

May 4, 2020

Via Certified Mail

Original Gourmet Food Co.
52 Stiles Rd, Suite 201
Salem, NH 03079

99 Cent Only Stores Headquarters
4000 Union Pacific Ave.
City of Commerce, CA 90023

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

To Whom It May Concern:

Please take notice that Kim Embry hereby withdraws her 60-Day Notice of Violation (AG# 2019-00516), 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

March 15, 2019

Via Certified Mail

Original Gourmet Food Co.
52 Stiles Rd, Suite 201
Salem, NH 03079

99 Cent Only Stores Headquarters
4000 Union Pacific Ave.
City of Commerce, CA 90023

Re: Proposition 65 Notice of Violation

To Whom It May Concern:

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 a carcinogen on January 1, 1990 and listed as a developmental and reproductive toxin on February 25, 2011.

The specific type of product that is causing exposures in violation of Proposition 65 is detailed below:

	<u>Product Name</u>	<u>Manufacturer</u>	<u>Distributor/Retailer</u>	<u>Item Number/SKU</u>
1.	Original Gourmet Premium Bite Size Wafers with Chocolate Cream	Original Gourmet Food Co.	99 Cent Only Stores	UPC: 654954227015

The route of exposure for the violations is 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 February 2019, 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 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 sales of this product, exposures to Acrylamide have been occurring without proper warnings.

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,

A handwritten signature in blue ink that reads "Noam Glick". The signature is written in a cursive, flowing style.

Noam Glick

Enclosures