

NICHOLAS & TOMASEVIC LLP

ATTORNEYS AT LAW

Tel: 619-325-0492

Fax: 619-325-0496

225 Broadway, 19th Floor

San Diego, CA 92101

June 29, 2020

Via Certified Mail

Amazon.com

CSC – Lawyers Incorporating Service
2710 Gateway Oaks Drive, STE 150 N
Sacramento, CA 95833

Amazon

Attn: Legal Department
410 Terry Avenue North
Seattle, WA 98109-5210

Bay Valley Private Label-Grocery

Attn. Legal Department
10825 Farnam Drive
Omaha, NE 68154

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 2020-00856, in addition to its amended 60-Day Notice of Violation AG 2020-01323, copies of which are 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

June 4, 2020

Via Certified Mail

Amazon.com
CSC – Lawyers Incorporating Service
2710 Gateway Oaks Drive, STE 150 N
Sacramento, CA 95833

Amazon
Attn: Legal Department
410 Terry Avenue North
Seattle, WA 98109-5210

Bay Valley Private Label-Grocery
Attn. Legal Department
10825 Farnam Drive
Omaha, NE 68154

Re: Proposition 65 Notice of Violation

To Whom It May Concern:

This notice amends the original notice AG# 2020- 00856 dated March 23, 2020. This amendment corrects the manufacturer to Bay Valley Private Label-Grocery.

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:

| | <u>Product Name</u> | <u>Manufacturer</u> | <u>Distributor/Retailer</u> | <u>Item Number/SKU</u> |
|----|--------------------------------------|---|------------------------------------|-------------------------------|
| 1. | Happy Belly Honey Graham Crackers | Bay Valley Private Label- Grocery | Amazon.com | UPC 842379156656 |

The routes of exposure for the violations include dermal absorption, ingestion, and inhalation by consumers. These exposures occur through the reasonably foreseeable use of the product. The sales of this product have been occurring since at least March of 2020, 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

NICHOLAS & TOMASEVIC LLP

ATTORNEYS AT LAW

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

225 Broadway, 19th Floor
San Diego, CA 92101

March 23, 2020

Via Certified Mail

Amazon.com
CSC – Lawyers Incorporating Service
2710 Gateway Oaks Drive, STE 150 N
Sacramento, CA 95833

Amazon
Attn: Legal Department
410 Terry Avenue North
Seattle, WA 98109-5210

Century Snacks, LLC
CT Corporation System
5560 E. Slauson Ave
Commerce, CA 90040

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:

| | Product Name | Manufacturer | Distributor/Retailer | Item Number/SKU |
|----|-----------------------------------|---------------------|-----------------------------|------------------------|
| 1. | Happy Belly Honey Graham Crackers | Century Snacks, LLC | Amazon.com | UPC 842379156656 |

The routes of exposure for the violations include dermal absorption, ingestion, and inhalation by consumers. These exposures occur through the reasonably foreseeable use of the

product. The sales of this product have been occurring since at least March of 2020, 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