California Proposition 65 ("_Prop 65_")

We are proud of our distinguished record with respect to product testing and safety. The State of California has a special law called Prop 65 that requires a warning for certain products that are distributed in California. Under the pricing grid for some products in our catalog there   will be a note stating that   a surcharge of 15¢ (g) per item will apply to orders shipping to California to cover the cost of Prop 65 warning labels. The warning label will read as follows:

> California Law Requires This Warning:
> This product contains a chemical known
> to the State of California to cause cancer,
> birth defects or other reproductive harm.

Frequently Asked Questions

The following general information is not intended as legal advice, nor will it answer all of the questions that you may have or apply to all circumstances you may encounter. You are encouraged to seek the advice of an attorney for specific information that meets your individual needs. The law on Prop 65 continues to change. The information provided below was obtained from various sources in September of 2007.

1.   What is California Proposition 65?

Answer: Prop 65 is a law that went into effect in 1986 in California that prohibits the distribution of products into the State of California where that product contains one or more of approximately 750 commonly occurring substances determined by the State of California to cause cancer or reproductive harm unless the company that distributes the product into California places a properly worded warning on it.

2.   What products does Prop 65 apply to?

Answer: All products distributed into the State of California. Prop 65 does not apply to products that are not distributed into the State of California.

3.   What chemicals are cited by the State of California as causing cancer or reproductive harm?

Answer: The State of California maintains a list of those chemicals. From time to time the list is changed to add chemicals and, less frequently, to delete chemicals. Currently there are approximately 750 chemicals on that list. Additional chemicals, including caffeine, have been proposed for addition to this list.

4.   How much of a chemical needs to be present before a company must provide a warning?

Answer: Prop 65 requires a warning if one of the following NRSL or NOEL thresholds is met:

A.   When a person is exposed to a chemical at more than the "No Significant Risk Level" (NRSL). If a person is exposed to a chemical at the NRSL for 70 years that person would have no more than a 1 in 1,000 chance of developing cancer as a result of that exposure.

B.   When a person is exposed to a chemical at more than 1/1,000 of the "No Observable Effect Level" (NOEL). The NOEL is the level determined by the State of California to pose no reproductive harm to humans or lab animals.

5.   Has the State of California established a NRSL or NOEL threshold for all of the chemicals they list?

Answer: No, only a fraction of the listed chemicals have NRSL or NOEL thresholds.

6.   How are warnings given?

Answer: Warnings may be given in a variety of ways such as by labeling the product or its package, placing a warning slip in the packaging for the product, or printing on the packaging in some other fashion. The placement of the warning depends upon the nature of the product and its packaging.

7.   What must the warning state?

Answer: A proper warning must state in clear, reasonable and legible language that the product contains a chemical known to the State of California to cause cancer, birth defects or other reproductive harm. Warnings that only state that the product contains a chemical that "may" cause cancer, birth defects or reproductive harm have been found to be insufficient.

8.   Where can I get more information about Prop 65?

Answer: The State of California has a website at www.oehha.ca.gov/prop65.html and can be contacted at (916) 445-6900. The advice of legal counsel is recommended before you make any important decisions about how Prop 65 may affect you.