



June 17, 2008

311 California Street, Suite 510  
San Francisco, CA 94104  
T 415.391.3212  
F 415.391.3245  
www.asyousow.org

**NOTICE OF VIOLATION OF  
CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.**

Dear Public Enforcement Agencies:

As You Sow ("AYS") is a non-profit foundation organized under California's Non-Profit Public Benefit Corporation Law. AYS is dedicated to, among other causes, the protection of the environment, the promotion of human health, the improvement of worker and consumer safety, and environmental education.

AYS has documented violations of California's Safe Drinking Water & Toxic Enforcement Act of 1986 ("Proposition 65"), codified at Health & Safety Code §25249.5 *et seq.* This letter serves to provide AYS' notification of these violations to the public enforcement agencies and to the violator. Pursuant to §25249.7(d) of the statute, AYS 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.

**Alleged violator.** The name of the violator covered by this notice is **ARIZONA NUTRITIONAL SUPPLEMENTS, INC.** ("Arizona").

**Chemicals.** These violations involve exposures to lead and lead compounds from the products listed below. 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.

**Consumer products.** The products that are the subject of this notice are herbs and herbal products, traditional patent medicines, bulk herbs, infusions, extracted powders, tea pills, traditional pills, patent formulas, bulk teas, liquid extracts and/or capsules that are imported, exported, manufactured, packaged, distributed, marketed and/or sold by Arizona. The phrase "traditional patent medicines" above is used herein as defined by the California Department of Health Services: "herbal and patent medicines consisting of single or multiple herbal ingredients, including botanical, mineral and animal products, formulated into tablets, pills, powders and liquids." Arizona has manufactured, produced and/or sold one or more of the products that are the subject of this notice, including but not limited to the following:



**Product**

**Chemical**

|  |                         |
|--|-------------------------|
| Swanson Health Products Liver Essentials                                 | lead and lead compounds |
| Swanson Health Products Uva Ursi   | lead and lead compounds |
| Swanson Health Products Cat's Claw                                       | lead and lead compounds |
| Swanson Health Products Green Tea  | lead and lead compounds |
| Swanson Health Products Valerian Root                                    | lead and lead compounds |
| Swanson Health Products Cordyceps Sinensis                               | lead and lead compounds |
| Swanson Health Products Green, White & Black Tea                         | lead and lead compounds |
| Swanson Health Products Rhodiola, Holy Basil,<br>Valerian Stress Complex | lead and lead compounds |
| Swanson Health Products Rhodiola Rosea Root                              | lead and lead compounds |
| Swanson Health Products Rhodiola<br>Ashwaganda Ginseng Complex           | lead and lead compounds |
| Swanson Health Products Turmeric   | lead and lead compounds |
| Swanson Health Products Ashwaganda                                       | lead and lead compounds |
| Swanson Health Products Triphala   | lead and lead compounds |
| Swanson Health Products Graviola   | lead and lead compounds |
| Swanson Health Products Women's Prime Multi                              | lead and lead compounds |
| Swanson Health Products Men's Prime Multi                                | lead and lead compounds |
| Swanson Health Products Amarin   | lead and lead compounds |
| Swanson Health Products Gotu Kola  | lead and lead compounds |
| Swanson Health Products Respiratory Essentials                           | lead and lead compounds |
| Swanson Health Products Grapeseed, Green Tea<br>& Pine Bark Complex      | lead and lead compounds |
| Swanson Health Products Cinnamon Gymnema<br>Mulberry Complex             | lead and lead compounds |
| Swanson Health Products Boswellia  | lead and lead compounds |
| Swanson Health Products St. John's Wort                                  | lead and lead compounds |
| Swanson Health Products Black Cohosh                                     | lead and lead compounds |
| Swanson Health Products Burdock Root                                     | lead and lead compounds |

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

**Duration of violations.** Each of these ongoing violations has occurred on every day for at least June 17, 2007, 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 or until these known toxic chemicals are removed from the products.

Pursuant to Title 11, C.C.R. § 3100, a certificate of merit is attached hereto.

June 17, 2008

Page 3

In keeping with its public interest mission and to expeditiously rectify these ongoing violations of California law, AYS is interested in seeking a constructive resolution of this matter without engaging in costly and protracted litigation. Please direct all communications regarding this notice to AYS' counsel in this matter:

**Andrew L. Packard, Esq.**  
**Law Offices of Andrew L. Packard**  
**319 Pleasant Street**  
**Petaluma, CA 94952**  
**Tel: 707-763-7227 Fax: 707-763-9227**

Very truly yours,

A handwritten signature in cursive script, appearing to read "Larry Fahn".

Larry Fahn  
Executive Director

Enclosure

**CERTIFICATE OF MERIT**  
**(for As You Sow's Notice of Proposition 65 Violation on**  
**ARIZONA NUTRITIONAL SUPPLEMENTS, INC.)**

I, Michael P. Lynes, declare:

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

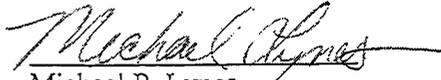
2. I am an attorney for the noticing party.

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 plaintiffs' 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: June 17, 2008

  
Michael P. Lynes

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, and not a party to the within action; my business address is: 311 California Street, Suite 510, San Francisco, CA 94104.

On June 17, 2008, I served the following documents:

- Notice of Violation of California Health & Safety Code § 25249.5 et seq.
- Certificate of Merit
- "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary"

on the following party by placing a true and correct copy thereof in a sealed envelope, addressed to the party listed below, and depositing it at a United States Postal Service Office for delivery by Certified Mail:

Jonathan P. Pinkus, President  
Arizona Nutritional Supplements, Inc.  
210 S. Beck Avenue  
Chandler, AZ 85226

On June 17, 2008, I served the following document(s):

- Notice of Violation of California Health & Safety Code § 25249.5 et seq.
- Certificate of Merit, including Supporting Documentation Required by Title 11, C.C.R. § 3102

on the following party by placing a true and correct copy thereof in a sealed envelope, addressed to the party listed below, and depositing it at a United States Postal Service Office for delivery by Certified Mail:

Attn: Ed Weil, Deputy Attorney General  
California Department of Justice  
P.O. Box 70550  
Oakland, CA 94612-0550

On June 17, 2008, I served the following document(s):

- Notice of Violation of California Health & Safety Code § 25249.5 et seq., including Exhibit A
- 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 envelope, addressed to each of the parties on the service list attached hereto, and depositing it at United States Postal Service mail box for delivery by First Class Mail.

Executed on June 17, 2008, at San Francisco, California.



Karalyn P. Buchner

PUBLIC ENFORCEMENT AGENCY SERVICE LIST

THE HONORABLE THOMAS J ORLOFF  
ALAMEDA COUNTY DISTRICT ATTORNEY  
1225 FALLON ST RM 900  
OAKLAND CA 94612

THE HONORABLE WILLIAM RICHMOND  
ALPINE COUNTY DISTRICT ATTORNEY  
PO BOX 248  
MARKLEEVILLE CA 96120

THE HONORABLE TODD D RIEBE  
AMADOR COUNTY DISTRICT ATTORNEY  
708 COURT ST STE 202  
JACKSON CA 95642

THE HONORABLE MICHAEL RAMSEY  
BUTTE COUNTY DISTRICT ATTORNEY  
25 COUNTY CTR DR  
OROVILLE CA 95965

THE HONORABLE JEFFREY TUTTLE  
CALAVERAS COUNTY DISTRICT ATTORNEY  
891 MTN RANCH RD  
SAN ANDREAS CA 95249

THE HONORABLE JOHN POYNER  
COLUSA COUNTY DISTRICT ATTORNEY  
547 MARKET ST STE 102  
COLUSA CA 95932

THE HONORABLE ROBERT KOCHLY  
CONTRA COSTA COUNTY DISTRICT  
ATTORNEY  
725 COURT ST 4<sup>TH</sup> FLR  
MARTINEZ CA 94553

THE HONORABLE MICHAEL RIESE  
DEL NORTE COUNTY DISTRICT ATTORNEY  
450 H ST STE 171  
CRESCENT CITY CA 95531

THE HONORABLE VERNON PIERSON  
EL DORADO COUNTY DISTRICT ATTORNEY  
515 MAIN ST  
PLACERVILLE CA 95667

THE HONORABLE ELIZABETH EGAN  
FRESNO COUNTY DISTRICT ATTORNEY  
2220 TULARE ST STE 1000  
FRESNO CA 93721

THE HONORABLE ROBERT HOLZAPFEL  
GLENN COUNTY DISTRICT ATTORNEY  
PO BOX 430  
WILLOWS CA 95988

THE HONORABLE PAUL GALLEGOS  
HUMBOLDT COUNTY DISTRICT ATTORNEY  
825 FIFTH ST  
EUREKA CA 95501

THE HONORABLE GILBERT OTERO  
IMPERIAL COUNTY DISTRICT ATTORNEY  
940 W MAIN ST  
EL CENTRO CA 92243

THE HONORABLE ARTHUR MAILLET  
INYO COUNTY DISTRICT ATTORNEY  
PO BOX D  
INDEPENDENCE CA 93526

THE HONORABLE EDWARD R JAGELS  
KERN COUNTY DISTRICT ATTORNEY  
1215 TRUXTUN AVE  
BAKERSFIELD CA 93301

THE HONORABLE RON CALHOUN  
KINGS COUNTY DISTRICT ATTORNEY  
1400 W LACEY BLVD  
HANFORD CA 93230

THE HONORABLE JON HOPKINS  
LAKE COUNTY DISTRICT ATTORNEY  
255 N FORBES ST  
LAKEPORT CA 95453

THE HONORABLE ROBERT BURNS  
LASSEN COUNTY DISTRICT ATTORNEY  
220 S LASSEN ST STE 8  
SUSANVILLE CA 96130

THE HONORABLE STEVE COOLEY  
LA COUNTY DISTRICT ATTORNEY  
210 W TEMPLE ST STE 18000  
LOS ANGELES CA 90012-3210

THE HONORABLE ERNEST LICALS  
MADERA COUNTY DISTRICT ATTORNEY  
209 W YOSEMITE AVE  
MADERA CA 93637

THE HONORABLE EDWARD BERBERIAN, JR.  
MARIN COUNTY DISTRICT ATTORNEY  
3501 CIVIC CTR DR RM 130  
SAN RAFAEL CA 94903

THE HONORABLE ROBERT BROWN  
MARIPOSA COUNTY DISTRICT ATTORNEY  
PO BOX 730  
MARIPOSA CA 95338

THE HONORABLE MEREDITH LINTOTT  
MENDOCINO COUNTY DISTRICT ATTORNEY  
PO BOX 1000  
UKIAH CA 95482

THE HONORABLE LARRY MORSE II  
MERCED COUNTY DISTRICT ATTORNEY  
2222 M ST  
MERCED CA 95340

THE HONORABLE GARY WOOLVERTON  
MODOC COUNTY DISTRICT ATTORNEY  
204 S COURT ST RM 202  
ALTURAS CA 96101-4020

THE HONORABLE GEORGE BOOTH  
MONO COUNTY DISTRICT ATTORNEY  
PO BOX 617  
BRIDGEPORT CA 93517

THE HONORABLE DEAN FLIPPO  
MONTEREY COUNTY DISTRICT ATTORNEY  
PO BOX 1131  
SALINAS CA 93902

THE HONORABLE GARY LIEBERSTEIN  
NAPA COUNTY DISTRICT ATTORNEY  
931 PARKWAY MALL  
NAPA CA 94559

THE HONORABLE CLIFFORD NEWELL  
NEVADA COUNTY DISTRICT ATTORNEY  
201 CHURCH ST STE 8  
NEVADA CITY CA 95959

THE HONORABLE TONY RACKAUCKAS  
ORANGE COUNTY DISTRICT ATTORNEY  
401 CIVIC CTR DR WEST  
SANTA ANA CA 92701

THE HONORABLE BRAD FENOCCHIO  
PLACER COUNTY DISTRICT ATTORNEY  
11562 B AVE  
AUBURN CA 95603

THE HONORABLE JEFF CUNAN  
PLUMAS COUNTY DISTRICT ATTORNEY  
520 MAIN ST RM 404  
QUINCY CA 95971

THE HONORABLE RODRIC PACHECO  
RIVERSIDE COUNTY DISTRICT ATTORNEY  
4075 MAIN ST  
RIVERSIDE CA 92501

THE HONORABLE JAN SCULLY  
SACRAMENTO COUNTY DISTRICT ATTORNEY  
901 G ST  
SACRAMENTO CA 95814

THE HONORABLE CANDICE HOOPER  
SAN BENITO COUNTY DISTRICT ATTORNEY  
419 FOURTH ST, FL 2  
HOLLISTER CA 95023

THE HONORABLE MICHAEL RAMOS  
SAN BERNARDINO COUNTY DISTRICT  
ATTORNEY  
316 N MTN VIEW AVE  
SAN BERNARDINO CA 92415-0004

PUBLIC ENFORCEMENT AGENCY SERVICE LIST

THE HONORABLE BONNIE DUMANIS  
SAN DIEGO COUNTY DISTRICT ATTORNEY  
330 W BROADWAY  
SAN DIEGO CA 92101

THE HONORABLE KAMALA HARRIS  
SAN FRANCISCO COUNTY DISTRICT  
ATTORNEY  
850 BRYANT ST RM 325  
SAN FRANCISCO CA 94103

THE HONORABLE JAMES WILLET  
SAN JOAQUIN COUNTY DISTRICT ATTORNEY  
PO BOX 990  
STOCKTON CA 95201-0990

THE HONORABLE GERALD T SHEA  
SAN LUIS OBISPO COUNTY DISTRICT  
ATTORNEY  
CITY GOVERNMENT CTR, 4<sup>TH</sup> FLR  
SAN LUIS OBISPO CA 93408

THE HONORABLE JAMES P FOX  
SAN MATEO COUNTY DISTRICT ATTORNEY  
400 COUNTY CTR FL 3  
REDWOOD CITY CA 94063

THE HONORABLE CHRISTIE STANLEY  
SANTA BARBARA COUNTY DISTRICT  
ATTORNEY  
1112 SANTA BARBARA ST  
SANTA BARBARA CA 93101

THE HONORABLE DOLORES CARR  
SANTA CLARA COUNTY DISTRICT ATTORNEY  
70 W HEDDING ST WEST WING  
SAN JOSE CA 95110

THE HONORABLE BOB LEE  
SANTA CRUZ COUNTY DISTRICT ATTORNEY  
701 OCEAN ST RM 200  
SANTA CRUZ CA 95060

THE HONORABLE GERALD C. BENITO  
SHASTA COUNTY DISTRICT ATTORNEY  
1525 COURT ST FL 3  
REDDING CA 96001

THE HONORABLE LAWRENCE ALLEN  
SIERRA COUNTY DISTRICT ATTORNEY  
PO BOX 457  
DOWNIEVILLE CA 95936

THE HONORABLE JAMES ANDRUS  
SISKIYOU COUNTY DISTRICT ATTORNEY  
PO BOX 986  
YREKA CA 96097

THE HONORABLE DAVID W PAULSON  
SOLANO COUNTY DISTRICT ATTORNEY  
675 TEXAS ST STE 4500  
FAIRFIELD CA 94533

THE HONORABLE STEPHAN PASSALACQUA  
SONOMA COUNTY DISTRICT ATTORNEY  
600 ADMINISTRATION DR RM 212-J  
SANTA ROSA CA 95403

THE HONORABLE BIRGIT FLADAGER  
STANISLAUS COUNTY DISTRICT ATTORNEY  
PO BOX 442  
MODESTO CA 95353

THE HONORABLE CARL V ADAMS  
SUTTER COUNTY DISTRICT ATTORNEY  
446 SECOND ST  
YUBA CITY CA 95991

THE HONORABLE GREGG COHEN  
TEHAMA COUNTY DISTRICT ATTORNEY  
PO BOX 519  
RED BLUFF CA 96080

THE HONORABLE MICHAEL HARPER  
TRINITY COUNTY DISTRICT ATTORNEY  
PO BOX 310  
WEAVERVILLE CA 96093

THE HONORABLE PHILLIP J CLINE  
TULARE COUNTY DISTRICT ATTORNEY  
221 S MOONEY BLVD RM 224  
VISALIA CA 93291

THE HONORABLE DONALD SEGERSTROM JR  
TUOLUMNE COUNTY DISTRICT ATTORNEY  
423 N WASHINGTON ST  
SONORA CA 95370

THE HONORABLE GREG TOTTEN  
VENTURA COUNTY DISTRICT ATTORNEY  
800 S VICTORIA AVE  
VENTURA CA 93009

THE HONORABLE JEFF REISIG  
YOLO COUNTY DISTRICT ATTORNEY  
301 SECOND ST  
WOODLAND CA 95695

THE HONORABLE PATRICK MCGRATH  
YUBA COUNTY DISTRICT ATTORNEY  
215 FIFTH ST  
MARYSVILLE CA 95901

LOS ANGELES CITY ATTORNEY'S OFFICE  
800 CITY HALL EAST  
200 N MAIN ST  
LOS ANGELES CA 90012

SAN DIEGO CITY ATTORNEY'S OFFICE  
CIVIC CENTER PLAZA  
1200 THIRD AVE STE 1620  
SAN DIEGO CA 92101

SAN JOSE CITY ATTORNEY'S OFFICE  
200 E SANTA CLARA ST FL 6  
SAN JOSE CA 95113

SAN FRANCISCO CITY ATTORNEY'S OFFICE  
CITY HALL RM 234  
SAN FRANCISCO, CA 94102