

## LAW OFFICE OF CHRISTINA M. CARO

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### VIA CERTIFIED MAIL

Current CEO or President  
North American Herb and Spice Co. LTD. LLC  
13900 West Polo Trail Drive  
Lake Forest, IL 60045

Current CEO or President  
North American Herb and Spice Co. LTD. LLC  
PO Box 4885  
Buffalo Grove, IL 60089

Current CEO or President  
North American Herb and Spice Co. LTD. LLC  
9120 Double Diamond Parkway  
Reno, NV 89521

David P. Schippers  
(North American Herb and Spice Co. LTD. LLC's  
Registered Agent for Service of Process)  
20 North Clark Street, Suite 720  
Chicago, IL 60602

Laughlin Associates, Inc.  
(North American Herb and Spice Co. LTD. LLC's  
Registered Agent for Service of Process)  
9120 Double Diamond Parkway  
Reno, NV 89521

### VIA ONLINE SUBMISSION

Office of the California Attorney General

**Re: Notice of Violations of California Health & Safety Code Section 25249.5 *et seq.***

Dear Addressees:

I represent the Environmental Research Center, Inc. ("ERC") in connection with this Notice of Violations of California's Safe Drinking Water and Toxic Enforcement Act of 1986, which is codified at California Health & Safety Code Section 25249.5 *et seq.* and also referred to as Proposition 65.

ERC is a California non-profit corporation dedicated to, among other causes, helping safeguard the public from health hazards by bringing about a reduction in the use and misuse of hazardous and toxic chemicals, facilitating a safe environment for consumers and employees, and encouraging corporate responsibility.

The name of the Company covered by this notice that violated Proposition 65 (hereinafter the “Violator”) is:

**North American Herb and Spice Co. LTD. LLC**

The products that are the subject of this notice and the chemicals in those products identified as exceeding allowable levels are:

**North American Herb & Spice Extract of Wild Nettles - Lead**  
**North American Herb & Spice Raw ToxiPurge - Lead**  
**North American Herb & Spice EstroNorm - Lead**  
**North American Herb & Spice Hyper-Ten - Lead**  
**North American Herb & Spice Hema-Build - Lead**  
**North American Herb & Spice Total Daily Purge+ - Lead**  
**North American Herb & Spice LivaClenz - Lead**  
**North American Herb & Spice Raw Purely-Min - Lead**  
**North American Herb & Spice Purely-B – Lead**  
**North American Herb & Spice ProstaCLENZ -Lead**

On February 27, 1987, the State of California officially listed lead as a chemical known to cause developmental toxicity, and male and female reproductive toxicity. On October 1, 1992, the State of California officially listed lead and lead compounds as chemicals known to cause cancer.

This letter is a notice to the Violator and the appropriate governmental authorities of the Proposition 65 violations concerning the listed products. This notice covers all violations of Proposition 65 involving the Violator currently known to ERC from the information now available. ERC may continue to investigate other products that may reveal further violations. A summary of Proposition 65, prepared by the Office of Environmental Health Hazard Assessment, is enclosed with the copy of this letter to the Violator.

The Violator has manufactured, marketed, distributed, and/or sold the listed products, which have exposed and continue to expose numerous individuals within California to the identified chemical, lead. The consumer exposures that are the subject of this notice result from the purchase, acquisition, handling and/or recommended use of these products by consumers. The primary route of exposure to lead has been through ingestion, but may have also occurred through inhalation and/or dermal contact. Proposition 65 requires that a clear and reasonable warning be provided prior to exposure to lead. The method of warning should be a warning that appears on the product’s label. The Violator violated Proposition 65 because it failed to provide

an appropriate warning to persons using and/or handling these products that they are being exposed to lead. Each of these ongoing violations has occurred on every day since December 22, 2011, 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.

Pursuant to Section 25249.7(d) of the statute, ERC intends to file a citizen enforcement action sixty days after effective service of this notice unless the Violator agrees in an enforceable written instrument to: (1) reformulate the listed products so as to eliminate further exposures to the identified chemicals; (2) pay an appropriate civil penalty; and (3) provide clear and reasonable warnings compliant with Proposition 65 to all persons located in California who purchased the above products in the last three years. Consistent with the public interest goals of Proposition 65 and my client's objectives in pursuing this notice, ERC is interested in seeking a constructive resolution to this matter. Such resolution will avoid both further unwarned consumer exposures to the identified chemicals and expensive and time consuming litigation.

ERC's Executive Director is Chris Heptinstall, and is located at 3111 Camino Del Rio North, Suite 400, San Diego, CA 92108; Tel. 619-500-3090. ERC has retained me in connection with this matter. We suggest that communications regarding this Notice of Violations should be directed to my attention at the above listed law office address and telephone number.

Sincerely,



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Christina M. Caro

Attachments

Certificate of Merit

Certificate of Service

OEHHA Summary (to North American Herb and Spice Co. LTD. LLC and its Registered Agents for Service of Process only)

Additional Supporting Information for Certificate of Merit (to AG only)


**CERTIFICATE OF MERIT**

**Re: Environmental Research Center, Inc.'s Notice of Proposition 65 Violations  
by North American Herb and Spice Co. LTD. LLC**

I, Christina Caro, 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. Along with the copy of this Certificate of Merit served on the Attorney General is attached additional 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: December 22, 2014

  
\_\_\_\_\_  
Christina M. Caro

**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 306 Joy Street, Fort Oglethorpe, Georgia 30742. I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Fort Oglethorpe, Georgia.

On December 22, 2014, 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 in a U.S. Postal Service Office with the postage fully prepaid for delivery by Certified Mail:

Current CEO or President  
North American Herb and Spice Co. LTD. LLC  
13900 West Polo Trail Drive  
Lake Forest, IL 60045

David P. Schippers  
(North American Herb and Spice Co. LTD. LLC’s  
Registered Agent for Service of Process)  
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Buffalo Grove, IL 60089

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9120 Double Diamond Parkway  
Reno, NV 89521

Current CEO or President  
North American Herb and Spice Co. LTD. LLC  
9120 Double Diamond Parkway  
Reno, NV 89521

On December 22, 2014, I electronically served the following documents: **NOTICE OF VIOLATIONS, 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 party by uploading a true and correct copy thereof on the California Attorney General’s website, which can be accessed at <https://oag.ca.gov/prop65/add-60-day-notice>:

Office of the California Attorney General  
Prop 65 Enforcement Reporting  
1515 Clay Street, Suite 2000  
Oakland, CA 94612-0550

On December 22, 2014, I served the following documents: **NOTICE OF VIOLATIONS, 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 with the U.S. Postal Service with the postage fully prepaid for delivery by Priority Mail.

Executed on December 22, 2014, in Fort Oglethorpe, Georgia.

  
Tiffany Capehart

Notice of Violations of California Health & Safety Code §25249.5 *et seq.*

December 22, 2014

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**Service List**

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| District Attorney, Alameda County<br>1225 Fallon Street, Suite 900<br>Oakland, CA 94612        | District Attorney, Los Angeles County<br>210 West Temple Street, Suite 18000<br>Los Angeles, CA 90012    | District Attorney, San Diego County<br>330 West Broadway, Suite 1300<br>San Diego, CA 92101             | District Attorney, Tuolumne County<br>423 N. Washington Street<br>Sonora, CA 95370                              |
| District Attorney, Alpine County<br>P.O. Box 248<br>Markleeville, CA 96120                     | District Attorney, Madera County<br>209 West Yosemite Avenue<br>Madera, CA 93637                         | District Attorney, San Francisco County<br>850 Bryant Street, Suite 322<br>San Francisco, CA 94103      | District Attorney, Ventura County<br>800 South Victoria Ave, Suite 314<br>Ventura, CA 93009                     |
| District Attorney, Amador County<br>708 Court Street<br>Jackson, CA 95642                      | District Attorney, Marin County<br>3501 Civic Center Drive, Room 130<br>San Rafael, CA 94903             | District Attorney, San Joaquin County<br>222 E. Weber Ave. Rm. 202<br>Stockton, CA 95202                | District Attorney, Yolo County<br>301 2 <sup>nd</sup> Street<br>Woodland, CA 95695                              |
| District Attorney, Butte County<br>25 County Center Drive, Suite 245<br>Oroville, CA 95965     | District Attorney, Mariposa County<br>Post Office Box 730<br>Mariposa, CA 95338                          | District Attorney, San Luis Obispo County<br>1035 Palm St, Room 450<br>San Luis Obispo, CA 93408        | District Attorney, Yuba County<br>215 Fifth Street, Suite 152<br>Marysville, CA 95901                           |
| District Attorney, Calaveras County<br>891 Mountain Ranch Road<br>San Andreas, CA 95249        | District Attorney, Mendocino County<br>Post Office Box 1000<br>Ukiah, CA 95482                           | District Attorney, San Mateo County<br>400 County Ctr., 3 <sup>rd</sup> Floor<br>Redwood City, CA 94063 | Los Angeles City Attorney's Office<br>City Hall East<br>200 N. Main Street, Suite 800<br>Los Angeles, CA 90012  |
| District Attorney, Colusa County<br>346 Fifth Street Suite 101<br>Colusa, CA 95932             | District Attorney, Merced County<br>550 W. Main Street<br>Merced, CA 95340                               | District Attorney, Santa Barbara County<br>1112 Santa Barbara Street<br>Santa Barbara, CA 93101         | San Diego City Attorney's Office<br>1200 3rd Avenue, Ste 1620<br>San Diego, CA 92101                            |
| District Attorney, Contra Costa County<br>900 Ward Street<br>Martinez, CA 94553                | District Attorney, Modoc County<br>204 S Court Street, Room 202<br>Alturas, CA 96101-4020                | District Attorney, Santa Clara County<br>70 West Hedding Street<br>San Jose, CA 95110                   | San Francisco, City Attorney<br>City Hall, Room 234<br>1 Dr Carlton B Goodlett PL<br>San Francisco, CA 94102    |
| District Attorney, Del Norte County<br>450 H Street, Room 171<br>Crescent City, CA 95531       | District Attorney, Mono County<br>Post Office Box 617<br>Bridgeport, CA 93517                            | District Attorney, Santa Cruz County<br>701 Ocean Street, Room 200<br>Santa Cruz, CA 95060              | San Jose City Attorney's Office<br>200 East Santa Clara Street,<br>16 <sup>th</sup> Floor<br>San Jose, CA 95113 |
| District Attorney, El Dorado County<br>515 Main Street<br>Placerville, CA 95667                | District Attorney, Monterey County<br>Post Office Box 1131<br>Salinas, CA 93902                          | District Attorney, Shasta County<br>1355 West Street<br>Redding, CA 96001                               |   |
| District Attorney, Fresno County<br>2220 Tulare Street, Suite 1000<br>Fresno, CA 93721         | District Attorney, Napa County<br>Post Office Box 720<br>Napa, CA 94559                                  | District Attorney, Sierra County<br>PO Box 457<br>Downieville, CA 95936                                 |   |
| District Attorney, Glenn County<br>Post Office Box 430<br>Willows, CA 95988                    | District Attorney, Nevada County<br>201 Commercial Street<br>Nevada City, CA 95959                       | District Attorney, Siskiyou County<br>Post Office Box 986<br>Yreka, CA 96097                            |   |
| District Attorney, Humboldt County<br>825 5th Street 4 <sup>th</sup> Floor<br>Eureka, CA 95501 | District Attorney, Orange County<br>401 West Civic Center Drive<br>Santa Ana, CA 92701                   | District Attorney, Solano County<br>675 Texas Street, Ste 4500<br>Fairfield, CA 94533                   |   |
| District Attorney, Imperial County<br>940 West Main Street, Ste 102<br>El Centro, CA 92243     | District Attorney, Placer County<br>10810 Justice Center Drive, Ste 240<br>Roseville, CA 95678           | District Attorney, Sonoma County<br>600 Administration Drive,<br>Room 212J<br>Santa Rosa, CA 95403      |   |
| District Attorney, Inyo County<br>230 W. Line Street<br>Bishop, CA 93514                       | District Attorney, Plumas County<br>520 Main Street, Room 404<br>Quincy, CA 95971                        | District Attorney, Stanislaus County<br>832 12 <sup>th</sup> Street, Ste 300<br>Modesto, CA 95354       |   |
| District Attorney, Kern County<br>1215 Truxtun Avenue<br>Bakersfield, CA 93301                 | District Attorney, Riverside County<br>3960 Orange Street<br>Riverside, CA 92501                         | District Attorney, Sutter County<br>446 Second Street<br>Yuba City, CA 95991                            |   |
| District Attorney, Kings County<br>1400 West Lacey Boulevard<br>Hanford, CA 93230              | District Attorney, Sacramento County<br>901 "G" Street<br>Sacramento, CA 95814                           | District Attorney, Tehama County<br>Post Office Box 519<br>Red Bluff, CA 96080                          |   |
| District Attorney, Lake County<br>255 N. Forbes Street<br>Lakeport, CA 95453                   | District Attorney, San Benito County<br>419 Fourth Street, 2 <sup>nd</sup> Floor<br>Hollister, CA 95023  | District Attorney, Trinity County<br>Post Office Box 310<br>Weaverville, CA 96093                       |   |
| District Attorney, Lassen County<br>220 South Lassen Street, Ste. 8<br>Susanville, CA 96130    | District Attorney, San Bernardino County<br>316 N. Mountain View Avenue<br>San Bernardino, CA 92415-0004 | District Attorney, Tulare County<br>221 S. Mooney Blvd., Room 224<br>Visalia, CA 93291                  |   |