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Thomas H. Clarke, Jr.  
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November 4, 2005

**SIXTY-DAY NOTICE OF VIOLATION**

Hue T. Tran, President  
Wing Hop Fung Ginseng, Inc.  
121 West Ann Street  
Los Angeles, CA 90012

Dear Mr. Tran:

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 Wing Hop Fung Ginseng, Inc. 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.

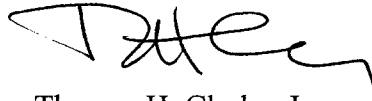
Your business did not and does not provide California consumers with clear and reasonable warnings before it exposes them to lead, as required by Health & Safety Code § 25249.6. These violations have occurred every day for at least the last four years, and will continue every day until the lead is removed from the Tablets or until clear and reasonable

**SIXTY-DAY NOTICE OF VIOLATION**

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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 4, 2005



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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.

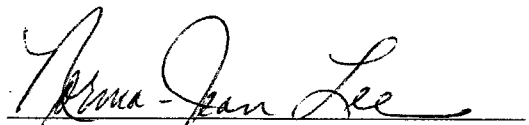
Hue T. Tran, President  
Wing Hop Fung Ginseng, Inc.  
121 West Ann Street  
Los Angeles, CA 90012

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 4, 2005, at San Francisco, California.

  
Norma-Jean Lee

## 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
Office of the City Attorney City of Oakland 505 14 <sup>th</sup> Street, 12 <sup>th</sup> Floor Oakland, CA 94612-1406	Office of the District Attorney County of Humboldt 825 5 <sup>th</sup> Street Eureka, CA 95501-1107	Office of the District Attorney County of Napa 931 Parkway Mall P.O. Box 720 Napa, CA 94559-0720	Office of the District Attorney County of Solano 600 Union Avenue Fairfield, CA 94533-6326
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Office of the City Attorney City of Sacramento 980 9 <sup>th</sup> Street, 10 <sup>th</sup> Floor Sacramento, CA 958142736	Office of the District Attorney County of Inyo P.O. Drawer D Independence, CA 93526-0604	Office of the District Attorney County of Orange 700 Civic Center Drive West #A-200 Santa Ana, CA 92701-4405	Office of the District Attorney County of Stanislaus 1100 I Street, #200 Modesto, CA 95354-2325
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Office of the District Attorney County of Fresno 2220 Tulare Street, #1000 Fresno, CA 93721-2107	Office of the District Attorney County of Mono P.O. Box 617 Bridgeport, CA 93517-0617	Office of the District Attorney County of Shasta 1525 Court Street Redding, CA 96001-1632	Office of the District Attorney County of Sierra P.O. Box 457 Downieville, CA 95936-0457
Office of the District Attorney County of Riverside 4075 Main Street Riverside, CA 92501-3707			