. Postal Service.

***Please see attached service list for recipients sent by Mail.***

***Contents mailed:*** NOTICE OF VIOLATION OF CALIFORNIA SAFE DRINKING WATER AND TOXIC ENVIRONMENT ACT; CERTIFICATE OF MERIT.

**BY ELECTRONIC MAIL:** I transmitted a PDF version of the documents noted below via email to the email address(es) indicated on the attached service list before 5 p.m. on the date executed.

***Please see attached service list for recipients sent by Electronic Mail***

**Contents emailed:** NOTICE OF VIOLATION OF CALIFORNIA SAFE DRINKING WATER AND TOXIC ENVIRONMENT ACT; CERTIFICATE OF MERIT.

**BY ELECTRONIC UPLOAD:** I transmitted a PDF version of the documents noted below to the Office of Attorney General of California via the Proposition 65 File a 60-Day Notice website at <https://oag.ca.gov/prop65/add-60-day-notice> at before 5 p.m. on the date executed.

**Contents uploaded:** NOTICE OF VIOLATION OF CALIFORNIA SAFE DRINKING WATER AND TOXIC ENVIRONMENT ACT; CERTIFICATE OF MERIT; CONFIDENTIAL SUPPORTING EVIDENCE FOR CERTIFICATE OF MERIT.

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

Executed on 04/17/2026 at Los Angeles, California.



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Emily Culbertson

**SERVICE LIST BY CERTIFIED MAIL:**

Metagenics, LLC  
c/o Registered Agent  
Paul E Konney  
25 Enterprise  
Suite 200  
Aliso Viejo, CA 92656

Pattern Inc  
c/o Registered Agent  
Ben Craven  
1441 W. Innovation Way  
Suite 500  
Lehi, UT 84043

Amazon.com Services LLC  
410 Terry Avenue North  
Seattle, WA 98109

**SERVICE LIST BY MAIL:**

Amador County DA  
708 Court Street, #202  
Jackson, CA 95642

Butte County DA  
25 County Center Drive, Suite 245  
Oroville, CA 95965

Colusa County, DA  
310 6th Street  
Colusa, CA 95932

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

Glenn County DA  
P.O. Box 430  
Willows, CA 95988

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

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

Kern County DA  
1215 Truxtun Ave.  
Bakersfield, CA 93301

Kings County DA  
1400 West Lacey Blvd.  
Hanford, CA 93230

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255 N. Forbes Street  
Lakeport, CA 95453

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200 N. Main Street #800  
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Los Angeles, CA 90012

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San Bernardino County DA  
303 W. Third Street  
San Bernardino, CA 92415

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400 County Center, Third Floor  
Redwood City, CA 94063

Shasta County DA  
1355 West Street  
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Sierra County DA  
100 Courthouse Square  
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463 2nd Street, Suite 102  
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