

HEALTHY LIVING FOUNDATION

VIA CERTIFIED FIRST CLASS MAIL

Michael D. Deal or Manager/CEO
Amazon.com Services LLC
410 Terry Avenue N.
Seattle Washington 98109

Current Manager or CEO
Amazon.com Services LLC
2710 Gateway Oaks Drive
Suite 150N
Sacramento, California 95833

Mike Devereux, CEO
Schwabe North America, Incorporated
Nature's Way Products, LLC
825 Challenger Drive
Green Bay, Wisconsin 54311

Current Chief Executive Officer
Schwabe North America, Incorporated
Nature's Way Products, LLC
% CT Corporation System
301 S. Bedford Street, Suite 1
Madison, WI 53703

Reza Faraee
Chief Executive Officer
IHERB, LLC
IHERB Holdings, LLC
301 N. Lake Avenue, Suite 500
Pasadena, CA 91101

Current CEO
IHERB, LLC
IHERB Holdings, LLC
% Matthew Marzucco
2804 Gateway Oaks DR #100
Sacramento CA 95833

VIA ELECTRONIC FILING

State of California Department of Justice

Office of Attorney General of California
Filing link: oag.ca.gov/prop65

VIA FIRST CLASS MAIL

District Attorneys of California Counties and
City Attorneys, as in the Certificate of
Service

VIA E-MAIL

District Attorneys of California Counties and
City Attorneys, as in the Certificate of
Service



February 16, 2021

60-DAY NOTICE

*Of intent to sue
for violations of the Safe Drinking Water and Toxic Enforcement Act of 1986*

The Safe Drinking Water and Toxic Enforcement Act of 1986, codified in the California Health & Safety Code sections 25249.5, *et seq.* (referred to as "Proposition 65"), requires that a 60-day notice of intent to sue be provided to a violator of CAL. HEALTH & SAFETY CODE § 25249.6.

Chemical Toxin Working Group, Inc., a California non-profit corporation, doing business as Healthy Living Foundation ("HLF," "Noticing Party"), is a non-profit consumer health organization engaged in activities supporting public health, implementing measures reducing the amount of chemical toxins in consumer products, improvement of worker and consumer safety from chemical exposures.

HLF has prosecuted a large number of CAL. HEALTH & SAFETY CODE violations in the public interest. These cases have resulted in significant public benefit, including reformulation of hundreds of products to remove toxic chemicals to make them safer, removal of heavily contaminated products containing lead, cadmium, acrylamide, dioxane, from the market in California and in the US.

CTWG's Chief Officer David Steinman is a publisher, a health journalist and an author of a bestseller DIET FOR A POISONED PLANET (Crown ed., 1990, Ballantine 2d ed., 1992, Running Press 3d ed., 2007); his major books also include THE SAFE SHOPPER'S BIBLE (Macmillan ed., 1995, Wiley 2d ed., 2000), THE BREAST CANCER PREVENTION PROGRAM (Macmillan ed., 1997), LIVING HEALTHY IN A TOXIC WORLD (Perseus ed., 1996), SAFE TRIP TO EDEN: TEN STEPS TO SAVE THE PLANET EARTH FROM THE GLOBAL WARMING MELTDOWN (Running Press ed., 2007), along with many regular publications in periodicals.

In its role as a public enforcer acting on behalf of California Attorney General, HLF buys foods and other consumer products through ordinary consumers' channels, tests them in independent accredited laboratories and reports results of both positive and negative nature to the public through the various news outlets and its own platforms and periodicals. Over the last 20 years, HLF has developed an extensive expertise in prosecuting manufacturers and distributors of food and consumer products for most egregious violations of health laws and consumer safety.

With this notice of violation (NOV), HLF gives a written notice of the alleged violation, bringing this action in the public interest as defined under the CAL. HEALTH & SAFETY CODE § 25249.7(d), seeking to prosecute the continuing and repeated noncompliance and to reduce and/or eliminate consumer exposures to violative chemical(s) from nutritional supplements (collectively, the "Specified Products" and

each a “Specified Product”) listed in the table below, which are manufactured, distributed and/or sold by Schwabe North America, Incorporated, Nature’s Way Products, LLC, IHERB, LLC, IHERB Holdings, LLC, and Amazon.com Services LLC (referred to as the “Noticed Party”).

This NOV covers the violations of Proposition 65 that are currently known to the Noticing Party from information now available as specifically related to the violating products listed below and manufactured, distributed or/and sold by and through the Noticed Parties. HLF is continuing its investigation that may reveal further violations.

The Specified Products subject to this NOV, the chemical in the Specified Product identified as exceeding allowable levels, and the Noticed Parties responsible for sale of the Specified Products, are as following:

Specified Products	Violative chemical	Noticed Party
Nature’s Way Premium Blend Silent Night Traditional Sleep Formula 100 Vegan Capsules, 440 mg per capsule	Lead	Schwabe North America, Incorporated, Nature’s Way Products, LLC, IHERB, LLC, IHERB Holdings, LLC, and Amazon.com Services LLC

Noticed Parties have manufactured, marketed, distributed and/or sold the Specified Products which have exposed and continue to expose consumers within the State of California to lead.

Lead was listed pursuant to Proposition 65 as a chemical known to the State of California to cause developmental toxicity and reproductive toxicity on February 27, 1987, and as a chemical known to the State of California to cause cancer on October 1, 1992.

With respect to each 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; has continued every day since the relevant date the violation commenced; and will continue every day henceforth until lead is removed from each Specified Product, reduced to allowable levels, or until a “clear and reasonable” warning is provided to consumers by the Noticed Parties, as applicable, in accordance with the law.

The primary route of exposure has been through ingestion.

CAL. HEALTH & SAFETY CODE § 25249.6 requires that a “clear and reasonable” warning be provided prior to exposure to chemicals listed under Proposition 65. The Noticed Parties are in violation of Proposition 65 because the Noticed Parties have failed to provide a warning to consumers that they are being exposed to lead. While in the course of doing business, the Noticed Parties are knowingly and intentionally exposing consumers to the violative chemical without first providing a “clear and reasonable” warning.

The method of warning should be a warning that appears on the product’s label. See Cal. Code Regs. tit. 27, § 25602, subd. (a)(3), and subd. (b) for internet purchases also at the point of sale, as applicable. The Noticed Parties have not provided any

Proposition 65 warnings as required by law or any other appropriate warnings that persons handling, ingesting and/or otherwise using the Specified Products are being exposed to lead.

Pursuant to Title 27, C.C.R. § 25903(b), copies of the documents entitled (i) "The Safe Drinking Water and Toxic Enforcement act of 1986 (Proposition 65): A Summary" and (ii) "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): Special Compliance Procedure" are attached hereto for reference by the Noticed Parties.

Pursuant to Title 11, C.C.R. § 3100, the "Certificate of Merit" is attached hereto.

HLF is providing an option of a prompt resolution of this matter where the Noticed Parties would agree in writing to (1) eliminate or reduce the violative chemical(s) to an allowable level in the Specified Products or (2) as an alternative to (1), provide an appropriate warning on the label of the Specified Products and at the point of sale, as applicable; and (3) pay an appropriate civil penalties for each violation.

Such a resolution will prevent further unwarned consumer exposures by expeditiously rectifying these ongoing violations of the California law and afford the Noticed Parties to avoid litigation.

Please direct all communications regarding this NOV to my office.

Sincerely,



David Steinman
Chief Officer
Tel: (310) 455-8952
Info@HealthyLivingMagazine.US

ATTACHMENTS

1. Certificate of Merit;
2. Confidential Factual Information supporting Certificate of Merit (to Attorney General only);
3. Certificate of Service (to Attorney General only);
4. Appendix "A" - "The Safe Drinking Water and Toxic Enforcement act of 1986 (Proposition 65): A Summary" (to the Noticed Parties only);
5. Appendix "B" - "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): Special Compliance Procedure" (to the Noticed Parties only).

HEALTHYLIVING FOUNDATION

To: California Attorney General
Notice of Violation: February 16, 2021
Noticing Party: Chemical Toxin Working Group/Healthy Living Foundation
Noticed Parties: Schwabe North America, Incorporated, Nature's Way Products, LLC, IHERB, LLC, IHERB Holdings, LLC, and Amazon.com Services LLC

February 16, 2021

CERTIFICATE OF MERIT

To the Notice of Violation

I, David Steinman, chief officer of the Noticing Party, hereby certify that I have reviewed the facts of this case and have consulted with one or more persons with relevant and appropriate experience and expertise who have reviewed facts, studies, and/or other data regarding the alleged exposures to the listed chemical that is the subject of the Notice of Violation dated February 16, 2021 (the "NOV").

I have reviewed the laboratory testing results for the chemical subject to the NOV and rely on these results. The testing was conducted by a reputable accredited testing laboratory and by experienced scientists with doctoral and other degrees in relevant sciences. The facts, studies and other data derived through this investigation overwhelmingly demonstrate that the alleged violators have exposed persons to the listed chemical that is the subject of the NOV and is known to the State of California to cause reproductive harm and/or cancer.

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 Noticing Party's case will likely be established and that the information did not prove that the alleged violators will be able to prove any of affirmative defenses set forth in the statute.

Confidential factual information sufficient to establish the basis for this Certificate, as identified in Cal. Health & Safety Code § 25249.7 (h)(2), i.e. (1) identity of the persons consulted with and relied on by the certifier, and (2) facts, studies and/or other data reviewed by those persons, is attached to this Certificate and served on the California Attorney General.



David Steinman
Chief Officer
Tel: (310) 455-8952

CERTIFICATE OF SERVICE

I, Oliver Spector, am over the age of eighteen years and am not a party to the action, process or case related to or arising out of the Notice of Violation being served under this Certificate of Service. My address is 2027 Veteran Avenue, Westwood, CA 90025.

On February 17, 2021, between 11:00 a.m. and 5:00 p.m. Pacific Time, I served the following documents:

1. Notice of Violations of California Health & Safety Code Section 25249.5 et seq. by Schwabe North America, Incorporated, Nature's Way Products, LLC, IHERB, LLC, IHERB Holdings, LLC, and Amazon.com Services LLC;
2. Certificate of Merit;
3. Appendix "A" - "The Safe Drinking Water and Toxic Enforcement act of 1986 (Proposition 65): A Summary;"
4. Appendix "B" - "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): Special Compliance Procedure"

on the following parties by placing a true and correct copy thereof in a sealed envelope, addressed to the parties below, and causing it to be deposited at a United States Postal Service Office in Los Angeles County, California, for delivery by Certified Mail:

Michael D. Deal or Manager/CEO Amazon.com Services LLC 410 Terry Avenue N. Seattle Washington 98109	Current Manager or CEO Amazon.com Services LLC 2710 Gateway Oaks Drive Suite 150N Sacramento, California 95833
Mike Devereux, CEO Schwabe North America, Incorporated Nature's Way Products, LLC 825 Challenger Drive Green Bay, Wisconsin 54311	Current Chief Executive Officer Schwabe North America, Incorporated Nature's Way Products, LLC % CT Corporation System 301 S. Bedford Street, Suite 1 Madison, WI 53703
Reza Faraee Chief Executive Officer IHERB, LLC IHERB Holdings, LLC 301 N. Lake Avenue, Suite 500 Pasadena, CA 91101	Current CEO IHERB, LLC IHERB Holdings, LLC c/c Matthew Marzucco 2804 Gateway Oaks DR #100 Sacramento CA 95833

On February 17, 2021, between 11:00 a.m. and 11:30 p.m. Pacific Time, I served the following documents:

1. Notice of Violations of California Health & Safety Code Section 25249.5 et seq. by Schwabe North America, Incorporated, Nature's Way Products, LLC, IHERB, LLC, IHERB Holdings, LLC, and Amazon.com Services LLC;
2. Certificate of Merit;
3. Confidential Factual Information and Supporting Documentation Required by Title 11, C.C.R. § 3102

on the following parties 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 of California.

On February 17, 2021, between 11:00 a.m. and 5:00 p.m. Pacific Time, I served the following documents:

1. Notice of Violations of California Health & Safety Code Section 25249.5 et seq. by Schwabe North America, Incorporated, Nature's Way Products, LLC, IHERB, LLC, IHERB Holdings, LLC, and Amazon.com Services LLC;
2. Certificate of Merit

on the following parties below by placing a true and correct copy thereof in a sealed envelope, addressed to each of the District Attorney and City Attorney offices listed below, and causing each envelope to be deposited at a United States Postal Service mail box for delivery by First Class Mail:

District Attorney Alpine County PO Box 248 Markleeville, CA 96120	District Attorney Lake County 255 North Forbes Street Lakeport, CA 95453	District Attorney Sierra County PO Box 457 Downieville, CA 95936
District Attorney Amador County 708 Court Street, Suite 202 Jackson, CA 95642	District Attorney Los Angeles County Hall of Justice 211 West Temple St., Ste 1200 Los Angeles, CA 90012	District Attorney Siskiyou County Post Office Box 986 Yreka, CA 96097
District Attorney Butte County 25 County Center Drive, Suite 245 Oroville, CA 95965	District Attorney Madera County 209 West Yosemite Avenue Madera, CA 93637	District Attorney Solano County 675 Texas Street, Ste 4500 Fairfield, CA 94533
District Attorney Colusa County 310 6 th Street Colusa, CA 95932	District Attorney Marin County 3501 Civic Center Drive, Room 130 San Rafael, CA 94903	District Attorney Stanislaus County 832 12th Street, Ste 300 Modesto, CA 95354
District Attorney Del Norte County 450 H Street, Suite 171 Crescent City, CA 95531	District Attorney Mendocino County PO Box 1000 Ukiah, CA 95482	District Attorney Sutter County 446 Second Street Yuba City, CA 95991
District Attorney EL Dorado County 778 Pacific Street Placerville, CA 95667	District Attorney Modoc County 204 S Court Street, Room 202 Alturas, CA 96101-4020	District Attorney Tehama County PO Box 519 Red Bluff, CA 96080
District Attorney Fresno County 2220 Tulare Street Suite 1000 Fresno, CA 93721	District Attorney Orange County 401 West Civic Center Drive Santa Ana, CA 92701	District Attorney Trinity County Post Office Box 310 Weaverville, CA 96093
District Attorney Glenn County Post Office Box 430 Willows, CA 95988	District Attorney San Benito County 419 4 th Street Hollister, CA 95023	District Attorney Tuolumne County 423 North Washington St. Sonora, CA 95370
District Attorney Humboldt County 825 5th Street 4 th Floor Eureka, CA 95501	District Attorney San Bernardino County 316 No. Mountain View Avenue San Bernardino, CA 92415	District Attorney Yuba County 215 Fifth Street, Suite 152 Marysville, CA 95901
District Attorney Imperial County 940 West Main Street, Suite 102 El Centro, CA 92243	District Attorney San Mateo County 400 County Ctr., 3rd Floor Redwood City, CA 94063	Los Angeles City Attorney's Office City Hall East 200 N. Main Street, Suite 800 Los Angeles, CA 90012
District Attorney Kern County	District Attorney Shasta County	San Jose City Attorney's Office 200 East Santa Clara Street,

1215 Truxtun Avenue Bakersfield, CA 93301	1355 West Street Redding, CA 96001	16 th Floor San Jose, CA 95113
District Attorney Kings County 1400 West Lacey Blvd. Hanford, CA 93230	District Attorney Mono County Post Office Box 617 Bridgeport, CA 93517	

On February 17, 2021, between 11:00 a.m. and 5:00 p.m. Pacific Time, I served the following documents:

1. Notice of Violations of California Health & Safety Code Section 25249.5 et seq. by Schwabe North America, Incorporated, Nature's Way Products, LLC, IHERB, LLC, IHERB Holdings, LLC, and Amazon.com Services LLC;
2. Certificate of Merit

on each of the parties below, all of which have requested electronic service only via the following email addresses:

Alameda County District Attorney CEPDProp65@acgov.org	Calaveras County District Attorney Prop65Env@co.calaveras.ca.us
Contra Costa County District Attorney sgrassini@contracostada.org	Inyo County District Attorney inyoda@inyocounty.us
Lassen County District Attorney mlatimer@co.lassen.ca.us	Mariposa County District Attorney mcda@mariposacounty.org
Merced County District Attorney Prop65@countyofmerced.com	Monterey County District Attorney Prop65DA@co.monterey.ca.us
Napa County District Attorney CEPD@countyofnapa.org	Nevada County District Attorney DA.Prop65@co.nevada.ca.us
Placer County District Attorney Prop65@placer.ca.gov	Plumas County District Attorney davidhollister@countyofplumas.com
Riverside County District Attorney Prop65@rivcoda.org	Sacramento County District Attorney Prop65@sacda.org
San Diego City Attorney CityAttyProp65@sandiego.gov	San Diego County District Attorney SanDiegoDAProp65@sdcda.org
San Francisco County District Attorney alethea.sargent@sfgov.org	San Francisco City Attorney Valerie.Lopez@sfcityatty.org
San Joaquin County District Attorney DA DAConsumer.Environmental@sjcda.org	San Luis Obispo County District Attorney edobroth@co.slo.ca.us
Santa Barbara County District Attorney DAProp65@co.santa-barbara.ca.us	Santa Clara County District Attorney EPU@da.sccgov.org
Santa Cruz County District Attorney Prop65DA@santacruzcounty.us	Sonoma County District Attorney jbarnes@sonoma-county.org
Tulare County District Attorney Prop65@co.tulare.ca.us	Ventura County District Attorney daspecialops@ventura.org
Yolo County District Attorney cfepd@yolocounty.org	

I, Oliver Spector, declare under penalty of perjury that the foregoing is true and correct.

Oliver Spector

February 17, 2021

2027 Veteran Avenue, Westwood, CA 90025