

ENDORSED
FILED
ALAMEDA COUNTY

MAR 17 2014

CLERK OF SUPERIOR COURT
Donnan Platt

1 Michael R. Lozeau (CBN 142893)
2 Richard T. Drury (CBN 163559)
3 LOZEAU | DRURY LLP
4 410 12th Street, Suite 250
5 Oakland, CA 94607
6 Ph: 510-836-4200
7 Fax: 510-836-4205
8 Email: michael@lozeaudrury.com
9 richard@lozeaudrury.com

6 Attorney for Plaintiff
7 ENVIRONMENTAL RESEARCH CENTER

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF ALAMEDA

10 ENVIRONMENTAL RESEARCH CENTER,)
11 a non-profit California corporation,)
12 Plaintiff,)
13 v.)
14 THORNE RESEARCH, INC., an Idaho)
15 Corporation,)
16 Defendant.)

Case No. **RG147 27655**
**COMPLAINT FOR INJUNCTIVE
RELIEF AND CIVIL PENALTIES**
Health & Safety Code §25249.5, *et seq.*

16 Plaintiff Environmental Research Center brings this action in the interests of the
17 general public and, on information and belief, hereby alleges:

18 INTRODUCTION

19 1. This action seeks to remedy the continuing failure of Defendant Thorne
20 Research, Inc. to warn consumers in California that they are being exposed to lead, a substance
21 known to the State of California to cause cancer, birth defects, and other reproductive harm.
22 Defendant manufactures, packages, distributes, markets, and/or sells in California certain
23 products containing lead, including each of the following products (collectively the
24 "PRODUCTS"):

- 25 a. Thorne Research Inc. Thorne Performance Prevail Vegan Protein
26 Chocolate

- b. Thorne Research Inc. Uristatin
- c. JJ Virgin and Associates Inc. The Virgin Diet All-In-One Shake Chai
- d. Thorne Research Inc. Artecín
- e. Thorne Research Inc. IM-Encap
- f. Thorne Research Inc. Bio-PMT
- g. Thorne Research Inc. Pepti-Guard
- h. Thorne Research Inc. Medibulk
- i. Thorne Research Inc. VegaLite Chocolate
- j. Thorne Research Inc. VegaLite Vanilla
- k. Thorne Research Inc. MediClear Plus
- l. Thorne Research Inc. MediClear-SGS Chocolate
- m. JJ Virgin and Associates Inc. The Virgin Diet Vanilla All-In-One Shake
- n. Thorne Research Inc. Thorne Performance Rebound
- o. Thorne Research Inc. Fractionated Pectin Powder
- p. JJ Virgin and Associates Inc. The Virgin Diet Chocolate All-In-One Shake
- q. Thorne Research Inc. MediPro Vegan All-In-One Shake Vanilla
- r. Thorne Research Inc. MediPro Vegan All-In-One Shake Chocolate

2. Lead (hereinafter, the “LISTED CHEMICAL”) is a substance known to the State of California to cause cancer, birth defects, and other reproductive harm.

3. The use and/or handling of the PRODUCTS causes exposures to the LISTED CHEMICAL at levels requiring a “clear and reasonable warning” under California's Safe Drinking Water and Toxic Enforcement Act of 1986, Health & Safety Code (“H&S Code”) §25249.5, *et seq.* (also known as “Proposition 65”). Defendant has failed to provide the health hazard warnings required by Proposition 65.

1 4. Defendant's continued manufacturing, packaging, distributing, marketing and/or
2 sales of the PRODUCTS without the required health hazard warnings, causes individuals to be
3 involuntarily and unwittingly exposed to levels of the LISTED CHEMICAL that violate
4 Proposition 65.

5 5. Plaintiff seeks injunctive relief enjoining Defendant from the continued
6 manufacturing, packaging, distributing, marketing and/or sales of the PRODUCTS in
7 California without provision of clear and reasonable warnings regarding the risks of cancer,
8 birth defects, and other reproductive harm posed by exposure to the LISTED CHEMICAL
9 through the use and/or handling of the PRODUCTS. Plaintiff seeks an injunctive order
10 compelling Defendant to bring its business practices into compliance with Proposition 65 by
11 providing a clear and reasonable warning to each individual who has been and who in the
12 future may be exposed to the LISTED CHEMICAL from the use of the PRODUCTS. Plaintiff
13 also seeks an order compelling Defendant to identify and locate each individual person who in
14 the past has purchased the PRODUCTS, and to provide to each such purchaser a clear and
15 reasonable warning that the use of the PRODUCTS will cause exposures to the LISTED
16 CHEMICAL.

17 6. In addition to injunctive relief, Plaintiff seeks an assessment of civil penalties in
18 excess of \$15 million to remedy Defendant's failure to provide clear and reasonable warnings
19 regarding exposures to the LISTED CHEMICAL.

20 **JURISDICTION AND VENUE**

21 7. This Court has jurisdiction over this action pursuant to California Constitution
22 Article VI, Section 10, which grants the Superior Court "original jurisdiction in all causes
23 except those given by statute to other trial courts." The statute under which this action is
24 brought does not specify any other basis for jurisdiction.

25 8. This Court has jurisdiction over Defendant because, based on information and
26 belief, Defendant is a business having sufficient minimum contacts with California, or

1 otherwise intentionally availing itself of the California market through the distribution and sale
2 of the PRODUCTS in the State of California to render the exercise of jurisdiction over it by the
3 California courts consistent with traditional notions of fair play and substantial justice.

4 9. Venue in this action is proper in the Alameda Superior Court because the
5 Defendant has violated California law in the County of Alameda.

6 10. On December 13, 2013, PLAINTIFF sent a 60-Day Notice of Proposition 65
7 (“Notice”) violations to the requisite public enforcement agencies, and to DEFENDANT. A
8 true and correct copy of the Notice is attached hereto as Exhibit A and incorporated by
9 reference. The Notice was issued pursuant to, and in compliance with, the requirements of
10 H&S Code §25249.7(d) and the statute's implementing regulations regarding the notice of the
11 violations to be given to certain public enforcement agencies and to the violator. The Notice
12 included, *inter alia*, the following information: the name, address, and telephone number of the
13 noticing individual; the name of the alleged violator; the statute violated; the approximate time
14 period during which violations occurred; and descriptions of the violations, including the
15 chemicals involved, the routes of toxic exposure, and the specific product or type of product
16 causing the violations, and was issued as follows:

- 17 a. DEFENDANT was provided a copy of the Notice by Certified Mail.
- 18 b. DEFENDANT was provided a copy of a document entitled “The Safe
19 Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A
20 Summary,” which is also known as Appendix A to Title 27 of CCR
21 §25903.
- 22 c. The California Attorney General was provided a copy of the Notice via
23 online submission.
- 24 d. The California Attorney General was provided with a Certificate of Merit
25 by the attorney for the noticing party, stating that there is a reasonable
26 and meritorious case for this action, and attaching factual information

1 sufficient to establish a basis for the certificate, including the identity of
2 the persons consulted with and relied on by the certifier, and the facts,
3 studies, or other data reviewed by those persons, pursuant to H&S Code
4 §25249.7(h) (2).

5 11. At least 60-days have elapsed since PLAINTIFF sent the NOTICE to
6 DEFENDANT. The appropriate public enforcement agencies have failed to commence
7 and diligently prosecute a cause of action under H&S Code §25249.5, *et seq.* against
8 DEFENDANT based on the allegations herein.

9 **PARTIES**

10 12. PLAINTIFF Environmental Research Center (“PLAINTIFF” or “ERC”) is a
11 non-profit corporation organized under California’s Corporation Law. ERC is dedicated to,
12 among other causes, reducing the use and misuse of hazardous and toxic substances, consumer
13 protection, worker safety, and corporate responsibility.

14 13. ERC is a person within the meaning of H&S Code §25118 and brings this
15 enforcement action in the public interest pursuant to H&S Code §25249.7(d).

16 14. Defendant THORNE RESEARCH, INC. (“DEFENDANT” or “THORNE
17 RESEARCH”) is a corporation organized under the State of Idaho’s Corporation Law
18 and is a person doing business within the meaning of H&S Code §25249.11.

19 15. DEFENDANT manufactures, packages, distributes, markets and/or sells the
20 PRODUCTS for sale or use in California and in Alameda County.

21 **STATUTORY BACKGROUND**

22 16. The People of the State of California have declared in Proposition 65 their right
23 “[t]o be informed about exposures to chemicals that cause cancer, birth defects, or other
24 reproductive harm.” (Section 1(b) of Initiative Measure, Proposition 65).

25 17. To effect this goal, Proposition 65 requires that individuals be provided with a
26 “clear and reasonable warning” before being exposed to substances listed by the State of

1 California as causing cancer or reproductive toxicity. H&S Code §25249.6 states, in pertinent
2 part:

3 No person in the course of doing business shall knowingly and intentionally
4 expose any individual to a chemical known to the state to cause cancer or
5 reproductive toxicity without first giving clear and reasonable warning to such
6 individual....

7 18. “‘Knowingly’ refers only to knowledge of the fact that a discharge of, release of,
8 or exposure to a chemical listed pursuant to Section 25249.8(a) of the Act is occurring. No
9 knowledge that the discharge, release or exposure is unlawful is required.” 27 California Code
10 of Regulations (“CCR”) §25102(n).

11 19. Proposition 65 provides that any person “violating or threatening to violate” the
12 statute may be enjoined in a court of competent jurisdiction. (H&S Code §25249.7). The
13 phrase “threatening to violate” is defined to mean creating “a condition in which there is a
14 substantial likelihood that a violation will occur.” (H&S Code §25249.11(e)). Violators are
15 liable for civil penalties of up to \$2,500 per day for each violation of the Act. (H&S Code
16 §25249.7.)

17 **FACTUAL BACKGROUND**

18 20. On February 27, 1987, the State of California officially listed the chemical lead
19 as a chemical known to cause reproductive toxicity. Lead became subject to the warning
20 requirement one year later and was therefore subject to the “clear and reasonable” warning
21 requirements of Proposition 65 beginning on February 27, 1988. (27 California Code of
22 Regulations (“CCR”) §25000, *et seq.*; H&S Code §25249.5, *et seq.*). Due to the high toxicity
23 of lead, the maximum allowable dose level for lead is 0.5 ug/day (micrograms a day) for
24 reproductive toxicity. 27 CCR § 25805(b).

25 21. On October 1, 1992, the State of California officially listed the chemicals lead
26 and lead compounds as chemicals known to cause cancer. Lead and lead compounds became
subject to the warning requirement one year later and were therefore subject to the “clear and
reasonable” warning requirements of Proposition 65 beginning on October 1, 1993. (27 CCR

1 § 25102, *et seq.*; H&S Code §25249.6, *et seq.*). Due to the carcinogenicity of lead, the no
2 significant risk level for lead is 15 ug/day (micrograms a day). 27 CCR § 25705(b)(1).

3 22. To test Defendant’s PRODUCTS for lead, PLAINTIFF hired a well-respected
4 and accredited testing laboratory that designed the testing protocol used and approved by the
5 California Attorney General years ago for testing heavy metals. The results of testing
6 undertaken by PLAINTIFF of DEFENDANT’s PRODUCTS show that the PRODUCTS tested
7 were in violation of the 0.5 ug/day “safe harbor” daily dose limit set forth in Proposition 65’s
8 regulations. The results of testing undertaken by PLAINTIFF of DEFENDANT’s MediClear
9 Plus product show that product was in violation of the 15 ug/day “safe harbor” no significant
10 risk level set forth in Proposition 65’s regulations for chemicals listed as carcinogens. Very
11 significant is the fact that people are being exposed to lead through ingestion as opposed to
12 other not as harmful methods of exposure such as dermal exposure. Ingestion of lead produces
13 much higher exposure levels and health risks than does dermal exposure to this chemical.

14 23. At all times relevant to this action, DEFENDANT, therefore, has knowingly and
15 intentionally exposed the users and/or handlers of the PRODUCTS to the LISTED
16 CHEMICAL without first giving a clear and reasonable warning to such individuals.

17 24. The PRODUCTS have allegedly been sold by DEFENDANT for use in
18 California since at least December 13, 2010. The PRODUCTS continue to be distributed
19 and sold in California without the requisite warning information.

20 25. As a proximate result of acts by DEFENDANT, as a person in the course of doing
21 business within the meaning of Health & Safety Code §25249.11, individuals throughout the
22 State of California, including in the County of Alameda, have been exposed to the LISTED
23 CHEMICAL without a clear and reasonable warning. The individuals subject to the illegal
24 exposures include normal and foreseeable users of the PRODUCTS, as well as all other
25 persons exposed to the PRODUCTS.

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FIRST CAUSE OF ACTION

(Injunctive Relief for Violations of Health and Safety Code § 25249.5, *et seq.* concerning the PRODUCTS described in the December 13, 2013 Prop. 65 Notice)

Against Thorne Research

26. PLAINTIFF realleges and incorporates by reference Paragraphs 1 through 25, inclusive, as if specifically set forth herein.

27. By committing the acts alleged in this Complaint DEFENDANT at all times relevant to this action, and continuing through the present, has violated H&S Code §25249.6 by, in the course of doing business, knowingly and intentionally exposing individuals who use or handle the PRODUCTS set forth in the Notice to the LISTED CHEMICAL, without first providing a clear and reasonable warning to such individuals pursuant to H&S Code §§ 25249.6 and 25249.11(f).

28. By the above-described acts, DEFENDANT has violated H&S Code § 25249.6 and is therefore subject to an injunction ordering DEFENDANT to stop violating Proposition 65, to provide warnings to all present and future customers, and to provide warnings to DEFENDANT's past customers who purchased or used the PRODUCTS without receiving a clear and reasonable warning.

29. An action for injunctive relief under Proposition 65 is specifically authorized by Health & Safety Code §25249.7(a).

30. Continuing commission by DEFENDANT of the acts alleged above will irreparably harm the citizens of the State of California, for which harm they have no plain, speedy, or adequate remedy at law.

Wherefore, PLAINTIFF prays judgment against DEFENDANT, as set forth hereafter.

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SECOND CAUSE OF ACTION

(Civil Penalties for Violations of Health and Safety Code § 25249.5, *et seq.* concerning the PRODUCTS described in PLAINTIFF's NOTICE)

Against Thorne Research

31. PLAINTIFF realleges and incorporates by reference Paragraphs 1 through 30,

1 inclusive, as if specifically set forth herein.

2 32. By committing the acts alleged in this Complaint, DEFENDANT at all times
3 relevant to this action, and continuing through the present, has violated H&S Code §25249.6 by,
4 in the course of doing business, knowingly and intentionally exposing individuals who use or
5 handle the PRODUCTS set forth in the Notice to the LISTED CHEMICAL, without first
6 providing a clear and reasonable warning to such individuals pursuant to H&S Code §§ 25249.6
7 and 25249.11(f).

8 33. By the above-described acts, DEFENDANT is liable, pursuant to H&S Code
9 §25249.7(b), for a civil penalty of \$2,500 per day per violation for each unlawful exposure to the
10 LISTED CHEMICAL from the PRODUCTS, in an amount in excess of \$15 million.

11 Wherefore, PLAINTIFF prays judgment against DEFENDANT, as set forth hereafter.

12 **THE NEED FOR INJUNCTIVE RELIEF**

13 34. PLAINTIFF realleges and incorporates by this reference Paragraphs 1 through
14 33, as if set forth below.

15 35. By committing the acts alleged in this Complaint, DEFENDANT has caused
16 irreparable harm for which there is no plain, speedy or adequate remedy at law. In the absence
17 of equitable relief, DEFENDANT will continue to create a substantial risk of irreparable injury
18 by continuing to cause consumers to be involuntarily and unwittingly exposed to the LISTED
19 CHEMICAL through the use and/or handling of the PRODUCTS.

20 **PRAYER FOR RELIEF**

21 Wherefore, PLAINTIFF accordingly prays for the following relief:

22 A. a preliminary and permanent injunction, pursuant to H&S Code §25249.7(b),
23 enjoining DEFENDANT, its agents, employees, assigns and all persons acting in concert or
24 participating with DEFENDANT, from distributing or selling the PRODUCTS in California
25 without first providing a clear and reasonable warning, within the meaning of Proposition 65,
26 that the users and/or handlers of the PRODUCTS are exposed to the LISTED CHEMICAL.

1 B. an injunctive order, pursuant to H&S Code §25249.7(b), compelling
2 DEFENDANT to identify and locate each individual who has purchased the PRODUCTS since
3 December 13, 2010, and to provide a warning to such person that the use of the PRODUCTS
4 will expose the user to chemicals known to cause cancer, birth defects, and other reproductive
5 harm.

6 C. an assessment of civil penalties pursuant to Health & Safety Code §25249.7(b),
7 against DEFENDANT in the amount of \$2,500 per day for each violation of Proposition 65, in
8 an amount in excess of \$15 million;

9 D. an award to PLAINTIFF of its reasonable attorney's fees and costs of suit
10 pursuant to California Code of Civil Procedure §1021.5, as PLAINTIFF shall specify in further
11 application to the Court; and,

12 E. such other and further relief as may be just and proper.

13 DATED: March 17, 2014

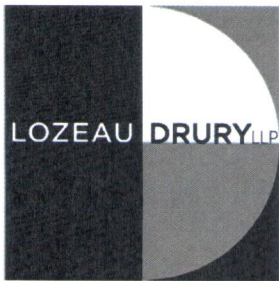
LOZEAU DRURY LLP

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17 Michael R. Lozeau
18 Attorneys for Plaintiff
19 Environmental Research Center
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Exhibit A



T 510.836.4200
F 510.836.4205

410 12th Street, Suite 250
Oakland, Ca 94607

www.lozeaudrury.com
richard@lozeaudrury.com

VIA CERTIFIED MAIL

Current CEO or President
Thorne Research, Inc.
25820 Highway 2 West
Sandpoint, ID 83864

Current CEO or President
Thorne Research, Inc.
PO Box 25
Dover, ID 83825

Kim Randall Pearson
(Thorne Research, Inc.'s
Registered Agent for Service of Process)
25820 Highway 2 West
Sandpoint, ID 83864

VIA ONLINE SUBMISSION

Office of the California Attorney General

VIA PRIORITY MAIL

District Attorneys of All California Counties
and Select City Attorneys
(See Attached Certificate of Service)

Re: Notice of Violations of California Health & Safety Code Section 25249.5 *et seq.*

Dear Addressees:

I represent the Environmental Research Center ("ERC") in connection with this Notice of Violations of California's Safe Drinking Water and Toxic Enforcement Act of 1986, which is codified at California Health & Safety Code Section 25249.5 *et seq.* and also referred to as Proposition 65.

ERC is a California non-profit corporation dedicated to, among other causes, helping safeguard the public from health hazards by bringing about a reduction in the use and misuse of hazardous and toxic chemicals, facilitating a safe environment for consumers and employees, and encouraging corporate responsibility.

The name of the Company covered by this notice that violated Proposition 65 (hereinafter the "Violator") is:

Thorne Research, Inc.

The products that are the subject of this notice and the chemicals in those products identified as exceeding allowable levels are:

1. **Thorne Research Inc Thorne Performance Prevail Vegan Protein Chocolate - Lead**
2. **Thorne Research Inc Uristatin - Lead**
3. **JJ Virgin and Associates Inc The Virgin Diet All-In-One Shake Chai - Lead**
4. **Thorne Research Inc Artecina - Lead**
5. **Thorne Research Inc. IM-Encap - Lead**
6. **Thorne Research Inc. Bio-PMT - Lead**
7. **Thorne Research Inc. Pepti-Guard - Lead**
8. **Thorne Research Inc. Medibulk - Lead**
9. **Thorne Research Inc. VegaLite Chocolate - Lead**
10. **Thorne Research Inc. VegaLite Vanilla - Lead**
11. **Thorne Research Inc. MediClear Plus - Lead**
12. **Thorne Research Inc. MediClear-SGS Chocolate - Lead**
13. **JJ Virgin and Associates Inc. The Virgin Diet Vanilla All-In-One Shake - Lead**
14. **Thorne Research Inc. Thorne Performance Rebound - Lead**
15. **Thorne Research Inc. Fractionated Pectin Powder - Lead**
16. **JJ Virgin and Associates Inc. The Virgin Diet Chocolate All-In-One Shake - Lead**
17. **Thorne Research Inc. MediPro Vegan All-In-One Shake Vanilla – Lead**
18. **Thorne Research Inc. MediPro Vegan All-In-One Shake Chocolate - Lead**

On February 27, 1987, the State of California officially listed lead as a chemical known to cause developmental toxicity, and male and female reproductive toxicity. On October 1, 1992, the State of California officially listed lead and lead compounds as chemicals known to cause cancer.

This letter is a notice to the Violator and the appropriate governmental authorities of the Proposition 65 violations concerning the listed products. This notice covers all violations of Proposition 65 involving the Violator currently known to ERC from the information now available. ERC may continue to investigate other products that may reveal further violations. A summary of Proposition 65, prepared by the Office of Environmental Health Hazard Assessment, is enclosed with the copy of this letter to the Violator.

The Violator has manufactured, marketed, distributed, and/or sold the listed products, which have exposed and continue to expose numerous individuals within California to the identified chemical, lead. The consumer exposures that are the subject of this notice result from the purchase, acquisition, handling and/or recommended use of these products by consumers. The primary route of exposure to lead has been through ingestion, but may have also occurred through inhalation and/or dermal contact. Proposition 65 requires that a clear and reasonable warning be provided prior to exposure to lead. The method of warning should be a warning that appears on the product's label. The Violator violated Proposition 65 because it failed to provide an appropriate warning to persons using and/or handling these products that they are being exposed to lead. Each of these ongoing violations has occurred on every day since December 13, 2010, as well as every day since the products were introduced in the California marketplace, and will continue every day until clear and reasonable warnings are provided to product purchasers and users.

Pursuant to Section 25249.7(d) of the statute, ERC intends to file a citizen enforcement action sixty days after effective service of this notice unless the Violator agrees in an enforceable written instrument to: (1) reformulate the listed products so as to eliminate further exposures to the identified chemicals; and (2) pay an appropriate civil penalty. Consistent with the public interest goals of Proposition 65 and my client's objectives in pursuing this notice, ERC is interested in seeking a constructive resolution to this matter. Such resolution will avoid both further unwarned consumer exposures to the identified chemicals and expensive and time consuming litigation.

ERC's Executive Director is Chris Heptinstall, and is located at 3111 Camino Del Rio North, Suite 400, San Diego, CA 92108; Tel. 619-500-3090. ERC has retained me in connection with this matter. We suggest that communications regarding this Notice of Violations should be directed to my attention at the above listed law office address and telephone number.

Sincerely,



Cathy D. Lee

Attachments

Certificate of Merit

Certificate of Service

OEHHA Summary (to Thorne Research, Inc. and its Registered Agent for Service of Process only)

Additional Supporting Information for Certificate of Merit (to AG only)

CERTIFICATE OF MERIT

Re: Environmental Research Center's Notice of Proposition 65 Violations by Thorne Research, Inc.

I, Cathy D. Lee, declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the party identified in the notice violated California Health & Safety Code Section 25249.6 by failing to provide clear and reasonable warnings.
2. I am an attorney for the noticing party.
3. I have consulted with one or more persons with relevant and appropriate experience or expertise who have reviewed facts, studies, or other data regarding the exposure to the listed chemical that is the subject of the notice.
4. Based on the information obtained through those consultants, and on other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiff's case can be established and that the information did not prove that the alleged Violator will be able to establish any of the affirmative defenses set forth in the statute.
5. Along with the copy of this Certificate of Merit served on the Attorney General is attached additional factual information sufficient to establish the basis for this certificate, including the information identified in California Health & Safety Code §25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: December 13, 2013



Cathy D. Lee

CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

I am a citizen of the United States, over the age of 18 years of age, and am not a party to the within entitled action. My business address is 306 Joy Street, Fort Oglethorpe, Georgia 30742. I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Fort Oglethorpe, Georgia.

On December 13, 2013, I served the following documents: **NOTICE OF VIOLATIONS OF CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT; "THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY"** on the following parties by placing a true and correct copy thereof in a sealed envelope, addressed to the party listed below and depositing it in a U.S. Postal Service Office with the postage fully prepaid for delivery by Certified Mail:

Current CEO or President
Thorne Research, Inc.
25820 Highway 2 West
Sandpoint, ID 83864

Kim Randall Pearson
(Thorne Research, Inc.'s
Registered Agent for Service of Process)
25820 Highway 2 West
Sandpoint, ID 83864

Current CEO or President
Thorne Research, Inc.
PO Box 25
Dover, ID 83825

On December 13, 2013, I electronically served the following documents: **NOTICE OF VIOLATION, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT; ADDITIONAL SUPPORTING INFORMATION FOR CERTIFICATE OF MERIT AS REQUIRED BY CALIFORNIA HEALTH & SAFETY CODE §25249.7(d)(1)** on the following party by uploading a true and correct copy thereof on the California Attorney General's website, which can be accessed at <https://oag.ca.gov/prop65/add-60-day-notice> :

Office of the California Attorney General
Prop 65 Enforcement Reporting
1515 Clay Street, Suite 2000
Oakland, CA 94612-0550

On December 13, 2013, I served the following documents: **NOTICE OF VIOLATION, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT** on each of the parties on the Service List attached hereto by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties **on the Service List attached hereto**, and depositing it with the U.S. Postal Service with the postage fully prepaid for delivery by Priority Mail.

Executed on December 13, 2013, in Fort Oglethorpe, Georgia.



Tiffany Capehart

Notice of Violations of California Health & Safety Code §25249.5 *et seq.*

December 13, 2013

Page 6

Service List

District Attorney, Alameda County 1225 Fallon Street, Suite 900 Oakland, CA 94612	District Attorney, Los Angeles County 210 West Temple Street, Suite 18000 Los Angeles, CA 90012	District Attorney, San Diego County 330 West Broadway, Suite 1300 San Diego, CA 92101	District Attorney, Tuolumne County 423 N. Washington Street Sonora, CA 95370
District Attorney, Alpine County P.O. Box 248 Markleeville, CA 96120	District Attorney, Madera County 209 West Yosemite Avenue Madera, CA 93637	District Attorney, San Francisco County 850 Bryant Street, Suite 322 San Francisco, CA 94103	District Attorney, Ventura County 800 South Victoria Ave, Suite 314 Ventura, CA 93009
District Attorney, Amador County 708 Court Street Jackson, CA 95642	District Attorney, Marin County 3501 Civic Center Drive, Room 130 San Rafael, CA 94903	District Attorney, San Joaquin County 222 E. Weber Ave. Rm. 202 Stockton, CA 95202	District Attorney, Yolo County 301 2 nd Street Woodland, CA 95695
District Attorney, Butte County 25 County Center Drive, Suite 245 Oroville, CA 95965	District Attorney, Mariposa County Post Office Box 730 Mariposa, CA 95338	District Attorney, San Luis Obispo County 1035 Palm St, Room 450 San Luis Obispo, CA 93408	District Attorney, Yuba County 215 Fifth Street, Suite 152 Marysville, CA 95901
District Attorney, Calaveras County 891 Mountain Ranch Road San Andreas, CA 95249	District Attorney, Mendocino County Post Office Box 1000 Ukiah, CA 95482	District Attorney, San Mateo County 400 County Ctr., 3 rd Floor Redwood City, CA 94063	Los Angeles City Attorney's Office City Hall East 200 N. Main Street, Suite 800 Los Angeles, CA 90012
District Attorney, Colusa County 346 Fifth Street Suite 101 Colusa, CA 95932	District Attorney, Merced County 550 W. Main Street Merced, CA 95340	District Attorney, Santa Barbara County 1112 Santa Barbara Street Santa Barbara, CA 93101	San Diego City Attorney's Office 1200 3 rd Avenue, Ste 1620 San Diego, CA 92101
District Attorney, Contra Costa County 900 Ward Street Martinez, CA 94553	District Attorney, Modoc County 204 S Court Street, Room 202 Alturas, CA 96101-4020	District Attorney, Santa Clara County 70 West Hedding Street San Jose, CA 95110	San Francisco, City Attorney City Hall, Room 234 1 Dr Carlton B Goodlett PL San Francisco, CA 94102
District Attorney, Del Norte County 450 H Street, Room 171 Crescent City, CA 95531	District Attorney, Mono County Post Office Box 617 Bridgeport, CA 93517	District Attorney, Santa Cruz County 701 Ocean Street, Room 200 Santa Cruz, CA 95060	San Jose City Attorney's Office 200 East Santa Clara Street, 16 th Floor San Jose, CA 95113
District Attorney, El Dorado County 515 Main Street Placerville, CA 95667	District Attorney, Monterey County Post Office Box 1131 Salinas, CA 93902	District Attorney, Shasta County 1355 West Street Redding, CA 96001	
District Attorney, Fresno County 2220 Tulare Street, Suite 1000 Fresno, CA 93721	District Attorney, Napa County 931 Parkway Mall Napa, CA 94559	District Attorney, Sierra County PO Box 457 Downieville, CA 95936	
District Attorney, Glenn County Post Office Box 430 Willows, CA 95988	District Attorney, Nevada County 110 Union Street Nevada City, CA 95959	District Attorney, Siskiyou County Post Office Box 986 Yreka, CA 96097	
District Attorney, Humboldt County 825 5th Street 4 th Floor Eureka, CA 95501	District Attorney, Orange County 401 West Civic Center Drive Santa Ana, CA 92701	District Attorney, Solano County 675 Texas Street, Ste 4500 Fairfield, CA 94533	
District Attorney, Imperial County 940 West Main Street, Ste 102 El Centro, CA 92243	District Attorney, Placer County 10810 Justice Center Drive, Ste 240 Roseville, CA 95678	District Attorney, Sonoma County 600 Administration Drive, Room 212J Santa Rosa, CA 95403	
District Attorney, Inyo County 230 W. Line Street Bishop, CA 93514	District Attorney, Plumas County 520 Main Street, Room 404 Quincy, CA 95971	District Attorney, Stanislaus County 832 12 th Street, Ste 300 Modesto, CA 95354	
District Attorney, Kern County 1215 Truxtun Avenue Bakersfield, CA 93301	District Attorney, Riverside County 3960 Orange Street Riverside, CA 92501	District Attorney, Sutter County 446 Second Street Yuba City, CA 95991	
District Attorney, Kings County 1400 West Lacey Boulevard Hanford, CA 93230	District Attorney, Sacramento County 901 "G" Street Sacramento, CA 95814	District Attorney, Tehama County Post Office Box 519 Red Bluff, CA 96080	
District Attorney, Lake County 255 N. Forbes Street Lakeport, CA 95453	District Attorney, San Benito County 419 Fourth Street, 2 nd Floor Hollister, CA 95023	District Attorney, Trinity County Post Office Box 310 Weaverville, CA 96093	
District Attorney, Lassen County 220 South Lassen Street, Ste. 8 Susanville, CA 96130	District Attorney, San Bernardino County 316 N. Mountain View Avenue San Bernardino, CA 92415-0004	District Attorney, Tulare County 221 S. Mooney Blvd., Room 224 Visalia, CA 93291	