The Carrick Law Group P.C.
350 South Grand Avenue, Suite 2930
Los Angeles, California 90071

MARCH 25, 2008

NOTICE OF VIOLATION OF THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986
(California Health and Safety Code § 25249.5 *et seq.*)

First Class Mail-Proof of Service Attached

Current President/CEO/General Counsel
NutriBiotic
PO Box 238
865 Parallel Drive
Lakeport, CA 95453

Re: Consumer Personal Care Products

Dear Sir or Madam:

Vicky Hamilton (the "Noticing Party") serves this Notice of Violation ("Notice") upon **NutriBiotic** ("**NurtiBiotic**" or "Noticed Company") pursuant to and in compliance with California Health and Safety Code ("H&S Code") § 25249.7(d) and 22 California Code of Regulations ("CCR") § 12903. This Notice satisfies a prerequisite for the Noticing Party to commence an action against **NurtiBiotic** to enforce the Safe Drinking Water and Toxic Enforcement Act of 1986 (California H&S Code § 25249.5 *et seq.* On information and belief, the violations addressed by this Notice occur in every county and city in California. This Notice is being served upon **NurtiBiotic**, the California Attorney General, the district attorney of every California county, and the city attorney of every California city with a population (according to the most recent decennial census) of over 750,000. If **NurtiBiotic** has a current registration with the California Secretary of State that identifies a Chief Executive Officer, President, or General Counsel, this Notice is being addressed to, and served upon, one of those persons.

Attached as Exhibit A to this Notice is a copy of "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary." The attached Summary was prepared by the California Environmental Protection Agency and provides general information about the Safe Drinking Water and Toxic Enforcement Act of 1986. Copies of the Summary are not required to be, and are not being, provided to the public enforcement agencies.

A description of the Noticing Party, the Alleged Violator, and the Alleged Violations Addressed by this Notice follows:

- This Notice is provided by Vicky Hamilton. Ms. Hamilton is an individual who resides in Los Angeles County in California. Ms. Hamilton is acting in the public interest pursuant to H&S Code § 25249.7(d), and is acting to protect the environment, improve human health and support environmentally sound practices.

- The Noticed Company's name and address is:

  NutriBiotic, PO Box 238, 865 Parallel Drive, Lakeport, CA 95453

- The violations addressed by this Notice began on or after January 1, 1989, have occurred on numerous occasions each and every day since January 1, 1989, and are ongoing and continuing.

- This Notice of Violation covers the "warning provision" of Proposition 65, which is found at H&S Code § 25249.6.

- The name of the chemical that is listed pursuant to the Safe Drinking Water and Toxic Enforcement Act of 1986 and that is involved in the violations addressed by this Notice is 1,4-Dioxane (listed as a carcinogen; the "Listed Chemical." The Listed Chemical is listed (and has been so listed for more than twelve months) by the Governor of the State of California as being a chemical known to the State of California to cause cancer or reproductive toxicity, or both cancer and reproductive toxicity. The chemical is contained in the Products (as defined below), making those Products subject to the warning requirements of H&S Code § 25249.6 and more specifically 22 CCR § 12601(b) *et seq*. See Exhibit B attached hereto.

- The routes of exposure for the violations addressed by this Notice are inhalation, ingestion, and dermal contact during use of the Product(s).

- The type of consumer products causing the exposures addressed by this Notice are shampoos, body washes, lotions and other personal care and household cleaning products ("Products"), including but not limited to the following illustrative product(s):

  Super Shower Gel (Fresh Fruit)

- There are numerous sources of the exposures addressed in this Notice. On information and belief, these exposures occur in homes, the workplace and everywhere else in California where these products are used. These exposures occur principally off the property of the Noticed Company.

- In the course of doing business, **NurtiBiotic** knowingly and intentionally has exposed, and continues to expose, individuals to the Listed Chemical in the Products. No clear and reasonable warning is or has been provided by **NurtiBiotic** to individuals regarding exposure to the Listed Chemical or regarding the fact that the Listed Chemical is known to the State of California to be a carcinogen.

- These exposures are ongoing and continuing, with some continuing from 1989. The Noticing Party believes and so alleges that **NurtiBiotic** tolled any applicable statute of limitations by failing at any time in the past to disclose the presence of the Listed Chemical in their Product(s) to those individuals to whom the Noticing Party owed a warning when those individuals purchased the Product(s) in the stores or over the Internet where the Company(ies)' Products are sold for consumer use in California. The labels on these Product(s) do not include any warning that would meet the definition of a warning as set forth at 22 CCR § 12601(b)(1)(A) or comply with 22 CCR § 12601(b)(3) and (b)(4)(B).

- The Listed Chemical is on the Governor's list ("Prop 65 List") as set forth at 22 CCR § 12000. This chemical is known to the State of California to cause cancer in humans requiring special warning labels and care in handling and use. The concentrations of this toxin in the Product(s) require a warning of the existence of this chemical danger by the Product's manufacturer, distributor, and retailer.

- The principal route of exposure is through a "consumer products exposure" via inhalation, ingestion, and dermal contact. These exposures have gone on since January 1, 1989, and are ongoing and continuing at every place in California that the Product(s) listed above are offered for sale and use. All references to "exposure" in this notice shall be understood to be exposures to the Product(s), including but not limited to the specific Product brands listed above and/or the ingredients of those Product(s). The sale of these Product(s) constitutes a transfer of a known carcinogenic chemical to the purchaser as well as the ultimate consuming individual from the normal use of the Product(s), causing the exposure to occur without a clear and reasonable warning regarding the Listed Chemical.

- The location of these alleged exposures are many and varied, and on information and belief occur within the 58 counties of the state of California, as evidenced by the District Attorneys addressed in the enclosed distribution list. The Noticing Party believes and so alleges that at least one of **NurtiBiotic's** Product(s) were sold within each county by **NurtiBiotic** wholesale or retail distributor, and that sale caused the utilization of the Product(s) and consumption and subsequent exposure. This purchase and consumption caused exposures in that jurisdiction to the Listed Chemical in the Product(s) as identified herein, and those exposures by **NurtiBiotic** were allowed to take place without the prerequisite warnings as delineated by the applicable statutes specified in this notice.

Please direct any inquiries regarding this notice to counsel for Ms. Vicky Hamilton, as follows:

Roger Lane Carrick, Esq.
The Carrick Law Group, P.C.
350 S. Grand Avenue, Suite 2930
Los Angeles, CA 90071
Tel.: (213) 346-7930
Fax: (213) 346-7931
E-mail: roger@carricklawgroup.com

EXHIBIT B

List Of Chemicals Contained In The Attached 60-Day Notice of Violation That Are Listed By The Governor Of The State Of California As Being Known To The State Of California To Cause Cancer Or Reproductive Toxicity

CARCINOGENS

Chemical	CAS No.	Date Added to List
1,4-Dioxane	123-91-1	January 1, 1988

CERTIFICATE OF MERIT

HEALTH AND SAFETY CODE SECTION 25249.7(d)

I, Roger Lane Carrick, on behalf of Ms. Vicky Hamilton hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice(s) in which it is alleged that the party identified in the notice have violated California Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

2. I am the 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 chemical(s) that is the subject of this action.

4. Based upon the information obtained through those consultations, and 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 private action" means that the information provides a credible basis that all the 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 and safety Code section 24249.7(h)(2), *i.e.*, (1) the identity of the person consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Date: March 25, 2008

ROGER LANE CARRICK
THE CARRICK LAW GROUP, P.C.
ATTORNEYS FOR VICKY HAMILTON

CERTIFICATE OF SERVICE

I am over the age of 18 and not a party to this case. I am a resident of or employed in the county where the mailing occurred. My business address is 350 S. Grand Avenue, Suite 2930, Los Angeles, CA 90071-3406.

On March 25, 2008, I served copies of the documents listed immediately hereafter by first class mail by placing same in sealed envelopes, fully preparing postage thereon, and depositing said envelopes in the U.S. Mail at Los Angeles, California. Said envelopes were addressed as follows:

ENTITY / VIOLATOR **REGISTERED AGENT (*if any*)**

Current President/CEO/Gen. Counsel
NutriBiotic
PO Box 238
865 Parallel Drive
Lakeport, CA 95453

Documents mailed:

1. **NOTICE OF VIOLATION OF THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (California Health and Safety Code § 25249.5 et seq.)**

2. **Exhibit A - THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY (Government Entities excluded)**

3. **Exhibit B - Details of Relevant Proposition 65 Chemical Listing**

4. **CERTIFICATE OF MERIT – (attachments only sent to California Attorney General's Office)**

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct, and that this declaration was executed on March 25, 2008, at Los Angeles, California.

Kimberly A.K. Burgo

DISTRIBUTION LIST – GOVERNMENT ENTITIES
***VIA FIRST CLASS U.S. MAIL* – Documents Mailed:**
(1) 60-Day Notice of Violation; (2) Exhibit B - Details of Relevant Proposition 65 Chemical Listing; (3) Certificate of Merit (w/atts. AG's office only); and (4) Certificate of Service

	CALIFORNIA ATTORNEY GENERAL CA Department of Justice **PROP. 65 ENFORCEMENT REPORTING** Attn: Prop 65 Coordinator 1515 Clay Street, Suite 2000 Post Office Box 70550 Oakland, CA 94612-0550	
Los Angeles City Attorney's Office 800 City Hall East 200 North Main Street Los Angeles, CA 90012	San Diego City Attorney's Office Civic Center Plaza 1200 Third Avenue, Suite 1620 San Diego, CA 92101	San Francisco City Attorney's Office City Hall, Room 234 San Francisco, CA 94102
San Jose City Attorney's Office 200 East Santa Clara Street, 16th Floor San Jose, CA 95113-1905	Office of the District Attorney of Alameda County 1225 Fallon Street, Room 900 Oakland, CA 94612	Office of the District Attorney of Alpine County P.O. Box 248 Markleeville, CA 96120
Office of the District Attorney of Amador County 708 Court Street, Room 202 Jackson, CA 95642	Office of the District Attorney of Butte County Administration Building 25 County Center Drive Oroville, CA 95965	Office of the District Attorney of Calaveras County County Government Center 891 Mountain Ranch Road San Andreas, CA 95249
Office of the District Attorney of Colusa County 547 Market Street, Suite 102 Colusa, CA 95932	Office of the District Attorney of Contra Costa County PO Box 670 Martinez, CA 94553	Office of the District Attorney of Del Norte County County Courthouse 450 H Street, Suite 171 Crescent City, CA 95531
Office of the District Attorney of El Dorado County 515 Main Street Placerville, CA 95667	Office of the District Attorney of Fresno County 2220 Tulare Street, Suite 1000 Fresno, CA 93721	Office of the District Attorney of Glenn County P.O. Box 430 Willows, CA 95988
Office of the District Attorney of Humboldt County 825 Fifth Street Eureka, CA 95501	Office of the District Attorney of Imperial County County Courthouse, Room 202 939 West Main Street El Centro, CA 92243	Office of the District Attorney of Inyo County 168 North Edwards Street P.O. Drawer D Independence, CA 93526
Office of the District Attorney of Kern County 1215 Truxtun Avenue, 4th Floor Bakersfield, CA 93301	Office of the District Attorney of Kings County Government Center 1400 West Lacey Boulevard Hanford, CA 93230	Office of the District Attorney of Lake County 255 North Forbes Street, Suite 424 Lakeport, CA 95453

Office of the District Attorney of Lassen County County Courthouse 220 South Lassen Street, Suite 8 Susanville, CA 96130	Office of the District Attorney of Los Angeles County 18000 Criminal Courts Building 210 West Temple Street Los Angeles, CA 90012	Office of the District Attorney of Madera County 209 West Yosemite Avenue Madera, CA 93637
Office of the District Attorney of Marin County 3501 Civic Center Drive, Room 130 San Rafael, CA 94903	Office of the District Attorney of Mariposa County 5089 Bullion Street P.O. Box 730 Mariposa, CA 95338	Office of the District Attorney of Mendocino County County Courthouse P.O. Box 1000 Ukiah, CA 95482
Office of the District Attorney of Merced County 2222 "M" Street Merced, CA 95340	Office of the District Attorney of Modoc County County Courthouse 204 South Court Street, Room 202 Alturas, CA 96101	Office of the District Attorney of Mono County County Courthouse P.O. Box 617 Bridgeport, CA 93517
Office of the District Attorney of Monterey County 240 Church Street, Room 101 Salinas, CA 93902	Office of the District Attorney of Napa County 931 Parkway Mall Napa, CA 94559	Office of the District Attorney of Nevada County Courthouse Annex 201 Church Street, Suite 8 Nevada City, CA 95959-2504
Office of the District Attorney of Orange County 401 Civic Center Drive West Santa Ana, CA 92701	Office of the District Attorney of Placer County 11562 "B" Avenue, DeWitt Center Auburn, CA 95603	Office of the District Attorney of Plumas County 520 Main Street, Room 404 P.O. Box 10716 Quincy, CA 95971
Office of the District Attorney of Riverside County 4075 Main Street, 1st Floor Riverside, CA 92501	Office of the District Attorney of Sacramento County 901 "G" Street P.O. Box 749 Sacramento, CA 95814	Office of the District Attorney of San Benito County 419 4th Street, 2nd Floor Hollister, CA 95023-3801
Office of the District Attorney of San Bernardino County 316 North Mountain View Avenue San Bernardino, CA 92415-0004	Office of the District Attorney of San Diego County 330 West Broadway, Suite 1320 San Diego, CA 92101	Office of the District Attorney of San Francisco County Hall of Justice 880 Bryant Street, Room 325 San Francisco, CA 94103
Office of the District Attorney of San Joaquin County 222 East Weber, Room 202 P.O. Box 990 Stockton, CA 95201	Office of the District Attorney of San Luis Obispo County 1050 Monterey Street, Room 450 San Luis Obispo, CA 93408	Office of the District Attorney of San Mateo County 400 County Center, 3rd Floor Redwood City, CA 94063
Office of the District Attorney of Santa Barbara County 1105 Santa Barbara Street Santa Barbara, CA 93101	Office of the District Attorney of Santa Clara County 70 West Hedding Street, West Wing San Jose, CA 95110	Office of the District Attorney of Santa Cruz County 701 Ocean Street, Suite 200 Santa Cruz, CA 95060
Office of the District Attorney of Shasta County 1525 Court Street, Third Floor P.O. Box 1320 Redding, CA 96001-1632	Office of the District Attorney of Sierra County County Courthouse P.O. Box 457 Downieville, CA 95936	Office of the District Attorney of Siskiyou County P.O. Box 986 Yreka, CA 96097

Office of the District Attorney of Solano County 600 Union Avenue Fairfield, CA 94533	Office of the District Attorney of Sonoma County Hall of Justice 600 Administration Drive, Room 212-J Santa Rosa, CA 95403	Office of the District Attorney of Stanislaus County 800 11th Street, Room 200 P.O. Box 442 Modesto, CA 95354
Office of the District Attorney of Sutter County Courthouse Annex Box 1555 446 Second Street Yuba City, CA 95991	Office of the District Attorney of Tehama County County Courthouse P.O. Box 519 Red Bluff, CA 96080-0519	Office of the District Attorney of Trinity County P.O. Box 310 11 Court Street Weaverville, CA 96093
Office of the District Attorney of Tulare County County Civic Center 221 S. Mooney Boulevard, Room 224 Visalia, CA 93291	Office of the District Attorney of Tuolumne County 423 North Washington Street Sonora, CA 95370	Office of the District Attorney of Ventura County 800 South Victoria Avenue, Rm. 314 Ventura, CA 93009
Office of the District Attorney of Yolo County 301 Second Street Woodland, CA 95695	Office of the District Attorney of Yuba County County Courthouse 215 Fifth Street Marysville, CA 95901	