

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

Re: Anabolic Steroids in Dietary Supplements

November 4, 2005

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 attached hereto as Exhibit 1.
- The violations have been occurring since at least April 1, 1991 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 name of the class of listed chemicals involved in these violations is anabolic steroids. Exposures to anabolic steroids occur from use of the products identified in this notice.
- The category of products causing these violations is dietary supplements that are designed to produce, and/or are marketed as having, anabolic effects such as promoting muscle growth. The products contain substances such as the proprietary ingredient "Madol," which are anabolic steroids. A non-exclusive list of examples of these products is attached hereto as Exhibit 2.
- Description of Violations: Use of the products identified in this notice results in human exposures to anabolic steroids. The products contain anabolic steroids, which are ingested through the ordinary use of the products. The route of exposure for the violations is thus direct ingestion. These exposures occur in homes, schools, workplaces and everywhere else throughout California where these products are used. No clear and reasonable warning is provided with these products regarding the serious adverse reproductive hazards associated with anabolic steroids.

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

EXHIBIT 1: List of Violators
60-Day Notice Letter
By Center for Environmental Health
Re: Anabolic Steroids in Dietary Supplements

1Fast400
1130 Cherry Lane
Graham, NC 27253

A1 Supplements
860 Lakemont Drive
Louisville, TN 37777

Anabolic Resources LLC
170 South William Dillart Drive, Suite 101
Gilbert, AZ 85233

Applied Life Science Research Industries
3635 S. Ft. Apache Rd, Ste. 200-209
Las Vegas, NV 89147

Betterbodz Distribution, LLC
163 Route 146
Mechanicville, NY 12118

Building Brawn, Inc.
14562 Country Club Road
Corry, PA 16407

Bodybuilding.com
305 Steelhead Way
Boise, ID 83704

BodyConcept Health and Nutrition Center, LLC
33685 N. 71st Way
Scottsdale, AZ 85262

Designer Supplements
2121 Hillside Ave.
New Hyde Park, NY 11040

Fitness ONE/Supplement Group
3528 E. Calmut Street PMB 188
Appleton, WI 54915

Legal Gear
815 N. Second Street, Suite #109
Brighton, MI 48116

Mass Nutrition, Inc.
8630 Sunset Drive
Miami, FL 33143

Mass Nutrition, Inc.
8680 SW 72nd Street
Miami, FL 33143

Natural High Sports Supplements, Vitamins,
and Herbs, Inc.
7110 W. Greenfield Ave.
West Allis, WI 53214

Netnutri.com, LLC
5307 Bergenline Ave.
West New York, NJ 07093

PharmaGenX, Inc.
340 Rancheros Drive, Suite 166
San Marcos, CA 92069

Rocky Mountain Sports Nutrition
7342 South Alton Way
Centennial, CO 80112

Triton Health Products, Inc.
1029 North Florida Mango Road, Suite 14
West Palm Beach, FL 33409

Triton Health Products, Inc.
6615 W. Boynton Beach Blvd., Suite 393
Boynton Beach, FL 33437

**EXHIBIT 2: Non-Exclusive Examples of the Products
60-Day Notice Letter
By Center for Environmental Health
Re: Anabolic Steroids in Dietary Supplements**

Noticed Parties	Non-Exclusive Examples of the Products	Anabolic Steroid Identified in Product
1Fast400	Suprerdro	Methasterone
	Prostanozol	[3,2-pyrazole-]5a-androstan-17b-tetrahydropyranol
	Ergomax	Madol
	Methyl 1-P	6a-methylandrosten-3,17-dione and 5a-pregnan-17a-ol-3,20-dione
	FiniGenx Magnum Liquid	Estra-4,9(10)-dien-3,17-dione
A1 Supplements	Suprerdro	Methasterone
	Prostanozol	[3,2-pyrazole-]5a-androstan-17b-tetrahydropyranol
	Ergomax	Madol
	Methyl 1-P	6a-methylandrosten-3,17-dione and 5a-pregnan-17a-ol-3,20-dione
Anabolic Resources, LLC	Suprerdro	Methasterone
	Prostanozol	[3,2-pyrazole-]5a-androstan-17b-tetrahydropyranol
	Ergomax	Madol
Applied Life Science Research Industries	Prostanozol	[3,2-pyrazole-]5a-androstan-17b-tetrahydropyranol
	Ergomax	Madol
Betterbodz Distribution, LLC	Methyl 1-P	6a-methylandrosten-3,17-dione and 5a-pregnan-17a-ol-3,20-dione
Building Brawn, Inc.	Suprerdro	Methasterone
	Prostanozol	[3,2-pyrazole-]5a-androstan-17b-tetrahydropyranol
	Ergomax	Madol
	Methyl 1-P	6a-methylandrosten-3,17-dione and 5a-pregnan-17a-ol-3,20-dione
Bodybuilding.com	Suprerdro	Methasterone
	Prostanozol	[3,2-pyrazole-]5a-androstan-17b-tetrahydropyranol
	Ergomax	Madol
	Methyl 1-P	6a-methylandrosten-3,17-dione and 5a-pregnan-17a-ol-3,20-dione
	FiniGenx Magnum Liquid	Estra-4,9(10)-dien-3,17-dione
BodyConcept Health and Nutrition Center, LLC	Suprerdro	Methasterone
	Prostanozol	[3,2-pyrazole-]5a-androstan-17b-tetrahydropyranol
	Ergomax	Madol
	Methyl 1-P	6a-methylandrosten-3,17-dione and 5a-pregnan-17a-ol-3,20-dione
	FiniGenx Magnum Liquid	Estra-4,9(10)-dien-3,17-dione

Noticed Parties	Non-Exclusive Examples of the Products	Anabolic Steroid Identified in Product
Designer Supplements	SuprerdroI	Methasterone
Fitness ONE/Supplement Group	Ergomax	Madol
	Methyl 1-P	6a-methylandrosten-3,17-dione and 5a-pregnan-17a-ol-3,20-dione
Legal Gear	SuprerdroI	Methasterone
Mass Nutrition, Inc.	Prostanozol	[3,2-pyrazole-]5a-androstan-17b-tetrahydropyranol
	Ergomax	Madol
	Methyl 1-P	6a-methylandrosten-3,17-dione and 5a-pregnan-17a-ol-3,20-dione
	SuprerdroI	Methasterone
Natural High Sports Supplements, Vitamins, and Herbs, Inc.	Prostanozol	[3,2-pyrazole-]5a-androstan-17b-tetrahydropyranol
	Ergomax	Madol
	Methyl 1-P	6a-methylandrosten-3,17-dione and 5a-pregnan-17a-ol-3,20-dione
	FiniGenx Magnum Liquid	Estra-4,9(10)-dien-3,17-dione
	SuprerdroI	Methasterone
Netnutri.com, LLC	Prostanozol	[3,2-pyrazole-]5a-androstan-17b-tetrahydropyranol
	Ergomax	Madol
	Methyl 1-P	6a-methylandrosten-3,17-dione and 5a-pregnan-17a-ol-3,20-dione
	FiniGenx Magnum Liquid	Estra-4,9(10)-dien-3,17-dione
	FiniGenx Magnum Liquid	Estra-4,9(10)-dien-3,17-dione
PharmaGenX, Inc.	SuprerdroI	Methasterone
Rocky Mountain Sports Nutrition	Prostanozol	[3,2-pyrazole-]5a-androstan-17b-tetrahydropyranol
	Ergomax	Madol
	Methyl 1-P	6a-methylandrosten-3,17-dione and 5a-pregnan-17a-ol-3,20-dione
	FiniGenx Magnum Liquid	Estra-4,9(10)-dien-3,17-dione
	SuprerdroI	Methasterone
Triton Health Products, Inc.	Methyl 1-P	6a-methylandrosten-3,17-dione and 5a-pregnan-17a-ol-3,20-dione
	FiniGenx Magnum Liquid	Estra-4,9(10)-dien-3,17-dione
	SuprerdroI	Methasterone

CERTIFICATE OF MERIT

Health & Safety Code §25249.7(d)

I, Mark N. Todzo, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged that the parties identified in the notice have violated Health & Safety Code §25249.6 by failing to provide clear and reasonable warnings.

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

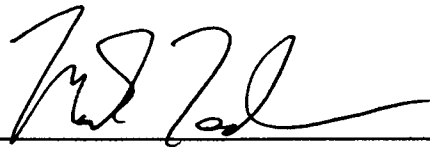
3. Members of my firm and I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies or other data regarding the exposures to the listed chemical that is the subject of the action.

4. Based on the information obtained through those consultations, and on 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 plaintiff’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 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

A handwritten signature in black ink, appearing to read 'M. Todzo', written over a horizontal line.

Mark N. Todzo
Attorney for CENTER FOR
ENVIRONMENTAL HEALTH

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 Street, San Francisco, California 94122.

On November 4, 2005, I served true copies of the following documents:

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

CERTIFICATE OF MERIT; 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 placed a true copy of this paper in an envelope addressed to:

See Attached Service List.

I am readily familiar with my firm's practice for collection and processing of correspondence for mailing with the United States Postal Service, to wit, that correspondence will be deposited with the United States Postal Service this same day in the ordinary course of business. I placed the envelope containing the above-mentioned documents for collection and mailing on November 4, 2005, following the ordinary business practice.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on November 4, 2005, at San Francisco, California.

Signed:



Baine Kerr

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
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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
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891 Mountain Ranch Road
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2220 Tulare Street, #1000
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District Attorney of Kings County
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Hanford, CA 93230

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

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825 5th Street
Eureka, CA 95501

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

District Attorney of Lassen County
220 S. Lassen St., Ste 8
Susanville, CA 96130

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P.O. Drawer D
Independence, CA 93526

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210 W. Temple Street, Room 345
Los Angeles, CA 90012

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209 West Yosemite Avenue
Madera, CA 93637

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San Diego, CA 92112

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Sacramento, CA 95814

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San Luis Obispo, CA 93408

District Attorney of San Benito County
419 Fourth Street, 2nd Floor
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District Attorney of San Mateo County
400 County Ctr, 3rd Fl
Redwood City, CA 94063

District Attorney of Sierra County
Courthouse, P.O. Box 457
Downieville, CA 95936

District Attorney of Santa Barbara County
1105 Santa Barbara Street
Santa Barbara, CA 93101

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P.O. Box 986
Yreka, CA 96097

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District Attorney of Santa Clara County
70 West Hedding Street
San Jose, CA 95110

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Santa Cruz, CA 95061

District Attorney of Sonoma County
600 Administration Drive, Room 212J
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Red Bluff, CA 96080

District Attorney of Yolo County
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Woodland, CA 95695

District Attorney of Trinity County
P.O. Box 1310
Weaverville, CA 96093

District Attorney of Yuba County
215 Fifth Street
Marysville, CA 95901

District Attorney of Tulare County
221 S. Mooney Ave, Room 224
Visalia, CA 93291

District Attorney of Tuolumne County
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151 West Mission Street
San Jose, CA 95110

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Room 1800, City Hall East
200 N. Main Street
Los Angeles, CA 90012

San Diego City Attorney's Office
1200 3rd Avenue, 12th Floor
San Diego, CA 92101

San Francisco City Attorney's Office
City Hall, Room 234
San Francisco, CA 94102

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California Attorney General's Office
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