

A Message from Bronson Baker Owner, Santa Cruz Coffee Roasting Co.

May 20, 2013

Dear Coffee Lovers,

As you may have noticed in our stores and/or on our bags, there is now a state mandated warning regarding acrylamides in coffee which is the result of a legal interpretation of California Proposition 65.

The coffee industry in California is fighting this in court as a class action group. Santa Cruz Coffee Roasting and a number of other smaller roasters have agreed temporarily to post warning signs on coffee and in stores in order not to be dragged along in an extended and costly lawsuit that potentially could last for years. If the industry group wins the labels will come back off at SCCRCo. Some of the larger national roasters have agreed to put the sign in their stores but refuse to put it on the bags.

So what are acrylamides?

Acrylamide forms naturally in many plant-based, high carbohydrate foods when they are heated. Acrylamides in food is not new. It has been present in the human diet for as long as people have been baking, roasting, grilling, toasting and frying foods. It is present in many different foods consumed around the world. For example, it is found in 40% of the calories consumed in the average American diet – in foods ranging from soup to nuts, and including baked and fries potatoes, cereals, coffee, crackers, olives, bread, asparagus, prune juice, dried fruit, and many, many others. **No health authority has recommended consumers change their eating habits due to acrylamides. There is no direct proof of any negative human health correlation regarding acrylamide levels in coffee.**

The following is an excerpt from a statement issued by the Civil Justice Association of California (CJAC):

"Proposition 65 reform is long overdue and Governor Brown deserves a great deal of credit for recognizing that. This is an initiative that was well-intentioned, but it has been far more effective at enriching a small number of attorneys than protecting the public from toxic substances. Right now it is too easy to file Prop. 65 lawsuits and make money off of them. That's why from 2000 to 2011, private plaintiffs' lawyers received approximately \$96 million from Prop. 65 settlements - over 60 percent of the total settlement dollars paid out. The Governor is absolutely right to require more from would-be plaintiffs and to target the financial incentives that currently exist for plaintiffs' lawyers.

"The Governor's proposal also wisely addresses the questionable 'safe harbor' levels used to determine what substances the initiative applies to. When Prop. 65 was passed it only applied to 29 substances and now it applies to almost 800. The result has been warning signs that are so commonplace that they do little to serve the public and some businesses post warnings that are not necessary just out of fear of a lawsuit. That is not a sign of a policy that's working."

(continued)



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Here is yet another excerpt from Coffee Talk, Sept 2011 , that details the issue a bit more:

(Excerpted from "Happy Lawyers in LA, LA Land," Coffee Talk, September 2011, Written by Kerri Goodman-Small & Miles Small. For the complete article, visit www.magazine.coffeetalk.com/september11-view)

"Nothing quite says California like Proposition 65. For those unfamiliar with this exquisite piece of populous voting, Prop 65 was adopted through public vote in the State of California in 1986. Formally known as "The Safe Drinking Water and Toxic Enforcement Act of 1986" the law's intent was to protect the drinking water supply and consumers from chemicals in consumer products that are known to cause cancer and birth defects. Not a bad goal overall, but the way the law was written, the primary beneficiaries of the law are litigious lawyers through "straw man" plaintiffs.

"Proposition 65 itself has become something of a non-issue in California. The warning signs in the windows of stores, banks, carwashes, gun shops (caution – lead in bullets are a known cause of birth defects. No kidding, this is real), parking garages, and essentially all other public places (churches? how about communion wine?) that they have become invisible to Californians. Since there is no penalty for posting too many signs, everyone posts them everywhere. Invisible that is to everyone, except lawyers. The law guarantees that private lawsuits brought "in the public interest" will split the settlement or damages 75 % – 25 % between the government and the plaintiff, respectively. The grey area that opens the door to litigation is the idea of full, accessible, and clear warning of the potential threat. A sign in the window that the premises contain Prop 65 listed materials does not declare the precise threat...

"...Coffee- it is in the bean (roasted, not green), the air around the grinders, transferred into the water we use to clean the equipment, and in the smoke from our roasters. What a beautiful and insidious target we are, especially with all our rich and enormous retail chains. Sure enough, a lawsuit is now underway that is split into two parts – the first is directed at the big chains (Starbuck's, Peet's, Coffee and Tea Leaf, et. al.) for not providing full labeling and disclosure on cups, bags, machines, pastries, etc that declare that "coffee is known to contain cancer causing agents;" and the second is directed at the major grocery chains for not specifically and adequately disclosing acrylamide content on their front doors...

"...One might dismiss this as just 'the big boys fighting it out again' until you realize that mixed in with the gigantic roasting companies are small regional roasters serving a limited number of groceries in a local area. You yourself may be servicing a few supermarkets along with your regular whole-sale customers.

"These small roasters simply cannot defend themselves in such a complicated and expensive lawsuit and proportionally will ultimately bear the greatest financial burden amongst the defendants."

So there you have it coffee lovers. **I would like to conclude by stating I truly feel we have a right to know what is in our foods, water and environment.** However this particular interpretation of a well-intended bill is a great waste of our money and resources.

Bottoms up, I say. I wonder what 96 million might have done for some medical research?



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