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**60-DAY NOTICE OF INTENT TO SUE FOR VIOLATION OF
CALIFORNIA HEALTH & SAFETY CODE § 25249.7(d)
(PROPOSITION 65)**

August 24, 2026

Via Certified Mail and Electronic Filing

Electric Youth, Inc. (d/b/a Gorgie);	Target Corporation
Attn: The Corporation Trust Company	1000 Nicollet Mall
Corporation Trust Center	Minneapolis, MN 55403
1209 Orange Street	
Wilmington, DE 19801	

California Attorney General's Office;	Target Corporation
District Attorneys of California	Attn: C T Corporation System
Counties and City Attorneys,	333 N. Brand Blvd, Suite 700
<i>as set forth in the Proof of Service</i>	Glendale, CA 91203

RE: Proposition 65 Notice of Violation – 60 Day Notice of Intent to Sue

To Whom It May Concern:

We represent Verity Health Center, LLC, (“Verity Health Center,” “Noticing Party”) an organization in the State of California acting in the interest of the general public. This letter serves as notice that the parties listed above are in violation of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act, commencing with section 25249.6 of the Health and Safety Code (“Proposition 65”). In particular, the violations alleged by this notice consist of types of harm that may potentially result from exposures to the toxic chemical lead and lead compounds (“Lead”). Lead was listed as a chemical known to cause birth defects or other reproductive harm on February 27, 1987 and listed as a carcinogen on October 1, 1992.

The type of product that is causing exposures in violation of Proposition 65 is a ready-to-drink protein energy beverage, including but not limited to:

<u>Product Name</u>	<u>Manufacturer</u>	<u>Distributor/Retailer</u>
Gorgie Protein Energy Drink, Sparkling Power Punch	Electric Youth, Inc. (d/b/a Gorgie)	Target (California retail locations and online)

Independent laboratory testing (Sample ID 26EA0506-049; analysis completed May 11, 2026) detected Lead in the product at 1.933 micrograms per serving. This level exceeds the Proposition 65 Maximum Allowable Dose Level (MADL) for Lead of 0.5 micrograms per day, established at Title 27, California Code of Regulations, section 25805(b), by a factor of approximately 3.9 times.

The routes of exposure to Lead in violation include ingestion by consumers. These exposures occur through the reasonably foreseeable use of the product. The sales of this product have been occurring since at least July 17, 2023, are continuing to this day and will continue to occur as long as the product subject to this notice is sold to and used by consumers.

Proposition 65 requires that a clear and reasonable warning is provided with these products regarding the exposures to Lead caused by ordinary use of the product. The Parties are in violation of Proposition 65 by failing to provide such warning to consumers, and as a result of the sales of this product, exposures to Lead have been occurring without proper warnings.

You are hereby directed to immediately preserve and retain all documents, records, communications, and electronically stored information (“ESI”) relating to the Product identified in this Notice. This includes, without limitation, all product formulations, ingredient lists, certificates of analysis, and laboratory testing results; all purchase orders, invoices, shipping records, and sales data reflecting distribution of the Product into or within California; all product labels, packaging, and marketing materials; and all internal and external communications (including emails, text messages, and memoranda) concerning Lead content, Proposition 65 compliance, or product warnings.

This preservation obligation extends to all ESI, including information stored on servers, desktops, laptops, mobile devices, cloud-based platforms, backup tapes, and databases. You are directed to immediately issue a litigation hold to all employees, agents, and third-party custodians who may possess relevant information, and to suspend any routine document destruction or data retention policies that could result in the loss of potentially relevant evidence. Failure to preserve evidence may result in claims for spoliation and requests for adverse inference in any subsequent litigation.

Consistent with the goals of Proposition 65 and a desire to have these violations corrected, the Noticing Party is interested in seeking a resolution of this matter that includes a binding written agreement by the Parties to: (1) recall any products already sold, or undertake best efforts to ensure that the requisite health hazard warnings are provided to those who have received such products; (2) reformulate the identified products so as to eliminate further exposures to Lead, or provide appropriate warnings on the labels of these products; and (3)

pay an appropriate civil penalty. Such a resolution will prevent further unwarned consumer exposures to Lead, as well as expensive and time-consuming litigation. Please note that counsel cannot finalize any settlement until after the 60-day notice period has expired and cannot speak for the California Attorney General or any District or City Attorney who has received this notice. While reaching an agreement with the Noticing Party will resolve its claims, such an agreement may not satisfy the public prosecutors.

Per Cal. Code Regs. tit. 27, section 25600.2(g), each retail seller noticed herein is hereby requested to promptly provide the names and contact information for the manufacturers, producers, packagers, importers, suppliers, and distributors of the products identified in this Notice.

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, attached is a copy of "Proposition 65: A Summary," which has been prepared by OEHHA.

Pursuant to Proposition 65, notice and intent to sue shall be provided to violators 60 days before filing a complaint. This letter provides notice of the alleged violation to the parties listed above and the appropriate governmental authorities. A summary of Proposition 65 is attached.

Verity Health Center, LLC identifies Luke S. Zimmerman as a responsible individual within the entity pursuant to Title 27, California Code of Regulations, section 25903(A)(1). If you have any questions or wish to discuss any of the above, please contact Luke S. Zimmerman at zimmerman@cannabislaw.law

Sincerely,

LAW OFFICE OF LUKE S. ZIMMERMAN APC

Handwritten signature of Luke S. Zimmerman in cursive script.

Luke S. Zimmerman
Attorney for Noticing Party

Enclosures

CERTIFICATE OF MERIT
Health and Safety Code Section 25249.7(d)

I, Luke S. Zimmerman, 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 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 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 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, 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: August 24, 2026

Luke Zimmerman Esq. LL.M.
Luke S. Zimmerman, Attorney for Noticing Party

PROOF OF SERVICE

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 over the age of 18 years and am not a party to this action. On August 24, 2026, I served the foregoing 60-Day Notice of Violation of California Health & Safety Code § 25249.7(d) (Proposition 65), together with the Certificate of Merit and Appendix "A," as follows:

By Certified U.S. Mail on each of the following alleged violators:

**Electric Youth, Inc. (d/b/a Gorgie);
Attn: The Corporation Trust Company
Corporation Trust Center
1209 Orange Street
Wilmington, DE 19801**

**Target Corporation
1000 Nicollet Mall
Minneapolis, MN 55403**

**Target Corporation
Attn: C T Corporation System
333 N. Brand Blvd, Suite 700
Glendale, CA 91203**

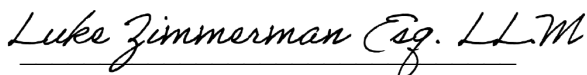
By Electronic Upload to the California Attorney General via <https://oag.ca.gov/prop65/add-60-day-notice>, addressed to:

Office of the California Attorney General
Proposition 65 Enforcement Reporting, ATTN: Prop 65 Coordinator
P.O. Box 70550, Oakland, CA 94612-0550

By First Class U.S. Mail on the District Attorneys of each California county and the City Attorneys of cities with a population greater than 750,000, as set forth in the attached **Service List**.

By Electronic Mail on the District Attorneys and City Attorneys that have requested electronic service, as set forth in the attached **Electronic Mail Service List**.

Executed on August 24, 2026.



Luke S. Zimmerman

Law Office Of Luke S. Zimmerman APC

SERVICE LIST
(District Attorneys Served by First Class U.S. Mail)

Alpine County District Attorney P.O. Box 248 Markleeville, CA 96120	Amador County District Attorney 708 Court Street, #202 Jackson, CA 95642
Colusa County District Attorney 310 6th Street Colusa, CA 95932	Del Norte County District Attorney 450 H Street, Room 171 Crescent City, CA 95531
Glenn County District Attorney P.O. Box 430 Willows, CA 95988	Humboldt County District Attorney 825 5th Street Eureka, CA 95501
Kern County District Attorney 1215 Truxtun Avenue Bakersfield, CA 93301	Los Angeles County District Attorney 211 W. Temple Street, Suite 1200 Los Angeles, CA 90012
San Benito County District Attorney 419 4th Street Hollister, CA 95023	San Bernardino County District Attorney 303 W. Third Street San Bernardino, CA 92415
Shasta County District Attorney 1355 West Street Redding, CA 96001	Siskiyou County District Attorney P.O. Box 986 Yreka, CA 96097
Stanislaus County District Attorney 832 12th Street, Suite 300 Modesto, CA 95353	Sutter County District Attorney 463 2nd Street, Suite 102 Yuba City, CA 95991
Tehama County District Attorney P.O. Box 519 Red Bluff, CA 96080	Trinity County District Attorney P.O. Box 310 Weaverville, CA 96093
Tuolumne County District Attorney 423 North Washington St. Sonora, CA 95370	Yuba County District Attorney 215 Fifth Street, Suite 152 Marysville, CA 95901

ELECTRONIC UPLOAD SERVICE LIST

Office of the California Attorney General 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
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ELECTRONIC MAIL SERVICE LIST

(District Attorneys and City Attorneys That Have Requested Electronic Service, Served by E-Mail)

Alameda County District Attorney CEPDProp65@acgov.org	Butte County District Attorney DA@buttecounty.net
Calaveras County District Attorney Prop65Env@co.calaveras.ca.us	Contra Costa County District Attorney sgrassini@contracostada.org
El Dorado County District Attorney EDCDAPROP65@edcda.us	Fresno County District Attorney consumerprotection@fresnocountyca.gov
Imperial County District Attorney teresasolis@co.imperial.ca.us	Inyo County District Attorney inyoda@inyocounty.us
Kings County District Attorney eservice@co.kings.ca.us	Lake County District Attorney countycounsel@lakecountyca.gov
Lassen County District Attorney mlatimer@co.lassen.ca.us	Madera County District Attorney mariaElena.leyva@maderacounty.com
Marin County District Attorney consumer@marincounty.gov	Mariposa County District Attorney mcda@mariposacounty.org
Mendocino County District Attorney DA@mendocinocounty.gov	Merced County District Attorney Prop65@countyofmerced.com
Modoc County District Attorney DA@co.modoc.ca.us	Mono County District Attorney districtattorney@mono.ca.gov
Monterey County District Attorney Prop65DA@co.monterey.ca.us	Napa County District Attorney CEPD@countyofnapa.org
Nevada County District Attorney DA.Prop65@co.nevada.ca.us	Orange County District Attorney prop65notice@ocdapa.org
Placer County District Attorney prop65@placer.ca.gov	Plumas County District Attorney davidhollister@countyofplumas.com
Riverside County District Attorney Prop65@rivcoda.org	Sacramento County District Attorney Prop65@sacda.org
San Diego County District Attorney SanDiegoDAProp65@sdcdca.org	San Francisco County District Attorney alexandra.grayner@sfgov.org
San Joaquin County District Attorney DAConsumer.Environmental@sjcda.org	San Luis Obispo County District Attorney edobroth@co.slo.ca.us
San Mateo County District Attorney DA_info@smcgov.org	Santa Barbara County District Attorney DAProp65@co.santa-barbara.ca.us
Santa Clara County District Attorney EPU@da.sccgov.org	Santa Cruz County District Attorney Prop65DA@santacruzcounty.us
Sierra County District Attorney smarshall@sierracounty.ca.gov	Solano County District Attorney DACEPU@solanocounty.gov
Sonoma County District Attorney Jeannie.Barnes@sonoma-county.org	Tulare County District Attorney Prop65@co.tulare.ca.us
Ventura County District Attorney daspecialops@ventura.org	Yolo County District Attorney cfepd@yolocounty.org
Los Angeles City Attorney cityatty.help@lacity.org	San Diego City Attorney CityAttyProp65@saniego.gov
San Francisco City Attorney Prop65@sfcityatty.org	San Jose City Attorney (Santa Clara) Proposition65notices@sanjoseca.gov

APPENDIX A

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY

The following summary has been prepared by the California Office of Environmental Health Hazard Assessment (OEHHA), the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as “Proposition 65”). A copy of this summary must be included as an attachment to any notice of violation served upon an alleged violator of the Act. The summary provides basic information about the provisions of the law, and is intended to serve only as a convenient source of general information. It is not intended to provide authoritative guidance on the meaning or application of the law. The reader is directed to the statute and OEHHA implementing regulations (see citations below) for further information.

FOR INFORMATION CONCERNING THE BASIS FOR THE ALLEGATIONS IN THE NOTICE RELATED TO YOUR BUSINESS, CONTACT THE PERSON IDENTIFIED ON THE NOTICE.

The text of Proposition 65 (Health and Safety Code Sections 25249.5 through 25249.13) is available online at: <http://oehha.ca.gov/prop65/law/P65law72003.html>. Regulations that provide more specific guidance on compliance, and that specify procedures to be followed by the State in carrying out certain aspects of the law, are found in Title 27 of the California Code of Regulations, sections 25102 through 27001¹. These implementing regulations are available online at: <http://oehha.ca.gov/prop65/law/P65Regs.html>.

WHAT DOES PROPOSITION 65 REQUIRE?

The “Proposition 65 List.” Under Proposition 65, the lead agency (OEHHA) publishes a list of chemicals that are known to the State of California to cause cancer and/or reproductive toxicity. Chemicals are placed on the Proposition 65 list if they are known to cause cancer and/or birth defects or other reproductive harm, such as damage to female or male reproductive systems or to the developing fetus. The list must be updated at least once a year. The current Proposition 65 list of chemicals is available on the OEHHA website at: http://www.oehha.ca.gov/prop65/prop65_list/Newlist.html

¹ All further regulatory references are to sections of Title 27 of the California Code of Regulations unless otherwise indicated. The statute, regulations and relevant case law are available on the OEHHA website at: <http://www.oehha.ca.gov/prop65/law/index.html>

Only those chemicals that are on the list are regulated under Proposition 65. Businesses that produce, use, release or otherwise engage in activities involving listed chemicals must comply with the following:

Clear and reasonable warnings. A business is required to warn a person before “knowingly and intentionally” exposing that person to a listed chemical unless an exemption applies. The warning given must be “clear and reasonable.” This means that the warning must: (1) clearly make known that the chemical involved is known to cause cancer, or birth defects or other reproductive harm; and (2) be given in such a way that it will effectively reach the person before he or she is exposed to that chemical. Some exposures are exempt from the warning requirement under certain circumstances discussed below.

Prohibition from discharges into drinking water. A business must not knowingly discharge or release a listed chemical into water or onto land where it passes or probably will pass into a source of drinking water. Some discharges are exempt from this requirement under certain circumstances discussed below.

DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?

Yes. You should consult the current version of the statute and regulations (<http://www.oehha.ca.gov/prop65/law/index.html>) to determine all applicable exemptions, the most common of which are the following:

Grace Period. Proposition 65 warning requirements do not apply until 12 months after the chemical has been listed. The Proposition 65 discharge prohibition does not apply to a discharge or release of a chemical that takes place less than 20 months after the listing of the chemical.

Governmental agencies and public water utilities. All agencies of the federal, state or local government, as well as entities operating public water systems, are exempt.

Businesses with nine or fewer employees. Neither the warning requirement nor the discharge prohibition applies to a business that employs a total of nine or fewer employees. This includes all employees, not just those present in California.

Exposures that pose no significant risk of cancer. For chemicals that are listed under Proposition 65 as known to the State to cause cancer, a warning is not required if the business causing the exposure can demonstrate that the exposure occurs at a level that poses “no significant risk.” This means that the exposure is calculated to result in not more than one excess case of cancer in 100,000 individuals exposed over a 70-year lifetime. The Proposition 65 regulations identify specific “No Significant Risk Levels” (NSRLs) for many listed carcinogens. Exposures below these levels are exempt from the warning requirement. See OEHHA’s website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of NSRLs, and Section 25701 et seq. of the regulations for information concerning how these levels are calculated.

Exposures that will produce no observable reproductive effect at 1,000 times the level in question. For chemicals known to the State to cause reproductive toxicity, a warning is not required if the business causing the exposure can demonstrate that the exposure will produce no observable effect, even at 1,000 times the level in question. In other words, the level of exposure must be below the “no observable effect level” divided by 1,000. This number is known as the Maximum Allowable Dose Level (MADL). See OEHHA’s website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of MADLs, and Section 25801 et seq. of the regulations for information concerning how these levels are calculated.

Exposures to Naturally Occurring Chemicals in Food. Certain exposures to chemicals that naturally occur in foods (i.e., that do not result from any known human activity, including activity by someone other than the person causing the exposure) are exempt from the warning requirements of the law. If the chemical is a contaminant² it must be reduced to the lowest level feasible. Regulations explaining this exemption can be found in Section 25501.

Discharges that do not result in a “significant amount” of the listed chemical entering any source of drinking water. The prohibition from discharges into drinking water does not apply if the discharger is able to demonstrate that a “significant amount” of the listed chemical has not, does not, or will not pass into or probably pass into a source of drinking water, and that the discharge complies with all other applicable laws, regulations, permits, requirements, or orders. A “significant amount” means any detectable amount, except an amount that would meet the “no significant risk” level for chemicals that cause cancer or that is 1,000 times below the “no observable effect” level for chemicals that cause reproductive toxicity, if an individual were exposed to that amount in drinking water.

HOW IS PROPOSITION 65 ENFORCED?

Enforcement is carried out through civil lawsuits. These lawsuits may be brought by the Attorney General, any district attorney, or certain city attorneys. Lawsuits may also be brought by private parties acting in the public interest, but only after providing notice of the alleged violation to the Attorney General, the appropriate district attorney and city attorney, and the business accused of the violation. The notice must provide adequate information to allow the recipient to assess the nature of the alleged violation. The notice must comply with the information and procedural requirements specified in Section 25903 of Title 27 and sections 3100-3103 of Title 11. A private party may not pursue an independent enforcement action under Proposition 65 if one of the governmental officials noted above initiates an enforcement action within sixty days of the notice.

A business found to be in violation of Proposition 65 is subject to civil penalties of up to \$2,500 per day for each violation. In addition, the business may be ordered by a court to stop committing the violation.

² See Section 25501(a)(4).

A private party may not file an enforcement action based on certain exposures if the alleged violator meets specific conditions. For the following types of exposures, the Act provides an opportunity for the business to correct the alleged violation:

- An exposure to alcoholic beverages that are consumed on the alleged violator's premises to the extent onsite consumption is permitted by law;
- An exposure to a Proposition 65 listed chemical in a food or beverage prepared and sold on the alleged violator's premises that is primarily intended for immediate consumption on- or off-premises. This only applies if the chemical was not intentionally added to the food, and was formed by cooking or similar preparation of food or beverage components necessary to render the food or beverage palatable or to avoid microbiological contamination;
- An exposure to environmental tobacco smoke caused by entry of persons (other than employees) on premises owned or operated by the alleged violator where smoking is permitted at any location on the premises;
- An exposure to listed chemicals in engine exhaust, to the extent the exposure occurs inside a facility owned or operated by the alleged violator and primarily intended for parking non-commercial vehicles.

If a private party alleges that a violation occurred based on one of the exposures described above, the private party must first provide the alleged violator a notice of special compliance procedure and proof of compliance form.

A copy of the notice of special compliance procedure and proof of compliance form is included in Appendix B and can be downloaded from OEHHA's website at: <http://oehha.ca.gov/prop65/law/p65law72003.html>.

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS:

Contact the Office of Environmental Health Hazard Assessment's Proposition 65 Implementation Office at (916) 445-6900 or via e-mail at P65Public.Comments@oehha.ca.gov.

Revised: May 2017

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.7, 25249.9, 25249.10 and 25249.11, Health and Safety Code.