



**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN FRANCISCO**

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COMPLAINT

YOUNGEVITY INTERNATIONAL CORP A CALIFORNIA VS. WAKAYA  
PERFECTION, LLC A UTAH CORPORATION ET AL

001C05629584

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# SUMMONS (CITACION JUDICIAL)

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## NOTICE TO DEFENDANT:

### (AVISO AL DEMANDADO):

WAKAYA PERFECTION, LLC, a Utah Corporation,  
and TODD G. SMITH, an individual and Utah resident,

## YOU ARE BEING SUED BY PLAINTIFF:

### (LO ESTÁ DEMANDANDO EL DEMANDANTE):

YOUNGEVITY INTERNATIONAL, CORP.

**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es): The Superior Court of California County of San Francisco, Civic Center Courthouse, 400 McAllister St., San Francisco, CA 94102

CASE NUMBER:

(Número del Caso):

CC 16-555328

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Peter A. Arhangelsky, 3210 S. Gilbert Rd., #4, Chandler, AZ 85286, (602) 388-8899

DATE:  
(Fecha)

NOV 10 2016

CLERK OF THE COURT

Clerk, by  
(Secretario)

Deputy  
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010). (Para prueba de entrega de esta citación use el formulario Proof of Service of Summons (POS-010)).



## NOTICE TO THE PERSON SERVED: You are served

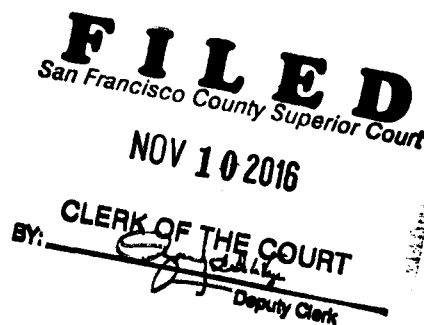
- ☐ as an individual defendant.
- ☐ as the person sued under the fictitious name of (specify):

- ☐ on behalf of (specify): Wakaya Perfection, LLC

- under: ☒ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)  
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)  
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)  
☐ other (specify):

- ☐ by personal delivery on (date):

Peter A. Arhangelsky, Esq. (CBN 291325)  
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**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**COUNTY OF SAN FRANCISCO**

Case No. **CGC 16-555328**

**YOUNGEVITY  
INTERNATIONAL CORP., a  
California corporation,**

**Plaintiff,**

**v.**

**WAKAYA PERFECTION, LLC, a  
Utah Corporation, and  
TODD G. SMITH, an individual  
and Utah resident,**

**Defendants.**

**COMPLAINT FOR VIOLATIONS OF:**

**CAL. HEALTH & SAFETY CODE §§  
25249.5 ET SEQ. (PROPOSITION 65)**

**CAL. BUS. & PROF. CODE §§ 17200  
ET SEQ. (UCL)**

**INTRODUCTION**

1. Plaintiff Youngevity International Corp. ("Youngevity") brings this action in the interest of the general public and as a competitor of Defendant Wakaya Perfection LLC and alleges as follows.

2. Youngevity seeks to remedy Defendants Wakaya Perfection, LLC's and Todd G. Smith's (collectively "Wakaya") failure to sufficiently warn consumers in California that Wakaya's products expose consumers to lead and/or

1 inorganic arsenic, which are substances known to the state of California to cause  
2 cancer, birth defects, and/or other reproductive harm.

3 3. Wakaya manufactures, packages, distributes, markets, and sells in  
4 California the following products (collectively referred to as the “Wakaya Prop 65  
5 Products”) containing lead and/or inorganic arsenic:

- 6 a. Wakaya Detox Caps
- 7 b. Wakaya SAVA Daily Detox Masques
- 8 c. Wakaya Calcium Bentonite Clay Powder
- 9 d. Wakaya Qele Liquid Clay
- 10 e. Wakaya Bula Daily Total Detox Pack
- 11 f. Wakaya Bula Daily Slim Pack
- 12 g. Wakaya Paradise Product Pack
- 13 h. Wakaya Calcium Bentonite Clay Powder Refill

14 4. Lead and inorganic arsenic are known to the State of California to  
15 cause cancer, birth defects, and/or other reproductive harm. Those substances,  
16 when consumed in sufficient quantities, present a palpable risk to consumer health  
17 and safety.

18 5. Wakaya sells, markets, and distributes the Wakaya Products to  
19 California consumers without sufficient warnings required by Proposition 65,  
20 thereby exposing California consumers to lead and inorganic arsenic in violation of  
21 Proposition 65.

22 6. Youngevity seeks injunctive relief prohibiting Wakaya and Smith  
23 (and all those acting as agents for and in concert with them) from manufacturing,  
24 packaging, distributing, marketing, and/or selling the Wakaya Prop 65 Products in  
25 California without the clear and reasonable warnings required by Proposition 65  
26 for products containing threshold amounts of lead and/or inorganic arsenic in the  
27 Wakaya Products. Youngevity also seeks injunctive relief requiring Wakaya to  
28 issue a recall for all of the Wakaya Prop 65 Products sold to consumers in

1 California. The Wakaya Products contain levels of lead and inorganic arsenic far  
2 exceeding Proposition 65's safe harbor provisions; levels which are unsafe for  
3 human consumption. Worse, Wakaya sells many of those products with promotion  
4 and advertising that they bring about "detoxification" of the body, when in fact  
5 they cause consumers to ingest lead and arsenic at levels that are unhealthful and  
6 deleterious to the body. Given the high quantities of lead and arsenic toxins,  
7 Wakaya's "detox" claims are false, reckless, misleading, and encourage consumers  
8 to unwittingly ingest substantial quantities of the toxins.

9 7. Wakaya must provide a clear and reasonable warning, as required by  
10 Proposition 65, to each consumer Wakaya has exposed and is exposing to lead  
11 and/or inorganic arsenic. To that end, Youngevity also seeks to require Wakaya to  
12 identify and locate each individual California consumer, who in the past purchased  
13 any of the Wakaya Prop 65 Products from Wakaya or any Wakaya ambassador,  
14 and provide each with a Proposition 65 compliant warning.

15 8. In addition, Youngevity also seeks injunctive relief prohibiting  
16 Wakaya from selling products advertised and/or labeled in violation of California  
17 law, including (collectively referred to as the "Wakaya Misbranded Products"):

- 18 a. Wakaya Sava Daily Detox Masque
- 19 b. Wakaya Calcium Bentonite Clay Powder
- 20 c. Wakaya Qele Liquid Clay
- 21 d. Wakaya Calcium Bentonite Clay Powder Refill
- 22 e. Wakaya Bula Bottles<sup>1</sup>

23 9. Youngevity seeks injunctive relief prohibiting Wakaya and Smith  
24 (and all those acting as agents for and in concert with them) from manufacturing,  
25 packaging, distributing, marketing, and/or selling the Wakaya Misbranded  
26 Products in California without legally compliant labels and advertisements.

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27 <sup>1</sup> The products identified in Paragraphs 3 and 8 are collectively referred to as the  
28 "Wakaya Products."

1 Youngevity also seeks injunctive relief requiring Wakaya to issue a recall for the  
2 Wakaya Misbranded products sold to California consumers.

3 10. In addition to injunctive relief, Youngevity seeks civil penalties up to  
4 the maximum civil penalty of \$2,500 per day per exposure as authorized by  
5 Proposition 65 to remedy the Wakaya failure to provide Proposition 65 compliant  
6 warnings for the Wakaya Prop 65 Products. Substantial civil penalties are  
7 warranted here because Wakaya's violation of the Prop 65 statute was knowing  
8 and willful, the level of exposure to listed chemicals was extreme, and Wakaya and  
9 Smith continued nonetheless to sell product into California with reckless  
10 "detoxification" promotional claims and without adequate Prop. 65 warnings after  
11 receiving a 60-Day Notice of Prop. 65 Violations.

#### 12 **JURISDICTION AND VENUE**

13 11. This court has jurisdiction in accordance with Article VI, Section 10  
14 of the California Constitution which grants this court original jurisdiction in all  
15 causes except those given by statute to other trial courts.

16 12. The matter in controversy, exclusive of interests and costs, exceeds  
17 the jurisdictional minimum of this Court.

18 13. This Court has personal jurisdiction over Wakaya and Smith because  
19 Wakaya and Smith intentionally avail themselves of the California market through  
20 the marketing, distribution, and/or sale of the Wakaya Products to consumers in the  
21 State of California. The exercise of jurisdiction over Wakaya and Smith by the  
22 California courts is therefore consistent with the traditional notions of fair play and  
23 substantial justice.

24 14. Venue is proper in the San Francisco Superior Court because, upon  
25 information and belief, Wakaya and Smith have violated California law in this  
26 county.

27 15. On July 5, 2016, Youngevity sent a 60-Day Notice of Proposition 65  
28 violations to Wakaya and Smith's counsel, the California attorney general, and to

1 District Attorneys throughout California. Youngevity issued that Notice in  
2 accordance with Cal. Health & Safety Code § 25249.7(d) and the state's  
3 implementing regulations.

4 16. On August 2, 2016, Youngevity sent an amended 60-Day Notice (the  
5 "Amended Notice") of Proposition 65 violations to Wakaya Perfection, LLC, the  
6 California attorney general, and to District Attorneys throughout California.  
7 Youngevity sent the Amended Notice in accordance with Cal. Health & safety  
8 Code § 25249.7(d) and that statute's implementing regulations. The Amended  
9 Notice included, among other things, the name of the alleged violator, the statute  
10 violated, the approximate time period of Wakaya's violations, and descriptions of  
11 those alleged violations, including the identification of the chemicals in the  
12 Wakaya Prop 65 Products, the routes of exposure, the specific products causing the  
13 violations, and a certificate of merit. Youngevity served the Amended Notice as  
14 follows:

- 15 a. Via Certified Mail to Todd Smith, Registered Agent for Wakaya  
16 Perfection, LLC;
- 17 b. Via Certified Mail to Wakaya Perfection, LLC;
- 18 c. Via Online Submission to the California Attorney General.

19 Youngevity's submission to the California Attorney General included  
20 factual information sufficient to establish a basis for the certificate,  
21 including the identity of the persons consulted with and relied on by  
22 the certifier, and the facts, studies, or other data reviewed by those  
23 persons; and

- 24 d. Via the US Postal Service to District Attorneys throughout California.

25 17. At least 60 days have elapsed since Youngevity sent the Amended  
26 Notice to Wakaya. The appropriate public enforcement agencies have failed to  
27 commence and diligently prosecute a cause of action against Wakaya.

**PARTIES**

18. Youngevity is a corporation organized in 1997 and operates under the laws of Delaware with its principal place of business in Chula Vista, California. Youngevity develops and distributes a wide range of consumer products through a global network of independent, direct-sellers known as "distributors." Youngevity is a successful, nineteen year-old, publicly traded, "direct selling company" (DSC) that operates through direct selling networks worldwide, as well as wholly owned subsidiaries, including, e.g., AL Global Corporation; CLR Roasters, LLC; Financial Destinations, Inc.; and FDI Management, Inc.

19. Youngevity is a publicly traded corporation trading under the symbol YGYI.

20. Originally U.S.-centric, selling specialty liquid based vitamin and mineral formulas created by Dr. Joel D. Wallach, Youngevity has become global, selling in excess of 1,000 products through direct sales worldwide, including, but not limited to, nutritional products, sports and energy drinks, health and wellness-related services, lifestyle products, gourmet coffees, jewelry, clothing, and cosmetics.

21. One of Youngevity's primary purposes is to promote a healthy lifestyle and to provide healthy and nutritious food and dietary supplements to consumers in California and throughout the world. Through this action, Youngevity seeks to promote the public's health by requiring Wakaya and Smith to adequately warn consumers that the Wakaya Products contain lead and/or inorganic arsenic and to ensure that all Wakaya Products are properly labeled.

22. As a company specializing in wellness products, Youngevity also devotes considerable resources to philanthropic purposes. Through its charity, Youngevity Be the Change Foundation, Youngevity directs hundreds of thousands of dollars and a large volume of clothing and consumer goods to those in need worldwide and to other charities that serve veterans and the needy.



1           23.   Youngevity's subsidiary owns a 1000-acre Coffee Plantation in  
2 Nicaragua. The Plantation holds the unique distinction of being Fair Trade,  
3 Organic, Rain Forest Alliance and Bird Friendly certified. Through its own  
4 foundation and from its Fair Trade Certification, Youngevity has invested  
5 hundreds of thousands of dollars to provide modern housing and a hydroelectric  
6 plant for the one hundred and eighty families who live and work on the plantation.  
7 Additionally, Youngevity has opened a school on the plantation to provide  
8 Kindergarten through 8th grade education for the children of the families residing  
9 there.

10           24.   Youngevity is a "person" within the meaning of Cal. Health & Safety  
11 Code § 25118 and brings this enforcement action in the public interest under Cal.  
12 Health & Safety Code § 25249.7(d).

13           25.   Wakaya Perfection, LLC is a limited liability corporation under the  
14 State of Utah's Corporation Law and is a person doing business within the  
15 meaning of Cal. Health & Safety Code § 25249.11.

16           26.   Wakaya Perfection, LLC has one founding member listed in its  
17 documentation filed with the Utah Secretary of State: Todd Smith. Smith  
18 acquired Wakaya Perfection, LLC in or about October 2015. Wakaya is a resident  
19 of Utah for jurisdictional purposes. Upon information and belief, Smith is the sole  
20 owner of Wakaya Perfection, LLC.

21           27.   Smith is the alter ego of Wakaya Perfection, LLC because, *inter alia*,  
22 he has signed contracts in his individual capacity to benefit Wakaya Perfection,  
23 LLC. Specifically, Smith signed the contract purchasing the calcium bentonite  
24 clay present in the Wakaya Products in his individual capacity and has therefore  
25 commingled his obligations and funds with Wakaya Perfection LLC's obligations  
26 and funds and held himself out as being personally liable for Wakaya's contracts.  
27 Smith, as the sole owner of Wakaya, has a unity of ownership and interest with  
28

1 Wakaya. Smith and Wakaya are jointly and severally liable for the acts they  
2 committed as alleged herein.

3 28. Smith, in his capacity as Wakaya's owner, personally participated in  
4 Wakaya's acts as alleged herein. Upon information and belief, Smith reviews and  
5 approves all of Wakaya's labels, advertisements, package inserts, and other  
6 promotional materials and/or consents to the issuance and use of all of Wakaya's  
7 labels, advertisements, package inserts, and other promotional materials. In the  
8 alternative, Smith is personally liable for the acts of Wakaya as alleged herein  
9 because he knew or should have known that Wakaya was committing the illegal  
10 acts alleged herein.

11 29. Wakaya has, and continues to, manufacture, package, distribute,  
12 marketed and/or sale the Wakaya Products for sale or use in California and the  
13 County of San Francisco.

14 30. Like Youngevity, Wakaya is a multi-level marketing company.  
15 Youngevity and Wakaya compete directly and, therefore, Youngevity suffers  
16 injury when Wakaya mislabels and falsely advertises Wakaya Products.

17 31. Wakaya markets its products directly to Youngevity's customers and  
18 attempts to convert Youngevity employees, distributors, and customers to become  
19 Wakaya employees, distributors, and customers.

20 32. As Wakaya's direct competitor, Youngevity has suffered injury in fact  
21 and has lost money and/or property as a result of Wakaya's violations described  
22 below.

23 **FACTS RELATING TO WAKAYA'S PROPOSITION 65 VIOLATIONS**

24 33. Proposition 65 requires that "no person in the course of doing  
25 business shall knowingly and intentionally expose any individual to a chemical  
26 known to the state to cause cancer or reproductive toxicity without first giving  
27 clear and reasonable warning to such individual ..." Cal. Health & Safety Code §  
28 25249.8(a).

1           34. Proposition 65 further provides that “any person who violates or  
2 threatens to violate [Proposition 65] may be enjoined in any court of competent  
3 jurisdiction.” Cal. Health & Safety Code § 25249.7(a). The statute additionally  
4 states that any person who has violated Proposition 65 “shall be liable for a civil  
5 penalty not to exceed two thousand five hundred dollars (\$2,500) per day for each  
6 violation in addition to any other penalty established by law.” *Id.* at §  
7 25249.7(b)(1).

8           35. On February 27, 1987, the State of California officially listed lead as a  
9 chemical known to cause reproductive toxicity and listed inorganic arsenic as a  
10 chemical known to cause cancer. On October 1, 1992, the State of California  
11 officially listed lead and lead compounds as a chemical known to cause cancer.  
12 Lead and inorganic arsenic are therefore subject to the “clear and reasonable”  
13 warnings requirements of Proposition 65.

14           36. The maximum allowable dose level for lead is 0.5 µg/day for  
15 reproductive toxicity and the “no significant risk level” (NSRL) for lead as a  
16 carcinogen is 15 µg/day.

17           37. The NSRL for inorganic arsenic as a carcinogen is 10 µg/day (except  
18 inhalation).

19           38. Upon information and belief, Wakaya and Smith began selling the  
20 Wakaya Prop 65 Products to California Consumers on or about March 15, 2016.  
21 Thereafter, Youngevity obtained all of the Wakaya Products through commercial  
22 channels (including product sold into California).

23           39. Youngevity hired a well-respected and accredited laboratory to test  
24 the Wakaya products. The results of those tests demonstrated that the Wakaya  
25 Prop 65 Products contained lead and/or inorganic arsenic substantially exceeding  
26 the safe harbor levels for lead and/or inorganic arsenic. Specifically each of the  
27 Wakaya Prop 65 Products contained the following chemicals at violative levels:

28           a.     Wakaya Detox Caps – Lead

- b. Wakaya SAVA Daily Detox Masques – Lead
- c. Wakaya Calcium Bentonite Clay Powder – Lead
- d. Wakaya Qele Liquid Clay – Lead and Inorganic Arsenic
- e. Wakaya Bula Daily Total Detox Pack – Lead and Inorganic Arsenic
- f. Wakaya Bula Daily Slim Pack – Lead
- g. Wakaya Paradise Product Pack – Lead
- h. Wakaya Calcium Bentonite Clay Powder Refill – Lead

40. Of particular note, consumers ingesting just the Wakaya Calcium Bentonite Clay Powder in accordance with Wakaya's instructions on that product's label will consume between approximately 102.5–205 µg of lead per day—that amount is 50–100% of the average adult's total daily exposure to lead in the United States. Wakaya recommends that consumers ingest the clay product by mixing 1 teaspoon of the clay in 2 ounces of water between 2 and 4 times daily to form a beverage. To illustrate the excessive dosing here, the EPA sets an upper limit of lead in drinking water at 15 µg/L (exceeding that value violates federal law) [40 C.F.R. § 141.80(c)]. Wakaya's recommended dosage of Bentonite Clay is equivalent to at least 102.5 µg of lead (2 teaspoons of the clay powder) in 2 ounces of water. That dosage yields a concentration of approximately 845 µg/L, or more than 5,500% higher than the EPA's upper tolerable level. 40 C.F.R. § 141.80(c).

41. The USDA, through the National Academic's Press Dietary Reference Intakes, recommends that adult women consume 2.7 liters of water per day.<sup>2</sup> Adult women following that recommendation consume up to 40.5 µg of lead per day from water so long as the water they drink does not exceed EPA's upper limit of lead in drinking water. If they consume 4 teaspoons of the Wakaya Calcium Bentonite Clay Powder, in accordance with Wakaya's instructions on that

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<sup>2</sup> See

<https://fnic.nal.usda.gov/sites/fnic.nal.usda.gov/files/uploads/DRIEssentialGuideNutReq.pdf> (last accessed Oct. 26, 2016).

1 product's label, they will then be consuming 205 µg of lead per day, or more than  
2 500% of the lead they would consume from drinking water, greatly exceeding the  
3 EPA's upper limit of lead in drinking water.

4 42. The levels of lead contained in Wakaya's product present a significant  
5 risk to consumer safety. Specifically concerning ingestion of the very kind of  
6 bentonite clay products sold by Wakaya, the FDA has warned that "[e]xposure to  
7 lead can cause serious damage to the central nervous system, the kidneys, and the  
8 immune system. In children, chronic exposure to lead, even at low levels, is  
9 associated with impaired cognitive function, including reduced IQ, behavioral  
10 difficulties, and other problems."<sup>3</sup>

11 43. On information and belief, Wakaya, Smith, and Wakaya's agents were  
12 aware or reasonably should have been aware that their Wakaya Prop 65 products  
13 contained significantly elevated lead and/or arsenic levels. Despite having that  
14 actual or constructive knowledge, Wakaya, Smith, and Wakaya's agents continued  
15 to market those products for "detoxification" and other health benefits.

16 44. Many of the Wakaya Prop 65 Products expose California Consumers  
17 to lead and/or inorganic arsenic through ingestion as opposed to other, less  
18 harmful, routes of exposure.

19 45. At all times relevant to this action, Wakaya has knowingly and  
20 intentionally exposed the users and/or handlers of the Wakaya Prop 65 Products to  
21 lead and/or inorganic arsenic without first giving a clear and reasonable warning to  
22 such individuals.

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23  
24  
25 <sup>3</sup> See "FDA warns consumers about health risks with Alikay Naturals—  
26 Bentonite Me Baby—Bentonite Clay" (March 23, 2016), *available at*,  
27 <http://www.fda.gov/Drugs/DrugSafety/ucm483838.htm> (last visited Nov. 8, 2016);  
28 *see also* "FDA Warns Consumers Not to Use 'Best Bentonite Clay'" (March 23,  
2016), *available at*, <http://www.fda.gov/Drugs/DrugSafety/ucm491396.htm> (last  
visited Nov. 8, 2016).

1           46. Upon information and belief, Wakaya began selling the Wakaya Prop  
2 65 Products on approximately March 15, 2016. Wakaya continues to sell those  
3 products to California consumers without a Proposition 65 compliant warning.

4           47. On July 5, 2016, Youngevity served Wakaya and Smith's counsel and  
5 each of the appropriate public enforcement agencies with a Proposition 65 Notice  
6 that provided Wakaya, Smith, and the public enforcement agencies with notice that  
7 Wakaya was in violation of Proposition 65. *See* Exh. A.

8           48. On August 2, 2016, Youngevity served Wakaya, Smith, and each of  
9 the appropriate public enforcement agencies with an Amended Proposition 65  
10 Notice that provided Wakaya, Smith, and the public enforcement agencies with  
11 notice that Wakaya was in violation of Proposition 65. *See* Exh. B.

12           49. Upon information and belief, Wakaya and Smith have caused  
13 individuals throughout the State of California, including in the County of San  
14 Francisco, to be exposed to lead and/or inorganic arsenic without a clear and  
15 reasonable warning. The individuals subject to the illegal exposures include  
16 normal and foreseeable users of the Wakaya Products, as well as any other persons  
17 exposed to the Wakaya Products.

18           **FACTS RELATING TO WAKAYA'S UCL AND FAL VIOLATIONS**

19           50. Wakaya and/or its agents have made, among others, the following  
20 false claims about the Wakaya Products:

21           A. "We are surrounded by chemicals and pollutants every day; how do  
22 we maintain our health? Learn from [Wakaya employee] Jennifer Halliday as she  
23 shares tips and tactics for overcoming chemical overload! You'll learn how ...  
24 Calcium Bentonite Clay can assist you in detoxing daily and achieving vibrant,  
25 lasting health!" *See* Exh. C.

26           B. "Calcium Bentonite Clay is composed of aged volcanic ash and  
27 known for its ability to effectively absorb and remove toxins, heavy metals,  
28 impurities, and chemicals from the body. It may also allow cells to remove more

1 oxygen, ease digestive issues, and boost the immune system....Using DetoxCaps™  
2 daily as part of your Bula Nutri Cap Hydration System™ provides ongoing, gentle  
3 detoxification.” See Exh. D.

4 C. “Learn from product experts the incredible health promoting  
5 benefits of ... Calcium Bentonite Clay ...” See Exh. E.

6 D. “Wakaya Perfection Calcium Bentonite Clay is the ONLY clay on  
7 the market that has FDA approval for being 100% organic, which makes it GRAS  
8 (Generally Recognized as Safe)...Our product is the best clay on the market ...”  
9 See Exh. F.

10 E. “Known for its therapeutic effects on the body, Wakaya Perfection  
11 Calcium Bentonite Mineral Clay Powder helps cleanse and detoxify by drying out  
12 impurities, excess oils, and excess toxins. It is known to remove toxins from the  
13 body, neutralize and balance acidic conditions, allow cells to receive more oxygen,  
14 and it also helps relieve digestion, boost the immune system, and cleanses...You  
15 can even mix it with water and drink it daily to get the maximum benefits...”<sup>4</sup>

16 F. Encouraging children to apply Wakaya Calcium Bentonite Clay to  
17 their wounds, bites, and to bathe in “Clay baths.” See Exh. H.

18 G. “Second clay drink of the day. Wakaya Perfection 100% calcium  
19 bentonite clay+water=100’s of health benefits!” See Exh. I.

20 H. “Wakaya Perfection has the only FDA approved Calcium bentonite  
21 clay for consumption. We all need to detox from our gmo foods and  
22 environmental pollutants.” See Exh. J.

23 51. The claims identified above, and other similar claims, cause the  
24 Wakaya Products to be “drugs” as defined by the Cal. Health & Safety Code §  
25

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26 <sup>4</sup> See <https://www.youtube.com/watch?v=B8E4tWaePbE> (last accessed Oct. 27, 2016)  
27 (accessible from Wakaya Perfection, LLC’s Facebook Page Post, dated October 26, 2016 at  
28 9:00am Pacific, available at [https://www.facebook.com/wakayap/?hc\\_ref=PAGES\\_TIMELINE&fref=nf](https://www.facebook.com/wakayap/?hc_ref=PAGES_TIMELINE&fref=nf) (last accessed Oct.  
27, 2016)). See Exh. G.

1 109925 and 21 U.S.C. § 321(g)(1), conventional “food” as defined by Cal. Health  
2 & Safety Code § 109935 and 21 U.S.C. § 321(f), and/or “dietary supplements” as  
3 defined by 17 CCR § 10200 and 21 U.S.C. § 321(ff).

4 52. California’s Sherman Laws incorporate all of the Food, Drug, and  
5 Cosmetic Act’s (“FDCA”) labeling laws and regulations into the law of California,  
6 Cal. Health & Safety Code § 110100, thereby making any violation of the FDCA’s  
7 labeling laws a violation of California law. Any violation of the California law is a  
8 violation of the California Unfair Competition Law (“UCL”), Cal. Bus. & Prof.  
9 Code § 17200 *et seq.*

10 53. The Wakaya Misbranded Products are not labeled in accordance with  
11 the FDCA’s labeling laws and regulations for food, drugs, and dietary  
12 supplements.

13 54. The Wakaya Sava Daily Detox Masque, Wakaya Calcium Bentonite  
14 Clay Powder, Wakaya Qele Liquid Clay, Wakaya Calcium Bentonite Clay Powder  
15 Refill, are mislabeled because they are foods, dietary supplements, and/or drugs  
16 and do not contain any nutrition facts panel, supplement facts panel, or drug facts  
17 panel as required by federal law. *See* 21 CFR 101.9, 21 CFR 101.36, 21 CFR  
18 201.66(c)

19 55. Wakaya also advertises its Bula Bottle as “Biodegradable” without  
20 any qualification. *See* Exh. K. The Federal Trade Commission, through the  
21 Federal Trade Commission Act (“FTCA”) regulates biodegradable and other  
22 environmental claims.

23 56. The Federal Trade Commission states that “[i]t is deceptive to make  
24 an unqualified degradable claim for items entering the solid waste stream if the  
25 items do not completely decompose within one year after customary disposal.  
26 Unqualified degradable claims for items that are customarily disposed of in  
27 landfills, incinerators, and recycling facilities are deceptive because these locations  
28



1 do not present conditions in which complete decomposition will occur within one  
2 year.” 16 CFR 260.8(b).

3 57. In truth, Youngevity is informed and believes that the Bula Bottle is  
4 made from conventional plastic and is not “biodegradable.” The Bula Bottle will  
5 not completely decompose into elements found in nature within one year, or within  
6 any reasonably short period of time, after customary disposal.

7 58. Wakaya’s claim that the Bula Bottle is “biodegradable” is material to  
8 consumers in that the claim influences their purchasing decisions.

9 59. According to Wakaya advertisements, the Bula Bottle purportedly  
10 includes a silver-based water filter advertised as having a pesticidal effect,  
11 including bacteriostatic or bactericidal properties. *See* Exh. K.

12 60. Wakaya sells the Bula Bottle filter directly with the Bula Bottle and  
13 separately in packs of 8. *See* Exh. K.

14 61. The silver-based water filter in the Bula Bottle is a “pesticide” under  
15 the Federal Insecticide, Fungicide, and Rodenticide Act (“FIFRA”) at 7 U.S.C. §  
16 136(u). The Bula Bottle is therefore subject to the laws and regulations governing  
17 pesticides.

18 62. LiveWell LLC registered the Bula Bottle filter with the EPA, and  
19 EPA issued a registration for same on February 11, 2013. *See* Exh. L. The Bula  
20 Bottle filter is registered as “EPA Reg. No. 88599-1.” *Id.*

21 63. As part of that registration, EPA requires the Bula Bottle filter to be  
22 sold with a label with very specific language. *Id.* For example, the label must  
23 include the filter’s active ingredients, specific “CAUTION” statements, and the  
24 EPA registration number. *Id.*

25 64. As part of that registration, EPA also requires the sale of the Bula  
26 Bottle filters to be accompanied by a label insert containing very specific language  
27 which includes specific directions for use. That label insert must state that the  
28 filter should be replaced after 28 uses or 7 days, whichever comes first. Wakaya

1 advertises that the filter can “be used approximately 60 times (2 times a day for 30  
2 days) before it needs to be replaced.” *Compare* Exh. K with Exh. L.

3 65. Pesticides are misbranded if they do not include the directions for use  
4 and warning statements required by the EPA registration. 7 U.S.C. §  
5 136(q)(1)(F)–(G).

6 66. Wakaya’s Bula Bottle’s labels do not contain the specific directions  
7 for use and warning statements required by the product’s EPA registration.

8 67. Pesticides are misbranded if their labels do not contain the registration  
9 number assigned under 7 U.S.C. § 136e to each establishment in which it was  
10 produced. *See* 7 U.S.C. § 136(q)(1)(D).

11 68. Wakaya’s Bula Bottle’s labels do not contain any registration number  
12 for the establishment in which it was produced.

13 69. Pesticides are misbranded if their labels do not bear an ingredient  
14 statement. 7 U.S.C. § 136(q)(2)(A).

15 70. Wakaya’s Bula Bottle’s labels do not contain any ingredient  
16 statement.

17 **FIRST CAUSE OF ACTION**

18 **(Injunctive Relief for Violations of Cal. Health & Safety Code § 25249.5, *et***  
19 ***seq.*)**

20 71. Youngevity incorporates the allegations in paragraphs 1 through 70  
21 *supra*.

22 72. As explained in the allegations above, Wakaya and Smith, at all times  
23 relevant to this action and continuing through the present have violated, and  
24 continue to violate, Cal. Health & Safety Code § 25249.6, by knowingly and  
25 intentionally exposing individuals who use or handle the Wakaya Products to lead  
26 and/or inorganic arsenic, in the course of doing business, without first providing a  
27 clear and reasonable warning to such individuals in accordance with Cal. Health &  
28 Safety Code §§ 25249.6 and 25249.11(f).

73. Wakaya and Smith expose consumers who use and/or handle the Wakaya Products to lead and/or inorganic arsenic without sufficiently warning those consumers as mandated by Proposition 65.

74. Wakaya and Smith are therefore subject to an injunction ordering Wakaya and Smith to stop violating Proposition 65, to provide warnings to all present and future customers, to provide warnings to Wakaya's past customers who purchased and/or used the Wakaya products without receiving a clear and reasonable warning, and to reformulate product as necessary to avoid substantial exposures to California consumers.

75. Cal. Health and Safety Code § 25249.7(a) authorizes injunctive relief against Wakaya and Smith.

76. Wakaya and Smith's continued violation of Proposition 65 irreparably harms the citizens of the State of California by exposing them to lead and/or inorganic arsenic without providing sufficient warnings, for which harm they have no plain, speedy or adequate remedy at law.

## **SECOND CAUSE OF ACTION**

**(Civil Penalties for Violations of Cal. Health & Safety Code § 25249.5, *et seq.*)**

77. Youngevity incorporates the allegations in paragraphs 1 through 76 *supra*.

78. As explained in the allegations above, Wakaya and Smith, at all times relevant to this action and continuing through the present have violated, and continue to violate, Cal. Health & Safety Code § 25249.6, by knowingly and intentionally exposing individuals who use or handle the Wakaya Products to lead and/or inorganic arsenic, in the course of doing business, without first providing a clear and reasonable warning to such individuals in accordance with Cal. Health & Safety Code §§ 25249.6 and 25249.11(f).

79. By committing the acts explained in the allegations above, Wakaya and Smith are liable, in accordance, with Cal. Health & Safety Code § 25249.7(b), for a civil penalty of up to \$2,500 per day per violation for each unlawful exposure

1 to lead and/or inorganic arsenic from the Wakaya Products.

2 80. Upon information and belief, and based on application of the civil  
3 penalty provisions of Cal. Health & Safety Code § 25249.7(b), Wakaya and  
4 Smith's total potential joint and several financial liability exceeds \$18,000,000.

5 **THIRD CAUSE OF ACTION**

6 **(Unfair Competition under Cal. Bus.& Prof. Code § 17200, *et seq.*)**

7 81. Youngevity incorporates the allegations in paragraphs 1 through 80  
8 *supra*.

9 82. California Business and Professions Code § 17200 *et seq.* (the "UCL")  
10 borrows violations from other statutes and laws and makes them unlawful to  
11 engage in a business practice.

12 83. Through the acts alleged herein, Wakaya has violated the UCL by  
13 violating:

- 14 a. California's Proposition 65, *see supra* at ¶¶ 33–49;  
15 b. The Food, Drug, and Cosmetic Act, *see supra* at ¶¶ 50–54;  
16 c. The Federal Trade Commission Act, *see supra* at ¶¶ 55–58; and  
17 d. The Federal Insecticide, Fungicide, and Rodenticide Act, *see supra* at  
18 ¶¶ 59–70.

19 84. Wakaya's UCL violations continue to irreparably harm California  
20 consumers.

21 85. As a direct competitor with Wakaya, Youngevity suffers economic  
22 injury as a result of Wakaya's promotions and sales in violation of the law.  
23 Wakaya's use of unlawful labeling and claim language provides an unfair and  
24 unlawful market advantage.

25 86. Youngevity has lost business, or is likely to lose business, to the  
26 extent Youngevity distributors and consumers at large buy Wakaya's Clay  
27 Products rather than Youngevity's competing health products based on Wakaya's  
28 unlawful claims and labeling.

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**WHEREFORE, Youngevity prays for judgment in its favor and against**

A. A preliminary and permanent injunction, in accordance with Cal. Health & Safety Code § 25249.7(b), enjoining Wakaya and Smith, their agents, employees, assigns, and all other persons acting in concert or participating with Wakaya and Smith, from offering the Wakaya Products for sale in California without either providing compliant Proposition 65 warnings and/or reformulating Wakaya Products to reduce or remove the lead and/or inorganic arsenic;

B. An injunctive Order, in accordance with Cal. Health & Safety Code § 107(b), requiring Wakaya and Smith to identify and locate each individual in California who has purchased any of the Wakaya Products and to provide with a compliant Proposition 65 warning for the specific product purchased;

C. An injunctive order requiring Wakaya and Smith to waive restocking (if applicable) which Wakaya and Smith would otherwise charge to consumers who wish to return any of the Wakaya Products after receiving a Proposition 65 warning;

D. An assessment of civil penalties in accordance with Cal. Health & Safety Code § 25249.7(b) against Wakaya and Smith, jointly and severally, in the amount of \$2,500 per day for each violation of Proposition 65 which discovery reveal;

E. An injunctive order requiring Wakaya and Smith to issue a recall for the Wakaya Products;

F. An injunctive order requiring Wakaya and Smith to cease and desist  
 eting, selling, advertising, and/or manufacturing all of the Wakaya Products;

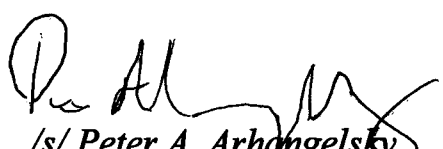
G. An award to Youngevity of its reasonable attorneys' fees and costs incurred in bringing this action in the public interest in accordance with Cal. Code Civ. Proc. § 1021.5 and/or any other applicable provisions of law; and

1 H. Any other relief this Court finds just and proper.  
2  
3

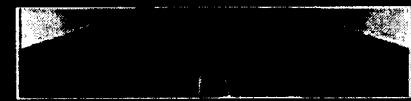
4 DATED: November 10, 2016

5 Respectfully submitted,  
6

7 YOUNGEVITY INTERNATIONAL, CORP.  
8

9 By:   
10 /s/ Peter A. Arhangelsky  
11 Peter A. Arhangelsky, Esq. (SBN 291325)  
12 *Attorney for Plaintiff Youngevity*  
13 E-mail: parhangelsky@emord.com  
14 Emord & Associates, P.C.  
15 3210 S. Gilbert Road, Suite 4  
16 Chandler, AZ 85286  
17 Phone: (602) 388-8899  
18 Fax: (602) 393-4361  
19  
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# EXHIBIT A



Emord & Associates

A Professional Corporation

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July 5, 2016

Jonathan O. Hafen  
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Cynthia D. Love  
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Parr Brown Gee & Loveless  
101 South 200 East  
Salt Lake City, UT 84111

Kyle M. Van Dyke  
kvandyke@hurst-hurst.com  
701 B Street  
Suite 1700  
San Diego, CA 92101

**VIA E-MAIL AND UPS OVERNIGHT**

**Re: NOTICE OF VIOLATIONS OF CALIFORNIA HEALTH & SAFETY  
CODE SECTION 25249.5 ET SEQ. (PROPOSITION 65)**

Dear Messrs. Hafen, Schofield, and Van Dyke:

As you know, we represent Youngevity International, Corp. (“Youngevity”) in *Youngevity International Corp., et al. v. Wakaya Perfection, et. al.*, Case No. 3:16-cv-704-W-JLB (S.D. Cal.) (“YGYI v. Wakaya”). During its investigation of Wakaya’s business and product offerings, Youngevity discovered that Wakaya violates California’s Safe Drinking Water and Toxic Enforcement Act of 1986 (“Prop 65”), which is codified at California Health & Safety Code § 25248.5 *et seq.*, with respect to the products identified below. These violations have occurred and continue to occur because Wakaya failed to provide clear and reasonable warnings concerning, inter alia, the excessive lead content in certain products. This letter serves as a notice of these violations to Wakaya and the appropriate enforcement agencies. Pursuant to Section 25249.7(d) of the statute, Youngevity will seek leave to amend its Complaint in *YGYI v. Wakaya* after the sixty-day statutory period following effective service of this notice, unless the parties can reach a remedial solution that prevents harmful consumer exposures. Youngevity



intends to add causes of action against Wakaya for Proposition 65 violations and related Lanham Act counts.

This notice provides the essential notice of violations of California's Proposition 65. Those violations are significant and pose an immediate threat to public safety. The lead and arsenic exposure levels caused by ingestion or use of Wakaya's products hereinbelow identified, including Wakaya's bentonite clay product, are significantly higher than permissible under state thresholds. Moreover, Wakaya promotes these products as non-toxic alternatives to competing products. Those advertising claims are apparently false or misleading, and encourage consumers to use the Wakaya products despite the known health risks associated with same. For example, Wakaya sells a "Detox Cap" for use in its Bula Bottles that promises to cleanse the body of built-up wastes and toxins. Yet that Detox Cap itself contains elevated levels of lead and arsenic that exceed Prop 65 warning levels.

**General Information about Proposition 65.** A copy of a summary of Proposition 65, prepared by the Office of Environmental Health Hazard Assessment, is attached with the copy of this letter served to the Alleged Violator.

**Alleged Violator.** The name of the company covered by this notice that violated Proposition 65 is:

**Wakaya Perfection, LLC**

**Consumer Products and Listed Chemicals.** The products that are the subject of this notice and the chemical in those products identified as exceeding allowable levels are:

Wakaya Detox Caps – Lead and Arsenic  
Wakaya SAVA Daily Detox Masques – Lead and Arsenic  
Wakaya Calcium Bentonite Clay Powder – Lead and Arsenic

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. Similarly, on February 27, 1987, the State of California officially listed arsenic as a chemical known to cause cancer.

Youngevity may continue to investigate other products that may reveal further violations and result in subsequent notices of violations.

**Route of Exposure.** The consumer exposures that are the subject of this notice result from the purchase, acquisition, handling, and recommended use of those products. Consequently, the primary route of exposure to those chemicals has been and continues to be through ingestion and/or dermal contact, but may have also occurred and may continue to occur through inhalation.

**Approximate Time Period of Violations.** Ongoing violations have occurred every day since at least approximately December 20, 2015, when the Alleged Violator became the exclusive distributor for those products, as well as every day since the products were introduced into the California marketplace, and will continue every day until clear and reasonable warnings are provided to product purchasers and users or until these known toxic chemicals are either removed from or reduced to allowable levels in the products. Proposition 65 requires that a clear and reasonable warning be provided prior to exposure to the identified chemicals. The method of warning should be a warning that appears on the product label. The Alleged Violator violated Proposition 65 because it failed to provide persons handling and/or using these products with appropriate warning that they are being exposed to those chemicals.

Youngevity is a company that promotes consumer well-being and longevity through sound dietary habits. Youngevity exercises great care to ensure that its products are lawful and safe for consumption. Consistent with the public interest goals of Proposition 65 and a preference to have these ongoing violations of California law remedied expeditiously, Youngevity seeks a constructive resolution that includes an enforceable agreement executed by Wakaya to: (1) reformulate the identified products so as to eliminate further exposures to the identified chemicals, or provide appropriate warnings on the labels of these products; and (2) pay an appropriate civil penalty. Such a resolution would prevent further undisclosed consumer exposures, as well as additional and expensive time consuming litigation. Absent such prompt remedial measures, Youngevity intends to pursue a claim under Prop 65 in the active litigation (*YGYI v. Wakaya*) and consistent with the public interest.

Please direct all communications regarding this Notice of Violations to my attention at the law office address and telephone number indicated on the letterhead.

Sincerely,

/s/ Peter A. Arhangelsky  
Peter A. Arhangelsky  
*Counsel to Youngevity International Corp.*

Attachments:

Certificate of Merit  
Certificate of Service  
OEHHA Summary (to Wakaya Perfection, LLC's counsel-of-record only)  
Additional Supporting Information for Certificate of Merit (to AG only)

## **CERTIFICATE OF MERIT**

**Re:   Youngevity International Corp.'s Notice of Proposition 65 Violations by Wakaya Perfection, LLC**

I, Peter A. Arhangelsky, declare:

1. This Certificate of merit accompanies the attached 60-day notice in which it is alleged the party identified in the notice violated California Health and 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 more persons with relevant and appropriate experience or expertise who have reviewed facts, studies, or other data regarding the exposure to the listed chemicals that are the subject of this notice.

4. Based on information obtained through those consultants, which includes laboratory and analytical data related to the products at issue, 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 credible bases 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, we have 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: July 5, 2016

/s/ Peter A. Arhangelsky  
Peter A. Arhangelsky

## **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 3210 S. Gilbert Rd., Suite #4, Chandler, AZ 85286. I am a resident or employed in the county where the mailing occurred. The enveloped or package was placed in the mail in Chandler, Arizona.

On July 5, 2016, 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 e-mail and by placing a true and correct copy thereof in a sealed envelope, addressed to the party listed below and sending though UPS with the postage fully prepaid for delivery by Certified Mail:

Jonathan O. Hafen  
jhafen@parrbrown.com  
Jonathan R. Schofield  
jschofield@parrbrown.com  
Cynthia D. Love  
clove@parrbrown.com  
Parr Brown Gee & Loveless  
101 South 200 East  
Salt Lake City, UT 84111

Kyle M. Van Dyke  
kvandyke@hurst-hurst.com  
701 B Street  
Suite 1700  
San Diego, CA 92101

ATTORNEYS FOR WAKAYA PERFECTION, LLC

On July 5, 2016, I 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>:

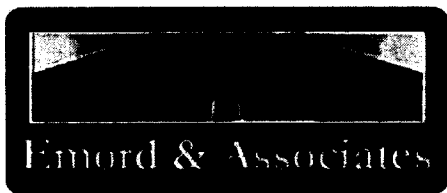
Office of the California Attorney General  
Prop 65 Enforcement Reporting  
1515 Clay Street, Suite 2000  
Oakland, CA 94612-0550

On July 5, 2016, 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 Distribution 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 as a U.S. Postal Service Office with the postage fully prepaid for delivery by Priority Mail.

Executed on July 5, 2016

/s/ Peter A. Arhangelsky  
Peter A. Arhangelsky

# **EXHIBIT B**



A Professional Corporation

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WASHINGTON, D.C. 20036  
(202) 466-6937 | FAX (202) 466-6938

Peter A. Arhangelsky, Esq.  
(602) 388-8899  
parhangelsky@emord.com

August 2, 2016

Wakaya Perfection, LLC  
7 South 1550 West  
Suite 600  
Lindon, UT 84042

**Re: AMENDED NOTICE OF VIOLATIONS OF CALIFORNIA HEALTH &  
SAFETY CODE SECTION 25249.5 ET SEQ. (PROPOSITION 65)**

To Whom It May Concern:

We represent Youngevity International Corp. (“Youngevity”) in *Youngevity International Corp., et al. v. Wakaya Perfection, et. al.*, Case No. 3:16-cv-704-W-JLB (S.D. Cal.) (“YGYI v. Wakaya”). During its investigation of Wakaya’s business and product offerings, Youngevity discovered that Wakaya violates California’s Safe Drinking Water and Toxic Enforcement Act of 1986 (“Prop 65”), which is codified at California Health & Safety Code § 25248.5 *et seq.*, with respect to the products identified below. Those violations have occurred and continue to occur because Wakaya has failed to provide clear and reasonable warnings concerning, inter alia, the excessive lead content in certain products. Youngevity served an initial Notice of Violations of Prop 65 on July 5, 2016. This letter serves as an amended notice of violations to Wakaya and the appropriate enforcement agencies. Pursuant to Section 25249.7(d) of the statute, Youngevity will seek leave to amend its Complaint in *YGYI v. Wakaya* after the sixty-day statutory period following effective service of this amended notice, unless the parties can reach a remedial solution that prevents harmful consumer exposures.

This amended notice provides the essential notice of violations of California’s Prop 65. Those violations are significant and pose an immediate threat to public safety. The lead and inorganic arsenic exposure levels caused by ingestion or use of Wakaya’s products hereinbelow identified, including Wakaya’s bentonite clay products, are significantly higher than permissible under state thresholds. Moreover, Wakaya promotes these products as non-toxic alternatives to competing products. Those advertising claims are apparently false or misleading, and encourage consumers to use the Wakaya products despite the known health risks associated with them. For example, Wakaya sells a “Detox Cap” for use in its Bula Bottles that promises to cleanse the

body of built-up wastes and toxins, yet that Detox Cap itself contains elevated levels of lead and arsenic that exceed Prop 65 warning levels.

**General Information about Proposition 65.** A copy of a summary of Proposition 65, prepared by the Office of Environmental Health Hazard Assessment, is attached with the copy of this letter served to the Alleged Violator.

**Alleged Violator.** The name of the company covered by this notice that violated Proposition 65 is:

**Wakaya Perfection, LLC**

**Consumer Products and Listed Chemicals.** The products that are the subject of this notice and the chemical in those products identified as exceeding allowable levels are:

Wakaya Detox Caps – Lead  
Wakaya SAVA Daily Detox Masques – Lead  
Wakaya Calcium Bentonite Clay Powder – Lead  
Wakaya Qele Liquid Clay – Lead and Inorganic Arsenic  
Wakaya Bula Daily Total Detox Pack – Lead and Inorganic Arsenic  
Wakaya Bula Daily Slim Pack – Lead  
Wakaya Paradise Product Pack – Lead  
Wakaya Calcium Bentonite Clay Powder Refill – 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. Similarly, on February 27, 1987, the State of California officially listed inorganic arsenic as a chemical known to cause cancer.

Youngevity may continue to investigate other products that may reveal further violations and result in subsequent notices of violation.

**Route of Exposure.** The consumer exposures that are the subject of this notice result from the purchase, acquisition, handling, and recommended use of the above listed products. Consequently, the primary route of exposure to those chemicals has been and continues to be through ingestion and/or dermal contact, but may have also occurred and may continue to occur through inhalation.

**Approximate Time Period of Violations.** Ongoing violations have occurred every day since at least approximately December 20, 2015, when the Alleged Violator became the exclusive distributor for those products, as well as every day since the products were introduced into the California marketplace, and will continue every day until clear and reasonable warnings are provided to product purchasers and users or until these known toxic chemicals are either removed from or reduced to allowable levels in the products. Proposition 65 requires that a clear



and reasonable warning be provided prior to exposure to the identified chemicals. The method of warning should be a warning that appears directly on the product label. The Alleged Violator violated Proposition 65 because it failed to provide persons handling and/or using these products with appropriate warning that they are being exposed to those chemicals.

Youngevity is a company that promotes consumer well-being and longevity through sound dietary habits. Youngevity exercises great care to ensure that its products are lawful and safe for consumption. Consistent with the public interest goals of Proposition 65 and a preference to have these ongoing violations of California law remedied expeditiously, Youngevity seeks a constructive resolution that includes an enforceable agreement executed by Wakaya to: (1) reformulate the identified products so as to eliminate further exposures to the identified chemicals, or provide appropriate warnings on the labels of these products; and (2) pay an appropriate civil penalty. Such a resolution would prevent further undisclosed consumer exposures, as well as additional and expensive time consuming litigation. Absent such prompt remedial measures, Youngevity intends to pursue a claim under Prop 65 in the active litigation (*YGYI v. Wakaya*) and consistent with the public interest.

Please direct all communications regarding this Notice of Violations to my attention at the law office address and telephone number indicated on the letterhead.

Sincerely,

/s/ Peter A. Arhangelsky  
Peter A. Arhangelsky  
*Counsel to Youngevity International Corp.*

Attachments:

Certificate of Merit  
Certificate of Service  
OEHHA Summary (to Wakaya only)  
Additional Supporting Information for Certificate of Merit (to AG only)

cc (via e-mail):

Jonathan O. Hafen  
jhafen@parrbrown.com  
Jonathan R. Schofield  
jschofield@parrbrown.com  
Cynthia D. Love  
clove@parrbrown.com  
Parr Brown Gee & Loveless  
101 South 200 East  
Salt Lake City, UT 84111

Kyle M. Van Dyke  
kvandyke@hurst-hurst.com  
701 B Street  
Suite 1700  
San Diego, CA 92101

## **CERTIFICATE OF MERIT**

**Re: Youngevity International Corp.'s Notice of Proposition 65 Violations by Wakaya Perfection, LLC**

I, Peter A. Arhangelsky, declare:

1. This Certificate of merit accompanies the attached amended 60-day notice in which it is alleged the party identified in the notice violated California Health and 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 more persons with relevant and appropriate experience or expertise who have reviewed facts, studies, or other data regarding the exposure to the listed chemicals that are the subject of this notice.

4. Based on information obtained through those consultants, which includes laboratory and analytical data related to the products at issue, 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 credible bases 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, we have 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 2, 2016

/s/ Peter A. Arhangelsky  
Peter A. Arhangelsky

## **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 3210 S. Gilbert Rd., Suite #4, Chandler, AZ 85286. I am a resident or employed in the county where the mailing occurred. The enveloped or package was placed in the mail in Chandler, Arizona.

On August 2, 2016, I served the following documents: **AMENDED 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 parties listed below and depositing it in a US Postal Service Office with postage fully prepaid for delivery by Certified Mail:

Registered Agent for Wakaya Perfection, LLC  
13413 N. Alpine Cove Dr.  
Alpine, UT 84004

Current President, CEO, Manager, or Managing Member  
Wakaya Perfection, LLC  
7 South 1550 West  
Suite 600  
Lindon, UT 84042

On August 2, 2016, I served the following documents: **AMENDED 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 August 2, 2016, I served the following documents: **AMENDED 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 first class mail.

Executed on August 2, 2016

/s/ Peter A. Arhangelsky

Peter A. Arhangelsky

# SERVICE LIST

The Honorable Nancy O'Malley  
Alameda County District Attorney  
1225 Fallon Street, Room 900  
Oakland, CA 94612

The Honorable Terese Drabec  
Alpine County District Attorney  
270 Laramie Street, PO BOX 248  
Markleeville, CA 96120

The Honorable Todd Riebe  
Amador County District Attorney  
708 Court Street  
Jackson, CA 95642

The Honorable Michael Ramsey  
Butte County District Attorney  
25 County Center Drive  
Oroville, CA 95965

The Honorable Barbara Yook  
Calaveras County District Attorney  
891 Mountain Ranch Road  
San Andreas, CA 95249

The Honorable John Poyner  
Colusa County District Attorney  
346 Fifth Street  
Colusa, CA 95932

The Honorable Mark Peterson  
Contra Costa County District Attorney  
900 Ward Street  
Martinez, CA 94553

The Honorable Dale Trigg  
Del Norte County District Attorney  
450 H Street, Room 171  
Crescent City, CA 95531

The Honorable Vern Pierson  
El Dorado County District Attorney  
515 Main Street  
Placerville, CA 95667

The Honorable Lisa Smittcamp  
Fresno County District Attorney  
2220 Tulare Street, #1000  
Fresno, CA 93721

The Honorable Dwayne Stewart  
Glenn County District Attorney  
P.O. Box 430  
Willows, CA 95988

The Honorable Maggie Fleming  
Humboldt County District Attorney  
825 5th Street, Fourth Floor  
Eureka, CA 95501

The Honorable Gilbert Otero  
Imperial County District Attorney  
940 West Main Street, Suite 102  
El Centro, CA 92243

The Honorable Thomas Hardy  
Inyo County District Attorney  
168 North Edwards Street  
Independence, CA 93526

The Honorable Lisa Green  
Kern County District Attorney  
1215 Truxtun Avenue  
Bakersfield, CA 93301

The Honorable Keith Fagundas  
Kings County District Attorney  
1400 West Lacey Boulevard  
Hanford, CA 93230

The Honorable Donald Anderson  
Lake County District Attorney  
255 North Forbes Street  
Lakeport, CA 95453

The Honorable Stacey Montgomery  
Lassen County District Attorney  
220 South Lassen Street, Ste. 8  
Susanville, CA 96130

The Honorable Jackie Lacey  
Los Angeles County District Attorney  
210 West Temple Street, Suite 18000  
Los Angeles, CA 90012

The Honorable David Linn  
Madera County District Attorney  
209 West Yosemite Avenue  
Madera, CA 93637

The Honorable Edward Berberian  
Marin County District Attorney  
3501 Civic Center Drive, Room 130  
San Rafael, CA 94903

The Honorable Thomas Cooke  
Mariposa County District Attorney  
5101 Jones Street, P.O. Box 730  
Mariposa, CA 95338

The Honorable C. David Eyster  
Mendocino County District Attorney  
100 North State Street, P.O. Box 1000  
Ukiah, CA 95482

The Honorable Larry Morse II  
Merced County District Attorney  
550 W. Main Street  
Merced, CA 95340

The Honorable Jordan Funk  
Modoc County District Attorney  
204 S. Court Street, Suite 202  
Alturas, CA 96101

The Honorable Tim Kendall  
Mono County District Attorney  
P.O. Box 617  
Bridgeport, CA 93517

The Honorable Dean Flippo  
Monterey County District Attorney  
P.O. Box 1131  
Salinas, CA 93902

The Honorable Gary Lieberstein  
Napa County District Attorney  
Carlithers Building  
931 Parkway Mall  
P.O. Box 720  
Napa, CA 94559

The Honorable Clifford Newell  
Nevada County District Attorney  
201 Commercial Street  
Nevada City, CA 95959

The Honorable Tony Rackauckas  
Orange County District Attorney  
401 Civic Center Drive West  
Santa Ana, CA 92701

The Honorable R. Scott Owens  
Placer County District Attorney  
10810 Justice Center Drive, Suite 240  
Roseville, CA 95678

The Honorable David Hollister  
Plumas County District Attorney  
520 Main Street, Room 404  
Quincy, CA 95971

The Honorable Michael Hestrin  
Riverside County District Attorney  
3960 Orange Street  
Riverside, CA 92501

The Honorable Anne Marie Schubert  
Sacramento County District Attorney  
901 G Street  
Sacramento, CA 95814

The Honorable Candice Hooper  
San Benito County District Attorney  
419 4th Street, Second Floor  
Hollister, CA 95203

The Honorable Michael Ramos  
San Bernardino County District Attorney  
303 West 3rd Street, 6th Floor  
San Bernardino, CA 92415-0502

The Honorable Bonnie Dumanis  
San Diego County District Attorney  
330 W. Broadway Street  
San Diego, CA 92101

The Honorable George Gascon  
San Francisco County District Attorney  
850 Bryant Street, Room 322  
San Francisco, CA 94103

The Honorable Tori Verber Salazar  
San Joaquin County District Attorney  
222 East Weber Avenue, Room 202  
Stockton, CA 95201

The Honorable Dan Dow  
San Luis Obispo County District Attorney  
1035 Palm Street, 4th Floor  
San Luis Obispo, CA 93408

The Honorable Stephen Wagstaffe  
San Mateo County District Attorney  
400 County Center, Third Floor  
Redwood City, CA 94063

The Honorable Joyce Dudley  
Santa Barbara County District Attorney  
1112 Santa Barbara Street  
Santa Barbara, CA 93101

The Honorable Jeffrey Rosen  
Santa Clara County District Attorney  
70 West Hedding Street, West Wing  
San Jose, CA 95110

The Honorable Jeff Rosell  
Santa Cruz County District Attorney  
701 Ocean Street, Room 200  
Santa Cruz, CA 95060

The Honorable Stephen Carlton  
Shasta County District Attorney  
1355 West Street  
Redding, CA 96001

The Honorable Lawrence Allen  
Sierra County District Attorney  
100 Courthouse Square  
Downieville, CA 95936

The Honorable James Kirk Andrus  
Siskiyou County District Attorney  
P.O. Box 986  
Yreka, CA 96097

The Honorable Krishna Abrams  
Solano County District Attorney  
675 Texas Street, Suite 4500  
Fairfield, CA 94533

The Honorable Jill Ravitch  
Sonoma County District Attorney  
600 Administration Drive, Room 212J  
Santa Rosa, CA 95403

The Honorable Birgit Fladager  
Stanislaus County District Attorney  
832 12th Street, Suite 300  
Modesto, CA 95354

The Honorable Amanda Hopper  
Sutter County District Attorney  
463 Second Street, Suite 102  
Yuba City, CA 95991

The Honorable Gregg Cohen  
Tehama County District Attorney  
444 Oak Street, Room L  
Red Bluff, CA 96080

The Honorable Eric Heryford  
Trinity County District Attorney  
P.O. Box 310  
Weaverville, CA 96093

The Honorable Tim Ward  
Tulare County District Attorney  
221 South Mooney Boulevard,  
Rm 224  
Visalia, CA 93291-4593

The Honorable Laura Krieg  
Tuolumne County District Attorney  
423 North Washington Street  
Sonora, CA 95370

The Honorable Gregory Totten  
Ventura County District Attorney  
800 South Victoria Avenue  
Ventura, CA 93009

The Honorable Jeff Reisig  
Yolo County District Attorney  
301 Second Street  
Woodland, CA 95695

The Honorable Patrick McGrath  
Yuba County District Attorney  
215 Fifth Street  
Marysville, CA 95901

The Honorable Mike Feuer  
Office of the City Attorney, Los Angeles  
800 City Hall East  
200 North Main Street  
Los Angeles, CA 90012

The Honorable James Sanchez  
Office of the City Attorney, Sacramento  
915 I Street, 4th Floor  
Sacramento, CA 95814

The Honorable Jan Goldsmith  
Office of the City Attorney, San Diego  
1200 Third Avenue, Suite 1620  
San Diego, CA 92101

The Honorable Dennis Herrera  
Office of the City Attorney, San Francisco  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

The Honorable Richard Doyle  
Office of the City Attorney, San Jose  
200 East Santa Clara Street, 16th Floor  
San Jose, CA 95113

# **EXHIBIT C**

# PARADISE BLOG

([https://docs.google.com/forms/d/e/1FAIpQLScMfAovWl032JtLFZGgyITkt6f3-FQ\\_MUvtQ-peOByeKm99Q/viewform?c=0&w=1](https://docs.google.com/forms/d/e/1FAIpQLScMfAovWl032JtLFZGgyITkt6f3-FQ_MUvtQ-peOByeKm99Q/viewform?c=0&w=1))



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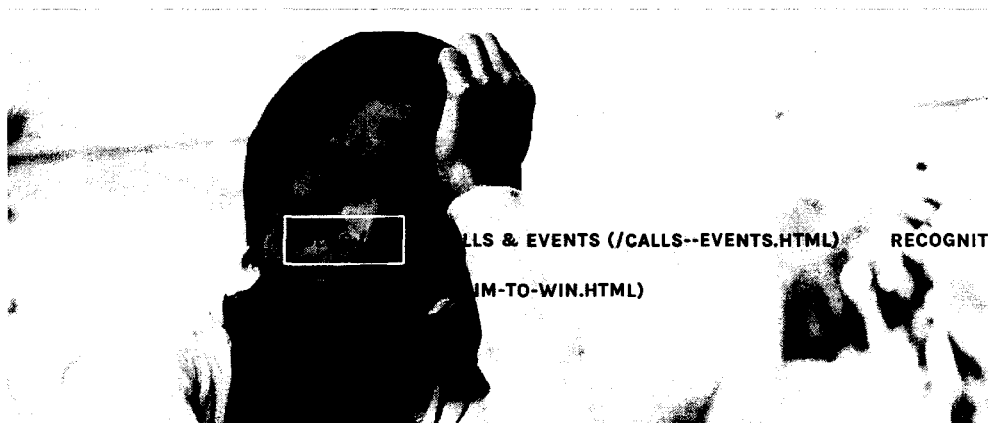
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- 11/8/16 Why Wakaya Video: Niki Worthington (<http://blog.mywakayaprelaunch.com/blog/why-wakaya-niki-worthington>)
- 11/8/16 Now Available: Bone & Muscles Formula Capsules (<http://blog.mywakayaprelaunch.com/blog/now-available-bone-muscle-formula>)
- 11/4/16 Updated Pricelist with New Products (<http://blog.mywakayaprelaunch.com/blog/updated-pricelist>)
- 11/4/16 New Call Times for Blitz Calls (<http://blog.mywakayaprelaunch.com/blog/new-call-times-for-blitz-calls>)
- 11/4/16 Kava now available online! (<http://blog.mywakayaprelaunch.com/blog/kava-now-available-online>)
- 11/3/16 Where's your Boola Contest Winners (<http://blog.mywakayaprelaunch.com/blog/congrats-to-our-wheres-your-boola-contest-winners>)
- 11/2/16 Simplify to Multiply! (<http://blog.mywakayaprelaunch.com/blog/november-02nd-2016>)

- 11/1/16 Updated Product Catalog now available for download  
(<http://blog.mywakayaprelaunch.com/blog/download-the-latest-product-catalog>)

## Product Training: Overcoming Chemical Overload! (<http://blog.mywakayaprelaunch.com/blog/product-training-overcoming-chemical-overload>)

9/6/2016



(/)

(<http://wakayaleaders.podbean.com/e/090316-product-training-webinar-detoxing/>)

We are surrounded by chemicals and pollutants every day; how do we maintain our health? Learn from Jennifer Halliday as she shares tips and tactics for overcoming chemical overload! You'll learn how Pink Fijian Ginger, Fijian Turmeric, and Calcium Bentonite Clay can assist you in detoxing daily and achieving vibrant, lasting health!

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Promotions  
(</blog/category/promotions>)  
Recognition



# **EXHIBIT D**

# DetoxCap™

On a daily basis, our bodies are exposed to toxins through air, food, water and more. Combating these toxins daily will lead to a healthier life. Wakaya Perfection offers a mild and simple way to gently detox your body and eliminate everyday toxins through its effective DetoxCap™.

## The DetoxCap

For centuries, our ancestors have relied on the natural benefits of clay and ginger to detoxify and balance the body. The DetoxCap is a simple, effective blend that contains our proprietary source of 100% Calcium Bentonite Clay which is known to draw toxins from the body and our proprietary 100% Organic Pink Fijian Ginger which promotes internal cleanse.

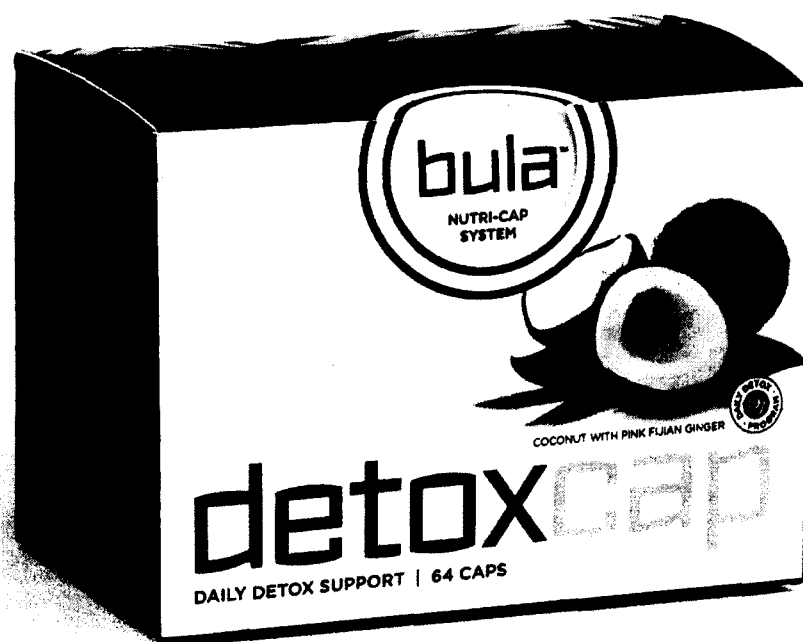
## Why it works

Calcium Bentonite Clay is composed of aged volcanic ash and known for its ability to effectively absorb and remove toxins, heavy metals, impurities, and chemicals from the body. It may also allow cells to receive more oxygen, ease digestive issues, and boost the immune system.

Our high impact Organic Pink Fijian Ginger contains an elevated concentration of gingerols which are known to offer anti-inflammatory properties that help cleanse the gastrointestinal system.

Using DetoxCaps™ daily as part of your Bula Nutri Cap Hydration System™ provides ongoing, gentle detoxification. Consult with your physician before supplementing with clay. Clay can be taken about 2 hours away from the times you take medications.

- ▶ Assists in removing toxins from the body
- ▶ Supports intestinal health and proper digestion
- ▶ Boosts the immune system
- ▶ Neutralizes and balances acidic conditions
- ▶ GRAS (Generally Recognized As Safe) certified by the FDA
- ▶ Is all natural, gluten-free, with no animal testing



## About Wakaya Calcium Bentonite Clay

Calcium Bentonite Clay is born from ancient volcanic ash and is made up of numerous trace minerals that have evolved over 43 million years

Calcium Bentonite Clay has a negative ionic charge that gives it a strong ability to attract, capture, and discharge positively charged, aberrant molecules, not minerals. Aberrant molecules can include bacteria, fungus, parasites, viruses, environmental toxins, heavy metals and more.

# **EXHIBIT E**

# PARADISE BLOG

([https://docs.google.com/forms/d/e/1FAIpQLScMfAovWI032JtLFZGgyITkt6jf3-FQ\\_MUvtQ-peOByeKm99Q/viewform?c=0&w=1](https://docs.google.com/forms/d/e/1FAIpQLScMfAovWI032JtLFZGgyITkt6jf3-FQ_MUvtQ-peOByeKm99Q/viewform?c=0&w=1))



1 2 3 4 5 6 7

## Recent posts

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- 11/4/16 Updated PRICELIST WITH NEW PRODUCTS (<http://blog.mywakayaprelaunch.com/blog/updated-pricelist>)
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- 11/3/16 Where's your Boola Contest Winners (<http://blog.mywakayaprelaunch.com/blog/congrats-to-our-wheres-your-boola-contest-winners>)
- 11/2/16 Simplify to Multiply! (<http://blog.mywakayaprelaunch.com/blog/november-02nd-2016>)

- 11/1/16 Updated Product Catalog now available for download  
(<http://blog.mywakayaprelaunch.com/blog/download-the-latest-product-catalog>)

**August 20th, 2016**

**(<http://blog.mywakayaprelaunch.com/blog/august-20th-2016>)**

8/20/2016



**TOP REASONS TO ATTEND**

**LAUNCH**  
THE PLACE YOU NEED TO BE!

**REASON #12**

**PRODUCT EXPERTS!**

Learn from product experts the incredible health promoting benefits of SlimCap, ProCap, Calcium Bentonite Clay, Pink Egan Ginger and Turmeric and much more!

**12 DAYS LEFT for EARLY BIRD PRICING!**

**wakayalaunchevent**

**WAKAYA**

(/) One of the best parts of Launch is the Product Experts! If you have questions about products or are just excited to learn the details, then Launch is the place for you. We'll have experts on the Bula Nutri Cap System, African Green Mango (SlimCap), Probiotics (ProCap), Calcium Bentonite Clay, Ginger, Turmeric, Weight Loss, Essential Oils, Sea Salt, and more!

There simply is no faster way to learn about the incredible health-promoting benefits of Wakaya Perfection Products than attending our Launch Event!

And remember, August is the last month to register for our Launch Event and save with Early-Bird pricing. Get details and register at: [www.wakayalaunchevent.com](http://www.wakayalaunchevent.com)

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# EXHIBIT F



## WAKAYAWELLNESS

Wakaya Perfection Calcium Bentonite Mineral clay is the ONLY clay on the market that has FDA approval for being 100% organic, which makes it GRAS. You may know that Bentonite clay attracts the positively charged molecules in your body, which all the things that attack your body have a positive charge. Well Wakaya Perfection Calcium bentonite mineral clay can attract 31 times its molecular weight in positive molecules. Our product is the best clay on the market, and I would love for you to

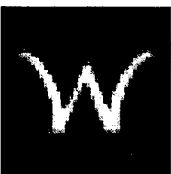
**PICTIGAR**  
<http://www.pictigar.com/>



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# EXHIBIT G



**Wakaya Perfection**

Yesterday at 9:00am · 🌐

Mix it, Mask it, Do whatever you want with it. Learn how was this amazing clay formed.



## #1 Calcium Bentonite Clay!!! Secrets & Benefits Untold~ Your Everything Clay!

WAKAYA PERFECTION #1 OF KIND CALCIUM BENTONITE CLAY (Your Everything Clay ~...

[YOUTUBE.COM](#)

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 Comment

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  17

# EXHIBIT H



**The Clay Girl**

Like This Page · April 6 · 🌐

Clay baths are one the easiest and safest ways to kids to love bathing and get over a sick day. Playing in detoxifying mud is always more fun than sitting in a doctor's office

👍 Like    💬 Comment    ➦ Share

👍 2

Write a comment...



My oldest daughter had a wicked mosquito bite on her cheek, so we slathered on a little clay mask to draw out the irritation and help it heal faster. This cute girl snagged my phone, took this pic and edited it all on her own. Then proudly said, "Mom, I have a Wakaya post for you." . Yes, sweetheart, this is definitely my IG for today. 😊

#wakayaperfection #bentoniteclay  
#bugbite #naturalremedies #proudmom  
#teachtheyoung #clay

## VARIDESK Sit-Stand Desks

Affordable standing desks that require no assembly and convert your existing desk. In a varide



**Bryanne Fidler ( @wakaya\_for\_wellness )**

My oldest daughter had a wicked mosquito bite on her cheek, so we slathered on a little clay mask to draw out the irritation and help it heal faster. This cute girl snagged my phone, took this pic and edited it all on her own. Then proudly said, "Mom, I have a Wakaya post for you." . Yes, sweetheart, this is definitely my IG for today. ☺ #wakayaperfection #bentoniteclay #bugbite #naturalremedies #proudmom #teachtheyoung #clay



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33 Likes :



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jrduffin6



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essentialoilprincess



diannefidler



rachelkeirle



casey\_djackson



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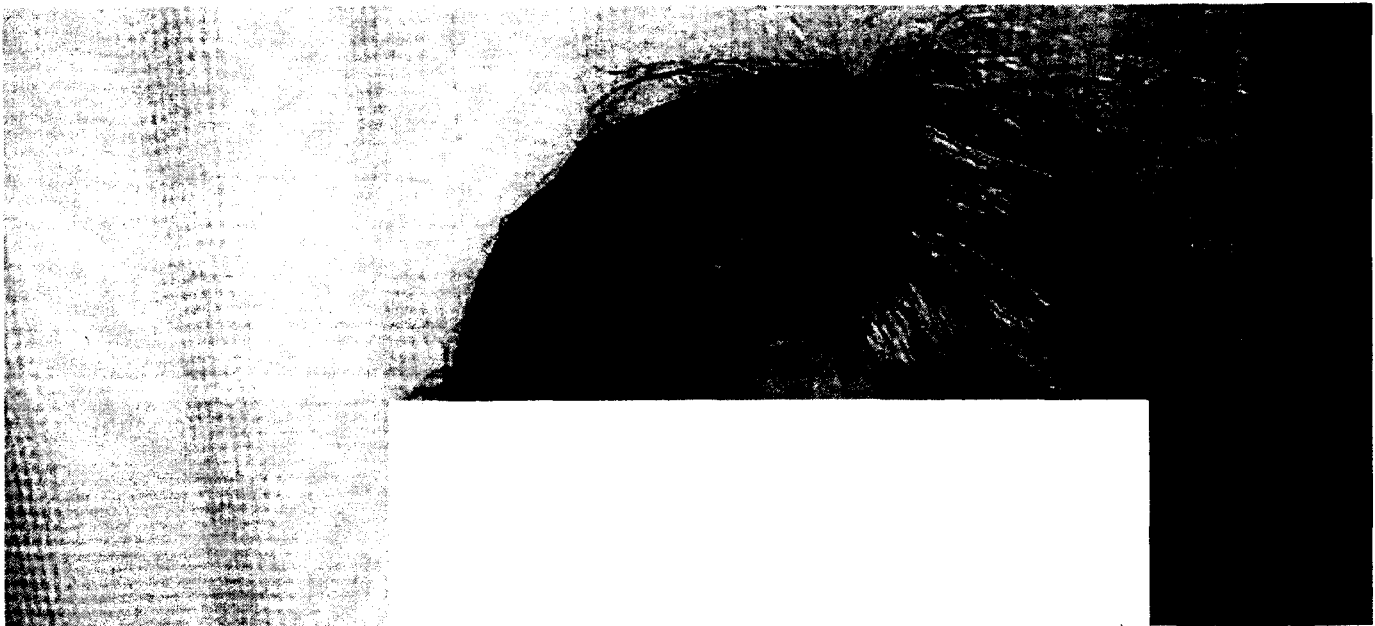


ndavis\_believer

Blonde was SO excited when she pulled out a loose tooth. As her mouth took a minute to heal, and the gums kept bleeding she says to me, "Mom, I should probably put some clay on it." 😊 .. She is totally right! Bentonite clay is perfect for open wounds and helping the body to heal. For mouth wounds just swish a little mixture of 1/2 teaspoon clay and water. Repeat 2-3 x day until the wound is healed. .. There are SO many amazing uses for Wakaya's 100% calcium bentonite clay. Stay tuned to see another one of my faves tomorrow! ...  
#bentoniteclay #loosetooth #adorable  
#blondie #wakayaperfection #detox  
#healing #natural #alkaline #purify #bula  
#growingup

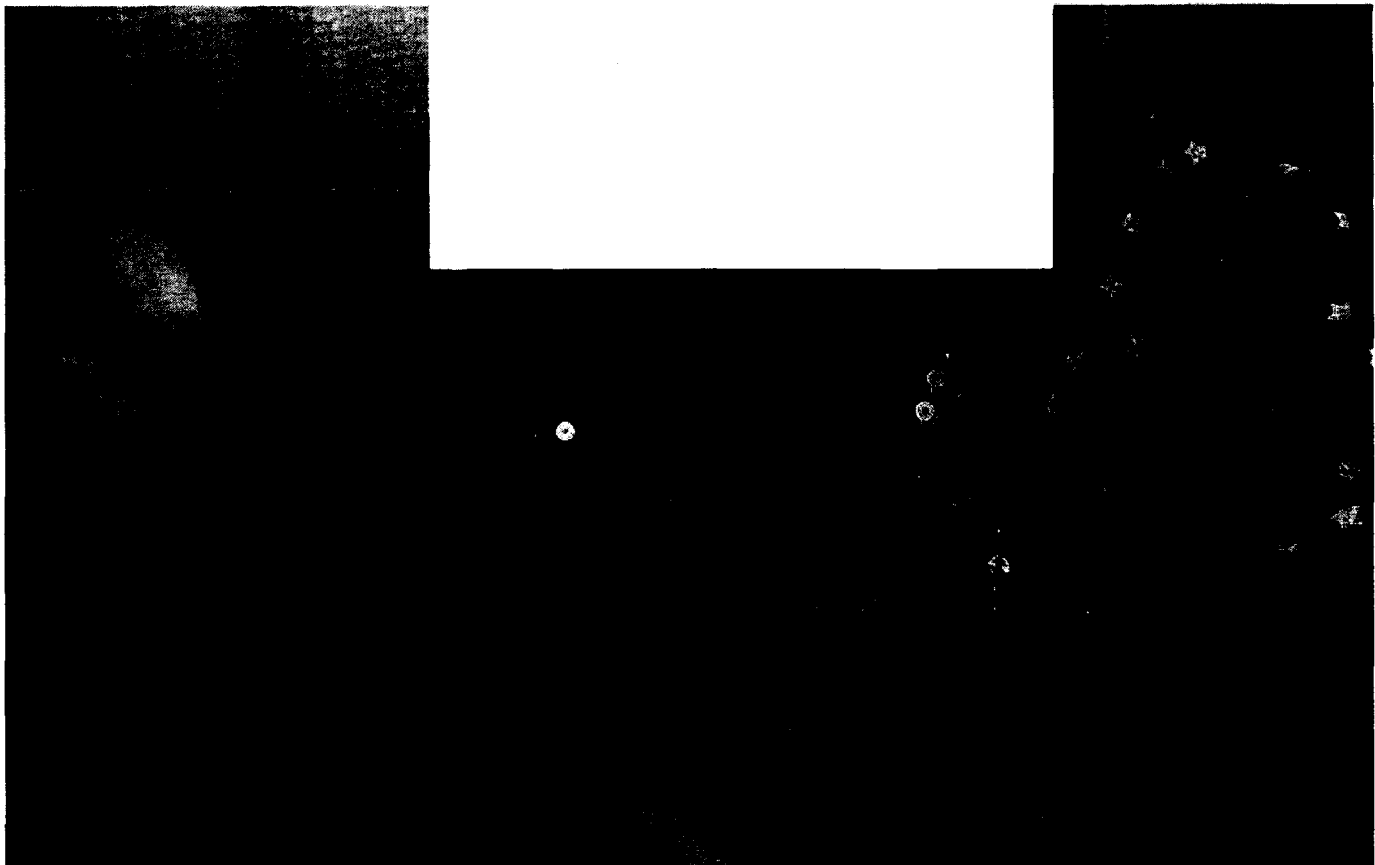






**Pictaram** Online Instagram Posts Viewer

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Bryanne Fidler ( @wakaya\_for\_wellness )

Blonde was SO excited when she pulled out a loose tooth. As her mouth took a minute to heal, and the gums kept bleeding she says to me, "Mom, I should probably put some clay on it." 😊 .. She is totally right! Bentonite clay is perfect for open wounds and helping the body to heal. For mouth wounds just swish a little mixture of 1/2 teaspoon clay and water. Repeat 2-3 x day until the wound is healed. .. There are SO many amazing uses for Wakaya's 100% calcium bentonite clay. Stay tuned to see another one of my faves tomorrow! ... #bentoniteclay #loosetooth #adorable #blondie #wakayaperfection #detox #healing #natural #alkaline #purify #bula #growingup

🕒 6:28am 07/29/2016 💬 0 ❤️ 26

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brightens  
your day :)

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kimberley\_mitchell



carawilkey



tattoosbyhannah



kristilynn\_fitness



qualerexbeauty



screaminionionz



kickstagram.io



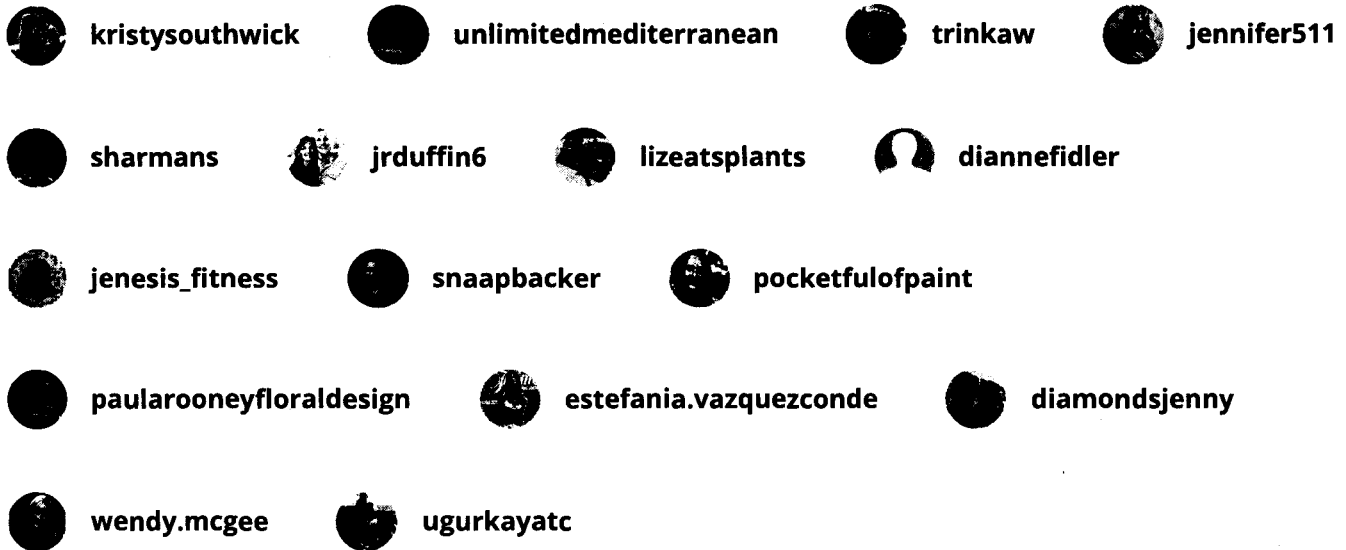
tinatinkelenbergwilliamson



uteboys



janis\_klein



# Pictaram

Online Instagram Posts Viewer

Search instagar | 🔍

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# EXHIBIT I

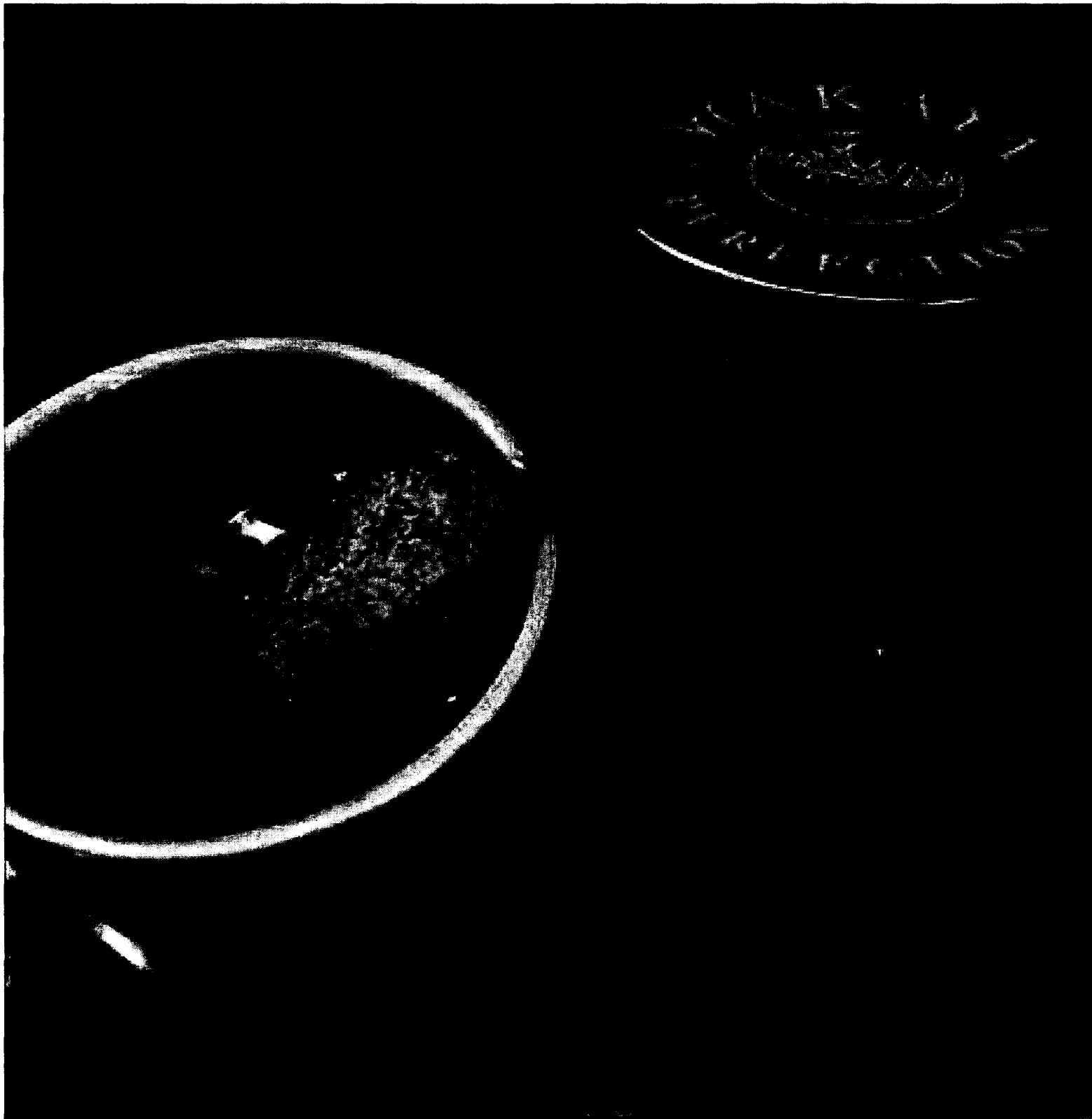


**Paradise Wellness And Detox**

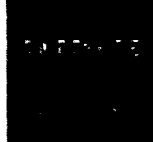
June 14 · 🌐

👍 Like Page

Second clay drink of the day. Wakaya Perfection 100% calcium bentonite clay+water=100's of health benefits!



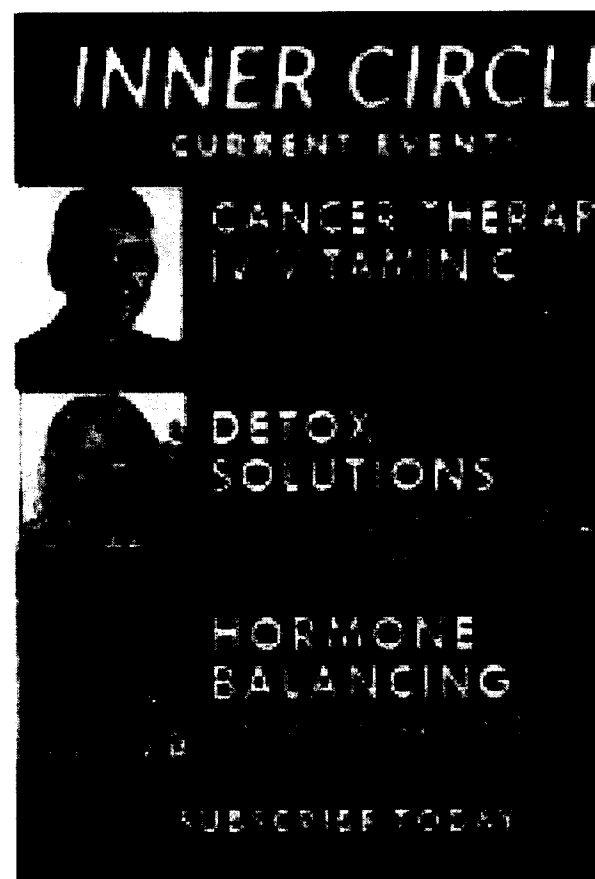
# **EXHIBIT J**



**Rebecca Miller Ferris**

August 30 at 10:21am · 🌐

Wakaya Perfection has the only FDA approved Calcium bentonite clay for consumption. We all need to detox from our gmo foods and environmental pollutants. I'm talking gentle daily detox!



## Calcium Bentonite Clay Provides Safe Protection from Environmental Toxins

Calcium Bentonite Clay Provides Safe Protection from Environmental Toxins

NATURALNEWS.COM



2

2 Shares

🔗 Share

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# EXHIBIT K

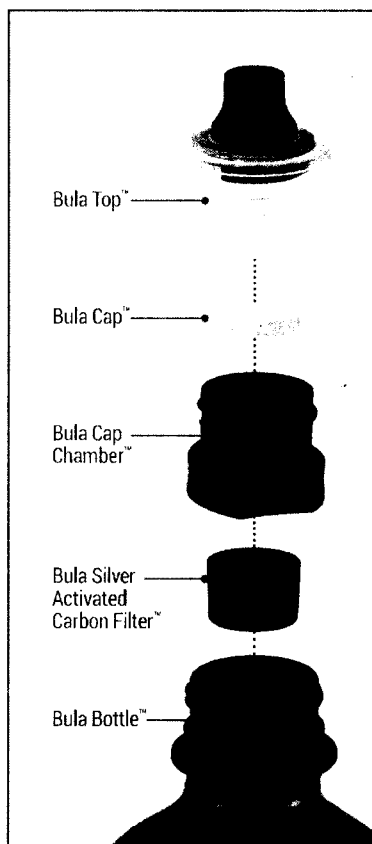


# Bula Nutri-Cap Hydration System™

Bula—Fijian for life and good health! The Wakaya Perfection Bula Nutri-Cap Hydration System™ is the world's first full-solution for nutritional hydration that supports many key areas of health. Everything about The Bula Nutri-Cap Hydration System is special, from its purposefully innovative bottle design to its patented top and nutritional caps. Each Bula Cap features our proprietary Organic Pink Fijian Ginger with its endless benefits as a key ingredient.

## Making our planet and bodies a better place

Did you know that over 300 pollutants are found in the tap water Americans drink? Those who drink bottled water contribute to over 26 billion plastic bottles that are thrown away each year. Both of these elements impact our bodies and our planet. Wakaya Perfection's Bula Nutri-Cap Hydration System provides a healthy solution to both. The patented Bula Bottle Filter purifies regular tap water while delivering customized nutrition in a refreshing way and the reusable and biodegradable Bula Bottle is one of the most eco-friendly water bottles that can now replace hundreds of single-serve plastic water bottles. The Bula Caps round out our system by offering a daily dose of nutrition and benefits.

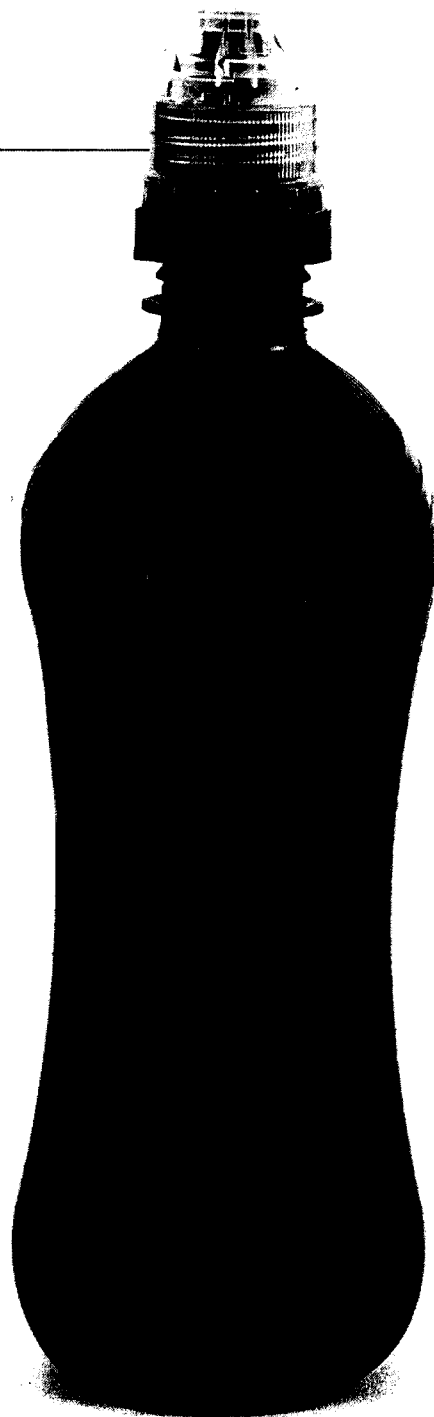


Here's how it works:

- ▶ Snap the Bula Bottle Filter onto the filter post located on the bottom of the Bula Cap Chamber.
- ▶ Place your favorite Bula Cap into the Bula Cap Chamber.
- ▶ Twist the Bula Bottle Chamber onto the Bula Bottle and enjoy flavorfully nutritious, clean water.

## The "Bula Filter" bodyguard to your body

The Bula Bottle Filter™ is a proprietary, patented technology that uses a silver-impregnated 100% activated carbon cloth—the same cloth used worldwide by medical institutions and global militaries. As water passes through the cloth, it filters out bad tasting and harmful contaminants, chemicals and odors. The silver in the filter keeps it fresh by inhibiting the growth of bacteria, resulting in clean, chemical-free, great tasting water.



## What makes the Bula Nutri-Cap System so revolutionary?

- ▶ The Bula Bottle Filter is a proprietary, patented silver cloth technology that removes contaminants and chemicals found in everyday drinking water, making it healthier and taste better.
- ▶ The Bula Bottle's purposeful shape helps the bottle to breathe, activating the filter and allowing it to be reused hundreds of times.
- ▶ The Bula Bottle helps lower environmental impact by the limiting waste of single-serve water bottles.
- ▶ The Bula Bottle is made from PET plastic and is 100% biodegradable, BPA-free, Phthalates free and FDA-approved.
- ▶ The Bula Nutri-Cap System delivers health-focused, all natural options that help enhance weight loss, detoxify, aid with sleep, and more.

## Frequently asked questions:

### Q: What does the Bula Bottle Filter remove from tap water?

**A:** Everyday drinking water contaminants ranging from chlorine to pesticides, herbicides and more.

### Q: Will it improve the taste of my tap water?

**A:** Yes, the Bula Bottle Filter is designed to meet or exceed several NSF 42 International standards for chlorine, taste and odor reduction.

### Q: Can I use the Bula Bottle Filter to safely filter stream water?

**A:** No, it is designed for tap water or other potable water.

### Q: Will the Bula Bottle Filter fit on other bottled water brands?

**A:** Yes, it fits on approximately 95% of single use consumer water bottles.

### Q: How often should I change my Bula Bottle Filter?

**A:** Approximately once per month if drinking five to six bottles per day.

### Q: How long will Bula Bottle last?

**A:** The Bula Bottle Bottle has been designed for multiple uses. For best results, rinse the bottle (without filter) with warm water. Maximum life usage 3 months.

### Q: How do I begin using the Bula Bottle and Filter?

**A:** Before drinking from the Bula Bottle Bottle, gently squeeze one full bottle through the filter. This will remove any loose carbon and activate the filter. The activated carbon filter requires no further maintenance.

### Q: How do I care for my Bula Bottle?

**A:** Wash with warm water and soap. Not recommended for dishwasher use. Do not use a microwave to heat the Bula Bottle.

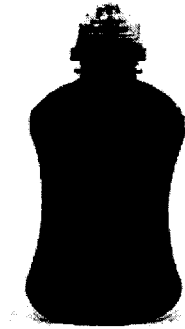
### Q: How much money can I save using the Bula Bottle Filter?

**A:** Using the Bula Bottle and Bula Bottle Filter can save you hundreds of dollars a year. Instead of buying bottled water, simply refill the Bula Bottle with any tap water source.

## Associated Bula products:

- ▶ DetoxCaps™ (for daily detoxification)
- ▶ SlimCaps™ (for weight loss and weight maintenance)
- ▶ NiteCaps™ (for sleep support)
- ▶ ProCaps™ (for probiotic digestive support)
- ▶ LuvCaps™ (for libido support)

## × Bula Bottle (Tribal Print)



QV  
0

Your Price  
\$3.80

### Bula Bottle (Tribal Print)

Bula is an everyday part of life in Fiji, and the Bula Bottle will become a part of your everyday life. Its patented Bula Top filters while delivering customized nutrition. Use the Bula Cap System for daily detox, weight loss, enhanced energy, and more. Enjoy Bula for a good morning, good evening and all the times in between!

**Meets or exceeds NSF/ASNI standards for chlorine and particulate reduction. Biodegradable and BPA FREE.**

**DIRECTIONS:** Squeeze one bottle of water through filter before use. Remove top from chamber, insert Bula Cap, replace top and enjoy! Change filter after 60 refills or 30 days.

SKU WP030003K

QTY

ADD TO CART

## × Bula Filter 8-Pack



### Bula Filter 8-Pack

Using a proprietary silver-impregnated 100% activated carbon cloth, the Bula Filter captures impurities (chemicals, herbicides, pesticides, etc) and inhibits the growth of bacteria as water passes through it. The filter is designed to be used approximately 60 times (2 times a day for 30 days) before it needs to be replaced.

WP030F08

QV

0

Your Price

\$12.80

QTY

ADD TO CART

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# EXHIBIT L



U.S. ENVIRONMENTAL PROTECTION  
AGENCY

Office of Pesticide Programs  
Antimicrobials Division (7510P)  
1200 Pennsylvania Avenue NW  
Washington, D.C. 20460

EPA Reg.  
Number:

88599-1

Date of  
Issuance:

FEB 11 2013

Term of Issuance:

**Conditional**

Name of Pesticide Product:

LiveWell Filter

NOTICE OF PESTICIDE:

☒ Registration  
☐ Reregistration

(under FIFRA, as amended)

Name and Address of Registrant (include ZIP Code):

Rick Anson  
LiveWell LLC  
5274 E. Sawmill Way  
Boise, ID 83716

Note: Changes in labeling differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Registration Division prior to use of the label in commerce. In any correspondence on this product always refer to the above EPA registration number.

On the basis of information furnished by the registrant, the above named pesticide is hereby registered/reregistered under the Federal Insecticide, Fungicide and Rodenticide Act.

Registration is in no way to be construed as an endorsement or recommendation of this product by the Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.

This product is conditionally registered in accordance with FIFRA sec 3(c)(7)(a) provided that you:

1. Submit and/or cite all data required for registration of your product under FIFRA sec. 3(c)(5) when the Agency requires all registrants of similar products to submit such data; and submit acceptable responses required for re-registration of your product under FIFRA section 4.
2. Make the labeling changes listed below before you release the product for shipment:
  - a. Revise the EPA Registration Number to read, "EPA Reg. No. 88599-1".

Signature of Approving Official:

Marshall Swindell  
Product Manager Team-93  
Regulatory Management Branch I  
Antimicrobials Division (7510P)

Date:

FEB 11 2013

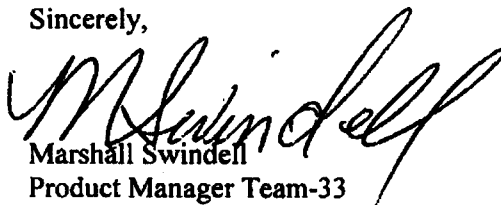
b. The following changes must be incorporated to the labeling:

- Change "Metallic Silver" to "Silver (Metallic)
- Change the total display from "100.000%" to one decimal (100.0%)
- In the statement that ends "...filter to be used to process raw water", delete the word "raw". In its place, add the word "potable"

If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA sec. 6(e). Your release for shipment of the product constitutes acceptance of these conditions.

A stamped copy of the label is enclosed for your records. Submit one (1) copy of your final printed labeling prior to release of this product for shipment. If you have any questions concerning this letter, please contact Demson Fuller at (703) 308-8062.

Sincerely,



Marshall Swindell  
Product Manager Team-33  
Regulatory Management Branch I  
Antimicrobials Division (7510P)

Enclosure: (Stamped Label)

3/3

**LiveWell™ Filter**  
**BACTERIOSTATIC WATER FILTER**

**(Filter Cartridge Label)**

Follow the **DIRECTIONS FOR USE** which are contained in the carton with this cartridge.

**ACTIVE INGREDIENT:**

<u>Metallic Sliver</u> .....	0.3%
Other Ingredients .....	99.7%
Total .....	100.00%

**KEEP OUT OF REACH OF CHILDREN.**

**CAUTION:**

- This product inhibits the growth of bacteria in the filter to prolong the life of the filter.
- This product is designed to remove objectionable tastes, odors, color, from municipally treated tap water, or bottled water.
- This filter is only to be used with municipally treated tap water, bottled water, or well water that is regularly tested to be microbiologically safe. Under no conditions is the filter to be used to process ~~any~~ water.

E.P.A. Reg. No.  
E.P.A. Est. No. 088599-ID-001  
Patent Pending

For questions or comments, call 1-208-484-3852  
Visit us at [www.livewellfilter.com](http://www.livewellfilter.com)  
Made in USA by LiveWell, LLC  
Distributed by LiveWell, LLC  
5274 E. Sawmill Way. Boise, ID 83716

**(Label Insert)**

**NET CONTENTS:** Four Bacteriostatic Water Filters

**DIRECTIONS FOR USE:** It is a violation of Federal law to use this product in a manner inconsistent with its labeling. Use with cold water only.

1. Attach the LiveWell Filter onto the bottom of the LiveWell Cap by aligning the small ring on the top of the filter with the post on the bottom of the cap.
2. Fill the LiveWell Bottle with cold water and twist the LiveWell Cap and Filter into place.
3. Prior to use, run a full bottle of water through the filter to ensure activation.
4. Enjoy better tasting water.
5. Ensure the filter remains wet before each use for proper activation.
6. Wash the LiveWell Cap and Bottle periodically.

**FILTER REPLACEMENT:** Filter replacement is essential for the product to perform as represented. You should replace the filter every after approx. 4.3 gallons of water (28 uses), or 7 Days, whichever comes first. When the filtered water is not as fresh tasting as usual, it will be time to replace the filter.

**STORAGE AND DISPOSAL:** Store the LiveWell Filter by itself, in a cool dry place. To dispose, remove the LiveWell Filter from the bottom of the LiveWell Cap, wrap in paper, and discard in trash.

**ACCEPTED**  
**with COMMENTS**  
**in EPA Letter Dated:**

**FEB 11 2013**

Under the Federal Insecticide,  
Fungicide, and Rodenticide Act as  
amended, for the pesticide,  
registered under EPA Reg. No. 88599-1



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>Peter A. Arhangelsky</b> Cal. Bar Number 291325 3210 S. Gilbert Rd., #4 Chandler, AZ 85286 TELEPHONE NO.: (602) 388-8899 FAX NO.: (602) 393-4361 ATTORNEY FOR (Name): <b>Youngevity International, Corp.</b>		FOR COURT USE ONLY <b>FILED</b> San Francisco County Superior Court <b>NOV 10 2016</b> CLERK OF THE COURT <i>[Signature]</i> Deputy Clerk
SUPERIOR COURT OF CALIFORNIA, COUNTY OF <b>San Francisco</b> STREET ADDRESS: <b>400 McAllister St.</b> MAILING ADDRESS: CITY AND ZIP CODE: <b>San Francisco, 94102</b> BRANCH NAME: <b>Civic Center Courthouse</b>		
CASE NAME: <b>Youngevity International, Corp. v. Wakaya Perfection, LLC</b>		
<b>CIVIL CASE COVER SHEET</b> <input checked="" type="checkbox"/> <b>Unlimited</b> (Amount demanded exceeds \$25,000) <input type="checkbox"/> <b>Limited</b> (Amount demanded is \$25,000 or less) <b>Complex Case Designation</b> <input type="checkbox"/> <b>Counter</b> <input type="checkbox"/> <b>Joinder</b> Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)		CASE NUMBER: <b>CGC 16-555328</b> JUDGE: DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:
- |  |  |   |
|--|--|---|
| <b>Auto Tort</b><br><input type="checkbox"/> Auto (22)<br><input type="checkbox"/> Uninsured motorist (46)<br><b>Other P/IPD/W/D (Personal Injury/Property Damage/Wrongful Death) Tort</b><br><input type="checkbox"/> Asbestos (04)<br><input type="checkbox"/> Product liability (24)<br><input type="checkbox"/> Medical malpractice (45)<br><input type="checkbox"/> Other P/IPD/W/D (23)<br><b>Non-P/IPD/W/D (Other) Tort</b><br><input type="checkbox"/> Business tort/unfair business practice (07)<br><input type="checkbox"/> Civil rights (08)<br><input type="checkbox"/> Defamation (13)<br><input type="checkbox"/> Fraud (16)<br><input type="checkbox"/> Intellectual property (19)<br><input type="checkbox"/> Professional negligence (25)<br><input type="checkbox"/> Other non-P/IPD/W/D tort (35)<br><b>Employment</b><br><input type="checkbox"/> Wrongful termination (36)<br><input type="checkbox"/> Other employment (15) | <b>Contract</b><br><input type="checkbox"/> Breach of contract/warranty (06)<br><input type="checkbox"/> Rule 3.740 collections (09)<br><input type="checkbox"/> Other collections (09)<br><input type="checkbox"/> Insurance coverage (18)<br><input type="checkbox"/> Other contract (37)<br><b>Real Property</b><br><input type="checkbox"/> Eminent domain/Inverse condemnation (14)<br><input type="checkbox"/> Wrongful eviction (33)<br><input type="checkbox"/> Other real property (26)<br><b>Unlawful Detainer</b><br><input type="checkbox"/> Commercial (31)<br><input type="checkbox"/> Residential (32)<br><input type="checkbox"/> Drugs (38)<br><b>Judicial Review</b><br><input type="checkbox"/> Asset forfeiture (05)<br><input type="checkbox"/> Petition re: arbitration award (11)<br><input type="checkbox"/> Writ of mandate (02)<br><input type="checkbox"/> Other judicial review (39) | <b>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</b><br><input type="checkbox"/> Antitrust/Trade regulation (03)<br><input type="checkbox"/> Construction defect (10)<br><input type="checkbox"/> Mass tort (40)<br><input type="checkbox"/> Securities litigation (28)<br><input checked="" type="checkbox"/> Environmental/Toxic tort (30)<br><input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)<br><b>Enforcement of Judgment</b><br><input type="checkbox"/> Enforcement of judgment (20)<br><b>Miscellaneous Civil Complaint</b><br><input type="checkbox"/> RICO (27)<br><input type="checkbox"/> Other complaint (not specified above) (42)<br><b>Miscellaneous Civil Petition</b><br><input type="checkbox"/> Partnership and corporate governance (21)<br><input type="checkbox"/> Other petition (not specified above) (43) |
|--|--|---|
2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- |  |  |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties   | d. <input type="checkbox"/> Large number of witnesses  |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence   | f. <input type="checkbox"/> Substantial postjudgment judicial supervision  |
3. Remedies sought (check all that apply): a. ☒ monetary    b. ☒ nonmonetary; declaratory or injunctive relief    c. ☒ punitive
4. Number of causes of action (specify): 3: Cal. H&S Code Secs. 25249.7(a), (b); Cal. Bus & Prof Code Sec. 17203
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 11/10/2016

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

**NOTICE**

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2