



Organic Consumers Association

Campaigning for Food Safety, Organic Agriculture, Fair Trade & Sustainability

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California Files Prop 65 Lawsuit Against Whole Foods, Avalon Products and Other Brands Whose Products Tested Positive for Carcinogenic 1,4-Dioxane in Organic Consumers Association Study

OAKLAND, CA – Reacting in part to a study released by the Organic Consumers Association (OCA) in March of this year, but also based on their own testing, the Attorney General of California has filed a major lawsuit against body care household-cleaning product companies whose products recently tested highest for the carcinogenic contaminant 1,4-Dioxane.

Under California's "Proposition 65" consumer products that contain toxic levels of 1,4 Dioxane must have warning labels stating they may cause cancer. 1,4-Dioxane is typically produced as a byproduct when ingredients are ethoxylated with the petrochemical ethylene oxide, a process which has become standard practice for many cleansing and moisturizing products.

The suit, **California v. Avalon Natural Products (manufacturer of the Alba brand)**, also names **Whole Foods Market California (manufacturer of the Whole Foods 365 brand)**, **Beaumont Products (manufacturer of the Citrus Magic brand)**, and **Nutribiotic**. It is unclear exactly which products manufactured by the aforementioned companies triggered the lawsuit, but all named companies have sold products that tested close to or in excess of 20 parts per million for 1,4-Dioxane in the OCA study released at the Natural Products Expo in Anaheim, CA in March.

The California Attorney General (AG) alleges these companies should have put warning labels on products containing high levels of 1,4-Dioxane, stating that they may cause cancer. The lawsuit states, "Plaintiff alleges that each defendant has known since at least May 29, 2004 that the body washes and gels and liquid dish soaps contain, 1,4-dioxane and that persons using these products are exposed to 1,4-dioxane." Per Proposition 65, fines for mislabeled products are as high as \$2,500 per day for each violation. FAQs about 1,4-Dioxane can be found at <http://www.safecosmetics.org/faqs/dioxane.cfm>

"These companies need to stop treating the inclusion of cancer causing chemicals in their products as 'business as usual' and reformulate before consumer confidence in the natural products and organics industry is permanently damaged," says consumer activist David Steinman who conducted the OCA study and originally exposed the presence of 1,4-Dioxane in baby bubble bath products in his book *Safe Trip to Eden* and in a February, 2007 press conference with the Campaign for Safe Cosmetics. (The press release can be found at www.safecosmetics.org/newsroom/press.cfm?pressReleaseID=21 .)

The AG's complaint (which can be found in its entirety at www.organicconsumers.org/bodycare) states that California wants, "...preliminary injunctions, permanent injunctions, or other orders prohibiting the defendant(s) from exposing persons within the State of California to 1,4-dioxane without providing clear and reasonable warnings..."

"The OCA's 1,4-dioxane study elevated the issue of fake 'natural' and 'organic' brands that utilize petrochemicals in their formulas in March, and now we are seeing labeling enforcement on a scale never seen before," says OCA National Director Ronnie Cummins. "We used an independent laboratory and found that numerous 'natural' and 'organic' brands tested positive for 1,4-Dioxane, a cancer causing contaminant resulting from the petrochemical ethylene oxide being attached to one or more ingredients."

Last week OCA sent a letter to companies named in the California lawsuit to see if they planned changes to their labeling or product formulations. None of the companies decided to formally declare they are reformulating or are adding warning labels.

Interviews with David Steinman or Ronnie Cummins can be arranged by contacting Adam Eiding at 202-744-2671.