

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

LEAD AND CADMIUM IN PROTEIN POWDER

5/15/2026

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 August 16, 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 names of the listed chemicals involved in these violations are lead and cadmium.
- Type of Product: The specific type of product causing the violation is protein powder. 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 and cadmium because lead and cadmium are found in the protein powder. 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 protein powder.

- No clear and reasonable Proposition 65 warning is provided with these products regarding the presence of lead and cadmium 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
Elements Truffles LLC 2 2nd St, Apt 1002 Jersey City, NJ 07302	Elements Plant Based Protein Powder, Chai Spice	ASIN B08KYG5CG3
Airaco, Inc. 12299 Birchcrest Dr. Milford, MI 48380	Elements Plant Based Protein Powder, Chai Spice	ASIN B08KYG5CG3
Amazon.com Services LLC 410 Terry Avenue North Seattle, WA 98109	Elements Plant Based Protein Powder, Chai Spice	ASIN B08KYG5CG3

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 and cadmium 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 and cadmium in


protein powder; 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 and cadmium 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 P.C., 730 Arizona Ave, Floor 2, Santa Monica CA 90401, (424) 433-4760, emilyculbertson@akempis.com.

AKEMPIS P.C.



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.

5/15/2026



Emily Culbertson
Attorney for Public Protection Alliance LLC

CERTIFICATE OF SERVICE

I, Brady Williams, hereby declare under California law:

I am over the age of eighteen (18) years and not a party to this action. My business address is 730 Arizona Ave, 2nd Floor, Santa Monica CA 90401 and my email address is brady@akempis.com.

On 5/15/2026, 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 5/15/2026 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 ENFORCEMENT ACT; CERTIFICATE OF MERIT; THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT 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 5/15/2026 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 ENFORCEMENT 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 ENFORCEMENT 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> before 5 p.m. on the date executed.

Contents uploaded: NOTICE OF VIOLATION OF CALIFORNIA SAFE DRINKING WATER AND TOXIC ENFORCEMENT 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 5/15/2026 at Los Angeles, California.

Brady Williams

Brady Williams

SERVICE LIST BY CERTIFIED MAIL:

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

Amazon.com Services LLC
c/o Registered Agent
CSC – Lawyers Incorporating
Service
2710 Gateway Oaks Drive
Sacramento, CA 95833

Elements Truffles LLC
c/o Registered Agent
Alak Vasa
2 2nd St, Apt 1002
Jersey City, NJ 07302

Airaco, Inc.
c/o Registered Agent
Ken Burgess
12299 Birchcrest Dr.
Milford, MI 48380

SERVICE LIST BY MAIL:

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

Butte County DA
25 County Center Drive, Ste. 245
Oroville, CA 95965

Colusa County DA
310 6th Street
Colusa, CA 95932

Del Norte County DA
450 H Street, Ste. 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., 4th Floor
Bakersfield, CA 93301

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

Lake County DA
255 N. Forbes Street
Lakeport, CA 95453

City of LA, City Atty
200 N. Main Street #800
Los Angeles, CA 90012

LA County DA
211 W. Temple St, Ste. 1200
Los Angeles, CA 90012

Madera County DA
300 South G Street, Ste. 300
Madera, CA 93637

Mendocino County DA
P.O. Box 1000
Ukiah, CA 95482

Modoc County DA
204 S. Court Street, Room 202
Alturas, CA 96101

Mono County DA
P.O. Box 2053
Mammoth Lakes, CA 93546

San Benito County DA
419 4th Street
Hollister, CA 95023

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

San Mateo County DA
500 County Center, Third Floor
Redwood City, CA 94063

Shasta County DA
1355 West Street
Redding, CA 96001

Sierra County DA
P.O. Box 457
Downieville, CA 95936

Siskiyou County DA
P.O. Box 986
Yreka, CA 96097

Solano County DA
675 Texas Street, Ste. 4500
Fairfield, CA 94533

Stanislaus County DA
832 12th Street, Ste. 300
Modesto, CA 95354

Sutter County DA
463 2nd Street, Ste. 102
Yuba City, CA 95991

Tehama County DA
P.O. Box 519
Red Bluff, CA 96080

Trinity County DA
P.O. Box 310
Weaverville, CA 96093

Yuba County DA
215 5th Street, Ste. 152
Marysville, CA 95901

SERVICE LIST BY ELECTRONIC MAIL:

Alameda County
District Attorney
7677 Oakport St., Ste. 650
Oakland, CA 94621
CEPDProp65@acgov.org

Contra Costa County
District Attorney
900 Ward Street
Martinez, CA 94553
sgrassini@contracostada.org
Bill.Washam@contracostada.org

Inyo County
District Attorney
168 North Edwards Street
Independence, CA 93526
inyoda@inyocounty.us

Mariposa County
District Attorney
P.O. Box 730
Mariposa, CA 95338
mcda@mariposacounty.org

Napa County
District Attorney
1127 First Street, Ste. C
Napa, CA 94559
CEPD@countyofnapa.org

Placer County
District Attorney
10810 Justice Center Drive
Roseville, CA 95678
prop65@placer.ca.gov

Sacramento County
District Attorney
901 G Street
Sacramento, CA 95814
Prop65@sacda.org

Alpine County
District Attorney
P.O. Box 248
Markleeville, CA 96120
prop65enf@alpinecountyca.gov

El Dorado County
District Attorney
778 Pacific Street
Placerville, CA 95667
EDCDAPROP65@edcda.us

Lassen County
District Attorney
2950 Riverside Dr
Susanville, CA 96130
dchandler@co.lassen.ca.us

Merced County
District Attorney
550 West Main Street
Merced, CA 95340
Prop65@countyofmerced.com

Nevada County
District Attorney
201 Commercial Street
Nevada City, CA 95959
DA.Prop65@co.nevada.ca.us

Plumas County
District Attorney
520 Main St.
Quincy, CA 95971
davidhollister@countyofplumas.com

San Diego County
District Attorney
330 West Broadway
San Diego, CA 92101
SanDiegoDAProp65@sdcda.org

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

Fresno County
District Attorney
2100 Tulare Street
Fresno, CA 93721
consumerprotection@fresnocountyca.gov

Marin County
District Attorney
3501 Civic Center Dr, Rm 145
San Rafael, CA 94903
consumer@marincounty.gov

Monterey County
District Attorney
1200 Aguajito Road
Monterey, CA 93940
Prop65DA@co.monterey.ca.us

Orange County
District Attorney
300 N. Flower Street
Santa Ana, CA 92703
Prop65Notice@ocdapa.org

Riverside County
District Attorney
3960 Orange Street
Riverside, CA 92501
Prop65@rivcoda.org

San Diego City
City Attorney
1200 Third Avenue
San Diego, CA 92101
CityAttyProp65@sandiego.gov

San Francisco County
District Attorney
350 Rhode Island Street
San Francisco, CA 94103
Prop65@sfgov.org

San Francisco City
City Attorney
1390 Market St, 7th Fl.
San Francisco, CA 94102
Prop65@sfcityatty.org

San Joaquin County
District Attorney
222 E. Weber Ave., Rm 202
Stockton, CA 95202
DAConsumer.Environmental@sjcda.org

San Luis Obispo County
District Attorney
County Government
Center Annex, 4th Floor
San Luis Obispo, CA 93408
edobroth@co.slo.ca.us

Santa Barbara County
District Attorney
1112 Santa Barbara St.
Santa Barbara, CA 93101
DAProp65@co.santa-barbara.ca.us

Santa Clara County
District Attorney
70 W Hedding St.
San Jose, CA 95110
EPU@da.sccgov.org

Santa Cruz County
District Attorney
701 Ocean Street
Santa Cruz, CA 95060
Prop65DA@santacruzcounty.us

Sonoma County
District Attorney
600 Administration Dr, Rm 212J
Santa Rosa, CA 95403
ECLD@sonoma-county.org

Tulare County
District Attorney
221 S. Mooney Blvd.
Visalia, CA 93291
Damail@tularecounty.ca.gov

Tuolumne County
District Attorney
423 N. Washington Street
Sonora, CA 95370
DA@tuolumnecounty.ca.gov

Ventura County
District Attorney
800 S. Victoria Ave
Ventura, CA 93009
daspecialops@ventura.org

Yolo County
District Attorney
301 Second Street
Woodland, CA 95695
cfepd@yolocounty.org