

April 27, 2020

Via Certified Mail

The Kroger Company
1014 Vine Street
Cincinnati, Ohio 45202

The Kroger Company, dba Ralph's
Attn: CSC – Lawyers Incorporating Service
2710 Gateway Oaks Drive, Ste 150 N
Sacramento, CA 95833

Re: **Withdrawal of Proposition 65 Notice of Violation**

To Whom It May Concern:

Please take notice that Kim Embry hereby withdraws her Amended 60-Day Notice of Violation (AG 2017-01767), a copy of which is enclosed with this letter.

Please do not hesitate to contact our office with any questions.

Sincerely,



Noam Glick

Enclosure

cc (via email): Harrison M. Pollak
Robert Thomas
Trish Gerken

July 21, 2017

Via Certified Mail

The Kroger Company
1014 Vine Street
Cincinnati, Ohio 45202

The Kroger Company, dba Ralph's
Attn: CSC- Lawyers Incorporating Service
2710 Gateway Oaks Drive, Ste 150 N
Sacramento, CA 95833

Re: Proposition 65 Amended Notice of Violation

To Whom It May Concern:

This notice supersedes the original notice AG 2017-01262 dated: April 4, 2017.

We represent Kim Embry, a citizen of 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 25249.5 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 Acrylamide. This chemical was listed as known to cause cancer on January 1, 1990, and listed as known to cause developmental/reproductive toxicity in February of 2011.

The specific types of product(s) that, when grilled or toasted to a golden brown, expose consumers to acrylamide in violation of Proposition 65 are detailed below:

	<u>Product Name</u>	<u>Retailer</u>	<u>Manufacturer / Distributor</u>	<u>Item Number / UPC</u>
1.	Psst Enriched White Bread	Ralph's	The Kroger Company	UPC 011110001825
2.	Van de Kamp's Hamburger Enriched Buns 12oz	Ralph's	The Kroger Company	UPC 011110044778
3.	Simple Truth Organic Plain Bagels 18 oz	Ralph's	The Kroger Company	UPC 01111090261

Exposure to acrylamide results from consumer ingestion – the reasonably foreseeable use of the product(s). The sales of these products have been occurring since at least March 8, 2017 and are continuing to this day and will continue to occur as long as the products subject to this notice are sold to and used by consumers.

Proposition 65 requires that a clear and reasonable warning is provided with this product regarding the exposures to Acrylamide, 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 sale of this product, exposures to Acrylamide have been occurring without proper warning.

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.

If you have any questions or wish to discuss any of the above, please contact me.

Sincerely,



Noam Glick

Enclosures