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6 Environmental Research Center, Inc.

ENDORSED  
FILED  
Superior Court of California  
County of San Francisco

NOV 25 2014

CLERK OF THE COURT  
By: CAROLYN BALISTRERI  
Deputy Clerk

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
8 COUNTY OF SAN FRANCISCO

9 ENVIRONMENTAL RESEARCH  
10 CENTER, INC.,

11 Plaintiff,

12 v.

13 NATURE'S ANSWER, INC.; BIO-  
14 BOTANICA, INC.; D-D CHEMCO., INC.;  
15 6 S, INC. dba ALL STAR HEALTH;  
16 LUCKY VITAMIN CORPORATION;  
17 VITACOST.COM, INC.; VITAMIN  
SHOPPE INDUSTRIES, INC.; VITAMIN  
SHOPPE, INC.; and DOES 1-50, inclusive,

18 Defendants.

Case No. CGC-14-541224

**SECOND AMENDED COMPLAINT  
FOR INJUNCTIVE RELIEF AND  
CIVIL PENALTIES**

[Health & Safety Code §25249.5, *et seq.*]

19  
20 Plaintiff Environmental Research Center, Inc. brings this action in the interests of the  
21 general public and, on information and belief, hereby alleges:

22 **INTRODUCTION**

23 1. This action seeks to remedy Defendants' continuing failure to warn consumers in  
24 California that they are being exposed to lead, a substance known to the State of California<sup>1</sup> to  
25 cause cancer, birth defects and other reproductive harm.

26 2. Defendants have manufactured, packaged, distributed, marketed, sold and/or have  
27 otherwise been involved in the chain of commerce of, and continue to manufacture, package,

28  
<sup>1</sup> All statutory and regulatory references herein are to California law, unless otherwise specified.

1 distribute, market, sell, and/or otherwise continue to be involved in the chain of commerce of one  
2 or more of the ingestible products identified in Exhibit A attached hereto (hereinafter referred to  
3 as "THE PRODUCTS"), which contain the chemical lead and which have been and continue to  
4 be offered for sale, sold and/or otherwise provided for use and/or handling to individuals in  
5 California.

6 3. The use and/or handling of each of THE PRODUCTS causes exposures to lead at  
7 levels requiring a "clear and reasonable warning" under California's Safe Drinking Water and  
8 Toxic Enforcement Act of 1986, Health & Safety Code ("H&S Code") §25249.5, *et. seq.* (also  
9 known as "Proposition 65"). Defendants have failed to provide the health hazard warnings  
10 required by Proposition 65.

11 4. Defendants' continued manufacturing, packaging, distributing, marketing and/or  
12 sales of THE PRODUCTS without the required health hazard warnings, causes individuals to be  
13 involuntarily and unwittingly exposed to levels of lead that violate Proposition 65.

14 5. Plaintiff seeks injunctive relief enjoining Defendants from the continued  
15 manufacturing, packaging, distributing, marketing and/or selling of THE PRODUCTS for sale or  
16 use in California without first providing clear and reasonable warnings, within the meaning of  
17 Proposition 65, regarding the risks of cancer, birth defects and other reproductive harm posed by  
18 exposure to lead through the use and/or handling of THE PRODUCTS. Plaintiff seeks an  
19 injunctive order compelling Defendants to bring their business practices into compliance with  
20 Proposition 65 by providing clear and reasonable warnings to each individual who may be  
21 exposed to lead from the use and/or handling of THE PRODUCTS.

22 6. In addition to injunctive relief, Plaintiff seeks an assessment of civil penalties to  
23 remedy Defendants' failure to provide clear and reasonable warnings regarding exposures to the  
24 lead.

### 25 **JURISDICTION AND VENUE**

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

8. This Court has jurisdiction over Defendants because, based on information and

1 belief, Defendants are businesses having sufficient minimum contacts with California, or  
2 otherwise intentionally availing themselves of the California market through the marketing,  
3 distribution and/or sale of THE PRODUCTS in the State of California to render the exercise of  
4 jurisdiction over them by the California courts consistent with traditional notions of fair play and  
5 substantial justice.

6 9. This Court is the proper venue for this action because the Defendants have  
7 violated California law in the County of San Francisco. Furthermore, this Court is the proper  
8 venue under Code of Civil Procedure §395.5 and H&S Code §25249.7(a), which provides that  
9 any person who violates or threatens to violate H&S Code §§25249.5 or 25249.6 may be  
10 enjoined in any court of competent jurisdiction.

### 11 PARTIES

12 10. Plaintiff ENVIRONMENTAL RESEARCH CENTER, INC. ("ERC") is a non-  
13 profit corporation organized under California's Non-Profit Benefit Corporation Law. ERC is  
14 dedicated to, among other causes, reducing the use and misuse of hazardous and toxic  
15 substances, consumer protection, worker safety and corporate responsibility.

16 11. ERC is a "Person" within the meaning of H&S Code §25118 and H&S Code  
17 §25249.11(a), and brings this enforcement action "in the public interest" pursuant to H&S Code  
18 §25249.7(d).

19 12. Defendants NATURE'S ANSWER, INC.; BIO-BOTANICA, INC.; D-D  
20 CHEMCO., INC.; 6 S, INC. dba ALL STAR HEALTH; LUCKY VITAMIN CORPORATION;  
21 VITACOST.COM, INC.; VITAMIN SHOPPE INDUSTRIES, INC.; VITAMIN SHOPPE, INC.  
22 are corporations, and each is a "Person" within the meaning of H&S Code §25249.11(a).  
23 Defendants NATURE'S ANSWER, INC.; BIO-BOTANICA, INC.; D-D CHEMCO., INC.; 6 S,  
24 INC. dba ALL STAR HEALTH; LUCKY VITAMIN CORPORATION; VITACOST.COM,  
25 INC.; VITAMIN SHOPPE INDUSTRIES, INC.; VITAMIN SHOPPE, INC. have manufactured,  
26 packaged, distributed, marketed, sold and/or has otherwise been involved in the chain of  
27 commerce of, and continue to manufacture, package, distribute, market, sell, and/or otherwise  
28 continues to be involved in the chain of commerce of one or more of THE PRODUCTS for sale  
or use in California. Defendants NATURE'S ANSWER, INC.; BIO-BOTANICA, INC.; D-D  
CHEMCO., INC.; 6 S, INC. dba ALL STAR HEALTH; LUCKY VITAMIN CORPORATION;  
VITACOST.COM, INC.; VITAMIN SHOPPE INDUSTRIES, INC.; VITAMIN SHOPPE, INC.,

1 at all times relevant to this action, have had 10 or more employees and is a "Person in the course  
2 of doing business" pursuant to H&S Code §25249.11(b).

3 13. Defendants DOES 1-50 are named herein under fictitious names, as their true  
4 names and capacities are unknown to Plaintiff. ERC is informed and believes, and thereon  
5 alleges, that each of said Does has manufactured, packaged, distributed, marketed, sold and/or  
6 has otherwise been involved in the chain of commerce of, and continues to manufacture,  
7 package, distribute, market, sell, and/or otherwise continues to be involved in the chain of  
8 commerce of THE PRODUCTS for sale or use in California, and/or is responsible, in some  
9 actionable manner, for the events and happenings referred to herein, either through its conduct or  
10 through the conduct of its agents, servants or employees, or in some other manner, causing the  
11 harms alleged herein. Plaintiff will seek leave to amend this Complaint to set forth the true  
12 names and capacities of Does when ascertained.

### 12 STATUTORY BACKGROUND

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

16 15. To effect this goal, Proposition 65 requires that individuals be provided with a  
17 "clear and reasonable warning" before being exposed to substances listed by the State of  
18 California as causing cancer or reproductive toxicity. H&S Code §25249.6 states, in pertinent  
19 part:

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

23 16. Proposition 65 provides that any person who "violates or threatens to violate" the  
24 statute "may be enjoined in any court of competent jurisdiction." (H&S Code §25249.7(a).)  
25 "Threaten to violate" is defined to mean creating "a condition in which there is a substantial  
26 probability that a violation will occur." (H&S Code §25249.11(e).) Violators are liable for civil  
27 penalties of up to \$2,500 per day for each violation of Proposition 65. (H&S Code §25249.7(b).)

### 27 FACTUAL BACKGROUND

28 17. On February 27, 1987, the State of California officially listed the chemical lead as

1 a chemical known to cause developmental and reproductive toxicity. Lead became subject to the  
2 warning requirement one year later and was therefore subject to the “clear and reasonable”  
3 warning requirements of Proposition 65 beginning on February 27, 1988. (27 California Code of  
4 Regulations (“CCR”) §25000, *et seq.*; H&S Code §25249.5, *et seq.*)

5 18. On October 1, 1992, the State of California officially listed the chemical lead as a  
6 chemical known to cause cancer. Lead became subject to the warning requirement one year later  
7 and was therefore subject to the “clear and reasonable” warning requirements of Proposition 65  
8 beginning on October 1, 1993. (27 CCR §25000, *et seq.*; H&S Code §25249.5, *et seq.*)

9 19. Plaintiff is informed and believes, and based on such information and belief,  
10 alleges THE PRODUCTS have been marketed, distributed and/or sold to individuals in  
11 California without the requisite clear and reasonable warnings before, on, and after May 9, 2009.  
12 THE PRODUCTS continue to be marketed, distributed and sold in California without the  
13 requisite warning information.

14 20. As a proximate result of acts by Defendants, as persons in the course of doing  
15 business within the meaning of H&S Code §25249.11(b), individuals throughout the State of  
16 California, including in the County of San Francisco, have been exposed to lead without clear  
17 and reasonable warnings. The individuals subject to exposures to lead include normal and  
18 foreseeable users of THE PRODUCTS, as well as all other persons exposed to THE  
19 PRODUCTS.

20 21. At all times relevant to this action, Defendants have knowingly and intentionally  
21 exposed the users and/or handlers of THE PRODUCTS to lead without first giving clear and  
22 reasonable warnings to such individuals.

23 22. Individuals using or handling THE PRODUCTS are exposed to lead in excess of  
24 the “maximum allowable daily” and “no significant risk” levels determined by the State of  
25 California, as applicable.

26 23. At all times relevant to this action, Defendants have, in the course of doing  
27 business, failed to provide individuals using and/or handling THE PRODUCTS with clear and  
28 reasonable warnings that THE PRODUCTS exposes individuals to lead.

29 24. THE PRODUCTS continue to be marketed, distributed, and/or sold in California  
30 without the requisite clear and reasonable warnings.

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**FIRST CAUSE OF ACTION**

**(Injunctive Relief for Violations of Health and Safety Code §25249.5, et seq. concerning THE PRODUCTS, which are identified in Plaintiff's February 14, 2014, May 23, 2014, and August 29, 2014 60-Day Notices of Violations)**

25. Plaintiff realleges and incorporates by reference Paragraphs 1 through 24, inclusive, as if specifically set forth herein.

26. On February 14, 2014, Plaintiff sent a 60-Day Notice of Proposition 65 violations to the requisite public enforcement agencies and to Defendant NATURE'S ANSWER, INC. ("February 14, 2014 Notice of Violations"). On May 23, 2014, Plaintiff sent separate 60-Day Notices of Proposition 65 violations to the requisite public enforcement agencies and to Defendants NATURE'S ANSWER, INC.; BIO-BOTANICA, INC.; D-D CHEMCO., INC.; 6 S, INC. dba ALL STAR HEALTH; LUCKY VITAMIN CORPORATION; VITACOST.COM, INC.; VITAMIN SHOPPE INDUSTRIES, INC.; VITAMIN SHOPPE, INC. ("May 23, 2014 Notices of Violations"). On August 29, 2014, Plaintiff sent a 60-Day Notice of Proposition 65 violations to the requisite public enforcement agencies and to Defendants NATURE'S ANSWER, INC.; BIO-BOTANICA, INC.; D-D CHEMCO., INC. ("August 29, 2014 Notice of Violations"). THE PRODUCTS were identified in the Notices of Violations as containing lead exceeding allowable levels. The Notices of Violations were issued pursuant to, and in compliance with, the requirements of H&S Code §25249.7(d) and the statute's implementing regulations regarding the notice of violations to be given to certain public enforcement agencies and to the violator. The Notices of Violations were issued as follows:

- a. The February 14, 2014 Notice of Violations was provided by Certified Mail, along with a Certificate of Merit by the attorney for the noticing party stating that there is a reasonable and meritorious cause for this action, to Defendant NATURE'S ANSWER, INC. and the California Attorney General. The separate May 23, 2014 Notices of Violations were provided by Certified Mail, along with a Certificate of Merit by the attorney for the noticing party stating that there is a reasonable and meritorious cause for this action, to Defendants NATURE'S ANSWER, INC.; BIO-BOTANICA, INC.; D-D CHEMCO., INC.; 6 S, INC. dba ALL STAR HEALTH; LUCKY VITAMIN CORPORATION;

1 VITACOST.COM, INC.; VITAMIN SHOPPE INDUSTRIES, INC.;  
2 VITAMIN SHOPPE, INC., respectively, and to the California Attorney  
3 General. The August 29, 2014 Notice of Violations was provided by  
4 Certified Mail, along with a Certificate of Merit by the attorney for the  
5 noticing party stating that there is a reasonable and meritorious cause for  
6 this action, to Defendants NATURE'S ANSWER, INC.; BIO-  
7 BOTANICA, INC.; D-D CHEMCO., INC., and the California Attorney  
8 General. The requisite county district attorneys and city attorneys were  
9 provided copies by First Class Mail of the Notices of Violations and  
10 Certificates of Merit.

11 b. Defendants NATURE'S ANSWER, INC.; BIO-BOTANICA, INC.; D-D  
12 CHEMCO., INC.; 6 S, INC. dba ALL STAR HEALTH; LUCKY  
13 VITAMIN CORPORATION; VITACOST.COM, INC.; VITAMIN  
14 SHOPPE INDUSTRIES, INC.; VITAMIN SHOPPE, INC. were provided,  
15 with each of the respective Notices of Violations, a copy of a document  
16 entitled "The Safe Drinking Water and Toxic Enforcement Act of 1986  
17 (Proposition 65): A Summary," which is also known as Appendix A to  
18 Title 27 of CCR §25903.

19 c. The California Attorney General was provided, with the Notices of  
20 Violations, additional factual information sufficient to establish a  
21 basis for the certificates, including the identity of the persons consulted  
22 with and relied on by the certifier, and the facts, studies, or other data  
23 reviewed by those persons, pursuant to H&S Code §§25249.7(d)(1) and  
24 25249.7(h)(2).

25 27. The appropriate public enforcement agencies have failed to commence and  
26 diligently prosecute a cause of action under H&S Code §25249.5, *et seq.* against Defendants  
27 based on the allegations herein.

28 28. By committing the acts alleged in this Complaint, Defendants at all times relevant  
to this action, and continuing through the present, have violated and continue to violate H&S  
Code §25249.6 by, in the course of doing business, knowingly and intentionally exposing  
individuals who use or handle THE PRODUCTS to the chemical lead at levels exceeding

1 allowable exposure levels without Defendants first giving clear and reasonable warnings to such  
2 individuals pursuant to H&S Code §§25249.6 and 25249.11(f). Each of the Defendants has  
3 manufactured, packaged, distributed, marketed, sold and/or has otherwise been involved in the  
4 chain of commerce of, and continues to manufacture, package, distribute, market, sell, and/or  
5 otherwise continues to be involved in the chain of commerce of one or more of THE  
6 PRODUCTS, which have been, are, and will be used and/or handled by individuals in California,  
7 without Defendants providing clear and reasonable warnings, within the meaning of Proposition  
8 65, regarding the risks of cancer, birth defects and other reproductive harm posed by exposure to  
9 lead through the use and/or handling of THE PRODUCTS. Furthermore, Defendants have  
10 threatened to violate H&S Code §25249.6 by THE PRODUCTS being marketed, offered for  
11 sale, sold and/or otherwise provided for use and/or handling to individuals in California.

12 29. By the above-described acts, Defendants have violated H&S Code §25249.6 and  
13 are therefore subject to an injunction ordering Defendants to stop violating Proposition 65, and to  
14 provide required warnings to consumers and other individuals who will purchase, use and/or  
15 handle THE PRODUCTS.

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

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

21 Wherefore, plaintiff prays judgment against Defendants, as set forth hereafter.

## 22 **SECOND CAUSE OF ACTION**

23 **(Civil Penalties for Violations of Health and Safety Code §25249.5, et seq. concerning THE**  
24 **PRODUCTS, which are identified in Plaintiff's February 14, 2014, May 23, 2014, and**  
25 **August 29, 2014 60-Day Notices of Violations)**

26 32. Plaintiff realleges and incorporates by reference Paragraphs 1 through 31,  
27 inclusive, as if specifically set forth herein.

28 33. On February 14, 2014, Plaintiff sent a 60-Day Notice of Proposition 65 violations  
to the requisite public enforcement agencies and to Defendant NATURE'S ANSWER, INC.  
("February 14, 2014 Notice of Violations"). On May 23, 2014, Plaintiff sent separate 60-Day  
Notices of Proposition 65 violations to the requisite public enforcement agencies and to



1 Defendants NATURE'S ANSWER, INC.; BIO-BOTANICA, INC.; D-D CHEMCO., INC.; 6 S,  
2 INC. dba ALL STAR HEALTH; LUCKY VITAMIN CORPORATION; VITACOST.COM,  
3 INC.; VITAMIN SHOPPE INDUSTRIES, INC.; VITAMIN SHOPPE, INC. ("May 23, 2014  
4 Notices of Violations"). On August 29, 2014, Plaintiff sent a 60-Day Notice of Proposition 65  
5 violations to the requisite public enforcement agencies and to Defendants NATURE'S  
6 ANSWER, INC.; BIO-BOTANICA, INC.; D-D CHEMCO., INC. ("August 29, 2014 Notice of  
7 Violations"). THE PRODUCTS were identified in the Notices of Violations as containing lead  
8 exceeding allowable levels. The Notices of Violations were issued pursuant to, and in  
9 compliance with, the requirements of H&S Code §25249.7(d) and the statute's implementing  
10 regulations regarding the notice of violations to be given to certain public enforcement agencies  
11 and to the violator. The Notices of Violations were issued as follows:

- 11 a. The February 14, 2014 Notice of Violations was provided by Certified  
12 Mail, along with a Certificate of Merit by the attorney for the noticing  
13 party stating that there is a reasonable and meritorious cause for this  
14 action, to Defendant NATURE'S ANSWER, INC. and the California  
15 Attorney General. The separate May 23, 2014 Notices of Violations were  
16 provided by Certified Mail, along with a Certificate of Merit by the  
17 attorney for the noticing party stating that there is a reasonable and  
18 meritorious cause for this action, to Defendants NATURE'S ANSWER,  
19 INC.; BIO-BOTANICA, INC.; D-D CHEMCO., INC.; 6 S, INC. dba ALL  
20 STAR HEALTH; LUCKY VITAMIN CORPORATION;  
21 VITACOST.COM, INC.; VITAMIN SHOPPE INDUSTRIES, INC.;  
22 VITAMIN SHOPPE, INC., respectively, and to the California Attorney  
23 General. The August 29, 2014 Notice of Violations was provided by  
24 Certified Mail, along with a Certificate of Merit by the attorney for the  
25 noticing party stating that there is a reasonable and meritorious cause for  
26 this action, to Defendants NATURE'S ANSWER, INC.; BIO-  
27 BOTANICA, INC.; D-D CHEMCO., INC., and the California Attorney  
28 General. The requisite county district attorneys and city attorneys were  
provided copies by First Class Mail of the Notices of Violations and  
Certificates of Merit.

1           b. Defendants NATURE'S ANSWER, INC.; BIO-BOTANICA, INC.; D-D  
2 CHEMCO., INC.; 6 S, INC. dba ALL STAR HEALTH; LUCKY  
3 VITAMIN CORPORATION; VITACOST.COM, INC.; VITAMIN  
4 SHOPPE INDUSTRIES, INC.; VITAMIN SHOPPE, INC. were provided,  
5 with each of the respective Notices of Violations, a copy of a document  
6 entitled "The Safe Drinking Water and Toxic Enforcement Act of 1986  
7 (Proposition 65): A Summary," which is also known as Appendix A to  
8 Title 27 of CCR §25903.

9           c. The California Attorney General was provided, with the Notices of  
10 Violations, additional factual information sufficient to establish a  
11 basis for the certificates, including the identity of the persons consulted  
12 with and relied on by the certifier, and the facts, studies, or other data  
13 reviewed by those persons, pursuant to H&S Code §§25249.7(d)(1) and  
14 25249.7(h)(2).

15           34. The appropriate public enforcement agencies have failed to commence and  
16 diligently prosecute a cause of action under H&S Code §25249.5, *et seq.* against Defendants  
17 based on the allegations herein.

18           35. By committing the acts alleged in this Complaint, Defendants at all times relevant  
19 to this action, and continuing through the present, have violated and continue to violate H&S  
20 Code §25249.6 by, in the course of doing business, knowingly and intentionally exposing  
21 individuals who use or handle THE PRODUCTS to the chemical lead at levels exceeding  
22 allowable exposure levels without Defendants first giving clear and reasonable warnings to such  
23 individuals pursuant to H&S Code §§25249.6 and 25249.11(f). Each of the Defendants has  
24 manufactured, packaged, distributed, marketed, sold and/or has otherwise been involved in the  
25 chain of commerce of, and continues to manufacture, package, distribute, market, sell, and/or  
26 otherwise continues to be involved in the chain of commerce of one or more of THE  
27 PRODUCTS, which have been, are, and will be used and/or handled by individuals in California,  
28 without Defendants providing clear and reasonable warnings, within the meaning of Proposition  
65, regarding the risks of cancer, birth defects and other reproductive harm posed by exposure to  
lead through the use and/or handling of THE PRODUCTS. Furthermore, Defendants have  
threatened to violate H&S Code §25249.6 by THE PRODUCTS being marketed, offered for

1 sale, sold and/or otherwise provided for use and/or handling to individuals in California.

2 36. By the above-described acts, Defendants are liable, pursuant to H&S Code  
3 §25249.7(b), for a civil penalty of \$2,500 per day for each violation of H&S Code §25249.6  
4 relating to THE PRODUCTS.

5 Wherefore, plaintiff prays judgment against Defendants, as set forth hereafter.

6 **THE NEED FOR INJUNCTIVE RELIEF**

7 37. Plaintiff realleges and incorporates by this reference Paragraphs 1 through 36, as  
8 if set forth below.

9 38. By committing the acts alleged in this Complaint, Defendants have caused  
10 irreparable harm for which there is no plain, speedy or adequate remedy at law. In the absence  
11 of equitable relief, Defendants will continue to create a substantial risk of irreparable injury by  
12 continuing to cause consumers to be involuntarily and unwittingly exposed to lead through the  
13 use and/or handling of THE PRODUCTS.

14 **PRAYER FOR RELIEF**

15 Wherefore, Plaintiff prays for the following relief:

16 A. A preliminary and permanent injunction enjoining Defendants, their agents,  
17 employees, assigns and all persons acting in concert or participating with Defendants, from  
18 manufacturing, packaging, distributing, marketing and/or selling THE PRODUCTS for sale or  
19 use in California without first providing clear and reasonable warnings, within the meaning of  
20 Proposition 65, that the users and/or handlers of THE PRODUCTS are exposed to the lead.

21 B. An assessment of civil penalties pursuant to Health & Safety Code §25249.7(b),  
22 against Defendants in the amount of \$2,500 per day for each violation of Proposition 65;

23 C. An award to Plaintiff of its reasonable attorney fees pursuant to California Code  
24 of Civil Procedure §1021.5 or the substantial benefit theory or any other relevant basis;

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- D. An award of costs of suit herein; and
- E. Such other and further relief as may be just and proper.

Dated: 11/25/14

LAW OFFICE OF PHILIP T. EMMONS

By: 

Philip T. Emmons  
Attorney for Plaintiff  
Environmental Research Center, Inc.

2 **EXHIBIT A TO SECOND AMENDED COMPLAINT**

- 3 1. Nature's Answer Inc. Tru Cleanse Fiber Chia Plus
- 4 2. Nature's Answer Inc. Gotu Kola Herb
- 5 3. Nature's Answer Inc. Gotu Kola Herb Extract
- 6 4. Nature's Answer Inc. Nettle Leaf
- 7 5. Nature's Answer Inc. Butcher's Broom Root
- 8 6. Nature's Answer Inc. Dandelion Root
- 9 7. Nature's Answer Inc. Di-Jest Herbal Blend
- 10 8. Nature's Answer Inc. Alfalfa Leaf Single Herb
- 11 9. Nature's Answer Inc. Dong Quai Root Single Herb
- 12 10. Nature's Answer Inc. Tense-Ease Herbal Blend
- 13 11. Nature's Answer Inc. Horsetail Grass Single Herb
- 14 12. Nature's Answer Inc. Bladderwrack Thallus Single Herb
- 15 13. Nature's Answer Inc. Ginger Rhizome Single Herb
- 16 14. Nature's Answer Advance Botanical Fingerprint Technology Black Walnut
- 17 15. Nature's Answer Inc. Reishi Mushroom Extract Standardization
- 18 16. Nature's Answer Inc. Broncitone Herbal Blend
- 19 17. Nature's Answer Inc. Echinacea Herb & Root & Goldenseal Root Herbal Blend
- 20 18. Nature's Answer Inc. Advanced Botanical Fingerprint Technology Bacopa 500mg
- 21 19. Nature's Answer Advanced Botanical Fingerprint Technology Female Complex 800mg Blend
- 22 20. Nature's Answer Inc. Hyssop Herb Single Herb
- 23 21. Nature's Answer Inc. Echinacea Herb Single Herb
- 24 22. Nature's Answer Inc. Red Clover Tops Single Herb
- 25 23. Nature's Answer Inc. Advanced Botanical Fingerprint Technology Reishi 1000 mg
- 26 24. Nature's Answer Inc. Advanced Botanical Fingerprint Technology Slippery Elm 1050 mg
- 27 25. Nature's Answer Inc. Burdock Root Single Herb
- 28 26. Nature's Answer Inc. Valerian Root Single Herb
- 29 27. Nature's Answer Inc. Butcher's Broom Root Single Herb
- 30 28. Nature's Answer Inc. Detox Formula Herbal Blend
- 31 29. Nature's Answer Inc. Bladdex Herbal Blend
- 32 30. Nature's Answer Inc. Echinacea with Astragalus Herbal Blend
- 33 31. Nature's Answer Inc. Advanced Botanical Fingerprint Technology Damiana 800 mg
- 34 32. Nature's Answer Inc. Greens Today Raw Superfood
- 35 33. Nature's Answer Inc. Greens Today Vegan Formula
- 36 34. Nature's Answer Inc. Greens Today Green Power Formula Cellular Energy
- 37 35. Nature's Answer Inc. Greens Today Men's Formula
- 38 36. Nature's Answer Inc. Greens Today Original
- 39 37. Nature's Answer Inc. Greens Today Original Formula
- 40 38. Nature's Answer Inc. Liver Support Herbal Blend
- 41 39. Nature's Answer Greens Today Joint Formula French Vanilla Flavor
- 42 40. Genceutic Naturals Plant Head Protein Chocolate
- 43 41. Genceutic Naturals Plant Head Protein Vanilla