

CALIFORNIA PROPOSITION 65

Prop 65 Compliance *for Fruit Snacks*

System-Based Compliance. Not Just Testing.

Presented by: **Prop65Compliance.com**

Compliance Management by **Consultare Inc. Group**

Powered by **SystemsBuilder.pro**



5,000+

NOVs in 2025

~64%

Food & Supp. Share

W H Y

Why This Matters

Fruit snacks sit at the intersection of every active food-additive regulatory wave — and major CPGs are already reformulating.

WARNING

This product can expose you to chemicals including titanium dioxide, benzidine (a Red 40 / Yellow 5 contaminant), and lead or cadmium from dried fruit concentrates — known to the State of California to cause cancer or reproductive harm.

— [P65Warnings.ca.gov](https://www.P65Warnings.ca.gov)

Industry in Transition

*Mars, Kraft Heinz, General Mills,
PepsiCo, Hershey, Nestlé —
all announced dye removal.*



Artificial Colors Under Siege

Red 3 federally banned Jan 2025. CA AB 418 bans Red 3, bromate, BVO, propylparaben effective Jan 2027.



Titanium Dioxide Still Enforceable

TiO2 cosmetic warnings enjoined Aug 2025 — but food/candy TiO2 still on Prop 65 list and actively enforced.



Dried Fruit Carries Heavy Metals

Kirkland Dried Mangoes named in Dec 2025 NOVs. Fruit concentrates in gummies inherit the same risk.



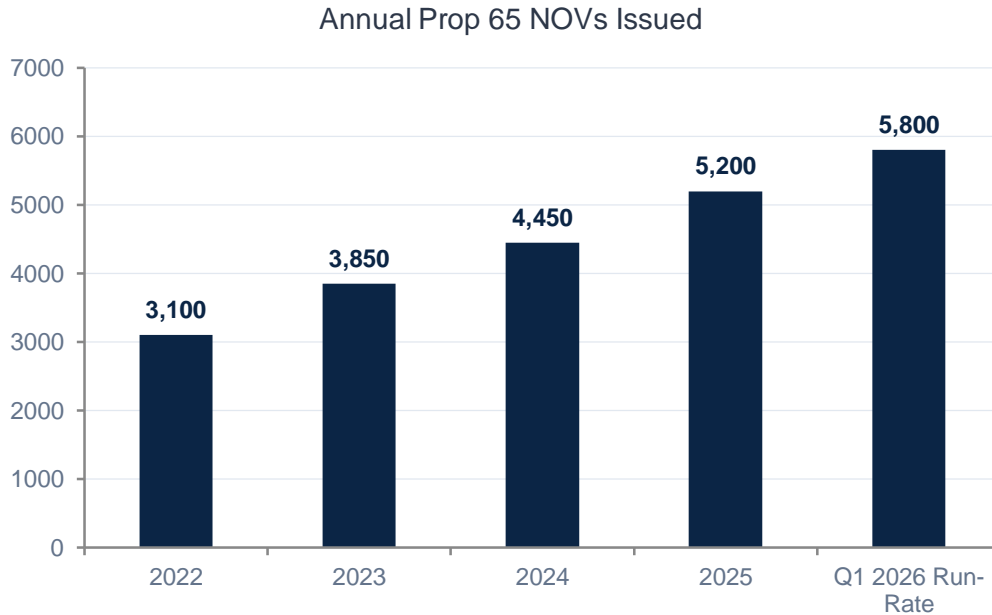
Documentation Is Your Defense

Color certificates, TiO2 alternatives, heavy-metal testing — the only evidence that holds up in court.

W H Y

Prop 65 Enforcement Trends (2024–2026)

Enforcement is accelerating — not slowing down.



Source: OAG 60-Day Notice database; Bureau Veritas CPS quarterly summaries.

~64%

Food & Supplements

Largest single category of Prop 65 enforcement in Q1 2026 — record share.

~\$98M

2026 Settlements

Record enforcement activity — majority paid to attorneys.

Jan 2027

AB 418 Deadline

California bans Red 3, potassium bromate, BVO, propylparaben from food sold in CA — including fruit snacks.

W H Y

Five Regulatory Fronts Converge

Every fruit snack SKU is exposed to multiple overlapping chemical-additive rules.



Prop 65 (California)

Benzidine & 4-AB (dye contaminants); titanium dioxide; heavy metals in dried fruit.



FDA & AB 418 Ingredient Bans

Red 3 banned (Jan 2025). AB 418: Red 3, bromate, BVO, propylparaben out by Jan 2027.



State Color Ban Patchwork

CA, WV, UT, AZ, VA, TX, + 11 school bans. Each state rules differ; compliance needs to track them all.



CPG Reformulation Race

Mars, Kraft Heinz, General Mills, PepsiCo, Hershey, Nestlé already announced dye removal plans.



AB 899 Kids' Formats

Kids' fruit-snack SKUs also fall under CA AB 899 baby food testing & disclosure (effective Jan 2025).



YOUR PRODUCT PORTFOLIO



Every Fruit Snack SKU

*Five regulatory fronts.
One system to manage them all.*

Prop 65 is the enforcement hook — but reformulation timelines, school bans, and retailer policies now drive the decision.

Business Impact of Non-Compliance

A Prop 65 action hits the balance sheet long before a verdict.



60-Day Notice of Violation

Brand owner, private-label operator, and retailer all exposed. A single NOV can cascade across a portfolio.



Forced Reformulation

Natural colors cost 2–4× more; stability, shelf life, shade match all shift. Every SKU needs its own plan.



Retail & School Delisting

CA AB 2316 bans Red 3/40, Yellow 5/6, Blue 1/2, Green 3 from schools. Retailers enforce ahead of law.



Category Is Reformulating

Mars, Kraft Heinz, General Mills, PepsiCo, Hershey, Nestlé have committed. The question is WHEN, not IF.

Most companies settle — not because they're guilty, but because their documentation is weak.

WHAT

Why Prop65Compliance.com

Compliance-focused. Not a law firm. System-based — not one-time testing.



Compliance-Focused

We don't litigate — we build the system that prevents litigation.



System-Based Approach

Testing alone doesn't protect you. A documented program does.



Managed by Consultare Inc. Group

Operational oversight from a dedicated compliance management team.



Built on SystemsBuilder.pro

Artifact-based system, document control, and AI-assisted workflows.

OUR PROMISE

*We build and manage
your defensible
compliance system.*

*So when a 60-day notice arrives,
you already have the answers.*

WHAT

What We Deliver

An end-to-end Prop 65 compliance program — not a one-time report.



**SKU & Ingredient
Risk Assessment**



**Color, TiO₂ & Metals
Lab Testing**



**Exposure
Evaluation**



**Compliance
Determination**



**Warning Label
Strategy**



**Supplier & Color House
Compliance Program**



**Reformulation
Roadmap**








**AB 418 / Multi-State
Deadline Monitoring**

Each component is documented, traceable, and audit-ready.

Core Technical Components

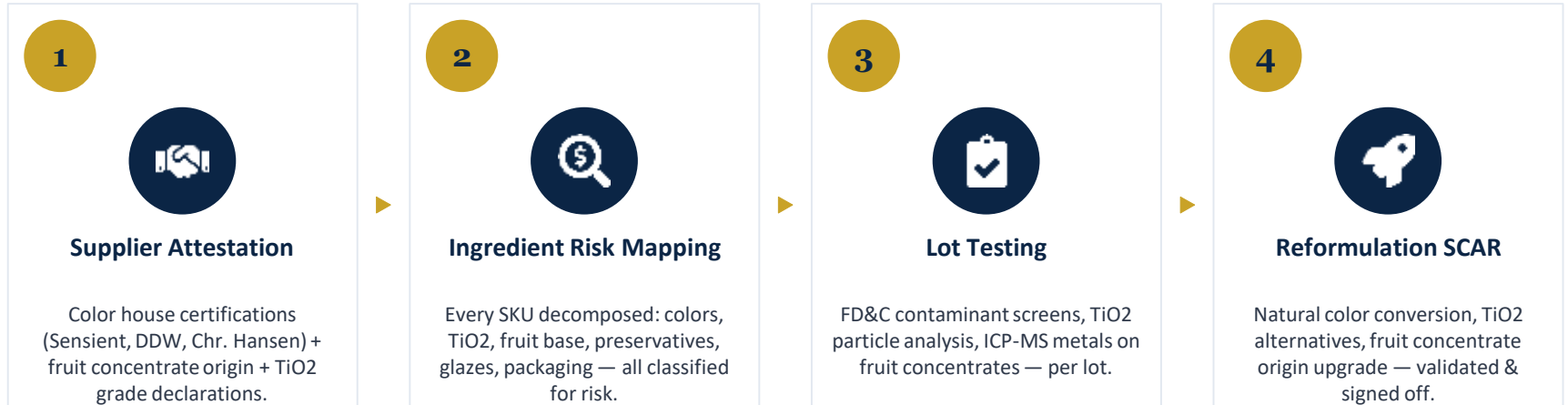
The compliance stack underneath every determination we issue.

	<p>Color & Contaminant Testing</p>	<p>Benzidine (NSRL 0.0000625 µg/day), 4-AB, aniline in FD&C dyes; TiO2 particle size analysis; ISO 17025 labs.</p>
	<p>Heavy Metal Testing (ICP-MS)</p>	<p>Pb, Cd, As in fruit concentrates, dried fruits, and fruit-juice bases. MADLs: Pb 0.5 µg/day, Cd 4.1 µg/day.</p>
	<p>Exposure vs Threshold Evaluation</p>	<p>Per-serving math for every listed chemical. Kids' consumption patterns factored — multi-serving days drive MADL math.</p>
	<p>Reformulation Roadmap</p>	<p>FD&C dye → fruit/vegetable juice, anthocyanins, turmeric, spirulina. TiO2 → rice starch, calcium carbonate.</p>
	<p>Multi-State Deadline Monitoring</p>	<p>CA AB 418 (Jan 2027), AB 2316 school ban, WV HB 2354, UT, AZ, VA, TX — all tracked in one dashboard.</p>

WHAT

Supply-Chain Compliance Control

Prevent the issue upstream — before it reaches your label.



Prevent exposure issues before they reach the consumer — and the courtroom.

HOW

The SystemsBuilder Approach

Artifact-based compliance — pay for structure, not repetition.

ARTIFACTS vs RECORDS



You pay for the structure — not the records.

Build once. Use forever.

Example:

ARTIFACT (you pay)

Testing Program

One document defining how all fruit-snack color, TiO₂, metal testing, and multi-state reformulation decisions are recorded.

↓ Generates unlimited ↓

RECORDS (no added cost)

Unlimited Batch Test Results

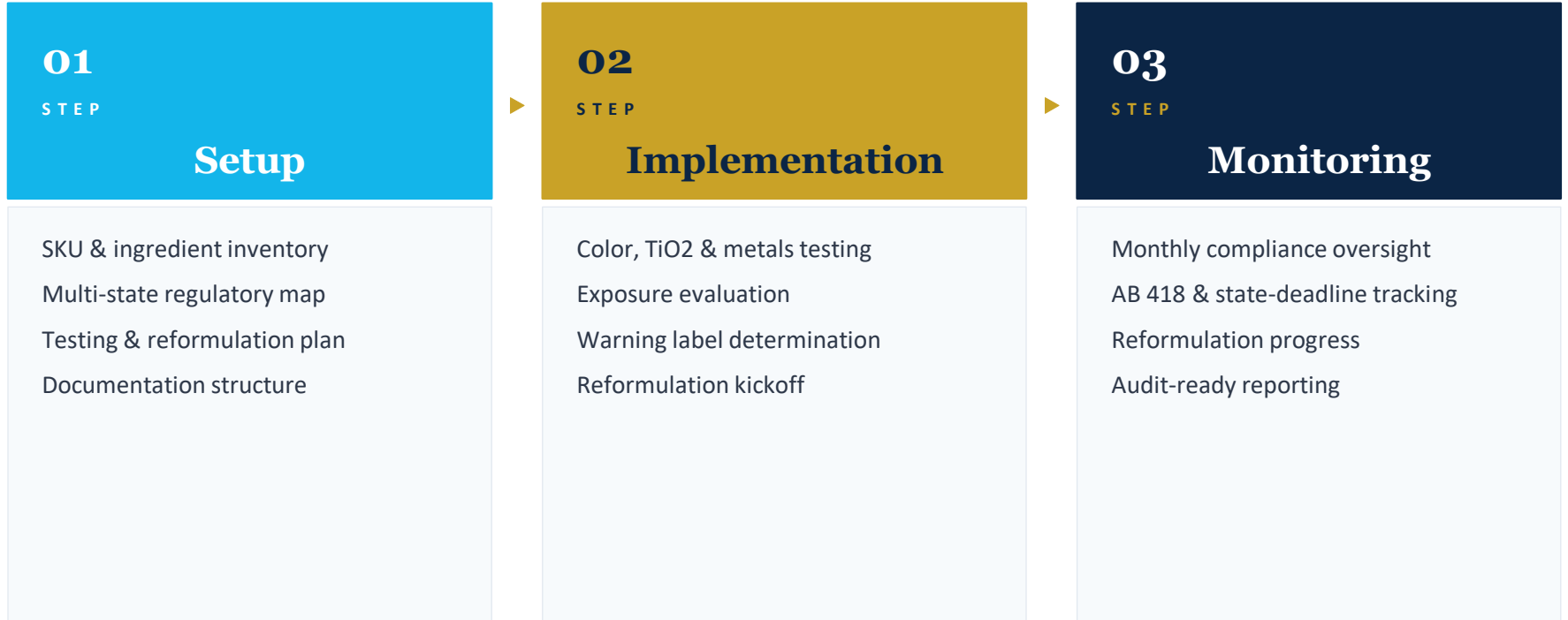
Every lot tested fills out the same framework — no new artifact needed.

→ *Scalable, predictable, cost-efficient.*

HOW

How It Works

A three-phase program. Setup once. Monitor continuously.



Setup Pricing — One-Time Investment

Build your defensible Prop 65 compliance system.

COMPLIANCE SYSTEM SETUP

\$1,500

up to 3 finished products (SKUs)

+ \$150

each additional SKU

One-time investment to build your system.

SETUP INCLUDES

- ✓ SKU & ingredient risk assessment
- ✓ Color, TiO2 & metals testing plan
- ✓ AB 418 & multi-state deadline map
- ✓ Documentation system setup
- ✓ Reformulation roadmap framework

Monthly Monitoring — Ongoing Oversight

Continuous compliance. Keep your system alive.

ONGOING COMPLIANCE OVERSIGHT

\$500

per month — up to 7 finished products

+ \$50 / month

per additional SKU

Keeps you continuously compliant.

MONITORING INCLUDES

-  Batch / lot test review
-  State deadline & law updates
-  Reformulation progress tracking
-  Monthly compliance reporting

Cancel anytime. No long-term contracts.

Testing Monitoring Fees

Per-event oversight — pay only when your product is tested.

\$35

per testing monitoring event

Per lot / batch — covers lab-report review, threshold comparison, compliance determination & documentation update.

WHAT THE \$35 COVERS

- Lab report review
- Threshold comparison (NSRL / MADL)
- Compliance determination
- Documentation update

IMPORTANT — LAB FEE EXCLUSION

Laboratory testing fees are NOT included. Testing is conducted by independent ISO 17025 accredited laboratories. All lab costs are billed directly to the client by the laboratory.

We provide oversight and compliance review — not laboratory testing services.

Pay only for actual testing events • No markup on lab fees • Independent results ensure defensibility

WHAT

What You Receive

Every client gets a defensible, audit-ready document package.



Batch Compliance Review Reports

Per-lot review with pass/fail determination, threshold comparison, and reviewer sign-off.



Monthly Summary Reports

Rolling snapshot of all testing events, compliance status, and open action items.



Compliance Monitoring Logs

Date-stamped log of every decision made — the backbone of defensibility.



Supplier Tracking Records

Attestations, COAs, risk ratings, and corrective actions by supplier.



Audit-Ready Documentation

Packaged for OAG inquiries, retailer audits, and legal counsel on 24-hour notice.

HOW

Built for Defensibility

Documentation is the difference between a quick close-out and a six-figure settlement.



Documented Due Diligence

Every decision has a record, a reviewer, and a date.



Verified Lab Testing

ISO 17025 independent results — no conflicts of interest.



Traceable Decisions

Supplier → material → batch → determination — fully linked.



Structured System

Not ad-hoc — a real management system reviewers recognize.

Critical for lawsuits • Retail audits • Regulatory inquiries

OPTION

DIY Option — SystemsBuilder.pro

Prefer to manage it yourself? The same artifact library, à la carte.

COMMUNITY LIBRARY

\$1
per artifact

Build your own system on your own terms.

SystemsBuilder.pro

ACCESS THE FULL LIBRARY

-  Prop 65 Programs
-  Policies
-  Procedures (SOPs)
-  Forms (Artifacts)
-  Logs & Templates

Managed Service vs. DIY

Same system. Different execution — you choose who drives.

MANAGED SERVICE

by Consultare Inc. Group

Hands-off compliance execution

Expert-managed monitoring

Monthly reporting delivered

Best for: growing brands without in-house QA capacity

DIY (SystemsBuilder)

at SystemsBuilder.pro

Self-managed execution

\$1-per-artifact library access

Internal team runs the program

Best for: teams with existing compliance capability

Same system. Same artifacts. Same defensibility. — You choose who operates it.

BOTTOM LINE

Your Risk Profile

Every one of these factors increases your exposure — independently.



COLOR UNDER SIEGE

AB 418 + FDA Red 3

Red 3 banned federally Jan 2025. CA AB 418 adds bromate, BVO, propylparaben — all out by Jan 2027.



STILL ENFORCEABLE

Titanium Dioxide

TiO2 cosmetic warnings enjoined Aug 2025. Food/candy TiO2 still on Prop 65 list and actively enforced.



DRIED FRUIT RISK

Fruit-Concentrate Metals

Kirkland Dried Mangoes named in Dec 2025 NOVs. Fruit-juice and concentrate bases inherit soil metal load.



STRICT ENVIRONMENT

California + Schools

Most aggressive enforcement regime plus AB 2316 school dye ban + kids'-food-targeted plaintiffs' bar.

Your product is already in a high-risk category — even if you've done nothing wrong.

CALL TO ACTION

Don't wait for a 60-Day Notice.

Start your Prop 65 compliance system today.



MANAGED COMPLIANCE

Let us manage it for you.

- End-to-end Prop 65 system setup
- Ongoing monitoring & oversight
- Audit-ready documentation
- Expert-managed execution



DIY LIBRARY

Build it yourself.

- \$1-per-artifact library access
- Community programs & policies
- Forms, logs & templates
- Run it your way, in-house

"Build it yourself — or let us manage it for you."

Prop65Compliance.com • SystemsBuilder.pro