

NOTICE OF VIOLATION

California Safe Drinking Water And Toxic Enforcement Act

Arsenic and Cadmium in the EAS Myoplex product

June 28, 2010

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 Zachary Hallstrom, c/o Newport Trial Group, 610 Newport Center Drive, Suite 700, Newport Beach, California 92660. Mr. Hallstrom is a consumer who has purchased and ingested the EAS Myoplex product that is the subject of this Notice of Violation.

Description of Violation:

- Violators: The names and addresses of the violators known to Mr. Hallstrom are:
 - EAS, a subsidiary of Abbott Laboratories, 100 Abbott Park Road, Abbott Park, IL 60064
 - Abbott Laboratories, 100 Abbott Park Road, Abbott Park, IL 60064
 - Abbott Laboratories, Inc., doing business in California as Abbott Distribution Co., 100 Abbott Park Road, Abbott Park, IL 60064
 - Ralphs Grocery Company, P.O. Box 54143, Los Angeles, CA 90054
 - Walgreen Company, 200 Wilmot Road, Deerfield, IL 60015
 - Walmart, 702 SW 8th Street, Bentonville, Arkansas, 72716

- Time Period of Exposure: The violations have been occurring since at least June 28, 2009, and are ongoing.
- Provision of Proposition 65: This Notice of Violation covers the “warning provision” of Proposition 65, which is found at California Health and Safety Code Section 25249.6.
- Chemicals Involved: The listed chemicals involved in these violations are arsenic and cadmium.
- Type of Product: The product at issue in this Notice of Violation is the EAS Myoplex Original Rich Dark Chocolate Shake manufactured and distributed by the Violators identified above. Three daily servings of the ready-to-drink liquid product provide an average of 16.9 microgram of arsenic, exceeding the proposed USP limit of 15 micrograms per day, and an average 5.1 micrograms of cadmium, which exceeds the USP limit of 5 micrograms per day.
- Description of Exposure: Use of the EAS Myoplex Original Rich Dark Chocolate Shake, which is ingested directly by drinking the product, results in human exposures to arsenic and cadmium. These exposures occur in homes, workplaces and everywhere else throughout California where these products are ingested or used. No clear and reasonable warning is provided with the product regarding the hazards of arsenic and cadmium.

Resolution of Noticed Claims:

- Based on the allegations set forth in this Notice, Mr. Hallstrom intends to file a citizen enforcement lawsuit against each of the alleged violators unless such alleged violator enters in to a binding written agreement to remedy the violations alleged herein by: (1) recalling products already sold; (2) reformulating such products to eliminate the arsenic exposure and cadmium exposure or taking appropriate measures otherwise to comply with Proposition 65; and (3) paying an appropriate civil penalty based on the factors enumerated in California Health and Safety Code Section 25249.7(b). If any of the alleged violators is interested in resolving this dispute without resort to litigation, please contact Mr. Hallstrom through his counsel, Scott J. Ferrell, Newport Trial Group, 610 Newport Center Drive, Suite 700, Newport Beach, CA 92660, (949) 706-6464, sferrell@trialnewport.com. It should be noted that Mr. Hallstrom cannot: (1) finalize any settlement until after the 60-day notice period has expired; nor (2) speak for the Attorney General or any District or City Attorney who received Mr. Hallstrom’s 60-day Notice. Therefore, while reaching any agreement with Mr. Hallstrom will resolve his claims, such an agreement may not satisfy the public prosecutors.

**CERTIFICATE OF MERIT
(Health & Safety Code § 25249.7(d))**

**California Safe Drinking Water
And Toxic Enforcement Act**

**Arsenic and Cadmium in the
EAS Myoplex product**

June 28, 2010

I, Scott J. Ferrell, declare as follows:

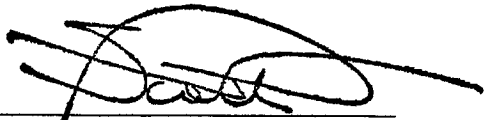
1. This Certificate of Merit accompanies the attached 60-day Notice in which it is alleged that the parties identified in the Notice have violated Health and Safety Code Section 25249.6 by failing to provide clear and reasonable warnings.

2. I am the principal attorney of Newport Trial Group. Newport Trial Group represents the noticing party, Mr. Zachary Hallstrom.

3. Attorneys with 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 chemicals that are the subject of the action.

4. Based on the information obtained through these 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 and Safety Code Section 25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relief upon by the certifier; and (2) the facts, studies or other data reviewed by those persons.



Scott J. Ferrell
Attorney for Zachary Hallstrom

PROOF OF SERVICE BY MAIL

I declare that:

I am employed in Orange County, California; my business address is 610 Newport Center Drive, Suite 700, Newport Beach, CA 92660. I am over the age of 18 years and not a party to the within cause.

On June 30, 2010, I served true copies of the following documents:

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

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY (only sent to those on service list marked with an asterisk).

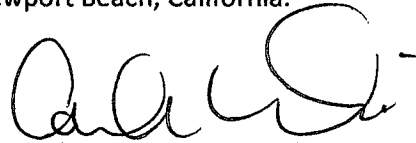
CERTIFICATE OF MERIT; and

FACTUAL STATEMENT

On this date, I deposited fully prepaid and sealed envelopes containing the above-mentioned documents with the United States Postal Service, addressed to the following individuals:

Please see attached service list.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on June 30, 2010, at Newport Beach, California.



Carla Wise

SERVICE LIST

District Attorney of Alameda County
1225 Fallon Street, Room 900
Oakland, CA 94612

District Attorney of Alpine County
P.O. Box 248
Markleeville, CA 96120

District Attorney of Amador County
708 Court Street, Suite 202
Jackson, CA 95642

District Attorney of Butte County
Administration Building
25 County Center Drive
Oroville, CA 95965

District Attorney of Calaveras County
891 Mountain Ranch Road
San Andreas, CA 95249

District Attorney of Colusa County
547 Market Street, Suite 102
Colusa, CA 95932

District Attorney of Contra Costa
County
900 Ward Street
Martinez, CA 94553

District Attorney of Del Norte County
450 H Street, Suite 171
Crescent City, CA 95531

District Attorney of El Dorado County
515 Main Street
Placerville, CA 95667

District Attorney of Fresno County
2220 Tulare Street, Suite 1000
Fresno, CA 93721

District Attorney of Glenn County
P.O. Box 430
Willows, CA 95988

District Attorney of Humboldt County
825 5th Street
Eureka, CA 95501

District Attorney of Imperial County
939 Main Street, Suite 102
El Centro, CA 92243

District Attorney of Inyo County
P.O. Drawer D
Independence, CA 93526

District Attorney of Kern County
1215 Truxtun Avenue
Bakersfield, CA 93301

District Attorney of Kings County
1400 West Lacey Boulevard
Hanford, CA 93230

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

District Attorney of Lassen County
220 S. Lassen Street, Suite 8
Susanville, CA 96130

District Attorney of Los Angeles
County
210 W. Temple Street, Suite 1800
Los Angeles, CA 90012-3210

District Attorney of Madera County
209 West Yosemite Avenue
Madera, CA 93637

District Attorney of Marin County
3501 Civic Center Drive, Room 130
San Rafael, CA 94903

District Attorney of Mariposa County
P.O. Box 730
Mariposa, CA 95338

District Attorney of Mendocino County
P.O. Box 1000
Ukiah, CA 95482

District Attorney of Merced County
2222 "M" Street
Merced, CA 95340

District Attorney of Modoc County
204 S. Court Street, Room 202
Alturas, CA 96101-4020

District Attorney of Mono County
P.O. Box 617
Bridgeport, CA 93546

District Attorney of Monterey County
230 Church Street, Building 2
Salinas, CA 93901

District Attorney of Napa County
931 Parkway Mall
Napa, CA 94559

District Attorney of Nevada County
110 Union Street
Nevada City, CA 95959

District Attorney of Orange County
401 Civic Center Drive West
Santa Ana, CA 92701

District Attorney of Placer County
10810 Justice Center Drive, Suite 240
Roseville, CA 95678

District Attorney of Plumas County
520 Main Street, Room 404
Quincy, CA 95971

District Attorney of Riverside County
4075 Main Street
Riverside, CA 92501

District Attorney of Sacramento
County
901 "G" Street
Sacramento, CA 95814

District Attorney of San Benito County
419 Fourth Street, 2nd Floor
Hollister, CA 95023

District Attorney of San Bernardino
County
316 N. Mountain View Avenue
San Bernardino, CA 92415

District Attorney of San Diego County
330 West Broadway, Suite 1300
San Diego, CA 92101

District Attorney of San Francisco
County
850 Bryant Street, Room 325
San Francisco, CA 94103

District Attorney of San Joaquin
County
P.O. Box 990
Stockton, CA 95202

District Attorney of San Luis Obispo
County
1050 Monterey Street, Room 450
San Luis Obispo, CA 93408

District Attorney of San Mateo County
400 County Center, 3rd Floor
Redwood City, CA 94063

SERVICE LIST

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

District Attorney of Santa Cruz County
701 Ocean Street, Room 200
Santa Cruz, CA 95060

District Attorney of Santa Barbara
County
Attn: Jerry Lule-Jian
312-D E. Cook Street
Santa Maria, CA 93454

District Attorney of Shasta County
1525 Court Street, 3rd Floor
Redding, CA 96001-1632

District Attorney of Sierra County
Courthouse
100 Courthouse Square, 2nd Floor
Downieville, CA 95936

District Attorney of Siskiyou County
P.O. Box 986
Yreka, CA 96097

District Attorney of Solano County
675 Texas Street, Suite 4500
Fairfield, CA 94533

District Attorney of Sonoma County
600 Administration Drive, Room 212J
Santa Rosa, CA 95403

District Attorney of Stanislaus County
832 12th Street, Suite 300
Modesto, CA 95354

District Attorney of Sutter County
446 Second Street
Yuba City, CA 95991

District Attorney of Tehama County
P.O. Box 519
Red Bluff, CA 96080

District Attorney of Trinity County
P.O. Box 310
11 Court Street
Weaverville, CA 96093

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

District Attorney of Tuolumne County
423 N. Washington Street
Sonora, CA 95370

District Attorney of Ventura County
800 South Victoria Avenue
Ventura, CA 93009

District Attorney of Yolo County
301 Second Street
Woodland, CA 95695

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

Los Angeles City Attorney's Office
City Hall East
200 N. Main Street, Room 800
Los Angeles, CA 90012

San Diego City Attorney's Office
1200 Third Avenue, Suite 1620
San Diego, CA 92101

San Francisco City Attorney's Office
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

San Jose City Attorney's Office
200 East Santa Clara Street
San Jose, CA 95113

California Attorney General's Office
Attention: Proposition 65 Coordinator
and Robert Thomas
1515 Clay Street, Suite 2000
P.O. Box 70550
Oakland, CA 94612-0550

EAS (a subsidiary of Abbott
Laboratories) *
100 Abbott Park Road
Abbott Park, IL 60064

Abbott Laboratories *
100 Abbott Park Road
Abbott Park, IL 60064

Abbott Laboratories, Inc. *
dba Abbott Distribution Co.
100 Abbott Park Road
Abbott Park, IL 60064

Ralphs Grocery Company *
P.O. Box 54143
Los Angeles, CA 90054

Walgreen Company *
200 Wilmot Road
Deerfield, IL 60015

Walmart *
702 SW 8th Street
Bentonville, AR 72716