

# GIDEON KRACOV

Attorney at Law

801 South Grand Avenue  
11th Floor  
Los Angeles, California 90017

(213) 629-2071  
Fax: (213) 623-7755

gk@gideonlaw.net  
www.gideonlaw.net

March 20, 2012

MICHAEL D. DEAN  
President and Chief Executive Officer  
Nature's Sunshine Products, Inc.  
75 East 1700 South  
Provo, Utah 84606

Re: NOTICE OF VIOLATION AGAINST NATURE'S SUNSHINE PRODUCTS, INC.  
(AYS FILE # 14.232.01) OF CALIFORNIA HEALTH & SAFETY CODE SECTION  
25249.6

Dear Nature's Sunshine Products, Inc. and Appropriate Public Enforcement Agencies,

As You Sow ("AYS") is a California 501(c)(3) non-profit corporation dedicated to, among other causes, the protection of the environment, toxics reduction, the promotion and improvement of human health, the improvement of workers and consumer rights, environmental education and corporate accountability. AYS is located at 311 California Street, Suite 510, San Francisco, CA 94104, and tel. (415) 391-3212 c/o President Larry Fahn, who shall serve as the responsible individual within the noticing entity. AYS has identified violations of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65" or "Act"), which is codified at Cal. Health & Safety Code §25249.5 *et seq.*

AYS has documented violations of Proposition 65 by Nature's Sunshine Products, Inc. ("Nature's Sunshine"). This letter serves to provide AYS' notification of these violations to Nature's Sunshine. Nature's Sunshine has its Principal Executive Offices at 75 East 1700 South, Provo, Utah 84606, and lists C T Corporation Systems, 818 W. Seventh Street, Los Angeles CA 90017, as the agent for service of process with the California Secretary of State. 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 appropriate public enforcement agencies have commenced and are diligently prosecuting an action to rectify these violations.

Information available to AYS as of the date of this letter indicates that ongoing violations have occurred every day since at least March 16, 2009, as well as every day since the products were introduced into the California marketplace, and will continue every day until clear and reasonable warnings are provided to product purchasers and users.

A copy of the Proposition 65 summary prepared by the Office of Environmental Health Hazard Assessment is attached, as Appendix A, to the copy of this letter served to Nature's Sunshine.



In the course of its business, Nature's Sunshine knowingly and intentionally manufactures and distributes products that have exposed and continue to expose numerous individuals within California to progesterone without first giving clear and reasonable warning to such individuals. Progesterone has been a listed carcinogen under Proposition 65 since 1988 (Title 27, CCR §27001). Known risks include increased incidence of cancer, including breast carcinoma and tumor development. Further risks include dangerous drug interactions.

Exposure to progesterone results from the following Nature's Sunshine product: *Pro G Yam*.

Consumer exposure that is the subject of this notice results from the purchase, acquisition and recommended use of the listed product. Specific routes of exposure include dermal absorption directly through the scalp, skin or eyes when consumers touch, use, handle or apply the product.

AYS intends to file a private enforcement action as provided for in the Act for the alleged violations by Nature's Sunshine, unless Nature's Sunshine agrees in an enforceable written instrument to: (1) recall the listed products so as to eliminate further exposures to the identified chemicals; or (2) affix clear and reasonable Proposition 65 warning labels; and (3) pay an appropriate civil penalty. Consistent with the public interest goals of Proposition 65, AYS is interested in seeking a constructive resolution to this matter, and invites violator, should it seek early resolution of this matter, to communicate directly with AYS President Larry Fahn. Such resolution will avoid further unwarned consumer exposures, as well as resource intensive litigation.

Please direct all other questions concerning this notice to AYS attorney, Gideon Kracov, 801 S. Grand Ave., 11<sup>th</sup> Fl., Los Angeles, CA 90017, 213-629-2071, [gk@gideonlaw.net](mailto:gk@gideonlaw.net).

Sincerely,  
  
Larry Fahn  
President, As You Sow

cc:

Attachments  
Certificate of Merit  
Certificate of Service  
List of Service

**CERTIFICATE OF MERIT**  
Health and Safety Code Section 25249.7(d)

**Re: As You Sow's Notice of Proposition 65 Violations by Nature's Sunshine Products, Inc.**

I, Gideon Kracov, hereby declare:

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

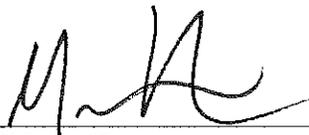
2. I am an attorney for the noticing party.

3. I have consulted with one or more persons with relevant and appropriate experience or expertise who have reviewed facts, studies, or other data regarding the exposure to the listed chemical that is the subject of the notice.

4. Based on the information obtained through those consultants, 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 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 California Health & 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 20, 2012

  
\_\_\_\_\_  
Gideon Kracov, Attorney At Law

## 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 801 S. Grand Av., 11<sup>th</sup> Fl., Los Angeles, CA 90017.

On March 21, 2012, I served the following documents: NOTICE OF VIOLATIONS 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 party listed below and depositing it at my business address in a US Postal Service Office for delivery by Certified Mail with the postage thereon fully prepaid:

MICHAEL D. DEAN  
President and Chief Executive Officer  
Nature's Sunshine Products, Inc.  
75 East 1700 South  
Provo, Utah 84606

On March 21, 2012, I served the following documents: NOTICE OF VIOLATION, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT; ADDITIONAL SUPPORTING INFORMATION FOR CERTIFICATE OF MERIT AS REQUIRED BY CALIFORNIA HEALTH & SAFETY CODE §25249.7(d)(1) 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 at my business address in a US Postal Service Office for delivery by Certified Mail with the postage thereon fully prepaid:

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 21, 2012, 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 envelope, addressed to each of the parties on the Service List attached hereto, and depositing it at my business address with the U.S. Postal Service for delivery by Priority Mail with the postage thereon fully prepaid.

Executed on March 21, 2012, in Los Angeles, CA

  
Gideon Kracov

**SERVICE LIST**

District Attorney of Alameda County 1225 Fallon Street, Room 900 Oakland, CA 94612	District Attorney of Butte County 25 County Center Drive Oroville, CA 95965	District Attorney of Contra Costa County 725 Court Street, Room 402 Martinez, CA 94553
District Attorney of Fresno County 2220 Tulare Street, #1000 Fresno, CA 93721	District Attorney of Imperial County 939 Main Street El Centro, CA 92243	District Attorney of Kings County 1400 West Lacey Hanford, CA 93230
District Attorney of Los Angeles County 210 W. Temple Street, Room 345 Los Angeles, CA 90012	District Attorney of Mariposa County P.O. Box 730 Mariposa, CA 95338	District Attorney of Modoc County 204 S Court Street Alturas, CA 96101-4020
District Attorney of Napa County 931 Parkway Mall Napa, CA 94559	District Attorney of Alpine County P.O. Box 248 Markleeville, CA 96120	District Attorney of Calaveras County 891 Mountain Ranch Road San Andreas, CA 95249
District Attorney of Del Norte County 450 H Street, Ste 171 Crescent City, CA 95531	District Attorney of Glenn County P.O. Box 430 Willows, CA 95988	District Attorney of Inyo County P.O. Drawer D Independence, CA 93526
District Attorney of Lake County 255 N. Forbes Street Lakeport, CA 95453	District Attorney of Madera County 209 West Yosemite Avenue Madera, CA 93637	District Attorney of Mendocino County P.O. Box 1000 Ukiah, CA 95482
District Attorney of Mono County P.O. Box 617 Bridgeport, CA 93517	District Attorney of Nevada County 110 Union Street Nevada City, CA 95959	District Attorney of Amador County 708 Court Street, #202 Jackson, CA 95642
District Attorney of Colusa County 547 Market Street Colusa, CA 95932	District Attorney of El Dorado County 515 Main Street Placerville, CA 95667	District Attorney of Humboldt County 825 5th Street Eureka, CA 95501
District Attorney of Kern County 1215 Truxtun Avenue Bakersfield, CA 93301	District Attorney of Lassen County 220 S. Lassen St., Ste 8 Susanville, CA 96130	District Attorney of Marin County 3501 Civic Center Dr., Room 183 San Rafael, CA 94903

District Attorney of Merced County 2222 "M" Street Merced, CA 95340	District Attorney of Monterey County PO Box 1131 Salinas, CA 93901	District Attorney of Orange County 401 Civic Ctr Drive West Santa Ana, CA 92701
District Attorney of Placer County 10810 Justice Center Drive Suite 240 Roseville, CA 95678	District Attorney of Sacramento County 901 "G" Street Sacramento, CA 95814	District Attorney of San Diego County 330 West Broadway, Suite 1320 San Diego, CA 92112
District Attorney of San Luis Obispo County 1050 Monterey St, Room 450 San Luis Obispo, CA 93408	District Attorney of Santa Clara County 70 West Hedding Street San Jose, CA 95110	District Attorney of Sierra County Courthouse, P.O. Box 457 Downieville, CA 95936
District Attorney of Sonoma County 600 Administration Drive, Room 212J Santa Rosa, CA 95403	District Attorney of Tehama County P.O. Box 519 Red Bluff, CA 96080	District Attorney of Tuolumne County 2 South Green Sonora, CA 95370
District Attorney of Yuba County 215 Fifth Street Marysville, CA 95901	District Attorney of Plumas County 520 Main Street, Room 404 Quincy, CA 95971	District Attorney of San Benito County 419 Fourth Street, 2 <sup>nd</sup> Floor Hollister, CA 95023
District Attorney of San Francisco County 850 Bryant Street, Rm 325 San Francisco, CA 94103	District Attorney of San Mateo County 400 County Ctr, 3 <sup>rd</sup> Fl Redwood City, CA 94063	District Attorney of Santa Cruz County 701 Ocean Street, Room 200 Santa Cruz, CA 95061
District Attorney of Siskiyou County P.O. Box 986 Yreka, CA 96097	District Attorney of Stanislaus County 800 11 <sup>th</sup> Street, Room 200 Modesto, CA 95353	District Attorney of Trinity County P.O. Box 1310 Weaverville, CA 96093
District Attorney of Ventura County 800 South Victoria Ave Ventura, CA 93009	Los Angeles City Attorney's Office Room 1800, City Hall East 200 N. Main Street Los Angeles, CA 90012	District Attorney of Riverside County 4075 Main Street, 1st Floor Riverside, CA 92501
District Attorney of San Bernardino County 316 N. Mountain View Avenue San Bernardino, CA 92415-0004	District Attorney of San Joaquin County P.O. Box 990 Stockton, CA 95201	District Attorney of Santa Barbara County 1105 Santa Barbara Street Santa Barbara, CA 93101

<p>District Attorney of Shasta County 1525 Court Street, Third Floor Redding, CA 96001-1632</p>	<p>District Attorney of Solano County 600 Union Avenue Fairfield, CA 94533</p>	<p>District Attorney of Sutter County 446 Second Street Yuba City, CA 95991</p>
<p>District Attorney of Tulare County 221 S. Mooney Ave, Room 224 Visalia, CA 93291</p>	<p>District Attorney of Yolo County 301 Second Street Woodland, CA 95695</p>	<p>San Diego City Attorney's Office 1200 3rd Avenue, 12th Floor San Diego, CA 92101</p>
<p>San Francisco City Attorney's Office 1 Dr. Carleton B. Goodlett Place Room 234 San Francisco, CA 94102</p>	<p>San Jose City Attorney's Office 200 East Santa Clara Street San Jose, CA 95113</p>	<p>Ms. Laura Zuckerman Deputy Attorney General OFFICE OF THE ATTORNEY GENERAL - Prop. 65 Enforcement Reporting Coordinator 1515 Clay Street, Ste. 2000 Oakland, CA 94612</p>