



Beginning August 30, 2018 Internet sellers who sell into the state of California are required to post a California Prop 65 warning conspicuously for each affected item BEFORE the customer makes the purchase.

In other words, if the product you're selling to a California consumer contains a chemical that is on the list of Prop 65 chemicals, you must have that item labeled on your site using the new required California labeling.

For more information about California Prop 65 go to the following link:

www.p65warnings.ca.gov



Proposition 65 is a California law passed in 1986. Its goals are to protect drinking water sources from toxic substances that may cause cancer and birth defects and to reduce or eliminate exposures to those chemicals generally, for example in consumer products, by requiring warnings in advance of those exposures.


The regulation requires the State of California to revise and republish yearly a list of chemicals known to the State of California to cause cancer or birth defects or other reproductive harm. The current list contains over 900 naturally occurring and synthetic chemicals.

This regulation also requires manufacturers to place warnings on products that contain any of the chemicals listed by the State of California. No other states require warnings of this nature, and products with Prop 65 warning language are legal to sell in all states. Detailed information regarding requirements for compliance to the California Prop. 65 is can be found at:

www.P65Warning.ca.gov

New requirements for Prop 65 Warnings will go into effect August 30, 2018. The new requirements are applicable to any products distributed and sold in California that contain any of the Prop 65 listed chemicals (currently over 900) which cause cancer, birth defect or reproductive harm. There are two major categories of warnings: **LONG-FORM** warnings and **SHORT-FORM** warnings, **but both forms of warnings have the following common requirements:**

1) **Foreign language:** where consumer information on the product is provided in an additional language other than English, the warning must also be provided in that other language.

2) **Pictogram color:**  a Yellow equilateral triangle with black borders and a black exclamation point. Use of the color Yellow on the product label triggers the requirement that the triangle pictogram be displayed in Yellow. Where the label is not printed using the color Yellow, the pictogram may be printed in Black and White.


3) **The use of word WARNING:** in capital letters and bold print.

4) **P65 website:** inclusion of www.P65Warning.ca.gov


5) **Font size:** the entire warning must be in a type size no smaller than the largest type size used for other consumer information on the product label, but in no case in a type size smaller than 6-point type.

The **LONG-FORM** Prop 65 Warnings, which are the most common one, have additional requirements to the ones mentioned above. The warnings **must name at least one Prop 65 listed chemical** for each endpoint (the endpoints are: cancer, reproductive harm or birth defects).

Example: Product contains a listed chemical that is BOTH a cancer causing chemical AND a reproductively toxic chemical:

 **WARNING:** This product can expose you to chemicals including [*must name at least one chemical that is both a listed carcinogen and reproductive toxicant*], which is [*are*] known to the State of California to cause cancer and birth defects or other reproductive harm. For more information go to www.P65Warnings.ca.gov.

The **SHORT-FORM** warnings are only to be used for “on product warning,” which is when warning is placed directly on the product itself or on its immediate packaging. The short-form, on product warning would not require disclosure and listing of the Prop 65 chemical, but does require the identification of the end points: cancer or reproductive harm or both. Examples are below:

 **WARNING:** Cancer – www.P65Warnings.ca.gov

OR

 **WARNING:** Reproductive Harm – www.P65Warnings.ca.gov

OR

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

Selling on the Internet

The warning requirement extends to on-line sales as well. For internet purchases, the warning must be prominently displayed to the California purchaser prior to completing the purchase. This can be accomplished in a few ways:

- 1) By including the long-form warning on the product's display page. However, if a short-form, on-product warning is provided on the product, the warning on the website may use the same content as the on-product warning.
- 2) A clearly marked hyperlink with the word WARNING on the product's display page.
- 3) By otherwise prominently displaying the warning to the California purchaser prior to completing the purchase (pop-up prior to check out).

Note: a warning is not prominently displayed if the purchaser must search for it in the general content of the website.



**California
Prop 65**