



**January 2023**

**At Theo Chocolate, 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.**

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

Theo regularly tests our products for heavy metals, and all our products are safe to consume. 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.

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 the standards established in a 2018 Consent Judgement in California, which established concentration levels for both lead and cadmium that supersede the OEHHA levels for cocoa and chocolate products (also known as Prop 65), and with the goal of ongoing reduction in these levels over time.

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

We regularly test a representative sample of products across our portfolio to ensure we have a scientific baseline of measurement. Testing every product we make is not necessary, as the cocoa content is the main factor in the presence of heavy metals. All of our products share our same made-from-scratch chocolate as the primary ingredient, just in different cocoa percentages (for example, 70% or 85%).



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

As a bean-to-bar chocolate manufacturer, there are very few layers in our supply chain. We source all the ingredients directly to make our chocolate from scratch, including cocoa beans – which are the primary source of heavy metals in chocolate products. We work directly with our sourcing partners, who support the farmers who grow and harvest our cocoa beans with best practices and training to limit the exposure of the beans to heavy metals. We test the finished products (instead of individual ingredients) to ensure our products are safe to be consumed.

**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 Theo products are reliably and consistently below the standards for chocolate established in a 2018 Consent Judgement in California. This judgement superseded the levels established by the commonly known California Proposition 65 law, which was originally established in 1986 to determine if all kinds of products, including chocolate, require warnings on their labels based on maximum levels. The 2018 Consent Judgement cadmium levels are also lower than both the EU standards and the Codex Alimentarius standards (used by the World Health Organization and Food and Agriculture Organization of the United Nations).

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

A three-year expert research study into the causes and reduction measures of heavy metals in chocolate was 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.

**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?**

The National Confectioners Association, with contributions from many brands including Theo, funded the recent expert research report on this topic as an outcome of the 2018 Consent Judgement. This judgement also established a framework for the industry to reduce the cadmium and lead levels in cocoa and chocolate products. As a brand leader in the industry, Theo is committed to pursuing these reductions in our products as well.

Our cocoa sourcing partner(s) are also committed to addressing the challenge and have direct relationships and access to the farmer communities who can affect change with improvements to their farming and harvesting practices. We will continue to work with them to support these efforts.