

FILED

AUG 14 2013

KIM TURNER, Court Executive Officer
MARIN COUNTY SUPERIOR COURT
By: R. Smith, Deputy

1 LAW OFFICE OF MICHAEL FREUND
Michael Freund (State Bar No. 99687)
2 freund1@aol.com
Ryan Hoffman (State Bar No. 283297)
3 1919 Addison Street, Suite 105
Berkeley, CA 94704
4 Telephone: (510) 540-1992
Facsimile: (510) 540-5543
5

6 Attorneys for Plaintiff
ENVIRONMENTAL RESEARCH CENTER

7 GREENBERG TRAURIG
James Mattesich (State Bar No. 54069)
8 Nancy Doig (State Bar No. 226593)
1201 K Street, Suite 1100
9 Sacramento, CA 95814-3938
Telephone: (916) 442-1111
10 Facsimile: (916) 448-1709

11 Attorneys for RELIV INTERNATIONAL, INC.

12
13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

14 **COUNTY OF MARIN**

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

17 Plaintiff,

18 v.

19 RELIV INTERNATIONAL, INC. and DOES
20 1-100,

21 Defendants.

CASE NO. CIV1300429

**[PROPOSED] STIPULATED CONSENT
JUDGMENT; [PROPOSED] ORDER**

Health & Safety Code § 25249.5 *et seq.*

ACTION FILED:
TRIAL DATE: Not Set

22
23 **I. INTRODUCTION**

24 **1.1** On January 14 2013, Plaintiff Environmental Research Center (“ERC”), a non-
25 profit corporation, as a private enforcer, and in the public interest, initiated this action by filing a
26 Complaint for injunctive and declaratory relief and civil penalties pursuant to the provisions of Cal. Health
27 & Safety Code Section 25249.5 *et seq.* (“Proposition 65”), against Reliv International, Inc. (“Reliv”) and
28 DOES 1-100. In this action, ERC alleges that certain products manufactured, distributed or sold by Reliv,

1 as more fully described below, contain lead, a chemical listed under Proposition 65 as a carcinogen and
2 reproductive toxin, and that such products expose consumers at a level requiring a Proposition 65 warning.
3 ERC and Reliv shall sometimes be referred to individually as a "Party" or collectively as the "Parties."

4 **1.2** ERC is a California non-profit corporation dedicated to, among other causes, helping
5 safeguard the public from health hazards by bringing about a reduction in the use and misuse of hazardous
6 and toxic chemicals, facilitating a safe environment for consumers and employees and encouraging
7 corporate responsibility.

8 **1.3** Reliv is a business entity that at all times relevant for purposes of this Consent Judgment
9 employs ten or more persons.

10 **1.4** The Complaint is based on allegations contained in ERC's Notices of Violation dated
11 June 29, 2010, September 24, 2010, and January 14, 2011 that were served on the California Attorney
12 General, other public enforcers, and Reliv. A true and correct copy of the Notices of Violation is attached
13 as Exhibit A. The following products were noticed in these Notices of Violation: Arthaffect, SoySentials,
14 CardioSentials, Cellebrate, Slmplicity Accelerator Capsules, FibRestore, and ReversAge. The Notices of
15 Violation with respect to FibRestore and ReversAge were subsequently withdrawn. More than 60-days
16 have passed since the Notices of Violation were mailed and no designated governmental entity has filed a
17 complaint against Reliv with regard to Arthaffect, SoySentials, CardioSentials, Cellebrate, and
18 Slmplicity Accelerator Capsules (the "Covered Products") or the alleged violations.

19 **1.5** ERC's Notices of Violation and the Complaint allege that use of the Covered Products
20 exposed persons in California to lead without first those persons being provided clear and reasonable
21 warnings in violation of Cal. Health & Safety Code Section 25249.6. Reliv denies all material allegations
22 contained in the Notices of Violation and Complaint and specifically denies that the Covered Products
23 required a Proposition 65 warning or otherwise caused harm to any person. Reliv asserts that any
24 detectible levels of lead in the Covered Products are the result of naturally occurring lead levels, as
25 provided for in California Code of Regulations, Title 27, Section 25501 (a). Nothing in the Consent
26 Judgment shall be construed as an admission by Reliv of any fact, issue of law or violation of law, nor
27 shall compliance with the Consent Judgment constitute or be construed as an admission by Reliv of any
28 fact, issue of law or violation of law, at any time, for any purpose. Nothing in the Consent Judgment shall

1 prejudice, waive or impair any right, remedy or defense that Reliv may have in any other or further legal
2 proceedings.

3 **1.6** The Parties have entered into this Consent Judgment in order to settle, compromise and
4 resolve disputed claims and thus avoid prolonged and costly litigation. Nothing in this Consent Judgment
5 shall constitute or be construed as an admission by any of the Parties, or by any of their respective officers,
6 directors, shareholders, employees, agents, parent companies, subsidiaries, divisions, affiliates,
7 franchises, licensees, customers, suppliers, distributors, wholesalers, or retailers, or any fact, conclusion
8 of law, issue of law, violation of law, fault, wrongdoing, or liability, including without limitation, any
9 admission concerning any alleged violation of Proposition 65; provided, however, nothing in this Section
10 shall affect the enforceability of this Consent Judgment.

11 **1.7** Except as expressly set forth herein, nothing in this Consent Judgment shall prejudice, waive
12 or impair any right, remedy, argument, or defense the Parties may have in any other or future legal
13 proceeding unrelated to these proceedings.

14 **1.8** The Effective Date of this Consent Judgment shall be the date on which it is entered as a
15 Judgment by this Court.

16 **1.9** Since receiving ERC's Notices of Violation, Reliv has revised the formula for all of the
17 Covered Products to bring the lead levels in the Covered Products that are manufactured going forward to
18 below 0.5 micrograms per day, the level at which a warning would be required pursuant to Proposition 65.

19 **2. JURISDICTION AND VENUE**

20 For purposes of this Consent Judgment only, the Parties stipulate that this Court has jurisdiction
21 over the allegations of violations contained in the Complaint and personal jurisdiction over Reliv to the
22 acts alleged in the Complaint, that venue is proper in Marin County, and that this Court has jurisdiction to
23 enter this Consent Judgment as a full and final resolution of all claims which were or could have been
24 asserted in this action based on the facts alleged in the Notices of Violation and the Complaint.

25 **3. INJUNCTIVE RELIEF, REFORMULATION, TESTING AND WARNINGS**

26 **3.1** Any Covered Product manufactured by Reliv after the Effective Date that Reliv thereafter
27
28

1 sells in California, markets or distributes¹ for sale into California, or offers for sale to a third party for
2 retail sale to California must either: (1) not expose any person to a daily dose of more than 0.5 micrograms
3 of lead when the maximum daily dose is taken as directed on the product label, or (2) meet the warning
4 requirements set out in Section 3.2.

5 **3.2 Clear and Reasonable Warnings**

6 The warning required by Section 3.1 above shall read as follows:

7 **WARNING: This product contains lead, a chemical known to the State of California to**
8 **cause [cancer, or] birth defects [,] or other reproductive harm.**

9 OR

10 **WARNING: This product contains a chemical known to the State of California to cause**
11 **[cancer, or] birth defects, or other reproductive harm.**

12 The term "cancer" need not be included in the warning if the maximum daily dose recommended
13 on the label contains less than 15 micrograms of lead as determined pursuant to Section 3.3.

14 The warning shall be securely affixed to or printed upon the container or label of each Covered Product.

15 The warning shall be displayed with such conspicuousness, as compared with other words, statements, or
16 design of the label or container, as applicable, to render the warning likely to be read and understood by an
17 ordinary individual under customary conditions of purchase or use. The warning appearing on the label or
18 container shall be at least the same size as the largest of any other health or safety warnings

19 correspondingly appearing on the label or container, as applicable, or such product, and the word
20 "WARNING" shall be in all capital letters and in bold print. No other statements about Proposition 65
21 shall accompany the warning.

22 **3.3 Calculation for Determining Microgram Per Day Level**

23 For purposes of this Consent Judgment, daily lead exposure levels shall be measured in
24 micrograms, and shall be calculated using the following formula: micrograms of lead per gram of
25 product, multiplied by grams of product per serving of the product (using the largest serving size
26 appearing on the product label), multiplied by servings of the product per day (using the largest number of

27 ¹ As used in this Consent Judgment, the term "distributes for sale into California" shall mean to directly ship a Covered Product
28 into California for sale in California or to sell a Covered Product to a distributor that Reliv knows will sell the Covered Product
in California.

1 servings in a recommended dosage appearing on the product label), which equals micrograms of lead
2 exposure per day. All testing to determine concentrations of lead shall be performed using the following
3 criteria: Closed-vessel, microwave-assisted acid digestion employing high-purity reagents, followed by
4 Inductively Coupled Plasma-Mass Spectrometry (ICP_MS) achieving a limit of quantification of less than
5 or equal to 0.101 mg/kg or any other testing method subsequently agreed upon in writing by the Parties.

6 **4. SETTLEMENT PAYMENT**

7 **4.1** In full satisfaction of all potential civil penalties, payment in lieu of civil penalties, attorney's
8 fees and costs (which includes, but is not limited to, filing fees and costs of attorneys, experts and
9 investigators and testing nutritional health supplements), Reliv shall make a total payment of \$77,500.00
10 within ten (10) business days of receiving the Notice of Entry of Judgment. Said payment shall be for the
11 following:

12 **4.2** \$8,800.00 shall be payable as civil penalties pursuant to Health & Safety Code Section
13 25249.7 (b) (1). Of this amount, \$6,600.00 shall be payable to the Office of Environmental Health Hazard
14 Assessment ("OEHHA") and \$2,200.00 shall be payable to Environmental Research Center. Cal. Health
15 & Safety Code Section 25249.12 (c) (1) & (d). Reliv shall send both civil penalty payments to ERC's
16 counsel who shall be responsible to forward the civil penalty.

17 **4.3** \$24,150.00 payable to Environmental Research Center as reimbursement to ERC for (A)
18 reasonable costs associated with the enforcement of Proposition 65 and other costs incurred as a result of
19 work in bringing this action and (B) \$25,950.00 payable to Environmental Research Center in lieu of
20 further civil penalties, for activities such; (1) as continued enforcement of Proposition 65, which includes
21 analysis, work and testing consumer products that may contain Proposition 65 chemicals which addresses
22 the same or similar type of ingestible products that are the subject matter of the current action; (2) the
23 continued monitoring of past consent judgments and settlements to ensure companies are in compliance
24 with Proposition 65; and (3) awarding a donation in the amount of \$1,300.00 to the West County Toxics
25 Coalition to assist the organization's efforts to reduce toxic chemical exposures within the City of
26 Richmond, California.

27 **4.4** \$15,375.00 payable to Michael Freund as reimbursement of ERC's attorney's fees and
28 \$3,225.00 payable to Karen Evans as reimbursement ERC's attorney's fees.

1 4.5 Reliv's payments shall be mailed or delivered to the Law Office of Michael Freund. Reliv
2 shall be provided with taxpayer identification information to enable Reliv to process the payments.

3 **5. MODIFICATION OF CONSENT JUDGMENT**

4 5.1 This Consent Judgment may be modified only by written agreement and stipulation of the
5 Parties, or upon noticed motion filed by any Party, followed by entry of a modified consent judgment by
6 the Court. A Party that wishes to modify the terms of this Consent Judgment shall attempt to meet and
7 confer and reach an agreement with the other Party prior to filing a motion to modify. If a Party files a
8 motion for a modification of the Consent Judgment without first trying to meet and confer and reach an
9 agreement, or if the party fails to obtain a modification, the other Party shall be entitled to reasonable
10 attorney's fees and costs to be determined by the Court. If a Party requests or initiates a modification that
11 is made by stipulation or written agreement, the other Party shall be entitled to \$6,000 to defray the
12 attorney's fees and costs associated with reviewing and negotiating the proposed modification and the
13 requesting Party shall be responsible for drafting all papers to be submitted to the court.

14 **6. RETENTION OF JURISDICTION, ENFORCMENT OF CONSENT JUDGMENT**

15 6.1 This Court shall retain jurisdiction of this matter to enforce, modify or terminate this Consent
16 Judgment.

17 6.2 Only after it complies with Section 15 below, any Party may, by motion or application for an
18 order to show cause filed with this Court, enforce the terms and conditions contained in this Consent
19 Judgment.

20 6.3 In the event that ERC alleges that any Covered Product fails to meet the terms of this Consent
21 Judgment then ERC shall provide Reliv a notice of alleged violation of the terms of this Consent
22 Judgment. Along with the notice, ERC shall provide test results that were performed within a month of
23 the day the notice of alleged violation was sent, as well as lot numbers, photographs of the packaging and
24 labels of the unit tested by ERC, receipts of purchase, and other information sufficient to permit Reliv to
25 identify the Covered Product at issue, and where and when the Covered Product was Purchased. Reliv
26 shall, within sixty (60) days following receipt of such notice, advise ERC if it will contest or not contest
27 the notice of alleged violation of this Consent Judgment. If Reliv elects to not contest the alleged notice, it
28 will pay ERC an amount of \$6,000 to cover its costs and in lieu of penalties and advise ERC as to the

1 corrective action it has taken to resolve the alleged violation. No penalty shall be due to ERC if Reliv
2 provides ERC with test results that show the product identified in the notice of alleged violation contained
3 less than 0.5 micrograms lead per maximum recommended daily dose. If Reliv wishes to contest the
4 notice of alleged violation, or if ERC takes issue with test results provided by Reliv, the Parties shall first
5 attempt to resolve the matter in good faith prior to ERC taking any further legal action. Any information
6 exchanged during this meet and confer process shall be considered highly sensitive and kept confidential
7 by the other Party.

8 **7. APPLICATION OF CONSENT JUDGMENT**

9 This Consent Judgment may apply to, be binding upon and benefit the Parties, and their respective
10 officers, directors, shareholders, employees, agents, parent companies, subsidiaries, divisions, affiliates,
11 franchisees, licensees, customers (except private labelers), distributors, wholesalers, retailers, and all
12 predecessors, successors and assigns of any of them and ERC on its own behalf and in the public interest
13 as set forth in Section 8. This Consent Judgment shall have no application to Covered Products which are
14 manufactured, distributed or sold outside the State of California and which are not used by California
15 consumers. This Consent Judgment shall terminate without further action by any Party when Reliv no
16 longer manufactures, distributes or sells all of the Covered Products and all of such Covered Products
17 previously "distributed for sale in California" have reached their expiration dates and are no longer sold.

18 **8. BINDING EFFECT, CLAIMS COVERED AND RELEASED**

19 **8.1** This Consent Judgment is a full, final, and binding resolution between ERC, on behalf of
20 itself, and in the public interest, and Reliv, of any alleged violation of Proposition 65 or its implementing
21 regulations for failure to provide Proposition 65 warnings of exposure to lead from the handling, use or
22 consumption of the Covered Products and fully and finally resolves all claims that have been or could
23 have been asserted in this action up to and including the date of entry of Judgment for failure to provide
24 Proposition 65 warnings for the Covered Products.

25 ERC, on behalf of itself, and in the public interest, hereby discharges Reliv and each of their
26 respective officers, directors, shareholders, employees, agents, parent companies, subsidiaries, divisions,
27 affiliates, suppliers, franchisees, licensees, customers, (not including private label customers of Reliv),
28 distributors, wholesalers, retailers, and all other upstream and downstream entities in the distribution

1 chain down of any Covered Product, and the predecessors, successors and assigns of any of them
2 (collectively, "Released Parties"), from any and all claims, actions, causes of action, suits, demands,
3 liabilities, damages, penalties, fees, costs and expenses asserted, or that could have been asserted, as to any
4 alleged violation of Proposition 65 arising from or related to the failure to provide Proposition 65
5 warnings on the Covered Products regarding lead.

6 **8.2** ERC, on behalf of itself only, hereby releases and discharges the Released Parties from any
7 and all known and unknown Claims for alleged violations of Proposition 65, or for any other statutory or
8 common law, arising from or relating to alleged exposures to lead and lead compounds in the Covered
9 Products as set forth in the Notices. It is possible that other Claims not known to the Parties arising out of
10 the facts alleged in the Notices of Violation or the Complaint and relating to the Covered Products will
11 develop or be discovered. ERC, on behalf of itself only, acknowledges that this Consent Judgment is
12 expressly intended to cover and include all such Claims, including all rights of action therefor. ERC has
13 full knowledge of the contents of California Civil Code Section 1542. ERC, on behalf of itself only,
14 acknowledges that the Claims released in Section 8.1 and 8.2 above may include unknown Claims, and
15 nevertheless waives California Civil Code Section 1542 as to any such unknown claims. California Civil
16 Code Section 1542 reads as follows:

17 A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES
18 NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF
19 EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM OR HER MUST HAVE
20 MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR.

21 ERC, on behalf of itself only, acknowledges and understands the significance and consequences of this
22 specific waiver of Cal. Civil Code Section 1542.

23 **8.3** Compliance with the terms of this Consent Judgment shall be deemed to constitute compliance
24 by any Released Party with Proposition 65 regarding alleged exposures to lead in the Covered Products.

25 **8.4** ERC, on one hand, and Defendants, on the other hand, release and waive all claims they may
26 have against each other for any statements of actions made or undertaken by them in connection with the
27 Notices of Violation or the Complaint. Provided however, nothing in Section 8 shall affect or limit any
28 Party's right to seek to enforce the terms of this Consent Judgment.

1 **9. SEVERABILITY OF UNENFORCEABLE PROVISIONS**

2 In the event that any of the provisions of this Consent Judgment is held by a court to be
3 unenforceable, the validity of the enforceable provisions shall not be adversely affected.

4 **10. GOVERNING LAW**

5 The terms and conditions of this Consent Judgment shall be governed by and construed in
6 accordance with the laws of the state of California.

7 **11. PROVISION OF NOTICE**

8 All notices required to be given to either Party to this Consent Judgment by the other shall be in
9 writing and sent to the following agents listed below by (a) first-class, registered, or certified mail, (b)
10 overnight courier, or (c) personal delivery. Courtesy copies via email may also be sent.

11 **FOR ENVIRONMENTAL RESEARCH CENTER:**

12 Chris Heptinstall, Executive Director
13 Environmental Research Center
14 3111 Camino del Rio North, Suite 400
San Diego, CA 92108

15 Michael Bruce Freund
16 Law Offices of Michael Freund
17 1919 Addison Street, Suite 105
Berkeley, CA 94704
18 Telephone: (510) 540-1992
Facsimile: (510) 540-5543

19 Karen Evans
20 Coordinating Counsel
21 Environmental Research Center
4218 Biona Place
San Diego, CA 92116
22 Telephone: (619) 640-8100

23 **RELIV INTERNATIONAL, INC.**

24 Brett M. Hastings
25 Vice President - Legal
26 Reliv International, Inc.
136 Chesterfield Industrial Blvd.
Chesterfield, MO, 63005
27
28

1 With a copy to:

2 GREENBERG TRAURIG
3 James Mattesich
4 Nancy Doig
5 1201 K Street, Suite 1100
6 Sacramento, CA 95814-3938
7 Telephone: (916) 442-1111
8 Facsimile: (916) 448-1709

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10 **12. COURT APPROVAL**

11 **12.1** If this Stipulated Consent Judgment is not approved by the Court, it shall be void and have no
12 force or effect.

13 **12.2** ERC shall comply with California Health & Safety Code Section 25249.7 (f) and with
14 Title II of the California Code Regulations, Section 3003.

15 **13. EXECUTION AND COUNTERPARTS**

16 This Consent Judgment may be executed in counterparts, which taken together shall be deemed to
17 constitute one document. A facsimile or pdf signature shall be construed as valid as the original signature.

18 **14. DRAFTING**

19 The terms of this Consent Judgment have been reviewed by the respective counsel for the Parties
20 to this Settlement prior to its signing, and each Party has had an opportunity to fully discuss the terms with
21 counsel. The Parties agree that, in any subsequent interpretation and construction of this Consent
22 Judgment entered thereon, the terms and provisions shall not be construed against any Party.

23 **15. GOOD FAITH ATTEMPT TO RESOLVE DISPUTES**

24 In the event a dispute arises with respect to either Party's compliance with the terms of this
25 Consent Judgment entered by the Court, the Parties shall meet either in person or by telephone and
26 endeavor to resolve the dispute in an amicable manner. No action or motion may be filed in the absence of
27 such a good faith attempt to resolve the dispute beforehand. In the event an action or motion is filed,
28 however, the prevailing party may seek to recover costs and reasonable attorney's fees. As used in the
preceding sentence, the term "prevailing party" means a party who is successful in obtaining relief more
favorable to it than the relief that the other party was amenable to providing during the parties' good faith
attempt to resolve the dispute that is the subject of such enforcement action.

1 **16. ENTIRE AGREEMENT, AUTHORIZATION**

2 **16.1** This Consent Judgment contains the sole and entire agreement and understanding of the
3 Parties with respect to the entire subject matter hereof, and any and all prior discussions, negotiations,
4 commitments and understandings related hereto. No representations, oral or otherwise, express or
5 implied, other than those contained herein have been made by any Party. No other agreements not
6 specifically referred to herein, oral or otherwise, shall be deemed to exist or to bind any of the Parties.

7 **16.2** Each signatory to this Consent Judgment certifies that he or she is fully authorized by
8 the Party he or she represents to stipulate to this Consent Judgment. Except as explicitly provided herein,
9 each Party shall bear its own fees and costs.

10 **17. REQUEST FOR FINDINGS, APPROVAL OF SETTLEMENT AND ENTRY OF**
11 **CONSENT JUDGMENT**

12 This Consent Judgment has come before the Court upon the request of the Parties. The Parties
13 request the Court to fully review this Consent Judgment and, being fully informed regarding the matters
14 which are the subject of this action, to:

15 (1) Find that the terms and provisions of this Consent Judgment represent a fair and
16 equitable settlement of all matters raised by the allegations of the Complaint, that the matter has been
17 diligently prosecuted, and that the public interest is served by such settlement; and

18 (2) Make the findings pursuant to Health & Safety Code § 25249.7 (f) (4), approve the
19 Settlement and approve this Consent Judgment.

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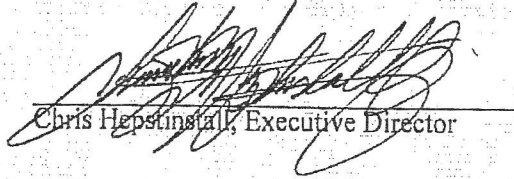
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1 **IT IS SO STIPULATED:**

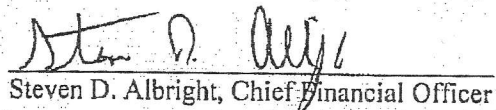
2 **ENVIRONMENTAL RESEARCH CENTER**

3 Dated: 4/10/, 2013

4 
Chris Hepstinstalk, Executive Director

6 **RELIV INTERNATIONAL, INC.**

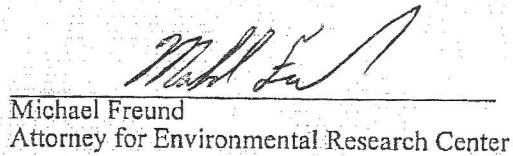
8 Dated: 4/9, 2013

9 
Steven D. Albright, Chief Financial Officer

11 **APPROVED AS TO FORM:**

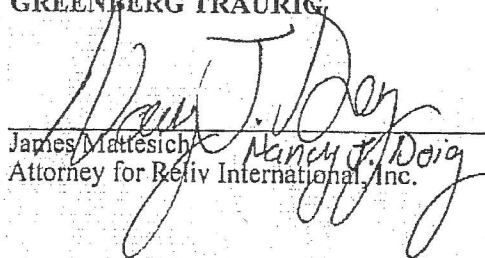
12 Dated: 4/10, 2013

13 **LAW OFFICE OF MICHAEL FREUND**

14 
15 Michael Freund
16 Attorney for Environmental Research Center

17 Dated: 4/10, 2013

18 **GREENBERG TRAURIG**

19 
20 James Matesich
21 Attorney for Reliv International, Inc.

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ORDER AND JUDGMENT

1
2 Based upon the Parties' Stipulation, and good cause appearing, this Consent Judgment
3 is approved and Judgment is hereby entered according to its terms.

4 Dated: 8/14, 2013

ROY CHERNUS
5 Judge, Superior Court of the State
6 of California

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MICHAEL FREUND
ATTORNEY AT LAW
1915 ADDISON STREET
BERKELEY, CALIFORNIA 94704-1101

TEL 510/540-1992
FAX 510/540-5543
EMAIL FREUND1@AOL.COM

June 29, 2010

Re: Notice of Violation Against Reliv International, Inc. for Violation of California Health & Safety Code Section 25249.6

Dear Prosecutors:

I represent the Environmental Research Center ("ERC"), a non-profit California corporation whose mission is to safeguard the public from health hazards that impact families, workers and the environment. ERC is dedicated to reducing the use and misuse of hazardous and toxic chemicals, facilitating a safe environment for consumers and employees and encouraging corporate responsibility. ERC is located at 5694 Mission Center Road, # 199, San Diego, CA 92108. Through this Notice of Violation, ERC seeks to reduce exposure to the public from lead that is contained in the named products manufactured and distributed by Reliv International, Inc.

This letter constitutes notification that Reliv International, Inc. located at, 136 Chesterfield Industrial Blvd., Chesterfield, MO 63005 has violated the warning requirement of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act (commencing with section 25249.5 of the Health and Safety Code).

In particular, this company has manufactured and distributed products which have exposed and continue to expose numerous individuals within California to lead. Lead was listed pursuant to Proposition 65 as a chemical known to cause developmental toxicity, and male and female reproductive toxicity on February 27, 1987. Lead was listed pursuant to Proposition 65 as a carcinogen on October 1, 1992. The time period of these violations commenced one year after the listed dates above. The primary route of exposure has been oral through ingestion.

Reliv International, Inc. is exposing people to lead from the following products: Arthraffect with Arthred; ReversAge; and FibRestore Fiber-Rich Antioxidant Dietary Supplement Great Pineapple Flavor.

Proposition 65 requires that a clear and reasonable warning be provided prior to exposure to certain listed chemicals. Reliv International, Inc. is in violation of Proposition 65 because the company failed to provide a warning to persons using their products that they are being exposed to lead. (22 C.C.R. section 12601.) While in the course of doing business, the company is knowingly and intentionally exposing people to lead, without first providing clear and reasonable warning. (Health and Safety Code section 25249.6.) The method of warning should be a warning that appears on the product's label. 22 C.C.R. section 12601 (b)(1) (A).

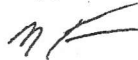
Proposition 65 requires that notice and intent to sue be given to a violator 60-days before the suit is filed. With this letter, ERC gives notice of the alleged violation to the noticed party and

the appropriate governmental authorities. This Notice covers all violations of Proposition 65 that are currently known to ERC from information now available. ERC may continue to investigate other products that may reveal further violations. A summary of Proposition 65, prepared by the Office of Environmental Health Hazard Assessment, and referenced as Appendix A, has been provided to the noticed party.

Based on the allegations set forth in this Notice, ERC intends to file a citizen enforcement action against Reliv International, Inc. unless the company agrees in an enforceable written instrument to: (1) reformulate these products so as to eliminate further lead exposures; and (2) pay an appropriate civil penalty. Consistent with the public interest goals of Proposition 65 and my client's objectives in pursuing this Notice, ERC will focus its efforts in seeking a constructive resolution of this matter. Such resolution will avoid both further unwarned consumer exposures to lead and expensive and time-consuming litigation.

If you have any questions, please contact my office at your earliest convenience.

Sincerely,



Michael Freund

cc: Chris Heptinstall, ERC
Karen Evans, Esq. ERC

CERTIFICATE OF MERIT

Health and Safety Code Section 25249.7 (d)

I, Michael Freund hereby declare:

1. This Certificate of Merit accompanies the Notice of Violation in which it is alleged that the party identified in the Notice has violated Health and Safety Code Section 25249.6 by failing to provide clear and reasonable warnings.
2. I am the attorney for the noticing party Environmental Research Center ("ERC"). ERC is dedicated to reducing the use and misuse of hazardous and toxic chemicals, facilitating a safe environment for consumers and employees and encouraging corporate responsibility. The Notice of Violation alleges that the party identified has exposed persons in California to lead from products that it manufactures and distributes. Please refer to the Notice of Violation for additional details regarding the alleged violations.
3. I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the alleged exposure to the listed chemical that is the subject of the action. In particular, I have consulted with the laboratory that conducted the testing to determine the concentration of lead in the products identified in the Notice of Violation and I have relied on the testing results. The testing was conducted by a reputable testing laboratory with substantial experience in testing for lead. These facts, studies or other data derived through this investigation overwhelmingly demonstrate that the party identified in the Notice of Violation exposes persons to lead through oral exposure (ingestion).
4. Based on my consultation with the laboratory, the results of the laboratory testing, as well as published studies on lead, it is clear that there is sufficient evidence that human

exposures exist from exposure to the products from the noticed party. Furthermore, as a result of the above, I have concluded that there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiff's case can be established and 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. The copy of this Certificate of Merit served on the California Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health & 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: June 27, 2010



Michael Freund
Attorney for Environmental Research Center

CERTIFICATE OF SERVICE

I am a citizen of the United States and a resident of the County of Alameda. I am over the age of eighteen years and not a party to the within entitled action; my business address is 1915 Addison Street, Berkeley, California 94704. On June 29, 2010 I served the within:

Notice of Violation and Certificate of Merit (Supporting documentation pursuant to 11 CCR section 3102 sent to Attorney General only)

on the parties in said action, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Post Office mail box in Oakland, California to said parties addressed as follows:

See Attached Service List

I, Michael Freund, declare under penalty of perjury that the foregoing is true and correct.

Executed on June 29, 2010 at Berkeley, California.



Michael Freund

District Attorney of Alameda County
1225 Fallon Street, Room 900
Oakland, CA 94612

District Attorney of Glenn County
PO Box 430
Willows, CA 95988

District Attorney of Marin County
3501 Civic Center Dr., Room 130
San Rafael, CA 94903

District Attorney of Colusa County
547 Market Street
Colusa, CA 95932

District Attorney of Kings County
1400 West Lacey
Hanford, CA 93239

District Attorney of Mono County
PO Box 617
Bridgeport, CA 93517

District Attorney of Contra Costa
County
627 Ferry Street
Martinez, CA 94553

District Attorney of Lake County
255 N. Forbes Street
Lakeport, CA 95453

District Attorney of Mariposa County
PO Box 730
Mariposa, CA 95338

District Attorney of Alpine County
PO Box 248
Markleeville, CA 96120

District Attorney of Humboldt County
825 5th Street
Eureka, CA 95501

District Attorney of Monterey County
230 Church Street, Bdg. 2
Salinas, CA 93901

District Attorney of Del Norte County
450 H Street, Ste 171
Crescent City, CA 95531

District Attorney of Imperial County
939 Main Street
El Centro, CA 92243

District Attorney of Mendocino County
PO Box 1000
Ukiah, CA 95482

District Attorney of Amador County
708 Court Street, # 202
Jackson, CA 95642

District Attorney of Lassen County
220 S. Lassen St., Ste 8
Susanville, CA 96130

District Attorney of Napa County
931 Parkway Mall
Napa, CA 94559

District Attorney of Butte County
25 County Center Drive
Oroville, CA 95965

District Attorney of Inyo County
PO Drawer D
Independence, CA 93526

District Attorney of Merced County
2222 "M" Street
Merced, CA 95340

District Attorney of El Dorado County
515 Main Street
Placerville, CA 95667

District Attorney of Los Angeles County
210 W. Temple Street, Room 345
Los Angeles, CA 90012

District Attorney of Nevada County
110 Union Street
Nevada City, CA 95959-2503

District Attorney of Calaveras County
891 Mountain Ranch Road
San Andreas, CA 95249

District Attorney of Madera County
209 West Yosemite Ave.
Madera, CA 93637

District Attorney of Orange County
401 Civic Center Drive West
Santa Ana, CA 92701

District Attorney of Fresno County
1220 Tulare Street, # 1000
Fresno, CA 93721

District Attorney of Kern County
1215 Truxtun Ave.
Bakersfield, CA 93301

District Attorney of Modoc County
204 S. Court Street
Alturas, CA 96101-4020

District Attorney of Placer County
2501 North Lake Blvd.
Tahoe City, CA 96145

District Attorney of San Mateo County
400 County Ctr., 3rd Floor
Redwood City, CA 94063

District Attorney of Sutter County
446 Second Street
Yuba City, CA 95991

District Attorney of San Bernardino Cty
316 N. Mountain View Ave.
San Bernardino, CA 92415

District Attorney of Sierra County
Courthouse, PO Box 457
Donieville, CA 95936

District Attorney of Ventura County
800 South Victoria Ave.
Ventura, CA 93009

District Attorney of Plumas County
520 Main Street, Room 404
Quincy, CA 95971

District Attorney of Santa Barbara
County
1105 Santa Barbara Street
Santa Barbara, 93101

District Attorney of Tehama County
PO Box 519
Red Bluff, CA 96080

District Attorney of San Diego County
330 West Broadway, Suite 1320
San Diego, 92101

District Attorney of Siskiyou County
PO Box 986
Yreka, CA 96097

District Attorney of Yolo County
301 Second Street
Woodland, CA 95695

District Attorney of Riverside County
4075 Main Street
Riverside, CA 92501

District Attorney of Solano County
675 Texas Street, Suite 4500
Fairfield, CA 94533

District Attorney of Trinity County
PO Box 310
11 Court Street
Weaverville, CA 96093

District Attorney of San Francisco
County
850 Bryant Street, Room 325
San Francisco, CA 94103

District Attorney of Santa Clara County
70 West Hedding Street, West Wing
San Jose, CA 95110

District Attorney of Yuba County
215 Fifth Street
Marysville, CA 95901

District Attorney of Sacramento County
901 "G" Street
Sacramento, CA 95814

District Attorney of Santa Cruz County
701 Ocean Street, Room 200
Santa Cruz, CA 95060

District Attorney of Tulare County
221 S. Mooney Ave., Room 224
Visalia, CA 93291

District Attorney of San Joaquin County
PO Box 990
Stockton, CA 95201

District Attorney of Sonoma County
600 Administration Drive, Room 212J
Santa Rosa, CA 95403

District Attorney of Tuolumne County
423 No. Washington Street
Sonora, CA 95370

District attorney of San Luis Obispo
County
1050 Monterey St., Room 450
San Luis Obispo, CA 93408

District Attorney of Shasta County
1525 Court Street, Third Floor
Redding, CA 96001-1632

San Jose City Attorney's Office
200 East Santa Clara Street
San Jose, CA 95113

District Attorney of San Benito County
419 Fourth Street, 2nd Floor
Hollister, CA 95023

District Attorney of Stanislaus County
800 11th Street, Room 200
PO Box 442
Modesto, CA 95353

Los Angeles City Attorney's Office
800 City Hall East
200 N. Main Street
Los Angeles, CA 90012



Environmental Research Center

5694 Mission Center Road #199
San Diego, CA 92108
619.309.4194

September 24, 2010

VIA CERTIFIED MAIL

Current CEO or President
Reliv' International, Inc.
136 Chesterfield Industrial Blvd
Chesterfield, MO 63005

Robert L. Montgomery
(Reliv' International, Inc.'s Registered
Agent for Service of Process)
136 Chesterfield Industrial Blvd
Chesterfield, MO 63005

VIA PRIORITY MAIL

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

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

Dear Addressees:

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

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

The name of the Company covered by this Notice that violated Proposition 65 is:

Reliv International, Inc.

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

**Reliv Inc Simplicity - Lead
Protykin Reliv Soy Sentials - Lead
Reliv International Inc Cardio Sentials - 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 as chemical known to cause cancer.

This letter is a Notice to Reliv' International, Inc. and the appropriate governmental authorities of the Proposition 65 violations concerning the listed products. This Notice covers all violations of Proposition 65 involving Reliv' International, Inc. currently known to ERC from the information now available. ERC may continue to investigate other products that may reveal further violations. A summary of Proposition 65, prepared by the Office of Environmental Health Hazard Assessment, has been provided to the Noticed Company with a copy of this letter.

Reliv' International, Inc. has manufactured, marketed, distributed, and/or sold the listed products, which have exposed and continue to expose numerous individuals within California to the identified chemicals. The primary route of exposure to these chemicals has been through ingestion, but may have also occurred through inhalation and/or dermal contact. Proposition 65 requires that a clear and reasonable warning be provided prior to exposure to the identified chemicals. The method of warning should be a warning that appears on the product's label. Reliv' International, Inc. has violated Proposition 65 because the Company has failed to provide an appropriate warning to persons using these products that they are being exposed to the identified chemical.

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

Please direct all questions concerning this notice to ERC's attorney, Michael Freund, address: 1915 Addison Street, Berkley, California, 94704-1101, telephone no.: 510-540-1992, e-mail: Freund1@aol.com.

Sincerely,



Chris Heptinstall
Executive Director
Environmental Research Center

cc: Karen Evans

Attachments

Certificate of Merit

Certificate of Service

OEHHA Summary (to Reliv' International, Inc. and its Registered Agent for Service of Process Only)

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

CERTIFICATE OF MERIT

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

I, Michael Freund, declare:

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

Dated: September 24, 2010



Michael Freund
Attorney for Environmental Research Center

CERTIFICATE OF SERVICE

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

I am a citizen of the United States, over the age of 18 years of age, and am not a party to the within entitled action. My business address is 306 Joy Street, Fort Oglethorpe, Georgia 30742

On September 24, 2010, I served the following documents:

**NOTICE OF VIOLATIONS OF CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.;
CERTIFICATE OF MERIT; "THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT
ACT OF 1986 (PROPOSITION 65): A SUMMARY"**

On the following parties by placing a true and correct copy thereof in a sealed envelope, addressed to the party listed below and depositing it in a US Postal Service Office for delivery by Certified Mail:

Current CEO or President
Reliv' International, Inc.
136 Chesterfield Industrial Blvd
Chesterfield, MO 63005

Robert L. Montgomery
(Reliv' International, Inc.'s Registered Agent
for Service of Process)
136 Chesterfield Industrial Blvd
Chesterfield, MO 63005

On September 24, 2010, 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 parties by placing a true and correct copy thereof in a sealed envelope, addressed to the party listed below and depositing it in a US Postal Service Office for delivery by Certified Mail:

Office of the California Attorney General
Prop 65 Enforcement Reporting
1515 Clay Street, Suite 2000
Post Office Box 70550
Oakland, CA 94612-0550

On September 24, 2010, I served the following documents: **NOTICE OF VIOLATION, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT** on each of the parties on the Service List attached hereto by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties **on the Service List attached hereto**, and depositing it with the U.S. Postal Service for delivery by Priority Mail.

Executed on September 24, 2010, in Fort Oglethorpe, Georgia.



Chris Heptinstall

Service List

District Attorney, Alameda County
1225 Fallon Street, Room 900
Oakland, CA 94612

District Attorney, Alpine County
P.O. Box 248
Markleeville, CA 96120

District Attorney, Amador County
708 Court Street, #202
Jackson, CA 95642

District Attorney, Butte County
25 County Center Drive
Oroville, CA 95965

District Attorney, Calaveras County
891 Mountain Ranch Road
San Andreas, CA 95249

District Attorney, Colusa County
547 Market Street
Colusa, CA 95932

District Attorney, Contra Costa County
900 Ward Street
Martinez, CA 94553

District Attorney, Del Norte County
450 H Street, Ste. 171
Crescent City, CA 95531

District Attorney, El Dorado County
515 Main Street
Placerville, CA 95667

District Attorney, Fresno County
2220 Tulare Street, #1000
Fresno, CA 93721

District Attorney, Glenn County
Post Office Box 430
Willows, CA 95988

District Attorney, Humboldt County
825 5th Street
Eureka, CA 95501

District Attorney, Imperial County
939 West Main Street, Ste 102
El Centro, CA 92243

District Attorney, Inyo County
230 W. Line Street
Bishop, CA 93514

District Attorney, Kern County
1215 Truxtun Avenue
Bakersfield, CA 93301

District Attorney, Kings County
1400 West Lacey Boulevard
Hanford, CA 93230

District Attorney, Lake County
255 N. Forbes Street
Lakeport, CA 95453

District Attorney, Lassen County
220 South Lassen Street, Ste. 8
Susanville, CA 96130

District Attorney, Los Angeles County
210 West Temple Street, Rm 345
Los Angeles, CA 90012

District Attorney, Madera County
209 West Yosemite Avenue
Madera, CA 93637

District Attorney, Marin County
3501 Civic Center, Room 130
San Rafael, CA 94903

District Attorney, Mariposa County
Post Office Box 730
Mariposa, CA 95338

District Attorney, Mendocino County
Post Office Box 1000
Ukiah, CA 95482

District Attorney, Merced County
2222 M Street
Merced, CA 95340

District Attorney, Modoc County
204 S Court Street, Room 202
Alturas, CA 96101-4020

District Attorney, Mono County
Post Office Box 617
Bridgeport, CA 93517

District Attorney, Monterey County
230 Church Street, Bldg 2
Salinas, CA 93901

District Attorney, Napa County
931 Parkway Mall
Napa, CA 94559

District Attorney, Nevada County
110 Union Street
Nevada City, CA 95959

District Attorney, Orange County
401 Civic Center Drive West
Santa Ana, CA 92701

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

September 24, 2010

Page 6

District Attorney, Placer County
10810 Justice Center Drive, Ste 240
Roseville, CA 95678

District Attorney, Plumas County
520 Main Street, Room 404
Quincy, CA 95971

District Attorney, Riverside County
4075 Main Street, 1st Floor
Riverside, CA 92501

District Attorney, Sacramento County
901 "G" Street
Sacramento, CA 9581

District Attorney, San Benito County
419 Fourth Street, 2nd Floor
Hollister, CA 95023

District Attorney, San Bernardino County
316 N. Mountain View Avenue
San Bernardino, CA 92415-0004

District Attorney, San Diego County
330 West Broadway, Room 1300
San Diego, CA 92101

District Attorney, San Francisco County
850 Bryant Street, Room 325
San Francisco, CA 94103

District Attorney, San Joaquin County
Post Office Box 990
Stockton, CA 95201

District Attorney, San Luis Obispo County
1050 Monterey Street, Room 450
San Luis Obispo, CA 93408

District Attorney, San Mateo County
400 County Ctr., 3rd Floor
Redwood City, CA 94063

District Attorney, Santa Barbara County
1105 Santa Barbara Street
Santa Barbara, CA 93101

District Attorney, Santa Clara County
70 West Hedding Street
San Jose, CA 95110

District Attorney, Santa Cruz County
701 Ocean Street, Room 200
Santa Cruz, CA 95060

District Attorney, Shasta County
1525 Court Street, Third Floor
Redding, CA 96001-1632

District Attorney, Sierra County
PO Box 457
Downieville, CA 95936

District Attorney, Siskiyou County
Post Office Box 986
Yreka, CA 96097

District Attorney, Solano County
675 Texas Street, Ste 4500
Fairfield, CA 94533

District Attorney, Sonoma County
600 Administration Drive, Room 212J
Santa Rosa, CA 95403

District Attorney, Stanislaus County
832 12th Street, Ste 300
Modesto, CA 95353

District Attorney, Sutter County
446 Second Street
Yuba City, CA 95991

District Attorney, Tehama County
Post Office Box 519
Red Bluff, CA 96080

District Attorney, Trinity County
Post Office Box 310
Weaverville, CA 96093

District Attorney, Tulare County
221 S. Mooney Avenue, Room 224
Visalia, CA 93291

District Attorney, Tuolumne County
423 N. Washington Street
Sonora, CA 95370

District Attorney, Ventura County
800 South Victoria Avenue
Ventura, CA 93009

District Attorney, Yolo County
301 2nd Street
Woodland, CA 95695

District Attorney, Yuba County
215 Fifth Street
Marysville, CA 95901

Los Angeles City Attorney's Office
City Hall East
200 N. Main Street, Rm 800
Los Angeles, CA 90012

San Diego City Attorney's Office
1200 3rd Avenue, Ste 1620
San Diego, CA 92101

San Francisco City Attorney's Office
City Hall, Room 234
1 Drive Carlton B Goodlett Place
San Francisco, CA 94102

San Jose City Attorney's Office
200 East Santa Clara Street
San Jose, CA 95113



Environmental Research Center

5694 Mission Center Road #199

San Diego, CA 92108

619.309.4194

January 14, 2011

VIA CERTIFIED MAIL

Current CEO or President
Reliv' International, Inc.
136 Chesterfield Industrial Blvd
Chesterfield, MO 63005

Robert L. Montgomery
(Reliv' International, Inc.'s Registered
Agent for Service of Process)
136 Chesterfield Industrial Blvd
Chesterfield, MO 63005

VIA PRIORITY MAIL

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

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

Dear Addressees:

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

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

The name of the Company covered by this Notice that violated Proposition 65 is:

Reliv International, Inc.

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

Reliv Inc. Cellebrate 336g - 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 as chemical known to cause cancer.

January 14, 2011

Page 2

This letter is a Notice to Reliv' International, Inc. and the appropriate governmental authorities of the Proposition 65 violations concerning the listed products. This Notice covers all violations of Proposition 65 involving Reliv' International, Inc. currently known to ERC from the information now available. ERC may continue to investigate other products that may reveal further violations. A summary of Proposition 65, prepared by the Office of Environmental Health Hazard Assessment, has been provided to the Noticed Company with a copy of this letter.

Reliv' International, Inc. has manufactured, marketed, distributed, and/or sold the listed products, which have exposed and continue to expose numerous individuals within California to the identified chemicals. The primary route of exposure to these chemicals has been through ingestion, but may have also occurred through inhalation and/or dermal contact. Proposition 65 requires that a clear and reasonable warning be provided prior to exposure to the identified chemicals. The method of warning should be a warning that appears on the product's label. Reliv' International, Inc. has violated Proposition 65 because the Company has failed to provide an appropriate warning to persons using these products that they are being exposed to the identified chemical.

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

Please direct all questions concerning this notice to ERC's attorney, Michael Freund, address: 1915 Addison Street, Berkley, California, 94704-1101, telephone no.: 510-540-1992, e-mail: Freund1@aol.com.

Sincerely,



Chris Heptinstall
Executive Director
Environmental Research Center

cc: Karen Evans

Attachments

Certificate of Merit

Certificate of Service

OEHHA Summary (to Reliv' International, Inc. and its Registered Agent for Service of Process Only)

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

CERTIFICATE OF MERIT

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

I, Michael Freund, declare:

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

Dated: January 14, 2011



Michael Freund
Attorney for Environmental Research Center

CERTIFICATE OF SERVICE

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

I am a citizen of the United States, over the age of 18 years of age, and am not a party to the within entitled action. My business address is 306 Joy Street, Fort Oglethorpe, Georgia 30742

On January 14, 2011, I served the following documents: **NOTICE OF VIOLATIONS OF CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT; "THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY"** on the following parties by placing a true and correct copy thereof in a sealed envelope, addressed to the party listed below and depositing it in a US Postal Service Office for delivery by Certified Mail:

Current CEO or President
Reliv' International, Inc.
136 Chesterfield Industrial Blvd
Chesterfield, MO 63005

Robert L. Montgomery
(Reliv' International, Inc.'s Registered Agent
for Service of Process)
136 Chesterfield Industrial Blvd
Chesterfield, MO 63005

On January 14, 2011, 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 parties by placing a true and correct copy thereof in a sealed envelope, addressed to the party listed below and depositing it in a US Postal Service Office for delivery by Certified Mail:

Office of the California Attorney General
Prop 65 Enforcement Reporting
1515 Clay Street, Suite 2000
Post Office Box 70550
Oakland, CA 94612-0550

On January 14, 2011, I served the following documents: **NOTICE OF VIOLATION, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT** on each of the parties on the Service List attached hereto by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties **on the Service List attached hereto**, and depositing it with the U.S. Postal Service for delivery by Priority Mail.

Executed on January 14, 2011, in Fort Oglethorpe, Georgia.



Chris Heptinstall

Service List

District Attorney, Alameda County
1225 Fallon Street, Room 900
Oakland, CA 94612

District Attorney, Alpine County
P.O. Box 248
Markleeville, CA 95120

District Attorney, Amador County
708 Court Street, #202
Jackson, CA 95642

District Attorney, Butte County
25 County Center Drive
Oroville, CA 95965

District Attorney, Calaveras County
891 Mountain Ranch Road
San Andreas, CA 95249

District Attorney, Colusa County
547 Market Street
Colusa, CA 95932

District Attorney, Contra Costa County
900 Ward Street
Martinez, CA 94553

District Attorney, Del Norte County
450 H Street, Ste. 171
Crescent City, CA 95531

District Attorney, El Dorado County
515 Main Street
Placerville, CA 95667

District Attorney, Fresno County
2220 Tulare Street, #1000
Fresno, CA 93721

District Attorney, Glenn County
Post Office Box 430
Willows, CA 95988

District Attorney, Humboldt County
825 5th Street
Eureka, CA 95501

District Attorney, Imperial County
939 West Main Street, Ste 102
El Centro, CA 92243

District Attorney, Inyo County
250 W. Line Street
Bishop, CA 93514

District Attorney, Kern County
1215 Truxtun Avenue
Bakersfield, CA 93301

District Attorney, Kings County
1400 West Lacey Boulevard
Hanford, CA 93230

District Attorney, Lake County
255 N. Forbes Street
Lakeport, CA 95453

District Attorney, Lassen County
220 South Lassen Street, Ste. 8
Susanville, CA 96130

District Attorney, Los Angeles County
210 West Temple Street, Rm 345
Los Angeles, CA 90012

District Attorney, Madera County
209 West Yosemite Avenue
Madera, CA 93637

District Attorney, Marin County
3501 Civic Center, Room 130
San Rafael, CA 94903

District Attorney, Mariposa County
Post Office Box 730
Mariposa, CA 95338

District Attorney, Mendocino County
Post Office Box 1000
Ukiah, CA 95482

District Attorney, Merced County
2222 M Street
Merced, CA 95340

District Attorney, Modoc County
204 S Court Street, Room 202
Alturas, CA 96101-4020

District Attorney, Mono County
Post Office Box 617
Bridgeport, CA 93517

District Attorney, Monterey County
230 Church Street, Bldg 2
Salinas, CA 93901

District Attorney, Napa County
931 Parkway Mall
Napa, CA 94559

District Attorney, Nevada County
110 Union Street
Nevada City, CA 95959

District Attorney, Orange County
401 Civic Center Drive West
Santa Ana, CA 92701

CERTIFICATE OF SERVICE

I am a citizen of the United States and a resident of the County of Alameda. I am over the age of eighteen years and not a party to the within entitled action. My business address is 1919 Addison Street, Suite 105, Berkeley, California 94704. On April 10, 2013 I served the within:


[Proposed] Stipulated Consent Judgment; [Proposed] Order

on the parties in said action, via electronic mail and/or placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Post Office mail box in Berkeley, California and/or by hand delivery to said parties addressed as follows:

California Attorney General (electronically filed)
Prop 65 Coordinator
1515 Clay Street, Suite 2000
Oakland, CA 94612

James Mattesich
Nancy Doig
Greenberg Traurig, LLP
1201 K Street, Suite 1100
Sacramento, CA 95814-3938

I, Michael Freund, declare under penalty of perjury that the foregoing is true and correct. Executed on April 10, 2013 at Berkeley, California



Michael Freund