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**CONTAINS OFFICIAL INFORMATION PURSUANT TO EVIDENCE CODE SECTION 1040**

February 24, 2005

BY FIRST CLASS MAIL

Amy Turner, Esq.  
Bingham McCutchen, LLP  
355 South Grand Avenue, Suite 4400  
Los Angeles, California 90071-3106

Re: Notice of Violation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65), Section 25249.6 of the California Health and Safety Code, for Exposing Consumers to Lead Without Warning

Dear Ms. Turner:

This Firm represents Dr. Marc Meyers. Dr. Meyers holds a Ph.D. in Food Science. Dr. Meyers resides at 28448 North Gold Canyon Drive, Santa Clarita, California 91390. Dr. Meyers's telephone number is (661) 297-4142. However, please be advised that any communication, whether written, oral, electronic, or otherwise, should be directed to the attention of the undersigned at this office only.

**This letter is to serve as notification that Natrol, Inc., a California-based Company has violated the warning requirements of Proposition 65 by exposing individuals to lead in a multivitamin distributed to children without proper warnings.** Because lead is a chemical listed in Proposition 65 as a reproductive toxin, pursuant to California Health and Safety Code § 25249.6 this entity was, and is, required to provide clear and reasonable warnings to those persons who are to consume its product before exposing them to lead.

Natrol Inc. provided 20 to 100 of its employees sample multivitamins to be distributed to their children without first identifying the contents of these tablets in violation of California's Safe Drinking Water and Toxic Enforcement Act of 1986, Section 25249.6. These tablets were given to the employees in ziploc bags for the employee to distribute to their children. There were no instructions on the number of tablets to take, no information on what comprised the sample and the size of the vitamins posed a potential choking hazard to the children.

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The distribution of the samples occurred at the direction of Natrol's Chief Executive Officer and President, Elliot Balbert, who is located at Natrol's principal place of business, 21411 Prairie Street, Chatsworth, California 91311 and whose contact telephone number is 818-739-6000. Natrol, Inc. is represented by Amy Turner, an attorney at the law firm of Bingham McCutchen, LLP, located at 355 South Grand Avenue, Suite 4400, Los Angeles, California 90071-3106. Ms. Turner's direct telephone number is 213-229-8525.

**Natrol Inc. through the product that is the subject of this notice: Magic's Multiple Multivitamin Mineral Supplements, has exposed its employees and their families in California to lead, a chemical that has been listed as a Proposition 65 carcinogen since February 27, 1987.**

**The route of exposure of this chemical is by ingestion.** Children were exposed to the carcinogen by swallowing the tablets offered to them by Natrol, Inc. These samples were distributed, in June 2004, even after it was brought to Mr. Balbert's attention that they were being dispersed without providing clear and reasonable warning of exposure to this chemical in violation of Proposition 65. The taking of two tablets, the required, but unstated on the packaging, dosage, would pose a safety risk of too high a level of lead exposure to children.

As such, while in the course of doing business, Natrol, Inc. knowingly and intentionally expose members of the public to lead without first providing to such persons clear and reasonable warning pursuant to California Health & Safety Code 25249.6.

The **unwarned and unlawful exposure to lead occurred this summer, in June 2004**, many years after this chemical was named as a Proposition 65 carcinogen. As such the violation is continuous and ongoing and may also occur with a different Natrol, Inc. product sample in the future.

Proposition 65 requires that notice of intent to sue be given to a violator 60 days prior to the filing of the suit. This Notice covers all violations of Proposition 65 that are currently known to the noticing party based on all currently available information.

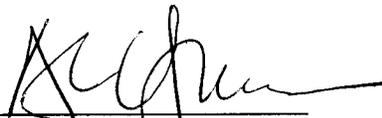
By copy of this letter, Notice is hereby given to the California county prosecutors for Los Angeles County, Ventura County and Orange County, the California Attorney General, and City Attorneys of all of California Cities with populations in excess of 750,000. For your convenience, a copy of The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary, has been enclosed. Pursuant to Health and Safety Code § 25249.7(d)(1), attached is a Certificate of Merit pertaining to the allegations set forth in this Notice.

Amy Turner, Esq.  
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Should you have any comments or questions regarding this matter, please do not hesitate to contact our offices.

Very truly yours,

Sklover & Associates, LLC

By:   
Alan L. Sklover

ALS/srg  
Enclosures

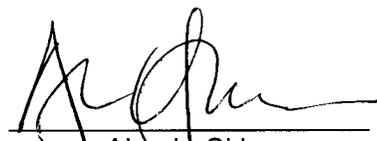
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CERTIFICATE OF MERIT

I, Alan L. Sklover, hereby declare:

- (1) This Certificate of Merit accompanies the attached sixty day notice(s) in which it is alleged the parties identified in the notices have violated California's Safe Drinking Water and Toxic Enforcement Act of 1986, Section 25249.6 by failing to provide clear and reasonable warnings.
- (2) I am the noticing party.
- (3) I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed the facts, studies, or other data regarding the alleged exposure to the listed Chemicals which are the subject of this action.
- (4) Based on the information obtained through those consultations, and on all other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiffs' case can be established and the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute.
- (5) The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including information identified in Health and Safety Code Section 25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: February 24, 2005

  
Alan L. Sklover

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STATE OF NEW YORK, COUNTY OF NEW YORK

I, Sheree Gootzeit, am employed in the County of New York, State of New York. I am over the age of 18 and not a party to this action. My business address is 10 Rockefeller Plaza, Suite 816, New York, New York 10020.

On February 24, 2005, I served the foregoing:

**60 Day Notice Under Proposition 65 for Failure to Warn**

on the interested parties below by enclosing a copy in a sealed envelope addressed as follows:

[SEE ATTACHED SERVICE LIST]

I placed the envelope for collection and mailing on the date shown above, at this office, in New York, New York, following our ordinary business practices.

I am readily familiar with this office's practice of collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service in a sealed envelope with postage fully prepaid.

Signature: 

Sworn to before me on  
February 24, 2005.

Name: Sheree Gootzeit

  
\_\_\_\_\_  
Notary Public

**ALAN L. SKLOVER**  
**Notary Public, State of New York**  
No. 02SK4782149  
Qualified in New York County  
Commission Expires February 28, 2006

## SERVICE LIST

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