

**HEALTHY CALIFORNIA LIVING, INC.**  
**1146 North Central Avenue,**  
**Suite 170**  
**Glendale, CA 91202**

March 10, 2017

**VIA CERTIFIED MAIL**

Anthony P. Costello, CEO  
GLANDIA, INC.  
955 Butterfield Road  
Aurora, IL 60502

**VIA PRIORITY MAIL**

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

Corporation Service Company  
OPTIMUM NUTRITION, INC.  
For Service of Process  
2710 Gateway Oaks Drive, Suite 150  
Sacramento, CA 95833

Office of the California Attorney General  
Prop 65 Enforcement Reporting  
1515 Clay Street, Suite 2000  
P.O. Box 70550  
Oakland, CA 94612

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

Dear Addressees:

I am the Executive Director of HEALTHY CALIFORNIA LIVING, INC. ("HCL") in connection with the 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.

HCL 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 is:

**OPTIMUM NUTRITION, INC..**

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

**OPTIMUM NUTRITION GOLD STANDARD WHEY:----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 as chemical known to cause cancer.

This letter is a Notice to Optimum Nutrition, Inc. and the appropriate governmental authorities of the Proposition 65 violations concerning the listed products. This Notice covers all violations of Proposition 65 involving Optimum Nutrition, Inc. currently known to HCL from the information now available. HCL 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, has been provided to the Noticed Company with a copy of this letter.

Optimum Nutrition, Inc. has manufactured, marketed, distributed, and/or sold the listed products, which have exposed and continue to expose numerous individuals within California to the identified chemicals. The primary route of exposure to these chemicals 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 the identified chemicals. The method of warning should be of a fair and reasonable nature. Optimum Nutrition, Inc. violated Proposition 65 because the

Company has failed to provide an appropriate warning to persons using these products that they are being exposed to the identified chemical.

Pursuant to Section 25249.7(d) of the statute, HCL intends to file a citizen enforcement action sixty days after effective service of this Notice unless Optimum Nutrition, Inc. agrees in an enforceable resolution to : 1. Reformulate the listed products or 2. Provide the proper Proposition 65 warning. Consistent with the public interest goals of Proposition 65 and HCL'S objectives in pursuing this Notice, HCL 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.

**Additional Notice Information**

Identified below is a specific example of a product recently purchased and witnessed as being available for purchase or use in California that is within the category or type of offending product covered by this Notice. Based on publically available information, the retailers, distributors, and/or manufacturers of the example within the category or type of product are also provided below. I believe and allege that the sale of the offending products also has occurred without the requisite Proposition 65 "clear and reasonable warning" at one or more locations and/or via other means including, but not limited to, transactions made over-the-counter, business-to-business, through the internet and/or via a catalog by the Violator and other retailers and distributors of the manufacturer.

Product*	Retailer(s)	Manufacturer(s)/Distributor(s)
Optimum Nutrition, Gold Standard Whey, Batch #0000793929	GNC Store, Los Angeles, California.	Glanbia, Inc.

Notice of Violations of California Health & Safety Code Section 25249.5 et seq. & Statement of Information  
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EXHIBIT A

Product Category/Type	Such As*	Toxins
Packaged Gold Standard Whey, Batch #0000793929	Packaged Raw Protein, Batch #0000793929	Lead

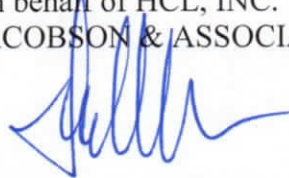
\*The specifically identified example of the type of product that is subject to this Notice is for the recipient's benefit to assist in its investigation of, among other things, the magnitude of potential exposures to the listed chemical from other items within the product category/type listed in Exhibit A. It is important to note that this example is not meant to be an exhaustive or comprehensive identification of each specific offending product of the type listed under "Product Category/Type" in Exhibit A. Further, it is this citizen's position that the alleged Violator is obligated to continue in good faith an investigation into other specific products within the type or category described above that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the notice recipient's custody or control) during the relevant period so as to ensure that the requisite toxic warnings were and are provided to California citizens prior to purchase.

Please direct all questions concerning this notice to HCL attorney, Jerry A.

Jacobson, Esq., of Jacobson & Associates, a P.C., at 3580 Wilshire Boulevard, Suite 1600, Los Angeles, CA 90010, telephone 213.383.0500, fax 213.380.0310 and email [Jacobsonlaw@prodigy.net](mailto:Jacobsonlaw@prodigy.net).

Very truly yours,

On behalf of HCL, INC.  
JACOBSON & ASSOCIATES, a P.C.



JERRY A. JACOBSON, ESQ.

JAJ:sc

Attachments  
Certificate of Merit

Notice of Violations of California Health & Safety Code Section 25249.5 et seq. & Statement of  
Information  
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Certificate of Service

OEHHA Summary (to Optimum Nutrition, Inc. and its Registered agent for  
Service of Process only)

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

**CERTIFICATE OF MERIT**

**Re: Health California Living's Notice of proposition 65 Violations by Optimum Nutrition, Inc.**

I, Jerry A. Jacobson, declare and affirm as follows:

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 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 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: March 10, 2017



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Jerry A. Jacobson, Esq.  
Attorney for Healthy California Living, Inc.