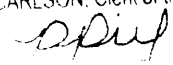


FILED

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

SEP 27 2013

ALAN CARLSON, Clerk of the Court



1 WILLIAM F. WRAITH, SBN 185927
2 WRAITH LAW
3 16485 Laguna Canyon Rd., Suite 250
4 Irvine, California 92618
5 Tel: (949) 251-9977
6 Fax: (949) 251-9978

7 Attorneys for Plaintiff
8 Environmental Research Center

9 MALCOLM C. WEISS (SBN 112476)
10 DIANA F. BIASON (SBN 247274)
11 HUNTON & WILLIAMS LLP
12 550 S. Hope Street, Suite 2000
13 Los Angeles, CA 90071
14 Tel: (213) 532-2130
15 Fax: (213) 532-2020

16 Attorneys for Defendant
17 Ayush Herbs, Inc.

18 SUPERIOR COURT OF CALIFORNIA
19 COUNTY OF ORANGE, CENTRAL JUSTICE CENTER

20 ENVIRONMENTAL RESEARCH
21 CENTER, a California non-profit
22 corporation,

23 Plaintiffs,

24 vs.

25 AYUSH HERBS, INC., individually and
26 doing business as R-U-VED, and DOES 1-
27 25, Inclusive,

28 Defendants,

Case No.: 30-2013-00635134-CU-MC-CJC

Judge: Thierry Patrick Colaw

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

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

Action Filed: March 4, 2013

Trial Date: None Set

1. INTRODUCTION

1.1 This Action arises out of the alleged violations of California's Safe Drinking
Water and Toxic Enforcement Act of 1986, California Health and Safety Code Section 25249.5
et seq. (also known as and herein after referred to as "Proposition 65") regarding, among other
things, the following twenty-two products (hereinafter collectively the "Covered Products" or

1 "Covered Product" to refer to a single product):

- 2 1) Ayush Herbs, Inc. Eleg Fem
- 3 2) Ayush Herbs, Inc. Pippli
- 4 3) Ayush Herbs, Inc. Purush
- 5 4) Ayush Herbs, Inc. Livit 2
- 6 5) Ayush Herbs, Inc. Guggal-Lip
- 7 6) Ayush Herbs, Inc. Thyro-M
- 8 7) Ayush Herbs, Inc. Bio Gymnema
- 9 8) Ayush Herbs, Inc. Flucomune
- 10 9) Ayush Herbs, Inc. CoCurcumin Drink Mix
- 11 10) Ayush Herbs, Inc. Amla Plex
- 12 11) Ayush Herbs, Inc. Ayush Face Pack
- 13 12) Ayush Herbs Inc. Bos Welya
- 14 13) Ayush Herbs Inc. Rentone
- 15 14) Ayush Herbs Inc. Neem Plus
- 16 15) R-U-VED, Inc. For Health & Longevity Psyllium Husk Powder
- 17 16) R-U-VED, Inc. Amla Plus Immune Support Enhanced Chavanprash
- 18 17) Ayush Herbs Inc. R-U-VED, Inc. Intestone Intestinal Support
- 19 18) Ayush Herbs Inc. R-U-VED, Inc. Gymnema Metabolic Support
- 20 19) Ayush Herbs Inc. R-U-VED, Inc. Sitawari Women's Health Support
- 21 20) Ayush Herbs Inc. R-U-VED, Inc. Livtone Liver Support
- 22 21) Ayush Herbs Inc. R-U-VED, Inc. Flucomune Immune Support
- 23 22) Ayush Herbs Inc. R-U-VED, Inc. Memoren Stress & Cognitive Support

24 1.2 Plaintiff Environmental Research Center, Inc. ("ERC") is a California non-profit
25 corporation acting as a private enforcer of Proposition 65 that is dedicated to, among other
26 causes, helping safeguard the public from health hazards by reducing the use and misuse of
27 hazardous and toxic chemicals, facilitating a safe environment for consumers and employees,
28 and encouraging corporate responsibility. ERC brings this Action in the public interest pursuant

1 to California Health and Safety Code Section 25249.7.

2 **1.3** Defendant Ayush Herbs, Inc. (“AYUSH”) is a Washington Corporation. At all
3 relevant times for purposes of this Consent Judgment, AYUSH is alleged to have employed ten
4 or more persons and is alleged to be a “person in the course of doing business”. AYUSH
5 manufactures, distributes and/or sells the Covered Products.

6 **1.4** ERC and AYUSH are hereinafter sometimes referred to individually as a “Party”
7 or collectively as the “Parties.”

8 **1.5** On October 21, 2011, pursuant to California Health and Safety Code Section
9 25249.7(d)(1), ERC issued a Notice of Violations of Proposition 65 on the California Attorney
10 General, other public enforcers, and AYUSH regarding the Covered Products numbers One (1)
11 through Eleven (11), listed above in Section 1.1. A true and correct copy of the October 21,
12 2011 Notice of Violations is attached hereto as Exhibit A.

13 **1.6** On June 19, 2012, pursuant to California Health and Safety Code Section
14 25249.7(d)(1), ERC issued a Notice of Violations of Proposition 65 on the California Attorney
15 General, other public enforcers, and AYUSH regarding the Covered Products numbers Twelve
16 (12) through Fourteen (14), listed above in Section 1.1. A true and correct copy of the June 19,
17 2012 Notice of Violations is attached hereto as Exhibit B.

18 **1.7** On September 17, 2012, pursuant to California Health and Safety Code Section
19 25249.7(d)(1), ERC issued a Notice of Violations of Proposition 65 on the California Attorney
20 General, other public enforcers, AYUSH and R-U-VED, Inc. (a brand currently being used by
21 AYUSH) (regarding the Covered Products numbers Fifteen (15) through Twenty-Two (22),
22 listed above in Section 1.1. A true and correct copy of the September 17, 2012 Notice of
23 Violations is attached hereto as Exhibit C.

24 **1.8** The Notices of Violations attached hereto as Exhibits A – C are collectively
25 referred to herein as “Notices of Violations.”

26 **1.9** After more than sixty (60) days passed since service of the Notices of Violations,
27 and no designated governmental agency filed a complaint against AYUSH with regard to the
28 Covered Products or the alleged violations, ERC filed the Complaint in this Action (the

1 "Complaint") for injunctive relief and civil penalties. The Complaint is based on the allegations
2 in the Notices of Violations.

3 **1.10** The Complaint and the Notices of Violations allege that AYUSH and R-U-VED,
4 Inc. manufactured, distributed, and/or sold in California Covered Products, which contain lead, a
5 chemical listed under Proposition 65 as a carcinogen and reproductive toxin, and expose
6 consumers at a level requiring a Proposition 65 warning. They further allege that use of the
7 Covered Products exposes persons in California to lead without first providing clear and
8 reasonable warnings, in violation of California Health and Safety Code Section 25249.6.
9 AYUSH denies all material allegations of the Notices of Violation and the Complaint, asserts
10 numerous affirmative defenses, and specifically denies that the Covered Products require a
11 Proposition 65 warning or otherwise cause harm to any person.

12 **1.11** The Parties enter into this Consent Judgment in order to settle, compromise and
13 resolve disputed claims and avoid prolonged and costly litigation. Nothing in this Consent
14 Judgment, nor compliance with its terms, shall constitute or be construed as an admission by any
15 of the Parties, or by any of their respective officers, directors, shareholders, employees, agents,
16 parent companies, subsidiaries, divisions, affiliates, suppliers, franchisees, licensees, distributors,
17 wholesalers, or retailers, of any fact, conclusion of law, issue of law, violation of law, fault,
18 wrongdoing, or liability, including without limitation, any admission concerning any alleged
19 violation of Proposition 65. Except as expressly set forth herein, nothing in this Consent
20 Judgment shall prejudice, waive, or impair any right, remedy, argument, or defense the Parties
21 may have in any other or future legal proceeding unrelated to these proceedings. However,
22 nothing in this Section shall affect the enforceability of this Consent Judgment.

23 **1.12** The "Effective Date" of this Consent Judgment shall be the date this Consent
24 Judgment is entered by the Court.

25 **2. JURISDICTION AND VENUE**

26 For purposes of this Consent Judgment only, the Parties stipulate that this Court has
27 jurisdiction over the subject matter of this Action and personal jurisdiction over the Parties, that
28 venue is proper in this Court, and that this Court has jurisdiction to enter this Consent Judgment

1 pursuant to the terms set forth herein.

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

3 3.1 Beginning on the Effective Date, AYUSH shall be permanently enjoined from
4 manufacturing for sale in California, directly selling to a consumer in California or “Distributing
5 into California” any of the Covered Products for which the maximum daily dose recommended
6 on the label contains more than 0.5 micrograms of lead, unless such Covered Product complies
7 with the warning requirements in Section 3.3 or qualifies a “Reformulated Covered Product”
8 pursuant to Section 3.4. Covered Products, which are in the stream of commerce as of the
9 Effective Date, however, do not violate this Consent Judgment. “Distributing into California”
10 means to directly ship any of the Covered Products into California for sale or to sell any of the
11 Covered Products in California.

12 3.2 Calculation of Lead Levels

13 As used in this Consent Judgment, lead levels are calculated pursuant to the testing
14 protocol described in Section 3.5. For purposes of measuring the lead, the highest lead detection
15 result of the 5 randomly selected samples of the Covered Products will be controlling.

16 3.3 Clear and Reasonable Warnings.

17 For those Covered Products that are subject to the warning requirement of Section 3.1,
18 AYUSH shall provide the following warning:

19 **[California Proposition 65] WARNING:** This product contains [lead,] a
20 chemical known to the State of California to cause [cancer and] birth defects or
21 other reproductive harm.

22 The text in brackets in the warning above is optional, except that the term “cancer” must
23 be included only if the maximum daily dose recommended on the label contains more than 15
24 micrograms of lead.

25 The warning shall be prominently affixed to or printed upon the label of the Covered
26 Product so as to be clearly conspicuous, as compared with other statements or designs on the
27 label as to render it likely to be read and understood by an ordinary purchaser or user of the
28 product. If the warning is displayed on the product’s label, it shall be at least the same size as the

1 largest of any other health or safety warnings on the product and the word "WARNING" shall
2 be in all capital letters and in bold print and, if used, the words "California Proposition 65" shall
3 be in bold print.

4 For any products sold via a website, the warning shall appear on AYUSH's checkout
5 page on its website for California consumers relating to any of the Covered Products being sold.
6 AYUSH shall not provide any additional information, statements, or comments regarding
7 Proposition 65 on the Covered Product, its packaging, or accompanying documents in addition to
8 the warning on the Covered Products. However, additional information, statements, or
9 comments regarding Proposition 65 may be included on the website provided that the warning on
10 the website is clearly conspicuous, as compared with other statements or language on the
11 website.

12 3.4 Reformulated Covered Products.

13 A Reformulated Covered Product is one for which the maximum recommended daily
14 serving on the label contains no more than 0.5 micrograms of lead per day.

15 3.5 Testing and Quality Control Methodology

16 The testing requirement, as set forth in this Section, does not apply to any of the Covered
17 Products for which AYUSH has provided the warning specified in Section. 3.3.

18 (a) Beginning within one year of the Effective Date, AYUSH shall test five (5)
19 randomly selected samples of each of the Covered Products (in the form intended for sale to the
20 end-user) for lead content. However, if a Covered Product has less than five (5) lots per year,
21 AYUSH must only conduct the number of tests as lots it receives for that Covered Product.

22 (b) Testing for lead shall be performed using Inductively Coupled Plasma-Mass
23 Spectrometry ("ICP-MS") and closed-vessel, microwave-assisted digestion employing high-
24 purity reagents or any other testing method subsequently agreed to in writing by the Parties.

25 (c) All testing pursuant to this Consent Judgment shall be performed by a California-
26 certified laboratory or a laboratory that is registered with the United States Food & Drug
27 Administration for the analysis of heavy metals.

28 (d) AYUSH shall retain all test results and documentation for a period of four (4)

1 years from the date of the test. If requested in writing by Plaintiff, then AYUSH shall provide
2 copies of the test results to ERC within 10 business days of AYUSH's receipt of Plaintiff's
3 request or, in the event AYUSH has not yet received the test results at the time of Plaintiff's
4 request, within 10 business days of AYUSH'S receipt of the test results.

5 (e) AYUSH shall test each of the Covered Products at least once a year for a
6 minimum of three (3) consecutive years by testing five (5) randomly selected samples of each
7 Covered Product which AYUSH intends to sell or is manufacturing for sale in California,
8 directly selling to a consumer in California, or Distributing into California. If tests conducted
9 pursuant to this Section demonstrate that no warning is required for a particular product during
10 each of the three (3) consecutive years, then the testing requirements of this Section will no
11 longer be required as to that product.

12 (f) For purposes of this Consent Judgment, daily lead exposure levels shall be
13 measured in micrograms, and shall be calculated using the following formula: Micrograms of
14 lead per gram of product, multiplied by grams per serving of the product (using the largest
15 serving size appearing on the product label), multiplied by servings of the product per day (using
16 the largest number of servings in the recommended dosage appearing on the product label).

17 4. SETTLEMENT PAYMENT

18 4.1 AYUSH shall make a total payment of \$65,000.00, which shall be in full and final
19 satisfaction of all potential civil penalties, payment in lieu of civil penalties, and attorney's fees
20 and costs. The total payment will be sent to counsel for ERC, William F. Wraith, Wraith Law,
21 16485 Laguna Canyon Road, Suite 250, Irvine, California, 92618 in six equal increments. The
22 first payment will be made within 10 business days of the Effective Date. Each successive
23 payment will be made within 30 days of the prior payment. Each payment will be made by check
24 payable to "ERC and its attorney Wraith Law." The total payment shall be apportioned as
25 follows:

26 4.2 \$8,420.00 as civil penalties pursuant to California Health and Safety Code Section
27 25249.7(b)(1). Of this amount, \$6,315.00 shall be payable to the Office of Environmental Health
28 Hazard Assessment ("OEHHA"), and \$2,105.00 shall be payable to ERC. (Cal. Health & Safety

1 Code § 25249.12(c)(1) & (d). ERC's counsel will forward the civil penalty to OEHHA.

2 4.3 \$15,500.00 payable to ERC as reimbursement to ERC for reasonable costs
3 associated with the enforcement of Proposition 65 and other costs incurred as a result of work in
4 bringing this Action.

5 4.4 \$25,260.00 payable to ERC in lieu of further civil penalties, for the day-to-day
6 business activities such as (1) continued enforcement of Proposition 65, which includes work,
7 analysis, and testing of consumer products that may contain Proposition 65 chemicals, focusing
8 on the same or similar type of ingestible products that are the subject matter of the current action;
9 (2) the continued monitoring of past consent judgments and settlements to ensure companies are
10 complying with Proposition 65; and (3) giving a donation of \$1,263.00 to the Environmental
11 Health Condition to address reducing toxic chemical exposures in California.

12 4.5 \$15,820.00 payable to William F. Wraith as reimbursement of ERC's attorney's
13 fees and attorney's costs.

14 **5. MODIFICATION OF CONSENT JUDGMENT**

15 This Consent Judgment may be modified only by: (i) Written agreement and stipulation
16 of the Parties or (ii) Upon entry of a modified Consent Judgment by the Court.

17 **6. RETENTION OF JURISDICTION, ENFORCEMENT OF CONSENT JUDGMENT**

18 6.1 This Court shall retain jurisdiction of this matter to enforce, modify or terminate
19 this Consent Judgment.

20 6.2 Any Party may, by motion or application for an order to show cause filed with
21 this Court, enforce the terms and conditions contained in this Consent Judgment.

22 **7. BINDING EFFECT, CLAIMS COVERED AND RELEASED**

23 8.1 This Consent Judgment is a full, final, and binding resolution between ERC, on
24 behalf of itself and in the public interest, and AYUSH, of any alleged violation of Proposition 65
25 or its implementing regulations for failure to provide Proposition 65 warnings of exposure to
26 lead from the Covered Products and fully resolves all claims that have been or could have been
27 asserted in this action up to and including the date of entry of Judgment for failure to provide
28 Proposition 65 warnings for the Covered Products. ERC, on behalf of itself and in the public

1 interest, hereby releases and discharges AYUSH and its respective officers, directors,
2 shareholders, employees, agents, parent companies, subsidiaries, divisions, affiliates, suppliers,
3 franchisees, licensees, customers (not including private label customers of AYUSH), distributors,
4 wholesalers, retailers, and all other upstream and downstream entities in the distribution chain of
5 any Covered Product, and the predecessors, successors and assigns of any of them (collectively,
6 "Released Parties"), from all claims for violations of Proposition 65 up through the Effective
7 Date, including claims for Covered Products, which are in the stream of commerce as of the
8 Effective Date, based on exposure to lead from the Covered Products as set forth in the Notices
9 of Violations and the Complaint.

10 **8.2** ERC, on behalf of itself only, hereby releases and discharges the Released Parties
11 from all known and unknown claims for alleged violations of Proposition 65, or for any other
12 statutory or common law claims arising from or relating to alleged exposures to lead in the
13 Covered Products as set forth in the Notices of Violations and the Complaint.

14 **8.3** Compliance with the terms of this Consent Judgment shall be deemed to
15 constitute compliance by any Released Party with Proposition 65 regarding alleged exposures to
16 lead in the Covered Products.

17 **8.4 Unknown Claims**

18 It is possible that other claims not known to the Parties arising out of the facts alleged in
19 the Notices of Violations or the Complaint and relating to lead in the Covered Products that were
20 manufactured before the Effective Date will develop or be discovered. ERC, on behalf of itself
21 only, acknowledges that this Consent Judgment states that the claims released herein may
22 include unknown claims, and nevertheless waives California Civil Code Section 1542 as to any
23 such unknown claims. California Civil Code Section 1542 reads as follows:

24 **"A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE**
25 **CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER**
26 **FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN**
27 **BY HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS OR HER**
28 **SETTLEMENT WITH THE DEBTOR."**

1 ERC, on behalf of itself only, acknowledges and understands the significance and consequences
2 of this specific waiver of California Civil Code Section 1542.

3 8.5 ERC, on the one hand, and AYUSH, on the other hand, each release and waive all
4 claims they may have against each other for any statements or actions made or undertaken by
5 them in connection with the Notices of Violations or the Complaint. However, this shall not
6 affect or limit any Party's right to seek to enforce the terms of this Consent Judgment.

7 **9. CONSTRUCTION AND SEVERABILITY**

8 9.1 The terms and conditions of this Consent Judgment have been reviewed by the
9 respective counsel for the Parties prior to its signing, and each Party has had an opportunity to
10 fully discuss the terms and conditions with its counsel. In any subsequent interpretation or
11 construction of this Consent Judgment, the terms and conditions shall not be construed against
12 any Party.

13 9.2 In the event that any of the provisions of this Consent Judgment is held by a court
14 to be unenforceable, the validity of the remaining enforceable provisions shall not be adversely
15 affected.

16 9.3 The terms and conditions of this Consent Judgment shall be governed by and
17 construed in accordance with the laws of the State of California.

18 **10. PROVISION OF NOTICE**

19 All notices required to be given to either Party to this Consent Judgment by the other
20 shall be in writing and sent to the following agents listed below by: (a) first-class, registered, (b)
21 certified mail, (b) overnight courier, or (c) personal delivery to the following

22 **For Environmental Research Center**
23 Chris Heptinstall, Executive Director
24 Environmental Research Center
25 3111 Camino Del Rio North, Suite 400
San Diego, CA 92108

26 William F. Wraith, Esq.
27 Wraith Law
16485 Laguna Canyon Road, Suite 250
Irvine, CA 92618

28 Karen Evans, Esq.
Environmental Research Center

1 4218 Biona Place
San Diego, CA 92116

2 **For Ayush Herbs, Inc.**

3 Dr. Shailinder Sodhi
4 Gunny Sodhi
5 2239 152nd Ave NE
Redmond, WA 98052

6 With a copy to:

7 Malcolm C. Weiss
8 Diana F. Bason
9 Hunton & Williams LLP
550 S. Hope Street, Suite 2000
Los Angeles, CA 90071

10 **11. COURT APPROVAL**

11 11.1 Upon execution of this Consent Judgment by the Parties, ERC shall notice a
12 Motion for Court Approval. The Parties shall use their best efforts to support entry of this
13 Consent Judgment.

14 11.2 If the California Attorney General objects to any term in this Consent Judgment,
15 the Parties shall use their best efforts to resolve the concern in a timely manner, and if possible
16 prior to the hearing on the motion.

17 11.3 If this Stipulated Consent Judgment is not approved by the Court despite the
18 Parties best efforts, it shall be null and void and have no force or effect.

19 **12. EXECUTION AND COUNTERPARTS**

20 This Stipulated Consent Judgment may be executed in counterparts, which taken together
21 shall be deemed one document. A facsimile or pdf signature shall be construed as valid and as
22 the original signature.

23 **13. ENTIRE AGREEMENT, AUTHORIZATION**

24 13.1 This Consent Judgment contains the sole and entire agreement and understanding
25 of the Parties with respect to the entire subject matter herein, and any and all prior discussions,
26 negotiations, commitments and understandings related hereto. No representations, oral or
27 otherwise, express or implied, other than those contained herein have been made by any Party.
28 No other agreements, oral or otherwise, unless specifically referred to herein, shall be deemed to

1 exist or to bind any Party.

2 **13.2** Each signatory to this Consent Judgment certifies that he or she is fully authorized
3 by the Party he or she represents to stipulate to this Consent Judgment. Except as explicitly
4 provided herein, each Party shall bear its own fees and costs.

5 **14. REQUEST FOR FINDINGS AND FOR APPROVAL**

6 **14.1** This Consent Judgment has come before the Court upon the request of the Parties.
7 The Parties request the Court to fully review this Consent Judgment and, being fully informed
8 regarding the matters which are the subject of this action, to:

9 (a) Find that the terms and provisions of this Consent Judgment represent a good
10 faith settlement of all matters raised by the allegations of the Complaint, that the matter has been
11 diligently prosecuted, and that the public interest is served by such settlement; and

12 (b) Make the findings pursuant to California Health and Safety Code Section
13 25249.7(f)(4), and approve the Settlement, and this Consent Judgment.

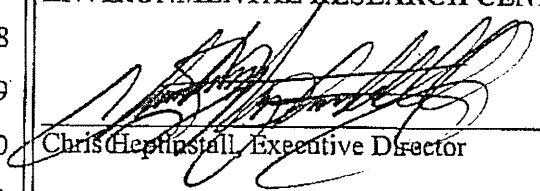
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15 **IT IS SO STIPULATED:**

16

17 **ENVIRONMENTAL RESEARCH CENTER**

18

19 
20 _____
Chris Hepinstall, Executive Director

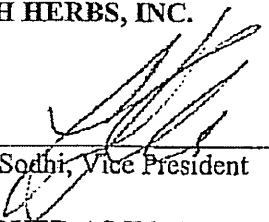
Dated: 4/26/2013

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22

23 **AYUSH HERBS, INC.**

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25 
26 _____
Gunny Sodhi, Vice President

Dated: 4/26/13

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27 **APPROVED AS TO FORM:**

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WRAITH LAW

William F. Wraith
Counsel for Environmental Research Center

Dated: _____

HUNTON & WILLIAMS LLP

Malcolm C. Weiss
Diana F. Bason
Counsel for Ayush Herbs, Inc.

Dated: 4/26/13

ORDER AND JUDGMENT

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

IT IS SO ORDERED, ADJUDGED AND DECREED.

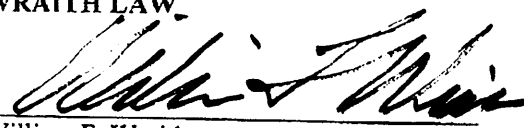
Dated: SEP 27 2013

THIERRY PATRICK COLAW

Judge, Superior Court of the State of California

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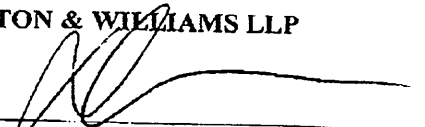
WRAITH LAW



Dated: 4/26/2013

William F. Wraith
Counsel for Environmental Research Center

HUNTON & WILLIAMS LLP



Dated: 4/26/13

Malcolm C. Weiss
Diana F. Biason
Counsel for Ayush Herbs, Inc.

ORDER AND JUDGMENT

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

IT IS SO ORDERED, ADJUDGED AND DECREED.

Dated: SEP 27 2013

THIERRY PATRICK COLAW
Judge, Superior Court of the State of California

EXHIBIT “A”

WRAITH LAW

16485 LAGUNA CANYON ROAD
SUITE 250
IRVINE, CALIFORNIA 92618
Tel (949) 251-9977
Fax (949) 251-9978

October 21, 2011

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

Dear Alleged Violator and the Appropriate Public Enforcement Agencies:

I represent Environmental Research Center (“ERC”), 5694 Mission Center Road #199, San Diego, CA 92108. ERC’s Executive Director is Chris Heptinstall. 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.

ERC has identified violations of California’s Safe Drinking Water and Toxic Enforcement Act of 1986 (“Proposition 65”), which is codified at California Health & Safety Code §25249.5 *et seq.*, with respect to the products identified below. These violations have occurred and continue to occur because the alleged Violator identified below failed to provide required clear and reasonable warnings with these products. This letter serves as a notice of these violations to the alleged Violator and the appropriate public enforcement agencies. Pursuant to Section 25249.7(d) of the statute, ERC intends to file a private enforcement action in the public interest 60 days after effective service of this notice unless the public enforcement agencies have commenced and are diligently prosecuting an action to rectify these violations.

General Information about Proposition 65. A copy of a summary of Proposition 65, prepared by the Office of Environmental Health Hazard Assessment, is an attachment with the copy of this letter served to the alleged Violator identified below.

Alleged Violator. The name of the company covered by this notice that violated Proposition 65 (hereinafter “the Violator”) is:

Ayush Herbs, Inc.

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

- **Ayush Herbs, Inc. Eleg Fem – Lead**
- **Ayush Herbs, Inc. Pippli – Lead**
- **Ayush Herbs, Inc. Purush – Lead**
- **Ayush Herbs, Inc. Livit 2 - Lead**
- **Ayush Herbs, Inc. Guggal-Lip - Lead**
- **Ayush Herbs, Inc. Thyro-M - Lead**
- **Ayush Herbs, Inc. Bio Gymnema - Lead**
- **Ayush Herbs, Inc. Flucomune - Lead**

October 21, 2011

Page 2

- **Ayush Herbs, Inc. CoCurcumin Drink Mix - Lead**
- **Ayush Herbs, Inc. Amla Plex - Lead**
- **Ayush Herbs, Inc. Ayush Face Pack - Lead**

On February 27, 1987, the State of California officially listed lead as a chemical known to cause developmental toxicity, and male and female reproductive toxicity. On October 1, 1992, the State of California officially listed lead and lead compounds as chemicals known to cause cancer.

It should be noted that ERC may continue to investigate other products that may reveal further violations and result in subsequent notices of violations.


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

Approximate Time Period of Violations. Ongoing violations have occurred every day since at least October 21, 2008, as well as every day since the products were introduced into the California marketplace, and will continue every day until clear and reasonable warnings are provided to product purchasers and users or until these known toxic chemicals are either removed from or reduced to allowable levels in the products. Proposition 65 requires that a clear and reasonable warning be provided prior to exposure to the identified chemicals. The method of warning should be a warning that appears on the product label. The Violator violated Proposition 65 because it failed to provide persons handling and/or using these products with appropriate warnings that they are being exposed to these chemicals.

Consistent with the public interest goals of Proposition 65 and a desire to have these ongoing violations of California law quickly rectified, ERC is interested in seeking a constructive resolution of this matter that includes an enforceable written agreement by the Violator to: (1) reformulate the identified products so as to eliminate further exposures to the identified chemicals, or provide appropriate warnings on the labels of these products; and (2) pay an appropriate civil penalty. Such a resolution will prevent further unwarned consumer exposures to the identified chemicals, as well as an expensive and time consuming litigation.

ERC has retained me as legal counsel in connection with this matter. **Please direct all communications regarding this Notice of Violations to my attention at the law office address and telephone number indicated on the letterhead.**

Sincerely,



William F. Wraith, Esq.

Attachments: Certificate of Merit, Certificate of Service, OEHHA Summary (to Ayush Herbs, 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 Ayush Herbs, Inc.

I, William F. Wraith, declare:

1. This Certificate of Merit accompanies the attached 60-day notice in which it is alleged the parties identified in the notice violated California Health & Safety Code Section 25249.6 by failing to provide clear and reasonable warnings.

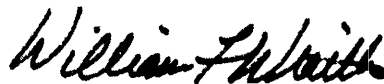
2. I am an attorney for the noticing party.

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 chemicals that are 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: October 21, 2011



William F. Wraith

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 October 21, 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:

Ayush Herbs, Inc.
c/o Registered Agent
Shailinder Sodhi
2239 152nd Ave., NE
Redmond, WA 98052

Ayush Herbs, Inc.
2239 152nd Ave., NE
Redmond, WA 98052

On October 21, 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 October 21, 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 October 21, 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 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.*

October 21, 2011

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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 Cir., 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

EXHIBIT “B”

WRAITH LAW
16485 LAGUNA CANYON ROAD
SUITE 250
IRVINE, CALIFORNIA 92618
Tel (949) 251-9977
Fax (949) 251-9978

June 19, 2012

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

Dear Alleged Violators and the Appropriate Public Enforcement Agencies:

I represent Environmental Research Center (“ERC”), 3111 Camino Del Rio North, San Diego, CA 92108; Tel. (619) 500-3090. ERC’s Executive Director is Chris Heptinstall. 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.

ERC has identified violations of California’s Safe Drinking Water and Toxic Enforcement Act of 1986 (“Proposition 65”), which is codified at California Health & Safety Code §25249.5 *et seq.*, with respect to the products identified below. These violations have occurred and continue to occur because the alleged Violator identified below failed to provide required clear and reasonable warnings with these products. This letter serves as a notice of these violations to the alleged Violator and the appropriate public enforcement agencies. Pursuant to Section 25249.7(d) of the statute, ERC intends to file a private enforcement action in the public interest 60 days after effective service of this notice unless the public enforcement agencies have commenced and are diligently prosecuting an action to rectify these violations.

General Information about Proposition 65. A copy of a summary of Proposition 65, prepared by the Office of Environmental Health Hazard Assessment, is an attachment with the copy of this letter served to the alleged Violator identified below.

Alleged Violators. The name of the company covered by this notice that violated Proposition 65 (hereinafter “the Violator”) are:

Ayush Herbs, Inc.

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

Ayush Herbs Inc. Bos Welya - Lead
Ayush Herbs Inc. Rentone - Lead
Ayush Herbs Inc. Neem Plus - Lead

On February 27, 1987, the State of California officially listed lead as a chemical known to cause developmental toxicity, and male and female reproductive toxicity. On October 1, 1992, the State of California officially listed lead and lead compounds as chemicals known to cause cancer.

It should be noted that ERC may continue to investigate other products that may reveal further violations and result in subsequent notices of violations.

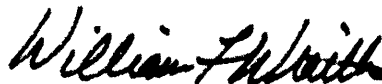
Route of Exposure. The consumer exposures that are the subject of this notice result from the purchase, acquisition, handling and recommended use of these products. Consequently, the primary route of exposure to these chemicals has been and continues to be through ingestion, but may have also occurred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

Approximate Time Period of Violations. Ongoing violations have occurred every day since at least June 19, 2009, as well as every day since the products were introduced into the California marketplace, and will continue every day until clear and reasonable warnings are provided to product purchasers and users or until these known toxic chemicals are either removed from or reduced to allowable levels in the products. Proposition 65 requires that a clear and reasonable warning be provided prior to exposure to the identified chemicals. The method of warning should be a warning that appears on the product label. The Violator violated Proposition 65 because it failed to provide persons handling and/or using these products with appropriate warnings that they are being exposed to these chemicals.

Consistent with the public interest goals of Proposition 65 and a desire to have these ongoing violations of California law quickly rectified, ERC is interested in seeking a constructive resolution of this matter that includes an enforceable written agreement by the Violator to: (1) reformulate the identified products so as to eliminate further exposures to the identified chemicals, or provide appropriate warnings on the labels of these products; and (2) pay an appropriate civil penalty. Such a resolution will prevent further unwarned consumer exposures to the identified chemicals, as well as an expensive and time consuming litigation.

ERC has retained me as legal counsel in connection with this matter. **Please direct all communications regarding this Notice of Violations to my attention at the law office address and telephone number indicated on the letterhead.**

Sincerely,



William F. Wraith

Attachments

- Certificate of Merit
- Certificate of Service
- OEHHA Summary (to Ayush Herbs, Inc. and its Registered Agents 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 Ayush Herbs, Inc.

I, William F. Wraith, declare:

1. This Certificate of Merit accompanies the attached 60-day notice in which it is alleged the parties 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 chemicals that are 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 Violators 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: June 19, 2012



William F. Wraith

CERTIFICATE OF SERVICE

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

I am a citizen of the United States, over the age of 18 years of age, and am not a party to the within entitled action. My business address is 306 Joy Street, Fort Oglethorpe, Georgia 30742. I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Fort Oglethorpe, Georgia.

On June 19, 2012, 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 with the postage fully prepaid for delivery by Certified Mail:

Ayush Herbs, Inc.
c/o Registered Agent
Shailinder Sodhi
2239 152nd Ave., NE
Redmond, WA 98052

Ayush Herbs, Inc.
2239 152nd Ave., NE
Redmond, WA 98052

On June 19, 2012, 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 with the postage fully prepaid 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 June 19, 2012, 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 with the postage fully prepaid for delivery by Priority Mail.

Executed on June 19, 2012, in Fort Oglethorpe, Georgia.



Amber Schaub

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

June 19, 2012

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Service List

District Attorney, Alameda County 1225 Fallon Street, Room 900 Oakland, CA 94612	District Attorney, Los Angeles County 210 West Temple Street, Suite 18000 Los Angeles, CA 90012	District Attorney, San Diego County 330 West Broadway, Room 1300 San Diego, CA 92101	District Attorney, Tuolumne County 423 N. Washington Street Sonora, CA 95370
District Attorney, Alpine County P.O. Box 248 Markleeville, CA 96120	District Attorney, Madera County 209 West Yosemite Avenue Madera, CA 93637	District Attorney, San Francisco County 850 Bryant Street, Room 322 San Francisco, CA 94103	District Attorney, Ventura County 800 South Victoria Avenue Ventura, CA 93009
District Attorney, Amador County 708 Court Street, #202 Jackson, CA 95642	District Attorney, Marin County 3501 Civic Center Drive, Room 130 San Rafael, CA 94903	District Attorney, San Joaquin County Post Office Box 990 Stockton, CA 95201	District Attorney, Yolo County 301 2 nd Street Woodland, CA 95695
District Attorney, Butte County 25 County Center Drive Oroville, CA 95965	District Attorney, Mariposa County Post Office Box 730 Mariposa, CA 95338	District Attorney, San Luis Obispo County 1035 Palm St, Room 450 San Luis Obispo, CA 93408	District Attorney, Yuba County 215 Fifth Street, Suite 152 Marysville, CA 95901
District Attorney, Calaveras County 891 Mountain Ranch Road San Andreas, CA 95249	District Attorney, Mendocino County Post Office Box 1000 Ukiah, CA 95482	District Attorney, San Mateo County 400 County Ctr., 3 rd Floor Redwood City, CA 94063	Los Angeles City Attorney's Office City Hall East 200 N. Main Street, Rm 800 Los Angeles, CA 90012
District Attorney, Colusa County 547 Market Street Colusa, CA 95932	District Attorney, Merced County 2222 M Street Merced, CA 95340	District Attorney, Santa Barbara County 1112 Santa Barbara Street Santa Barbara, CA 93101	San Diego City Attorney's Office 1200 3rd Avenue, Ste 1620 San Diego, CA 92101
District Attorney, Contra Costa County 900 Ward Street Martinez, CA 94553	District Attorney, Modoc County 204 S Court Street, Room 202 Alturas, CA 96101-4020	District Attorney, Santa Clara County 70 West Hedding Street San Jose, CA 95110	San Francisco City Attorney's Office City Hall, Room 234 1 Drive Carlton B Goodlett Place San Francisco, CA 94102
District Attorney, Del Norte County 450 H Street, Ste. 171 Crescent City, CA 95531	District Attorney, Mono County Post Office Box 617 Bridgeport, CA 93517	District Attorney, Santa Cruz County 701 Ocean Street, Room 200 Santa Cruz, CA 95060	San Jose City Attorney's Office 200 East Santa Clara Street, 16 th Floor San Jose, CA 95113
District Attorney, El Dorado County 515 Main Street Placerville, CA 95667	District Attorney, Monterey County Post Office Box 1131 Salinas, CA 93902	District Attorney, Shasta County 1355 West Street Redding, CA 96001	
District Attorney, Fresno County 2220 Tulare Street, #1000 Fresno, CA 93721	District Attorney, Napa County 931 Parkway Mall Napa, CA 94559	District Attorney, Sierra County PO Box 457 Downieville, CA 95936	
District Attorney, Glenn County Post Office Box 430 Willows, CA 95988	District Attorney, Nevada County 110 Union Street Nevada City, CA 95959	District Attorney, Siskiyou County Post Office Box 986 Yreka, CA 96097	
District Attorney, Humboldt County 825 5th Street Eureka, CA 95501	District Attorney, Orange County 401 Civic Center Drive West Santa Ana, CA 92701	District Attorney, Solano County 675 Texas Street, Ste 4500 Fairfield, CA 94533	
District Attorney, Imperial County 940 West Main Street, Ste 102 El Centro, CA 92243	District Attorney, Placer County 10810 Justice Center Drive, Ste 240 Roseville, CA 95678	District Attorney, Sonoma County 600 Administration Drive, Room 212J Santa Rosa, CA 95403	
District Attorney, Inyo County 230 W. Line Street Bishop, CA 93514	District Attorney, Plumas County 520 Main Street, Room 404 Quincy, CA 95971	District Attorney, Stanislaus County 832 12 th Street, Ste 300 Modesto, CA 95354	
District Attorney, Kern County 1215 Truxtun Avenue Bakersfield, CA 93301	District Attorney, Riverside County 3960 Orange Street Riverside, CA 92501	District Attorney, Sutter County 446 Second Street Yuba City, CA 95991	
District Attorney, Kings County 1400 West Lacey Boulevard Hanford, CA 93230	District Attorney, Sacramento County 901 "G" Street Sacramento, CA 95814	District Attorney, Tehama County Post Office Box 519 Red Bluff, CA 96080	
District Attorney, Lake County 255 N. Forbes Street Lakeport, CA 95453	District Attorney, San Benito County 419 Fourth Street, 2 nd Floor Hollister, CA 95023	District Attorney, Trinity County Post Office Box 310 Weaverville, CA 96093	
District Attorney, Lassen County 220 South Lassen Street, Ste. 8 Susanville, CA 96130	District Attorney, San Bernardino County 316 N. Mountain View Avenue San Bernardino, CA 92415-0004	District Attorney, Tulare County 221 S. Mooney Avenue, Room 224 Visalia, CA 93291	

EXHIBIT “C”

WRAITH LAW

16485 LAGUNA CANYON ROAD
SUITE 250
IRVINE, CALIFORNIA 92618
Tel (949) 251-9977
Fax (949) 251-9978

September 17, 2012

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

Dear Alleged Violators and the Appropriate Public Enforcement Agencies:

I represent Environmental Research Center (“ERC”), 3111 Camino Del Rio North, San Diego, CA 92108; Tel. (619) 500-3090. ERC’s Executive Director is Chris Heptinstall. 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.

ERC has identified violations of California’s Safe Drinking Water and Toxic Enforcement Act of 1986 (“Proposition 65”), which is codified at California Health & Safety Code §25249.5 *et seq.*, with respect to the products identified below. These violations have occurred and continue to occur because the alleged Violators identified below failed to provide required clear and reasonable warnings with these products. This letter serves as a notice of these violations to the alleged Violators and the appropriate public enforcement agencies. Pursuant to Section 25249.7(d) of the statute, ERC intends to file a private enforcement action in the public interest 60 days after effective service of this notice unless the public enforcement agencies have commenced and are diligently prosecuting an action to rectify these violations.

General Information about Proposition 65. A copy of a summary of Proposition 65, prepared by the Office of Environmental Health Hazard Assessment, is an attachment with the copy of this letter served to the alleged Violators identified below.

Alleged Violators. The names of the companies covered by this notice that violated Proposition 65 (hereinafter “the Violators”) are:

Ayush Herbs, Inc.
R-U-VED, Inc.

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

R-U-VED, Inc. For Health & Longevity Psyllium Husk Powder – Lead

Ayush Herbs Inc. R-U-VED, Inc. Amla Plus Immune Support Enhanced Chavanprash - Lead

Ayush Herbs Inc. R-U-VED, Inc. Intestone Intestinal Support - Lead

Ayush Herbs Inc. R-U-VED, Inc. Gymnema Metabolic Support - Lead

Ayush Herbs Inc. R-U-VED, Inc. Sitawari Women's Health Support - Lead

Ayush Herbs Inc. R-U-VED, Inc. Livtone Liver Support - Lead

Ayush Herbs Inc. R-U-VED, Inc. Flucomune Immune Support - Lead

Ayush Herbs Inc. R-U-VED, Inc. Memoren Stress & Cognitive Support - Lead

On February 27, 1987, the State of California officially listed lead as a chemical known to cause developmental toxicity, and male and female reproductive toxicity. On October 1, 1992, the State of California officially listed lead and lead compounds as chemicals known to cause cancer.

It should be noted that ERC may continue to investigate other products that may reveal further violations and result in subsequent notices of violations.

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

Approximate Time Period of Violations. Ongoing violations have occurred every day since at least September 17, 2009, as well as every day since the products were introduced into the California marketplace, and will continue every day until clear and reasonable warnings are provided to product purchasers and users or until these known toxic chemicals are either removed from or reduced to allowable levels in the products. Proposition 65 requires that a clear and reasonable warning be provided prior to exposure to the identified chemicals. The method of warning should be a warning that appears on the product label. The Violators violated Proposition 65 because it failed to provide persons handling and/or using these products with appropriate warnings that they are being exposed to these chemicals.

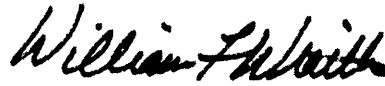
Consistent with the public interest goals of Proposition 65 and a desire to have these ongoing violations of California law quickly rectified, ERC is interested in seeking a constructive resolution of this matter that includes an enforceable written agreement by the Violators to: (1) reformulate the identified products so as to eliminate further exposures to the identified chemicals, or provide appropriate warnings on the labels of these products; and (2) pay an appropriate civil penalty. Such a resolution will prevent further unwarned consumer exposures to the identified chemicals, as well as an expensive and time consuming litigation.

September 17, 2012

Page 3

ERC has retained me as legal counsel in connection with this matter. **Please direct all communications regarding this Notice of Violations to my attention at the law office address and telephone number indicated on the letterhead.**

Sincerely,



William F. Wraith

Attachments

Certificate of Merit

Certificate of Service

OEHHA Summary (to Ayush Herbs, Inc, R-U-VED, Inc., and each 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 Ayush Herbs, Inc. and R-U-VED, Inc.

I, William F. Wraith, declare:

1. This Certificate of Merit accompanies the attached 60-day notice in which it is alleged the parties 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 chemicals that are 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 Violators 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 17, 2012



William F. Wraith

CERTIFICATE OF SERVICE

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

I am a citizen of the United States, over the age of 18 years of age, and am not a party to the within entitled action. My business address is 306 Joy Street, Fort Oglethorpe, Georgia 30742. I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Fort Oglethorpe, Georgia.

On September 17, 2012, 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 with the postage fully prepaid for delivery by Certified Mail:

Ayush Herbs, Inc.
c/o Registered Agent
Shailinder Sodhi
2239 152nd Ave., NE
Redmond, WA 98052

Ayush Herbs, Inc.
2239 152nd Ave., NE
Redmond, WA 98052

R-U-VED, Inc.
c/o Registered Agent
Rekha Sodhi
2115 112th Ave., NE #4
Bellevue, WA 98004

R-U-VED, Inc.
2239 152nd Ave., NE
Redmond, WA 98052

On September 17, 2012, 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 with the postage fully prepaid 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 17, 2012, 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 with the postage fully prepaid for delivery by Priority Mail.

Notice of Violations of California Health & Safety Code §25249.5 *et seq.*
September 17, 2012
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Executed on September 17, 2012, in Fort Oglethorpe, Georgia.



Amber Schaub

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

September 17, 2012

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Service List

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

District Attorney, Los Angeles County
210 West Temple Street, Suite 18000
Los Angeles, CA 90012

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

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

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

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

District Attorney, San Francisco County
850 Bryant Street, Room 322
San Francisco, CA 94103

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

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

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

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

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

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

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Mariposa, CA 95338

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1035 Palm St, Room 450
San Luis Obispo, CA 93408

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215 Fifth Street, Suite 152
Marysville, CA 95901

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

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

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

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

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

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

District Attorney, Santa Barbara County
1112 Santa Barbara Street
Santa Barbara, CA 93101

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1200 3rd Avenue, Ste 1620
San Diego, CA 92101

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Martinez, CA 94553

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

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

San Francisco City Attorney's Office
City Hall, Room 234
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San Francisco, CA 94102

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

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Post Office Box 617
Bridgeport, CA 93517

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

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16th Floor
San Jose, CA 95113

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Placerville, CA 95667

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Post Office Box 1131
Salinas, CA 93902

District Attorney, Shasta County
1355 West Street
Redding, CA 96001

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2220 Tulare Street, #1000
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Napa, CA 94559

District Attorney, Sierra County
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District Attorney, Siskiyou County
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Eureka, CA 95501

District Attorney, Orange County
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Santa Ana, CA 92701

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

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

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

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

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

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

District Attorney, Stanislaus County
832 12th Street, Ste 300
Modesto, CA 95354

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1215 Truxtun Avenue
Bakersfield, CA 93301

District Attorney, Riverside County
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Riverside, CA 92501

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

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Hanford, CA 93230

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901 "G" Street
Sacramento, CA 95814

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Lakeport, CA 95453

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

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

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

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

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