

## **60-DAY NOTICE OF VIOLATION**

SENT IN COMPLIANCE WITH CALIFORNIA HEALTH & SAFETY CODE §25249.7(d)

DATE: August 4, 2025

TO: TC Nutrition, Inc.; iHerb, LLC; and the public prosecutors listed on the service list accompanying the attached proof of service.

FROM: APS&EE, LLC

### **I. INTRODUCTION**

APS&EE is an organization based in the State of California with an interest in protecting the environment, which includes promoting awareness of exposure to toxic chemicals and reducing exposure to hazardous substances found in consumer products. It is providing this Notice to the violators and the public agencies listed above pursuant to California Health & Safety Code §25249.6 et seq. ("Proposition 65"). APS&EE, LLC's address is 3334 E. Coast Hwy, Box 514, Corona Del Mar, CA 92625, Attn: Isabel Novak (member), 949-715-7885. Please direct all questions concerning this Notice to it through its designated person for the entity, its attorney: Lucas T. Novak, Esq., Law Offices of Lucas T. Novak, 8335 W Sunset Blvd., Suite 217, Los Angeles, CA 90069; Tel: (323) 337-9015; Email: lucas.nvk@gmail.com.

### **II. NATURE OF THE VIOLATION**

- A. Violators: TC Nutrition, Inc., 10-721 66<sup>th</sup> St E, Saskatoon, SK, S7P 0E4, Canada; iHerb, LLC, 17400 Laguna Canyon Rd., Irvine, CA 92618.
- B. Time Period of Exposure: Violations have been occurring since at least August 4, 2024, and continue to occur to this day.
- C. Listed Chemicals: Lead
- D. Types of Harm: Lead is listed as known to cause cancer and birth defects or other reproductive harm.
- E. Types of Products: The specific type of products causing the violations is TC Nutrition Essential Greens, including but not limited to 8-58286-00081-4, being sold by Violators throughout California. All products within the type covered by this Notice shall be hereinafter referred to as the "products."
- F. Routes of Exposure: Ingestion, dermal contact, and inhalation.
- G. Description of Exposure: The sales of these products to consumers in California dating as far back as August 4, 2024 are subject to this notice. As a result of the sales of these products, exposures to the listed chemical have been occurring without clear and reasonable warnings as required by Proposition 65. Without proper warnings regarding the toxic effects of exposures to the listed chemical, resulting from ingestion, dermal contact, and/or inhalation of the products, California citizens lack the information necessary to make informed decisions on whether and how to eliminate (or reduce) the

risk of exposure to the toxic chemical from the reasonably foreseeable use of the products. California consumers, through the act of buying, acquiring or using the products, are exposed to the listed chemicals. By way of example but not limitation, exposures occur when California citizens use, ingest, or otherwise handle the products. These actions cause consumers to be exposed directly or indirectly through the routine eating, drinking, or touching of the parts or portions of the products containing readily available amounts of the listed chemical. Additionally, exposure can occur through the routine touching and ingesting of other materials that are contaminated with the listed chemical from the products. People likely to be exposed include both children and adults.

### III. PROPOSITION 65 INFORMATION

For the Violators' reference, attached is a copy of "Proposition 65: A Summary" which has been prepared by Office of Environmental Health Hazard Assessment ("OEHHA"). For more information concerning the provisions of Proposition 65, contact OEHHA at (916) 445-6900.

### IV. RESOLUTION OF NOTICED CLAIMS

The retailer is hereby requested to promptly provide the names and contact information for the manufacturers, producers, packagers, importers, suppliers, and/or distributors of the products identified in this Notice. Cal. Code Regs. tit. 27, §25600.2(g).

Based on the allegations set forth in this Notice, the noticing party intends to file a Private Enforcer lawsuit against the alleged Violators unless such Violators enters into a binding written agreement to: (1) recall products already sold or undertake best efforts to ensure that the requisite health hazard warnings are provided to those who have received such products; (2) provide clear and reasonable warnings for products sold in the future or reformulate such products to eliminate the lead exposures; and (3) pay an appropriate civil penalty based on the factors enumerated in California Health & Safety Code §25249.7(b). If the alleged Violators are interested in resolving this dispute without resorting to expensive and time-consuming litigation, please feel free to contact counsel identified above. It should be noted that a Private Enforcer cannot: (1) finalize any settlement until after the 60-day notice period has expired; or (2) speak for the Attorney General or any District or City Attorney who received this Notice. Therefore, while reaching an agreement with me will resolve my claims, such agreement may not satisfy the public prosecutors.

## **CERTIFICATE OF MERIT**

Health and Safety Code Section 25249.7(d)

I, Lucas Novak, Esq. hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the parties identified in the notice have violated Health and Safety Code §25249.6 by failing to provide clear and reasonable warnings;
2. I am the attorney for the noticing party;
3. I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the alleged exposure to the listed chemical that is the subject of this action;
4. 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 plaintiff's case can be established and 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. 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 information identified in Health and 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 4, 2025

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Lucas Novak, Esq.

## PROOF OF SERVICE

I, Lucas Novak, Esq., declare under penalty of perjury:

I am an active member of the California State Bar, a citizen of the United States over the age of 18 years, and not a party to the within action; my business address is 8335 W Sunset Blvd., Suite 217, Los Angeles, CA 90069.

On August 4, 2025, I served the following documents:

**60-DAY NOTICE OF VIOLATION SENT IN COMPLIANCE WITH HEALTH & SAFETY CODE §25249.7(d);**

**PROPOSITION 65: A SUMMARY (not sent to the public enforcement agencies);**

**CERTIFICATE OF MERIT; AND**

**CERTIFICATE OF MERIT ATTACHMENTS (served only on the Attorney General)**

by placing a true copy thereof enclosed in a sealed envelope with postage for first class mail thereon fully prepaid in Los Angeles, California, in the United States mail addressed as follows, and to the public prosecutors listed in the attached service list:

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|------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|
| TC Nutrition, Inc.<br>Attn: Current President or CEO<br>10-721 66th St E<br>Saskatoon, SK, S7P 0E4, Canada | TC Nutrition, Inc.<br>c/o Corporation Trust Center<br>1209 Orange St<br>Wilmington, DE 19801 |
| iHerb, LLC<br>Attn: Current President or CEO<br>17400 Laguna Canyon Rd.<br>Irvine, CA 92618                | iHerb, LLC<br>c/o Paracorp Inc.<br>2804 Gateway Oaks Dr., Ste 100<br>Sacramento, CA 95833    |

Additionally, on this date, I uploaded the documents listed above to the California Attorney General via its website:

Office of the California Attorney General  
Proposition 65 Enforcement Reporting  
ATTN: Prop 65 Coordinator  
1515 Clay Street, Suite 2000  
P.O. Box 70550  
Oakland, CA 94612-0550  
<http://oag.ca.gov/prop65>

Also on this date, I transmitted via electronic mail the documents listed above to the electronic mail addresses as follows:

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|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| District Attorney of Contra Costa County<br>900 Ward Street<br>Martinez, CA 94553<br><a href="mailto:sgrassini@contracostada.org">sgrassini@contracostada.org</a> | District Attorney of Monterey County<br>PO Box 1131<br>Salinas, CA 93902<br><a href="mailto:Prop65DA@co.monterey.ca.us">Prop65DA@co.monterey.ca.us</a> | District Attorney of Napa County<br>1127 First Street, Suite C<br>Napa, CA 94559<br><a href="mailto:CEPD@countyofnapa.org">CEPD@countyofnapa.org</a> |
| District Attorney of Riverside County<br>3072 Orange Street                                                                                                       | District Attorney of Santa Clara County<br>70 W Hedding St                                                                                             | District Attorney of Sonoma County<br>600 Administration Dr                                                                                          |

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|------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| Riverside, CA 92501<br>Prop65@rivcoda.org                                                                                    | San Jose, CA 95110<br>epu@da.sccgov.org                                                                                            | Sonoma, CA 95403<br>ECLD@sonoma-county.org                                                                                              |
| District Attorney of Tulare County<br>221 S Mooney Blvd<br>Visalia, CA 95370<br>Prop65@co.tulare.ca.us                       | District Attorney of Ventura County<br>800 S Victoria Ave<br>Ventura, CA 93009<br>daspecialops@ventura.org                         | District Attorney of Stanislaus County<br>832 12th Street, Ste 300<br>Modesto, CA 95354<br>Prop65@standa.org                            |
| District Attorney of Yolo County<br>301 Second St.<br>Woodland, CA 95695<br>cfepd@yolocounty.org                             | District Attorney of Lassen County<br>220 S. Lassen Street<br>Susanville, CA 96130<br>dchandler@co.lassen.ca.us                    | District Attorney of Sacramento County<br>901 G Street<br>Sacramento, CA 95814<br>Prop65@sacda.org                                      |
| District Attorney of San Francisco County<br>350 Rhode Island Street<br>San Francisco, CA 94103<br>alethea.sargent@sfgov.org | District Attorney of San Joaquin County<br>222 E. Weber Avenue, Rm 202<br>Stockton, CA 95202<br>DAConsumer.Environmental@sjcda.org | District Attorney of San Luis Obispo County<br>Government Center Annex, 4th Floor<br>San Luis Obispo, CA 93408<br>edobroth@co.slo.ca.us |
| District Attorney of Santa Cruz County<br>701 Ocean Street, Rm. 200<br>Santa Cruz, CA 95060<br>Prop65DA@santacruzcounty.us   | San Diego City Attorney's Office<br>1200 Third Avenue, Ste 1620<br>San Diego, CA 92101<br>CityAttyCrimProp65@sandiego.gov          | District Attorney of Santa Barbara County<br>1112 Santa Barbara St.<br>Santa Barbara, CA 93101<br>DAProp65@co.santa-barbara.ca.us       |
| District Attorney of Alameda County<br>1225 Fallon Street, Rm 900<br>Oakland, CA 94612<br>CEPDProp65@acgov.org               | District Attorney of Calaveras County<br>891 Mountain Ranch Road<br>San Andreas, CA 95249<br>Prop65Env@co.calaveras.ca.us          | District Attorney of Inyo County<br>168 North Edwards Street<br>Independence, CA 93526<br>inyoda@inyocounty.us                          |
| San Francisco City Attorney's Office<br>1390 Market Street, 7th Floor<br>San Francisco, CA 94102<br>Prop65@sfcityattys.org   | District Attorney of San Diego County<br>330 West Broadway<br>San Diego, CA 92101<br>SanDiegoDAProp65@sdca.org                     | District Attorney of Mariposa County<br>5101 Jones St., P.O. Box 730<br>Mariposa, CA 95338<br>mcda@mariposacounty.org                   |
| District Attorney of Merced County<br>2222 "M" Street<br>Merced, CA 95340<br>Prop65@countyofmerced.com                       | District Attorney of Nevada County<br>201 Commercial Street<br>Nevada City, CA 95959<br>DA.Prop65@co.nevada.ca.us                  | District Attorney of Placer County<br>10810 Justice Center Drive,<br>Ste 240<br>Roseville, CA 95678<br>prop65@placer.ca.gov             |
| District Attorney of Plumas County<br>520 Main Street, Rm. 404<br>Quincy, CA 95971<br>davidhollister@countyofplumas.com      | San Jose City Attorney<br>200 E. Santa Clara Street, 16th Floor<br>San Jose, CA 96113<br>Proposition65notices@sanjoseca.gov        | District Attorney of Marin County<br>3501 Civic Center Dr, Rm. 145<br>San Rafael, CA 94903<br>consumer@marincounty.org                  |
| District Attorney of Fresno County<br>2100 Tulare Street<br>Fresno, CA 93721<br>consumerprotection@fresnocountyca.gov        | District Attorney of El Dorado County<br>778 Pacific Street<br>Placerville, CA 95667<br>EDCDAPROP65@edcda.us                       | District Attorney of Orange County<br>300 N Flower St<br>Santa Ana, CA 92703<br>Prop65Notice@ocdapa.org                                 |

Executed on August 4, 2025, at Los Angeles, California.



Lucas Novak, Esq.

**SERVICE LIST**

|                                                                                                              |                                                                                               |                                                                                        |
|--------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| Los Angeles City Attorney's Office<br>800 City Hall East<br>200 N. Main Street<br>Los Angeles, CA 90012      | District Attorney of Alpine County<br>270 Laramie St., P.O. Box 248<br>Markleeville, CA 96120 | District Attorney of Amador County<br>708 Court Street, Suite 202<br>Jackson, CA 95642 |
| District Attorney of Butte County<br>Administration Building<br>25 County Center Drive<br>Oroville, CA 95965 | District Attorney of Yuba County<br>215 Fifth Street<br>Marysville, CA 95901                  | District Attorney of Colusa County<br>310 6th Street<br>Colusa, CA 95932               |
| District Attorney of Del Norte County<br>450 H Street, Ste 171<br>Crescent City, CA 95531                    | District Attorney of Tuolumne County<br>423 N. Washington Street<br>Sonora, CA 95370          | District Attorney of Shasta County<br>1355 West Street<br>Redding, CA 96001            |

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| District Attorney of Glenn County<br>P.O. Box 430<br>Willows, CA 95988                                                 | District Attorney of Humboldt County<br>825 5 <sup>th</sup> Street<br>Eureka, CA 95501                      | District Attorney of Imperial County<br>940 W. Main Street, Ste 102<br>El Centro, CA 92243            |
| District Attorney of Trinity County<br>P.O. Box 310<br>Weaverville, CA 96093                                           | District Attorney of Kern County<br>1215 Truxtun Avenue<br>Bakersfield, CA 93301                            | District Attorney of Kings County<br>1400 West Lacey Blvd.<br>Hanford, CA 93230                       |
| District Attorney of Lake County<br>255 N. Forbes Street<br>Lakeport, CA 95453                                         | District Attorney of Los Angeles County<br>211 W. Temple Street, Ste 1200<br>Los Angeles, CA 90012-3210     | District Attorney of Madera County<br>300 S G St. Suite 300<br>Madera, CA 93637                       |
| District Attorney of Siskiyou County<br>P.O. Box 986<br>Yreka, CA 96097                                                | District Attorney of Modoc County<br>204 S. Court Street, Rm. 202<br>Alturas, CA 96101-4020                 | District Attorney of Mendocino County<br>P.O. Box 1000<br>Ukiah, CA 95482                             |
| District Attorney of Tehama County<br>P.O. Box 519<br>Red Bluff, CA 96080                                              | District Attorney of Sutter County<br>463 2nd Street, Suite 102<br>Yuba City, CA 95991                      | District Attorney of Mono County<br>P.O. Box 617<br>Bridgeport, CA 93517                              |
| District Attorney of Solano County<br>675 Texas Street, Ste 4500<br>Fairfield, CA 94533                                | District Attorney of San Benito County<br>419 Fourth Street, 2 <sup>nd</sup> Floor<br>Hollister, CA 95023   | District Attorney of San Bernardino County<br>316 N. Mountain View Avenue<br>San Bernardino, CA 92415 |
| District Attorney of Sierra County<br>Courthouse<br>100 Courthouse Sq., 2 <sup>nd</sup> Floor<br>Downieville, CA 95936 | District Attorney of San Mateo County<br>400 County Center, 3 <sup>rd</sup> Floor<br>Redwood City, CA 94063 |                                                                                                       |