# 60-DAY NOTICE OF VIOLATION

Cal. Health & Safety Code § 25249.6 (Proposition 65)

**DATE:** **November 3, 2026**

**TO:** **Mama Lycha Foods, LLC**
California Attorney General; District Attorneys for the counties identified in the attached Distribution List; and
City Attorneys for Los Angeles, San Diego, San Francisco, and San Jose

**FROM:** Public Health Enforcement Advocates, LLC

## I. INTRODUCTION

Public Health Enforcement Advocates, LLC ("PHEA") is an organization dedicated to protecting the public from environmental health hazards and toxic exposures. Acting in the public interest, PHEA provides this Notice of Violation ("Notice") concerning alleged exposure to lead from the consumer product identified in Section VI without the clear and reasonable warning required by California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65").

PHEA serves this Notice on the Alleged Violators named above, the California Attorney General, and the district attorneys and city attorneys identified in the attached Distribution List pursuant to Health and Safety Code section 25249.7(d). PHEA may bring an action in the public interest after the statutory notice period unless a public prosecutor has commenced and is diligently prosecuting an action concerning the alleged violations.

| | |
|---|---|
| Product Exposure: | See Section VI |
| Listed Chemical: | Lead |
| Route of Exposure: | Ingestion |
| Type of Harm: | Developmental toxicity; male and female reproductive toxicity |

## II. PROPOSITION 65 INFORMATION – SUMMARY

The summary of Proposition 65 prepared by the Office of Environmental Health Hazard Assessment ("OEHHA") is attached as Appendix A to the copies of this Notice served on the Alleged Violators.

Lead was listed by the State of California on February 27, 1987, as known to cause developmental toxicity and male and female reproductive toxicity. This Notice alleges violations of Proposition 65's warning requirement for those reproductive-toxicity endpoints. "Lead" is referred to below as the "Listed Chemical."

## III. STATEMENT OF VIOLATIONS

PHEA alleges that the Covered Product identified in Section VI exposes California consumers to lead through ingestion when the product is consumed in its ordinary or reasonably foreseeable manner. The Alleged Violators have failed to provide a clear and reasonable warning before the alleged exposure, as required by Health and Safety Code section 25249.6.

## IV. NUMBER AND DURATION OF VIOLATIONS

PHEA alleges that violations began on or about November 3, 2025, and have continued through the date of this Notice. Each alleged violation involves exposure of a California consumer to lead from the Covered Product without a clear and reasonable warning. PHEA alleges that violations will continue while the Covered Product is sold or otherwise made available to California consumers without the required warning.

## V. ROUTE OF EXPOSURE

The alleged exposure occurs when consumers ingest the Covered Product, including lead present in the food as sold for consumption.

## VI. COVERED PRODUCT

The Covered Product is the food product identified below. The description, including exemplar product listed below, defines the product covered by this Notice. The exemplar information is provided to assist the Alleged Violators in investigating the alleged lead exposure.

| Covered Product | Listed Chemical | Alleged Violators |
|---|---|---|
| Mamá Lycha Tomato Sauce<br>UPC No.: 763441301036 – Product of Guatemala | Lead | Mama Lycha Foods, LLC |

## VII. NOTICE OF DUTY TO PRESERVE EVIDENCE

Litigation concerning the Covered Product is reasonably foreseeable. PHEA demands that the Alleged Violators take appropriate steps to preserve evidence relevant to the alleged lead exposure, warnings, and distribution of the Covered Product.

Relevant materials include product samples, labels, lead testing and quality-control records, supply-chain and lot records, California sales and inventory records, warnings, and related communications and electronically stored information for the period of the alleged violations.

## VIII. DEMAND TO IDENTIFY MANUFACTURER, PRODUCER, PACKAGER, IMPORTER, SUPPLIER, AND DISTRIBUTOR

Under title 27, California Code of Regulations, section 25600.2(g) and (h), PHEA further demands that each retail seller promptly provide the name and contact information for the Covered Product's manufacturer, producer, packager, importer, supplier, and distributor, to the extent reasonably available. Section VI identifies the product for this written request.

Please provide the requested information in writing to PHEA's counsel at the address or email below.

## IX. RESOLUTION OF NOTICED CLAIM

To advance Proposition 65's public health objectives and reduce California Consumers' exposure to lead, PHEA intends to bring a private enforcement action unless the violations identified in this Notice are resolved. PHEA is willing to discuss a resolution under which the Alleged Violator will either reformulate the Covered Product to prevent further lead exposure or provide a clear and reasonable Proposition 65 warning for future California sales, together with an appropriate civil penalty and payment of reasonable attorneys' fees and costs.

## X. CONTACT INFORMATION

The noticing entity is Public Health Enforcement Advocates, LLC ("PHEA"), 2522 West Beverly Boulevard, Montebello, CA 90640. Roya Mohseni is the responsible individual within PHEA. Please direct communications about this Notice to PHEA's counsel at: **david@davarlaw.com** or write to Cornerstone Law Firm, PC, 357 S. Robertson Boulevard, 2nd Floor, Beverly Hills, CA 90211; Telephone: (310) 444-0055; Fax: (310) 444-0066.

Sincerely,



Davar Danialpour, Esq.
CORNERSTONE LAW FIRM, PC

Attachments: Certificate of Merit; Certificate of Service; Distribution List; Proposition 65 Summary (served on Alleged Violators); Confidential Factual Information Supporting Certificate of Merit (Attorney General only)

**CERTIFICATE OF MERIT**

Health and Safety Code Section 25249.7(d)

I, Davar Danialpour, hereby declare:

1. This Certificate of Merit accompanies the attached 60-day notice alleging that the parties identified in the Notice violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings before exposing consumers to lead through ingestion of the Covered Product;

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 reviewed facts, studies, or other data regarding the alleged exposure to lead that is the subject of this Notice;

4. Based on the information obtained through those consultations and all other information in my possession, I believe that 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 that 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 is accompanied by factual information sufficient to establish the basis for this certificate, including the identity of the persons consulted and relied upon and the facts, studies, or other data reviewed by those persons, as required by Health and Safety Code section 25249.7(h)(2).

Dated: November 3, 2026



Davar Danialpour

**CERTIFICATE OF SERVICE PURSUANT TO 27 CCR § 25903**

I, Davar Danialpour, 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 and am not a party to this matter. My business address is 357 S. Robertson Blvd. FL 2, Beverly Hills, CA 90211.

ON THE DATE SHOWN BELOW, I SERVED THE FOLLOWING DOCUMENTS ON THE ALLEGED VIOLATORS:

**1)** 60-Day Notice of Violation of Health and Safety Code section 25249.6
**2)** The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary
**3)** Certificate of Merit under Health and Safety Code section 25249.7(d)

by depositing them at a U.S. Postal Service Office with postage fully prepared for delivery by CERTIFIED FIRST CLASS MAIL to the person(s) and address(es) identified below.

| | |
|---|---|
| Current Chief Executive Officer,<br>President, or General Counsel<br>Mama Lycha Foods, LLC<br>727 Century Plaza Drive<br>Houston, TX 77073 | National Registered Agents, Inc.<br>Agent for Service of Process<br>for Mama Lycha Foods, LLC<br>1209 Orange Street<br>Wilmington, DE 19801 |

Additionally,

ON THE DATE SHOWN BELOW, I SERVED THE FOLLOWING DOCUMENTS ON THE ATTORNEY GENERAL:

**1)** 60-Day Notice of Violation of Health and Safety Code section 25249.6
**2)** The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary
**3)** Certificate of Merit under Health and Safety Code section 25249.7(d)
**4)** Confidential factual information supporting the Certificate of Merit (Attorney General only)

by uploading those documents through the Attorney General's Proposition 65 notice portal at https://oag.ca.gov/prop65/add-60-day-notice.

**Office of the California Attorney General**
Proposition 65 Enforcement
1515 Clay Street, 20th Floor
Oakland, CA 94612-0550

Additionally,

ON THE DATE SHOWN BELOW, I SERVED THE FOLLOWING DOCUMENTS ON THE PUBLIC PROSECUTORS:

**1)** 60-Day Notice of Violation of Health and Safety Code section 25249.6
**2)** Certificate of Merit under Health and Safety Code section 25249.7(d)

on each party on the attached "Distribution List", by either depositing it at a U.S. Postal Service Office with postage fully prepared for delivery by First Class Mail, or by emailing PDF copies to the authorized electronic-service recipients at the listed email addresses.

Executed on November 3, 2026, in Beverly Hills, California.



Davar Danialpour

# Distribution List

| | | |
|---|---|---|
| Office of the Amador County District Attorney<br>708 Court Street<br>Jackson, CA 95642 | Office of the Butte County District Attorney<br>25 County Center Drive, Suite 245<br>Oroville, CA 95965 | Office of the Colusa County District Attorney<br>310 6th Street<br>Colusa, CA 95932 |
| Office of the Del Norte County District Attorney<br>450 H Street, Room 171<br>Crescent City, CA 95531 | Office of the Glenn County District Attorney<br>P.O. Box 430<br>Willows, CA 95988 | Office of the Humboldt County District Attorney<br>825 Fifth Street, 4th Floor<br>Eureka, CA 95501 |
| Office of the Imperial County District Attorney<br>940 West Main Street, Suite 102<br>El Centro, CA 92243 | Office of the Kern County District Attorney<br>1215 Truxtun Avenue, 4th Floor<br>Bakersfield, CA 93301 | Office of the Kings County District Attorney<br>1400 West Lacey Boulevard, Building 4,<br>Hanford, CA 93230 |
| Office of the Lake County District Attorney<br>375 3rd Street<br>Lakeport, CA 95453 | Office of the Los Angeles County District Attorney<br>211 West Temple Street, Suite 1200<br>Los Angeles, CA 90012 | Office of the Madera County District Attorney<br>300 South G Street, Suite 300<br>Madera, CA 93637 |
| Office of the Mendocino County District Attorney<br>P.O. Box 1000<br>Ukiah, CA 95482 | Office of the Modoc County District Attorney<br>204 South Court Street<br>Alturas, CA 96101 | Office of the Mono County District Attorney<br>P.O. Box 2053<br>Mammoth Lakes, CA 93546 |
| Office of the San Benito County District Attorney<br>419 Fourth Street<br>Hollister, CA 95023 | Office of the San Bernardino County District Attorney<br>303 West Third Street, 6th Floor,<br>San Bernardino, CA 92415 | Office of the San Mateo County District Attorney<br>500 County Center, 3rd Floor<br>Redwood City, CA 94063 |
| Office of the Shasta County District Attorney<br>1355 West Street<br>Redding, CA 96001 | Office of the Sierra County District Attorney<br>P.O. Box 457<br>Downieville, CA 95936 | Office of the Siskiyou County District Attorney<br>311 Fourth Street, Room 204<br>Yreka, CA 96097 |
| Office of the Solano County District Attorney<br>675 Texas Street, Suite 4500<br>Fairfield, CA 94533 | Office of the Stanislaus County District Attorney<br>832 12th Street, Suite 300<br>Modesto, CA 95354 | Office of the Sutter County District Attorney<br>463 Second Street, Suite 102<br>Yuba City, CA 95991 |
| Office of the Tehama County District Attorney<br>P.O. Box 519<br>Red Bluff, CA 96080 | Office of the Trinity County District Attorney<br>P.O. Box 310<br>Weaverville, CA 96093 | Office of the Yuba County District Attorney<br>215 Fifth Street, Suite 152<br>Marysville, CA 95901 |
| Office of the Los Angeles City Attorney<br>200 North Main Street, Suite 800<br>Los Angeles, CA 90012 | Office of the Alameda County District Attorney<br>CEPDProp65@acgov.org | Office of the Alpine County District Attorney<br>prop65enf@alpinecountyca.gov |
| Office of the Calaveras County District Attorney<br>Prop65Env@co.calaveras.ca.us | Office of the Contra Costa County District Attorney<br>btierney@contracostada.org | Office of the El Dorado County District Attorney<br>EDCDAPROP65@edcda.us |
| Office of the Fresno County District Attorney<br>consumerprotection@fresnocountyca.gov | Office of the Inyo County District Attorney<br>inyoda@inyocounty.us | Office of the Lassen County District Attorney<br>dchandler@co.lassen.ca.us |
| Office of the Marin County District Attorney<br>consumer@marincounty.gov | Office of the Mariposa County District Attorney<br>mcda@mariposacounty.org | Office of the Merced County District Attorney<br>Prop65@countyofmerced.com |
| Office of the Monterey County District Attorney<br>Prop65DA@co.monterey.ca.us | Office of the Napa County District Attorney<br>CEPD@countyofnapa.org | Office of the Nevada County District Attorney<br>DA.Prop65@co.nevada.ca.us |
| Office of the Orange County District Attorney<br>Prop65Notice@ocdistrictattorney.gov | Office of the Placer County District Attorney<br>prop65@placer.ca.gov | Office of the Plumas County District Attorney<br>davidhollister@countyofplumas.com |
| Office of the Riverside County District Attorney<br>Prop65@rivcoda.org | Office of the Sacramento County District Attorney<br>Prop65@sacda.org | Office of the San Diego County District Attorney<br>SanDiegoDAProp65@sdcda.org |
| Office of the San Francisco County District Attorney<br>Prop65@sfgov.org | Office of the San Joaquin County District Attorney<br>DAConsumer.Environmental@sjcda.org | Office of San Luis Obispo County District Attorney<br>edobroth@co.slo.ca.us |
| Office of the Santa Barbara County District Attorney<br>DAProp65@co.santa-barbara.ca.us | Office of the Santa Clara County District Attorney<br>EPU@da.sccgov.org | Office of the Santa Cruz County District Attorney<br>Prop65DA@santacruzcounty.us |
| Office of the Sonoma County District Attorney<br>ECLD@sonoma-county.org | Office of the Tulare County District Attorney<br>TCDAProp65@tularecounty.ca.gov | Office of the Tuolumne County District Attorney<br>DA@tuolumnecounty.ca.gov |
| Office of the Ventura County District Attorney<br>daspecialops@ventura.org | Office of the Yolo County District Attorney<br>cfepd@yolocounty.org | Office of the San Diego City Attorney<br>CityAttyProp65@sandiego.gov |
| Office of the San Francisco City Attorney<br>Prop65@sfcityatty.org | Office of the San Jose City Attorney<br>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 27001.[1] 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. This 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.

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/getMADLs.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 contaminant[2] 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.

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 consumed on the alleged violator's premises, to the extent on-site 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.

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.

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.

2. See title 27, California Code of Regulations, section 25501(a)(4).

Revised: May 2017