LAW OFFICES OF

ANDREW L. PACKARD

319 PLEASANT STREET, PETALUMA, CALIFORNIA 94952
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INFO@PACKARDLAWOFFICES.COM

March 5, 2007

VIA CERTIFIED MAIL
Daoshing Ni, CEO & Registered Agent For Service of Process
Tao Of Wellness, A Professional Acupuncture Corporation
1131 Wilshire Boulevard, Suite 300
Santa Monica, CA 90401

Re: Notice of Violations of California Health & Safety Code §25249.5 *et seq.*

Dear Mr. Ni,

This firm represents Stephen D. Gillett in connection with this notice of violations of California's Safe Drinking Water & Toxic Enforcement Act of 1986, codified at Health & Safety Code §25249.5 *et seq.* (also referred to as "Proposition 65"). This letter serves to provide notification of these violations to you and to the public enforcement agencies.

Pursuant to §25249.7(d) of the statute, Mr. Gillett intends to bring an enforcement action sixty (60) days after effective service of this notice unless the public enforcement agencies have commenced and are diligently prosecuting an action to rectify these violations. A summary of the statute and its implementing regulations, which was prepared by the lead agency designated under the statute, is enclosed with the copy of this notice served upon the violator. The specific details of the violations that are the subject of this notice are provided below.

The name of the violator covered by this notice is Tao of Wellness (hereafter, the "Violator"). The Violator operates as a professional acupuncture clinic and sells herbal dietary supplements to the general public, including on the internet. These herbal dietary supplements are causing ongoing violations of Proposition 65 due to exposures to lead and lead compounds from the ingestion of these products. On February 27, 1987, the State of California officially listed lead as a chemical known to cause reproductive toxicity. On October 1, 1992, the State of California officially listed lead and lead compounds as chemicals known to cause cancer.

Products At Issue. The following herbal dietary supplements and herbal products are the subject of this notice:

Sciatic Herb Tea Extract (Sing-Lin Brand; Imported by Kingsway Trading Inc.)
High Performance (Tao of Wellness Brand)
Five Elements of Health (Traditions of Tao Brand)
Yin Chiao, Chiehtupien (Great Wall Brand, Distributed by Solstice Medicine Company)

XiGuanJie Tong Wan (Manufactured for American Quality Herbs Inc.)
Tian Qi Du Zhong Wan (Distributed by Krown Inc.)
An Shen Bu Xin Wan (Distributed by Krown Inc.)
Placenta Tablets (Manufactured by the Second Biochemical Medicine Company)
Ba Zhen Wan (Manufactured by Green Earth Inc.; Distributed by Acumart, Inc.)
Shou Wu Wan (Manufactured by Green Earth Inc.; Distributed by Acumart, Inc.)
Guanjieyan Wan (Chang Zhou Jian Ming Medical Works)
Nausex Extract, Fu Zi Li Zhong Wan (Distributed by Kingsway Trading, Inc.)
Sedalyn Extract, Bai Zi Yang Xin Wan (Distributed by Kingsway Trading, Inc.)
An Tai He Ji (Formulated and prepared by Bluelight, Inc)

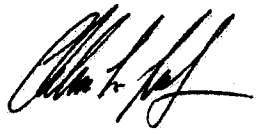
Route of exposure. The consumer exposures that are the subject of this notice result from the purchase, acquisition, handling and use of these products by consumers as recommended by the Violator. Accordingly, consumer exposures have occurred and continue to occur primarily through the ingestion route, but also may occur through the inhalation and/or and dermal contact routes of exposure.

Duration of violations. Each of these ongoing violations has occurred on every day since at least March 5, 2006, as well as every day since the products were introduced in the California marketplace, and will continue every day until clear and reasonable warnings are provided to product purchasers and users.

In keeping with the public interest goals of the statute and my client's objectives in issuing this notice, Mr. Gillett is interested in seeking a constructive resolution of this matter to avoid further unwarned exposures to lead in these products without protracted litigation. Mr. Gillett's address is Post Office Box 170142, San Francisco, California 94117. Tel. (415) 850-5233.

Please direct all communications regarding this notice to Andrew L. Packard at the above-listed firm address and telephone number.

Very Truly Yours,



Andrew L. Packard

Attachments:
OEHHA Summary
Certificate of Merit (w/o AG attachment)
Certificate of Service

CERTIFICATE OF MERIT

(re: Stephen D. Gillett's March 5, 2007 Notice of Proposition 65 Violation Issued to Tao of Wellness)

I, Andrew L. Packard, declare:

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

2. I am an attorney for the noticing party.

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 exposure to the listed chemicals that are 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 plaintiff's case can be established and that 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 and 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: March 5, 2007

Andrew L. Packard

Attachments (for Attorney General Copy only)

CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

I am a citizen of the United States, over the age of 18 years of age, and am not a party to the within entitled action. My business address is 319 Pleasant Street, Petaluma, California 94952.

On March 5, 2007, I served the following documents: **NOTICE OF VIOLATION, CALIFORNIA HEALTH & SAFETY CODE §25249.5 *ET SEQ.*; CERTIFICATE OF MERIT; "SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986: A SUMMARY"** on the following parties by placing a true and correct copy thereof in a sealed envelope, addressed to the party listed below and depositing it in a US Postal Service Office for delivery by Certified Mail:

Daoshing Ni, CEO & Registered Agent For Service of Process
Tao Of Wellness, A Professional Acupuncture Corporation
1131 Wilshire Boulevard, Suite 300
Santa Monica, CA 90401

On March 5, 2007, I served the following documents: **NOTICE OF VIOLATION, CALIFORNIA HEALTH & SAFETY CODE §25249.5 *ET SEQ.*; CERTIFICATE OF MERIT (including supporting documentation required by Title 11 CCR §3102)** on the following parties by placing a true and correct copy thereof in a sealed envelope, addressed to the party listed below and depositing it in a US Postal Service Office for delivery by Certified Mail:

Office of the California Attorney General
Prop 65 Enforcement Reporting
1515 Clay Street, Suite 2000
Post Office Box 70550
Oakland, CA 94612-0550

On March 5, 2007, I served the following documents: **NOTICE OF VIOLATION, CALIFORNIA HEALTH & SAFETY CODE §25249.5 *ET SEQ.*; CERTIFICATE OF MERIT** on each of the parties on the Service List attached hereto by placing a true and correct copy thereof in a sealed envelop, addressed to each of the parties on the service list attached hereto, and depositing it in a US Postal Service Office for delivery by First Class Mail.

Executed on March 5, 2007, in Petaluma, California.

Erin Seymour

Service List (Page 1 of 4)

The Honorable Tom Orloff
District Attorney, Alameda County
1225 Fallon Street, Room 900
Oakland, CA 94612

The Honorable William Richmond
District Attorney, Alpine County
P.O. Box 248
Markleeville, CA 96120

The Honorable Todd Riebe
District Attorney, Amador County
708 Court Street, #202
Jackson, CA 95642

The Honorable Michael Ramsey
District Attorney, Butte County
25 County Center Drive
Oroville, CA 95965

The Honorable Jeffrey Tuttle
District Attorney, Calaveras County
891 Mountain Ranch Road
San Andreas, CA 95249

The Honorable John Poyner
District Attorney, Colusa County
547 Market Street
Colusa, CA 95932

The Honorable Robert Kochly
District Attorney, Contra Costa County
725 Court Street
Martinez, CA 94553

The Honorable Michael Riese
District Attorney, Del Norte County
450 H Street, Ste. 171
Crescent City, CA 95531

The Honorable Gary Lacy
District Attorney, El Dorado County
515 Main Street
Placerville, CA 95667

The Honorable Elizabeth Egan
District Attorney, Fresno County
2220 Tulare Street, #1000
Fresno, CA 93721

The Honorable Robert Holzapfel
District Attorney, Glenn County
Post Office Box 430
Willows, CA 95988

The Honorable Paul Gallegos
District Attorney, Humboldt County
825 5th Street
Eureka, CA 95501

The Honorable Gilbert G. Otero
District Attorney, Imperial County
939 West Main Street
El Centro, CA 92243

The Honorable Arthur Maillet
District Attorney, Inyo County
Post Office Drawer D
Independence, CA 93526

The Honorable Edward R. Jagels
District Attorney, Kern County
1215 Truxtun Avenue
Bakersfield, CA 93301

The Honorable Ronald Calhoun
District Attorney, Kings County
1400 West Lacey Boulevard
Hanford, CA 93230

The Honorable Gerhard Luck
District Attorney, Lake County
255 N. Forbes Street
Lakeport, CA 95453

The Honorable Robert Burns
District Attorney, Lassen County
220 South Lassen Street, Ste. 8
Susanville, CA 96130

The Honorable Steve Cooley
District Attorney, Los Angeles County
210 West Temple Street, Rm 345
Los Angeles, CA 90012

The Honorable Ernest LiCalsi
District Attorney, Madera County
209 West Yosemite Avenue
Madera, CA 93637

The Honorable Edward Berbarian
District Attorney, Marin County
3501 Civic Center, Room 183
San Rafael, CA 94903

The Honorable Robert Brown
District Attorney, Mariposa County
Post Office Box 730
Mariposa, CA 95338

The Honorable Norman Vroman
District Attorney, Mendocino County
Post Office Box 1000
Ukiah, CA 95482

The Honorable Gordon Spencer
District Attorney, Merced County
2222 "M" Street
Merced, CA 95340

The Honorable Jordan Funk
District Attorney, Modoc County
204 S Court Street
Alturas, CA 96101-4020

The Honorable George Booth
District Attorney, Mono County
Post Office Box 617
Bridgeport, CA 93517

The Honorable Dean Flippo
District Attorney, Monterey County
PO Box 1131
Salinas, CA 93901

The Honorable Gary Lieberstein
District Attorney, Napa County
931 Parkway Mall
Napa, CA 94559

The Honorable Michael Ferguson
District Attorney, Nevada County
201 Church Street, Suite 8
Nevada City, CA 95959

The Honorable Tory Rackauckas
District Attorney, Orange County
401 Civic Center Drive West
Santa Ana, CA 92701

The Honorable Brad Fenocchio
District Attorney, Placer County
11562 "B" Avenue, Dewitt Center
Auburn, CA 95603

The Honorable Jeff Cunan
District Attorney, Plumas County
520 Main Street, Room 404
Quincy, CA 95971

The Honorable Grover C. Trask, II
District Attorney, Riverside County
4075 Main Street, 1st Floor
Riverside, CA 92501

The Honorable Jan Scully
District Attorney, Sacramento County
901 "G" Street
Sacramento, CA 95814

The Honorable John Sarsfield
District Attorney, San Benito County
419 Fourth Street, 2nd Floor
Hollister, CA 95023

The Honorable Michael Ramos
District Attorney, San Bernardino County
316 N. Mountain View Avenue
San Bernardino, CA 92415-0004

The Honorable Bonnie Dumanis
District Attorney, San Diego County
330 West Broadway, Room 1320
San Diego, CA 92112

The Honorable Kamala Harris
District Attorney, San Francisco County
850 Bryant Street, Room 325
San Francsico, CA 94103

The Honorable James Willett
District Attorney, San Joaquin County
Post Office Box 990
Stockton, CA 95201

The Honorable Gerald Shea
District Attorney, San Luis Obispo County
1050 Monterey Street, Room 450
San Luis Obispo, CA 93408

Service List (Page 3 of 4)

The Honorable James P. Fox
District Attorney, San Mateo County
400 County Ctr., 3rd Floor
Redwood City, CA 94063

The Honorable Thomas W. Sneddon, Jr.
District Attorney, Santa Barbara County
1105 Santa Barbara Street
Santa Barbara, CA 93101

The Honorable George Kennedy
District Attorney, Santa Clara County
70 West Hedding Street
San Jose, CA 95110

The Honorable Bob Lee
District Attorney, Santa Cruz County
701 Ocean Street, Room 200
Santa Cruz, CA 95060

The Honorable Gerald Benito
District Attorney, Shasta County
1525 Court Street, Third Floor
Redding, CA 96001-1632

The Honorable Lawrence Allen
District Attorney, Sierra County
Courthouse, Post Office Box 457
Downieville, CA 95936

The Honorable James Andrus
District Attorney, Siskiyou County
Post Office Box 986
Yreka, CA 96097

The Honorable David Paulson
District Attorney, Solano County
600 Union Avenue
Fairfield, CA 94533

The Honorable Stephan Passalacqua
District Attorney, Sonoma County
600 Administration Drive, Room 212J
Santa Rosa, CA 95403

The Honorable Jim Brazelton
District Attorney, Stanislaus County
800 11th Street, Room 200
Modesto, CA 95353

The Honorable Carl V. Adams
District Attorney, Sutter County
446 Second Street
Yuba City, CA 95991

The Honorable Gregg Cohen
District Attorney, Tehama County
Post Office Box 519
Red Bluff, CA 96080

The Honorable David L. Cross
District Attorney, Trinity County
Post Office Box 310
Weaverville, CA 96093

The Honorable Phillip Cline
District Attorney, Tulare County
221 S. Mooney Avenue, Room 224
Visalia, CA 93291

The Honorable Donald Segerstrom, Jr.
District Attorney, Tuolumne County
2 South Green
Sonora, CA 95370

The Honorable Gregory Totten
District Attorney, Ventura County
800 South Victoria Avenue
Ventura, CA 93009

The Honorable David C. Henderson
District Attorney,Yolo County
301 2nd Street
Woodland, CA 95695

The Honorable Patrick McGrath
District Attorney, Yuba County
215 Fifth Street
Marysville, CA 95901

Service List (Page 4 of 4)

The Honorable Rockard Delgadillo
Los Angeles City Attorney's Office
Room 1800, City Hall East
200 N. Main Street
Los Angeles, CA 90012

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

The Honorable Dennis Herrera
San Francisco City Attorney's Office
City Hall, Room 234
San Francisco, CA 94102

The Honorable Richard Doyle
San Jose City Attorney's Office
151 West Mission Street
San Jose, CA 95110

Edward G. Weil, Deputy Attorney General
California Attorney General's Office
Proposition 65 Enforcement Reporting Coordinator
1515 Clay Street, Ste. 2000
Oakland, CA 94612