

ENDORSED  
FILED  
ALAMEDA COUNTY

FEB 13 2015  
CLERK OF THE SUPERIOR COURT  
By \_\_\_\_\_ Deputy

1 RICHARD T. DRURY (CBN 163559)  
2 REBECCA L. DAVIS (CBN 271662)  
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10 Attorneys for Plaintiff  
11 ENVIRONMENTAL RESEARCH CENTER

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA

13 COUNTY OF ALAMEDA

14 ENVIRONMENTAL RESEARCH CENTER,  
15 a non-profit California corporation,

16 Plaintiff,

17 v.

18 KROEGER HERB PRODUCTS CO., INC.,  
19 a Colorado Corporation

20 Defendant.

Case No. **RG 15 758 601**

**COMPLAINT FOR INJUNCTIVE  
RELIEF AND CIVIL PENALTIES**

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

21 Plaintiff Environmental Research Center ("PLAINTIFF" or "ERC") brings this action  
22 in the interests of the general public and, on information and belief, hereby alleges:

23 **INTRODUCTION**

24 1. This action seeks to remedy the continuing failure of Defendant KROEGER  
25 HERB PRODUCTS CO., INC. ("KROEGER HERB" or "DEFENDANT") to warn consumers  
26 in California that they are being exposed to lead, a substance known to the State of California  
to cause cancer, birth defects, and other reproductive harm. DEFENDANT manufactures,  
packages, distributes, markets, and/or sells in California certain products containing lead  
(collectively, the "PRODUCTS"):

**1. Kroeger Herb Products Co. Inc. Men's Special**

- 1                   2. Kroeger Herb Products Co. Inc. Complete Concentrates Bilberry
- 2                   3. Kroeger Herb Products Co. Inc. Complete Concentrates Chastetree
- 3                   Berry
- 4                   4. Kroeger Herb Products Co. Inc. Candida Formula #1
- 5                   5. Kroeger Herb Products Co. Inc. Gallbladder Care
- 6                   6. Kroeger Herb Products Co. Inc. Candida Liver Care
- 7                   7. Kroeger Herb Products Co. Inc. Complete Concentrates Rhodiola
- 8                   Rosea
- 9                   8. Kroeger Herb Products Co. Inc. BloodToner
- 10                  9. Kroeger Herb Products Co. Inc. Digestive Enzyme
- 11                  10. Kroeger Herb Products Co. Inc. Complete Concentrates Red Clover
- 12                  11. Kroeger Herb Products Co. Inc. Brain Care Blend
- 13                  12. Kroeger Herb Products Co. Inc. SPK Formula
- 14                  13. Kroeger Herb Products Co. Inc. Thyroid Care
- 15                  14. Kroeger Herb Products Co. Inc. VYR-33 Defense
- 16                  15. Kroeger Herb Products Co. Inc. Women's Gold
- 17                  16. Kroeger Herb Products Co. Inc. X 40
- 18                  17. Kroeger Herb Products Co. Inc. Candida Formula #2
- 19                  18. Kroeger Herb Products Co. Inc. Enzymes
- 20                  19. Kroeger Herb Products Co. Inc. Chem X
- 21                  20. Kroeger Herb Products Co. Inc. Healthy Gut
- 22                  21. Kroeger Herb Products Co. Inc. Female Balance
- 23                  22. Kroeger Herb Products Co. Inc. Eye Formula
- 24                  23. Kroeger Herb Products Co. Inc. HPX Formula
- 25                  24. Kroeger Herb Products Co. Inc. Sinus Blend
- 26                  25. Kroeger Herb Products Co. Inc. FNG Care

1                   **26. Kroeger Herb Products Co. Inc. Olive Leaf**

2                   **27. Kroeger Herb Products Co. Inc. Serenity**

3                   **28. Kroeger Herb Products Co. Inc. Turmeric**

4                   **29. Kroeger Herb Products Co. Inc. Kolester**

5                   **30. Kroeger Herb Products Co. Inc. Metal X**

6                   **31. Kroeger Herb Products Co. Inc. Liver Formula**

7                   **32. Kroeger Herb Products Co. Inc. INF Blend**

8                   **33. Kroeger Herb Products Co. Inc. Ruma Care**

9                   **34. Kroeger Herb Products Co. Inc. PA Formula**

10                  **35. Kroeger Herb Products Co. Inc. Rascal**

11                  **36. Kroeger Herb Products Co. Inc. Pollution X**

12           2.       Lead (hereinafter, the "LISTED CHEMICAL") is a substance known to the  
13 State<sup>1</sup> of California to cause cancer, birth defects, and other reproductive harm.

14           3.       The use and/or handling of the PRODUCTS causes exposures to the LISTED  
15 CHEMICAL at levels requiring a "clear and reasonable warning" under California's Safe  
16 Drinking Water and Toxic Enforcement Act of 1986, Health & Safety Code ("H&S Code")  
17 §25249.5, *et seq.* (also known as "Proposition 65"). DEFENDANT has failed to provide the  
18 health hazard warnings required by Proposition 65.

19           4.       DEFENDANT's past sales and continued manufacturing, packaging,  
20 distributing, marketing and/or sales of the PRODUCTS without the required health hazard  
21 warnings, cause individuals to be involuntarily and unwittingly exposed to levels of the  
22 LISTED CHEMICAL that violate Proposition 65.

23           5.       PLAINTIFF seeks injunctive relief enjoining DEFENDANT from the continued  
24 manufacturing, packaging, distributing, marketing and/or sales of the PRODUCTS in  
25

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

1 California without provision of clear and reasonable warnings regarding the risks of cancer,  
2 birth defects, and other reproductive harm posed by exposure to the LISTED CHEMICAL  
3 through the use and/or handling of the PRODUCTS. PLAINTIFF seeks an injunctive order  
4 compelling DEFENDANT to bring its business practices into compliance with Proposition 65  
5 by providing a clear and reasonable warning to each individual who has been and who in the  
6 future may be exposed to the LISTED CHEMICAL from the use of the PRODUCTS.  
7 PLAINTIFF also seeks an order compelling DEFENDANT to identify and locate each  
8 individual person who in the past has purchased the PRODUCTS, and to provide to each such  
9 purchaser a clear and reasonable warning that the use of the PRODUCTS will cause exposures  
10 to the LISTED CHEMICAL.

11 6. In addition to injunctive relief, PLAINTIFF seeks an assessment of civil  
12 penalties up to the maximum civil penalty of \$2,500 per day per exposure authorized by  
13 Proposition 65 to remedy DEFENDANT's failure to provide clear and reasonable warnings  
14 regarding exposures to the LISTED CHEMICAL.

15 **JURISDICTION AND VENUE**

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

20 8. This Court has jurisdiction over DEFENDANT because, based on information  
21 and belief, DEFENDANT is a business having sufficient minimum contacts with California, or  
22 otherwise intentionally availing itself of the California market through the distribution and sale  
23 of the PRODUCTS in the State of California to render the exercise of jurisdiction over it by the  
24 California courts consistent with traditional notions of fair play and substantial justice.

25 9. Venue in this action is proper in the Alameda Superior Court because the  
26 DEFENDANT has violated California law in the County of Alameda.

1           10.    On August 29, 2014, PLAINTIFF sent a 60-Day Notice of Proposition 65  
2 (“Notice”) violations to the requisite public enforcement agencies, and to DEFENDANT.  
3 The Notice was issued pursuant to, and in compliance with, the requirements of H&S Code  
4 §25249.7(d) and the statute's implementing regulations regarding the notice of the violations to  
5 be given to certain public enforcement agencies and to the violators. The Notice included,  
6 *inter alia*, the following information: the name, address, and telephone number of the noticing  
7 individuals; the name of the alleged violator; the statute violated; the approximate time period  
8 during which violations occurred; and descriptions of the violations, including the chemical  
9 involved, the routes of toxic exposure, and the specific product or type of product causing the  
10 violations, and was issued as follows:

- 11           a. DEFENDANT was provided a copy of the Notice by Certified Mail.
- 12           b. DEFENDANT was provided a copy of a document entitled “The Safe  
13            Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A  
14            Summary,” which is also known as Appendix A to Title 27 of CCR §25903.
- 15           c. The California Attorney General was provided a copy of the Notice via  
16            online submission.
- 17           d. The California Attorney General was provided with a Certificate of Merit by  
18            the attorney for the noticing parties, stating that there is a reasonable and  
19            meritorious case for this action, and attaching factual information sufficient  
20            to establish a basis for the certificate, including the identity of the persons  
21            consulted with and relied on by the certifier, and the facts, studies, or other  
22            data reviewed by those persons, pursuant to H&S Code §25249.7(h) (2).

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

1 **PARTIES**

2 12. PLAINTIFF is a non-profit corporation organized under California's  
3 Corporation Law. ERC is dedicated to, among other causes, reducing the use and misuse of  
4 hazardous and toxic substances, consumer protection, worker safety, and corporate  
5 responsibility.

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

8 14. DEFENDANT KROEGER HERB PRODUCTS CO., INC. is a  
9 corporation organized under the State of Colorado's Corporation Law and is a person  
10 doing business within the meaning of H&S Code §25249.11.

11 15. DEFENDANT has manufactured, packaged, distributed, marketed and /or sold  
12 the PRODUCTS for sale or use in California and the County of Alameda. ERC is informed and  
13 believes, and thereupon alleges, that DEFENDANT continues to manufacture, package,  
14 distribute, market and/or sell the PRODUCTS for sale or use in California and in Alameda  
15 County.

16 **STATUTORY BACKGROUND**

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

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

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

///



1 ug/day “safe harbor” daily dose limit set forth in Proposition 65’s regulations. Very significant  
2 is the fact that people are being exposed to lead through ingestion as opposed to other not as  
3 harmful methods of exposure such as dermal exposure. Ingestion of lead produces much  
4 higher exposure levels and health risks than does dermal exposure to this chemical.

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

8 24. The PRODUCTS have allegedly been sold by DEFENDANT for use in  
9 California since at least August 29, 2011. The PRODUCTS continue to be distributed  
10 and sold in California without the requisite warning information.

11 25. On August 29, 2014, ERC served DEFENDANT and each of the appropriate  
12 public enforcement agencies with a Proposition 65 Notice, a document entitled “Notice of  
13 Violations of California Health & Safety Code Section 25249.5” that provided DEFENDANT  
14 and the public enforcement agencies with notice that DEFENDANT was in violation of  
15 Proposition 65 for failing to warn purchasers and individuals using the PRODUCTS that the  
16 use of the PRODUCTS exposes them to lead, a chemical known to the State of California to  
17 cause cancer and/or reproductive toxicity (a true and copy of the 60-Day Notice is attached  
18 hereto as **Exhibit A** and incorporated by reference).

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

25 ///

26 ///



**FIRST CAUSE OF ACTION**

**(Injunctive Relief for Violations of Health and Safety Code § 25249.5, et seq. concerning the PRODUCTS described in the August 29, 2014, Prop. 65 Notice) Against DEFENDANT**

27. PLAINTIFF re-alleges and incorporates by reference Paragraphs 1 through 26, inclusive, as if specifically set forth herein.

28. 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).

29. 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.

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

31. 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 for judgment against DEFENDANT, as set forth hereafter.

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

6 B. an injunctive order, pursuant to H&S Code §25249.7(b), compelling  
7 DEFENDANT to identify and locate each individual who has purchased the PRODUCTS since  
8 November 4, 2011, and to provide a warning to such person that the use of the PRODUCTS  
9 will expose the user to chemicals known to birth defects and other reproductive harm;

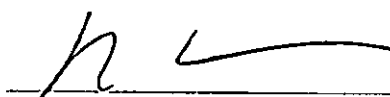
10 C. an assessment of civil penalties pursuant to Health & Safety Code §25249.7(b),  
11 against DEFENDANT in the amount of \$2,500 per day for each violation of Proposition 65;

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

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

16 DATED: 2/13/15

17 LOZEAU | DRURY LLP

18  
19   
20 Richard T. Drury  
21 Rebecca L. Davis  
22 Attorneys for Plaintiff  
23 Environmental Research Center, Inc.  
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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  
Kroeger Herb Products Co., Inc.  
805 Walnut Street  
Boulder, CO 80302

Thomas M. Brown  
(Kroeger Herb Products Co., Inc.'s  
Registered Agent for Service of Process)  
805 Walnut Street  
Boulder, CO 80302

**VIA PRIORITY MAIL**

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

**VIA ONLINE SUBMISSION**

Office of the California Attorney General

**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:

**Kroeger Herb Products Co., Inc.**

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

1. **Kroeger Herb Products Co. Inc. Men's Special - Lead**
2. **Kroeger Herb Products Co. Inc. Complete Concentrates Bilberry - Lead**
3. **Kroeger Herb Products Co. Inc. Complete Concentrates Chastetree Berry - Lead**
4. **Kroeger Herb Products Co. Inc. Candida Formula #1- Lead**
5. **Kroeger Herb Products Co. Inc. Gallbladder Care - Lead**
6. **Kroeger Herb Products Co. Inc. Candida Liver Care - Lead**
7. **Kroeger Herb Products Co. Inc. Complete Concentrates Rhodiola Rosea - Lead**
8. **Kroeger Herb Products Co. Inc. BloodToner - Lead**
9. **Kroeger Herb Products Co. Inc. Digestive Enzyme - Lead**
10. **Kroeger Herb Products Co. Inc. Complete Concentrates Red Clover - Lead**
11. **Kroeger Herb Products Co. Inc. Brain Care Blend - Lead**
12. **Kroeger Herb Products Co. Inc. SPK Formula - Lead**
13. **Kroeger Herb Products Co. Inc. Thyroid Care - Lead**
14. **Kroeger Herb Products Co. Inc. VYR-33 Defense - Lead**
15. **Kroeger Herb Products Co. Inc. Women's Gold - Lead**
16. **Kroeger Herb Products Co. Inc. X 40 - Lead**
17. **Kroeger Herb Products Co. Inc. Candida Formula #2 - Lead**
18. **Kroeger Herb Products Co. Inc. Enzymes - Lead**
19. **Kroeger Herb Products Co. Inc. Chem X - Lead**
20. **Kroeger Herb Products Co. Inc. Healthy Gut - Lead**
21. **Kroeger Herb Products Co. Inc. Female Balance - Lead**
22. **Kroeger Herb Products Co. Inc. Eye Formula - Lead**
23. **Kroeger Herb Products Co. Inc. HPX Formula - Lead**
24. **Kroeger Herb Products Co. Inc. Sinus Blend - Lead**
25. **Kroeger Herb Products Co. Inc. FNG Care - Lead**
26. **Kroeger Herb Products Co. Inc. Olive Leaf - Lead**
27. **Kroeger Herb Products Co. Inc. Serenity - Lead**
28. **Kroeger Herb Products Co. Inc. Turmeric - Lead**
29. **Kroeger Herb Products Co. Inc. Kolester - Lead**
30. **Kroeger Herb Products Co. Inc. Metal X - Lead**
31. **Kroeger Herb Products Co. Inc. Liver Formula - Lead**
32. **Kroeger Herb Products Co. Inc. INF Blend - Lead**
33. **Kroeger Herb Products Co. Inc. Ruma Care - Lead**
34. **Kroeger Herb Products Co. Inc. PA Formula - Lead**
35. **Kroeger Herb Products Co. Inc. Rascal - Lead**
36. **Kroeger Herb Products Co. Inc. Pollution X - 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.

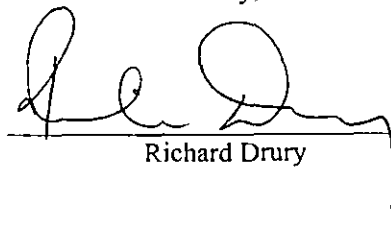
ERC may continue to investigate other products that may reveal further violations. A summary of Proposition 65, prepared by the Office of Environmental Health Hazard Assessment, is enclosed with the copy of this letter to the Violator.

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 August 29, 2011, 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; (2) pay an appropriate civil penalty; and (3) provide clear and reasonable warnings compliant with Proposition 65 to all persons who purchased the above products in the last three years. 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,



Richard Drury

Attachments

- Certificate of Merit
- Certificate of Service
- OEHHA Summary (to Kroeger Herb Products Co., Inc. and its Registered Agent for Service of Process only)
- Additional Supporting Information for Certificate of Merit (to AG only)

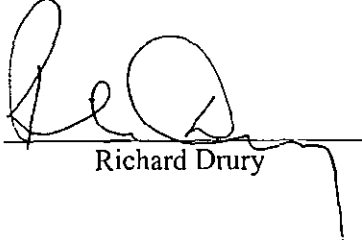
**CERTIFICATE OF MERIT**

**Re: Environmental Research Center's Notice of Proposition 65 Violations by  
Kroeger Herb Products Co., Inc.**

I, Richard Drury, 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: August 29, 2014

  
Richard Drury



**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 August 29, 2014, 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  
Kroeger Herb Products Co., Inc.  
805 Walnut Street  
Boulder, CO 80302

Thomas M. Brown  
(Kroeger Herb Products Co., Inc.'s  
Registered Agent for Service of Process)  
805 Walnut Street  
Boulder, CO 80302

On August 29, 2014, I electronically served the following documents: **NOTICE OF VIOLATIONS, 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 August 29, 2014, I served the following documents: **NOTICE OF VIOLATIONS, 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 August 29, 2014, in Fort Oglethorpe, Georgia.

  
\_\_\_\_\_  
Tiffany Capehart

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

August 29, 2014

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 <sup>nd</sup> 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 <sup>rd</sup> 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 3rd 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 <sup>th</sup> 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 201 Commercial Street Nevada City, CA 95959	District Attorney, Siskiyou County Post Office Box 986 Yreka, CA 96097	
District Attorney, Humboldt County 825 5th Street 4 <sup>th</sup> 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 <sup>th</sup> 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 <sup>nd</sup> 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	