



C A L I F O R N I A

DEPARTMENT OF JUSTICE

Rob Bonta
Attorney General

1515 CLAY STREET, 20TH FLOOR
P.O. BOX 70550
OAKLAND, CA 94612-0550

Public: (510) 879-1300
Telephone: (510) 879-1300
Facsimile: (510) 622-2270
E-Mail: Susan.Fiering@doj.ca.gov

December 29, 2026

Natalaki Keshishian Zarneh
1412 N. Serrano Ave.
Los Angeles, CA 90027
Ncarb107@gmail.com

RE: Proposition 65 Notice No. 2025-04565

Dear Ms. Zarneh:

We write to you pursuant to the Attorney General's authority under Health and Safety Code section 25249.7, subdivision (e)(1)(A), which is part of the Safe Drinking Water and Toxic Enforcement Act of 1986, commonly known as "Proposition 65." We have reviewed the above 60-day notice of violation that you sent to Dr. Dave's Primal Essence, LLC, on November 7, 2025. The notice alleges that the company sells a lip balm product that violates various state and federal laws. Based on our review of the notice, we have concluded that you have failed to comply with the requirements for sending a notice under Proposition 65.

Proposition 65 requires companies with 10 or more employees to provide clear and reasonable warnings to persons prior to knowingly and intentionally exposing them to chemicals known to cause cancer or reproductive toxicity. (Health & Saf. Code, § 25249.6.) Persons acting in the public interest can bring a private action to enforce Proposition 65 at least 60 days after sending a 60-day notice to the alleged violators and public enforcers, unless the Attorney General or other public enforcer is diligently prosecuting an action against the violation. (*Id.*, § 25249.7, subd. (d).) Before sending a 60-day notice alleging a failure to warn, the private enforcer must consult with an expert who has reviewed facts, studies, or other data regarding the alleged exposure to the listed chemical. Based on the consultation, the person sending the notice or his or her attorney must execute a certificate of merit stating his or her belief that, based on the consultation, "there is a reasonable and meritorious case for the private action." (*Id.*, subd. (d)(1).) The enforcer must attach to the Attorney General's copy of the certificate of merit factual information sufficient to establish the basis of the certificate of merit. The Attorney General must maintain the submitted information as confidential information to the full extent authorized in Section 1040 of the Evidence Code. (*Id.*, subds. (d)(1), (i).) The certificate of merit must document both exposure to the chemical and that there "is merit to each element of the action on which the plaintiff will have the burden of proof." (Cal. Code Regs., tit. 11, § 3101, subd. (a).) Further, the certifier must certify that "the information relied upon does not

prove that any affirmative defense has merit.” (*Ibid.*) If the Attorney General believes there is no merit to the action after reviewing the certificate of merit and meeting and conferring with the private enforcer, the Attorney General must serve a letter on the noticing party and the alleged violator stating this position and make the letter available to the public. (Health & Saf. Code, § 25249.7, subd. (e)(1).)

The referenced 60-day notice does not satisfy any of the requirements of Proposition 65. It does not allege that the product causes an exposure to a listed chemical without providing a clear and reasonable warning. Further, the notice does not include any of the information that is required to be provided with a Proposition 65 notice, including a summary of the statute, proof of service on public enforcers, and sufficient information to indicate that there is a credible basis to conclude that there is merit to each element of the action on which plaintiff will have the burden of proof. Based on our review, we have concluded that you have failed to provide sufficient information to satisfy the requirements of Proposition 65. Thus, the 60-day notice does not give you authority to file suit in the public interest, or to settle claims based on the alleged violations, and we ask that you withdraw the notice immediately.

Sincerely,

/S/ Susan S. Fiering
SUSAN S. FIERING
Deputy Attorney General

For ROB BONTA
Attorney General

cc: Dr. Dave’s Primal Essence, LLC
1721 Canal Clipper Ct.
Point of Rocks, MD 21777
info@tallowbourn.com