
October 13, 2015

VIA CERTIFIED MAIL

Abhay Kumar Pati, CEO/President
Best Nutrition Products, Inc.
30982 Huntwood Avenue, Suite 208
Hayward, California 94544

(with a copy to its Registered Agent for Service of Process located at):

Best Nutrition Products, Inc.
c/o Ahbay Kumar Pati
30982 Huntwood Avenue, Suite 208
Hayward, California 94544

VIA PRIORITY MAIL

District Attorneys of All California
Counties and Select City Attorneys
(See Attached - Certificate of Service)

VIA ELECTRONIC FILING

State of California Department of Justice
Office of the Attorney General
Proposition 65 Enforcement Reporting
Filing link: oag.ca.gov/prop65

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

Dear Alleged Violator and the Appropriate Public Enforcement Agencies:

We represent The Chemical Toxin Working Group, Inc., a California non-profit corporation ("CTWG"), an organization dedicated to reducing the amount of chemical toxins in consumer products, the promotion of human health, environmental safety, and improvement of worker and consumer safety. David Steinman created CTWG to effectuate his commitments as an environmentalist, journalist, consumer health advocate, publisher and author. His major books include "Diet for a Poisoned Planet" (1990, 2007); "The Safe Shopper's Bible" (1995); "Living Healthy in a Toxic World" (1996); and "Safe Trip to Eden: Ten Steps to Save the Planet Earth from Global Warming Meltdown" (2007).

Through this Notice of Violation (this "Notice"), CTWG seeks to reduce and/or eliminate exposures to lead ingested by consumers from Best Nutrition Products Gugulipid Ayurvedic Herbal Supplement Standardized Extract. This Notice constitutes

written notification that Best Nutrition Products, Inc. ("BNP" or "the noticed party") has violated the warning requirements of Proposition 65, the Safe Drinking Water and Toxic enforcement Act (codified at California Health & Safety Code §25249.5, *et seq*). The product subject to this Notice of Violation ("specified product") and the chemical in the specified product identified as exceeding allowable levels is:

- ***Best Nutrition Products Gugulipid Ayurvedic Herbal Supplement
Standardized Extract—Lead***

BNP has manufactured, marketed, distributed and/or sold the specified product which has exposed and continues to expose numerous individuals within California to lead. This chemical was listed pursuant to Proposition 65 as a chemical known to the State of California to cause cancer on October 1, 1987 and as a chemical known to cause developmental toxicity and male reproductive toxicity on May 1, 1997.

With respect to the specified product listed above, the violation: commenced on the latter of the date that the specified product was first offered for sale in California or the date upon which California law codified the allowable level of the relevant chemical surpassed by the specified product; has continued every day since the relevant date the violation commenced; and will continue every day henceforth until lead is removed from the specified product, reduced to allowable levels, or until clear and reasonable warning is provided to consumers by BNP in accordance with the law. The primary route of exposure 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 certain listed chemicals. BNP is in violation of Proposition 65 because BNP failed to provide a warning to consumers that they are being exposed to lead. While in the course of doing business, BNP is "knowingly and intentionally" exposing consumers to lead without first providing a "clear and reasonable" warning. See Cal. Health and Safety Code § 25249.6. The method of warning should be a warning that appears on the product's label. See Cal. Code Regs. tit. 27, § 25603.1, subd. (a). BNP has not provided any Proposition 65 warnings on the specified product's label or any other appropriate warnings that persons handling, ingesting and/or otherwise using the specified product are being exposed to lead.

Proposition 65 requires that notice and intent to sue be provided to a violator 60-days before a suit is filed in connection therewith. With this Notice, CTWG gives written notice of the alleged violation to the noticed party and the appropriate governmental authorities. This Notice of Violation covers all violations of Proposition 65 that are currently known to the noticing party from information now available as related to Best

Nutrition Products Gugulipid Ayurvedic Herbal Supplement Standardized Extract. CTWG is continuing its investigation that may reveal further violations.

Pursuant to Title 27, C.C.R. § 25903(b), a copy of “The Safe Drinking Water and Toxic Enforcement act of 1986 (Proposition 65): A Summary” is attached hereto for reference by the noticed party, and is referenced as Appendix “A” (provided to noticed party only).


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

CTWG is interested in a prompt resolution of this matter with an enforceable written agreement by BNP to (1) eliminate or reduce lead to an allowable level in, or provide appropriate warning on the label of, the specified product; and (2) pay an appropriate civil penalty. Such a resolution will prevent further unwarned consumer exposures and expensive and time-consuming litigation.

In keeping with its public interest mission and to expeditiously rectify these ongoing violations of California law, CTWG 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 my office on behalf of CTWG.

If you have any questions, please contact my office at your earliest convenience. Thank you for your time and consideration with respect to this urgent matter.

Sincerely,
KHANSARI LAW CORP., APC



Andre A. Khansari, Esq.

Attachments:

1. Certificate of Merit;
2. Certificate of Service;
3. Additional Supporting Information for Certificate of Merit (to Attorney General only);
4. Appendix “A” – “The Safe Drinking Water and Toxic Enforcement act of 1986 (Proposition 65): A Summary” (to noticed party only)

Cc: The Chemical Toxin Working Group, Inc. (via email only)

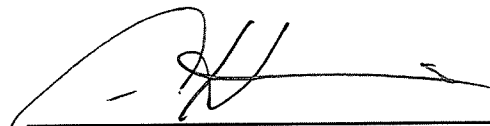
CERTIFICATE OF MERIT

**Re: The Chemical Toxin Working Group Inc.'s Notice of Proposition 65
Violations by Best Nutrition Products, Inc.**

I, Andre A. Khansari, hereby declare:

1. This Certificate of Merit (this "Certificate") accompanies the attached Notice of Violation dated October 13, 2015 (the "NOV") in which it is alleged that the party identified in the NOV ("alleged violator") has violated California Health and Safety Code Section 25249.6 by failing to provide clear and reasonable warnings.
2. I am the attorney for the noticing party The Chemical Toxin Working Group, Inc. The NOV alleges that the alleged violator has exposed persons in California to the listed chemical that is the subject of this Certificate. Please refer to the NOV for additional details regarding the product name and alleged violation.
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 alleged exposure to the listed chemical that is the subject of this Certificate. I have reviewed the laboratory testing results for the chemical subject to the NOV and relied on these results. The testing was conducted by a reputable testing laboratory, and by experienced scientists. The facts, studies and other data derived through this investigation overwhelmingly demonstrate that the alleged violator exposes persons to the listed chemical that is the subject of this Certificate.
4. Based on the information obtained through these consultants and on other information in my possession, I believe there is sufficient evidence that the listed product in the NOV exposes people to unlawfully high levels of the specified chemical. Furthermore, 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 served on the California Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health & Safety Code Section 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: October 13, 2015



Andre A. Khansari
Attorney for The Chemical Toxin Working Group, Inc.

CERTIFICATE OF SERVICE

I am a citizen of the United States and a resident of the County of Los Angeles. I am over the age of eighteen years and not a party to the within entitled action or process. My business address is **11845 W. Olympic Blvd., Suite 1000, Los Angeles, California 90064.**

On October 13, 2015, I served the following documents:

- (i) **Notice of Violation By Best Nutrition Products, Inc. for Violation of California Health & Safety Code Section 25249.5 et seq.;**
- (ii) **Certificate of Merit; and**
- (iii) **"The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary"**

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

Abhay Kumar Pati, CEO/President
Best Nutrition Products, Inc.
30982 Huntwood Avenue, Suite 208
Hayward, California 94544

(With a copy to its Registered Agent for Service of Process located at):
Best Nutrition Products, Inc.
c/o Ahbay Kumar Pati
30982 Huntwood Avenue, Suite 208
Hayward, California 94544

On October 13, 2015, I served the following documents:

- (i) **Notice of Violation By Best Nutrition Products, Inc. for Violation of California Health & Safety Code Section 25249.5 et seq.,**
- (ii) **Certificate of Merit, and**
- (iii) **Additional Information and Supporting Documentation Required by Title 11, C.C.R. §3102**

on the following party by filing electronically a true and correct copy thereof as permitted through the website of the California Office of the Attorney General via link at oag.ca.gov/prop65:

State of California Department of Justice
Office of the Attorney General

On October 13, 2015, I served the following documents:

- (i) **Notice of Violation By Best Nutrition Products, Inc. for Violation of California Health & Safety Code Section 25249.5 et seq.; and**
- (ii) **Certificate of Merit**

on each of the parties on the service list attached hereto (see attached "**Service List**") by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties on the attached service list, and depositing it at a United States Postal Service mail box for delivery by First Class Mail, except for Yolo County District Attorney's Office, which requested electronic service only c/o cfepd@yolocounty.org.

I, Andre A. Khansari, declare under penalty of perjury that the foregoing is true and correct.
Executed on October 13, 2015 at Los Angeles, California



Andre A. Khansari

SERVICE LIST

Page 1 of 2

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| District Attorney Alameda County 1225 Fallon Street, Suite 900 Oakland, CA 94612 | District Attorney Kern County 1215 Truxtun Avenue Bakersfield, CA 93301 | District Attorney Nevada County 201 Commercial Street Nevada City, CA 95959 |
| District Attorney Alpine County P.O. Box 248 Markleeville, CA 96120 | District Attorney Kings County 400 West Lacey Boulevard Hanford, CA 93230 | District Attorney Orange County 401 West Civic Center Drive Santa Ana, CA 92701 |
| District Attorney Amador County 708 Court Street, Suite 202 Jackson, CA 95642 | District Attorney Lake County 255 N. Forbes Street Lakeport, CA 95453 | District Attorney Placer County 10810 Justice Center Drive, Ste. 240 Roseville, CA 95678 |
| District Attorney Butte County 25 County Center Drive Suite 245 Oroville, CA 95965 | District Attorney Lassen County 220 South Lassen Street, Suite 8 Susanville, CA 96130 | District Attorney Plumas County 520 Main Street, Room 404 Quincy, CA 95911 |
| District Attorney Calaveras County 891 Mountain Ranch Road San Andreas, CA 95249 | District Attorney Los Angeles County 210 West Temple Street, Suite 18000 Los Angeles, CA 90012 | District Attorney Riverside County 3960 Orange Street, Suite 500 Riverside, CA 92501 |
| District Attorney Colusa County 346 Fifth Street Suite 101 Colusa, CA 95932 | District Attorney Madera County 209 West Yosemite Avenue Madera, CA 93637 | District Attorney Sacramento County 901 "G" Street Sacramento, CA 95814 |
| District Attorney Contra Costa County 900 Ward Street. Martinez, CA 94553 | District Attorney Marin County 350 Civic Center Drive, Room 130 San Rafael, CA 94903 | District Attorney San Benito County 419 4th Street Hollister, CA 95023 |
| District Attorney Del Norte County 45011 Street, Room 171 Crescent City, CA 95531 | District Attorney Mariposa County Post Office Box 730 Mariposa, CA 95338 | District Attorney San Bernardino County 316 N. Mountain View Avenue San Bernardino, CA 92415 |
| District Attorney El Dorado County 515 Main Street Placerville, CA 95667 | District Attorney Mendocino County P. O. Box 1000 Ukiah, CA 95482 | District Attorney San Diego County 330 West Broadway, Suite 1300 San Diego, CA 92101 |
| District Attorney Fresno County 2220 Tulare Street, Suite 1000 Fresno, CA 93721 | District Attorney Merced County 550 W. Main Street Merced, CA 95340 | District Attorney San Francisco County 850 Bryant Street, Suite 322 San Francisco, CA 94103 |
| District Attorney Glenn County Post Office Box 430 Willows, CA 95988 | District Attorney Modoc County 204 S. Conn Street, Room 202 Alturas, CA 96101 | District Attorney San Joaquin County 222 E. Weber Ave., Rm. 202 Stockton, CA 95202 |
| District Attorney Humboldt County 525 5th Street 4th Floor Eureka, CA 95501 | District Attorney Mono County P. O. Box 617 Bridgeport, CA 93517 | District Attorney San Luis Obispo County 1035 Palm St, Room 450 San Luis Obispo, CA 93408 |
| District Attorney Imperial County 940 West Main Street, Ste 102 El Centro, CA 92243 | District Attorney Monterey County P. O. Box 1131 Salinas, CA 93902 | District Attorney San Mateo County 400 County Ctr., 3rd Floor Redwood City, CA 94063 |
| District Attorney Inyo County 50 W. Line Street Bishop, CA 93514 | District Attorney Napa County 931 Parkway Mall Napa, CA 94559 | District Attorney Santa Barbara County 1112 Santa Barbara Street Santa Barbara, CA 93101 |

SERVICE LIST

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| District Attorney Santa Clara County 70 West Redding Street San Jose, CA 95110 | District Attorney Stanislaus County 83212 Street, Suite 300 Modesto, CA 95354 | District Attorney Yolo County (via email per request to cfepd@yolocounty.org) |
| District Attorney Santa Cruz County 701 Ocean Street, Room 200 Santa Cruz, CA 95060 | District Attorney Sutter County 446 Second Street Yuba City, CA 95991 | District Attorney Yuba County 215 Fifth Street, Suite 152 Marysville, CA 95901 |
| District Attorney Shasta County 1355 West Street Redding, CA 96001 | District Attorney Tehama County P.O. Box 519 Red Bluff CA 96080 | Los Angeles City Attorney's Office City Hall East 200 N. Main Street, Suite 800 Los Angeles, CA 90012 |
| District Attorney Sierra County P.O. Box 457 Downieville, CA 95936 | District Attorney Trinity County P. O. Box 310 Weaverville, CA 96093 | San Diego City Attorney's Office 1200 3rd Avenue, Suite 1620 San Diego, CA 92101 |
| District Attorney Siskiyou County P. O. Box 986 Yreka, CA 96097 | District Attorney Tulare County 221 S. Mooney Blvd., Room 224 Visalia. CA 93201 | San Francisco, City Attorney City Hall, Room 234 1 Dr. Carlton B Goodlett Place San Francisco, CA 94102 |
| District Attorney Solano County 675 Texas Street, Ste 4500 Fairfield, CA 94533 | District Attorney Tuolumne County 423 N. Washington Street Sonora, CA 95370 | San Jose City Attorney's Office 200 East Santa Clara Street, 16th Floor San Jose, CA 95113 |
| District Attorney Sonoma County 600 Administrative Drive, Room 212 Santa Rosa, CA 95403 | District Attorney Ventura County 800 South Victoria Aye, Suite 314 Ventura, CA 93009 | |