



September 30, 2010

**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 **OLYMPIAN LABS, INC.** ("Olympian").

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 Amazon. 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." The products that are the subject of this notice include but are not limited to the following:

<u>Product</u>	<u>Chemical</u>
AllgerG Formula 25	lead and lead compounds
Biogra	lead and lead compounds
Cold-X10	lead and lead compounds
Gin-Zing	lead and lead compounds
Olympian Cleanse	lead and lead compounds
Olympian Energy	lead and lead compounds
Siesta	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 and dermal contact.

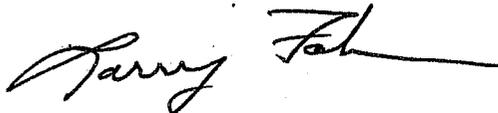
Duration of violations. Each of these ongoing violations has occurred on every day for at least September 30, 2009, as well as every day since the products were introduced in the California marketplace, and will continue every day until clear and reasonable warnings are provided to product purchasers 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.

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:

Mark S. Pollock
Pollock & James, LLP
952 Jefferson Street
Napa, CA 94559
Tel: 707-257-3089 Fax: 707-257-3096

Very truly yours,



Larry Fahn
President

Enclosure

CERTIFICATE OF MERIT

(Notice of Proposition 65 Violation on Olympian Labs, Inc.)

I, Mark S. Pollock, 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.

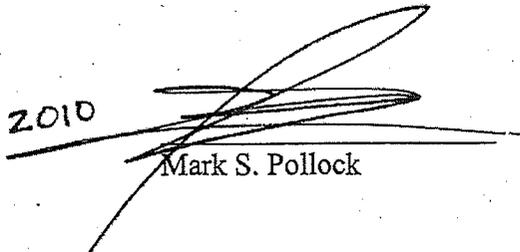
2. I am an attorney for the noticing party.

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 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: September 22, 2010


Mark S. Pollock

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 September 30, 2010, 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 parties by placing a true and correct copy thereof in a sealed envelope, addressed to the parties listed below, and depositing it at a United States Postal Service Office for delivery by Certified Mail:

Jay Bua, President
Olympian Labs, Inc.
8445 E. Hartford Dr.
Scottsdale, AZ 85255-5579

On September 30, 2010, 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:

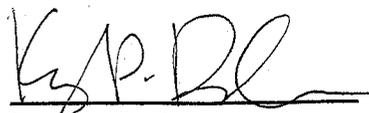
Office of the California Attorney General
Proposition 65 Enforcement Reporting
1515 Clay Street, Suite 2000
Oakland, CA 94612

On September 30, 2010, I served the following document(s):

- Notice of Violation of 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 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 September 30, 2010, at San Francisco, California.


Karalyn P. Buchner

PUBLIC ENFORCEMENT AGENCY SERVICE LIST

ALAMEDA COUNTY DISTRICT ATTORNEY
1225 FALLON ST RM 900
OAKLAND CA 94612

ALPINE COUNTY DISTRICT ATTORNEY
PO BOX 248
MARKLEEVILLE CA 96120

AMADOR COUNTY DISTRICT ATTORNEY
708 COURT ST STE 202
JACKSON CA 95642

BUTTE COUNTY DISTRICT ATTORNEY
25 COUNTY CTR DR
OROVILLE CA 95965

CALAVERAS COUNTY DISTRICT ATTORNEY
891 MTN RANCH RD
SAN ANDREAS CA 95249

COLUSA COUNTY DISTRICT ATTORNEY
346 FIFTH ST STE 101
COLUSA CA 95932

CONTRA COSTA COUNTY DISTRICT
ATTORNEY
900 WARD ST
MARTINEZ CA 94553

DEL NORTE COUNTY DISTRICT ATTORNEY
450 H ST STE 171
CRESCENT CITY CA 95531

EL DORADO COUNTY DISTRICT ATTORNEY
515 MAIN ST
PLACERVILLE CA 95667

FRESNO COUNTY DISTRICT ATTORNEY
2220 TULARE ST STE 1000
FRESNO CA 93721

GLENN COUNTY DISTRICT ATTORNEY
PO BOX 430
WILLOWS CA 95988

HUMBOLDT COUNTY DISTRICT ATTORNEY
825 FIFTH ST 4TH FLR
EUREKA CA 95501

IMPERIAL COUNTY DISTRICT ATTORNEY
940 W MAIN ST STE 102
EL CENTRO CA 92243

INYO COUNTY DISTRICT ATTORNEY
PO BOX D
INDEPENDENCE CA 93526

KERN COUNTY DISTRICT ATTORNEY
1215 TRUXTUN AVE
BAKERSFIELD CA 93301

KINGS COUNTY DISTRICT ATTORNEY
1400 W LACEY BLVD
HANFORD CA 93230

LAKE COUNTY DISTRICT ATTORNEY
255 N FORBES ST
LAKEPORT CA 95453

LASSEN COUNTY DISTRICT ATTORNEY
220 S LASSEN ST STE 8
SUSANVILLE CA 96130

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

MADERA COUNTY DISTRICT ATTORNEY
209 W YOSEMITE AVE
MADERA CA 93637

MARIN COUNTY DISTRICT ATTORNEY
3501 CIVIC CTR DR RM 130
SAN RAFAEL CA 94903

MARIPOSA COUNTY DISTRICT ATTORNEY
PO BOX 730
MARIPOSA CA 95338

MENDOCINO COUNTY DISTRICT
ATTORNEY
PO BOX 1000
UKIAH CA 95482

MERCED COUNTY DISTRICT ATTORNEY
650 W 20TH ST
MERCED CA 95340

MODOC COUNTY DISTRICT ATTORNEY
204 S COURT ST RM 202
ALTURAS CA 96101-4020

MONO COUNTY DISTRICT ATTORNEY
PO BOX 617
BRIDGEPORT CA 93517

MONTEREY COUNTY DISTRICT ATTORNEY
PO BOX 1131
SALINAS CA 93902

NAPA COUNTY DISTRICT ATTORNEY
931 PARKWAY MALL
NAPA CA 94559

NEVADA COUNTY DISTRICT ATTORNEY
110 UNION ST
NEVADA CITY CA 95959

ORANGE COUNTY DISTRICT ATTORNEY
401 CIVIC CTR DR WEST
SANTA ANA CA 92701

PLACER COUNTY DISTRICT ATTORNEY
10810 JUSTICE CENTER DR STE 240
ROSEVILLE CA 95678

PLUMAS COUNTY DISTRICT ATTORNEY
520 MAIN ST RM 404
QUINCY CA 95971

RIVERSIDE COUNTY DISTRICT ATTORNEY
3960 ORANGE ST
RIVERSIDE CA 92501

PUBLIC ENFORCEMENT AGENCY SERVICE LIST

SACRAMENTO COUNTY DISTRICT ATTORNEY 901 G ST SACRAMENTO CA 95814	SAN BENITO COUNTY DISTRICT ATTORNEY 419 FOURTH ST, FL 2 HOLLISTER CA 95023	SAN BERNARDINO COUNTY DISTRICT ATTORNEY 316 N MTN VIEW AVE SAN BERNARDINO CA 92415-0004
SAN DIEGO COUNTY DISTRICT ATTORNEY 330 W BROADWAY SAN DIEGO CA 92101	SAN FRANCISCO COUNTY DISTRICT ATTORNEY 850 BRYANT ST RM 325 SAN FRANCISCO CA 94103	SAN JOAQUIN COUNTY DISTRICT ATTORNEY PO BOX 990 STOCKTON CA 95201-0990
SAN LUIS OBISPO COUNTY DISTRICT ATTORNEY COUNTY GOVERNMENT CTR, 4 TH FLR SAN LUIS OBISPO CA 93408	SAN MATEO COUNTY DISTRICT ATTORNEY 400 COUNTY CTR FL 3 REDWOOD CITY CA 94063	SANTA BARBARA COUNTY DISTRICT ATTORNEY 1112 SANTA BARBARA ST SANTA BARBARA CA 93101
SANTA CLARA COUNTY DISTRICT ATTORNEY 70 W HEDDING ST WEST WING SAN JOSE CA 95110	SANTA CRUZ COUNTY DISTRICT ATTORNEY 701 OCEAN ST RM 200 SANTA CRUZ CA 95060	SHASTA COUNTY DISTRICT ATTORNEY 1525 COURT ST FL 3 REDDING CA 96001
SIERRA COUNTY DISTRICT ATTORNEY PO BOX 457 DOWNIEVILLE CA 95936	SISKIYOU COUNTY DISTRICT ATTORNEY PO BOX 986 YREKA CA 96097	SOLANO COUNTY DISTRICT ATTORNEY 675 TEXAS ST STE 4500 FAIRFIELD CA 94533
SONOMA COUNTY DISTRICT ATTORNEY 600 ADMINISTRATION DR RM 212-J SANTA ROSA CA 95403	STANISLAUS COUNTY DISTRICT ATTORNEY 832 12 TH ST STE 300 MODESTO CA 95354	SUTTER COUNTY DISTRICT ATTORNEY 446 SECOND ST YUBA CITY CA 95991
TEHAMA COUNTY DISTRICT ATTORNEY 444 OAK ST RM L RED BLUFF CA 96080	TRINITY COUNTY DISTRICT ATTORNEY PO BOX 310 WEAVERVILLE CA 96093	TULARE COUNTY DISTRICT ATTORNEY 221 S MOONEY BLVD RM 224 VISALIA CA 93291
TUOLUMNE COUNTY DISTRICT ATTORNEY 423 N WASHINGTON ST SONORA CA 95370	VENTURA COUNTY DISTRICT ATTORNEY 800 S VICTORIA AVE VENTURA CA 93009	YOLO COUNTY DISTRICT ATTORNEY 301 SECOND ST WOODLAND CA 95695
YUBA COUNTY DISTRICT ATTORNEY 215 FIFTH ST MARYSVILLE CA 95901	LOS ANGELES CITY ATTORNEY'S OFFICE 200 N MAIN ST 8 TH FLR 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 16 TH FLR SAN JOSE CA 95113	SAN FRANCISCO CITY ATTORNEY'S OFFICE CITY HALL RM 234 1 DR CARLTON B GOODLETT PL SAN FRANCISCO, CA 94102	