SAN FRANCISCO | 333 Market Street
Los Angeles | Suite 3150
New York | San Francisco, CA 94105
Redwood City | Telephone (415) 543-4800
San Jose | Facsimile (415) 274-6301
www.ropers.com

Thomas H. Clarke, Jr.
(415) 274-6387

tclarke@ropers.com

October 31, 2005

SIXTY-DAY NOTICE OF VIOLATION

Tak Ho, President
T.S. Emporium
122 West Garvey Avenue
Monterey Park, CA 91754-2857

Dear Mr. Ho:

California's Proposition 65 (which can be found at Sections 25249.6 et seq. of the Health & Safety Code) is designed to promote awareness of potential exposures to toxic chemicals and improve human health by reducing or eliminating hazardous substances contained in consumer products or produced by industrial activities. Attached to this letter is a copy of "Proposition 65: A Summary", which has been prepared by the State of California, Office of Environmental Health Hazard Assessment ("OEHHA"). OEHHA may be contacted at 916-445-6900. OEHHA's web site pertaining to Proposition 65 may be found at: http://www.oehha.ca.gov/prop65.html.

Ropers, Majeski, Kohn & Bentley ("RMKB") and Ms. Julie Choi and Ms. Kit Lau ("Plaintiff") hereby give you notice that T.S. Emporium. has been, is currently, and threatens to be in violation of California Health & Safety Code § 25249.6; this sixty-day notice is sent to you in compliance with § 25249.7(d) California Health & Safety Code. Both RMKB and Plaintiffs are private enforcers of Proposition 65, as provided by California Health & Safety Code § 25249.7(d). You may contact both RMKB and Plaintiffs at the above listed address and telephone number; I am counsel for and represent Plaintiffs in this matter.

The above-referenced violations occur when California consumers purchase and ingest your Biocalth® Calcium L-threonate® Dietary Supplement ("Tablets"). The Tablets contain lead and lead compounds ("lead"), chemicals known to the State of California to cause reproductive toxicity. California residents are exposed to lead when they ingest the Tablets. This lead is then absorbed into the body through the gastrointestinal tract wherein it causes the harm noted.

Your business did not and does not provide California consumers with clear and reasonable warnings before it exposes them to lead, as required by Health & Safety Code §

25249.6. These violations have occurred every day for at least the last four years, and will continue every day until the lead is removed from the Tablets or until clear and reasonable warnings are given. The Proposition 65 violations noted herein occur in each of California's 58 counties, or in such Counties as your Tablets are sold or consumed.

Sincerely,

Thomas H. Clarke, Jr.

THC/njl
Enclosures

CERTIFICATE OF MERIT
Health & Safety Code Section 25249.7(d)

I, Thomas H. Clarke, Jr., 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 Health & Safety Code Section 25249.6 by failing to provide clear and reasonable warnings.

2. I am the attorney for the noticing parties.

3. I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the alleged exposure to the listed chemical that is the subject of the action.

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 the information identified in Health & Safety Code Section 25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: November 2, 2005

Thomas H. Clarke, Jr.

PROOF OF SERVICE

I am a citizen of the United States. My business address is 333 Market Street, Suite 3150, San Francisco, CA 94105. I am employed in the County of San Francisco where this service occurs. I am over the age of 18 years, and not a party to the within cause. I am readily familiar with my employer's normal business practice for collection and processing of correspondence for ailing with the U.S. Postal Service, and that practice is that correspondence is deposited with the U.S. Postal Service the same day as the day of collection in the ordinary course of business.

On the date set forth below, following ordinary business practice, I served a true copy of the foregoing document(s) described as:

- **Sixty-Day Notice of Violation;**
- **Certificate of Merit;**
- **The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary**

☒ (BY MAIL) I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States mail at San Francisco, California.

Tak Ho, President
T. S. Emporium
122 West Garvey Avenue
Monterey Park, CA 91754-2857

Edward G. Weil
Deputy Attorney General
Office of the Attorney General
Oakland, CA 94612-0550

Offices of the City Attorneys and
Offices of the District Attorneys
on the attached Service List

☒ *(State)* I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on November 2, 2005, at San Francisco, California.

Norma-Jean Lee

Norma-Jean Lee

SF/185250.19/NL2

Ropers Majeski Kohn & Bentley
A Professional Corporation
San Francisco

SERVICE LIST

Edward G. Weil Deputy Attorney General Office of the Attorney General P.O. Box 70550 Oakland, CA 94612-0550	Office of the District Attorney County of Glenn P.O. Box 430 Willows, CA 95988-0430	Office of the District Attorney County of Monterey 240 Church Street P.O. Box 180 Salinas, CA 93902-0180	Office of the District Attorney County of Siskiyou P.O. Box 986 Yreka, CA 96097-0986
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Office of the City Attorney City of Los Angeles 200 North Main Street Los Angeles, CA 90012-4110	Office of the District Attorney County of Kings 1400 West Lacey Boulevard Hanford, CA 93230-5962	Office of the District Attorney County of Plumas 520 Main Street, Room 404 Quincy, CA 95971-9116	Office of the District Attorney County of Tehama P.O. Box 519 Red Bluff, CA 96080-0519
Office of the City Attorney City of San Diego 202 C Street, Floor 3 San Diego, CA 92101-4806	Office the District Attorney County of Lake 255 North Forbes St., #424 Lakeport, CA 95453-4756	Office of the District Attorney County of Sacramento P.O. Box 749 Sacramento, CA 95812-0749	Office of the District Attorney County of Trinity P.O. Box 310 Weaverville, CA 96093-0310
Office of the District Attorney County of Alameda 225 Fallon Street, #9 Oakland, CA 94612-4609	Office of the District Attorney County of Lassen County Administration Bldg. 707 Nevada Street Susanville, CA 96130-3912	Office of the District Attorney County of San Benito 419 4th Street Hollister, CA 95023-3801	Office of the District Attorney County of Tulare County Civic Center 221 So. Mooney Blvd., Rm. 224 Visalia, CA 93291-4547
Office of the District Attorney County of Alpine P.O. Box 248 Markleeville, CA 96120-0248	Office of the District Attorney County of Los Angeles 18000 Criminal Court Bldg. 210 West Temple Street Los Angeles, CA 90012-3210	Office of the District Attorney County of San Bernardino 316 Mt. View Avenue San Bernardino, CA 92408-1415	Office of the District Attorney County of Tuolumne 2 South Green Street Sonora, CA 95370-4618
Office of the District Attorney County of Amador 108 Court Street, Suite 202 Jackson, CA 95642-2308	Office of the District Attorney County of San Diego 101 West Broadway, #1440 San Diego, CA 92101-8215	Office of the District Attorney County of Ventura 4245 Market Street, #205 Ventura, CA 93003-8009	Office of the District Attorney County of Butte 25 County Center Drive Oroville, CA 95965-3375

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Office of the District Attorney County of Riverside 4075 Main Street Riverside, CA 92501-3707			

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