

**VIA CERTIFIED FIRST CLASS MAIL      VIA ELECTRONIC FILING**

Current Chief Executive Officer or President  
State of California Department of Justice  
Best Naturals  
Office of Attorney General of California  
P.O. Box 394  
Filing link: [oag.ca.gov/prop65](http://oag.ca.gov/prop65)  
Kenilworth, NJ 07033

Current Chief Executive Officer or President  
**VIA FIRST CLASS MAIL**  
Best Nutritionals LLC,  
District Attorneys of California Counties  
Best Naturals, and  
and City Attorneys, as in the Certificate of  
Shopbestnaturals.com  
Service  
120 Centennial Ave  
Piscataway, New Jersey 08854  
**VIA E-MAIL**

Current Chief Executive Officer or President  
District Attorneys of California Counties  
Vita-Pure, Inc. and Shopbestnaturals.com  
and City Attorneys, as in the Certificate of  
410 W 1st Ave.  
Service  
Roselle, NJ 07203

Current Chief Executive Officer or President  
Amazon.com, Inc. and  
Amazon.com Services LLC  
c/o Corporation Service Company  
251 Little Falls Dr.  
Wilmington, DE 19808

Michael D. Deal or Current Chief Executive  
Officer or President  
Amazon.com Services LLC  
410 Terry Avenue N.  
Seattle, Washington 98109



RE: Lead and Best Naturals, Best Nutritionals, LLC, Shopbestnaturals.com, Vita-Pure, Inc.,  
lead Amazon.com, Inc., and Amazon.com Services LLC products  
compounds  
in

December 29, 2021

### 60-DAY NOTICE OF INTENT TO SUE

*for violations of the Safe Drinking Water and Toxic Enforcement Act of 1986*

Dear alleged violators and public enforcement agencies,

Poulsen Law P.C. represents The Chemical Toxin Working Group, Inc., a California non-profit corporation, doing business as Healthy Living Foundation Inc. (“HLF,” “Noticing Party”), a non-profit consumer health organization engaged in supporting public health, implementing measures reducing the amount of chemical toxins in consumer products, improvement of worker and consumer safety from chemical exposures. as well as publishing comparative results of testing foods and consumer products and educating public.

HLF has enforced a large number of Cal. Health & Safety Code violations in the public interest and developed an extensive expertise in prosecuting manufacturers and distributors of food and consumer products for violations of health laws and consumer safety. These cases have resulted in significant public benefit, including reformulation of products to remove toxic chemicals to make them safer, and putting label warnings on products tested as contaminated with lead, cadmium, acrylamide, dioxane, or removing them from the California market.

HLF’s Chief Officer David Steinman is a journalist, a publisher 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 publications in periodicals and other media.

The Safe Drinking Water and Toxic Enforcement Act of 1986, codified in the California Health & Safety Code sections 25249.5, et seq. (“Proposition 65”), requires that a 60-day notice of intent to sue be provided to a violator of Cal. Health & Safety Code § 25249.6.

With this notice of violation (Notice), 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 alleged continuing noncompliance and to warn consumers about their exposure to the violative chemical(s), or reduce and/or eliminate consumer exposures from product(s) (collectively, the “Specified Products” and each a “Specified Product”) listed in the table below, which are manufactured, distributed and/or sold by Best Naturals, Best Nutritionals, LLC, Shopbestnaturals.com, Vita-Pure, Inc., Amazon.com, Inc., and Amazon.com Services LLC (referred to collectively as the “Noticed Parties”).

This Notice 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 Product(s) subject to this Notice, the chemical(s) in the Specified Product(s) identified as exceeding allowable levels, and the Noticed Parties responsible for sales of the Specified Products, are as follows:

| <b>Specified Products</b>                                | <b>Violative chemical</b> | <b>Noticed Party</b>  |
|--|---------------------------|---|
| Best Naturals Valerian Root 450mg dietary supplement     | Lead and lead compounds   | Best Naturals, Best Nutritionals, LLC, Shopbestnaturals.com, Vita-Pure, Inc., Amazon.com, Inc., and Amazon.com Services LLC |
| Best Naturals Ginger Root 550 mg dietary supplement      | Lead and lead compounds   | Best Naturals, Best Nutritionals, LLC, Shopbestnaturals.com, Vita-Pure, Inc.  |
| Best Naturals Ginseng Complex 1000 mg dietary supplement | Lead and lead compounds   | Best Naturals, Best Nutritionals, LLC, Shopbestnaturals.com, Vita-Pure, Inc.  |

The primary route of exposure has been through ingestion.

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

Lead and lead compounds (“lead”) is listed pursuant to Proposition 65 as a chemical known to the State of California to cause developmental toxicity, reproductive toxicity and cancer. 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 lead 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.

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.

Pursuant to Title 27, C.C.R. § 25903(b), copies of the following documents are attached hereto for reference by the Notices Parties:

(i) “The Safe Drinking Water and Toxic Enforcement act of 1986 (Proposition 65): A Summary.”

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

HLF intends to file a lawsuit after 60 days based on the facts set forth in this Notice. Meanwhile we encourage a prompt resolution of this matter within the said period of 60 days where the Noticed Parties agree in a written agreement to (1) eliminate or reduce lead to an allowable level in the Specified Products or, as an alternative, (2) provide a Proposition 65-compliant warning on the label of the Specified Products and at the point of sale; and (3) pay applicable civil penalties and costs of bringing this action.

Prompt action of the Noticed Parties on this Notice will prevent further consumer exposures to a dangerous chemical without warning, therefore rectifying these alleged ongoing violations of the California law and afford the Noticed Parties the opportunity to avoid increasing costs associated with noncompliance and costly litigation.

Please direct all communications regarding this Notice to this office.

Sincerely,



Aida Poulsen | Managing attorney | NY | CA  
contact@poulsenlaw.org



## ATTACHMENTS

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





|                      |   |
|----------------------|---|
| To:                  | California Attorney General   |
| Notice of Violation: | December 29, 2021   |
| Noticing Party:      | Chemical Toxin Working Group Inc. dba Healthy Living Foundation Inc.  |
| Noticed Parties:     | Best Naturals, Best Nutritionals, LLC, Shopbestnaturals.com, Vita-Pure, Inc., Amazon.com, Inc., and Amazon.com Services LLC |

December 29, 2021

**CERTIFICATE OF MERIT**

**Health and Safety Code Section 25249.7(d)**

*To the Notice of Violation*

I, Aida Poulsen, attorney at law, hereby declare:

This Certificate of Merit accompanies the attached sixty-day notice(s) in which it is alleged the parties identified in the notices have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

I am the attorney for the Noticing Party.

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 attached Notice of Violation dated December 29, 2021 (the "Notice").

I have reviewed the laboratory testing results for the chemical subject to the Notice 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 Notice and is known to the State of California to cause reproductive and/or developmental harm, and/or cancer.

Based on the information obtained through those consultations, and on all 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 plaintiffs' 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.

The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health and 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: December 29, 2021

By:



Aida Poulsen | Managing attorney | NY | CA  
contact@poulsenlaw.org



CERTIFICATE OF SERVICE

I, Jonathan Newell, 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 18653 Ventura Blvd. Ste. 136, Tarzana, California 91356.

On December 29, 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 Best Naturals, Best Nutritionals, LLC, Shopbestnaturals.com, Vita-Pure, Inc., Amazon.com, Inc., 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;"

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:

|  |  |
|--|--|
| Current Chief Executive Officer or President<br>Best Naturals<br>P.O. Box 394<br>Kenilworth, NJ 07033  | Current Chief Executive Officer or President<br>Best Nutritionals LLC,<br>Best Naturals, and<br>Shopbestnaturals.com<br>120 Centennial Ave<br>Piscataway, New Jersey 08854 |
| Current Chief Executive Officer or President<br>Vita-Pure, Inc. and Shopbestnaturals.com<br>410 W 1st Ave.<br>Roselle, NJ 07203  |  |
| Current Chief Executive Officer or President<br>Amazon.com, Inc. and<br>Amazon.com Services LLC<br>c/o Corporation Service Company<br>251 Little Falls Dr.<br>Wilmington, DE 19808 | Michael D. Deal or Current Chief Executive Officer or President<br>Amazon.com Services LLC<br>410 Terry Avenue N.<br>Seattle, Washington 98109                             |

On December 29, 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 Best Naturals, Best Nutritionals, LLC, Shopbestnaturals.com, Vita-Pure, Inc., Amazon.com, Inc., 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](http://oag.ca.gov/prop65):

State of California Department of Justice;  
Office of the Attorney General of California.

On December 29, 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 Best Naturals, Best Nutritionals, LLC, Shopbestnaturals.com, Vita-Pure, Inc., Amazon.com, Inc., 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<br>Alpine County<br>PO Box 248<br>Markleeville, CA 96120                      | District Attorney<br>Lake County<br>255 North Forbes Street<br>Lakeport, CA 95453                                   | District Attorney<br>Sierra County<br>PO Box 457<br>Downieville, CA 95936                                  |
| District Attorney<br>Amador County<br>708 Court Street, Suite 202<br>Jackson, CA 95642          | District Attorney<br>Los Angeles County<br>Hall of Justice 211 West<br>Temple St. Ste 1200<br>Los Angeles, CA 90012 | District Attorney's Office<br>Siskiyou County Courthouse<br>311 Fourth Street, Room 204<br>Yreka, CA 96097 |
| District Attorney<br>Butte County<br>25 County Center Drive,<br>Suite 245<br>Oroville, CA 95965 | District Attorney<br>Madera County<br>209 West Yosemite Avenue<br>Madera, CA 93637                                  | District Attorney<br>Solano County<br>675 Texas Street, Ste 4500<br>Fairfield, CA 94533                    |
| District Attorney<br>Colusa County<br>310 6 <sup>th</sup> Street<br>Colusa, CA 95932            | District Attorney<br>Marin County<br>3501 Civic Center Drive,<br>Room 130   | District Attorney<br>Stanislaus County<br>832 12th Street, Ste 300<br>Modesto, CA 95354                    |



|   |   |  |
|---|---|--|
|   | San Rafael, CA 94903  |  |
| District Attorney<br>Del Norte County<br>450 H Street, Suite 171<br>Crescent City, CA 95531       | District Attorney<br>Mendocino County<br>PO Box 1000<br>Ukiah, CA 95482                                   | District Attorney<br>Sutter County<br>446 Second Street<br>Yuba City, CA 95991                                       |
| District Attorney<br>EL Dorado County<br>778 Pacific Street<br>Placerville, CA 95667              | District Attorney<br>Modoc County<br>204 S Court Street, Room<br>202<br>Alturas, CA 96101-4020            | District Attorney<br>Tehama County<br>PO Box 519<br>Red Bluff, CA 96080  |
| District Attorney<br>Fresno County<br>2220 Tulare Street<br>Suite 1000<br>Fresno, CA 93721        | District Attorney<br>Orange County<br>300 N Flower St.<br>Santa Ana, CA 92703                             | District Attorney<br>Trinity County<br>Post Office Box 310<br>Weaverville, CA 96093                                  |
| District Attorney<br>Glenn County<br>Post Office Box 430<br>Willows, CA 95988                     | District Attorney<br>San Benito County<br>419 4 <sup>th</sup> Street<br>Hollister, CA 95023               | District Attorney<br>Tuolumne County<br>423 North Washington St.<br>Sonora, CA 95370                                 |
| District Attorney<br>Humboldt County<br>825 5th Street 4 <sup>th</sup> Floor<br>Eureka, CA 95501  | District Attorney<br>San Bernardino County<br>316 No. Mountain View<br>Avenue<br>San Bernardino, CA 92415 | District Attorney<br>Yuba County<br>215 Fifth Street, Suite 152<br>Marysville, CA 95901                              |
| District Attorney<br>Imperial County<br>940 West Main Street, Suite<br>102<br>El Centro, CA 92243 | District Attorney<br>San Mateo County<br>400 County Ctr., 3rd Floor<br>Redwood City, CA 94063             | Los Angeles City Attorney's<br>Office<br>City Hall East<br>200 N. Main Street, Suite<br>800<br>Los Angeles, CA 90012 |
| District Attorney<br>Kern County<br>1215 Truxtun Avenue<br>Bakersfield, CA 93301                  | District Attorney<br>Shasta County<br>1355 West Street<br>Redding, CA 96001                               | San Jose City Attorney's<br>Office<br>200 East Santa Clara Street,<br>16 <sup>th</sup> Floor<br>San Jose, CA 95113   |
| District Attorney<br>Kings County<br>1400 West Lacey Blvd.<br>Hanford, CA 93230                   | District Attorney<br>Mono County<br>Post Office Box 617<br>Bridgeport, CA 93517                           |  |

On December 29, 2021, between 11:00 a.m. and 11:30 p.m. Pacific Time, I served the following documents:



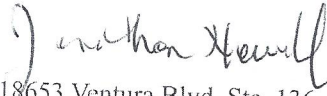
1. Notice of Violations of California Health & Safety Code Section 25249.5 et seq. by Best Naturals, Best Nutritionals, LLC, Shopbestnaturals.com, Vita-Pure, Inc., Amazon.com, Inc., and Amazon.com Services LLC;
2. Certificate of Merit

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

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

I, Jonathan Newell, declare under penalty of perjury that the foregoing is true and correct.

Signature

  
 18653 Ventura Blvd. Ste. 136  
 Tarzana, California 91356

December 29, 2021