

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

Bisphenol A in Canned Coconut Water

October 29, 2024

This Notice of Violation is provided to you pursuant to and in compliance with California Health and Safety Code Section 25249.7(d).

- For general information regarding the California Safe Drinking Water and Toxic Enforcement Act, see the attached summary provided by the California EPA (copies not provided to public enforcement agencies).
- This Notice is provided by the Center for Environmental Health (“CEH”), 2201 Broadway, Suite 508, Oakland, CA 94612, (510) 655-3900. CEH is a nonprofit corporation dedicated to protecting the environment, improving human health, and supporting environmentally sound practices. Emily Reder is the Senior Manager of the Illegal Toxic Threats Program and a responsible individual within CEH.

Description of Violation:

- Violators: The names and addresses of the violators are identified on the attached Exhibit 1.
- Time Period of Exposure: The violations have been occurring since at least October 29, 2021, and are continuing to this day.
- Provision of Proposition 65: This Notice covers the “warning provision” of Proposition 65, which is found at California Health and Safety Code Section 25249.6.
- Chemical(s) Involved: The name of the listed chemical involved in these violations is bisphenol A (“BPA”). The violators identified in Exhibit 1 expose individuals to BPA when individuals consume the coconut water contained in the products identified in this Notice.
- Type of Product: The specific type of product causing these violations is canned coconut water. Non-exclusive examples of these types of products are identified on the attached Exhibit 1.
- Description of Exposure: This Notice addresses consumer exposures to BPA. Consumption of the coconut water contained in the products subject to this Notice results in human exposures to BPA. BPA is found in the coconut water contained in the products. The primary route of exposure for the violations is direct ingestion when consumers drink the coconut water contained in the products. These exposures occur in homes, workplaces, and everywhere else

throughout California where the coconut water contained in the products is consumed. No clear and reasonable warning is provided with these products regarding the presence of BPA in the coconut water contained in the products.

Resolution of Noticed Claims:

Based on the allegations set forth in this Notice, CEH intends to file a citizen enforcement lawsuit against the alleged violators unless such violators agree in a binding written instrument to: (1) recall products already sold; (2) provide clear and reasonable warnings for products sold in the future or reformulate such products to eliminate the BPA exposures; and (3) pay an appropriate civil penalty based on the factors enumerated in California Health and Safety Code Section 25249.7(b). Violators interested in resolving this dispute short of litigation should contact CEH through its counsel identified below. It should be noted that CEH cannot: (1) finalize any settlement until after the 60-day notice period has expired; nor (2) speak for the Attorney General or any District or City Attorney who received CEH's 60-day Notice. Therefore, while reaching an agreement with CEH will resolve CEH's claims, such agreement may not satisfy the public prosecutors.

Preservation of Relevant Evidence:

This Notice also serves as a demand that the alleged violators preserve and maintain all relevant evidence, including all electronic documents and data, pending resolution of this matter. Such relevant evidence includes but is not limited to all documents relating to the presence or potential presence of BPA in canned coconut water; purchase and sales information for such products; efforts to comply with Proposition 65 with respect to such products; communications with any person relating to the presence or potential presence of BPA in such products; and representative exemplars of each lot of each variety of any such products sold by the alleged violator since October 29, 2021 through the date of any trial of the claims alleged in this Notice.

Please direct any inquiries regarding this Notice to CEH's counsel, Patrick Carey, at Lexington Law Group, LLP, 503 Divisadero Street, San Francisco, CA 94117, (415) 913-7800, pcarey@lexlawgroup.com.

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

I, Patrick Carey, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged that the party identified in the notice has violated Health & Safety Code § 25249.6 by failing to provide clear and reasonable warnings.
2. I am an attorney with the Lexington Law Group, LLP, and I represent the noticing party, the Center for Environmental Health.
3. Members of my firm and 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 exposures to the listed chemical that is the subject of the action.
4. Based on the information obtained through those consultations, and on 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 plaintiff’s case can be established and the information did not prove that the alleged violators will be able to establish any of the affirmative defenses set forth in the statute.
5. The copy of the 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 § 25249.7(h)(2), i.e. (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

October 29, 2024



Patrick Carey
Attorney for CENTER FOR
ENVIRONMENTAL HEALTH

EXHIBIT 1
October 29, 2024 Notice of Violation
Bisphenol A (BPA) in Canned Coconut Water

Names and Addresses of Responsible Parties	Non-Exclusive Examples of the Products	UPC or Further Description
<p style="text-align: center;">Sun Hing Foods, Inc. 271 Harbor Way South San Francisco, CA 94080</p>	<p style="text-align: center;">Parrot Coconut Water with pulp</p>	<p style="text-align: center;">UPC: 022652191448</p>
<p>The Vita Coco Company Inc. 250 Park Avenue South, Floor 7, New York, NY 10003</p> <p>All Market Inc. 250 Park Avenue South, Floor 7, New York, NY 10003</p> <p>7-Eleven, Inc. 3200 Hackberry Road Irving, TX 75063</p>	<p style="text-align: center;">Vita Coco Coconut Juice Drink with Pulp</p>	<p style="text-align: center;">UPC: 898999012698</p>
<p>Live Zola, LLC 1550 Leigh Ave., San Jose CA 95125</p> <p>Arcadia Wellness LLC 5950 Sherry Lane, Suite 215 Dallas, TX 75225</p> <p>Arcadia Biosciences, Inc. 5950 Sherry Lane, Suite 215 Dallas, TX 75225</p> <p>Lunardi's Super Market, Inc. 432 North Canal Street, Unit #22 South San Francisco, CA 94080</p>	<p style="text-align: center;">Zola Coconut Water Original</p>	<p style="text-align: center;">UPC: 853647000762</p>

Names and Addresses of Responsible Parties	Non-Exclusive Examples of the Products	UPC or Further Description
<p>C2O Coconut Water, LLC 4000 Cover St Ste 110 Long Beach, CA 90808</p> <p>Nova USA Inc. 500 W Overland Ave., Suite 300 El Paso, TX 79901</p>	<p>C2O Coconut Water, the Original Flavor</p>	<p>UPC: 853883003008</p>
<p>Whole Foods Market, Inc. 550 Bowie Street, Austin, TX 78703</p> <p>Whole Foods Market California, Inc. 6401 Hollis St. Suite 150 Emeryville, CA 94608</p>	<p>365 Whole Foods Market 100% Pulp Free Juice Coconut Water</p>	<p>UPC: 099482444136</p>
<p>Goya Foods, Inc. 350 County Road Jersey City, NJ 07307</p> <p>Goya Foods of California, Inc. 350 County Road Jersey City, NJ 07307</p> <p>Goya Foods of California, Inc. 14500 Proctor Avenue City of Industry, CA 91746</p>	<p>Goya Coconut Water with Pulp</p>	<p>UPC: 041331027878</p>

Names and Addresses of Responsible Parties	Non-Exclusive Examples of the Products	UPC or Further Description
<p>Iberia Foods, LLC 1900 Linden Blvd. Brooklyn, NY 11207</p> <p>Brooklyn Bottling of Milton, New York, Inc. 1900 Linden Blvd. Brooklyn, NY 11207</p> <p>Amazon.com, Inc. 410 Terry Avenue North Seattle, WA 98109</p> <p>Amazon.com Services LLC 410 Terry Avenue North Seattle, WA 98109</p>	<p>Iberia Coconut Water con Pulpa</p>	<p>UPC: 075669115136</p>
<p>Jarritos, Inc. 500 W Overland Ave., Suite 300 El Paso, TX 79901</p> <p>Nova USA Inc. 500 W Overland Ave., Suite 300 El Paso, TX 79901</p> <p>Tipp Distributors, Inc. 500 W Overland Ave., Suite 300 El Paso, TX 79901</p> <p>Walmart, Inc. 702 SW 8th Street Bentonville, AR 72716</p>	<p>Jarritos Coconut Water Original</p>	<p>UPC: 090478500034</p>

Names and Addresses of Responsible Parties	Non-Exclusive Examples of the Products	UPC or Further Description
<p style="text-align: center;"> Raley's 500 West Capitol Avenue West Sacramento, CA 95605 </p>	<p style="text-align: center;"> Raley's 100% Pure Coconut Water </p>	<p style="text-align: center;"> UPC: 046567044699 </p>
<p style="text-align: center;"> Sprouts Farmers Market, Inc. 5455 East High Street, Suite 111 Phoenix, Arizona 85054 </p>	<p style="text-align: center;"> Sprouts Farmers Market Coconut Water with pineapple </p>	<p style="text-align: center;"> UPC: 646670311826 </p>
<p style="text-align: center;"> Smart & Final Stores LLC 600 Citadel Drive Commerce, CA 90040 Smart & Final LLC 600 Citadel Drive Commerce, CA 90040 </p>	<p style="text-align: center;"> Sun Harvest 100% Pure Coconut Water </p>	<p style="text-align: center;"> UPC: 041512135224 </p>

1 **PROOF OF SERVICE**

2 I, Owen Sutter, declare:

3 I am a citizen of the United States and employed in the County of San Francisco, State of
4 California. I am over the age of eighteen (18) years and not a party to this action. My business
5 address is 503 Divisadero Street, San Francisco, CA 94117 and my email address is
osutter@lexlawgroup.com.

6 On October 29, 2024, I served the following document(s) on all interested parties in this
7 action by placing a true copy thereof in the manner and at the addresses indicated below:

8 **NOTICE OF VIOLATION OF CALIFORNIA SAFE DRINKING WATER AND
TOXIC ENFORCEMENT ACT;**

9 **CERTIFICATE OF MERIT;** and

10 **THE SAFE DRINKING AND TOXIC ENFORCEMENT ACT OF 1986**
11 **(PROPOSITION 65): A SUMMARY** (only sent to those on service list marked with an
asterisk).

12 **BY MAIL:** I am readily familiar with the firm's practice for collecting and processing mail
13 with the United States Postal Service ("USPS"). Under that practice, mail would be deposited
14 with USPS that same day with postage thereon fully prepaid at San Francisco, California in the
ordinary course of business. On this date, I placed sealed envelopes containing the above
mentioned documents for collection and mailing following my firm's ordinary business practices.

15 *Please see attached service list.*

16 **BY ELECTRONIC UPLOAD:** I transmitted a PDF version of the document(s) listed above,
17 as well as a Confidential Supporting Certificate of Merit, to the Office of the Attorney General of
California via the Proposition 65 60-Day Notice Search website at [https://oag.ca.gov/prop65/60-](https://oag.ca.gov/prop65/60-day-notice-search)
18 [day-notice-search](https://oag.ca.gov/prop65/60-day-notice-search).

19 **BY ELECTRONIC MAIL:** I transmitted a PDF version of the document(s) listed above via
20 email to the email address(es) indicated on the attached service list [or noted above] before 5 p.m.
on the date executed.

21 Pamela Y. Price, Alameda District Attorney
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10 I declare under penalty of perjury under the laws of the State of California that the
foregoing is true and correct.

11 Executed on October 29, 2024 at San Francisco, California.

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Owen Sutter

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SERVICE LIST

District Attorney of Alpine County P.O. Box 248 Markleeville, CA 96120	District Attorney of Los Angeles County 211 W. Temple St, Ste. 1200 Los Angeles, CA 90012-3210	District Attorney of Siskiyou County 311 Fourth St, Rm 204 Yreka, CA 96097
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District Attorney of Lake County 375 3rd St Lakeport, CA 95453	District Attorney of Sierra County P.O. Box 457 Downieville, CA 95936	President/CEO* The Vita Coco Company Inc. 250 Park Avenue South, Floor 7, New York, NY 10003

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