



**FILED**  
ALAMEDA COUNTY

DEC 18 2017

CLERK OF THE SUPERIOR COURT  
By *Kate Clarke*  
Deputy

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AS YOU SOW

12  
13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
14 **COUNTY OF ALAMEDA**  
15

16 AS YOU SOW,  
17 Plaintiff,  
18 v.

19 RIVER CANYON RETREAT, INC. d/b/a  
EARTH CIRCLE ORGANICS, and DOES 1  
20 through 10, inclusive,  
21 Defendants.

Case No. RG17874959

~~[PROPOSED]~~ CONSENT JUDGMENT  
AND AMENDMENT TO ~~[PROPOSED]~~  
22 CONSENT JUDGMENT

Date: December 7, 2017  
Time: 3:00 p.m.  
Dept.: 517

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

Action Filed: September 12, 2017

Reservation No. R-1891105

1 This Consent Judgment is entered into by and between Plaintiff As You Sow ("As You  
2 Sow" or "Plaintiff") and Earth Circle Organics ("Earth Circle" or "Defendant"), to resolve claims  
3 against the Defendant raised in the Complaint in the above-captioned action, filed on  
4 September 12, 2017. This Consent Judgment shall be effective upon entry. As You Sow and  
5 Earth Circle (collectively "the Parties") agree to the terms and conditions set forth below.

6 **1. GENERAL PROVISIONS**

7 **1.1 Parties**

8 As You Sow is a non-profit corporation dedicated to, among other causes, the protection of  
9 the environment, the promotion of human health, the improvement of worker and consumer rights,  
10 environmental education, and corporate accountability. Earth Circle, since July 18, 2013, has  
11 employed 10 or more persons and has been a person in the course of doing business for purposes of  
12 the Safe Drinking Water and Toxic Enforcement Act of 1986, California Health & Safety Code §  
13 25249.5, *et seq.* ("Proposition 65").

14 **1.2 Allegations**

15 As You Sow alleges that Earth Circle has manufactured, imported, distributed, and/or sold  
16 in the State of California certain products containing at least one chemical known to the State of  
17 California to cause birth defects and other reproductive harm.

18 **1.3 Product Description**

19 The products covered by this Consent Judgment are defined as:

- 20 a) Earth Circle Foods Raw & Wildcrafted Dulse (in both leaf and flake form)  
21 b) Earth Circle Organics Balinese Cacao Nibs  
22 c) Organic Raw 70% Dark Chocolate Raw Cacao Dehydrated Palm Nectar  
23 d) Organic Balinese Cacao Cashew Clusters  
24 e) Organic Raw White Mulberries  
25 f) Organic Ecuador Cacao Powder  
26 g) Raw & Organic Goji Berries  
27 h) Organic Black Maca Powder  
28 i) Organic Red Maca Powder

1 j) Raw Organic Yellow Maca Powder

2 k) Organic Nori Sheets Raw Vegan

3 These products are collectively referred to herein as the "Covered Products." Solely for  
4 purposes of this Consent Judgment, the Parties agree that the Covered Products are or were  
5 manufactured, imported, distributed, sold, and/or offered for sale by Earth Circle in the State of  
6 California.

7 **1.4 Notices of Violation**

8 On July 18, 2014, As You Sow served Earth Circle and various public enforcement  
9 agencies with a document entitled *Notice of Violation of California Health & Safety Code*  
10 *§25249.5, et seq.*, alleging that Earth Circle was in violation of California Health & Safety Code  
11 *§25249.6* for failing to warn consumers that Earth Circle Organics Balinese Cacao Nibs  
12 expose users in California to cadmium, a reproductive toxin.

13 On September 17, 2014, As You Sow served Earth Circle and various public enforcement  
14 agencies with a document entitled *Notice of Violation of California Health & Safety Code*  
15 *§25249.5, et seq.*, alleging that Earth Circle was in violation of California Health & Safety Code  
16 *§25249.6* for failing to warn consumers that Earth Circle Foods Raw & Wildcrafted Dulse exposes  
17 users in California to cadmium, a reproductive toxin.

18 On April 12, 2017, As You Sow served Earth Circle and various public enforcement  
19 agencies with a document entitled *Notice of Violation of California Health & Safety Code §*  
20 *25249.5, et seq.*, alleging that Earth Circle was in violation of California Health & Safety Code *§*  
21 *25249.6* for failing to warn consumers that nine additional Covered Products expose users in  
22 California to cadmium or lead, both of which are reproductive toxins, as follows: Organic Raw  
23 70% Dark Chocolate Raw Cacao Dehydrated Palm Nectar (cadmium); Organic Balinese Cacao  
24 Cashew Clusters (cadmium); Organic Raw White Mulberries (lead); Organic Ecuador Cacao  
25 Powder (cadmium); Raw & Organic Goji Berries (lead); Organic Black Maca Powder (lead);  
26 Organic Red Maca Powder (lead); Raw Organic Yellow Maca Powder (lead); and, Organic Nori  
27 Sheets Raw Vegan (cadmium).

1. No public enforcer has diligently prosecuted the allegations set forth in any of these Notices  
2 of Violation.

3 **1.5 No Admission**

4 Earth Circle denies the material, factual, and legal allegations contained in As You Sow's  
5 Notices of Violation and maintains that the Covered Products sold and distributed in California  
6 have been and are in compliance with all laws. Nothing in this Consent Judgment shall be  
7 construed as an admission by Earth Circle of any fact, finding, issue of law, or violation of law, nor  
8 shall compliance with this Consent Judgment constitute or be construed as an admission by Earth  
9 Circle of any fact, finding, conclusion, issue of law, or violation of law. However, this Section  
10 shall not diminish or otherwise affect the obligations, responsibilities, and duties under this  
11 Consent Judgment.

12 **1.6 Compliance Date**

13 The term "Compliance Date," as used herein, shall be 15 days from the date the Court  
14 enters this Consent Judgment.

15 **2. INJUNCTIVE RELIEF**

16 **2.1 Product Warnings**

17 No later than the Compliance Date, Earth Circle shall provide the following warning  
18 statement on the packaging of all Covered Products produced, distributed, and/or sold in the State  
19 of California:

20 **WARNING:** This Product contains a chemical known to the State of California to  
21 cause birth defects or other reproductive harm.

22 **2.2** On or prior to August 30, 2018, Earth Circle shall replace the warning in Paragraph  
23 2.1 with the warning statement in this Paragraph. If the Notice of Violation for a Covered Product  
24 specified that the product contains lead, then the warning statement shall so specify by replacing  
25 the bracketed text in the warning statement with the term "lead." If the Notice of Violation for a  
26 Covered Product specified that the product contains cadmium, then the warning statement shall so  
27 specify by replacing the bracketed text in the warning statement with the term "cadmium."  
28

1           **⚠ WARNING:** This product can expose you to chemicals including [cadmium or lead],  
2           which is known to the State of California to cause birth defects or other reproductive  
3           harm. For more information go to [www.P65Warnings.ca.gov](http://www.P65Warnings.ca.gov).

4           **2.3** Earth Circle shall prominently affix or print the warning statement, as set forth in  
5           Paragraph 2.1 and 2.2, on the Covered Products' packaging and labeling. The warning statement  
6           shall be displayed with such conspicuousness, as compared with other words, statements, designs,  
7           or devices on the packaging or labeling of the Covered Products, so as to render the warning  
8           statement likely to be read and understood by an ordinary individual under customary conditions of  
9           purchase and use.

10           **2.4** The Parties agree that the content and the placement of the warning statement as  
11           shown in Exhibits A and C-K, attached hereto, meet the requirements of Paragraph 2.3 of this  
12           Consent Judgment. The Parties further agree that the content and the placement of the warning  
13           statement as shown in Exhibit B, attached hereto, meets the requirements of Paragraph 2.3 of this  
14           Consent Judgment, provided that the formatting of the word "**WARNING**" shall be changed so  
15           that it has the same size, font, and spacing as the other text in the warning statement, and is not  
16           obscured by any text in the remainder of the warning statement.

17           **2.5** If Earth Circle sells any or all of the Covered Products (wholesale or retail) to  
18           customers located in California via an internet site over which it exercises or has the right to  
19           exercise control, Earth Circle shall also prominently display the respective warning statements, as  
20           set forth in Paragraph 2.1 and 2.2, on the internet site in conjunction with the Covered Product(s).  
21           The warning statement shall be displayed in the same type size as the surrounding, non-heading  
22           text, either: (a) on the same page, without scrolling, as the order form for the Covered Product(s);  
23           (b) on the same page, without scrolling, as the price for the Covered Product(s); or (c) in a dialogue  
24           box that appears and is visible when a California address for delivery is provided by the consumer,  
25           so long as the dialogue box appears prior to the completion of the internet sale and requires the  
26           consumer affirmatively to accept receipt of the warning statement set forth in the dialogue box (the  
27           warning statement in the dialogue box shall be displayed in the same type size as the surrounding,  
28

1 non-heading text on the screen at the time of the appearance of the dialogue box), as a condition  
2 precedent to completing the sale.

3       **2.6** If Earth Circle sells any or all of the Covered Products (wholesale or retail) through  
4 the website of any internet retailer, or has actual knowledge that any or all of the Covered Products  
5 are sold through the website of any internet retailer, Earth Circle shall send by first class mail or  
6 overnight delivery, prior to the Compliance Date, a letter requesting that the internet retailer  
7 provide a warning statement in the same manner as required under Paragraph 2.5. In the letter,  
8 Earth Circle shall request that the internet retailer respond with a written acknowledgement that it  
9 will comply with Earth Circle's request. If Earth Circle complies with its obligation to send the  
10 letter request described in this Paragraph, Earth Circle shall not be in violation of this Consent  
11 Judgment if an internet retailer fails to provide the warnings required under Paragraph 2.5.

12       **2.7** Notwithstanding the above, if As You Sow gives notice to Earth Circle that an  
13 internet retailer is selling any or all Covered Products after the Compliance Date without adequate  
14 warning, as specified in Paragraphs 2.5 and 2.6, Earth Circle shall notify the retailer that it must  
15 provide adequate warning within 60 days of As You Sow's notice to Earth Circle. If the internet  
16 retailer does not provide adequate warning within 60 days of As You Sow's notice to Earth Circle,  
17 Earth Circle shall no longer sell the Covered Product(s) to that retailer, until such retailer provides  
18 written acknowledgement that it will provide the warnings required under Paragraph 2.5.

19       **2.8** If Earth Circle sells any or all of the Covered Products (wholesale or retail) via mail  
20 order to customers located in California, Earth Circle shall prominently display the warning  
21 statement as required in Paragraph 2.1 or 2.2 in the mail order catalogue in conjunction with the  
22 description and/or listing of the Covered Product(s). The warning statement shall appear either on  
23 the same page as the order form for the Covered Product(s), or on the same page upon which the  
24 price is listed, in the same type size as the surrounding, non-heading text. The warning statement  
25 shall be added in the first print run of the mail order catalogue on or after the Compliance Date.  
26  
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1       **3.     MONETARY RELIEF**

2           **3.1**     As reimbursement for As You Sow's attorneys' fees and costs and for civil penalties  
3 and additional settlement payments, Earth Circle agrees to make a total payment of \$65,960.00  
4 ("Total Monetary Relief") according to the following breakdown:

5           **3.2     Civil Penalties:** Earth Circle shall pay a total of \$11,500 as a civil penalty pursuant  
6 to California Health & Safety Code §25249.12(c)(1) & (d), with 75% of the funds to be remitted to  
7 the California Office of Environmental Health Hazard Assessment by As You Sow.

8           **3.3     Additional Settlement Payment:** Earth Circle shall pay \$8,500 to be used by  
9 As You Sow for grants to California non-profit organizations and by the As You Sow  
10 Environmental Enforcement Fund. These funds shall be used to reduce or remediate exposures to  
11 toxic chemicals and to increase consumer, worker, and community awareness of the health hazards  
12 posed by toxic chemicals in California. In deciding among grant proposals, the As You Sow Board  
13 of Directors ("Board") takes into consideration a number of important factors, including: (1) the  
14 nexus between the harm done in the underlying case(s) and the grant program work; (2) the  
15 potential for toxics reduction, prevention, remediation, or educational benefits to California citizens  
16 from the proposal; (3) the budget requirements of the proposed grantee and the alternate funding  
17 sources available to it for its project; and, (4) the Board's assessment of the proposed grantee's  
18 chances for success in its program work. As You Sow shall ensure that all funds will be disbursed  
19 and used in accordance with As You Sow's mission statement, articles of incorporation, bylaws,  
20 and applicable state and federal laws and regulations.

21           **3.4     Attorneys' Fees and Costs:** Earth Circle shall pay \$45,960 for attorneys' fees and  
22 costs.

23           **3.5     Schedule of Payment:** The funds set forth above shall be paid according to the  
24 following schedule and in the following form of payment, except that Earth Circle may accelerate  
25 any of these payments at any time if it so chooses:

26           a.       \$21,480 within 60 days of the date the Court approves this Consent  
27 Judgment in the form of: one check made payable to As You Sow in the amount of \$20,000 and  
28 one check made payable to Altshuler Berzon in the amount of \$1,480.

1           b.     \$11,480 within six (6) months of the date the Court approves this Consent  
2 Judgment in the form of: one check made payable to Altshuler Berzon in the amount of \$8,500 and  
3 one check made payable to Shute, Mihaly & Weinberger in the amount of \$6,480.

4           c.     \$11,000 within twelve (12) months of the date the Court approves this  
5 Consent Judgment in the form of: one check made payable to Altshuler Berzon in the amount of  
6 \$5,500 and one check made payable to Shute, Mihaly & Weinberger in the amount of \$5,500.

7           d.     \$11,000 within eighteen (18) months of the date the Court approves this  
8 Consent Judgment in the form of: one check made payable to Altshuler Berzon in the amount of  
9 \$5,500 and one check made payable to Shute, Mihaly & Weinberger in the amount of \$5,500.

10          e.     \$11,000 within twenty-four (24) months of the date the Court approves this  
11 Consent Judgment in the form of: one check made payable to Altshuler Berzon in the amount of  
12 \$5,500 and one check made payable to Shute, Mihaly & Weinberger in the amount of \$5,500.

13 **4. CLAIMS COVERED AND RELEASED**

14 **4.1 As You Sow's Release of Earth Circle**

15 As to the chemical identified in the Notice of Violation for each Covered Product, this  
16 Consent Judgment is a full, final, and binding resolution between Earth Circle and As You Sow, on  
17 behalf of itself and in the public interest, of any violation of Proposition 65 that was or could have  
18 been asserted by As You Sow, and its past and current agents, representatives, attorneys,  
19 successors and/or assignees, against Earth Circle, and each of its parents, subsidiaries, affiliated  
20 entities under common ownership, directors, officers, members, shareholders, equity holders,  
21 employees, and attorneys, for that Covered Product as it was manufactured, imported, distributed,  
22 sold, and/or offered for sale by Earth Circle in California before the Compliance Date.

23 Furthermore, this Consent Judgment is a full, final, and binding resolution between Earth  
24 Circle and each entity to whom Earth Circle directly or indirectly distributes or sells any or all of  
25 the Covered Products including, but not limited to, downstream distributors, wholesalers,  
26 customers, retailers, franchisees, cooperative members, and licensees, based on their failure to  
27 warn about alleged exposures to the chemical identified in the Notice of Violation for each  
28 Covered Product manufactured, imported, distributed, sold, and/or offered for sale by Earth Circle



1 in California before the Compliance Date.

2 This release is provided by As You Sow and is not a release on behalf of the public.

3 **4.2 Earth Circle's Release of As You Sow**

4 Earth Circle and its past and current agents, representatives, attorneys, successors, and/or  
5 assignees hereby waive any and all claims against As You Sow and its parents, subsidiaries,  
6 officers, directors, employees, agents, insurers and representatives, and its successors and assigns  
7 ("As You Sow Releasees"), for any and all actions taken or statements made (or those that could  
8 have been taken or made) by As You Sow and its attorneys and other representatives, whether in  
9 the course of investigating Proposition 65 claims or seeking to enforce Proposition 65 against  
10 them in this matter or with respect to the Covered Products.

11 **5. SEVERABILITY**

12 If, subsequent to the execution of this Consent Judgment, any of the provisions of this  
13 Consent Judgment are deemed by a court to be unenforceable, the validity of the remaining  
14 enforceable provisions shall not be adversely affected.

15 **6. GOVERNING LAW**

16 The terms of this Consent Judgment shall be governed by the laws of the State of California  
17 and apply within the State of California. Nothing in this Consent Judgment shall be interpreted to  
18 relieve the Parties of any obligation to comply with any pertinent state or federal toxics control  
19 law.

20 **7. MODIFICATION**

21 This Consent Judgment may be modified only by a written agreement of the Parties.

22 **8. ENFORCEMENT OF CONSENT JUDGMENT**

23 No party may apply to the Court to enforce this Consent Judgment, unless that Party has  
24 first provided 30 days written notice ("Notice Period") pursuant to Section 11 of this Consent  
25 Judgment to the other Party of any alleged violations of this Consent Judgment. Additionally, the  
26 Parties agree to meet and confer to resolve any alleged violations of this Consent Judgment during  
27 the 30-day notice period, and further agree not to apply to the Court to enforce this Consent  
28 Judgment until expiration of the Notice Period. If the prevailing party in any action enforcing this

1 Consent Judgment seeks to recover its reasonable attorneys' fees and costs, it shall do so under the  
2 provisions of Code of Civil Procedure §1021.5.

3 **9. DURATION OF CONSENT JUDGMENT**

4 This Consent Judgment shall terminate seven years after the Compliance Date unless the  
5 term of this Consent Judgment is extended by agreement of the Parties.

6 **10. PROVISION OF NOTICE**

7 Unless specified herein, all correspondence, payments and notices required to be provided  
8 pursuant to this Consent Judgment shall be in writing and (i) personally delivered; (ii) sent by first-  
9 class registered or certified mail with return receipt requested; or (iii) sent by overnight courier, to  
10 one Party by the other Party at the following addresses:

11 For As You Sow:

12 As You Sow-Foundation  
13 Attn: Danielle Fugere, President and Chief Counsel  
14 1611 Telegraph Street, Suite 1450  
15 Oakland, CA 94612  
16 Tel: (510) 735-8158

17 With a copy to:

18 Barbara Chisholm  
19 Tony LoPresti  
20 Altshuler Berzon LLP  
21 177 Post Street, Suite 300  
22 San Francisco, CA 94108  
23 Tel: (415) 421-7151

24 and

25 Ellison Folk  
26 Laura D. Beaton  
27 Shute, Mihaly & Weinberger LLP  
28 396 Hayes Street  
San Francisco, CA 94102  
Tel: (415) 552-7272

For Earth Circle:

Eric Botner  
Earth Circle Organics  
355 Crown Point Circle, Suite D  
Grass Valley, CA 95945

With a copy to:

1 Melissa A. Jones  
2 Bao Vu  
3 Stoel Rives LLP  
4 500 Capitol Mall, Suite 1600  
5 Sacramento, CA 95814-3361  
6 Tel: (916) 319-4658

7 Any party may specify in writing to the other party a change of address to which all  
8 notices and other communications shall be sent.

9 **11. COUNTERPARTS; FACSIMILE AND SIGNATURES**

10 This Consent Judgment may be executed in counterparts and by facsimile or pdf signature,  
11 each of which shall be deemed an original, and all of which, taken together, shall constitute one  
12 and the same document.

13 **12. COMPLIANCE WITH HEALTH & SAFETY CODE §25249.7(f)**

14 As You Sow agrees to comply with the reporting requirements referenced in Health &  
15 Safety Code §25249.7(f).

16 **13. AUTHORIZATION**

17 The undersigned are authorized to execute this Consent Judgment and have read,  
18 understood, and agreed to all of the terms and conditions contained herein.


19 *[ The remainder of this page left blank intentionally – signature page follows ]*  
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**APPROVED AS TO FORM:**

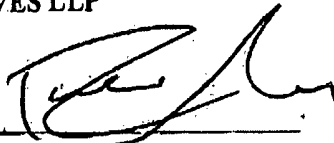
Dated: August 10, 2017

**ALTSHULER BERZON LLP**

By   
Barbara J. Chisholm  
Attorneys for Plaintiff As You Sow

Dated: 8/7, 2017

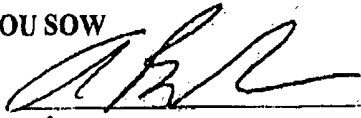
**STOEL RIVES LLP**

By   
Bao M. Vu  
Attorneys for Defendant EARTH CIRCLE ORGANICS

**SO AGREED:**

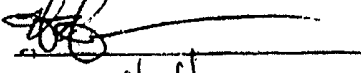
Dated: 7/13, 2017

**AS YOU SOW**

By   
Name Andrew Bender  
Title CEO

Dated: 8/2/2017, 2017

**EARTH CIRCLE ORGANICS**

By   
Name HERB Heller  
Title President / COO

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Paragraph 3.5(b) of the consent judgment is amended to read as follows:

b. \$11,480 within six (6) months of the date the Court approves this Consent Judgment in the form of: one check made payable to Altshuler Berzon in the amount of \$7,980 and one check made payable to Shute, Mihaly, & Weinberger in the amount of \$3,500.

**SO AGREED:**

Dated: 8/23, 2017

**AS YOU SOW**

By [Signature]  
Name ANDREW BERN  
Title CEO

Dated: 9/30/17, 2017

**EARTH CIRCLE ORGANICS**


By [Signature]  
Name Helen Helles  
Title President / COO

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**IT IS SO ORDERED AND ADJUDGED:**

The Court hereby incorporates the terms of this Consent Judgment into this Order. If a Party violates the provisions of this Consent Judgment, this Court retains jurisdiction over this matter.

Dated: 12/15, 2017

  
\_\_\_\_\_

JUDGE OF THE SUPERIOR COURT  
**Stephen Pulido**

**EXHIBIT A**

# Earth Circle Foods™

Now and Whole Foods Place for the best prices

## RAW & WILDCRAFTED DULSE

Net Weight 4 oz (113 g)

Product of Canada

Earth Circle Foods  
Auburn, CA 95602

Keep in a cool dark place.

Best before: 07/31/2017  
Lot# W277804

**WARNING:** This product contains a chemical known to the State of California to cause birth defects or other reproductive harm.



SVD4ow

www.EarthCircleFoods.com

### Nutrition Facts

Serving Size 1/3 cup (7 g)	
Servings Per Container 16	
Amount Per Serving	
<b>Calories 18</b>	<b>Calories from Fat 0</b>
<small>% Daily Values*</small>	
<b>Total Fat 0g</b>	0%
Saturated Fat 0g	0%
Trans Fat 0g	0%
<b>Cholesterol 0mg</b>	0%
<b>Sodium 122mg</b>	10%
<b>Potassium 547mg</b>	11%
<b>Total Carbohydrate 3g</b>	1%
Dietary Fiber 2g	8%
Sugars 0g	
<b>Protein 2g</b>	
<b>Vitamin A 1%</b>	<b>Vitamin C 1%</b>
<b>Calcium 2%</b>	<b>Iron 11%</b>
<b>Magnesium 5%</b>	<b>Phosphorus 3%</b>
<b>Iodine 77%</b>	<b>Riboflavin 8%</b>
<b>Vitamin B6 32%</b>	<b>Vitamin B12 8%</b>
<small>*Percent Daily Values are based on a diet of other people's secrets.</small>	
<small>Calories 5,000 1,500</small>	
<b>Total Fat</b>	Less Than 65g 50g
<b>Sat Fat</b>	Less Than 20g 25g
<b>Cholesterol</b>	Less Than 300mg 300mg
<b>Sodium</b>	Less Than 2400mg 2400mg
<b>Total Carbohydrate</b>	30g 17g
<b>Dietary Fiber</b>	2g 2g
<b>Sugars</b>	per gram
<b>Get 8 A Carbohydrate 4 4 Present 4</b>	

Ingredients: Dulse  
(Palmaria Palmata)



**EXHIBIT B**

# In Superfoods We Trust

Cold-Processed - Never Heated Above 118°F

A Good Source of All-Natural Vitamins and Minerals

## Nutrition Facts

Serving Size: 3 tsp (9 g)		
Servings Per Container: 60		
Amount Per Serving		
Calories 60	Calories from Fat 30	
*% Daily Value*		
<b>Total Fat</b> 4g	<b>8%</b>	
Saturated Fat 2g	<b>41%</b>	
Trans Fat 0g		
Cholesterol 0mg	<b>0%</b>	
Sodium 20mg	<b>4%</b>	
Potassium 80mg	<b>2%</b>	
<b>Total Carbohydrate</b> 6g	<b>1%</b>	
Dietary Fiber 2g	<b>4%</b>	
Sugars 0g		
Protein 1g		
Vitamin A 0%	Vitamin C 0%	
Calcium 2%	Iron 4%	
Magnesium 5%	Phosphorus 4%	
*Percent Daily Values are based on a diet of other people's secrets. Your daily values may vary depending on your eating habits.		
Total Fat	4g	8%
Sat Fat	2g	41%
Cholesterol	0mg	0%
Sodium	20mg	4%
Potassium	80mg	2%
Total Carbohydrate	6g	1%
Dietary Fiber	2g	4%
Sugars	0g	
Protein	1g	
*Percent Daily Values are based on a diet of other people's secrets. Your daily values may vary depending on your eating habits.		

Earth Circle Organics believes the integrity of our food is one of the most important aspects in our lives. The organic foods we source come from farmers and suppliers who operate with respect for the earth and their products. Your purchase of ECO Cacao Nibs supports over 5,000 organic family farms in Indonesia.

ECO's verified Cold-Processed Cacao Nibs are never heated above 118°F during production from beans to nibs. We offer you our Cold-Process Guarantee, as our source in Bali, Indonesia is one of the few facilities in the world that allows third-party verification of processes and temperature. We've seen it; we've tested it. Now we are bringing our delicious cacao nibs to you!

Each step of the way, from tree to nib, is carefully monitored to ensure the finest Balinese cacao pods are selected to create ECO's Cacao Nibs. The result is a deliciously textured nib with a dark chocolate aroma, hints of citrus and smooth finish. Loaded with nutrition, just a small handful of ECO Cacao Nibs can boost energy levels and leave you feeling happy and alert!



Ingredients: Cold-Processed Organic Cacao Beans  
Product of Indonesia



Organic Balinese Cold-Processed Cacao Nibs add texture and fine chocolate flavor to a variety of recipes

- Trail Mixes
- Sprinkled on Flavors
- Cakes
- Desserts and Cakes
- Pudding
- Blended into Smoothies
- Raw Chocolate
- Baked into Cookies



WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive harm.

Distributed by  
**EARTH CIRCLE ORGANICS**  
Alhambra, CA 91802  
www.earthcircleorganics.com  
Certified Organic by Organic Certified, Inc.



US-CMO-041

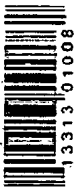
**EXHIBIT C**

# 70% Dark Chocolate Round

## ECO GOURMET RAW 70% DARK CHOCOLATE

is one of the finest raw artisan chocolates, made from truly raw and organic cacao mixed with finely ground organic coconut sugar. The ingredients originate from small organic family farms in Indonesia, which operate at standards above fair trade.

Enjoy straight from the package by chopping the round into pieces or grate to easily melt at a low temperature.



Product of Indonesia  
 Distributed By  
**EARTH CIRCLE ORGANICS**  
 Auburn, CA 95602  
[www.earthcircleorganics.com](http://www.earthcircleorganics.com)  
 Certified Organic by Organic Certifiers, Inc.

**WARNING:** Consuming this product can cause you to become too hot to handle. Cashew, which is known to the State of California to cause birth defects or other reproductive harm. For more information go to [www.foodlabeling.ca.gov](http://www.foodlabeling.ca.gov)

Nutrition Facts	
Serving Size 14g	
Amount Per Serving	
% Daily Value*	Amount Per Serving
100%	Total Fat 14g
100%	Total Sugar 7g
100%	Total Protein 2g
100%	Total Cacao 70%
100%	Total Coconut Sugar 30%
100%	Total Organic 100%
100%	Total Raw 100%
100%	Total Vegan 100%
100%	Total Gluten Free 100%
100%	Total Dairy Free 100%
100%	Total Egg Free 100%
100%	Total Soy Free 100%
100%	Total Nut Free 100%
100%	Total Tree Nut Free 100%
100%	Total Seed Free 100%
100%	Total Shell Free 100%
100%	Total Bone Marrow Free 100%
100%	Total Bone Marrow Fat Free 100%
100%	Total Bone Marrow Protein Free 100%
100%	Total Bone Marrow Sugar Free 100%
100%	Total Bone Marrow Fat Free 100%
100%	Total Bone Marrow Protein Free 100%
100%	Total Bone Marrow Sugar Free 100%



Front

- Edges of Box \_\_\_\_\_
- Safe Zone for Printing - - - - -
- Edges of Side \_\_\_\_\_
- Separated Top Section - - - - -



Back

**EXHIBIT D**



Organic Balmese  
Cacao Cashew  
Clusters



8 oz. (226.7 g)



Raw and Wholesome Foods for vibrant living

# A Perfect Sweet and Crunchy Treat

## Organic Balinese Cacao Cashew Clusters

Earth Circle Organics' Cacao Cashew Clusters are hand-crafted with the finest organic ingredients. Our rich Indonesian cashew nuts, a touch of low-glycemic palm sugar and a pinch of sea salt create a healthy treat for any occasion. The clusters are perfectly crunchy and delicious. They are available in a variety of flavors: Original, Caramel, and Cacao. Each cluster is individually wrapped for freshness and convenience. They are a great addition to your diet and a perfect treat for the whole family.

Nutrition Facts	
Per 1/4 cup (25g)	
Total Fat	10g
Total Sugar	12g
Total Protein	5g
Total Fiber	2g
Total Calcium	100mg
Total Iron	10mg
Total Zinc	10mg
Total Magnesium	100mg
Total Potassium	100mg
Total Sodium	10mg
Total Phosphorus	100mg
Total Selenium	100mcg
Total Copper	100mcg
Total Manganese	100mcg
Total Boron	100mcg
Total Vanadium	100mcg
Total Chromium	100mcg
Total Molybdenum	100mcg
Total Nickel	100mcg
Total Cobalt	100mcg
Total Iodine	100mcg
Total Fluoride	100mcg
Total Silicon	100mcg
Total Aluminum	100mcg
Total Bismuth	100mcg
Total Antimony	100mcg
Total Tellurium	100mcg
Total Barium	100mcg
Total Beryllium	100mcg
Total Cadmium	100mcg
Total Lead	100mcg
Total Mercury	100mcg
Total Arsenic	100mcg
Total Strontium	100mcg
Total Thallium	100mcg
Total Uranium	100mcg
Total Plutonium	100mcg
Total Americium	100mcg
Total Curium	100mcg
Total Berkelium	100mcg
Total Californium	100mcg
Total Einsteinium	100mcg
Total Fermium	100mcg
Total Mendelevium	100mcg
Total Nobelium	100mcg
Total Lawrencium	100mcg
Total Rutherfordium	100mcg
Total Dubnium	100mcg
Total Seaborgium	100mcg
Total Bohrium	100mcg
Total Hassium	100mcg
Total Meitnerium	100mcg
Total Darmstadtium	100mcg
Total Roentgenium	100mcg
Total Copernicium	100mcg
Total Tennessine	100mcg
Total Oganesson	100mcg

## Organic, Sustainable Ingredients

Earth Circle Organics' verified raw and cold-processed Cacao Nibs are never heated above 118° F from bean to nib. Acclaimed for its high levels of antioxidants and rich history, cacao nibs are delicately textured with a smooth finish. ECO aroma, hints of citrus and a smooth finish.

Indonesian Cashews are some of the highest quality raw and organic cashews available. Never steamed or roasted, ECO cashews are shelled by hand to keep the natural enzymes and nutrients intact. The result is a creamy, soft and delicious nut that pairs perfectly with raw cacao.

Organic Coconut Palm Sugar is a low-glycemic sweetener with a mild, caramel flavor. Used traditionally throughout Southeast Asia, Coconut Palm Sugar is made by evaporating the sap of the coconut palm tree. Our suppliers work directly with the farmers to provide the highest quality organic palm sugar.

**WARNING:** This product contains trace amounts of chemicals including Cadmium, which is known to the State of California to cause birth defects or other reproductive harm. For more information, visit [www.pestwarnings.ca.gov](http://www.pestwarnings.ca.gov)



**Earth Circle Organics**  
 100% Organic  
 800-855-4002  
 www.earthcircleorganics.com  
 Earth Circle Organics, Inc.

**EXHIBIT E**



Non-GMO • Organic



# Organic White Mulberries



Raw and Wholesome for Vibrant Living



**IN SUPERFOODS WE TRUST**

DWM8ow\_1002\_0617



Produced by  
EARTH CIRCLE ORGANICS  
10000 S. 15th St.  
Cottonwood, AZ 86301  
www.earthcircleorganics.com  
Certified Organic on Organic Labels



WE ARE COMMITTED TO PROTECTING THE QUALITY OF OUR ORGANIC PRODUCTS. WE DO NOT USE ANY GENETICALLY MODIFIED ORGANISMS (GMOs) OR OTHER NON-ORGANIC SUBSTANCES IN OUR PRODUCTS.

Product of USA

**Nutrition Facts**

15 Calories

10g Total Weight

0g Fat

0g Protein

0g Sugar

0g Fiber

0g Sodium

0g Potassium

0g Calcium

0g Iron

0g Zinc

0g Magnesium

0g Phosphorus

0g Selenium

0g Manganese

0g Copper

0g Boron

0g Molybdenum

0g Vanadium

0g Chromium

0g Nickel

0g Silicon

0g Iodine

0g Fluorine

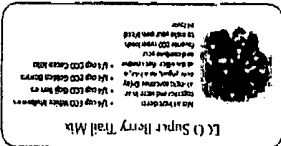
0g Chlorine

0g Sulfur

0g Nitrogen

0g Oxygen

0g Hydrogen



Earth Circle Organics is committed to sharing locally sourced organic and wild Superfoods of the highest quality. We partner with producers who are dedicated to their local communities and sustainability. Four pounds of ECO products supports thousands of organic family farms around the world.

Our dried White Mulberries are a perfect nutrition addition to granola, oatmeal, yogurt, smoothies, and more! Sprinkle or just snack right from the bag. They're fragrant, bright taste ours well with desserts and snacks of all types.

Earth Circle Organics White Mulberries are a delectable packed with exceptional flavor. Our White Mulberries are sourced from the finest, oldest and most traditional fruit eating back thousands of years.

When these pump berries are sun dried they develop a sweet flavor and become easier to eat.

Earth Circle Organics White Mulberries are a perfect nutrition addition to granola, oatmeal, yogurt, smoothies, and more! Sprinkle or just snack right from the bag. They're fragrant, bright taste ours well with desserts and snacks of all types.

**In Superfoods We Trust**

Light, Sweet Flavor  
Mixes Well with Nuts and Seeds  
Great Tasting Superfruit

**EXHIBIT F**

IN SUPERFOODS WE TRUST

ORGANIC CACAO POWDER

**CACAO CHOCOLATE PREP**

Ingredients: High Performance Chocolate, 100% Bitter Cocoa Beans  
 1. 2 cups (50g) Cocoa  
 2. 1 cup (20g) Cocoa Butter  
 3. 1 cup (100g) Dark Chocolate  
 4. 1/2 cup (50g) Coconut Oil  
 5. 1/2 cup (50g) Vanilla  
 6. 1/2 cup (50g) Honey  
 7. 1/2 cup (50g) Maple Syrup  
 8. 1/2 cup (50g) Stevia  
 9. 1/2 cup (50g) Salt  
 10. 1/2 cup (50g) Baking Soda

**Nutrition Facts**

Serving Size: 1/2 cup (50g)	
Amount Per Serving	
<b>Calories</b>	<b>15</b>
Total Fat 10g	
Total Carbohydrate 10g	
Protein 1g	
Dietary Fiber 5g	
Sugars 5g	
Sodium 10g	
Total Cholesterol 10g	
Trans Fat 10g	
Total Omega-3 10g	
Total Omega-6 10g	
Total Omega-9 10g	
Total Omega-10 10g	
Total Omega-11 10g	
Total Omega-12 10g	
Total Omega-13 10g	
Total Omega-14 10g	
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Total Omega-91 10g	
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Total Omega-94 10g	
Total Omega-95 10g	
Total Omega-96 10g	
Total Omega-97 10g	
Total Omega-98 10g	
Total Omega-99 10g	
Total Omega-100 10g	

**RECIPE FOR CACAO CHOCOLATE**

1. 1 cup (20g) Cocoa  
 2. 1 cup (20g) Cocoa Butter  
 3. 1 cup (100g) Dark Chocolate  
 4. 1/2 cup (50g) Coconut Oil  
 5. 1/2 cup (50g) Vanilla  
 6. 1/2 cup (50g) Honey  
 7. 1/2 cup (50g) Maple Syrup  
 8. 1/2 cup (50g) Stevia  
 9. 1/2 cup (50g) Salt  
 10. 1/2 cup (50g) Baking Soda



IN SUPERFOODS WE TRUST

Artiba Nacional  
**Cacao Powder**  
 Organic



6/13/17  
 OF to go +  
 price.

Non-GMO Verified Organic



# Organic Cacao Powder

Arriba Nacional



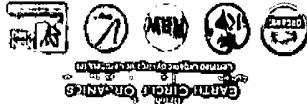
Net Wt. 16 oz (453.4g)

Keep in a cool, dry place. See back for storage instructions.



**IN SUPERFOODS  
WE TRUST**

ECPD16oz\_1002\_0617



Nutrition Facts	
Per 1/4 cup (25g)	
<b>Calories</b>	15
<b>Total Fat</b>	1.5g
<b>Total Sugar</b>	0g
<b>Total Protein</b>	2g
<b>Total Fiber</b>	1g
<b>Total Fat</b>	1.5g
<b>Total Sugar</b>	0g
<b>Total Protein</b>	2g
<b>Total Fiber</b>	1g

**HOMEMADE MELT-IN-YOUR-MOUTH  
DARK CHOCOLATE (PALEO)**

1. Add 1/4 cup of cacao powder to a bowl. Add 1/4 cup of coconut oil and 1/4 cup of coconut butter. Stir until smooth.

2. Add 1/4 cup of cacao powder to a bowl. Add 1/4 cup of coconut oil and 1/4 cup of coconut butter. Stir until smooth.

**5-MINUTE CASHWEE CHOCOLATE SPREAD**

1. Add 1/4 cup of cacao powder to a bowl. Add 1/4 cup of coconut oil and 1/4 cup of coconut butter. Stir until smooth.

2. Add 1/4 cup of cacao powder to a bowl. Add 1/4 cup of coconut oil and 1/4 cup of coconut butter. Stir until smooth.



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**EXHIBIT G**



**RAW & ORGANIC**

**GOJI BERRIES**

*Goji Berries from the Tibetan Plateau*

*Work it!*

8 oz.  
(227 G)

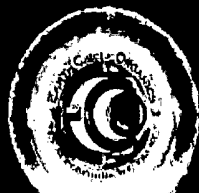


*Raw and Wholesome Food for Vibrant Living*

**IN SUPERFOODS  
WE TRUST**

TGJB8ow\_1002\_0617





# RAW & ORGANIC GOJI BERRIES

World's finest Goji Berries from the Tibetan Plateau



16 oz.  
(454 g)



Raw and Wholesome Food for Vibrant Living



## IN SUPERFOODS WE TRUST

**TIBETAN PLATEAU ORGANIC GOJI BERRIES**

- Energize naturally with polysaccharides
- Burst of protein and 18 amino acids
- Variety of vitamins and minerals

Earth Circle Organics offers you the world's finest organic goji berries, grown in the remote, pristine Tibetan plateau - the "roof of the world" for thousands of years. Traditional Chinese medicine has used this revered fruit to enhance the immune system and treat more than 100 ailments. A handful of ECO goji berries makes an excellent energy snack. You can add them to smoothies or tea, and sprinkle them over cereals, salads and desserts.

If you've never tried fresh ECO goji berries, now's your chance. This will be like no other fruit in the entire world. **Amazing!**

**Ingredients:** organic goji berries (Lycium barbarum). **Product of China.**

Atmosphere. Our berries are grown in a clean, natural environment. No pesticides or herbicides are used. No artificial colors or flavors are added. No GMOs. No irradiation. No preservatives.

Earth Circle Organics is a USDA Organic Certified company. We are committed to providing you with the highest quality organic products.

**Nutrition Facts**

<b>Total Weight</b>	
16 oz (454g)	
<b>Net Weight</b>	
16 oz (454g)	
<b>Total Fat</b>	
0g	
<b>Total Protein</b>	
18g	
<b>Total Carbohydrate</b>	
100g	
<b>Total Fiber</b>	
10g	
<b>Total Sugar</b>	
10g	
<b>Total Fat</b>	
0g	
<b>Total Protein</b>	
18g	
<b>Total Carbohydrate</b>	
100g	
<b>Total Fiber</b>	
10g	
<b>Total Sugar</b>	
10g	

Earth Circle Organics, Inc. 10000 N. 10th St. Suite 100, Scottsdale, AZ 85258  
Phone: 480-344-8888  
www.earthcircleorganics.com



**EXHIBIT H**

3.5 in  
0.250 in  
0.031 in  
0.510 in  
Add 6 sec. to artwork

IN SUPERFOODS WE TRUST

**ORGANIC BLACK MACA POWDER**



Maca is a Superfood root native to the high altitudes of the Peruvian Andes. Black Maca Powder is the original, created by extracting the roots with tank water. It grows at altitudes above 15,000 feet. Ancient Inca warriors used maca as a natural energy supplement. Modern science has shown that maca increases energy, improves mood, and increases vitality. Today, athletes of all types enjoy a daily maca consumption. Feel the maca energy! This powder is a great addition to smoothies, hot chocolate, energy bars and more.

Earth Circle Organics' commitment is to share globally sourced organic and local Superfoods of the finest quality. We partner with producers who are dedicated to their local communities and sustainability. Your purchase of ECO products supports thousands of organic family farms around the world.

Nutrition Facts	
Per 1/2 oz (14g) Serving	
Amount Per Serving	
Total Fat	0g
Total Carbohydrate	14g
Total Protein	1g
Total Fiber	0g
Total Sugar	0g
Total Fat	0g
Total Carbohydrate	14g
Total Protein	1g
Total Fiber	0g
Total Sugar	0g

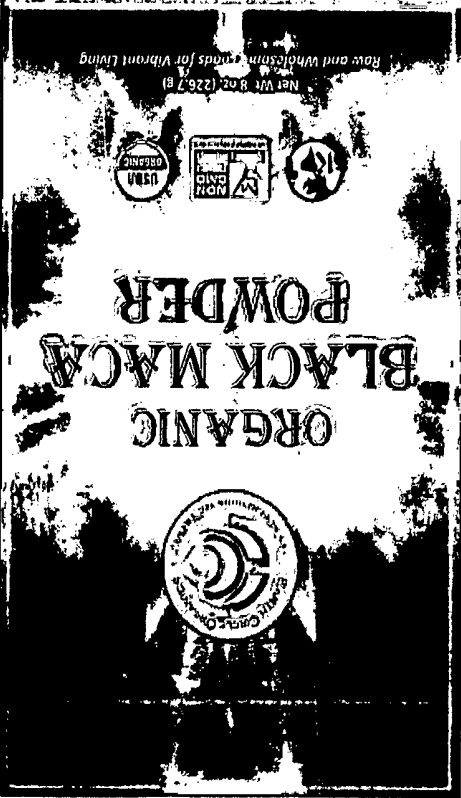
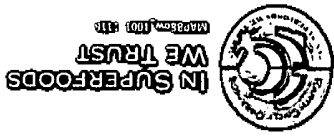
**ECO Signature Maca Cocoa**

A low glycemic, warming energy drink and a favorite recipe from ECO Founder, prepared exclusively with ECO Superfoods. Mix well with hot water.

- 2 tsp. ECO Cocoa Powder
- 1 tsp. ECO Coconut Sugar, or to taste
- 1 tsp. ECO Black Maca Powder



Earth Circle Organics  
www.ecoorganics.com  
1-800-858-1111



Date: 12.16.16  
Material:  
Project Name: Black Maca  
Template Name: 5x8x2 gusset w/ zipper

Legend:  
— Zipper  
— Deline  
— Tear Notch  
— Seal

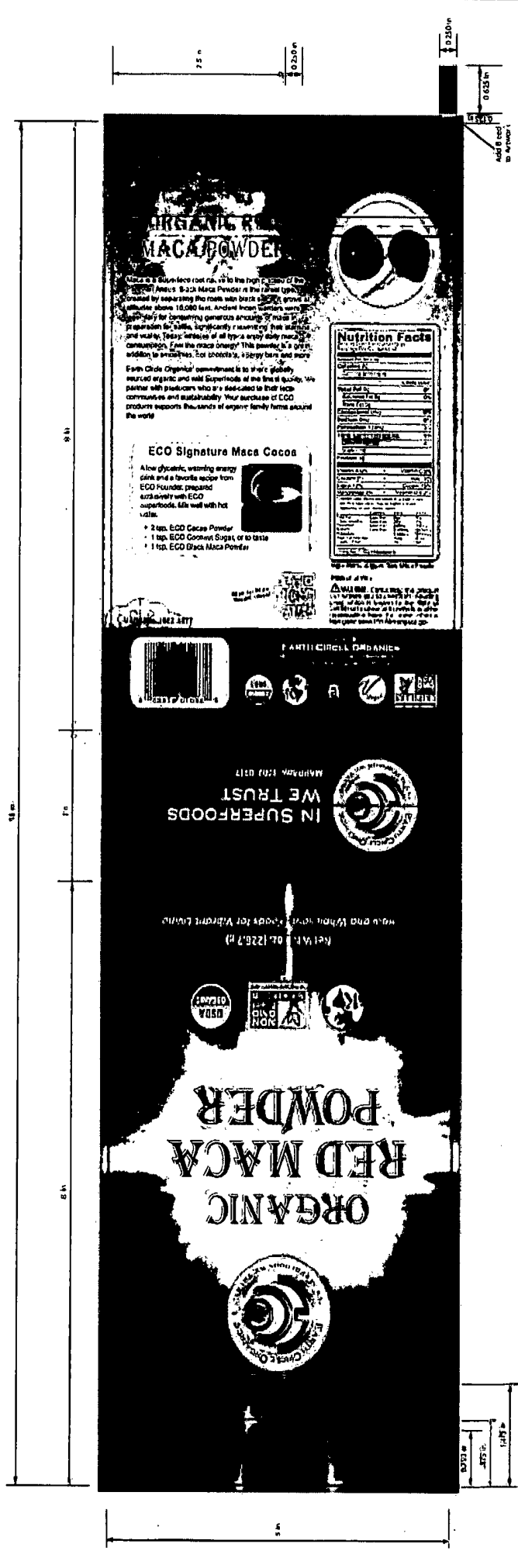
Color Specifications:  
 Cyan  
 White  
 Magenta  
 Yellow  
 Black

Rev: 0 Created by: NS

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0.51 in  
0.031 in  
0.250 in  
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0.250 in

0.30 in  
0.51 in  
0.031 in  
0.250 in

**EXHIBIT I**



Date: 12.16.16 Material: Project Name: Red Maca Powder Template Name: 5x8x2 gusset w/ zipper

Legend:  
 --- Zipper  
 --- Deline  
 \* Tear Notch  
 Seal

Color Specifications:  
 Cyan PMS 144  
 Magenta PMS 283  
 Yellow PMS 2747  
 Black PMS 363  
 White

Rev: 0 Created by: NS

**EXHIBIT J**



# RAW ORGANIC

# MACA POWDER



16 oz. (454 g)



*Raw and Wholesome Food for Vibrant Living*

# RAW ORGANIC MACA POWDER



Maca Powder has been an important staple in the diet of indigenous Andean cultures for over 2,000 years. It grows at altitudes above 10,000 feet where little else survives. Maca is a root vegetable believed to help increase energy, reduce fatigue and improve libido. Ancient Incan warriors were legendary for consuming generous amounts of maca in preparation for battle, significantly maximizing their stamina and energy levels. Maca is an adaptogen, facilitating the body's ability to adapt to and regulate stress responses and balance hormones. Today, athletes of all types benefit from daily maca consumption. Earth Circle Organics' Maca Powder is 100% raw and certified organic, packed with vitamins and minerals for healthy, sustained energy.\*

The malty flavor of ECO Maca Powder allows it to blend well with both sweet and savory recipes. Add some to:

- Smoothies and shakes
- Cakes and pastries
- Homemade chocolate
- Energy bars

\*These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure, or prevent any disease.

## Earth Circle Organics' Signature Cacao Drink

A low glycemic, warming energy drink and a favorite recipe from ECO Founder, prepared exclusively with ECO Superfoods. Mix well with hot water.

- 2 tsp. Cacao Powder
- 2 tsp. Coconut Sugar, or to taste
- 1 tsp. Maca Powder



Scan for More Recipe Ideas!

Nutrition Facts	
Serving Size 1 teaspoon (5 g)	
Servings Per Container 91	
Amount Per Serving	
Calories 20	Calories from Fat 0
% Daily Value*	
Total Fat 0g	0%
Saturated Fat 0g	0%
Trans Fat 0g	
Cholesterol 0mg	0%
Sodium 0mg	0%
Potassium 103mg	3%
Total Carbohydrate 4g	1%
Dietary Fiber 1g	4%
Sugars 1g	
Protein 1g	
Vitamin A 0%	Vitamin C 2%
Calcium 2%	Iron 2%
Iodine 17%	Copper 15%
Magnesium 2%	Vitamin B-6 3%

\*Percent Daily Values are based on a diet of other people's secrets. Your daily values may be higher or lower depending on your eating habits.

Total Fat	100g	20%
Sat Fat	100g	20%
Cholesterol	100g	20%
Sodium	100g	20%
Total Carb	100g	20%
Dietary Fiber	100g	20%
Sugars	100g	20%
Protein	100g	20%

Percent Daily Values are based on a diet of other people's secrets. Your daily values may be higher or lower depending on your eating habits.

Ingredients: organic raw maca powder

Product of Peru

**WARNING:** Consuming this product can expose you to chemicals including Lead, which is known to the State of California to cause birth defects or other reproductive harm. For more information go to [www.P65Warnings.ca.gov](http://www.P65Warnings.ca.gov)

MAP180w\_1005\_0817



Manufactured by  
Earth Circle Organics  
Atlanta, GA 30302  
[www.earthcircleorganics.com](http://www.earthcircleorganics.com)  
Certified Organic by Organic Certifiers, Inc.

**IN SUPERFOODS  
WE TRUST**

MAP160w\_1005\_0617





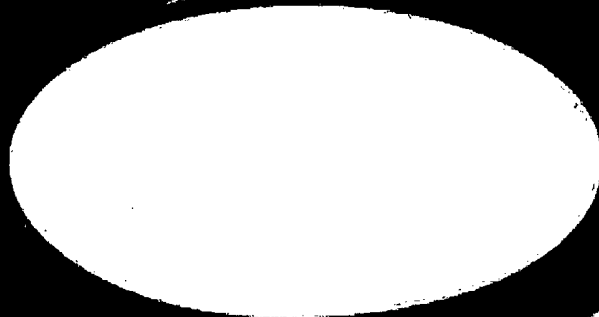
**EXHIBIT K**

*Raw and Wholesome Food for Vibrant Living*



# ORGANIC NORI SHEETS

RAW  
VEGAN



**10 Sheets** Net Wt. .88 oz (25 g)

Resealable Bag

# ORGANIC NORI SHEETS

## PERFECT FOR SUSHI ROLLS!

Earth Circle Organics' Nori Sheets are a delicate treat perfect for sushi rolls, seaweed salads and snacks! With a fresh flavor and crispy texture these seaweed wraps offer a boost of nutrition. Nori is a good source of Vitamins A and C, and contains protein, fiber, potassium, and magnesium. ECO Nori Sheets are certified organic, certified kosher, vegetarian and non-GMO.

Our nori seaweed is cultivated in certified organic growing waters. After harvesting, the nori leaves are washed and spread thinly to dry, then gently milled to create a smooth texture. Instead of being toasted the seaweed remains raw and natural, preserving the wealth of enzymes, vitamins and nutrients. Earth Circle Organics supplies the highest quality, organic and raw nori that we have found available anywhere in the world.

## RAW NORI ROLLS

- ECO Nori Sheets
- Favorite Fish, Shrimp or Seasoned Tofu
- Raw Veggies Sliced into Long Strips: Carrots, Cucumbers, Bell Pepper, or Mushrooms
- Prepared Sticky Rice



Place a sheet of organic nori on a flat surface. Cover 2/3 of the nori sheet with a thin layer of sticky rice, using a paddle or spoon to spread evenly.

Position sushi fillings lengthwise in the center of the sheet on top of the rice.

Begin rolling the nori from the edge covered with rice towards the opposite end, keeping the sushi fillings in the center. Dampen the uncovered edge of the nori with water to help seal the roll, and press together to help firm and shape.

Slice the rolls into small, bite-sized pieces using a sharp knife and serve.

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Caution: This package contains a packet of moisture absorbent chemical to keep the product dry. Do not eat. Keep out of the reach of children.

## Nutrition Facts

10 servings per container	
Serving size	1 sheet (2.5g)
Amount per serving	
<b>Calories</b>	<b>10</b>
% Daily Value*	
Total Fat 0g	0%
Saturated Fat 0g	0%
Trans Fat 0g	0%
Cholesterol 0mg	0%
Sodium 15mg	1%
Total Carbohydrate 1g	0%
Dietary Fiber 1g	4%
Total Sugars 0g	0%
Includes 0g Added Sugars	0%
Protein 1g	0%
Vitamin D 0mcg	0%
Calcium 12mg	0%
Iron 0mg	0%
Potassium 41mg	0%

\*The % Daily Value tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice.

Ingredients: Organic Nori

Product of China

**⚠ WARNING:** This product can expose you to chemicals including Cadmium, which is known to the State of California to cause birth defects or other reproductive harm. For more information go to [www.P65Warnings.ca.gov](http://www.P65Warnings.ca.gov).

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