

NICHOLAS & TOMASEVIC_{LLP}

ATTORNEYS AT LAW

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

225 Broadway, 19th Floor
San Diego, CA 92101

March 6, 2020

Via Certified Mail

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

Ralphs Grocery Company
Attn: Legal Department
1014 Vine Street
Cincinnati, OH 45202

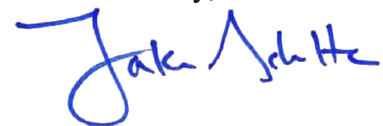
Re: **Withdrawal of Proposition 65 Notice of Violation**

To Whom It May Concern:

Please take notice that Kim Embry hereby withdraws her 60-Day Notice of Violation (AG 2019-02173) a copy of which is enclosed with this letter.

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

Sincerely,



Jake Schulte

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

NICHOLAS & TOMASEVIC LLP

ATTORNEYS AT LAW

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

225 Broadway, 19th Floor
San Diego, CA 92101

November 21, 2019

Via Certified Mail

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

Ralphs Grocery Company
Attn: Legal Department
1014 Vine Street
Cincinnati, OH 45202

Re: Proposition 65 Amended Notice of Violation

To Whom It May Concern:

This notice amends the original notice AG 2019-01559 dated August 20, 2019. This amendment corrects the retailer/distributor to Ralphs Grocery Company.

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

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

	<u>Product Name</u>	<u>Manufacturer</u>	<u>Retailer/ Distributor</u>	<u>Item Number / UPC</u>
1.	Private Selection Chipotle Citrus Naturally Flavored Cashews	The Kroger Co.	Ralphs Grocery Company	011110894007

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 August 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