

CALIFORNIA PROPOSITION 65

# Prop 65 Compliance

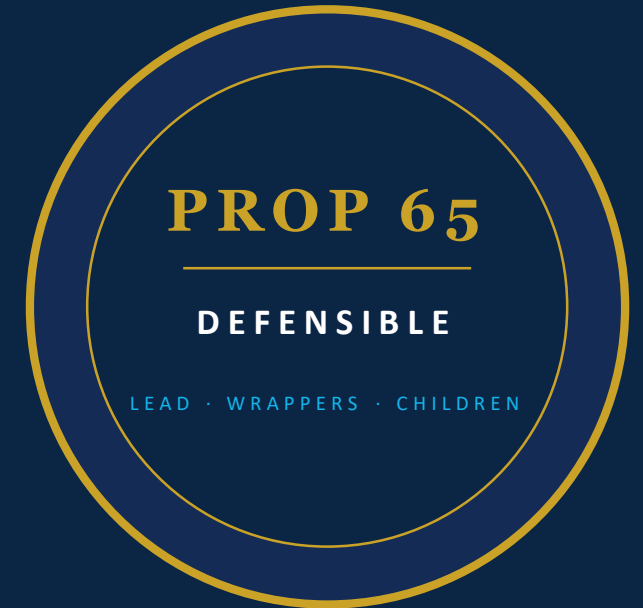
## *for Imported Candies*

*System-Based Compliance. Not Just Testing.*

**Presented by: Prop65Compliance.com**

Compliance Management by Consultare Inc. Group

Powered by SystemsBuilder.pro



**100**

ppb

Lead Cap — Chili/Tamarind

**1 in 4**

historical

Imported Candies w/ Lead  
(hist.)

# Why This Matters

California Prop 65 applies to every ingredient — and imported candies have faced the most aggressive enforcement of any food category.

## ⚠️ WARNING

Consuming this product can expose you to lead, which is known to the State of California to cause cancer, birth defects, or other reproductive harm.

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

***“Imported” = Extra Scrutiny***

### Landmark Precedent Exists

CEH vs. Mars/Hershey (2006) created a statutory 100 ppb lead limit in chili & tamarind candies. Plaintiffs know the playbook — and use it.

### Children Are the Consumers

Candy is marketed to kids. ‘Lead in a product aimed at children’ is the most enforcement-friendly fact pattern under Prop 65.

### Wrappers Carry Risk Too

Lead-based inks on colored candy wrappers have been a documented contamination source — separate from the candy itself.

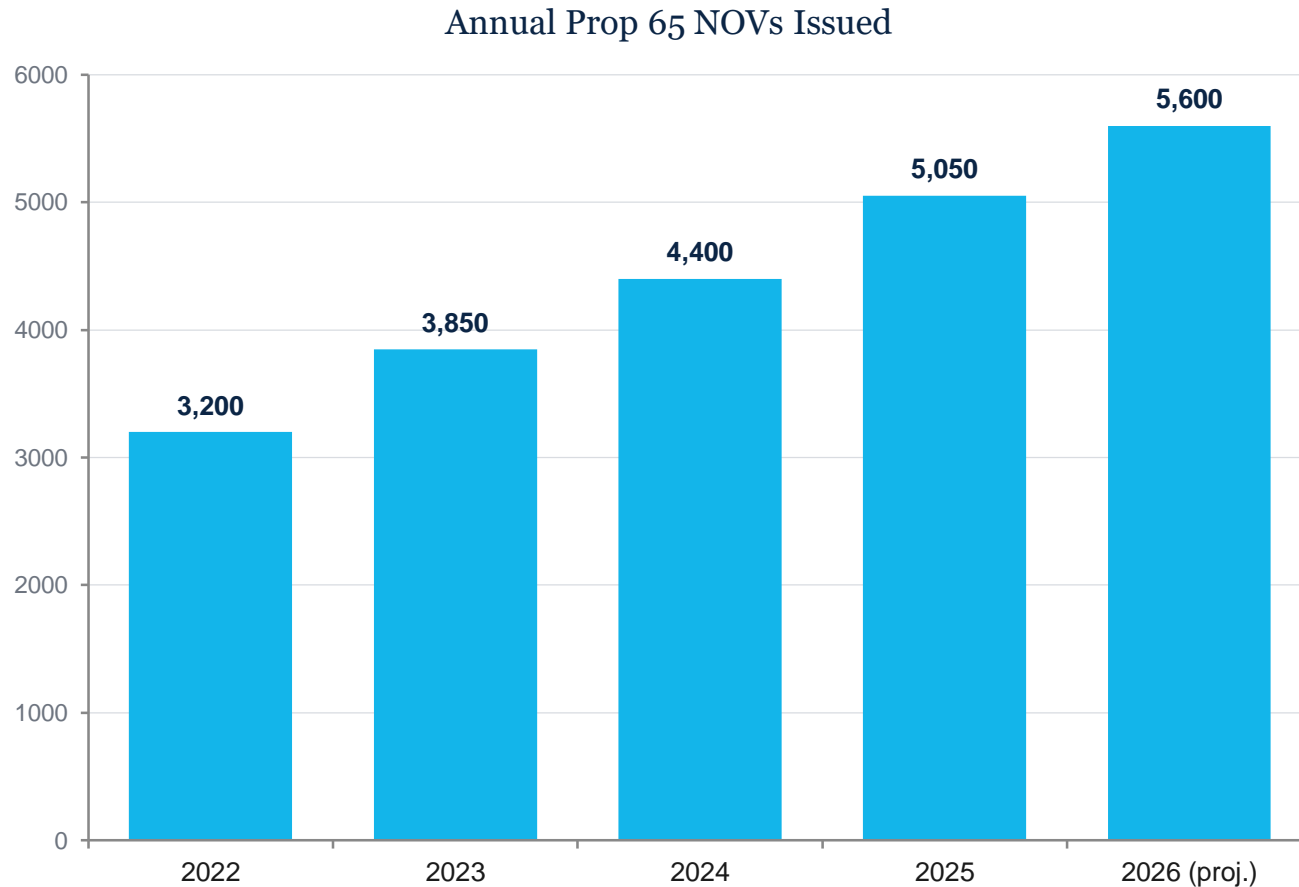
### Documentation Is Your Defense

Without a compliance system, most companies settle. A defensible record is what ends threats cheaply.

W H Y

# Prop 65 Enforcement Trends (2024–2026)

Enforcement is increasing, not slowing down.



Source: OAG 60-Day Notice database; industry-category tallies.

~38%

## Food & Supplements

Largest single category of Prop 65 enforcement — imported candies face ongoing scrutiny from the AG and CEH.

45% → 3%

## Lead in Chili/Tamarind Candy

Hazardous-lead share dropped 42 points in 5 years after CEH settlements — proof enforcement works.

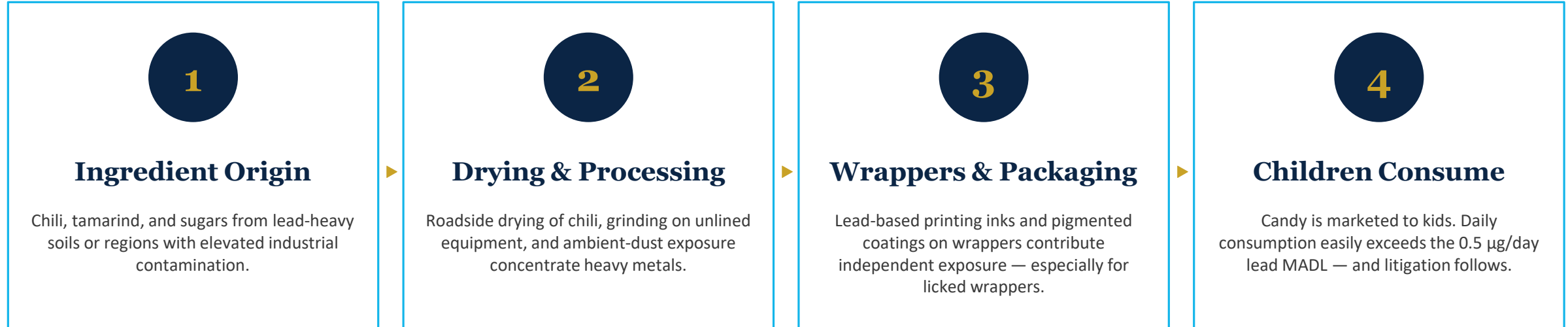
## Imported Candy = Target

*Mexican · Chinese · Indian · Filipino*

AG Bonta issued a 2022 alert on plum candies testing positive for lead without a Prop 65 warning. Chili, tamarind, and plum candies remain the top triggers.

# Why Imported Candies Are at Risk

Every step in the candy supply chain adds a contamination pathway — and the consumers are often children, raising the enforcement stakes.

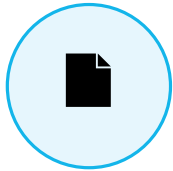


*Imported candies inherit risk from ingredients, processing, AND packaging — any of the three can trigger a 60-Day Notice.*

⚠ California law caps lead at 100 ppb in chili & tamarind candies (Health & Safety Code §110552). The general lead MADL is just 0.5 µg/day.

# Business Impact of Non-Compliance

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



## 60-Day Notice of Violation

Plaintiff's attorney files with the AG; clock starts immediately on response.



## Settlement Exposure

Typical food settlements \$20K–\$100K+ per action — candy cases can go higher when children are involved.



## Reputational Damage

Brand exposure amplified by AG press releases, CEH alerts, and media coverage — candy-with-lead is a headline story.



## Retailer Delisting

Grocery, convenience, and Latino-market buyers routinely delist after a single enforcement action — or before one.

***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.



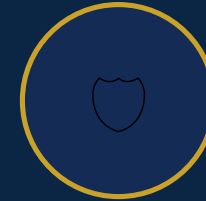
## **Managed by Consultare Inc. Group**

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.*

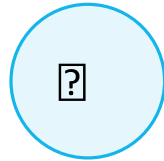
WHAT

# What We Deliver

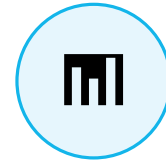
*An end-to-end Prop 65 compliance program for candy importers and distributors — not a one-time report.*



**Product Risk Assessment**



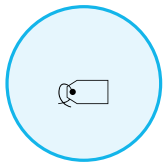
**Lead & Wrapper Testing Oversight**



**Exposure Evaluation**



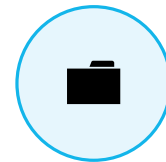
**Compliance Determination**



**Warning Label Strategy**



**Supplier Compliance Program**



**Documentation System**



**Ongoing Monitoring**

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

# Core Technical Components

*The compliance stack underneath every determination we issue for imported candy products.*



## Lead & Heavy Metals Testing

Finished-candy testing against the 100 ppb statutory limit (chili/tamarind) plus lead, cadmium, and arsenic screening at ISO 17025 labs.



## Wrapper & Packaging Ink Testing

Separate testing of printed wrappers and packaging for lead-based pigments — a documented historical contamination source.



## Supplier COA & Origin Verification

Incoming chili, tamarind, sugar, and ingredient COAs cross-checked against origin-based risk thresholds.



## Batch / Lot Compliance Review

Every imported lot is logged, reviewed, and tied to a compliance determination on file.

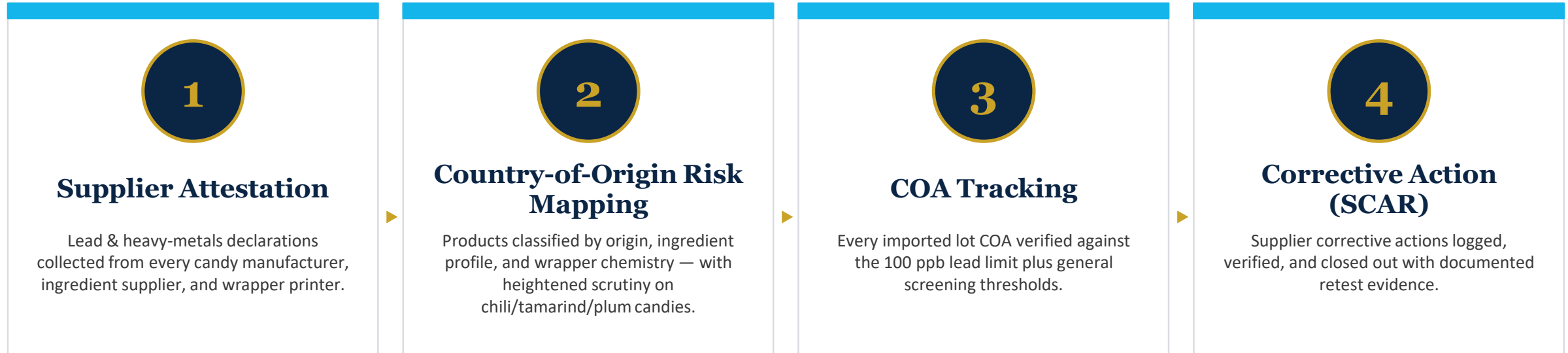


## Exposure vs MADL Evaluation

Serving-size and daily-consumption calculations against the 0.5 µg/day lead MADL — especially for child consumers.

# Supply-Chain Compliance Control

*Prevent the issue upstream — before it reaches your label.*



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

# The SystemsBuilder Approach

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

ARTIFACTS vs RECORDS



**You pay for the structure — not the records.**

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*Build once. Use forever.*

Example:

ARTIFACT (you pay)

## Lead Testing Program

One document that defines how all lead, heavy-metals, and wrapper-ink testing is scoped, conducted, reviewed, and documented.

↓ Generates unlimited ↓

RECORDS (no added cost)

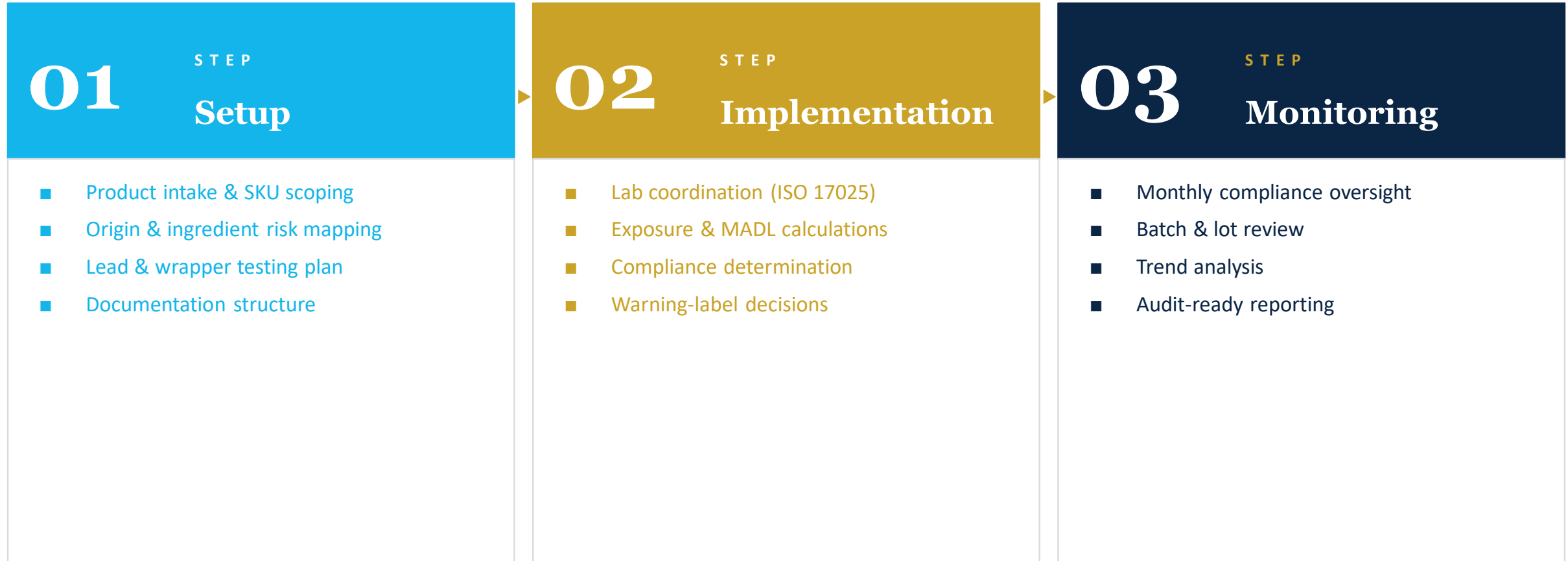
## Unlimited Batch Test Results

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

→ Scalable, predictable, cost-efficient.

# How It Works

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



PRICING

# Setup Pricing — One-Time Investment

*Build your defensible Prop 65 compliance system for imported candy products.*

COMPLIANCE SYSTEM SETUP

**\$1,500**

*up to 3 finished products*

**+ \$150**

each additional finished product

*One-time investment to build your system.*

SETUP INCLUDES

- ✓ Risk assessment by SKU and origin
- ✓ Lead & wrapper testing program design
- ✓ Exposure evaluation framework
- ✓ Documentation system setup
- ✓ Compliance determination structure

# Monthly Monitoring — Ongoing Oversight

*Continuous compliance. Keep your system alive.*

ONGOING COMPLIANCE OVERSIGHT

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**\$500**

*per month — up to 7 finished products*

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**+ \$50 / month**

per additional finished product

*Keeps you continuously compliant.*

## MONITORING INCLUDES

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- ✓ Batch / lot test review
- ✓ Compliance verification
- ✓ Monthly reporting
- ✓ Trend analysis

***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 vs MADL / NSRL
- 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 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.



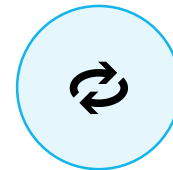
## Monthly Summary Reports

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.



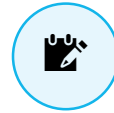
## Audit-Ready Documentation

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

HOW

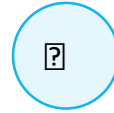
# Built for Defensibility

*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.



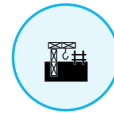
## Verified Lab Testing

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

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**\$1**  
*per artifact*

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*Build your own system on your own terms.*

**SystemsBuilder.pro**

ACCESS THE FULL LIBRARY

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**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.

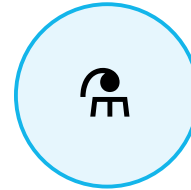
LANDMARK PRECEDENT



## Legal Playbook Exists

CEH vs. Mars/Hershey (2006) and AG Bonta's 2022 plum-candy alert established the blueprint. Plaintiffs know exactly how to pursue candy cases.

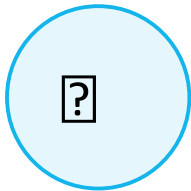
TOP LITIGATION DRIVER



## Lead

California law caps lead at 100 ppb in chili/tamarind candies. Even trace levels above the 0.5 µg/day MADL trigger warning requirements.

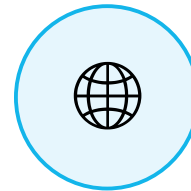
AMPLIFYING FACTOR



## Children As Consumers

Lead in a product aimed at children is the strongest fact pattern a plaintiff can bring — and the hardest to settle cheaply.

STRICT ENVIRONMENT



## California

Most aggressive private-enforcement regime in the United States — with active AG involvement on candy specifically.

**⚠ 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 for imported candies 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](https://Prop65Compliance.com)

• [SystemsBuilder.pro](https://SystemsBuilder.pro)