

June 9, 2010

BY U.S. FIRST CLASS MAIL

Current CEO or President
Beech-Nut Nutrition Corporation
100 South Fourth Street, Suite 1010
St. Louis, MO 63102

Current CEO or President
The Coca-Cola Company
One Coca Cola Plaza NW
Atlanta, GA 30313

Current CEO or President
Del Monte Foods
1 Market @ The Landmark
San Francisco, CA 94105

Current CEO or President
Earth's Best, Inc.
P.O. Box 57
Pittsburgh, PA 15230

Current CEO or President
First Street Food Group, LLC
17383 Sunset Blvd., Suite A210
Pacific Palisades, CA 90272

Current CEO or President
Golden Star Trading Inc.
2370 Crenshaw Blvd., Ste. M
Torrance, CA 90501

Current CEO or President
Hansen Beverage Company
550 Monica Cir., Ste. 201
Corona, CA 92880

Current CEO or President
The Kroger Co.
1014 Vine Street
Cincinnati, OH 45202

Current CEO or President
Smart & Final, Inc.
600 Citadel Drive
Commerce, CA 90040

Current CEO or President
Core-Mark Holding Company, Inc.
395 Oyster Point Blvd., Suite 415
South San Francisco, CA 94080

Current CEO or President
Dole Packaged Frozen Foods, Inc.
One Dole Drive
Westlake Village, CA 91362

Current CEO or President
Federated Group, Inc.
3025 W. Salt Creek Ln.
Arlington Heights, IL 60005

Current CEO or President
Gerber Products Company
12 Vreeland Road
Florham Park, NJ 07932-0697

Current CEO or President
Hansen Natural Corporation
550 Monica Cir., Ste. 201
Corona, CA 92880

Current CEO or President
Kedem Foods Products Int'l
63 Lefante Drive
Bayonne, NJ 07002

Current CEO or President
Langer Juice Company, Inc.
16195 Stephens Street
City of Industry, CA 91745



June 9, 2010

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Current CEO or President
Motts, LLP
900 King Street
Rye Brook, NY 10573

Current CEO or President
J.M. Smucker Company
1 Strawberry Lane
Orrville, OH 44667

Current CEO or President
S&W Fine Foods
C/o Tri Valley Growers
P.O. Box 7114
San Francisco, CA 9412-7114

Current CEO or President
Lucerne Foods, Inc.
Tax Division
5918 Stoneridge Mall Rd
Pleasanton, CA 94588-3229

Current CEO or President
Senaca Foods Corporation
3736 South Main Street
Marion, NY 14505

Current CEO or President
Target Corporation
1000 Nicollet Mall, TPN-0945
Minneapolis, MN 55403

Current CEO or President
Trader Joe's Company
800 S. Shamrock Avenue
Monrovia, CA 91016

Current CEO or President
Truitt Bros., Inc.
1105 Front Street NE
Salem, OR 97301

Current CEO or President
Wal-Mart Stores, Inc.
702 SW 8th Street, MS #0555
Bentonville, AR 72716-0555

Current CEO or President
Old Orchard Brands LLC
1991 12 Mile Road.
Sparta, MI 49345

Current CEO or President
Raley's
500 W. Capitol Ave.
West Sacramento, CA 95605

Current CEO or President
Safeway, Inc.
5918 Stoneridge Mall Road
Pleasanton, CA 94588

Current CEO or President
Save Mart Supermarkets
P.O. Box 4278
Modesto, CA 95352

Current CEO or President
Stater Bros. Markets
P.O. Box 150
San Bernardino, CA 92408

Current CEO or President
Topco Associates, LLC
7711 Gross Point Road
Skokie, IL 60077

Current CEO or President
Tree Top, Inc.
220 East Second Avenue
Selah, WA 98942

Current CEO or President
Walgreen Co.
200 Wilmot Road, MS #3301
Deerfield, IL 60015

Current CEO or President
Welch's Foods, Inc., A Cooperative
3 Concord Farms
575 Virginia Road
Concord, MA 01742



Current CEO or President
Whole Foods Market, Inc.
550 Bowie Street
Austin, TX 78703

Current CEO or President
Albeco, Inc.
100 Harbor Drive
Sausalito, CA 94965

Current CEO or President
Costco Wholesale Corporation
999 Lake Dr.
Issaquah, WA 98027

Current CEO or President
Draeger's Super Markets
291 Utah Ave
South San Francisco, CA 94080

Current CEO or President
Food Source
C/o Raley's
500 W. Capitol Ave.
West Sacramento, CA 95605

Current CEO or President
Lucky's
C/o Save Mart Supermarkets
P.O. Box 4278
Modesto, CA 95352

Current CEO or President
Pak 'N Save, Inc.
5918 Stoneridge Mall Rd.
Pleasanton, CA 94588-3229

Current CEO or President
Whole Foods Market California, Inc.
550 Bowie Street
Austin, TX 78703

Current CEO or President
99 Ranch, Incorporated
Box 194
Lockwood, CA 93932

Current CEO or President
Berkeley Bowl Produce, Inc.
2020 Oregon St
Berkeley, CA 94703

Current CEO or President
CVS Pharmacy, Inc.
One CVS Drive
Woonsocket, RI 02895

Current CEO or President
Food Maxx
P.O. BOX 4278
Modesto, CA 95352

Current CEO or President
Grocery Outlet Inc.
2000 Fifth St.
Berkeley, CA 94710

Current CEO or President
Nob Hill General Store, Inc.
500 W. Capitol Ave.
West Sacramento, CA 95605

Current CEO or President
Rite Aid Corporation
30 Hunter Lane
Camp Hill, PA 17011



Re: Notice of Violation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65), Section 25249.6 of the California Health and Safety Code, for Exposing Consumers of Apple Juice, Grape Juice, Packaged Peaches, Packaged Pears, and Fruit Cocktail to Lead.

Dear Sir/Madam:

The Environmental Law Foundation (“ELF”) is a California non-profit organization dedicated to the preservation and enhancement of human health and the environment. ELF has a long-standing interest in reducing health hazards to the public posed by toxic chemicals and protecting the public from harmful substances.

This letter constitutes notice that the entities identified in Exhibit A have violated and continue to violate provisions of the Safe Drinking Water and Toxic Enforcement Act of 1986, California Health and Safety Code sections 25249.5 et seq. Specifically, these entities have violated and continue to violate the warning requirement at section 25249.6 of the California Health and Safety Code, which provides, “No person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the state to cause cancer or reproductive toxicity without first giving clear and reasonable warning to such individual...”

The list of entities subject to this Notice is attached as Exhibit A. Consumer food products sold by these entities contain lead, a chemical known to the State to cause reproductive toxicity and cancer. On each and every day from June 9, 2009 through the present, these entities have exposed and continue to expose consumers of their food products to lead. Exposure to the consumers has occurred through ingestion of the food products. The categories of food products that are the subject of this Notice are apple juice, grape juice, packaged peaches, packaged pears and fruit cocktail. Specific examples of food products that are the subject of this Notice are identified in the document attached as Exhibit B.

Because lead is a chemical listed in Proposition 65 as a human carcinogen and a reproductive toxin, pursuant to Health and Safety Code § 25249.6 the entities in Exhibit A were, and are, required to provide clear and reasonable warnings to all consumers of food products before exposing them to lead. Pursuant to Health and Safety Code section 25249.7(d), ELF intends to bring suit in the public interest against the entities in Exhibit A sixty days hereafter to correct the violation occasioned by the failure to warn all consumers of the exposure to lead.

Pursuant to 27 California Code of Regulations § 25903(b)(1), attached is a copy of “The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary,” a summary of Proposition 65 prepared by the Office of Environmental Health Hazard Assessment of the California Environmental Protection Agency.

Pursuant to Health and Safety Code § 25249.7(d)(1), the undersigned hereby includes with the copy of this notice to the Attorney General a confidential Certificate of Merit.

While violations are occurring throughout the State of California, the noticing parties are unable to know for certain if violations are occurring in all of the 58 counties in California. Therefore, pursuant to 27 California Code of Regulations § 25903(c)(3), the noticing parties are



providing this notice to the district attorney for each of the 58 counties in California. Further, the noticing parties provide this notice to the California Attorney General and the city attorneys for the cities of Los Angeles, San Diego, San Francisco and San Jose.

ELF is located at: 1736 Franklin, 9th Floor, Oakland, California 94612, telephone (510) 208-4555. The president of ELF is James Wheaton. ELF is represented in this matter by the law firms of Baron & Budd, P.C. and the Law Offices of April Strauss. All communications concerning this matter should be directed to:

Thomas Sims
Baron & Budd, P.C.
3102 Oak Lawn Ave, Suite 1100
Dallas, Texas 75219
(214) 521-3605.

Sincerely,

BARON & BUDD, P.C.

Laura J. Baughman
Thomas Sims
Attorneys for ELF

Enclosures

cc: Attorney General of California
(with attached confidential factual information supporting Certificate of Merit)
Los Angeles City Attorney
San Diego City Attorney
City Attorney of San Francisco
San Jose City Attorney
District Attorneys for California's 58 Counties
(see attached certificate of service)

EXHIBIT A

Beech-Nut Nutrition Corporation
100 South Fourth Street, Suite 1010
St. Louis, MO 63102

The Coca-Cola Company
One Coca Cola Plaza NW
Atlanta, GA 30313

Del Monte Foods
1 Market @ The Landmark
San Francisco, CA 94105

Earth's Best, Inc.
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Hansen Beverage Company
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Cincinnati, OH 45202

Motts, LLP
900 King Street
Rye Brook, NY 10573

J.M. Smucker Company
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Orrville, OH 44667

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C/o Tri Valley Growers
P.O. Box 7114
San Francisco, CA 9412-7114

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South San Francisco, CA 94080

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Florham Park, NJ 07932-0697

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Sparta, MI 49345

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500 W. Capitol Ave.
West Sacramento, CA 95605

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5918 Stoneridge Mall Road
Pleasanton, CA 94588

Lucerne Foods, Inc.
Tax Division
5918 Stoneridge Mall Rd
Pleasanton, CA 94588-3229

Seneca Foods Corporation
3736 South Main Street
Marion, NY 14505

Target Corporation
1000 Nicollet Mall, TPN-0945
Minneapolis, MN 55403

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800 S. Shamrock Avenue
Monrovia, CA 91016

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702 SW 8th Street, MS #0555
Bentonville, AR 72716-0555

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100 Harbor Drive
Sausalito, CA 94965

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Draeger's Super Markets
291 Utah Ave
South San Francisco, CA 94080

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C/o Raley's
500 W. Capitol Ave.
West Sacramento, CA 95605

Save Mart Supermarkets
P.O. Box 4278
Modesto, CA 95352

Stater Bros. Markets
P.O. Box 150
San Bernardino, CA 92408

Topco Associates, LLC
7711 Gross Point Road
Skokie IL 60077

Tree Top, Inc.
220 East Second Avenue
Selah, WA 98942

Walgreen Co.
200 Wilmot Road
Deerfield, IL 60015

Welch's Foods, Inc., A Cooperative
3 Concord Farms
575 Virginia Road
Concord, MA 01742

99 Ranch, Incorporated
Box 194
Lockwood, CA 93932

Berkeley Bowl Produce, Inc.
2020 Oregon St
Berkeley, CA 94703

CVS Pharmacy, Inc.
One CVS Drive
Woonsocket, RI 02895

Food Maxx
P.O. BOX 4278
Modesto, CA 95352

Grocery Outlet Inc.
2000 Fifth St.
Berkeley, CA 94710

Lucky's
C/o Save Mart Supermarkets
P.O. Box 4278
Modesto, CA 95352

Nob Hill General Store, Inc.
500 W. Capitol Ave.
West Sacramento, CA 95605

Pak 'N Save, Inc.
5918 Stoneridge Mall Rd.
Pleasanton, CA 94588-3229

Rite Aid Corporation
30 Hunter Lane
Camp Hill, PA 17011

Whole Foods Market California, Inc.
5500 Bowie Street
Austin, TX 78703

EXHIBIT B

- 1 365 Everyday Value Organic 100% Juice Concord Grapes
- 2 Beech Nut 100% Apple Juice
- 3 Best Yet Bartlett Pear Halves in Heavy Syrup
- 4 Best Yet Chunky Mixed Fruit in Pear Juice
- 5 Best Yet Yellow Cling Peach Halves in Heavy Syrup
- 6 Chef's Review Fruit Cocktail
- 7 Del Monte 100% Juice Fruit Cocktail
- 8 Del Monte Chunky Mixed Fruit in 100 % Juice (peach, pear, grape, etc.)
- 9 Del Monte Diced Pears in Light Syrup
- 10 Del Monte Freestone Peach Slices in 100 % Juice
- 11 Del Monte Fruit Cocktail in Heavy Syrup (peach, pear, grapes)
- 12 Del Monte Fruit Cocktail No Sugar Added
- 13 Del Monte Lite Fruit Cocktail in Extra Light Syrup
- 14 Del Monte Pear Halves in Heavy Syrup
- 15 Del Monte Pear Halves, Bartlett Pears in 100% real fruit juice from concentrate
- 16 Del Monte Sliced Yellow Cling Peaches in 100 % Juice
- 17 Del Monte Sliced Yellow Cling Peaches in heavy syrup
- 18 Dole Diced Peaches, Yellow Cling in light syrup
- 19 Dole Mixed Fruit in Light Syrup
- 20 Dole Pear Halves in Juice
- 21 Earth's Best Organics Apple Juice
- 22 Eating Right Fruit Cocktail packed in Sucralose
- 23 Eating Right No Sugar Fruit Cocktail
- 24 First Street 100% Apple Cider from concentrate
- 25 First Street Apple Juice from concentrate 100% juice
- 26 First Street Diced Pears

- 27 First Street Fruit Cocktail in heavy syrup
- 28 First Street Grape Juice from concentrate 100% juice
- 29 First Street Sliced Bartlett
- 30 First Street Yellow Cling Peaches in heavy syrup
- 31 Full Circle Organic Apple Juice
- 32 Full Circle Organic Bartlett Pear Slices
- 33 Gerber 100% Juice - White Grape Juice
- 34 Gerber 100% Juice Apple Juice
- 35 Gerber 3rd Foods Peaches
- 36 Gerber 3rd Foods Pears
- 37 Golden Star Mixed Fruit in Light Syrup (peach, pineapple, pears)
- 38 Golden Star Peach Halves in Heavy Syrup
- 39 Great Value 100% Grape Juice
- 40 Great Value 100% No Sugar Added Apple Juice
- 41 Great Value Bartlett Pear Halves in 100% Juice
- 42 Great Value Bartlett Sliced Pears in Heavy Syrup
- 43 Great Value No Sugar Added Fruit Cocktail
- 44 Great Value Yellow Cling Sliced Peaches
- 45 Hansen's Natural Apple Juice
- 46 Kedem Concord Grape Juice 100% pure grape juice
- 47 Kroger 100% Juice Apple Juice
- 48 Kroger Fruit Cocktail in Heavy Syrup
- 49 Kroger Grape Juice 100% Juice
- 50 Kroger Lite Fruit Cocktail in Pear Juice
- 51 Kroger Value Fruit Mix (Peaches, pears, grapes)
- 52 Langers Apple Juice 100% Juice
- 53 Langers Grape Juice (Concord)
- 54 Langers Red Grape Juice

- 55 Libby's Fruit Cocktail No Sugar Added (Sweetened with Splenda)
- 56 Libby's Yellow Cling Peach Slices No Sugar Added (Sweetened with Splenda)
- 57 Market Pantry Diced Peaches in light syrup
- 58 Market Pantry Diced Pears in light syrup
- 59 Market Pantry Mixed Fruit in light syrup
- 60 Maxx Value Fruit Mix in Light Syrup (peach, pear, grape)
- 61 Maxx Value Pear Pieces in Light Syrup
- 62 Minute Maid Juice Apple - 100% Apple Juice
- 63 Motts 100% Apple Juice
- 64 Mrs. Brown's Fruit Cocktail in Heavy Syrup (peaches, pears, grapes)
- 65 O Organics Organic Grape Juice from concentrate
- 66 O Organics Organic Unfiltered Apple Juice Not From Concentrate
- 67 Old Orchard 100% Apple Juice
- 68 Parade 100% Juice Apple
- 69 Polar Mixed Fruit
- 70 Polar Peach Slices
- 71 Polar Pear Halves in light syrup
- 72 R.W. Knudsen Just Concord Grape Juice
- 73 R.W. Knudsen Organic Just Concord
- 74 Raley's 100% Grape Juice
- 75 Raley's Fruit Cocktail in Heavy Syrup
- 76 Raley's Premium 100% Apple Juice not from Concentrate
- 77 Raley's Sliced Yellow Cling Peaches in Heavy Syrup
- 78 S&W Natural Style Fruit Cocktail in Lightly Sweetened Juice
- 79 S&W Natural Style Pear Slices in Juice
- 80 S&W Natural Style Yellow Cling Peach Slices in Lightly Sweetened Juice
- 81 S&W Premium Peach Halves Yellow Cling Peaches in light syrup
- 82 S&W Sun Pears Premium

- 83 Safeway 100% Juice Apple Cider
- 84 Safeway 100% Juice Apple Juice
- 85 Safeway 100% Juice Grape Juice
- 86 Safeway Diced Peaches in Light Syrup
- 87 Safeway Fruit Cocktail in Heavy Syrup
- 88 Safeway Light Sugar Fruit Cocktail
- 89 Safeway Lite Bartlett Pear Halves in Pear Juice
- 90 Safeway Lite Fruit Cocktail in Pear Juice
- 91 Safeway Organic Grape Juice
- 92 Safeway Pear Halves in Light Juice
- 93 Safeway Yellow Cling Peach Slices in Pear Juice
- 94 Santa Cruz Organic Concord Grape Juice
- 95 Simple Value Yellow Cling Peaches in light syrup
- 96 Stater Bros. 100% Juice Apple Juice
- 97 Stater Bros. 100% Juice Grape Juice
- 98 Stater Bros. 100% Juice White Grape Juice
- 99 Stater Bros. Fruit Cocktail in Heavy Syrup
- 100 Stater Bros. Yellow Cling Peach Halves
- 101 Stater Bros. Yellow Cling Sliced Peaches in heavy syrup
- 102 Sunny Select 100% Apple Juice
- 103 Sunny Select 100% Grape Juice
- 104 Sunny Select Fruit Cocktail in Juice
- 105 Sunny Select Pear Halves in Pear Juice
- 106 Sunny Select Yellow Cling Sliced Peaches in Pear Juice
- 107 Trader Joe's Certified Organic Apple Juice, pasteurized
- 108 Trader Joe's Concord Grape Juice made from fress pressed organic concord grapes
- 109 Trader Joe's Pear Halves in white grape juice
- 110 Trader Joe's Yellow Cling Peach Halves in while grape juice

- 111 Tree Top 100% Juice Apple Cider
- 112 Tree Top 100% Juice, Grape
- 113 Truitt Brothers Pacific NorthWest Bartlett Pear Halves, in pear juice from concentrate
- 114 Valu Time Grape Drink from Concentrate
- 115 Valu Time Irregular Bartlett Pear Slices
- 116 Valu Time Yellow Cling Peach Slices
- 117 Walgreens Apple Juice from concentrate 100% juice
- 118 Walgreens Grape Juice from concentrate 100% juice
- 119 Walnut Acres Organic Concord Grape
- 120 Walnut Grove Market 100% Apple Juice
- 121 Walnut Grove Market Grape Juice
- 122 Walnut Grove Market Natural Peaches Sliced Yellow Cling in Light Syrup
- 123 Walnut Grove Market Natural Pear Halves in Heavy Syrup
- 124 Welch's 100% Grape Juice (from Welch's Concord Grapes)
- 125 Welch's 100% Red Grape Juice from Concentrate

**OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY**

**THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986
(PROPOSITION 65): A SUMMARY**

The following summary has been prepared by the Office of Environmental Health Hazard Assessment, the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as "Proposition 65"). A copy of this summary must be included as an attachment to any notice of violation served upon an alleged violator of the Act. The summary provides basic information about the provisions of the law, and is intended to serve only as a convenient source of general information. It is not intended to provide authoritative guidance on the meaning or application of the law. The reader is directed to the statute and its implementing regulations (see citations below) for further information.

Proposition 65 appears in California law as Health and Safety Code Sections 25249.5 through 25249.13. Regulations that provide more specific guidance on compliance, and that specify procedures to be followed by the State in carrying out certain aspects of the law, are found in Title 22 of the California Code of Regulations, Sections 12000 through 14000.

WHAT DOES PROPOSITION 65 REQUIRE?

The "Governor's List." Proposition 65 requires the Governor to publish a list of chemicals that are known to the State of California to cause cancer, or birth defects or other reproductive harm. This list must be updated at least once a year. Over 735 chemical listings have been included as of November 16, 2001. Only those chemicals that are on the list are regulated under this law. Businesses that produce, use, release or otherwise engage in activities involving those chemicals must comply with the following:

Clear and reasonable warnings. A business is required to warn a person before "knowingly and intentionally" exposing that person to a listed chemical. The warning given must be "clear and reasonable." This means that the warning must: (1) clearly make known that the chemical involved is known to cause cancer, or birth defects or other reproductive harm; and (2) be given in such a way that it will effectively reach the person before he or she is exposed. Exposures are exempt from the warning requirement if they occur less than twelve months after the date of listing of the chemical.

Prohibition from discharges into drinking water. A business must not knowingly discharge or release a listed chemical into water or onto land where it passes or probably will pass into a source of drinking water. Discharges are exempt from this requirement if they occur less than twenty months after the date of listing of the chemical.

DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?

Yes. The law exempts: Governmental agencies and public water utilities. All agencies of the federal, State or local government, as well as entities operating public water systems, are exempt.

Businesses with nine or fewer employees. Neither the warning requirement nor the discharge prohibition applies to a business that employs a total of nine or fewer employees. Exposures that pose no significant risk of cancer. For chemicals that are listed as known to the State to cause cancer ("carcinogens"), a warning is not required if the business can demonstrate that the exposure occurs at a level that poses "no significant risk." This means that the exposure is calculated to result in not more than one excess case of cancer in 100,000 individuals exposed over a 70-year lifetime. The Proposition 65 regulations identify specific "no significant risk" levels for more than 250 listed carcinogens.

Exposures that will produce no observable reproductive effect at 1,000 times the level in question. For chemicals known to the State to cause birth defects or other reproductive harm ("reproductive toxicants"), a warning is not required if the business can demonstrate that the exposure will produce no observable effect, even at 1,000 times the level in question. In other words, the level of exposure must be below the "no observable effect level (NOEL)," divided by a 1,000-fold safety or uncertainty factor. The "no observable effect level" is the highest dose level which has not been associated with an observable adverse reproductive or developmental effect.

Discharges that do not result in a "significant amount" of the listed chemical entering into any source of drinking water. The prohibition from discharges into drinking water does not apply if the discharger is able to demonstrate that a "significant amount" of the listed chemical has not, does not, or will not enter any drinking water source, and that the discharge complies with all other applicable laws, regulations, permits, requirements, or orders. A "significant amount" means any detectable amount, except an amount that would meet the "no significant risk" or "no observable effect" test if an individual were exposed to such an amount in drinking water.

HOW IS PROPOSITION 65 ENFORCED?

Enforcement is carried out through civil lawsuits. These lawsuits may be brought by the Attorney General, any district attorney, or certain city attorneys (those in cities with a population exceeding 750,000). Lawsuits may also be brought by private parties acting in the public interest, but only after providing notice of the alleged violation to the Attorney General, the appropriate district attorney and city attorney, and the business accused of the violation. The notice must provide adequate information to allow the recipient to assess the nature of the alleged violation. A notice must comply with the information and procedural requirements specified in regulations (Title 22, California Code of Regulations, Section 25903). A private party may not pursue an enforcement action directly under Proposition 65 if one of the governmental officials noted above initiates an action within sixty days of the notice.

A business found to be in violation of Proposition 65 is subject to civil penalties of up to \$2,500 per day for each violation. In addition, the business may be ordered by a court of law to stop committing the violation.

FOR FURTHER INFORMATION. . .

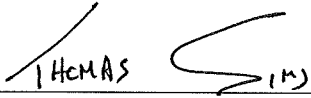
Contact the Office of Environmental Health Hazard Assessment's Proposition 65 Implementation Office at (916) 445-6900.

CERTIFICATE OF MERIT
Health & Safety Code Section 25249.7(d)

I, Thomas Sims, hereby declare:

1. This Certificate of Merit accompanies the attached notice of violation in which it is alleged that the parties identified in the notice have violated Health & Safety Code section 25249.6 by failing to provide clear and reasonable warnings.
2. I am an attorney representing the Environmental Law Foundation.
3. I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the alleged exposure to the listed chemical that is the subject of the action.
4. Based on the information obtained through those consultations, and on all other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiffs' case can be established and the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute.
5. The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health & Safety Code section 25249.7(h)(2), i.e., (1) the identify of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: June 7, 2010



Thomas Sims, Attorney for
Environmental Law Foundation

CERTIFICATE OF SERVICE

I am employed in the City of Dallas in the County of Dallas, Texas. I am over the age of eighteen years and not a party to the within action. My business address is 3102 Oak Lawn Ave., Suite 1100, Dallas, Texas 75219.

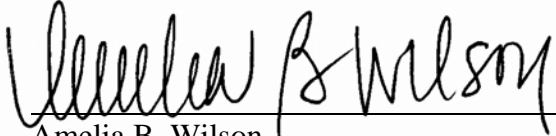
On June 9, 2010 I served the following document(s):

NOTICE OF VIOLATION OF THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65), SECTION 25249.6 OF THE CALIFORNIA HEALTH AND SAFETY CODE, FOR EXPOSING CONSUMERS OF APPLE JUICE, GRAPE JUICE, PACKAGED PEACHES, PACKAGED PEARS, AND FRUIT COCKTAIL TO LEAD

by UNITED STATE FIRST CLASS MAIL by placing a true and correct copy thereof in an envelope addressed to each of the persons named below at the address shown, and by sealing and depositing said envelope in the United States mail at Dallas, Texas, with postage fully prepaid to:

See Attached List.

Executed on this 9th day of June, 2010 at Dallas, Texas. I declare under penalty of perjury under the laws of the State of California and Texas that the foregoing is true and correct.


Amelia B. Wilson

SERVICE LIST

Current CEO or President
Beech-Nut Nutrition Corporation
100 South Fourth Street, Suite 1010
St. Louis, MO 63102

Current CEO or President
The Coca-Cola Company
One Coca Cola Plaza NW
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600 Citadel Drive
Commerce, CA 90040

Current CEO or President
Core-Mark Holding Company, Inc.
395 Oyster Point Blvd., Suite 415
South San Francisco, CA 94080

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Federated Group, Inc.
3025 W. Salt Creek Ln.
Arlington Heights, IL 60005

Current CEO or President
Gerber Products Company
12 Vreeland Road
Florham Park, NJ 07932-0697

Current CEO or President
Hansen Natural Corporation
550 Monica Cir., Ste. 201
Corona, CA 92880

Current CEO or President
Kedem Foods Products Int'l
63 Lefante Drive
Bayonne, NJ 07002

Current CEO or President
Langer Juice Company, Inc.
16195 Stephens Street
City of Industry, CA 91745

Current CEO or President
Old Orchard Brands LLC
1991 12 Mile Road.
Sparta, MI 49345

Current CEO or President
J.M. Smucker Company
1 Strawberry Lane
Orrville, OH 44667

Current CEO or President
S&W Fine Foods
C/o Tri Valley Growers
P.O. Box 7114
San Francisco, CA 9412-7114

Current CEO or President
Lucerne Foods, Inc.
Tax Division
5918 Stoneridge Mall Rd
Pleasanton, CA 94588-3229

Current CEO or President
Senaca Foods Corporation
3736 South Main Street
Marion, NY 14505

Current CEO or President
Target Corporation
1000 Nicollet Mall, TPN-0945
Minneapolis, MN 55403

Current CEO or President
Trader Joe's Company
800 S. Shamrock Avenue
Monrovia, CA 91016

Current CEO or President
Truitt Bros., Inc.
1105 Front Street NE
Salem, OR 97301

Current CEO or President
Wal-Mart Stores, Inc.
702 SW 8th Street, MS #0555
Bentonville, AR 72716-0555

Current CEO or President
Whole Foods Market, Inc.
550 Bowie Street
Austin, TX 78703

Current CEO or President
Raley's
500 W. Capitol Ave.
West Sacramento, CA 95605

Current CEO or President
Safeway, Inc.
5918 Stoneridge Mall Road
Pleasanton, CA 94588

Current CEO or President
Save Mart Supermarkets
P.O. Box 4278
Modesto, CA 95352

Current CEO or President
Stater Bros. Markets
P.O. Box 150
San Bernardino, CA 92408

Current CEO or President
Topco Associates, LLC
7711 Gross Point Road
Skokie, IL 60077

Current CEO or President
Tree Top, Inc.
220 East Second Avenue
Selah, WA 98942

Current CEO or President
Walgreen Co.
200 Wilmot Road, MS #3301
Deerfield, IL 60015

Current CEO or President
Welch's Foods, Inc., A Cooperative
3 Concord Farms
575 Virginia Road
Concord, MA 01742

Current CEO or President
99 Ranch, Incorporated
Box 194
Lockwood, CA 93932

Current CEO or President
Albeco, Inc.
100 Harbor Drive
Sausalito, CA 94965

Current CEO or President
Berkeley Bowl Produce, Inc.
2020 Oregon St
Berkeley, CA 94703

Current CEO or President
Costco Wholesale Corporation
999 Lake Dr.
Issaquah, WA 98027

Current CEO or President
CVS Pharmacy, Inc.
One CVS Drive
Woonsocket, RI 02895

Current CEO or President
Draeger's Super Markets
291 Utah Ave
South San Francisco, CA 94080

Current CEO or President
Food Maxx
P.O. BOX 4278
Modesto, CA 95352

Current CEO or President
Food Source
C/o Raley's
500 W. Capitol Ave.
West Sacramento, CA 95605

Current CEO or President
Grocery Outlet Inc.
2000 Fifth St.
Berkeley, CA 94710

Current CEO or President
Lucky's
C/o Save Mart Supermarkets
P.O. Box 4278
Modesto, CA 95352

Current CEO or President
Nob Hill General Store, Inc.
500 W. Capitol Ave.
West Sacramento, CA 95605

Current CEO or President
Pak `N Save, Inc.
5918 Stoneridge Mall Rd.
Pleasanton, CA 94588-3229

Current CEO or President
Rite Aid Corporation
30 Hunter Lane
Camp Hill, PA 17011

Current CEO or President
Whole Foods Market California, Inc.
550 Bowie Street
Austin, TX 78703

District Attorney of Alameda County
1225 Fallon Street, Room 900
Oakland, CA 94612

District Attorney of El Dorado County
515 Main Street
Placerville, CA 95667

District Attorney of Alpine County
P.O. Box 248
Markleeville, CA 96120

District Attorney of Fresno County
2220 Tulare Street, #1000
Fresno, CA 93721

District Attorney of Amador County
708 Court Street, #202
Jackson, CA 95642

District Attorney of Butte County
25 County Center Drive
Oroville, CA 95965

District Attorney of Calaveras County
891 Mountain Ranch Road
San Andreas, CA 95249

District Attorney of Colusa County
547 Market Street
Colusa, CA 95932

District Attorney of Contra Costa County
725 Court Street, Room 402
Martinez, CA 94553

District Attorney of Del Norte County
450 H Street, Ste 171
Crescent City, CA 95531

District Attorney of Lake County
255 N. Forbes Street
Lakeport, CA 95453

District Attorney of Lassen County
220 S. Lassen St., Ste 8
Susanville, CA 96130

District Attorney of Los Angeles County
210 W. Temple Street, Room 345
Los Angeles, CA 90012

District Attorney of Madera County
209 West Yosemite Avenue
Madera, CA 93637

District Attorney of Marin County
3501 Civic Center Dr., Room 183
San Rafael, CA 94903

District Attorney of Mariposa County
P.O. Box 730
Mariposa, CA 95338

District Attorney of Glenn County
P.O. Box 430
Willows, CA 95988

District Attorney of Humboldt County
825 5th Street
Eureka, CA 95501

District Attorney of Imperial County
939 Main Street
El Centro, CA 92243

District Attorney of Inyo County
P.O. Drawer D
Independence, CA 93526

District Attorney of Kern County
1215 Truxtun Avenue
Bakersfield, CA 93301

District Attorney of Kings County
1400 West Lacey
Hanford, CA 93230

District Attorney of Napa County
931 Parkway Mall
Napa, CA 94559

District Attorney of Nevada County
201 Church St., Suite 8
Nevada City, CA 95959

District Attorney of Orange County
401 Civic Ctr Drive West
Santa Ana, CA 92701

District Attorney of Placer County
11562 "B" Avenue
Auburn, CA 95603

District Attorney of Plumas County
520 Main Street, Room 404
Quincy, CA 95971

District Attorney of Riverside County
4075 Main Street, 1st Floor
Riverside, CA 92501

District Attorney of Mendocino County
P.O. Box 1000
Ukiah, CA 95482

District Attorney of Sacramento County
901 "G" Street
Sacramento, CA 95814

District Attorney of Merced County
2222 "M" Street
Merced, CA 95340

District Attorney of San Bernardino County
316 N. Mountain View Avenue
San Bernardino, CA 92415-0004

District Attorney of Modoc County
204 S Court Street
Alturas, CA 96101-4020

District Attorney of San Benito County
419 Fourth Street, 2nd Floor
Hollister, CA 95023

District Attorney of Mono County
P.O. Box 617
Bridgeport, CA 93517

District Attorney of San Diego County
330 West Broadway, Suite 1320
San Diego, CA 92112

District Attorney of Monterey County
PO Box 1131
Salinas, CA 93901

District Attorney of San Francisco County
850 Bryant Street, Rm 325
San Francisco, CA 94103

District Attorney of San Joaquin County
P.O. Box 990
Stockton, CA 95201

District Attorney of Stanislaus County
800 11th Street, Room 200
Modesto, CA 95353

District Attorney of San Luis Obispo County
1050 Monterey St, Room 450
San Luis Obispo, CA 93408

District Attorney of Sutter County
446 Second Street
Yuba City, CA 95991

District Attorney of San Mateo County
400 County Ctr, 3rd Fl
Redwood City, CA 94063

District Attorney of Tulare County
221 S. Mooney Ave, Room 224
Visalia, CA 93291

District Attorney of Santa Barbara County
1105 Santa Barbara Street
Santa Barbara, CA 93101

District Attorney of Tuolumne County
2 South Green
Sonora, CA 95370

District Attorney of Santa Clara County
70 West Hedding Street
San Jose, CA 95110

District Attorney of Ventura County
800 South Victoria Ave
Ventura, CA 93009

District Attorney of Santa Cruz County
701 Ocean Street, Room 200
Santa Cruz, CA 95061

District Attorney of Yolo County
301 Second Street
Woodland, CA 95695

District Attorney of Sierra County
Courthouse, P.O. Box 457
Downieville, CA 95936

District Attorney of Yuba County
215 Fifth Street
Marysville, CA 95901

District Attorney of Siskiyou County
P.O. Box 986
Yreka, CA 96097

District Attorney of Solano County
600 Union Avenue
Fairfield, CA 94533

District Attorney of Sonoma County
600 Administration Drive, Room 212J
Santa Rosa, CA 95403

District Attorney of Shasta County
1525 Court Street, Third Floor
Redding, CA 96001-1632

District Attorney of Tehama County
P.O. Box 519
Red Bluff, CA 96080

District Attorney of Trinity County
P.O. Box 1310
Weaverville, CA 96093

San Jose City Attorney's Office
151 West Mission Street
San Jose, CA 95110

Los Angeles City Attorney's Office
200 N. Main Street, Room 1800
Los Angeles, CA 90012

San Diego City Attorney's Office
1200 3rd Avenue, 12th Floor
San Diego, CA 92101

San Francisco City Attorney's Office
City Hall, Room 234
San Francisco, CA 94102

Ken Alex, Special Assistant Attorney General
Susan Fiering, Deputy Attorney General
California Attorney General's Office
1515 Clay Street
Oakland, CA 94612