



T 510.836.4200
F 510.836.4205

410 12th Street, Suite 250
Oakland, Ca 94607

www.lozeaudrury.com
rebecca@lozeaudrury.com

VIA CERTIFIED MAIL

Current CEO or President
Iovate Health Sciences U.S.A. Inc.
1105 North Market Street, Suite 1330
Wilmington, DE 19801

Current CEO or President
Iovate Health Sciences U.S.A. Inc.
3880 Jeffrey Boulevard
Buffalo, NY 14219

Current CEO or President
Iovate Health Sciences International Inc.
381 North Service Road West
Oakville ON L6M 0H4
Canada

CT Corporation System (C0168406)
(Iovate Health Sciences U.S.A. Inc.'s
Registered Agent for Service of Process)
818 West Seventh Street, Suite 930
Los Angeles, CA 90017

The Corporation Trust Company
(Iovate Health Sciences U.S.A. Inc.'s
Registered Agent for Service of Process)
1209 Orange Street
Wilmington, DE 19801

CT Corporation System
(Iovate Health Sciences International Inc.'s
Registered Agent for Service of Process)
111 Eighth Avenue
New York, NY 10011

VIA CERTIFIED MAIL

CT Corporation System
(Iovate Health Sciences U.S.A. Inc.'s
Registered Agent for Service of Process)
111 Eighth Avenue
New York, NY 10011

VIA ELECTRONIC MAIL

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

Michelle Latimer, Program Coordinator
Lassen County
220 S. Lassen Street
Susanville, CA 96130
mlatimer@co.lassen.ca.us

Dije Ndreu, Deputy District Attorney
Monterey County
1200 Aguajito Road
Monterey, CA 93940
Prop65DA@co.monterey.ca.us

Allison Haley, District Attorney
Napa County
931 Parkway Mall
Napa, CA 94559
CEPD@countyofnapa.org

VIA ELECTRONIC MAIL

Paul E. Zellerbach, District Attorney
Riverside County
3072 Orange Street
Riverside, CA 92501
Prop65@rivcoda.org

Anne Marie Schubert, District Attorney
Sacramento County
901 G Street
Sacramento, CA 95814
Prop65@sacda.org

Gregory Alker, Assistant District Attorney
San Francisco County
732 Brannan Street
San Francisco, CA 94103
gregory.alker@sfgov.org

Tori Verber Salazar, District Attorney
San Joaquin County
222 E. Weber Avenue, Room 202
Stockton, CA 95202
DAConsumer.Environmental@sjcda.org

Eric J. Dobroth, Deputy District Attorney
San Luis Obispo County
County Government Center Annex, 4th
Floor
San Luis Obispo, CA 93408
edobroth@co.slo.ca.us

Yen Dang, Supervising Deputy District
Attorney
Santa Clara County
70 W Hedding St
San Jose, CA 95110
EPU@da.sccgov.org

VIA ELECTRONIC MAIL

Stephan R. Passalacqua, District Attorney
Sonoma County
600 Administration Dr
Sonoma, CA 95403
jbarnes@sonoma-county.org

Phillip J. Cline, District Attorney
Tulare County
221 S Mooney Blvd
Visalia, CA 95370
Prop65@co.tulare.ca.us

Gregory D. Totten, District Attorney
Ventura County
800 S Victoria Ave
Ventura, CA 93009
daspecialops@ventura.org

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 FIRST CLASS 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:

Iovate Health Sciences U.S.A. Inc.
Iovate Health Sciences International Inc.

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

1. **Iovate Health Sciences U.S.A. Inc. Purely Inspired 100% Pure 7-Day Cleanse With Active Probiotics - Lead**
2. **Iovate Health Sciences U.S.A. Inc. Purely Inspired Organic Protein 100% Plant-Based Nutritional Shake Decadent Chocolate - Lead**
3. **Iovate Health Sciences U.S.A. Inc. True Grit Test Booster - Lead**
4. **Iovate Health Sciences U.S.A. Inc. Six Star Pro Nutrition MuscleTech 100% Whey Protein+ Plus Elite Series Strawberry Smoothie - Lead**
5. **Iovate Health Sciences U.S.A. Inc. Epiq Quad Test - Lead**
6. **Iovate Health Sciences U.S.A. Inc. Six Star Pro Nutrition Fit 100% Protein Isolate French Vanilla - Lead**
7. **Iovate Health Sciences U.S.A. Inc. MuscleTech #Shatter SX-7 Black Onyx Ripped Raspberry Lemonade - Lead**
8. **Iovate Health Sciences U.S.A. Inc. MuscleTech #Shatter SX-7 Black Onyx Ripped Cherry Limeade Twist - Lead**
9. **Iovate Health Sciences U.S.A. Inc. MuscleTech PerformanceSeries Cell Tech Hyper-Build Extreme Fruit Punch - Lead**
10. **Iovate Health Sciences U.S.A. Inc. Six Star Pro Nutrition MuscleTech Complete Recovery Protein Elite Series Decadent Chocolate – Lead, Cadmium**
11. **Iovate Health Sciences U.S.A. Inc. MuscleTech Premium 100% Whey Protein+ Plus Deluxe Vanilla - Lead**
12. **Iovate Health Sciences U.S.A. Inc. Six Star Pro Nutrition MuscleTech Chewy & Delicious Protein Elite Series Peanut Butter Chocolate - Lead**
13. **Iovate Health Sciences U.S.A. Inc. MuscleTech PerformanceSeries Test HD Hardcore Testosterone Booster - Lead**
14. **Iovate Health Sciences U.S.A. Inc. MuscleTech PerformanceSeries Mass Tech Scientifically Superior Mass Gainer Milk Chocolate - Lead**
15. **Iovate Health Sciences U.S.A. Inc. MuscleTech PerformanceSeries Mass Tech Scientifically Superior Mass Gainer Cookies and Cream - Lead**
16. **Iovate Health Sciences U.S.A. Inc. MuscleTech PerformanceSeries Mass Tech Scientifically Superior Mass Gainer Strawberry - Lead**
17. **Iovate Health Sciences U.S.A. Inc. MuscleTech Premium Mass Gainer Vanilla - Lead**
18. **Iovate Health Sciences U.S.A. Inc. MuscleTech Premium Mass Gainer Strawberry - Lead**

- 19. Iovate Health Sciences U.S.A. Inc. MuscleTech PerformanceSeries Nitro Tech Café Blended Coffee Whey Protein Shake - Lead**
- 20. Iovate Health Sciences U.S.A. Inc. MuscleTech PerformanceSeries Nitro Tech Amino Boost Hazelnut - Lead**
- 21. Iovate Health Sciences U.S.A. Inc. MuscleTech PerformanceSeries Nitro Tech Amino Boost French Vanilla - Lead**
- 22. Iovate Health Sciences U.S.A. Inc. MuscleTech PerformanceSeries Nitro Tech Amino Boost Caramel - Lead**
- 23. Iovate Health Sciences U.S.A. Inc. MuscleTech Nitro Tech Crunch High-Performance Protein Energy Bar Strawberry Cheesecake - Lead**
- 24. Iovate Health Sciences U.S.A. Inc. MuscleTech Protein Cookie Chocolate Chip - Lead**
- 25. Iovate Health Sciences U.S.A. Inc. MuscleTech PerformanceSeries All-In-One Whey +Greens Vanilla - Lead**
- 26. Iovate Health Sciences U.S.A. Inc. MuscleTech PerformanceSeries All-In-One Whey +Greens Milk Chocolate - Lead**
- 27. Iovate Health Sciences U.S.A. Inc. MuscleTech PerformanceSeries Nitro Tech Casein Gold Creamy Vanilla - Lead**
- 28. Iovate Health Sciences U.S.A. Inc. MuscleTech PerformanceSeries Nitro Tech Whey Plus+ Isolate Gold Vanilla Bean - 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.

Cadmium was officially listed as a chemical known to cause developmental toxicity and male reproductive toxicity on May 1, 1997 while cadmium and cadmium compounds were listed as chemicals known to the State of California to cause cancer on October 1, 1987.

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 chemicals, lead and/or cadmium. The consumer exposures that are the subject of this notice result from the recommended use of these products by consumers. The route of exposure to lead and/or cadmium has been through ingestion. Proposition 65 requires that a clear and reasonable warning be provided prior to exposure to lead and/or cadmium. 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 and/or cadmium. Each of these ongoing violations has occurred on every day since November 3, 2014, 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.

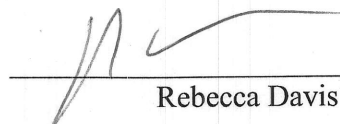
November 3, 2017

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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 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,


Rebecca Davis

Attachments

Certificate of Merit

Certificate of Service

OEHHA Summary (to Iovate Health Sciences U.S.A. Inc., Iovate Health Sciences International Inc. and their Registered Agents for Service of Process only)

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

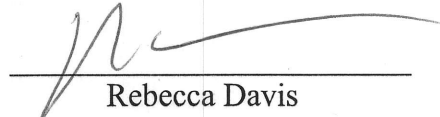
CERTIFICATE OF MERIT

**Re: Environmental Research Center, Inc.'s Notice of Proposition 65 Violations
by Iovate Health Sciences U.S.A. Inc. and Iovate Health Sciences
International 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 chemicals that are 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: November 3, 2017



Rebecca Davis

CERTIFICATE OF SERVICE PURSUANT TO 27 CCR § 25903

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 and over the age of 18 years of age. 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 November 3, 2017 between 10:00 a.m. and 4:30 p.m. Eastern Time, 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 each of the parties 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
Iovate Health Sciences U.S.A. Inc.
1105 North Market Street, Suite 1330
Wilmington, DE 19801

The Corporation Trust Company
(Iovate Health Sciences U.S.A. Inc.’s
Registered Agent for Service of Process)
1209 Orange Street
Wilmington, DE 19801

Current CEO or President
Iovate Health Sciences U.S.A. Inc.
3880 Jeffrey Boulevard
Buffalo, NY 14219

CT Corporation System
(Iovate Health Sciences International Inc.’s
Registered Agent for Service of Process)
111 Eighth Avenue
New York, NY 10011

Current CEO or President
Iovate Health Sciences International Inc.
381 North Service Road West
Oakville ON L6M 0H4
Canada

CT Corporation System
(Iovate Health Sciences U.S.A. Inc.’s
Registered Agent for Service of Process)
111 Eighth Avenue
New York, NY 10011

CT Corporation System (C0168406)
(Iovate Health Sciences U.S.A. Inc.’s
Registered Agent for Service of Process)
818 West Seventh Street, Suite 930
Los Angeles, CA 90017

On November 3, 2017 between 10:00 a.m. and 4:30 p.m. Eastern Time, 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 November 3, 2017 between 10:00 a.m. and 4:30 p.m. Eastern Time, 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 each of the parties listed below:

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

Michelle Latimer, Program Coordinator
Lassen County
220 S. Lassen Street
Susanville, CA 96130
mlatimer@co.lassen.ca.us

Dije Ndreu, Deputy District Attorney
Monterey County
1200 Aguajito Road
Monterey, CA 93940
Prop65DA@co.monterey.ca.us

Allison Haley, District Attorney
Napa County
931 Parkway Mall
Napa, CA 94559
CEPD@countyofnapa.org

Paul E. Zellerbach, District Attorney
Riverside County
3072 Orange Street
Riverside, CA 92501
Prop65@rivcoda.org

Anne Marie Schubert, District Attorney
Sacramento County
901 G Street
Sacramento, CA 95814
Prop65@sacda.org

Gregory Alker, Assistant District Attorney
San Francisco County
732 Brannan Street
San Francisco, CA 94103
gregory.alker@sfgov.org

Tori Verber Salazar, District Attorney
San Joaquin County
222 E. Weber Avenue, Room 202
Stockton, CA 95202
DAConsumer.Environmental@sjcda.org

Eric J. Dobroth, Deputy District Attorney
San Luis Obispo County
County Government Center Annex, 4th Floor
San Luis Obispo, CA 93408
edobroth@co.slo.ca.us

Yen Dang, Supervising Deputy District Attorney
Santa Clara County
70 W Hedding St
San Jose, CA 95110
EPU@da.sccgov.org

Stephan R. Passalacqua, District Attorney
Sonoma County
600 Administration Dr
Sonoma, CA 95403
jbarnes@sonoma-county.org

Phillip J. Cline, District Attorney
Tulare County
221 S Mooney Blvd
Visalia, CA 95370
Prop65@co.tulare.ca.us

Gregory D. Totten, District Attorney
Ventura County
800 S Victoria Ave
Ventura, CA 93009
daspecialops@ventura.org

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

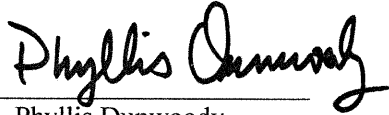
Notice of Violations of California Health & Safety Code §25249.5 *et seq.*

November 3, 2017

Page 9

On November 3, 2017 between 10:00 a.m. and 4:30 p.m. Eastern Time, 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 First Class Mail.

Executed on November 3, 2017, in Fort Oglethorpe, Georgia.



Phyllis Dunwoody

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, Suite 202
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
2220 Tulare Street, Suite
1000
Fresno, CA 93721

District Attorney, Glenn
County
Post Office Box 430
Willows, CA 95988

District Attorney, Humboldt
County
825 5th Street 4th Floor
Eureka, CA 95501

District Attorney, Imperial
County
940 West Main Street, Ste
102
El Centro, CA 92243

District Attorney, Inyo
County
P.O. Drawer D
Independence, CA 93526

District Attorney, Kern
County
1215 Truxtun Avenue
Bakersfield, CA 93301

District Attorney, Kings
County
1400 West Lacey Boulevard
Hanford, CA 93230

District Attorney, Lake
County
255 N. Forbes Street
Lakeport, CA 95453

District Attorney, Los
Angeles County
Hall of Justice
211 West Temple St., Ste
1200
Los Angeles, CA 90012

District Attorney, Madera
County
209 West Yosemite Avenue
Madera, CA 93637

District Attorney, Marin
County
3501 Civic Center Drive,
Room 130
San Rafael, CA 94903

District Attorney, Mariposa
County
Post Office Box 730
Mariposa, CA 95338

District Attorney,
Mendocino County
Post Office Box 1000
Ukiah, CA 95482

District Attorney, Merced
County
550 W. Main Street
Merced, CA 95340

District Attorney, Modoc
County
204 S Court Street, Room
202
Alturas, CA 96101-4020

District Attorney, Mono
County
Post Office Box 617
Bridgeport, CA 93517

District Attorney, Nevada
County
201 Commercial Street
Nevada City, CA 95959

District Attorney, Orange
County
401 West Civic Center Drive
Santa Ana, CA 92701

District Attorney, Placer
County
10810 Justice Center Drive,
Ste 240
Roseville, CA 95678

District Attorney, Plumas
County
520 Main Street, Room 404
Quincy, CA 95971

District Attorney, San Benito
County
419 Fourth Street, 2nd Floor
Hollister, CA 95023

District Attorney, San
Bernardino County
316 N. Mountain View
Avenue
San Bernardino, CA 92401

District Attorney, San Diego
County
330 West Broadway, Suite
1300
San Diego, CA 92101

District Attorney, San Mateo
County
400 County Ctr., 3rd Floor
Redwood City, CA 94063

District Attorney, Santa
Barbara County
1112 Santa Barbara Street
Santa Barbara, CA 93101

District Attorney, Santa Cruz
County
701 Ocean Street, Room 200
Santa Cruz, CA 95060

District Attorney, Shasta
County
1355 West Street
Redding, CA 96001

District Attorney, Sierra
County
PO Box 457
Downieville, CA 95936

District Attorney, Siskiyou
County
Post Office Box 986
Yreka, CA 96097

District Attorney, Solano
County
675 Texas Street, Ste 4500
Fairfield, CA 94533

District Attorney, Stanislaus
County
832 12th Street, Ste 300
Modesto, CA 95354

District Attorney, Sutter
County
446 Second Street
Yuba City, CA 95991

District Attorney, Tehama
County
Post Office Box 519
Red Bluff, CA 96080

District Attorney, Trinity
County
Post Office Box 310
Weaverville, CA 96093

District Attorney, Tuolumne
County
423 N. Washington Street
Sonora, CA 95370

District Attorney, Yuba
County
215 Fifth Street, Suite 152
Marysville, CA 95901

Los Angeles City Attorney's
Office
City Hall East
200 N. Main Street, Suite
800
Los Angeles, CA 90012

San Diego City Attorney's
Office
1200 3rd Avenue, Ste 1620
San Diego, CA 92101

San Francisco, City Attorney
City Hall, Room 234
1 Dr Carlton B Goodlett PL
San Francisco, CA 94102

San Jose City Attorney's
Office
200 East Santa Clara Street,
16th Floor
San Jose, CA 95113