

NOTICE OF VIOLATION

California Safe Drinking Water
and Toxic Enforcement Act

AARON INDUSTRIES, INC.
ADVANCED NUTRACEUTICALS, INC.
ANI PHARMACEUTICAL, INC.

January 17, 2003

This Notice of Violation is provided to you pursuant to and in compliance with California Health and Safety Code Section 25249.7(d).

- For general information regarding the California Safe Drinking Water and Toxic Enforcement Act, see the attached summary provided by the California EPA (copies not provided to public enforcement agencies).
- This Notice of Violation is provided by the Center for Environmental Health. The Center for Environmental Health is a nonprofit corporation dedicated to protecting the environment, improving human health and supporting environmentally sound practices.

Description of Violation:

- The names and addresses of the violators are:
 - Aaron Industries, 1784 Highway 72 South, P.O. Box 305, Clinton, SC 29325
 - ANI Pharmaceuticals, Inc., 2510 14th Street, Suite 1109, PO Box 1886, Gulfport, MS 39501
 - Advanced Nutraceuticals, Inc., 106 University Blvd., Unit 14, Denver, CO 80209
- The violations have been occurring since at least February 27, 1988 and are continuing to this day.
- This Notice of Violation covers the "warning provision" of Proposition 65, which is found at California Health and Safety Code Section 25249.6.
- The names of the listed chemicals involved in these violations are lead and lead compounds ("Lead"). Exposures to Lead occur from the use of the products identified in this notice.
- The route of exposure for the violations covered by this notice is ingestion.
- The category of products causing these violations is stomach-coating medicines containing bismuth subsalicylate as the active ingredient. These products provide a protective coating action that is designed to relieve upset stomach, indigestion, nausea, heartburn and/or diarrhea. Specific examples of these products are "Today's Health Pink Bismuth Formula" (manufactured by Aaron Industries) and "American Fare Pink Bismuth Liquid" (manufactured by ANI Pharmaceutical, a wholly-owned subsidiary of Advanced Nutraceuticals). The Lead is contained in these products.

- These exposures occur in homes, workplaces and everywhere else throughout California where these stomach-coating medicines are used.
- No clear and reasonable warning is provided with these products regarding the carcinogenic or reproductive hazards of Lead.

Please direct any inquiries regarding this notice to counsel for the Center for Environmental Health: Todd E. Robins, Lexington Law Group, 1627 Irving Street, San Francisco, CA 94122, (415) 759-4111.

PROOF OF SERVICE BY MAIL

I declare that:

I am employed in San Francisco County, California. I am over the age of 18 years and not a party to the within cause; my business address is 1627 Irving St., San Francisco, California 94122.

On January 17, 2003, I served a copy of the documents listed immediately hereafter by first class mail by placing the same in an envelope, sealing, fully preparing postage thereon, and depositing said envelope in the U.S. Mail at San Francisco, California. Said envelope was addressed as follows:

See attached service list (sent via certified mail with applicable postage to those listed with asterisks).

Documents mailed:

NOTICE OF VIOLATION OF CALIFORNIA SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT;

CERTIFICATE OF MERIT;

INFORMATION SUPPORTING CERTIFICATE OF MERIT (Official Information pursuant to Evidence Code §1040, sent only to the Attorney General); and

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY (only sent to those on service list marked with an asterisks).

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on January 17, 2003, at San Francisco, California.

SERVICE LIST

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

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

District Attorney of Contra Costa
County
725 Court Street, Room 402
Martinez, CA 94553

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

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

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

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

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

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

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

District Attorney of Glenn County
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Willows, CA 95988

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

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

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

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

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

District Attorney of Lassen County
220 S. Lassen St., Ste 8
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District Attorney of Inyo County
P.O. Drawer D
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Los Angeles, CA 90012

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San Diego, CA 92112

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Courthouse, P.O. Box 457
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Santa Barbara, CA 93101

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Yreka, CA 96097

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San Jose, CA 95110

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Ed Weil, Deputy Attorney
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1515 Clay Street
Oakland, CA 94612

*James Medford, President
Aaron Industries, Inc.
1784 Highway 72 South
P.O. Box 305
Clinton, SC 29325

*President or CEO
ANI Pharmaceuticals, Inc.
2510 14th Street, Suite 1109
Gulfport, MS 39501

*Gregory Pusey, President
Advanced Nutraceuticals, Inc.
106 S. University Blvd., Unit 14
Denver, CO 80209

CERTIFICATE OF MERIT

Health & Safety Code §25249.7(d)

I, Todd E. Robins hereby declare:

1. This Certificate of Merit accompanies the attached Sixty-Day Notice of Violation in which it is alleged that the parties identified in such Notice have violated Health & Safety Code §25249.6 by failing to provide clear and reasonable warnings regarding the reproductive toxicity and carcinogenicity of the lead and lead compounds contained in the over-the-counter pink bismuth stomach-coating products with bismuth subsalicylate as the active ingredient manufactured and/or sold by such parties.

2. I am an attorney with the Lexington Law Group, LLP, and I represent the noticing party, the Center for Environmental Health (“CEH”).

3. I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies or other data regarding the exposures to the listed chemicals that are the subject of the attached Notice.

4. Based on the information obtained through the consultations referenced above, and on all other information in my possession, I believe that there is a reasonable and meritorious case for a citizen enforcement action based on the facts alleged in the attached Notice. I understand that “reasonable and meritorious case” means that the information provides a credible basis that all elements of the CEH’s case can be established and 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. The copy of the Certificate of Merit served on the Attorney general attaches to it

factual information sufficient to establish the basis for this certificate, including the information identified in Health & Safety Code §25249.7(h)(2), i.e. (1) the identity of the person(s) with whom I and/or members of my firm consulted; and (2) the facts, studies or other data reviewed by those persons.