

April 15, 2020

**Via Certified Mail**

Arby's Franchisor, LLC  
CSC – Lawyers Incorporating Service  
2710 Gateway Oaks Drive, Suite 150N  
Sacramento, CA 95833

Arby's Franchisor, LLC  
Attn: Legal Department  
1155 Perimeter Center West, STE 1200  
Atlanta, GA 30338

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 2019-01406), 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 24, 2019

**Via Certified Mail**

Arby's Franchisor, LLC  
CSC – Lawyers Incorporating Service  
2710 Gateway Oaks Drive, Suite 150N  
Sacramento, CA 95833

Arby's Franchisor, LLC  
Attn: Legal Department  
1155 Perimeter Center West, STE 1200  
Atlanta, GA 30338

**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 as a developmental/reproductive toxin on February 25, 2011.

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

	<b><u>Product Name</u></b>	<b><u>Retailer</u></b>	<b><u>Manufacturer / Distributor</u></b>	<b><u>Item Number / UPC</u></b>
1.	Arby's Triple Chocolate Cookie	Arby's	Arby's Franchisor, LLC	N/A

The routes of exposure to the chemical(s) in violation include dermal absorption, ingestion, and inhalation by consumers. These exposures occur through the reasonably foreseeable use of the products. The sales of this product has been occurring since at least July of 2019, 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 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 these products, 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,



Noam Glick

Enclosures