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rebecca@lozeaudrury.com

VIA CERTIFIED MAIL

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Natural Factors Nutritional Products Ltd.
1550 United Boulevard
Coquitlam BC V3K 6Y2
Canada

Current CEO or President
Natural Factors Inc.
1550 United Boulevard
Coquitlam, BC V3K 6Y2
Canada

Current CEO or President
InovoBiologic Inc.
104-1240 Kensington Road NW
Calgary AB T2N 3P7
Canada

Current CEO or President
InovoBiologic Inc.
101-3680 Bonneville Place
Burnaby BC V3N 4T5
Canada

Current CEO or President
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Calgary AB T3H 3C8
Canada

Current CEO or President
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Monroe, WA 98272

VIA CERTIFIED MAIL

Current CEO or President
Natural Factors Nutritional Products Inc.
14224 167th Avenue, SE
Monroe, WA 98272

Current CEO or President
Natural Factors Nutritional Products Inc.
1420 80th Street, SW
Everett, WA 98203

Current CEO or President
Natural Factors Nutritional Products Inc.
1-3655 Bonneville Place
Burnaby BC V3N 4S9
Canada, FO 00001

Cairncross & Hempelmann PS
(Natural Factors Nutritional Products Inc.'s
Registered Agent for Service of Process)
524 2nd Avenue, #500
Seattle, WA 98104

VIA ELECTRONIC MAIL

Stacey Grassini, Deputy District Attorney
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Jeff W. Reisig, District Attorney
Yolo County
301 Second Street
Woodland, CA 95695
cfepd@yolocounty.org

VIA ONLINE SUBMISSION

Office of the California Attorney General

VIA PRIORITY MAIL

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

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

Dear Addressees:

I represent 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 names of the Companies covered by this notice that violated Proposition 65 (hereinafter the “Violators”) are:

Natural Factors Nutritional Products Ltd.
Natural Factors Inc.
InovoBiologic Inc.
Natural Factors Nutritional Products Inc.

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

- 1) **InovoBiologic Inc. Natural Factors PGX Satisfast Vegan Protein Dark Chocolate - Lead**
- 2) **InovoBiologic Inc. Natural Factors PGX Satisfast Vegan Protein Very Vanilla - Lead**
- 3) **Natural Factors SlimStyles Weight Loss Drink Mix with PGX French Vanilla - Lead**
- 4) **Natural Factors SlimStyles Weight Loss Drink Mix with PGX Double Chocolate - Lead**
- 5) **Natural Factors Whey Factors Matcha Green Tea - Lead**
- 6) **Natural Factors WellBetX PGX Plus Mulberry - Lead**
- 7) **Natural Factors WellBetX Glucose Balance Herbal Formula - Lead**
- 8) **Natural Factors HerbalFactors Milk Thistle Phytosome - Lead**
- 9) **Natural Factors 7 Day Total Nutritional Cleansing Program - Lead**
(kit includes the following products)
 - a) **Natural Factors 7 Day Total Nutritional Cleansing Program Step 1 RevitalX Intestinal Rejuvenation Formula**
 - b) **Natural Factors 7 Day Total Nutritional Cleansing Program Step 2 Detoxitech Detoxification and Cellular Cleansing**
 - c) **Natural Factors 7 Day Total Nutritional Cleansing Program Colon Support & Liver Support**
- 10) **Natural Factors Organic MacaRich Super Strength Power Maca with Ginseng - Lead**
- 11) **Natural Factors WomenSense Anti-Stress AdrenaSense Adrenal Formula - Lead**
- 12) **Natural Factors HerbalFactors Liv-Gall Cleanse - Lead**

- 13) Natural Factors WellBetX PGX Weight Loss Shake Chocolate - Lead**
- 14) Natural Factors WellBetX PGX Weight Management Shake French Vanilla - Lead**
- 15) Natural Factors SlimStyles Weight Loss Drink Mix with PGX Rich Mocha - Lead**
- 16) Natural Factors SlimStyles Weight Loss Drink Mix with PGX Very Strawberry - Lead**
- 17) Natural Factors Detoxitech - Lead**
- 18) Natural Factors Vegan Protein Factors Vanilla Bean - Lead**
- 19) Natural Factors Men's MultiStart Dr. Michael Murray Formulated - Lead**
- 20) Natural Factors Men's 50+ MultiStart Dr. Michael Murray Formulated - Lead**
- 21) Natural Factors Women's Plus MultiStart Dr. Michael Murray Formulated - Lead**
- 22) Natural Factors PGX Satisfast Whey Protein Energy Drink Mix Very Vanilla - Lead**
- 23) Natural Factors PGX Satisfast Whey Protein Energy Drink Mix Double Chocolate - Lead**
- 24) InovoBiologic Inc. PGX Satisfast Vegan Protein Very Strawberry - Lead**
- 25) InovoBiologic Inc. PGX Satisfast Organic Vegan Protein Bar Very Berry Dark Chocolate - Lead**
- 26) InovoBiologic Inc. PGX Satisfast Organic Vegan Protein Bar Dark Chocolate Coconut - Lead**
- 27) InovoBiologic Inc. PGX Satisfast Organic Vegan Protein Bar Dark Chocolate Peanut Butter - 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 Violators and the appropriate governmental authorities of the Proposition 65 violations concerning the listed products. This notice covers all violations of Proposition 65 involving the Violators 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 Violators.

The Violators have 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 Violators violated Proposition 65 because they 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 January 13, 2013 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.

January 13, 2016

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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 Violators agree in an enforceable written instrument to: (1) reformulate the listed products so as to eliminate further exposures to the identified chemical; (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 chemical 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,



Rebecca Davis

Attachments

Certificate of Merit

Certificate of Service

OEHHA Summary (to Natural Factors Nutritional Products Ltd., Natural Factors Inc., InovoBiologic Inc., Natural Factors Nutritional Products Inc., and its Registered Agent 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 Natural Factors Nutritional Products Ltd.; Natural Factors Inc.; InovoBiologic Inc.; and Natural Factors Nutritional Products Inc.

I, Rebecca Davis, declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the parties 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 Violators 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: January 13, 2016



Rebecca Davis

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 January 13, 2016, 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
Natural Factors Nutritional Products Ltd.
1550 United Boulevard
Coquitlam BC V3K 6Y2
Canada

Current CEO or President
Natural Factors Inc.
1550 United Boulevard
Coquitlam, BC V3K 6Y2
Canada

Current CEO or President
InovoBiologic Inc.
104-1240 Kensington Road NW
Calgary AB T2N 3P7
Canada

Current CEO or President
InovoBiologic Inc.
101-3680 Bonneville Place
Burnaby BC V3N 4T5
Canada

Current CEO or President
InovoBiologic Inc.
1002-246 Stewart Green SW
Calgary AB T3H 3C8
Canada

Current CEO or President
InovoBiologic Inc.
14224 167th Avenue, SE
Monroe, WA 98272

Current CEO or President
Natural Factors Nutritional Products Inc.
14224 167th Avenue, SE
Monroe, WA 98272

Current CEO or President
Natural Factors Nutritional Products Inc.
1420 80th Street, SW
Everett, WA 98203

Current CEO or President
Natural Factors Nutritional Products Inc.
1-3655 Bonneville Place
Burnaby BC V3N 4S9
Canada, FO 00001

Cairncross & Hempelmann PS
(Natural Factors Nutritional Products Inc.'s
Registered Agent for Service of Process)
524 2nd Avenue, #500
Seattle, WA 98104

On January 13, 2016, I verified 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) were served on the following party when a true and correct copy thereof was uploaded 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 January 13, 2016, I verified the following documents **NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT** were served on the following parties when a true and correct copy thereof was sent via electronic mail to the party listed below:

Stacey Grassini, Deputy District Attorney
Contra Costa County
900 Ward Street
Martinez, CA 94553
sgrassini@contracostada.org

Gregory Alker, Assistant District Attorney
San Francisco County
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gregory.alker@sfgov.org

Michelle Latimer, Program Coordinator
Lassen County
220 S. Lassen Street
Susanville, CA 96130
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Yen Dang, Supervising Deputy District Attorney
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Gary Lieberstein, District Attorney
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Anne Marie Schubert, District Attorney
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Sacramento, CA 95814
Prop65@sacda.org

Jeff W. Reisig, District Attorney
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Woodland, CA 95695
cfepd@yolocounty.org

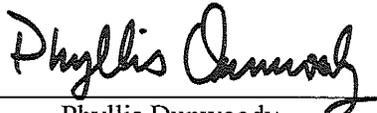
Notice of Violations of California Health & Safety Code §25249.5 *et seq.*

January 13, 2016

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On January 13, 2016, 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 January 13, 2016, in Fort Oglethorpe, Georgia,



Phyllis Dunwoody

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

January 13, 2016

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Service List

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

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

District Attorney, Amador County
708 Court Street
Jackson, CA 95642

District Attorney, Butte County
25 County Center Drive,
Suite 245
Oroville, CA 95965

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

District Attorney, Colusa County
346 Fifth Street Suite 101
Colusa, CA 95932

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

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

District Attorney, Fresno County
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Fresno, CA 93721

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District Attorney, Humboldt County
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Eureka, CA 95501

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Bishop, CA 93514

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District Attorney, Madera County
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Madera, CA 93637

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San Rafael, CA 94903

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