



consumer products sellers beware: new prop 65 warnings coming in california

MSK Client Alert

March 28, 2018

New Proposition 65 safe harbor warnings will take effect on August 30, 2018. While these new warnings relate to a wide range of goods and services, we are focused on changes that impact consumer products due to the focus of our clientele. If you are currently subject to Prop 65, you will continue to be subject to its requirements. If you are not currently impacted, you may be under the new rules!

Not sure? Check the various fact sheets published [here](#), or more generally the "warnings page" [here](#).

[New Categories](#)

Warnings are now expressly required on your website! [Internet warnings](#) – "a warning that complies with the content requirements of Section 25603(a) must also be provided by including either the warning or a clearly marked hyperlink using the word "WARNING" on the product display page, or by otherwise prominently displaying the warning to the purchaser prior to completing the purchase." The Office of Environmental Health Hazard Assessment or OEHHA (the California state agency which oversees Prop 65) noted the following: "Some online retail sellers who currently provide an internet warning do so by providing the warning as a pop-up when the purchaser enters a California zip code. This is an example of a way to prominently display 'the warning to the purchaser prior to completing the purchase' as required by the regulation."

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