

A photograph of several cocoa beans, which are dark brown and have a rough, wrinkled texture. They are arranged in a scattered pattern against a light pink background. The beans are the central focus of the image, with some showing more detail than others.

NCA Statement on Consumer Reports Chocolate and Cocoa Study

16 Dec 2022

WASHINGTON – In response to the December 15, 2022, Consumer Reports study on chocolate and cocoa, the National Confectioners Association released the following statement:

STATEMENT

“Chocolate and cocoa are safe to eat and can be enjoyed as treats as they have been for centuries. The California Office of Environmental Health Hazard Assessment (OEHHA) guidelines cited in the Consumer Reports study are not food safety standards. An expert investigation conducted through our prior California Proposition 65 settlement concluded that cadmium and lead are present in cocoa and chocolate due to soil and that bean cleaning during processing cocoa beans reduces lead and cadmium in chocolate products. The products cited in this study are in compliance with strict quality and safety requirements, and the levels provided to us by Consumer Reports testing are well under the limits established by our settlement. Food safety and product quality remain our highest priorities and we remain dedicated to being transparent and socially responsible.”

ADDITIONAL BACKGROUND

More on our California Proposition 65 settlement and the expert investigation/final report: In 2018, the chocolate and cocoa industry agreed to a Consent Judgment in California. The Superior Court of the State of California, San Francisco County granted a motion to enter the Consent Judgment on February 14, 2018, which remains in effect. The Consent Judgment established concentration levels for both lead and cadmium that supersede the OEHHA MADLs for cocoa and chocolate products. Earlier this year, we released with As You Sow a three-year study on this subject. The full report and our joint reaction can be found here: <https://candyusa.com/news/research-reveals-ways-lead-and-cadmium-in-chocolate-may-be-reduced/>

More on consumption:

Consumers understand that chocolate and candy are treats. According to the CDC's National Health and Nutrition Survey (NHANES), people in the U.S. enjoy chocolate and candy 2-3 times per week, averaging just 40 calories per day and about one teaspoon of added sugar per day.

###

About the National Confectioners Association (NCA):

The [National Confectioners Association](#) is the leading trade organization for the U.S. confectionery industry, which generates \$37.5 billion in retail sales each year. NCA advocates for an environment that enables candy makers to thrive and works to ensure that chocolate, candy, gum and mints are celebrated for their contributions to culture, society, the economy and everyday moments of joy. The industry employs [nearly 58,000 workers](#) in more than 1,600 manufacturing facilities across all 50 states and supports an additional 635,000 jobs in related fields. The U.S. confectionery industry has [made a commitment](#) to increasing transparency, providing more portion guidance options and educating consumers about the role of confectionery in a happy, balanced lifestyle. Learn more at [CandyUSA.com](#) or follow NCA on [Facebook](#), [Twitter](#) and [Instagram](#).

***NOTE: Lily's (Mondelz) sent INFRA to the NCA website for this statement**



Statement from the Alter Eco Leadership Team

December 24, [2022](#)

We at Alter Eco Foods have always taken great measures and will continue to take all necessary steps to ensure quality, safety, and regulatory compliance in all our products.

We are aware of all legal and regulatory requirements applicable to our products including California's Proposition 65 law (the Law). Alter Eco works hard to follow the Law and implements good agricultural practices and the most responsible manufacturing practices. Before putting any product to market, we perform quality control measures that reduce the natural cadmium in our products to the lowest level currently feasible. By doing so, we ensure that the ingredients used in all our chocolate products are responsibly sourced and of the safest quality.

Alter Eco recognizes there are naturally occurring heavy metals such as cadmium in the earth's soil which become absorbed in naturally grown fruits, vegetables, and plants including cacao, which we use in our chocolate. We understand that any trace levels of cadmium in our products are naturally occurring and solely due to the absorption of the heavy metals naturally present in the soil where our plant-based ingredients are grown.

As always, we thank you for your continued support.



Beyond Good Cadmium Response

Cadmium is a natural element that is present in three main environmental compartments, air, water, and soil. Trace levels of minerals like lead and cadmium are naturally occurring in our product because they are naturally occurring in the organic soil from in which our organic cocoa grows. Cocoa plants take up cadmium from soils via their roots and deposit it in the nibs (center) of cocoa beans.

Dark chocolate with naturally occurring trace elements of cadmium is safe to eat. Many other foods contain naturally occurring cadmium, including cereals and bread, leafy vegetables, potatoes, legumes and nuts, and stem/root vegetables¹. These foods, like dark chocolate, are of course all safe to eat.

The Food and Agriculture Organization of the United Nations (FAO) and World Health Organization (WHO) recommends a cadmium intake level of 406 µg per kg per week for a 155 lb. person². A 155 lb. individual has to consume roughly 32 Beyond Good chocolate bars per week to exceed the recommended weekly intake of cadmium.

Our products mentioned in the Consumer Reports article meet the settlement limits and are in compliance with strict quality and safety requirements of the U.S. FDA and California's Proposition 65.

¹ Kim K, Melough MM, Vance TM, Noh H, Koo SI, Chun OK. Dietary Cadmium Intake and Sources in the US. *Nutrients*. 2018 Dec 20;11(1):2. doi: 10.3390/nu11010002. PMID: 30577418; PMCID: PMC6356330.

² Satarug S, Vesey DA, Gobe GC. Health Risk Assessment of Dietary Cadmium Intake: Do Current Guidelines Indicate How Much is Safe? *Environ Health Perspect*. 2017 Mar;125(3):284-288. doi: 10.1289/EHP108. Epub 2017 Mar 1. PMID: 28248635; PMCID: PMC5332171.



To our Valued Customers,

The high-quality cocoa beans used by our raw materials supplier come from active growing regions in West Africa.

Minerals and elements are naturally occurring in some level, even the tiniest of traces, in all foods that grow in soil.

Higher cocoa content chocolates naturally contain more minerals than lower cocoa content products.

In partnership with our suppliers, we source our ingredients carefully, follow sound manufacturing practices, and comply with all state and federal laws for food production.

Our customers have enjoyed our products safely for more than 27 years.

Thank you,
Chocolove

PO Box 18357 ▪ Boulder, Colorado 80308 ▪ Phone: 303-786-7888 ▪ Fax: 303-440-8850
Toll Free 1-888-CHOCOLOVE (246-2656) ▪ www.chocolove.com ▪ info@chocolove.com



1. What practices does your brand currently employ to ensure that your products are safe and free of harmful heavy metals?

ESC proudly adheres to the standards set forth in our industry, and we voluntarily commit ourselves to the highest standards for our supply chain and processes. We continue to be in-compliance with the standard set by NCA which are threshold based. We undergo third party testing of our chocolates. We're confident in the safety of our products.

We are currently testing our chocolate independently on a quarterly basis and our team is reviewing the best practices moving forward to ensure the lowest amount of heavy metals possible.

As the Consumer Reports article mentions, these solutions do take time, but we are committed to implementing and measuring the effectiveness of these efforts.

2. Do you all test finished products for heavy metals?

Heavy metals are naturally occurring in the soil and air all around the world and are present in many of the foods we eat (most commonly, leafy greens, root vegetables, nuts, fruits, and fish). In the case of chocolate, the source is the cocoa beans themselves, and is influenced by where they are grown, harvested and dried.

The California Office of Environmental Health Hazard Assessment (OEHHA) standards (also known as Prop 65) cited in the Consumer Reports study are not food safety standards. In 2018, the chocolate and cocoa industry agreed to a Consent Judgment in California, which established concentration levels for both lead and cadmium that supersede the OEHHA levels for cocoa and chocolate products. All products in the study – including ESC – are well under these limits.

ESC proudly adheres to the standards set forth in our industry, and we voluntarily commit ourselves to the highest standards for our supply chain and processes. We continue to be in-compliance with the standard set by NCA which are threshold based. We undergo third party testing of our chocolates. We're confident in the safety of our products.

3. What practices does your brand employ in your sourcing to ensure that your suppliers are testing for the presence of harmful heavy metals?

Endangered Species Chocolate only sources chocolate from suppliers who are active participants in and in compliance with the Consent Judgement in California referenced above. These suppliers are bound to regular testing and process improvement protocols.

Our supplier's food safety and quality teams work closely together with suppliers to ensure that the proper control measures and procedures are in place for all products supplied to them. They take several measures to minimize the levels of cadmium and lead in cocoa products, including monitoring and testing, the blending of beans to balance levels, and robust cleaning and shell removal practices. Our supplier's monitoring program includes heavy metals. The analyses are performed by an external laboratory on cocoa beans (for cocoa powder products) and chocolate liquor.

4. Does your brand currently offer any products that have reliably and consistently tested below California's Maximum Allowable Dose Levels for these metals? If so, which products?

Yes! We have tested our products with the highest percentage of cocoa to find that both are substantially under the threshold set by As You Sow and the NCA. All other products contain a lesser amount of cocoa and therefore are also under these thresholds.

88% Dark Chocolate

Lead: 0.025

Cadmium: 0.052

72% Dark Chocolate

Lead: 0.029ppm

Cadmium: 0.091ppm

5. What changes in sourcing/testing are underway or planned as a result of Consumer Reports' research?

We are working diligently with our chocolate supplier to assure the highest quality product that contains the most minimal heavy metal traces possible. We have also implemented quarterly testing of our products to ensure we continue to stay below the safety thresholds set by the NCA.

6. Solving the heavy metal contamination issue is an industrywide issue. Is your brand working with any industry groups/brand coalitions to solve this challenge?

Yes! This year Endangered Species Chocolate will be an active member of the NCA and as in years past, will participate in all available studies to address this issue. We are also keeping in close step with our chocolate supplier to support the efforts they are championing with the association as well.

EQUAL EXCHANGE

Equal Exchange first learned about the complex issue of heavy metals in chocolates many years ago, and since then we have worked with our partners to best navigate this in a way that ensures we sell safe products to our customers and that we continue to be true to supporting our farmer partners. We continue to be confident that our chocolate products are safe.

Cadmium and lead are found in chocolate at trace levels, most often due to uptake from soil on cacao farms through natural processes. This is not unique to cacao and is true for myriad other agricultural products. We work with our manufacturing partners in an ongoing way to have test data and information on cadmium and lead so that we can ensure our products are safe. In 2019, Equal Exchange took the step of opting into a settlement for heavy metals in chocolate products sold in California. The levels set in this agreement for cadmium and lead are similar to international standards, which Equal Exchange had been using as a reference due to the lack of federal guidance in the US. As part of this settlement, we work diligently to be in compliance with the agreement and sell products that are under these limits, and we can confidently state that our chocolate products are below these levels.

We want people to have a wider understanding of this issue and what it means for small-scale farmers. Cadmium is a naturally occurring element. Research shows that when found in chocolate, this element is naturally taken up through the soil by cacao trees. Heavy metals are naturally occurring in our world, and found in many other foods such as grains, potatoes, rice, leafy greens, tomatoes, cereals and more. Cadmium is often more prevalent in soil in Latin America, which is where we source most of our cacao beans, mainly due to the volcanic nature of the soil. This means that these trace levels end up in cacao beans and chocolate through no fault of the farmer. Equal Exchange's mission is to change the terms of trade for small-scale farmers who are so often the people in the supply chain that face the most risks, the most barriers and have the least access to support. The current "best" solution we have heard proposed by researchers of this issue is for buyers to source from locations where there is less cadmium in the soil. This would be a devastating solution for small-scale farmers and their families, who live in communities where cacao is often the best path to a viable livelihood. We will not abandon our partners but rather believe there needs to be better long-term solutions that are implemented in a way where farmers are not once again the ones who bear the largest consequences. Our other concern is that this will drive more purchases away from Latin America and into Africa, where the dominant model perpetuated by the conventional chocolate industry is based on poverty wages, child labor and environmental destruction stemming from deforestation and pesticide use.

Equal Exchange will continue to engage in this issue in a way that meets the needs of our customers and our farmer partners. We hope this information gives you the confidence you seek in our chocolate products but respect whatever purchasing decisions you choose to make.

EVOLVED

1. What practices does your brand currently employ to ensure that your products are safe and free of harmful heavy metals?

As per our supplier approval program all our Cacao Suppliers are tested annually or when we get a new supplier for Heavy metals and as per the results our 100% cacao is in compliance with California regulations (Prop 65)

2. Do you all test finished products for heavy metals?

100 % cacao from the supplier is tested on an annual basis and as per the results the Cacao is in compliance with California regulations (Prop 65). Our current product that uses 100% cacao has been tested for Lead and Cadmium and is in compliance with prop 65.

3. What practices does your brand employ in your sourcing to ensure that your suppliers are testing for the presence of harmful heavy metals?

All suppliers are requested to provide documents that show they are following prop 65.
Any new Cacao source is tested for heavy metals.

4. Does your brand currently offer any products that have reliably and consistently tested below California's Maximum Allowable Dose Levels for these metals? If so, which products?

All our products are in compliance with prop 65

5. What changes in sourcing/testing are underway or planned as a result of Consumer Reports' research?

All our Finished products and Cacao raw materials will be tested annually for Heavy metals

6. Solving the heavy metal contamination issue is an industry wide issue. Is your brand working with any industry groups/brand coalitions to solve this challenge?

No

Sincerely

DHANYA JAYARAJ

dhanya

QA MANAGER

eatingEVOLVED LLC
135 RICEFIELD LANE, HAUPPAUGE, NY 11788

To Our Community

December 22, 2022

An Important Message from The Hu Team

To our cherished Hu Community,

In the past few days, we have received messages from a number of you following a recent news story referencing Hu dark chocolate. We've connected with many of you directly, but we felt it was important to share our perspective with you, our broader Hu community.

We know the story that mentioned Hu dark chocolate was concerning to you. It was also deeply disturbing and frustrating to us. As a brand that was founded on a commitment to health and wellbeing learnings and a passion for human-centric philosophy, nothing is more important to us than being open and providing you with safe and delicious products.

We are writing this – from all members of the Hu team – to explain a bit about the media coverage, address your concerns, and put you and your families at ease. We appreciate the chance to address what was written about Hu.

Most importantly, you and your families have *nothing* to be concerned about eating Hu chocolate.

- By a very large margin, Hu chocolate easily complies with: (i) the U.S. Food & Drug Administration (FDA) safety limits; (ii) European Union safety limits; and (iii) **the far-stricter** requirements of a 2018 California State court judgment.
- Chocolate — especially dark chocolate — contains trace amounts of naturally-occurring heavy metals that originate from the soil in which the cacao trees are planted, similar to many other crops grown in soil, including sweet potatoes, spinach, and carrots. This is nothing new and has been a part of the chocolate world for ages, as the cacao tree's roots absorb what's naturally occurring in the soil. The higher the percentage of cacao in a chocolate product, the more likely there will be naturally occurring trace amounts of heavy metals. This does not mean that our chocolate is unsafe to eat.
- Given Hu's compliance with the requirements and safety limits outlined above, we understand that you may still be asking: **"But where did the numbers shown in the media story specific to Hu chocolate come from?"**

In response to this question, the specific media story compared levels of lead and cadmium with the media outlet's interpretation of levels set forth in a California State regulation known as "California Proposition 65," which is the same broad regulation with a history of requiring California coffee shops to put warnings on their coffee; hotels to post warnings in their lobbies; amusement parks to post warnings at their entrances; and retailers to place warning labels on luggage.

- The story's interpretation of California Proposition 65 suggests naturally occurring trace amounts of lead levels that are significantly lower than the safety limits set forth by the FDA, the European Union, and the far-stricter 2018 California State court judgment. Specifically:
- 98% lower than European Union regulations;
- 96% lower than FDA regulations; and
- 89% lower than the far-stricter 2018 California State court judgment

- The California State court judgment requires dark chocolate sold in California to have lead levels less than 0.150 micrograms per gram of chocolate (a microgram is equal to one millionth of a gram). Hu dark chocolate was measured in the media coverage at a lead level of 0.035 micrograms per gram of chocolate. **So, Hu is 77% below the level required by the already far-stricter California State court judgment.**
- We at Hu, like other chocolate manufacturers, continue to look for ways to reduce the naturally occurring trace amounts of heavy metals in our products. But even as we do this, it is *not* because our chocolate is unsafe to eat.
- We jointly work with our suppliers to monitor the naturally occurring trace amounts of heavy metals in our chocolate to ensure we comply with all safety standards, including those in the far-stricter California State court judgment.

Thank you for sharing your concerns, giving us the chance to respond to you, and continuing to be part of our Hu community. We hope this information puts you and your families at ease.

Wishing you all the joys of the holiday season,

The Hu Team



Inspired People.
Inspired Food.



Quality Assurance

Hormel Foods Corporate Services, LLC
1 Hormel Place
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January 4, 2023

To Whom it May Concern:

Thank you for your questions about JUSTIN'S® products and the Consumer Reports article entitled "Lead and Cadmium Could Be in Your Dark Chocolate." The JUSTIN'S® brand team takes pride in providing wholesome, safe and delicious products to our fans everywhere. Health, safety and quality are our top priorities.

It has been known for quite a long time that heavy metals such as lead and cadmium are naturally occurring in chocolate and cacao-based products. The Food and Drug Administration has been studying this issue since at least the 1990s, yet the FDA has not issued any binding requirements/limits for lead or cadmium in chocolate or chocolate products. The FDA has issued a *recommended* maximum lead level in candy likely to be consumed frequently by small children, which is 100 parts per billion. This level is 200 times higher than the Consumer Reports incorrectly called the "maximum allowable dose level" under California law.

In fact, there is no "maximum allowable dose level" under California law for lead, cadmium or other heavy metals in chocolate or food generally. We believe the law to which Consumer Reports was referring is a California law known as "Proposition 65," which applies to all consumer products. Proposition 65 does not ban the use of any chemicals or prohibit their use in any products, food or otherwise. It only requires that a warning be given before knowingly and intentionally exposing consumers to lead, cadmium, and more than 900 other chemicals when they are present above various thresholds.

Justin's procures its chocolate from certain parties to a Consent Judgment entered in *As You Sow v. Trader Joe's Company, et al.*, San Francisco County Superior Court Case No. CGC-15-548791.¹ Thus, the chocolate used in JUSTIN'S® products cannot exceed the levels requiring a warning under Proposition 65 due to the Consent Judgment.

We remain committed to continuing to delight our fans by providing the highest quality products. Thank you for your interest.

¹ A copy of the Consent Judgment can be obtained from the California Attorney General's website at <https://oag.ca.gov/system/files/prop65/judgments/2014-01160J3733.PDF>.

Samantha Allen
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Re: Response Requested: Heavy Metals in Chocolate

1. What practices does your brand currently employ to ensure that your products are safe and free of harmful heavy metals? **The raw materials used in our products manufactured in Europe are subject to the EU regulation for mycotoxins (Regulation (EC) No 1881/2006 setting maximum levels for certain contaminants in foodstuffs) and are compliant with this regulation.**
2. Do you all test finished products for heavy metals? **We do not currently test finished products for heavy metals**
3. What practices does your brand employ in your sourcing to ensure that your suppliers are testing for the presence of harmful heavy metals? **Our co-manufacturers demonstrate compliance to EU regulations and conduct analyses on raw materials that may contain heavy metals.**
4. Does your brand currently offer any products that have reliably and consistently tested below California's Maximum Allowable Dose Levels for these metals? If so, which products? **We do not currently test our finished goods for heavy metals.**
5. What changes in sourcing/testing are underway or planned as a result of Consumer Reports' research? **We believe the raw materials testing and compliance with EU regulations that our suppliers adhere to is sufficient currently. Our products do not have high cocoa content unlike the products tested by Consumer Reports.**
6. Solving the heavy metal contamination issue is an industrywide issue. Is your brand working with any industry groups/brand coalitions to solve this challenge? **Not currently, but we are researching how our brand can best contribute.**

Please let me know if you have any questions or further concerns.

A handwritten signature in black ink, appearing to read 'Liz Reynolds'.

Liz Reynolds
Director of Operations



Response to Consumer Reports Article on Metal Content

Pascha Chocolate is aware of the in Consumer Reports article that has just been released regarding metal content in chocolate.

This is an issue the chocolate industry takes very seriously and has been working hard on for several years to ensure product safety. As the National Confectioners Association said in a statement they put out last week:

"The products cited in this study are in compliance with strict quality and safety requirements,"

<https://candyusa.com/news/nca-statement-on-consumer-reports-chocolate-and-cocoa-study/>

The standards that Pascha Chocolate works to are the now generally accepted standards established in a 2018 Settlement between the chocolate industry and advocates of California's Prop 65 law. This 2018 Agreement defined acceptable safety standards that superseded the limits for cadmium and lead cited in the original Prop 65 law in California that Consumer Reports refers to. Pascha Chocolate tests every batch of cocoa beans and every batch of finished chocolate to ensure that all chocolate we sell is under the agreed 2018 limits.

You may be interested in the report done on metals in chocolate that is published on the As You Sow website. As You Sow are one of the main consumer advocate groups in California active in Prop 65 investigations in chocolate and other industries.

<https://www.asyousow.org/environmental-health/toxic-enforcement/toxic-chocolate>

The As You Sow website scores different chocolate brands against the safety criteria on metals in chocolate and gives Pascha a "green light" finding our products safe and in compliance.

Pascha Chocolate were contacted by Consumer Reports before they released their report and we provided feedback. We note that the Consumer Reports article ignores some important parts of the debate that they were aware of:

- Major progress has been made by the industry to reduce metal levels over the last few years since Consumer Reports first reported on it and yet they make no mention of this in their new report.

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- The report does not use the standards established in 2018 by the main consumer advocates of Prop 65 protection and the main industry companies.
- There are no FDA defined maximum metal levels in chocolate but there are some international levels that again the Consumer Reports piece ignores. In the EU the maximum level for cadmium in chocolate with more than 50% cocoa content is 0.8 ppm, which is much higher than the limit that Pascha Chocolate works to.
- Consumer Reports show their test data in percentage terms instead of more meaningful actual numbers. The difference in their eyes between "good" and "high" is about 0.25 parts per million. Expressing this difference as a percentage is good for generating headlines but makes differences between products sound much larger than it is when expressed in actual parts per million.
- Consumer Reports ignore serving size. They compared everything on a 1 oz basis, which is not the usual consumption size of high cacao bars of chocolate which tend to be eaten in small quantities such as a square at a time. Because of the ppm levels involved it is the total amount of chocolate eaten that is of far more importance to metal exposure than anything else.

Pascha Chocolate Company remains committed to working to the accepted safety standards for chocolate, and in relation to cadmium and lead this means the 2018 standard agreed between the major industry players and the prime consumer advocates of Prop 65 protections. Every product we sell meets those standards.

A handwritten signature in blue ink, appearing to read "Simon Lester".

Simon Lester
President & CEO
Date: December 19 2022



Date: 1.3.23

Cadmium and Lead in Chocolate

Our chocolate suppliers conduct heavy metal testing across their supply chain – this includes testing cocoa beans and finished chocolate. Based on their test results, we are confident our chocolate meets regulatory requirements, including thresholds set forth in Proposition 65.

For context, heavy metals such as lead and cadmium are naturally occurring in the Earth's soil and water and exist in trace amounts in virtually all foods, including fish, meats, grains, fruits and vegetables as well as cocoa beans. The FDA and other health authorities have determined that trace amounts of heavy metals in food are unavoidable and present no public health risk.

That said, even though we require information from our suppliers to ensure that our ingredients meet the required standards, we take any safety questions like this to heart; we will continue to follow this topic closely and update our consumers if new information becomes available.

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January 2023

At Theo, the safety and quality of our products is our top priority, and we are confident that our products meet the standards set forth in our industry and are safe to be consumed.

Heavy metals like lead and cadmium are found in the soil and air all around the world. They naturally occur in many of the foods we eat – most commonly leafy greens, root vegetables like sweet potatoes, nuts, and fruits. Cocoa comes from the beans found in the fruit of the Theobroma cacao tree. Elements like cadmium naturally occur in the cocoa beans due to the absorption by the roots of the tree from the soil. Lead levels are influenced by where and how the cocoa beans are grown, harvested and dried. According to the FDA in late 2022, “environmental contaminants can be present in foods because they are in the environments where foods are grown, raised or processed. The presence of cadmium and lead in chocolate are well documented...” It is an issue that is present across not only the chocolate industry worldwide, but many food sources.

The California Office of Environmental Health Hazard Assessment (OEHHA) standards (also known as Prop 65) cited in the Consumer Reports study are not food safety standards. In 2018, the chocolate and cocoa industry agreed to a Consent Judgment in California, which established concentration levels for both lead and cadmium that supersede the OEHHA levels for cocoa and chocolate products. All products in the study – including Theo – are well under these limits.

In addition to a robust food safety plan (including SFQ certification), Theo regularly (more frequently than the cocoa crop changes) tests our finished products for the presence of heavy metals to ensure we are not exceeding these standards with the goal of ongoing reduction in these levels over time.

This topic is not new and is an industry-wide issue. The 2018 Consent Agreement in California provided a framework for the industry to reduce cadmium and lead levels in cocoa and chocolate products. As a brand leader in the industry Theo is committed to pursue these reductions in our products. As a result of the agreement, the National Confectioners Association, with contributions from many brands including Theo, also funded a three-year expert research study into the causes and reduction measures of heavy metals in chocolate, released in August of 2022. Our team is reviewing the results of the report to identify opportunities for Theo to reduce the presence of heavy metals in the cocoa beans we source, including a potential secondary source for cocoa beans.



Theo is proud to source our cocoa beans through direct relationships with our sourcing partners and the farmers who grow and harvest our beans in the Eastern Congo. We are working with our sourcing partners in the region to review the results of the research as well, so we can continue to develop our partnership with the existing communities who grow and harvest our cacao. As we explore improvements to our sourcing strategy to address this industry-wide issue, we will stay true to the fair trade commitments that are core to our mission. As the research report mentions, these solutions do take time, but we are committed to implementing and measuring the effectiveness of these efforts through continued regular heavy metal testing of our products.

Tony's Chokoloney

We take health and safety very seriously at Tony's.

Our chocolate bars are well within the range that European Food Safety Authority (EFSA) and the US Food and Drug Administration (FDA) deem safe.

So, you can rest assured that Tony's dark chocolate meets the legal requirements and the same strict standards as other foods you buy on a day-to-day basis and is safe to consume.

The guidelines by the California Office of Environmental Health Hazard Assessment (OEHHA) upon which the findings of the Consumer Reports study are based are not food safety standards.

The reason metals like lead end up in the chocolate is that they occur naturally in soil and during harvesting.

We absolutely work to do analysis to ensure the level are as low as possible.

When performing analysis on our finished products we maintain a threshold of 0.10 ppm, which is well below the legal health and safety threshold.

Tony's dark chocolate therefore meets the legal requirements and the same strict standards as other foods folks buy on a day-to-day basis and is safe to consume.

Overview of actions we take to reduce heavy metals in our bars:

- Our products are frequently analyzed by ourselves and our chocolate manufacturer, Barry Callebaut, on different chemical parameters, including lead
- The analysis is done by an external accredited lab. The results are very consistent and always well below the threshold.
- As part of its commitment to ensure the highest standards of food safety, our couverture supplier, Barry Callebaut, has implemented a Global Quality and Food Safety System.
- This system includes detailed raw material specifications, requirements for supplier audits, internal and external audits, certification standards and a materials monitoring surveillance program.
- Barry Callebaut also has a material monitoring surveillance program in place to obtain objective evidence that certain chemical contaminants which may be naturally present, or inadvertently introduced into materials, are within acceptable limits.
- In addition, samples of semi-finished and finished products are also analyzed.