California Proposition 65 Internal Sale Warning Requirements

As you may know, the California Office of Environmental Health Hazard Assessment has revised the warning requirements under California's Proposition 65 (Cal. Health and Safety Code §§ 25249.5 et seq.). Those new requirements become effective August 18, 2018, and can found at https://oehha.ca.gov/media/downloads/crnr/art6regtextclean090116.pdf.

QFX will ensure that its products that are sold in California are accompanied by warning labels as may be appropriate under the Proposition 65 regulations. However, it is necessary, under both the existing and new regulations, that QFX's retail customers that sell QFX products through the retailer's website and QFX's distributors that sell to retailers that will sell QFX products through the retailer's website take all necessary measures to ensure that those sales to California customers comply with the Proposition 65 warning regulations. Specifically, those regulations require that any sale of a product over the internet to a California consumer include a warning that is provided to the purchaser prior to purchase. Therefore, even though the QFX product itself may have a label, it is also necessary that a warning be provided on the website. This can be done by either providing the requisite warning language on the product display page or providing a hyperlink using the word "WARNING" on the product display page that links to the warning. The warning should be comprised of the following:

WARNING Cancer and Reproductive Harm – www.P65Warnings.ca.gov.

In addition, QFX requests by this letter that you provide this information to any on-line or other retailer that you may sell to, and require that they provide the internet warning as set forth above. QFX cannot be held responsible for any Proposition 65 action by the California Attorney General or private enforcer based on the failure to provide an internet warning.