

April 27, 2020

Via Certified Mail

Pinnacle Foods Group
Headquarters Location
121 Woodcrest Road
Cherry Hill, NJ 08003

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 2017-02005), 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**

Pinnacle Foods Group
Headquarters Location
121 Woodcrest Road,
Cherry Hill, NJ 08003

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 AG 2017-01266 notice dated: May 2, 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. | Lender's Bagel Shop Bagels Plain 17.1 oz | Ralph's | Pinnacle Foods Group, LLC | UPC 076800006917 |

Exposure to acrylamide results from consumer ingestion – the reasonably foreseeable use of the product(s). The sales of this product has been occurring since at least March 8, 2017 and is 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 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