Sample Letter to California Retailers

Date:

To (Retailer):

From (You):

Re: IMPORTANT LEGAL INFORMATION: California Proposition 65 Warning Requirements – Your response is required

Dear ,

Warning Requirements- According to California Health and Safety Code Section 25249.6, no person in the course of doing business shall knowingly and intentionally expose an individual to a product containing chemicals known to the state of California that cause cancer, birth defects or other reproductive harm without first providing a clear and reasonable warning. The warning requirement applies to any person employing ten or more employees who manufactures, produces, sells, distributes, or otherwise transfers a product containing chemicals known to the state of California that cause cancer, birth defects or other reproductive harm into the stream of commerce in California.

The California Attorney General’s Office has indicated that retailers of products containing chemicals known to the state of California that cause cancer, birth defects or other reproductive harm have a duty to provide a warning to consumers purchasing the products.

Approved Warnings- The California Attorney General’s Office has stated that the following warning, if properly displayed at the retail outlet, satisfies the clear and reasonable warning requirement of the statute:

For carcinogens:

WARNING: This product contains a chemical know to the State of California to cause cancer.

For reproductive toxins:

WARNING: This product contains a chemical know to the State of California to cause birth defects or other reproductive harm.

We revised our warning to address our specific products:

WARNING: This product contains/may contain chemicals known to the State of California to cause cancer, birth defects or other reproductive harm.

Displaying the Warning- This warning sign must be posted at the retail outlet where the products being offered for sale are displayed, or at the point of sale (i.e., cash register or order counter), or both, so that it is likely to be seen and read by consumers
purchasing the products. If the point of sale is other than at a retail outlet (e.g. where orders are taken by phone or electronically), the warning should be included with the invoice or in a confirming e-mail.

To assist you in complying with Proposition 65, printable warning signs have been included in this document.

We Need Confirmation From You- An individual in a position of authority within your company must confirm receipt of these warning materials and instructions from us, and let us know your company will carry out its duty to post or provide the Proposition 65 warning to the end user, or pass along this information to your customer, as stated above. You may provide such confirmation by completing and mailing to us the attached Reply Confirmation Form. If we do not hear from you within 21 days from the date of this letter, we will contact you to follow up on this request for confirmation.

We plan to send out a copy of this or a similar letter on an annual basis, and to obtain confirmation that you are continuing to provide the Proposition 65 warning and instructions to each of your customers.

Should you have any questions, please contact us at ______________________.

Sincerely,

(Representative & Title)

Attachments: Reply Confirmation Form, Warning sign
Prop. 65 Reply Confirmation Form

PLEASE PROVIDE US WITH THE INFORMATION REQUESTED IN THE SPACE PROVIDED

Date: ___________________

Your Name: ______________________

Your Company: ___________________________

Your Company or Store Location:
________________________________________________________

Your Title: _______________________________

I am in a position of authority within my store/company. (Yes/No): ________

This is to confirm that I have read and am familiar with the information, instructions, and materials concerning the California Proposition 65 warning, and, to the extent Proposition 65 applies to our store/company, it is our company’s intention to comply with the California Proposition 65 warning requirements.

(Yes/No): ________

Signature: ___________________________________________
WARNING
Some of the products sold in this store contain/may contain chemicals known to the State of California to cause cancer, birth defects or other reproductive harm.

California Health and Safety Code Section 25249.6