

# NICHOLAS & TOMASEVIC LLP

ATTORNEYS AT LAW

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225 Broadway, 19<sup>th</sup> Floor  
San Diego, CA 92101

July 9, 2020

**Via Certified Mail**

The Kroger Co.  
CSC - Lawyers Incorporating Service  
2710 Gateway Oaks Drive, STE 150 N  
Sacramento, CA 95833

Ralphs Grocery Company  
CSC - Lawyers Incorporating Service  
2710 Gateway Oaks Drive, STE 150 N  
Sacramento, CA 95833

The Kroger Co.  
Attn: Legal Department  
1014 Vine Street  
Cincinnati, OH 45202

Ralphs Grocery Company  
Attn: Legal Department  
1100 W. Artesia Blvd.  
Compton, CA 90220

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

To Whom It May Concern:

Please take notice that Environmental Health Advocates, Inc., hereby withdraws its 60-Day Notice of Violation AG# 2019-01890.

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

Sincerely,



Jake Schulte

# NICHOLAS & TOMASEVIC LLP

ATTORNEYS AT LAW

Tel: 619-325-0492  
Fax: 619-325-0496

225 Broadway, 19<sup>th</sup> Floor  
San Diego, CA 92101

October 8, 2019

**Via Certified Mail**

The Kroger Co.  
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2710 Gateway Oaks Drive, STE 150 N  
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Compton, CA 90220

**Re: Proposition 65 Notice of Violation**

To Whom It May Concern:

We represent Environmental Health Advocates, Inc., an organization in 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:

	<b><u>Product Name</u></b>	<b><u>Manufacturer</u></b>	<b><u>Distributor/Retailer</u></b>	<b><u>Item Number/SKU</u></b>
1.	Kroger Original Vanilla Wafers	The Kroger Co.	Ralphs Grocery Company	UPC 1111000704

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 "Jake Schulte". The signature is written in a cursive, slightly slanted style.

Jake Schulte

Enclosures