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10 Attorneys for Plaintiff
11 STEPHEN D. GILLETT

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA

13 CITY AND COUNTY OF SAN FRANCISCO – UNLIMITED JURISDICTION

14 STEPHEN D. GILLETT, an individual,
15 Plaintiff,

16 vs.

17 PHARMACA INTEGRATIVE PHARMACY,
18 INC., a corporation,
19 Defendant.

Case Nos. CGC-09-494854 (Consolidated
with CGC-10-499218)

**[PROPOSED] CONSENT JUDGMENT
AS TO DEFENDANT PHARMACA
INTEGRATIVE PHARMACY, INC.**

20 This Consent Judgment is entered into by and between STEPHEN D. GILLETT
21 (“PLAINTIFF”) and PHARMACA INTEGRATIVE PHARMACY, INC. (“PHARMACA”) to
22 resolve all claims raised in the Complaints filed in the above-captioned consolidated actions.

23 This Consent Judgment shall be effective upon entry by this Court. PLAINTIFF and
24 PHARMACA (collectively, “the Parties”) agree to the terms and conditions set forth below.

25 **1. INTRODUCTION**

26 **1.1** PLAINTIFF is an individual dedicated to, among other causes, the protection of
27 the environment, the promotion of human health, the improvement of worker and consumer
rights, environmental education, and corporate accountability.

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1 **1.2** PHARMACA is a Delaware corporation that sells in California certain dietary
2 supplements (the "NOTICED PRODUCTS"), all of which plaintiff alleges to contain chemicals
3 regulated by the State of California as known to cause cancer or reproductive toxicity pursuant to
4 the Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65"), California
5 Health and Safety Code § 25249.5 *et seq.*; Title 27, California Code of Regulations, § 25000 *et*
6 *seq.*

7 **1.3** The names of each of the NOTICED PRODUCTS covered by this Consent
8 Judgment are set forth in **Exhibit A** hereto (any items not appearing on Exhibit A are not covered
9 by the injunctive provisions or the release of liability set forth in Sections 2.1 and 6 herein).

10 **1.4** The NOTICED PRODUCTS have been imported, manufactured, distributed
11 and/or sold by PHARMACA for use in California since at least November 30, 2008.

12 **1.5** On February 27, 1987, the State of California officially listed the chemical lead as
13 a chemical known to cause reproductive toxicity, pursuant to California Health and Safety Code
14 § 25249.8.

15 **1.6** On October 1, 1992, the State of California officially listed the chemical lead as a
16 chemical known to cause cancer, pursuant to California Health and Safety Code § 25249.8.

17 **1.7** On August 31, 2009, PLAINTIFF served PHARMACA and each of the
18 appropriate public enforcement agencies with documents entitled "60-Day Notice" that provided
19 PHARMACA and the public enforcement agencies with notice that PHARMACA was in
20 violation of Proposition 65 for failing to warn the purchasers and individuals using some of the
21 NOTICED PRODUCTS that the use of these NOTICED PRODUCTS expose them to certain
22 chemicals known to the State of California to cause reproductive toxicity. A copy of this notice is
23 attached hereto as **Exhibit B**. PHARMACA stipulates for the purpose of this Consent Judgment
24 that the Notice is adequate to comply with Title 27, California Code of Regulations, §25903.

25 **1.8** On November 30, 2009, PLAINTIFF filed a complaint in the case entitled *Stephen*
26 *D. Gillett v. Pharmaca Integrative Pharmacy, Inc.*, Case Number CGC-09-494854 (the "First
Action") in San Francisco Superior Court alleging violations of Proposition 65.

1 **1.9** On February 12, 2010, PLAINTIFF again served PHARMACA and each of the
2 appropriate public enforcement agencies with documents entitled "60-Day Notice" that provided
3 PHARMACA and the public enforcement agencies with notice that PHARMACA was in
4 violation of Proposition 65 for failing to warn the purchasers and individuals using some of the
5 NOTICED PRODUCTS that the use of these NOTICED PRODUCTS exposed them to certain
6 chemicals known to the State of California to cause reproductive toxicity. A copy of this notice is
7 attached hereto as **Exhibit C**. PHARMACA stipulates for the purpose of this Consent Judgment
8 that the Notice is adequate to comply with Title 27, California Code of Regulations, §25903.

9 **1.10** On April 29, 2010, PLAINTIFF filed a case entitled *Stephen D. Gillett v.*
10 *Pharmaca Integrative Pharmacy, Inc.*, Case Number CGC-10-499218 (the "Second Action") in
11 San Francisco Superior Court alleging violations of Proposition 65.

12 **1.11** The First Action and the Second Action (collectively, the "Actions") were brought
13 against PHARMACA by PLAINTIFF in the public interest at least sixty (60) days after
14 PLAINTIFF provided notice of the Proposition 65 violations to PHARMACA and the appropriate
15 public enforcement agencies and none of the public enforcement agencies had commenced and
16 begun diligently prosecuting an action against PHARMACA for such violations.

17 **1.12** For purposes of this Consent Judgment, the Parties stipulate that this Court has
18 subject matter jurisdiction over the allegations contained in the Complaints. PHARMACA does
19 not contest the exercise of jurisdiction by this Court to enter this Consent Judgment as a full and
20 final resolution of all causes of action pled in the Complaints.

21 **1.13** The Parties enter into this Consent Judgment to settle disputed claims between
22 them and to avoid prolonged litigation. By execution of this Consent Judgment, PHARMACA
23 does not admit any violations of Proposition 65, or any other law or standard applicable to
24 warning or disclosure concerning the import, manufacture, distribution and/or sale of the
25 NOTICED PRODUCTS. Nothing in this Consent Judgment shall be construed as an admission
26 by PHARMACA of any fact, issue of law, or violation of law, nor shall compliance with this

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1 Consent Judgment constitute or be construed as an admission by PHARMACA of any fact, issue
2 of law, or violation of law.

3 1.14 Except as expressly provided herein, nothing in this Consent Judgment shall
4 prejudice, waive or impair any right, remedy or defense the Parties may have in any other or
5 further legal proceeding. This paragraph shall not diminish or otherwise affect the obligations,
6 responsibilities, and duties of PHARMACA under this Consent Judgment.

7 **2. INJUNCTIVE PROVISIONS**

8 2.1 **Provision of Clear and Reasonable Health Hazard Warnings.** On or before
9 December 1, 2010, PHARMACA shall permanently cease sales of, and no longer ship (or cause
10 to be shipped) for sale or use in California, any of the NOTICED PRODUCTS (as defined in
11 Exhibit A hereto, per Sections 1.2 and 1.3, above) unless each individual unit of such NOTICED
12 PRODUCT bears the following warning statement on its individual unit label packaging:

13 **WARNING: This product contains lead, a chemical known to the State of**
14 **California to cause birth defects or other reproductive harm.**
15 **DO NOT USE DURING PREGNANCY.**

16 The warning statement shall be prominent and displayed on the unit packaging of each
17 NOTICED PRODUCT with such conspicuousness, as compared with other words, statements, or
18 designs so as to render it likely to be read and understood by an ordinary individual purchasing or
19 using the NOTICED PRODUCT.

20 2.2 **Notification Letter To All Vendors of All Pharmaca Dietary Supplements.** On
21 or before January 1, 2011, PHARMACA shall transmit a letter to each of the current vendors of
22 its existing dietary supplement products, explaining the vendor's obligations under Proposition 65
23 and clearly articulating the strengthened indemnification clause that is contained, and will
24 continue to be contained, in all purchase and sales agreements entered into by PHARMACA with
25 such vendors. In addition to these letters PHARMACA will provide all such vendors with a copy
26 of the lay person summary/FAQ sheet developed by the Office of Environmental Health Hazard
Assessment.

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3. CIVIL PENALTIES

3.1 Stipulated Civil Penalties For Future Violations of This Agreement. Proposition 65 provides for penalties of up to \$2500, per violation, per day, pursuant to Health & Safety Code § 25249.7(b). In the event that PHARMACA sells or distributes the NOTICED PRODUCTS without a clear and reasonable warning in violation of Section 2.1 herein, the Parties stipulate stipulate that Defendant shall be liable for a stipulated civil penalty in the amount of \$10.00 per unit item sold in violation of this Consent Judgment, unless the Defendant's actual per unit sale price of the NOTICED PRODUCT to the buyer was less than \$10.00, in which case the stipulated penalty shall be fifty percent (50%) of the sale price PHARMACA received from the relevant buyer for the NOTICED PRODUCTS at issue. Total civil penalties concerning all NOTICED PRODUCTS sold in violation of this Consent Judgment shall not exceed \$50,000 for such violations in any calendar year. PLAINTIFF may establish such violation(s) hereunder by a preponderance of the evidence upon a duly noticed motion in the San Francisco Superior Court and subject to the provisions of Section 9 herein; the parties agree that stipulated civil penalties shall only apply to violations of the agreement occurring in the one year period preceding the date of the Notice provided by PLAINTIFF under Section 9 herein. PLAINTIFF shall remit 75% of this amount to the State of California pursuant to Health & Safety Code § 25249.12(c)(1).

3.2 Civil Penalty Assessment. PHARMACA shall pay a civil penalty in the amount of \$45,000, pursuant to Health & Safety Code § 25249.7(b). PLAINTIFF shall remit 75% of this amount to the State of California pursuant to Health & Safety Code § 25249.12(c)(1).

3.3 Penalties are not a credit. No penalties paid herein shall be construed as a credit against future claims against PHARMACA.

4. REIMBURSEMENT OF FEES AND COSTS

4.1 Reimbursement of PLAINTIFF's Investigative, Expert and Legal Fees and Costs. PHARMACA shall reimburse PLAINTIFF in the amount of \$45,000 for PLAINTIFF's costs of suit, including attorneys' fees, incurred in these consolidated actions.

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1 **5. PAYMENT OBLIGATIONS**

2 **5.1** PHARMACA shall pay the sums due under Sections 3.2 and 4.1 within five court
3 days after the date on which this judgment becomes final. Such sums shall be made payable to
4 "Law Office of Andrew L. Packard Attorney-Client Trust Account." PLAINTIFF and its counsel
5 shall cooperate by providing PHARMACA with any wiring instructions, taxpayer identification
6 information, and other information required to facilitate the payment. Upon delivery of the
7 payment required in the manner provided herein, PHARMACA shall have no further payment
8 obligations under this Consent Judgment, except as provided in Sections 3.1 and 9 herein.

9 **5.2** In the event that any payment owed to PLAINTIFF under this Consent Judgment
10 is late, PHARMACA shall be deemed to be in default of its obligations under this Consent
11 Judgment. PLAINTIFF shall provide written notice to PHARMACA of any default. If
12 PHARMACA fails to remedy its default within two (2) business days of such notice, interest shall
13 accrue on any unpaid balance at the prevailing federal funds rate.

14 **6. RELEASE OF LIABILITY**

15 **6.1 Release of Liability of PHARMACA.** PLAINTIFF, on his own behalf, and on
16 behalf of the general public, waives, releases, and discharges all rights to institute any form of
17 legal action against PHARMACA, its officers, directors, employees, attorneys, representatives,
18 parents, subsidiaries, affiliates, divisions and subdivisions, whether under Proposition 65 or any
19 other law or standard applicable to warning or disclosure concerning the import, manufacture,
20 distribution and/or sale of the NOTICED PRODUCTS based upon PHARMACA's alleged failure
21 to warn, within the meaning of Proposition 65, about exposure to lead and lead compounds
22 contained in any of the NOTICED PRODUCTS sold on or before the entry of this Consent
23 Judgment.

24 **6.2 Release of Liability of PLAINTIFF.** PHARMACA waives all rights to institute
25 any form of legal action against PLAINTIFF, for all actions or statements made or undertaken by
26 the PLAINTIFF in the course of this action.

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1 **7. COVENANT NOT TO SUE**

2 **7.1** PLAINTIFF hereby covenants not to sue PHARMACA under Proposition 65 or
3 any other law or standard applicable to warning or disclosure concerning the import, manufacture,
4 distribution and/or sale of any dietary supplement product, provided that the manufacturer of the
5 product(s) at issue employs 10 or more persons at the time of contracting or delivery of the
6 product(s) to PHARMACA. PLAINTIFF's intention in making this covenant is to assure
7 PHARMACA that in cases in which dietary supplement products sold by PHARMACA contain
8 listed Proposition 65 chemicals, and PLAINTIFF believes such products have been sold in
9 violation of Proposition 65 or any other law, PLAINTIFF shall pursue enforcement of such
10 violations only against the manufacturer, distributor, supplier, or vendor who is upstream from
11 PHARMACA in the stream of commerce of such product, and not against PHARMACA.

12 **8. CONSENT JUDGMENT**

13 **8.1 Consent Judgment.** Upon execution of this [Proposed] Consent Judgment,
14 PLAINTIFF shall file a Motion for Approval & Entry of Consent Judgment in the San Francisco
15 Superior Court. Pursuant to Title 11, Cal. Code of Regs. § 3003, this motion shall be served upon
16 all of the parties to the Action and upon the California Attorney General's Office. The Court
17 shall either approve or disapprove of this Consent Judgment in its entirety, without alteration,
18 deletion or amendment, unless otherwise so stipulated by the parties or their counsel.
19 PHARMACA agrees to support the motion to approve this Consent Judgment in full.

20 **9. ENFORCEMENT AND MODIFICATION**

21 **9.1 Enforcement and Stipulated Civil Penalties.** In the event that a dispute arises
22 with respect to any of the provisions of this Consent Judgment, the Parties shall meet and confer
23 within twenty (20) days after either Party receives written notice of an alleged violation of this
24 Agreement from the other Party. In the event the Parties cannot resolve the dispute, this Consent
25 Judgment may be enforced pursuant to Code of Civil Procedure § 664.6 or any other valid
26 provision of law. The prevailing party in any dispute regarding compliance with the terms of this
Consent Judgment shall be awarded its reasonable fees and costs incurred, in addition to any

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1 other relief ordered by the Court, including but not limited to civil penalties assessed pursuant to
2 Section 3.1 herein.

3 **9.2 Modification of Judgment - Grounds.** The Parties acknowledge that new
4 toxicological information or exposure assessments concerning hazardous substances are
5 continuously becoming available, and that statutory and regulatory standards applicable to the
6 NOTICED PRODUCTS may evolve in the future. Accordingly, the Parties agree that either
7 Party may elect to file a motion pursuant to § 664.6 of the California Code of Civil Procedure,
8 and under the conditions set forth below, move the Court for modification of the warning
9 requirement set forth in Section 2 herein on the grounds that they conflict with the applicable law
10 or science concerning the NOTICED PRODUCTS. Any disputes regarding the issues set forth in
11 this subsection shall be resolved in accordance with the procedures set forth in subsection 9.3
12 below.

13 **9.3 Modification of Judgment – Procedure.** In the spirit of cooperation and in the
14 interests of minimizing the investigative, expert and attorneys’ fees and costs associated with
15 such a motion, the Parties agree to meet and confer in good faith as follows. Prior to filing a
16 motion pursuant to subsection 9.2 herein, the Party seeking to modify the judgment shall first
17 provide the non-moving Party and the California Attorney General’s Office with any legal or
18 scientific data upon which the motion would rely. The non-moving party and the California
19 Attorney General’s Office shall be allowed a period of thirty (30) days to review that data and to
20 provide the moving party with its formal written response (the Attorney General’s Office’s failure
21 to respond to this submission shall not be construed in any manner to reflect any particular view,
22 on the part of the Attorney General’s Office, of this Consent Judgment or of the applicable law or
23 science). The Parties shall then meet and confer within ten (10) days of the non-moving party’s
24 written response. If, after meeting and conferring, the moving party elects to proceed with a
25 motion to amend this judgment, it may do so with proper notice to the other Party and the
26 Attorney General’s Office as required under the California Code of Civil Procedure. Such a
motion may be accompanied by scientific data, studies, written declarations, live testimony or

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discovery responses.

9.4 Modification of Judgment – Product Exemption As Additional Grounds.

PHARMACA shall also be entitled to seek a modification of this Consent Judgment on the additional ground that a Product has been reformulated or otherwise modified such that it does not require a warning under Proposition 65. In seeking such a modification of this judgment, the burden shall rest on PHARMACA to adduce clear and convincing evidence that the modification is warranted as a matter of law. PHARMACA shall produce, as part of its obligation to meet and confer pursuant to subsection 9.3 herein, test results from at least three (3) different manufacturing batches of the Product, each batch manufactured at least one (1) month apart from any other, conducted by at least two (2) independently owned and EPA-accredited laboratories using inductively coupled plasma-mass spectrometry. Further, such test results shall only constitute the required clear and convincing evidence if they are sent directly from the testing labs to both PHARMACA and PLAINTIFF. If the Parties are in agreement that such test results demonstrate that a warning for a NOTICED PRODUCT or batch lot of a NOTICED PRODUCT is not required, then the Parties shall memorialize their agreement by letter, and no motion shall be required. If the Parties disagree, then any such motion under this subsection shall comply with the procedural requirements of Section 9.3 herein.

10. GOVERNING LAW

10.1 Governing Law. The terms of this Consent Judgment shall be governed by the laws of the State of California.

11. NOTICES

11.1 Notices. All correspondence and notices required to be provided under this Consent Judgment shall be in writing and shall be sent by first class registered or certified mail addressed as follows:

LAW OFFICES
ANDREW L. PACKARD
100 PETALUMA BOULEVARD NORTH, SUITE 301 PETALUMA CALIFORNIA 94952
TEL 707-763-7227 FAX 707-763-9227

1 All correspondence to PLAINTIFF shall be mailed to:
2 Stephen D. Gillett
3 P.O. Box 170142
4 San Francisco, CA 94117

With a copy to:
Andrew L. Packard
Law Offices of Andrew L. Packard
100 Petaluma Boulevard North
Suite 301
Petaluma, CA 94952

5 All correspondence to PHARMACA shall be mailed to:
6 Attn: Mark Panzer, CEO
7 Pharmaca Integrative Pharmacy, Inc.
8 4940 Pearl East Circle, Suite 301
9 Boulder, CO 80301

With a copy to:
Sean Sherlock
Snell & Wilmer LLP
600 Anton Blvd., Suite 1400
Costa Mesa, CA 92626

10 **12. INTEGRATION AND MODIFICATION**

11 **12.1 Integration & Modification.** This Consent Judgment, together with the Exhibits
12 hereto which are specifically incorporated herein by this reference, constitutes the entire
13 agreement between the Parties relating to the rights and obligations herein granted and assumed,
14 and supersedes all prior agreements and understandings between the Parties. This Consent
15 Judgment may be modified by any procedure provided by law for the modification of judgments.

16 **13. COUNTERPARTS**

17 **13.1 Counterparts.** This Consent Judgment may be executed in counterparts, each of
18 which shall be deemed an original, and all of which, when taken together, shall constitute one and
19 the same document.

20 **14. AUTHORIZATION**

21 **14.1 Authorization.** The undersigned are authorized to execute this Consent Judgment
22 on behalf of their respective parties and have read, understood, and agree to all of the terms and
23 conditions of this Consent Judgment.

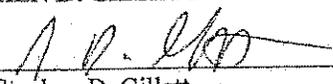
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1 **IT IS SO STIPULATED:**

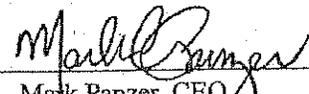
2 DATED: 11/19/10

STEPHEN D. GILLETT

3 
By: Stephen D. Gillett

4
5 DATED: NOVEMBER 19th, 2010

PHARMACA INTEGRATIVE PHARMACY, INC.

6 
By: Mark Panzer, CEO

7
8 **IT IS SO ORDERED:**

9
10 DATED: _____

Judge of the Superior Court

11
12 **INDEX OF ATTACHED EXHIBITS**

13 EXHIBIT A - Product List

14 EXHIBIT B - Notice of Proposition 65 Violation dated August 31, 2009

15 EXHIBIT C - Notice of Proposition 65 Violation dated February 12, 2010

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EXHIBIT A

Exhibit A

Astragalus (Solaray Brand)

Baby & Me (Megafood, Inc.)

Calm Spirit (ADG Concerns, Inc.)

Clear Phlegm (ADG Concerns, Inc.)

Cold Quell (Blue Poppy Herbs)

Corydalis P-I-S (Natura Health Products)

Ease Plus (ADG Concerns, Inc.)

Herbal Joint Relief (Secara Brand)

InflamaAway (Natura Health Products)

Six Gentlemen (ADG Concerns, Inc.)

Three Immortals (ADG Concerns, Inc.)

EXHIBIT B

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PHONE (707) 763-7227 FAX (707) 763-9227
INFO@PACKARDLAWOFFICES.COM

August 31, 2009

VIA CERTIFIED MAIL

Mark Panzer, Chief Executive Officer
Pharmaca Integrative Pharmacy, Inc.
4940 Pearl East Circle, Suite 301
Boulder, CO 80301

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

Dear Sir,

This firm represents Stephen D. Gillett in connection with this notice of violations of California's Safe Drinking Water & Toxic Enforcement Act of 1986, codified at Health & Safety Code §25249.5 *et seq.* (also referred to as "Proposition 65"). This letter serves to provide notification of these violations to you and to the public enforcement agencies.

Pursuant to §25249.7(d) of the statute, Mr. Gillett intends to bring an enforcement action sixty (60) days after effective service of this notice unless the public enforcement agencies have commenced and are diligently prosecuting an action to rectify these violations. A summary of the statute and its implementing regulations, which was prepared by the lead agency designated under the statute, is enclosed with the copy of this notice served upon the violator. The specific details of the violations that are the subject of this notice are provided below.

The name of the violator covered by this notice is **PHARMACA INTEGRATIVE PHARMACY, INC.** (hereafter, the "Violator"). The Violator markets and sell in California dietary supplements and herbal products. These ongoing violations arise out of exposures to lead and lead compounds from the consumer products described below. On February 27, 1987, the State of California officially listed lead as a chemical known to cause reproductive toxicity. On October 1, 1992, the State of California officially listed lead and lead compounds as chemicals known to cause cancer.

Products At Issue. The following herbal dietary supplements and herbal products are the subject of this notice:

Astragalus (Solaray Brand)
Herbal Joint Relief (Secara Brand)
Baby & Me (Megafood, Inc.)
Cold Quell (Blue Poppy Herbs)
Three Immortals (ADG Concerns, Inc.)

August 31, 2009

Page 2

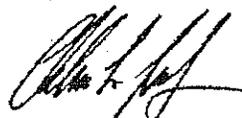
Clear Phlegm (ADG Concerns, Inc.)
Corydalis P-I-S (Natura Health Products)
InflamaAway (Natura Health Products)

Route of exposure. The consumer exposures that are the subject of this notice result from the purchase, acquisition, handling and use of these products by consumers as recommended on the product label. Accordingly, consumer exposures have occurred and continue to occur primarily through the ingestion route, but also may occur through the inhalation and/or and dermal contact routes of exposure.

Duration of violations. Each of these ongoing violations has occurred on every day since at least August 31, 2008, 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.

In keeping with the public interest goals of the statute and my client's objectives in issuing this notice, Mr. Gillett is interested in seeking a constructive resolution of this matter to avoid further unwarned exposures to lead in these products without protracted litigation. Mr. Gillett's address is Post Office Box 170142, San Francisco, California 94117. Tel. (415) 850-5233. Please direct all communications regarding this notice to Andrew L. Packard at the above-listed firm address and telephone number.

Very Truly Yours,



Andrew L. Packard

Attachments:

OEHHA Summary

Certificate of Merit (w/o AG attachments)

Certificate of Service

EXHIBIT C

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319 PLEASANT STREET, PETALUMA, CALIFORNIA 94952
PHONE (707) 763-7227 FAX (707) 763-9227
INFO@PACKARDLAWOFFICES.COM

February 12, 2010

VIA CERTIFIED MAIL

Mark Panzer, Chief Executive Officer
Pharmaca Integrative Pharmacy, Inc.
4940 Pearl East Circle, Suite 301
Boulder, CO 80301

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

Dear Sir,

This firm represents Stephen D. Gillett in connection with this notice of violations of California's Safe Drinking Water & Toxic Enforcement Act of 1986, codified at Health & Safety Code §25249.5 *et seq.* (also referred to as "Proposition 65"). This letter serves to provide notification of these violations to you and to the public enforcement agencies.

Pursuant to §25249.7(d) of the statute, Mr. Gillett intends to bring an enforcement action sixty (60) days after effective service of this notice unless the public enforcement agencies have commenced and are diligently prosecuting an action to rectify these violations. A summary of the statute and its implementing regulations, which was prepared by the lead agency designated under the statute, is enclosed with the copy of this notice served upon the violator. The specific details of the violations that are the subject of this notice are provided below.

The name of the violator covered by this notice is **PHARMACA INTEGRATIVE PHARMACY, INC.** (hereafter, the "Violator"). The Violator markets and sells in California dietary supplements and herbal products. These ongoing violations arise out of exposures to lead and lead compounds from the consumer products described below. On February 27, 1987, the State of California officially listed lead as a chemical known to cause reproductive toxicity. On October 1, 1992, the State of California officially listed lead and lead compounds as chemicals known to cause cancer.

Products At Issue. The following herbal dietary supplements and herbal products are the subject of this notice:

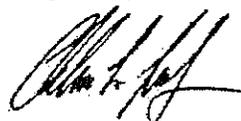
Ease Plus (ADG Concerns, Inc.)
Six Gentlemen (ADG Concerns, Inc.)
Calm Spirit (ADG Concerns, Inc.)

Route of exposure. The consumer exposures that are the subject of this notice result from the purchase, acquisition, handling and use of these products by consumers as recommended on the product label. Accordingly, consumer exposures have occurred and continue to occur primarily through the ingestion route, but also may occur through the inhalation and/or and dermal contact routes of exposure.

Duration of violations. Each of these ongoing violations has occurred on every day since at least February 12, 2007, 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.

In keeping with the public interest goals of the statute and my client's objectives in issuing this notice, Mr. Gillett is interested in seeking a constructive resolution of this matter to avoid further unwarned exposures to lead in these products without protracted litigation. Mr. Gillett's address is Post Office Box 170142, San Francisco, California 94117. Tel. (415) 850-5233. Please direct all communications regarding this notice to Andrew L. Packard at the above-listed firm address and telephone number.

Very Truly Yours,



Andrew L. Packard

Attachments:

OEHHA Summary

Certificate of Merit (w/o AG attachments)

Certificate of Service