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August 2, 2016

Wakaya Perfection, LLC  
7 South 1550 West  
Suite 600  
Lindon, UT 84042

**Re: AMENDED NOTICE OF VIOLATIONS OF CALIFORNIA HEALTH & SAFETY CODE SECTION 25249.5 ET SEQ. (PROPOSITION 65)**

To Whom It May Concern:

We represent Youngevity International Corp. (“Youngevity”) in *Youngevity International Corp., et al. v. Wakaya Perfection, et. al.*, Case No. 3:16-cv-704-W-JLB (S.D. Cal.) (“YGYI v. Wakaya”). During its investigation of Wakaya’s business and product offerings, Youngevity discovered that Wakaya violates California’s Safe Drinking Water and Toxic Enforcement Act of 1986 (“Prop 65”), which is codified at California Health & Safety Code § 25248.5 *et seq.*, with respect to the products identified below. Those violations have occurred and continue to occur because Wakaya has failed to provide clear and reasonable warnings concerning, inter alia, the excessive lead content in certain products. Youngevity served an initial Notice of Violations of Prop 65 on July 5, 2016. This letter serves as an amended notice of violations to Wakaya and the appropriate enforcement agencies. Pursuant to Section 25249.7(d) of the statute, Youngevity will seek leave to amend its Complaint in *YGYI v. Wakaya* after the sixty-day statutory period following effective service of this amended notice, unless the parties can reach a remedial solution that prevents harmful consumer exposures.

This amended notice provides the essential notice of violations of California’s Prop 65. Those violations are significant and pose an immediate threat to public safety. The lead and inorganic arsenic exposure levels caused by ingestion or use of Wakaya’s products hereinbelow identified, including Wakaya’s bentonite clay products, are significantly higher than permissible under state thresholds. Moreover, Wakaya promotes these products as non-toxic alternatives to competing products. Those advertising claims are apparently false or misleading, and encourage consumers to use the Wakaya products despite the known health risks associated with them. For example, Wakaya sells a “Detox Cap” for use in its Bula Bottles that promises to cleanse the

body of built-up wastes and toxins, yet that Detox Cap itself contains elevated levels of lead and arsenic that exceed Prop 65 warning levels.

**General Information about Proposition 65.** A copy of a summary of Proposition 65, prepared by the Office of Environmental Health Hazard Assessment, is attached with the copy of this letter served to the Alleged Violator.

**Alleged Violator.** The name of the company covered by this notice that violated Proposition 65 is:

**Wakaya Perfection, LLC**

**Consumer Products and Listed Chemicals.** The products that are the subject of this notice and the chemical in those products identified as exceeding allowable levels are:

- Wakaya Detox Caps – Lead
- Wakaya SAVA Daily Detox Masques – Lead
- Wakaya Calcium Bentonite Clay Powder – Lead
- Wakaya Qele Liquid Clay – Lead and Inorganic Arsenic
- Wakaya Bula Daily Total Detox Pack – Lead and Inorganic Arsenic
- Wakaya Bula Daily Slim Pack – Lead
- Wakaya Paradise Product Pack – Lead
- Wakaya Calcium Bentonite Clay Powder Refill – 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. Similarly, on February 27, 1987, the State of California officially listed inorganic arsenic as a chemical known to cause cancer.

Youngevity may continue to investigate other products that may reveal further violations and result in subsequent notices of violation.

**Route of Exposure.** The consumer exposures that are the subject of this notice result from the purchase, acquisition, handling, and recommended use of the above listed products. Consequently, the primary route of exposure to those chemicals has been and continues to be through ingestion and/or dermal contact, but may have also occurred and may continue to occur through inhalation.

**Approximate Time Period of Violations.** Ongoing violations have occurred every day since at least approximately December 20, 2015, when the Alleged Violator became the exclusive distributor for those products, 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 or until these known toxic chemicals are either removed from or reduced to allowable levels in the products. Proposition 65 requires that a clear

and reasonable warning be provided prior to exposure to the identified chemicals. The method of warning should be a warning that appears directly on the product label. The Alleged Violator violated Proposition 65 because it failed to provide persons handling and/or using these products with appropriate warning that they are being exposed to those chemicals.

Youngevity is a company that promotes consumer well-being and longevity through sound dietary habits. Youngevity exercises great care to ensure that its products are lawful and safe for consumption. Consistent with the public interest goals of Proposition 65 and a preference to have these ongoing violations of California law remedied expeditiously, Youngevity seeks a constructive resolution that includes an enforceable agreement executed by Wakaya to: (1) reformulate the identified products so as to eliminate further exposures to the identified chemicals, or provide appropriate warnings on the labels of these products; and (2) pay an appropriate civil penalty. Such a resolution would prevent further undisclosed consumer exposures, as well as additional and expensive time consuming litigation. Absent such prompt remedial measures, Youngevity intends to pursue a claim under Prop 65 in the active litigation (*YGYI v. Wakaya*) and consistent with the public interest.

Please direct all communications regarding this Notice of Violations to my attention at the law office address and telephone number indicated on the letterhead.

Sincerely,

/s/ Peter A. Arhangelsky  
Peter A. Arhangelsky  
*Counsel to Youngevity International Corp.*

Attachments:

Certificate of Merit  
Certificate of Service  
OEHHA Summary (to Wakaya only)  
Additional Supporting Information for Certificate of Merit (to AG only)

cc (via e-mail):

Jonathan O. Hafen  
jhafen@parrbrown.com  
Jonathan R. Schofield  
jschofield@parrbrown.com  
Cynthia D. Love  
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Kyle M. Van Dyke  
kvandyke@hurst-hurst.com  
701 B Street  
Suite 1700  
San Diego, CA 92101

**CERTIFICATE OF MERIT**

**Re: Youngevity International Corp.’s Notice of Proposition 65 Violations by Wakaya Perfection, LLC**

I, Peter A. Arhangelsky, declare:

1. This Certificate of merit accompanies the attached amended 60-day notice in which it is alleged the party identified in the notice violated California Health and 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 more persons with relevant and appropriate experience or expertise who have reviewed facts, studies, or other data regarding the exposure to the listed chemicals that are the subject of this notice.

4. Based on information obtained through those consultants, which includes laboratory and analytical data related to the products at issue, 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 credible bases 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, we have 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: August 2, 2016

/s/ Peter A. Arhangelsky  
Peter A. Arhangelsky

## **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 3210 S. Gilbert Rd., Suite #4, Chandler, AZ 85286. I am a resident or employed in the county where the mailing occurred. The enveloped or package was placed in the mail in Chandler, Arizona.

On August 2, 2016, I served the following documents: **AMENDED 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 parties listed below and depositing it in a US Postal Service Office with postage fully prepaid for delivery by Certified Mail:

Registered Agent for Wakaya Perfection, LLC  
13413 N. Alpine Cove Dr.  
Alpine, UT 84004

Current President, CEO, Manager, or Managing Member  
Wakaya Perfection, LLC  
7 South 1550 West  
Suite 600  
Lindon, UT 84042

On August 2, 2016, I served the following documents: **AMENDED 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 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 August 2, 2016, I served the following documents: **AMENDED 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 with the U.S. Postal Service with the postage fully prepaid for delivery by first class mail.

Executed on August 2, 2016

/s/ Peter A. Arhangelsky  
Peter A. Arhangelsky

# SERVICE LIST

The Honorable Nancy O'Malley  
Alameda County District Attorney  
1225 Fallon Street, Room 900  
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The Honorable Terese Drabec  
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