

**Proposition 65 Food Warning Workgroup
Issue Statement Matrix**

	Manufacturers/Growers					Retailers			Environmental/Enforcement			State Agencies
Stakeholder ▶ Subject	American Herbal Products Association	Hastings/Food Manufacturers	American Beverage Association	Louis Brown/KSG California Agriculture	Grocery Manufacturers Association	California Grocer's Association	Whole Foods Market	CA Retailers Association	CLEEN	Office of the Attorney General	Consumer's Union	California Department of Public Health
Warning given prior to purchase					In statute only states prior to exposure, not purchase				Warning must appear on or accompany the product	ICC v. Lungren states warning must be available prior to purchase or use of product		
Visibility			Not on-product warnings or shelf signs; flag will stigmatize product	No on-product or on shelf warning on fresh products. Must encourage consumption of fresh produce.	Single, centralized in-store warning referencing a website, or statement on receipt, or sign on register. On-package or on-shelf warnings not required.	Single, centralized in-store warning referencing a website, or statement on receipt, or sign on register	Shelf signs not best way. Stickers on products not good idea, some industries don't know content (worldwide industries). Should be in centralized poster or on handouts			Consumer must receive warning without considerable effort; available in the store	Information must be provided in the store. Where a class of products is contaminated such as fish, tearoffs near fish counter could indicate what products of the class are high or low in contaminant.	
Internet information		Modern technology – websites should be used	Information should be available on internet		Program should be centered on a website. Marketing campaign could explain this to public.	Public announcement that website available.			Can be used as supplement, but can't be primary source of warning		Large portions of population do not have or know how to use computers.	
Technology						Implementation should consider current and future technology, without requiring funding by retailers		Must be flexible, different types of businesses, different technology and consumer behavior				
Responsibility							Retailers should not be required to know contents of food.	Producers responsible for content, retailers must approve method of warnings.	Manufacturer has primary duty, but retailers are jointly liable			

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Scope	Need to address all food categories and include dietary supplements			Produce and fresh cut products must be treated differently							Must take into consideration if foods are prepackaged or raw; and whether naturally occurring.	Food warnings should be an exception rather than the rule or a warning about an increased risk of acute disease may be lost.
Content			Businesses may elect to provide information about naturally occurring chemicals.					Clarity. Must leave no question whether a producer has complied.		May contain information in addition to safe harbor.	Should be warning on package if additives and dietary supplements, naming P65 substance and effect and any beneficial purposes. If toxic in larger quantities than is in product, max RDI should be indicated, since consumers can get additive from different products.	
Specificity	Warnings should represent actual risk		If does not cause birth defects, should not mention them.								Generic statement that some products in store carry P65 risks is unhelpful, must be more specific. Should only indicate the type of risk that is relevant. (cancer or repro tox).	
Process to review/approve content and method			OEHHA should provide this program.				Safe harbor warning should be promulgated by OEHHA, naming foods and chemicals.		OEHHA should have rapid process for approving methods and content.			