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10 Attorneys for Plaintiff  
11 The Chemical Toxin Working Group Inc. doing  
12 business as Healthy Living Foundation Inc.

**ELECTRONICALLY FILED**  
Superior Court of California,  
County of Alameda  
**10/26/2022 at 09:03:10 PM**  
By: Xian-xii Bowie,  
Deputy Clerk

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
14 **COUNTY OF ALAMEDA**

15 THE CHEMICAL TOXIN WORKING  
16 GROUP INC., a California non-profit  
17 corporation, doing business as HEALTHY  
18 LIVING FOUNDATION INC.,

19 Plaintiff,

20 vs.

21 BEST NATURALS, a business entity form  
22 unknown;  
23 BEST NUTRITIONALS LLC, a New Jersey  
24 limited liability company;  
25 SHOPBESTNATURALS.COM, a business  
entity form unknown;  
VITA-PURE INC., a New Jersey corporation;  
AMAZON.COM, INC. a Delaware  
corporation;  
AMAZON.COM SERVICES LLC a Delaware  
limited liability company;  
and DOES 1-30,

Defendants.

CASE NO. **22CV020623**

**COMPLAINT FOR INJUNCTIVE  
RELIEF, CIVIL PENALTIES, AND  
OTHER RELIEF UNDER HEALTH  
AND SAFETY CODE SECTION 25249.5,  
et seq. (PROPOSITION 65)**

UNLIMITED CIVIL  
(Demand exceeds \$25,000)

Plaintiff The Chemical Toxin Working Group Inc. doing business as Healthy Living  
Foundation Inc. ("Plaintiff" or "HLF") hereby alleges the following on information and belief:

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**I.**

**INTRODUCTION**

1. This action seeks injunctive and declaratory relief and civil penalties to remedy the continuing failure of the Defendants to warn consumers in California that they are being exposed to lead and lead compounds, a chemical known to the State of California to cause cancer and reproductive toxicity found in:

- a. Best Naturals Valerian Root 450mg dietary supplement (“Valerian”);
- b. Best Naturals Ginger Root 550 mg dietary supplement (“Ginger Root”);
- c. Best Naturals Ginseng Complex 1000 mg dietary supplement (“Ginseng”).

2. The Valerian, Ginger Root, and Ginseng are together referred to as the “Products”.

3. This action is brought in the public interest and is based on The Safe Drinking Water and Toxic Enforcement Act of 1986 (Health and Safety Code (“HSC”) § 25249.6 et seq.) also known as “Proposition 65.” This statute mandates that any person in the course of doing business must provide a clear and reasonable warning prior to exposing any individual to a chemical known to the state to cause cancer, birth defects or other reproductive harm.

**II.**

**PARTIES**

4. HLF is a non-profit consumer health organization that: implements measures to reduce the amount of chemical toxins in foods posing targeted dangers to fetuses, children, pregnant women and women of childbearing age; improves safety for workers by reducing their exposure to chemicals; publishes consumer health periodicals, books, and comparative test results. HLF’s Chief Officer David W. Steinman is a publisher, a health journalist and a bestselling author of Diet For A Poisoned Planet (Crown Ed., 1990, Ballantine 2d Ed., 1992, Running Press 3d Ed., 2007); among his other books are: The Safe Shopper’s Bible (Macmillan

1 Ed., 1995, Wiley 2d Ed., 2000), The Breast Cancer Prevention Program (Macmillan Ed., 1997).  
2 Mr. Steinman represented the public interest at the National Academy of Sciences on the Safe  
3 Seafood Committee that produced Seafood Safety (Washington, D.C.: National Academies  
4 Press, 1991), advised Congress on related legislation, and has testified before Congress as an  
5 expert witness on food safety.

6 5. HLF is a person within the meaning of HSC section 25249.11, subdivision (a).  
7 HLF, acting as a private attorney general, brings this action in the public interest as defined  
8 under HSC section 25249.7, subdivision (d).

9 6. Defendant BEST NATURALS (“BEST NATURALS”), is a business entity form  
10 unknown, doing business in the State of California at all relevant times herein.

11 7. Defendant BEST NUTRITIONALS LLC (“BEST NUTRITIONALS”), is a New  
12 Jersey limited liability company, doing business in the State of California at all relevant times  
13 herein.

14 8. Defendant SHOPBESTNATURALS.COM (“SHOPBEST”), is a business entity  
15 form unknown, doing business in the State of California at all relevant times herein.

16 9. Defendant VITA-PURE INC. (“VITA-PURE”), is a New Jersey corporation,  
17 doing business in the State of California at all relevant times herein.

18 10. Defendant AMAZON.COM, INC. (“AMAZON”), is a Delaware corporation,  
19 doing business in the State of California at all relevant times herein.

20 11. Defendant AMAZON.COM SERVICES LLC (“AMAZON.COM SERVICES”),  
21 is a Delaware limited liability company, doing business in the State of California at all relevant  
22 times herein.

23 12. Plaintiff is presently unaware of the true names and capacities of defendants  
24 DOES 1-30, and therefore sues these defendants by such fictitious names. Plaintiff will amend  
25

1 this complaint to allege their true names and capacities when ascertained. Plaintiff is informed,  
2 believes, and thereon alleges that each fictitiously named defendant is responsible in some  
3 manner for the occurrences herein alleged and the violations caused thereby. DOES 1-30 are  
4 each a person in the course of doing business within the meaning of HSC §§ 25249.6 and  
5 25249.11.

6 13. At all times mentioned herein, the term “Defendants” includes Defendants BEST  
7 NATURALS, BEST NUTRITIONALS, SHOPBEST, VITA-PURE, AMAZON,  
8 AMAZON.COM SERVICES, and DOES 1-30.

9 14. Each of the Defendants employ ten or more persons and have employed ten or  
10 more persons at all times relevant to this action, and are each a person in the course of doing  
11 business within the meaning of HSC §§ 25249.6 and 25249.11.

### 12 III.

#### 13 JURISDICTION AND VENUE

14 15. This Court has jurisdiction pursuant to California Constitution Article VI, Section  
15 10, which grants the Superior Court original jurisdiction in all causes except those given by  
16 statute to other trial courts. The statute under which this action is brought does not specify any  
17 other basis for jurisdiction.

18 16. This Court has jurisdiction over this action pursuant to HSC section 25249.7,  
19 which allows enforcement of violations of Proposition 65 in any Court of competent jurisdiction.

20 17. This Court has jurisdiction over Defendants because Defendants either reside or  
21 are located in this State or are foreign corporations authorized to do business in California, are  
22 registered with the California Secretary of State, or Defendants have sufficient minimum  
23 contacts with California, and otherwise intentionally avails itself of the California market  
24 through the marketing, distribution, and/or sale of Products in the State of California, so as to  
25 render the exercise of jurisdiction over Defendants by the California courts consistent with

1 traditional notions of fair play and substantial justice.

2 18. Venue is proper in the Alameda Superior Court because the cause of action arises  
3 out of violations in the County of Alameda and/or because Defendants conducted, and continue  
4 to conduct, business in the County of Alameda with respect to the consumer products that are the  
5 subject of this action.

6 19. Plaintiffs seek injunctive and declaratory relief and civil penalties from  
7 Defendants' violations of the prohibitions of Proposition 65 (Health and Safety § 25249.5 *et*  
8 *seq.*)

9 **IV.**

10 **STATUTORY BACKGROUND**

11 20. The Safe Drinking Water and Toxic Enforcement Act of 1986 is an initiative  
12 statute passed as "Proposition 65" by close to a two-to-one voting margin. Proposition 65 is  
13 referred to as a "right-to-know" law intended to inform consumers of the potential for exposure  
14 to toxic chemicals and thereby empower them with the information needed to avoid the  
15 exposure.

16 21. Proposition 65 requires that individuals be provided with a "clear and reasonable  
17 warning" before being exposed to substances listed by the State of California as causing cancer  
18 or reproductive toxicity. The warning requirement of Proposition 65 is contained in HSC §  
19 25249.6, which provides,

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

24 22. In this case, the exposures are caused by consumer products. "Consumer  
25 product" means any article, or component part thereof, including food, that is produced,  
distributed, or sold for the personal use, consumption or enjoyment of a consumer. (27

1 California Code of Regulations (“CCR”) § 25600.1(d) “Consumer product exposure” means an  
2 exposure that results from a person's acquisition, purchase, storage, consumption, or any  
3 reasonably foreseeable use of a consumer product, including consumption of a food. (27 CCR §  
4 25600.1(e)).

5 23. Proposition 65 requires the State to publish a list of chemicals known to cause  
6 cancer or birth defects or other reproductive harm (HSC §25249.8.) This list now comprises over  
7 1,000 chemicals.

8 24. Proposition 65 establishes a procedure by which the State is to develop a list of  
9 chemicals “known to the State to cause cancer or reproductive toxicity.” (HSC § 25249.8.)

10 25. Lead and lead compounds (“Lead”) were listed as chemicals known to the State  
11 of California to cause reproductive toxicity on February 27, 1987. Lead became subject to the  
12 warning requirement one year later and was therefore subject to the “clear and reasonable”  
13 warning requirements of Proposition 65 beginning on February 27, 1988. (27 California Code of  
14 Regulations § 25000, et seq.; Health & Safety Code § 25249.5, et seq.). Due to the toxicity of  
15 lead, the maximum allowable dose level is 0.5 micrograms a day. (27 California Code of  
16 Regulations § 25805(b).) As a point of reference, one microgram is equal to one millionth of a  
17 gram (1 microgram = 1/1,000,000 gram).

18 26. Lead and lead compounds were listed as chemicals known to the State of  
19 California to cause cancer on October 1, 1992. Lead became subject to the warning requirement  
20 one year later and was therefore subject to the “clear and reasonable” warning requirements of  
21 Proposition 65 beginning on October 1, 1993. (27 California Code of Regulations § 25000, et  
22 seq.; Health & Safety Code §25249.5, et seq.). Due to the carcinogenicity of lead and lead  
23 compounds, the no significant risk level for lead is 15 micrograms a day. (27 California Code of  
24 Regulations § 25705(b)(1)).

1 27. The results of testing undertaken by Plaintiff of the Products, show that the  
2 subject Products tested were in violation of the 0.5 ug/day MADL “safe harbor” daily limit for  
3 Lead set forth in Proposition 65’s regulations. As a result, each subject Product is required to  
4 have clear and reasonable warning under Proposition 65.

5 28. Proposition 65 provides that any “person who violates or threatens to violate” the  
6 statute “may be enjoined in a court of competent jurisdiction.” (HSC § 25249.7). Violators are  
7 liable for civil penalties of up to \$2,500 per day for each violation. (HSC §25249.7(b)(1).)

8 29. Violations of Proposition 65 may be enforced by any person in the public interest,  
9 after providing a 60-day notice of the violations of the Attorney General, appropriate District  
10 Attorneys and City Attorneys and the alleged violator. (HSC § 25249.7(d)(1).) Remedies include  
11 injunctive relief to prevent actual or threatened violations, and penalties up to \$2,500 per day, per  
12 violation. (HSC §25249.7(a) and (b).)

13 30. Proposition 65 may be enforced by any person who provides notice sixty (60)  
14 days before filing suit to both the violator and designated law enforcement officials. When the  
15 law enforcement officials do not file a timely Complaint, this enables a citizen suit to be filed  
16 pursuant to HSC section 25249.7, subdivisions (c) and (d).

17 **V.**

18 **FACTUAL BACKGROUND**

19 31. Defendants are businesses that develop, manufacture, package, distribute, market,  
20 offer for sale and/or sell the Products in the State of California.

21 32. Plaintiff hired a well-respected and accredited testing laboratory to test  
22 Defendants’ Products for Lead that used the testing protocol used and approved by the California  
23 Attorney General. The results of testing undertaken by Plaintiff of the Products, show that the  
24 Products tested were in violation of the 0.5 ug/day NSRL “safe harbor” daily limit for Lead set  
25 forth in Proposition 65’s regulations.

1 33. Individuals are exposed to the Lead from the reasonable anticipated use of the  
2 Products or when they ingest the Products.

3 34. The Products continue to be offered for sale, sold and/or otherwise made available  
4 for use and/or handling to persons in California.

5 35. At all times relevant to this action, Defendants, therefore, have knowingly and  
6 intentionally exposed the users of the Products to Lead without first giving a clear and  
7 reasonable warning to such individuals. The Products continue to be distributed and sold in  
8 California without providing the requisite warning, and thus the violations are ongoing and  
9 continuous and will continue to occur into the future.

10 36. As a proximate result of acts by Defendants, persons in the course of doing  
11 business within the meaning of HSC § 25249.11(b), individuals throughout the State of  
12 California, including in the County of Alameda, have been exposed to Lead without a clear and  
13 reasonable warning.

## 14 VI.

### 15 SATISFACTION OF 60-DAY NOTICE

16 37. On December 29, 2021, Plaintiff served Defendants and each appropriate public  
17 enforcement agency with a Proposition 65 Notice, a document entitled “Sixty-Day Notice of  
18 Intent to Sue for Violation of the Safe Drinking Water and Toxic Enforcement Act of 1986” (the  
19 “Notice”) that provided these defendants, and the public enforcement agency with notice that  
20 these defendants were in violation of Proposition 65 for failing to warn purchasers and  
21 consumers of the Products that ingestion of the Products expose them to Lead, a chemical known  
22 to the State of California to cause cancer and reproductive toxicity. The Notice is designated with  
23 Attorney General number 2021-03159. The Notice constitutes adequate notice to these  
24 Defendants because it provided adequate information to allow these defendants to assess the  
25 nature of the alleged violations. A certificate of merit and a certificate of service accompanied



1 the Notice, and both certificates comply with Proposition 65 and its implementing regulations. A  
2 true and correct copy of the Notice is attached here as Exhibit A and is incorporated herein by  
3 reference.

4 38. More than sixty (60) days have passed since Plaintiff served the Notices and no  
5 public enforcement entity has filed a Complaint in this case.

6 39. Plaintiff is commencing this action more than sixty (60) days from the date that  
7 Plaintiff served the Notices on the Defendants and the public prosecutors referenced in the  
8 paragraphs above.

9 40. Plaintiff is informed, believes, and thereon alleges that neither the Attorney  
10 General, nor any applicable district attorney or city attorney has commenced an action or is  
11 diligently prosecuting an action against either of the Defendants.

### 12 **FIRST CAUSE OF ACTION**

#### 13 **Valerian**

#### 14 **Violation of HSC § 25249.6, Failure to Provide Clear and Reasonable Warning under** 15 **Proposition 65 – Against BEST NATURALS, BEST NUTRITIONALS, SHOPBEST,** 16 **VITA-PURE, AMAZON, AMAZON.COM SERVICES, and DOES 1-10**

17 41. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 40,  
18 inclusive, as if superficially set forth herein.

19 42. By committing the acts alleged above, BEST NATURALS, BEST  
20 NUTRITIONALS, SHOPBEST, VITA-PURE, AMAZON, AMAZON.COM SERVICES, and  
21 DOES 1-10 have, in the course of doing business, knowingly and intentionally exposed users of  
22 the Valerian to Lead, a chemical known to the State of California to cause cancer and  
23 reproductive toxicity without first giving clear and reasonable warning to such individuals within  
24 the meaning of HSC § 25249.6, and continue to violate the statute as the Valerian continues to  
25 make its way to individuals in California through the chain of commerce.

43. Said violations render Defendants BEST NATURALS, BEST NUTRITIONALS,

1 SHOPBEST, VITA-PURE, AMAZON, AMAZON.COM SERVICES, and DOES 1-10 liable for  
2 civil penalties, up to \$2,500 per day for each violation, and subject these Defendants to  
3 injunction.

4 **SECOND CAUSE OF ACTION**

5 **Ginger Root**

6 **Violation of HSC § 25249.6, Failure to Provide Clear and Reasonable Warning under**  
7 **Proposition 65 – Against all BEST NATURALS, BEST NUTRITIONALS, SHOPBEST,**  
8 **VITA-PURE, and DOES 11-20**

9 44. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 43,  
10 inclusive, as if superficially set forth herein.

11 45. By committing the acts alleged above, BEST NATURALS, BEST  
12 NUTRITIONALS, SHOPBEST, VITA-PURE, AMAZON, AMAZON.COM SERVICES, and  
13 DOES 11-20 have, in the course of doing business, knowingly and intentionally exposed users of  
14 the Ginger Root to Lead, a chemical known to the State of California to cause cancer and  
15 reproductive toxicity without first giving clear and reasonable warning to such individuals within  
16 the meaning of Health & Safety Code § 25249.6 and continue to violate the statute as the Ginger  
17 Root continues to make its way to individuals in California through the chain of commerce.

18 46. Said violations render Defendants BEST NATURALS, BEST NUTRITIONALS,  
19 SHOPBEST, VITA-PURE, AMAZON, AMAZON.COM SERVICES, and DOES 11-20 liable  
20 for civil penalties, up to \$2,500 per day for each violation, and subject these Defendants to  
21 injunction.

22 **THIRD CAUSE OF ACTION**

23 **Ginseng**

24 **Violation of HSC § 25249.6, Failure to Provide Clear and Reasonable Warning under**  
25 **Proposition 65 – Against all BEST NATURALS, BEST NUTRITIONALS, SHOPBEST,**  
26 **VITA-PURE, AMAZON, AMAZON.COM SERVICES, and DOES 21-30**

27 47. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 46,

1 inclusive, as if superficially set forth herein.

2 48. By committing the acts alleged above, BEST NATURALS, BEST  
3 NUTRITIONALS, SHOPBEST, VITA-PURE, AMAZON, AMAZON.COM SERVICES, and  
4 DOES 21-30 have, in the course of doing business, knowingly and intentionally exposed users of  
5 the Ginseng to Lead, a chemical known to the State of California to cause cancer and  
6 reproductive toxicity without first giving clear and reasonable warning to such individuals within  
7 the meaning of Health & Safety Code § 25249.6 and continue to violate the statute as the  
8 Ginseng continues to make its way to individuals in California through the chain of commerce.

9 49. Said violations render Defendants BEST NATURALS, BEST NUTRITIONALS,  
10 SHOPBEST, VITA-PURE, AMAZON, AMAZON.COM SERVICES, and DOES 21-30 liable  
11 for civil penalties, up to \$2,500 per day for each violation, and subject these Defendants to  
12 injunction.

13 **PRAYER FOR RELIEF**

14 Wherefore, Plaintiff accordingly prays for the following relief:

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

20 2. An injunctive order, pursuant to HSC § 25249.7(b) and 27 CCR §§ 25603 and  
21 25603.1, compelling Defendants to provide “clear and reasonable” warnings on the label of the  
22 Products, and at the point of sale for internet sales, or as otherwise required under Proposition  
23 65. The warning should indicate that each of the Products will expose the user or consumer to  
24 chemicals known to the State of California to cause cancer;

1           3.           An assessment of civil penalties against each of the Defendants, pursuant to HSC  
2 § 25249.7(b), in the amount of \$2,500 per day for each violation of Proposition 65 relating to  
3 each of the Products;

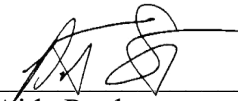
4           4.           An award to Plaintiff of its attorneys' fees pursuant to CCP § 1021.5 or the  
5 substantial benefit theory;

6           5.           An award of costs of suit herein pursuant to CCP § 1032 et seq. or as otherwise  
7 warranted; and

8           6.           Such other and further relief as the Court may deem just and proper.

9  
10 DATED: October 26, 2022

POULSEN LAW P.C.

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13 Aida Poulsen  
14 Peter T. Sato  
15 Attorneys for Plaintiff  
16 The Chemical Toxin Working Group Inc. doing  
17 business as Healthy Living Foundation Inc.  
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# **EXHIBIT A**

**VIA CERTIFIED FIRST CLASS MAIL      VIA ELECTRONIC FILING**

Current Chief Executive Officer or President  
State of California Department of Justice  
Best Naturals  
Office of Attorney General of California  
P.O. Box 394  
Filing link: [oag.ca.gov/prop65](http://oag.ca.gov/prop65)  
Kenilworth, NJ 07033

Current Chief Executive Officer or President  
**VIA FIRST CLASS MAIL**  
Best Nutritionals LLC,  
District Attorneys of California Counties  
Best Naturals, and  
and City Attorneys, as in the Certificate of  
Shopbestnaturals.com  
Service  
120 Centennial Ave  
Piscataway, New Jersey 08854  
**VIA E-MAIL**

Current Chief Executive Officer or President  
District Attorneys of California Counties  
Vita-Pure, Inc. and Shopbestnaturals.com  
and City Attorneys, as in the Certificate of  
410 W 1st Ave.  
Service  
Roselle, NJ 07203

Current Chief Executive Officer or President  
Amazon.com, Inc. and  
Amazon.com Services LLC  
c/o Corporation Service Company  
251 Little Falls Dr.  
Wilmington, DE 19808

Michael D. Deal or Current Chief Executive  
Officer or President  
Amazon.com Services LLC  
410 Terry Avenue N.  
Seattle, Washington 98109



RE: Lead and Best Naturals, Best Nutritionals, LLC, Shopbestnaturals.com, Vita-Pure, Inc.,  
lead Amazon.com, Inc., and Amazon.com Services LLC products  
compounds  
in

December 29, 2021

### 60-DAY NOTICE OF INTENT TO SUE

*for violations of the Safe Drinking Water and Toxic Enforcement Act of 1986*

Dear alleged violators and public enforcement agencies,

Poulsen Law P.C. represents The Chemical Toxin Working Group, Inc., a California non-profit corporation, doing business as Healthy Living Foundation Inc. (“HLF,” “Noticing Party”), a non-profit consumer health organization engaged in supporting public health, implementing measures reducing the amount of chemical toxins in consumer products, improvement of worker and consumer safety from chemical exposures. as well as publishing comparative results of testing foods and consumer products and educating public.

HLF has enforced a large number of Cal. Health & Safety Code violations in the public interest and developed an extensive expertise in prosecuting manufacturers and distributors of food and consumer products for violations of health laws and consumer safety. These cases have resulted in significant public benefit, including reformulation of products to remove toxic chemicals to make them safer, and putting label warnings on products tested as contaminated with lead, cadmium, acrylamide, dioxane, or removing them from the California market.

HLF’s Chief Officer David Steinman is a journalist, a publisher and an author of a bestseller *Diet For A Poisoned Planet* (Crown ed., 1990, Ballantine 2d ed., 1992, Running Press 3d ed., 2007); his major books also include *The Safe Shopper’s Bible* (Macmillan ed., 1995, Wiley 2d ed., 2000), *The Breast Cancer Prevention Program* (Macmillan ed., 1997), *Living Healthy In A Toxic World* (Perseus ed., 1996), *Safe Trip To Eden: Ten Steps To Save The Planet Earth From The Global Warming Meltdown* (Running Press ed., 2007), along with many publications in periodicals and other media.

The Safe Drinking Water and Toxic Enforcement Act of 1986, codified in the California Health & Safety Code sections 25249.5, et seq. (“Proposition 65”), requires that a 60-day notice of intent to sue be provided to a violator of Cal. Health & Safety Code § 25249.6.

With this notice of violation (Notice), HLF gives a written notice of the alleged violation, bringing this action in the public interest as defined under the Cal. Health & Safety



Code § 25249.7(d), seeking to prosecute the alleged continuing noncompliance and to warn consumers about their exposure to the violative chemical(s), or reduce and/or eliminate consumer exposures from product(s) (collectively, the “Specified Products” and each a “Specified Product”) listed in the table below, which are manufactured, distributed and/or sold by Best Naturals, Best Nutritionals, LLC, Shopbestnaturals.com, Vita-Pure, Inc., Amazon.com, Inc., and Amazon.com Services LLC (referred to collectively as the “Noticed Parties”).

This Notice covers the violations of Proposition 65 that are currently known to the Noticing Party from information now available as specifically related to the violating products listed below and manufactured, distributed or/and sold by and through the Noticed Parties. HLF is continuing its investigation that may reveal further violations.

The Specified Product(s) subject to this Notice, the chemical(s) in the Specified Product(s) identified as exceeding allowable levels, and the Noticed Parties responsible for sales of the Specified Products, are as follows:

<b>Specified Products</b>	<b>Violative chemical</b>	<b>Noticed Party</b>
Best Naturals Valerian Root 450mg dietary supplement	Lead and lead compounds	Best Naturals, Best Nutritionals, LLC, Shopbestnaturals.com, Vita-Pure, Inc., Amazon.com, Inc., and Amazon.com Services LLC
Best Naturals Ginger Root 550 mg dietary supplement	Lead and lead compounds	Best Naturals, Best Nutritionals, LLC, Shopbestnaturals.com, Vita-Pure, Inc.
Best Naturals Ginseng Complex 1000 mg dietary supplement	Lead and lead compounds	Best Naturals, Best Nutritionals, LLC, Shopbestnaturals.com, Vita-Pure, Inc.

The primary route of exposure has been through ingestion.

Noticed Parties have manufactured, marketed, distributed and/or sold the Specified Products which, according to the test results, have exposed and continue to expose consumers within the State of California to lead.

Lead and lead compounds (“lead”) is listed pursuant to Proposition 65 as a chemical known to the State of California to cause developmental toxicity, reproductive toxicity and cancer. Cal. Health & Safety Code § 25249.6 requires that a “clear and reasonable” warning be provided prior to exposure to chemicals listed under Proposition 65. The Noticed Parties are in violation of Proposition 65 because the Noticed Parties have failed to provide a warning





to consumers that they are being exposed to lead. While in the course of doing business, the Noticed Parties are knowingly and intentionally exposing consumers to lead without first providing a “clear and reasonable” warning.

The method of warning should be a warning that appears on the product’s label. See Cal. Code Regs. tit. 27, § 25602, subd. (a)(3), and subd. (b) for internet purchases also at the point of sale, as applicable. The Noticed Parties have not provided any Proposition 65 warnings as required by law or any other appropriate warnings that persons handling, ingesting and/or otherwise using the Specified Products are being exposed to lead.

With respect to each Specified Product listed above, the violation commenced on the latter of the date that the Specified Product was first offered for sale in California or the date upon which California law codified the allowable level of the relevant chemical; has continued every day since the relevant date the violation commenced; and will continue every day henceforth until lead is removed from each Specified Product, reduced to allowable levels, or until a “clear and reasonable” warning is provided to consumers by the Noticed Parties, as applicable, in accordance with the law.

Pursuant to Title 27, C.C.R. § 25903(b), copies of the following documents are attached hereto for reference by the Notices Parties:

(i) “The Safe Drinking Water and Toxic Enforcement act of 1986 (Proposition 65): A Summary.”

Pursuant to Title 11, C.C.R. § 3100, the “Certificate of Merit” is attached hereto.

HLF intends to file a lawsuit after 60 days based on the facts set forth in this Notice. Meanwhile we encourage a prompt resolution of this matter within the said period of 60 days where the Noticed Parties agree in a written agreement to (1) eliminate or reduce lead to an allowable level in the Specified Products or, as an alternative, (2) provide a Proposition 65-compliant warning on the label of the Specified Products and at the point of sale; and (3) pay applicable civil penalties and costs of bringing this action.

Prompt action of the Noticed Parties on this Notice will prevent further consumer exposures to a dangerous chemical without warning, therefore rectifying these alleged ongoing violations of the California law and afford the Noticed Parties the opportunity to avoid increasing costs associated with noncompliance and costly litigation.

Please direct all communications regarding this Notice to this office.

Sincerely,



Aida Poulsen | Managing attorney | NY | CA  
contact@poulsenlaw.org



## ATTACHMENTS

1. Certificate of Merit;
2. Confidential Factual Information supporting Certificate of Merit (to Attorney General only);
3. Certificate of Service;
4. Appendix “A” - “The Safe Drinking Water and Toxic Enforcement act of 1986 (Proposition 65): A Summary” (to the Noticed Parties only);





To:	California Attorney General
Notice of Violation:	December 29, 2021
Noticing Party:	Chemical Toxin Working Group Inc. dba Healthy Living Foundation Inc.
Noticed Parties:	Best Naturals, Best Nutritionals, LLC, Shopbestnaturals.com, Vita-Pure, Inc., Amazon.com, Inc., and Amazon.com Services LLC

December 29, 2021

**CERTIFICATE OF MERIT**

**Health and Safety Code Section 25249.7(d)**

*To the Notice of Violation*

I, Aida Poulsen, attorney at law, hereby declare:

This Certificate of Merit accompanies the attached sixty-day notice(s) in which it is alleged the parties identified in the notices have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

I am the attorney for the Noticing Party.

I have reviewed the facts of this case and have consulted with one or more persons with relevant and appropriate experience and expertise who have reviewed facts, studies, and/or other data regarding the alleged exposures to the listed chemical that is the subject of the attached Notice of Violation dated December 29, 2021 (the "Notice").

I have reviewed the laboratory testing results for the chemical subject to the Notice and rely on these results. The testing was conducted by a reputable accredited testing laboratory and by experienced scientists with doctoral and other degrees in relevant sciences. The facts, studies and other data derived through this investigation overwhelmingly demonstrate that the alleged violators have exposed persons to the listed chemical that is the subject of the Notice and is known to the State of California to cause reproductive and/or developmental harm, and/or cancer.

Based on the information obtained through those consultations, and on all other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiffs' case

can be established and the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute.

The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health and Safety Code section 25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: December 29, 2021

By:



Aida Poulsen | Managing attorney | NY | CA  
contact@poulsenlaw.org



CERTIFICATE OF SERVICE

I, Jonathan Newell, am over the age of eighteen years and am not a party to the action, process or case related to or arising out of the Notice of Violation being served under this Certificate of Service. My address is 18653 Ventura Blvd. Ste. 136, Tarzana, California 91356.

On December 29, 2021, between 11:00 a.m. and 5:00 p.m. Pacific Time, I served the following documents:

1. Notice of Violations of California Health & Safety Code Section 25249.5 et seq. by Best Naturals, Best Nutritionals, LLC, Shopbestnaturals.com, Vita-Pure, Inc., Amazon.com, Inc., and Amazon.com Services LLC;
2. Certificate of Merit;
3. Appendix "A" - "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 below, and causing it to be deposited at a United States Postal Service Office in Los Angeles County, California, for delivery by Certified Mail:

Current Chief Executive Officer or President Best Naturals P.O. Box 394 Kenilworth, NJ 07033	Current Chief Executive Officer or President Best Nutritionals LLC, Best Naturals, and Shopbestnaturals.com 120 Centennial Ave Piscataway, New Jersey 08854
Current Chief Executive Officer or President Vita-Pure, Inc. and Shopbestnaturals.com 410 W 1st Ave. Roselle, NJ 07203	
Current Chief Executive Officer or President Amazon.com, Inc. and Amazon.com Services LLC c/o Corporation Service Company 251 Little Falls Dr. Wilmington, DE 19808	Michael D. Deal or Current Chief Executive Officer or President Amazon.com Services LLC 410 Terry Avenue N. Seattle, Washington 98109

On December 29, 2021, between 11:00 a.m. and 11:30 p.m. Pacific Time, I served the following documents:



1. Notice of Violations of California Health & Safety Code Section 25249.5 et seq. by Best Naturals, Best Nutritionals, LLC, Shopbestnaturals.com, Vita-Pure, Inc., Amazon.com, Inc., and Amazon.com Services LLC;
2. Certificate of Merit;
3. Confidential Factual Information and Supporting Documentation Required by Title 11, C.C.R. § 3102

on the following parties by filing electronically a true and correct copy thereof as permitted through the website of the California Office of the Attorney General via link at [oag.ca.gov/prop65](http://oag.ca.gov/prop65):

State of California Department of Justice;  
Office of the Attorney General of California.

On December 29, 2021, between 11:00 a.m. and 5:00 p.m. Pacific Time, I served the following documents:

1. Notice of Violations of California Health & Safety Code Section 25249.5 et seq. by Best Naturals, Best Nutritionals, LLC, Shopbestnaturals.com, Vita-Pure, Inc., Amazon.com, Inc., and Amazon.com Services LLC;
2. Certificate of Merit

on the following parties below by placing a true and correct copy thereof in a sealed envelope, addressed to each of the District Attorney and City Attorney offices listed below, and causing each envelope to be deposited at a United States Postal Service mail box for delivery by First Class Mail:

District Attorney Alpine County PO Box 248 Markleeville, CA 96120	District Attorney Lake County 255 North Forbes Street Lakeport, CA 95453	District Attorney Sierra County PO Box 457 Downieville, CA 95936
District Attorney Amador County 708 Court Street, Suite 202 Jackson, CA 95642	District Attorney Los Angeles County Hall of Justice 211 West Temple St. Ste 1200 Los Angeles, CA 90012	District Attorney's Office Siskiyou County Courthouse 311 Fourth Street, Room 204 Yreka, CA 96097
District Attorney Butte County 25 County Center Drive, Suite 245 Oroville, CA 95965	District Attorney Madera County 209 West Yosemite Avenue Madera, CA 93637	District Attorney Solano County 675 Texas Street, Ste 4500 Fairfield, CA 94533
District Attorney Colusa County 310 6 <sup>th</sup> Street Colusa, CA 95932	District Attorney Marin County 3501 Civic Center Drive, Room 130	District Attorney Stanislaus County 832 12th Street, Ste 300 Modesto, CA 95354



	San Rafael, CA 94903	
District Attorney Del Norte County 450 H Street, Suite 171 Crescent City, CA 95531	District Attorney Mendocino County PO Box 1000 Ukiah, CA 95482	District Attorney Sutter County 446 Second Street Yuba City, CA 95991
District Attorney EL Dorado County 778 Pacific Street Placerville, CA 95667	District Attorney Modoc County 204 S Court Street, Room 202 Alturas, CA 96101-4020	District Attorney Tehama County PO Box 519 Red Bluff, CA 96080
District Attorney Fresno County 2220 Tulare Street Suite 1000 Fresno, CA 93721	District Attorney Orange County 300 N Flower St. Santa Ana, CA 92703	District Attorney Trinity County Post Office Box 310 Weaverville, CA 96093
District Attorney Glenn County Post Office Box 430 Willows, CA 95988	District Attorney San Benito County 419 4 <sup>th</sup> Street Hollister, CA 95023	District Attorney Tuolumne County 423 North Washington St. Sonora, CA 95370
District Attorney Humboldt County 825 5th Street 4 <sup>th</sup> Floor Eureka, CA 95501	District Attorney San Bernardino County 316 No. Mountain View Avenue San Bernardino, CA 92415	District Attorney Yuba County 215 Fifth Street, Suite 152 Marysville, CA 95901
District Attorney Imperial County 940 West Main Street, Suite 102 El Centro, CA 92243	District Attorney San Mateo County 400 County Ctr., 3rd Floor Redwood City, CA 94063	Los Angeles City Attorney's Office City Hall East 200 N. Main Street, Suite 800 Los Angeles, CA 90012
District Attorney Kern County 1215 Truxtun Avenue Bakersfield, CA 93301	District Attorney Shasta County 1355 West Street Redding, CA 96001	San Jose City Attorney's Office 200 East Santa Clara Street, 16 <sup>th</sup> Floor San Jose, CA 95113
District Attorney Kings County 1400 West Lacey Blvd. Hanford, CA 93230	District Attorney Mono County Post Office Box 617 Bridgeport, CA 93517	

On December 29, 2021, between 11:00 a.m. and 11:30 p.m. Pacific Time, I served the following documents:



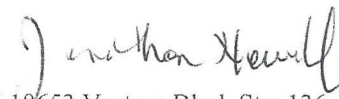
1. Notice of Violations of California Health & Safety Code Section 25249.5 et seq. by Best Naturals, Best Nutritionals, LLC, Shopbestnaturals.com, Vita-Pure, Inc., Amazon.com, Inc., and Amazon.com Services LLC;
2. Certificate of Merit

on each of the parties below, all of which have requested electronic service only via the following email addresses:

Alameda County District Attorney CEPDProp65@acgov.org	Calaveras County District Attorney Prop65Env@co.calaveras.ca.us
Contra Costa County District Attorney sgrassini@contracostada.org	Inyo County District Attorney inyoda@inyocounty.us
Lassen County District Attorney mlatimer@co.lassen.ca.us	Mariposa County District Attorney mcda@mariposacounty.org
Merced County District Attorney Prop65@countyofmerced.com	Monterey County District Attorney Prop65DA@co.monterey.ca.us
Napa County District Attorney CEPD@countyofnapa.org	Nevada County District Attorney DA.Prop65@co.nevada.ca.us
Placer County District Attorney Prop65@placer.ca.gov	Plumas County District Attorney davidhollister@countyofplumas.com
Riverside County District Attorney Prop65@rivcoda.org	Sacramento County District Attorney Prop65@sacda.org
San Diego City Attorney CityAttyProp65@sandiego.gov	San Diego County District Attorney SanDiegoDAProp65@sdcda.org
San Francisco County District Attorney alethea.sargent@sfgov.org	San Francisco City Attorney Valerie.Lopez@sfcityatty.org
San Joaquin County District Attorney DA DAConsumer.Environmental@sjcda.org	San Luis Obispo County District Attorney edobroth@co.slo.ca.us
Santa Barbara County District Attorney DAProp65@co.santa-barbara.ca.us	Santa Clara County District Attorney EPU@da.sccgov.org
Santa Cruz County District Attorney Prop65DA@santaacruzcounty.us	Sonoma County District Attorney jbarnes@sonoma-county.org
Tulare County District Attorney Prop65@co.tulare.ca.us	Ventura County District Attorney daspecialops@ventura.org
Yolo County District Attorney cfepd@yolocounty.org	

I, Jonathan Newell, declare under penalty of perjury that the foregoing is true and correct.

Signature

  
 18653 Ventura Blvd. Ste. 136  
 Tarzana, California 91356

December 29, 2021