

# 60-DAY NOTICE OF VIOLATION

SENT IN COMPLIANCE WITH CALIFORNIA HEALTH & SAFETY CODE § 25249.7(d)

---

**DATE:** April 28, 2017

**To:** Dai Yau, President – Anhing Corporation  
Sylvain Toutant, President – DavidsTea Inc.  
Sylvain Toutant, President – DavidsTea (USA) Inc.  
Peter Chang, President – Family Foods International Inc.  
Tony Bedard, Chief Executive Officer – Frontier Cooperative  
Indrajit Chatterjee, President – Granum Incorporated  
Jim Tsai, President – Hocean Inc.  
John Fuller, President – International Coffee & Tea, LLC  
Reena Shah, President – International Tea Importers Incorporated  
Hiroyuki Enomoto, President – JFC International Inc.  
Howard Pollack, President – Rainbow Acres  
Lun Pui Chan, Chief Executive Officer – Rockman Company (U.S.A.), Inc.  
Steve Junqueiro, Co-President – Save Mart Supermarkets  
Greg Hill, Co-President – Save Mart Supermarkets  
Kevin Johnson, President – Starbucks Corporation  
Yaotang Kuang, Chief Executive Officer – Starway Inc.  
Ray Lee, President – Ten Ren Tea Co. of San Francisco, Ltd.  
Dan R. Martin, President – Twinings North America, Inc.  
Kuo-Lin Lee, President – Uncle Lee’s Tea Inc.  
Steve Lin, President – Wei-Chuan U.S.A., Inc.  
Laura J. Alber, President – Williams-Sonoma, Inc.  
Raphael Lei, President – Winneram International, Inc.  
Kahei Yamamoto, President – Yamamoto of Orient, Inc.  
California Attorney General’s Office;  
District Attorney’s Office for 58 Counties; and  
City Attorneys for San Francisco, San Diego, San Jose, Sacramento and Los Angeles

**FROM:** Whitney R. Leeman

---

## I. INTRODUCTION

---

My name is Whitney R. Leeman. I hold a Doctor of Philosophy degree in Environmental Engineering. I am a citizen of the State of California acting in the interest of the general public. I seek to promote awareness of exposures to toxic chemicals in products sold in California and, if possible, to improve human health by reducing hazardous substances contained in such items. This Notice is provided to the public agencies listed above pursuant to California Health & Safety Code § 25249.6 *et seq.* (“Proposition 65”). As noted above, notice is also being provided to the alleged violators, Anhing Corporation, DavidsTea Inc., DavidsTea (USA) Inc., Family Foods International Inc., Frontier Cooperative, Granum Incorporated, Hocean Inc., International Coffee & Tea, LLC, International Tea Importers Incorporated, JFC International Inc., Rainbow Acres, Rockman Company (U.S.A.), Inc., Save Mart Supermarkets, Starbucks Corporation, Starway Inc., Ten Ren Tea Co. of San Francisco, Ltd., Twinings North America, Inc., Uncle Lee’s Tea Inc., Wei-Chuan U.S.A., Inc., Williams-Sonoma, Inc.,

Winneram International, Inc. and Yamamoto of Orient, Inc. (the “Violators”). The violations covered by this Notice consist of the product exposure, route of exposure, and types of harm potentially resulting from exposure to the toxic chemical (“listed chemical”) identified below, as follows:

Product Exposure:	See Section VI. Exhibit A
Listed Chemical:	Lead
Route of Exposure:	Ingestion
Types of Harm:	Birth Defects and Other Reproductive Harm

---

## **II. NATURE OF ALLEGED VIOLATION (PRODUCT EXPOSURE)**

---

The specific type of product that is causing consumer exposures in violation of Proposition 65, and that is covered by this Notice, is listed under “Product Category/Type” in Exhibit A in Section VI below. All products within the category covered by this Notice shall be referred to hereinafter as the “products.” Exposures to the listed chemical from the use and consumption of the products have been occurring without the clear and reasonable warning required by Proposition 65, dating as far back as April 28, 2014. Without proper warnings regarding the toxic effects of exposures to the listed chemical resulting from consumption of the products, California citizens lack the information necessary to make informed decisions on whether and how to eliminate (or reduce) the risk of exposure to the listed chemical from the reasonably foreseeable use and consumption of the products. California citizens, through the act of buying, acquiring and consuming the products, are exposed to the listed chemical. By way of example, consumers and other individuals, including women of childbearing age, ingest the listed chemical when they drink or otherwise ingest the products. This act causes consumers to be exposed to the listed chemical through routine consumption of the products containing the listed chemical or consumption of beverages and foods made using the products. The California State Plan for Occupational Safety and Health incorporates the provisions of Proposition 65, as approved by Federal OSHA on June 6, 1997. This approval specifically placed certain conditions with regard to occupational exposures on Proposition 65, including that it does not apply to the conduct of manufacturers occurring outside the State of California. The approval also provides that an employer may use the means of compliance in the general hazard communication requirements to comply with Proposition 65. It also requires that supplemental enforcement is subject to the supervision of the California Occupational Safety and Health Administration. Accordingly, any settlement, civil complaint, or substantive court orders in this matter must be submitted to the Attorney General.

---

## **III. CONTACT INFORMATION**

---

Please direct all questions concerning this notice to me through my counsel’s office at the following address:

Whitney R. Leeman  
c/o Josh Voorhees  
The Chanler Group  
Parker Plaza  
2560 Ninth Street, Suite 214  
Berkeley, CA 94710  
Telephone: (510) 848-8880

---

**IV. PROPOSITION 65 INFORMATION**

---

For general information concerning the provisions of Proposition 65, please feel free to contact the Office of Environmental Health Hazard Assessment's ("OEHHA") Proposition 65 Implementation Office at (916) 445-6900. For the Violators' reference, I have attached a copy of "Proposition 65: A Summary" which has been prepared by OEHHA.

---

**V. RESOLUTION OF NOTICED CLAIMS**

---

Based on the allegations set forth in this Notice, I intend to file a citizen enforcement lawsuit against the alleged Violators unless such Violators enter into a binding written agreement to: (1) recall products already sold or undertake best efforts to ensure that the requisite health hazard warnings are provided to those who have received such products; (2) provide clear and reasonable warnings for products sold in the future or reformulate such products to eliminate the lead exposures; and (3) pay an appropriate civil penalty based on the factors enumerated in California Health & Safety Code § 25249.7(b). If the alleged Violators are interested in resolving this dispute without resorting to time-consuming and expensive litigation, please feel free to contact my counsel identified in Section III above. It should be noted that neither my counsel nor I can: (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 this Notice. Therefore, while reaching an agreement with me will resolve my claims, such agreement may not satisfy the public prosecutors.

---

**VI. EXHIBIT A**

---

Identified below are specific examples of products recently purchased and witnessed as being available for purchase or use in California that are within the category or type of offending product covered by this Notice. Based on publicly available information, the retailers, distributors and/or manufacturers of the examples within the category or type of product are also provided below. I believe and allege that the sale of the offending products also has occurred without the requisite Proposition 65 "clear and reasonable warning" at one or more locations and/or via other means including, but not limited to, transactions made over-the-counter, business-to-business, through the internet and/or via a catalog by the Violators and other retailers and distributors of the manufacturers.

**VI. EXHIBIT A (continued)**

<i>Product Category/Type</i>	<i>Product*</i>	<i>Retailer(s)</i>	<i>Manufacturer(s)/ Distributor(s)</i>	<i>Toxins</i>
Tea (Including Herbal and/or Non-Herbal)	Lungfung Brand Oolong Tea, CN0045, UPC #0 80736 11894 1	Koreana Plaza Sacramento County, California	Anhing Corporation	Lead
	DavidsTea Lapsang Souchong Star, #00107, UPC #2 000036 000102	DavidsTea Inc.; DavidsTea (USA) Inc. San Francisco County, California	DavidsTea Inc.; DavidsTea (USA) Inc.	
	Family Organic Oolong Tea, UPC #0 46872 11206 9	Amazon.com, Inc. ( <a href="http://www.amazon.com">http://www.amazon.com</a> )	Family Foods International Inc.	
	Frontier Co-Op Se Chung Special Oolong Tea, #2827.5334, UPC #0 89836 02827 3	Vitacost ( <a href="http://www.vitacost.com">http://www.vitacost.com</a> )	Frontier Cooperative	
	Choice Organic Teas Oolong Tea Organic Oolong, UPC #0 47445 91911 5	Whole Foods Market, Inc. Alameda County, California	Granum Incorporated	
	Oolong Tea, UPC #0 45027 97939 7	Shun Fat Supermarket Los Angeles County, California	Hocean Inc.	
	The Coffee Bean & Tea Leaf Lung Ching Dragonwell, SKU 2857802501, UPC #0 33878 20174 3	International Coffee & Tea, LLC ( <a href="http://www.coffeebean.com">http://www.coffeebean.com</a> )	International Coffee & Tea, LLC	
	Chado Fujian Dark Oolong, T-94	International Tea Importers Incorporated; Chado Tea Room Los Angeles County, California		

# **VI. EXHIBIT A (continued)**

<i>Product Category/Type</i>	<i>Product*</i>	<i>Retailer(s)</i>	<i>Manufacturer(s)/ Distributor(s)</i>	<i>Toxins</i>
Tea (Including Herbal and/or Non-Herbal)	Dynasty 100% Natural Oolong Tea, UPC #0 11152 01921 5	SF Supermarket Sacramento County, California	JFC International Inc.	Lead
	Rainbow Acres Natural Foods Black Tea with Ginger Bits, UPC #7 22639 12165 8	Rainbow Acres Los Angeles County, California	Rainbow Acres	
	Chinese Tea Chaozhou Oolong Tea, S-366, UPC #6 07498 00605 9	New May Wah Super San Francisco County, California	Rockman Company (U.S.A.), Inc.	
	Premium Quality Teas Pacific Coast Selections Hibiscus Caffeine Free Herbal Tea, UPC #0 98487 10104 4	Lucky; Save Mart Supermarkets Contra Costa County, California	Save Mart Supermarkets	
	Teavana Yunnan Golden Pu-erh Black Tea	Starbucks Corporation Santa Clara County, California	Starbucks Corporation	
	High Mountain OoLong Tea, UPC #6 942808 600638	Rosemead Supermarket Los Angeles County, California	Starway Inc.	
	Ten Ren's Tea Gunpowder Green, TR9372-8	Ten Ren Tea Co. of San Francisco, Ltd. ( <a href="http://www.tenren.com">http://www.tenren.com</a> )	Ten Ren Tea Co. of San Francisco, Ltd.	
	Twinings of London Lapsang Souchong, UPC# 0 70177 15410 3	Berkeley Bowl Alameda County, California	Twinings North America, Inc.	
	Twinings of London Oolong Tea, UPC# 0 70177 15426 4	Bristol Farms Los Angeles County, California	Twinings North America, Inc.	
	Imperial Organic Oolong Tea, UPC #8 79792 00002 0	SF Supermarket Sacramento County, California	Uncle Lee's Tea Inc.	

## VI. EXHIBIT A (continued)

<i>Product Category/Type</i>	<i>Product*</i>	<i>Retailer(s)</i>	<i>Manufacturer(s)/ Distributor(s)</i>	<i>Toxins</i>
Tea (Including Herbal and/or Non-Herbal)	Wei-Chuan Oolong Tea, UPC #0 72869 23192 5	New Asia Supermarket Sacramento County, California	Wei-Chuan U.S.A., Inc.	Lead
	Williams-Sonoma Custom Tea Blend Set, Model #5721761, SKU #2091254 and #2093045	Williams-Sonoma, Inc. Placer County, California	Williams-Sonoma, Inc.; Five Mountains Tea	
	Williams-Sonoma Organic Tea Roasted Black Tea, SKU #2090546	Williams-Sonoma, Inc. Alameda County, California	Williams-Sonoma, Inc.	
	Green Fresh Brand Oolong Tea, UPC #0 25225 03136 3	Island Pacific Supermarket Los Angeles County, California	Winneram International, Inc.	
	YamaMoto Yama Oolong Tea, #0 73469 30131 5	SF Supermarket Sacramento County, California	Yamamoto of Orient, Inc.	

\*The specifically identified examples of the type of product that is subject to this Notice is for the recipients' benefit to assist in their investigation of, among other things, the magnitude of potential exposures to the listed chemical from other items within the product category/type listed in Exhibit A. It is important to note that these examples are not meant to be an exhaustive or comprehensive identification of each specific offending product of the type listed under "Product Category/Type" in Exhibit A. Further, it is this citizen's position that the alleged Violators are obligated to continue to conduct in good faith an investigation into other specific products within the type or category described above that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the notice recipients' custody or control) during the relevant period so as to ensure that the requisite toxic warnings were and are provided to California citizens prior to purchase.

# PROOF OF SERVICE

I, the undersigned, declare under penalty of perjury:

I am over the age of 18 years, and not a party to the within action; my business address is Parker Plaza, 2560 Ninth Street, Suite 214, Berkeley, CA 94710.

On April 28, 2017, I served the following documents:

**60-DAY NOTICE OF VIOLATION SENT IN COMPLIANCE WITH HEALTH & SAFETY CODE § 25249.7(d);**

**PROPOSITION 65: A SUMMARY;**

**CERTIFICATE OF MERIT; AND**

**CERTIFICATE OF MERIT ATTACHMENTS (SERVED ONLY ON THE ATTORNEY GENERAL)**

on the entities listed below via First Class Certified Mail through the United States Postal Service by placing a true and correct copy in a sealed envelope, addressed to the entities listed below and providing each envelope to a United States Postal Service Representative:

Dai Yau, President  
Anhing Corporation  
2550 Pellissier Place  
City of Industry, CA 90601

Sylvain Toutant, President  
DavidsTea (USA) Inc.  
275 Bleecker Street  
New York, NY 10014

Peter Chang, President  
Family Foods International Inc.  
6801 De Bie Drive  
Paramount, CA 90723

Tony Bedard, Chief Executive Officer  
Frontier Cooperative  
3021 78<sup>th</sup> Street  
Norway, IA 52318

Tony Bedard, Chief Executive Officer  
Frontier Cooperative  
P.O. Box 299  
Norway, IA 52318

Indrajit Chatterjee, President  
Granum Incorporated  
600 South Brandon Street  
Seattle, WA 98108

Jim Tsai, President  
Hocean Inc.  
2444 Saybrook Avenue  
Commerce, CA 90040

John Fuller, President  
International Coffee & Tea, LLC  
5700 Wilshire Blvd, Suite 120  
Los Angeles, CA 90036

Reena Shah, President  
International Tea Importers  
Incorporated  
2140 Davie Avenue  
Commerce, CA 90040

Reena Shah, President  
International Tea Importers  
Incorporated  
5830 Triangle Drive  
Commerce, CA 90040

Hiroiyuki Enomoto, President  
JFC International Inc.  
7101 East Slauson Avenue  
Los Angeles, CA 90040

Hiroiyuki Enomoto, President  
JFC International Inc.  
P.O. Box 875349  
Los Angeles, CA 90087

Howard Pollack, President  
Rainbow Acres  
13208 West Washington Boulevard  
Los Angeles, CA 90066

Lun Pui Chan, Chief Executive Officer  
Rockman Company (U.S.A.), Inc.  
12011 Smith Avenue  
Santa Fe Springs, CA 90670

Steve Junqueiro, Co-President  
Save Mart Supermarkets  
1800 Standiford Avenue  
Modesto, CA 95350

Greg Hill, Co-President  
Save Mart Supermarkets  
1800 Standiford Avenue  
Modesto, CA 95350

Steve Junqueiro, Co-President  
Save Mart Supermarkets  
P.O. Box 4278  
Modesto, CA 95352

Greg Hill, Co-President  
Save Mart Supermarkets  
P.O. Box 4278  
Modesto, CA 95352

## PROOF OF SERVICE (continued)

Kevin Johnson, President  
Starbucks Corporation  
2401 Utah Avenue South  
Seattle, WA 98134

Kevin Johnson, President  
Starbucks Corporation  
P.O. Box 34507  
Seattle, WA 98124

Yaotang Kuang, Chief Executive  
Officer  
Starway Inc.  
137 Grattan Street  
Brooklyn, NY 11237

Ray Lee, President  
Ten Ren Tea Co. of San Francisco,  
Ltd.  
550 Grant Avenue  
San Francisco, CA 94108

Ray Lee, President  
Ten Ren Tea Co. of San Francisco, Ltd.  
949 Grant Avenue  
San Francisco, CA 94108

Ray Lee, President  
Ten Ren Tea Co. of San Francisco,  
Ltd.  
419 Eccles Avenue  
South San Francisco, CA 94080

Dan R. Martin, President  
Twinings North America, Inc.  
777 Passaic Avenue  
Clifton, NJ 07012

Kuo-Lin Lee, President  
Uncle Lee's Tea Inc.  
11020 East Rush Street  
El Monte, CA 91733

Laura J. Alber, President  
Williams-Sonoma, Inc.  
3250 Van Ness Avenue  
San Francisco, CA 94109

Raphael Lei, President  
Winneram International, Inc.  
1860 Tyler Avenue  
South El Monte, CA 91733

Kahei Yamamoto, President  
Yamamoto of Orient, Inc.  
122 Voyager St.  
Pomona, CA 91768

on the entity listed below via First Class International Registered Mail through the United States Postal Service by placing a true and correct copy in a sealed envelope, addressed to the entity listed below and providing such envelope to a United States Postal Service Representative:

Sylvain Toutant, President  
DavidsTea Inc.  
5430 Ferrier  
Mount-Royal, QC H4P 1M2  
CANADA

as well as by providing copies of the above documents electronically uploaded to the public enforcers according to directions from their respective offices, and/or by placing a true and correct copy in a sealed envelope, addressed to each party listed below, and served as follows:

<i>Electronically Uploaded to the Attorney General's website:</i>	The Attorney General of the State of California;
<i>By placing each envelope in a United States Postal Service mailbox, postage prepaid:</i>	The District Attorney for Each of the 58 counties in California; and  The City Attorney for Los Angeles, San Diego, San Jose, San Francisco and Sacramento

*A list of addresses for each of these recipients is attached.*

Executed on April 28, 2017, at Berkeley, California.



Caroline Liang



# CERTIFICATE OF MERIT

Health and Safety Code Section 25249.7(d)

I, Clifford A. Chanler, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged that the parties identified in the notice have violated Health and Safety Code § 25249.6 by failing to provide clear and reasonable warnings;
2. I am the attorney for the noticing party;
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 this 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 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 this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including information identified in Health and 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).

Dated: April 28, 2017



---

Clifford A. Chanler