

FILED BY FAX
 ALAMEDA COUNTY
 September 29, 2015
 CLERK OF
 THE SUPERIOR COURT
 By Alicia Espinoza, Deputy
 CASE NUMBER:
RG15787566

1 WILLIAM F. WRAITH, SBN 185927
 WRAITH LAW
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 Laguna Hills, CA 92653
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4 Attorney for Plaintiff
 5 ENVIRONMENTAL RESEARCH CENTER, INC.

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 8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
 9 **COUNTY OF ALAMEDA**

10 ENVIRONMENTAL RESEARCH CENTER,
 11 INC., a non-profit California corporation,

12 Plaintiff,

13 v.

14 NEW WHEY NUTRITION, LLC and DOES
 15 1-25, Inclusive,

16 Defendants.

Case No.

**COMPLAINT FOR INJUNCTIVE
 RELIEF AND CIVIL PENALTIES**

Health & Safety Code §25249.5, *et seq.*

17
 18 Plaintiff Environmental Research Center, Inc. ("PLAINTIFF" or "ERC") brings this
 19 action in the interests of the general public and, on information and belief, hereby alleges:

20 **INTRODUCTION**

21 1. This action seeks to remedy the continuing failure of Defendants NEW WHEY
 22 NUTRITION, LLC (collectively referred to as "NEW WHEY NUTRITION") and DOES 1-25
 23 to warn consumers in California that they are being exposed to lead, a substance known to the
 24 State of California to cause cancer, birth defects, and other reproductive harm. NEW WHEY
 25 NUTRITION manufactures, packages, distributes, markets, and/or sells in California the
 26 following products containing lead (collectively, the "PRODUCTS"):

- a) New Whey Nutrition Multi-Pro Whey Isolate Blend Swiss Chocolate
- b) New Whey Nutrition Multi-Pro Whey Isolate Blend Vanilla Cinnamon
- c) New Whey Nutrition Bio Engineered Waximaize Fruit Punch
- d) New Whey Nutrition Bio Engineered Waximaize Grape

2. Lead (hereinafter, the "LISTED CHEMICAL") is a substance known to the State¹ of California to cause cancer, birth defects, and other reproductive harm.

3. The use and/or handling of the PRODUCTS causes exposures to the LISTED CHEMICAL at levels requiring a "clear and reasonable warning" under California's Safe Drinking Water and Toxic Enforcement Act of 1986, Health & Safety Code ("H&S Code") §25249.5, *et seq.* (also known as "Proposition 65"). NEW WHEY NUTRITION has failed to provide the health hazard warnings required by Proposition 65.

4. NEW WHEY NUTRITION's past sales and continued manufacturing, packaging, distributing, marketing and/or sales of the PRODUCTS without the required health hazard warnings, cause individuals to be involuntarily and unwittingly exposed to levels of the LISTED CHEMICAL that violate Proposition 65.

5. PLAINTIFF seeks injunctive relief enjoining NEW WHEY NUTRITION from the continued manufacturing, packaging, distributing, marketing and/or sales of the PRODUCTS in California without provision of clear and reasonable warnings regarding the risks of cancer, birth defects, and other reproductive harm posed by exposure to the LISTED CHEMICAL through the use and/or handling of the PRODUCTS. PLAINTIFF seeks an injunctive order compelling NEW WHEY NUTRITION to bring its business practices into compliance with Proposition 65 by providing a clear and reasonable warning to each individual who has been and who in the future may be exposed to the LISTED CHEMICAL from the use of the PRODUCTS. PLAINTIFF also seeks an order compelling NEW WHEY NUTRITION to identify and locate each individual person who in the past has purchased the PRODUCTS,

¹ All statutory and regulatory references herein are to California law, unless otherwise specified.

1 and to provide to each such purchaser a clear and reasonable warning that the use of the
2 PRODUCTS will cause exposures to the LISTED CHEMICAL.

3 6. In addition to injunctive relief, PLAINTIFF seeks an assessment of civil
4 penalties up to the maximum civil penalty of \$2,500 per day per exposure authorized by
5 Proposition 65 to remedy NEW WHEY NUTRITION's failure to provide clear and reasonable
6 warnings regarding exposures to the LISTED CHEMICAL.

7 JURISDICTION AND VENUE

8 7. This Court has jurisdiction over this action pursuant to California Constitution
9 Article VI, Section 10, which grants the Superior Court "original jurisdiction in all causes
10 except those given by statute to other trial courts." The statute under which this action is
11 brought does not specify any other basis for jurisdiction.

12 8. This Court has jurisdiction over NEW WHEY NUTRITION because, based on
13 information and belief, NEW WHEY NUTRITION is a business having sufficient minimum
14 contacts with California, or otherwise intentionally availing itself of the California market
15 through the distribution and sale of the PRODUCTS in the State of California to render the
16 exercise of jurisdiction over it by the California courts consistent with traditional notions of
17 fair play and substantial justice.

18 9. Venue in this action is proper in the Alameda Superior Court because NEW
19 WHEY NUTRITION has violated California law in the County of Alameda.

20 PARTIES

21 10. PLAINTIFF is a non-profit corporation organized under California's
22 Corporation Law. ERC is dedicated to, among other causes, reducing the use and misuse of
23 hazardous and toxic substances, consumer protection, worker safety, and corporate
24 responsibility.

25 11. ERC is a person within the meaning of H&S Code §25118 and brings this
26 enforcement action in the public interest pursuant to H&S Code §25249.7(d).

1 12. Defendant NEW WHEY NUTRITION, LLC is a business of unknown form,
2 which ERC alleges on information and belief is a person within the meaning of H&S Code
3 §25249.11(a).

4 13. NEW WHEY NUTRITION, LLC has manufactured, packaged, distributed,
5 marketed, sold, and /or has otherwise been involved in the chain of commerce, and continues to
6 manufacture, package, distribute, market, sell and/or otherwise be involved in the chain of
7 commerce of the PRODUCTS for sale or use in California. Plaintiff alleges on information
8 and belief that Defendant employs ten or more persons, and is a "person in the course of doing
9 business" within the meaning of Proposition 65.

10 14. Defendants DOES 1-25 are named herein under fictitious names, as their true
11 names and capacities are unknown to Plaintiff. ERC is informed and believes, and thereon
12 alleges, that each of said DOES has manufactured, packaged, distributed, marketed, sold and/or
13 has otherwise been involved in the chain of commerce of, and continues to manufacture,
14 package, distribute, market, sell, and/or otherwise be involved in the chain of commerce of the
15 PRODUCTS for sale or use in California, and/or is responsible, in some actionable manner, for
16 the events and happenings referred to herein, either through its conduct or through the conduct
17 of its agents, servants or employees, or in some other manner, causing the harms alleged
18 herein. Plaintiff will seek leave to amend this Complaint to set forth the true names and
19 capacities of DOES when ascertained.

20 15. Plaintiff is informed and believes and thereon alleges that each Defendant is in
21 some manner responsible for the events set forth in this Complaint and proximately caused the
22 injuries and damages to Plaintiff as alleged in this Complaint.

23 STATUTORY BACKGROUND

24 16. The People of the State of California have declared in Proposition 65 their right
25 "[t]o be informed about exposures to chemicals that cause cancer, birth defects, or other
26 reproductive harm." (Section 1(b) of Initiative Measure, Proposition 65).

17. To effect this goal, Proposition 65 requires that individuals be provided with a

1 "clear and reasonable warning" before being exposed to substances listed by the State of
2 California as causing cancer or reproductive toxicity. H&S Code §25249.6 states, in pertinent
3 part:

4 No person in the course of doing business shall knowingly and intentionally
5 expose any individual to a chemical known to the state to cause cancer or
6 reproductive toxicity without first giving clear and reasonable warning to such
7 individual....

8 18. "‘Knowingly’ refers only to knowledge of the fact that a discharge of, release of,
9 or exposure to a chemical listed pursuant to Section 25249.8(a) of the Act is occurring. No
10 knowledge that the discharge, release or exposure is unlawful is required." (27 California Code
11 of Regulations ("CCR") § 25102(n).)

12 19. Proposition 65 provides that any person "violating or threatening to violate" the
13 statute may be enjoined in a court of competent jurisdiction. (H&S Code §25249.7). The phrase
14 "threatening to violate" is defined to mean creating "a condition in which there is a substantial
15 likelihood that a violation will occur." (H&S Code §25249.11(e)). Violators are liable for civil
16 penalties of up to \$2,500 per day for each violation of the Act. (H&S Code §25249.7.)

17 **FACTUAL BACKGROUND**

18 20. On February 27, 1987, the State of California officially listed the chemical lead
19 as a chemical known to cause reproductive toxicity. Lead became subject to the warning
20 requirement one year later and was therefore subject to the "clear and reasonable" warning
21 requirements of Proposition 65 beginning on February 27, 1988. (27 CCR § 25000, *et seq.*;
22 H&S Code §25249.5, *et seq.*). Due to the high toxicity of lead, the maximum allowable dose
23 level for lead is 0.5 ug/day (micrograms a day) for reproductive toxicity. (27 CCR
24 § 25805(b).)

25 21. On October 1, 1992, the State of California officially listed the chemicals lead
26 and lead compounds as chemicals known to cause cancer. Lead and lead compounds became
subject to the warning requirement one year later and were therefore subject to the "clear and
reasonable" warning requirements of Proposition 65 beginning on October 1, 1993 (27 CCR §
25000, *et seq.*; H&S Code §25249.6 *et seq.*). Due to the carcinogenicity of lead, the no

1 significant risk level for lead is 15 ug/day (micrograms a day). (27 CCR § 25705(b)(1).)

2 22. On June 15, 2015, PLAINTIFF sent a 60-Day Notice of Proposition 65
3 (“Notice”) violations to the requisite public enforcement agencies, and to NEW WHEY
4 NUTRITION. The Notice was issued pursuant to, and in compliance with, the requirements
5 of H&S Code §25249.7(d) and the statute's implementing regulations regarding the notice of
6 the violations to be given to certain public enforcement agencies and to the violators. A true
7 and correct copy of the 60-Day Notice is attached hereto as **Exhibit A** and incorporated by
8 reference. The Notice was issued as follows:

- 9 a. NEW WHEY NUTRITION and the California Attorney General were
10 provided copies of the Notices of Violations, along with a Certificate of
11 Merit by the attorney for the noticing party stating that there is a reasonable
12 and meritorious cause for this action. The requisite county district attorneys
13 and city attorneys were provided copies of the Notices of Violations and
14 Certificates of Merit.
- 15 b. NEW WHEY NUTRITION was provided, with the Notices of Violations, a
16 copy of a document entitled “The Safe Drinking Water and Toxic
17 Enforcement Act of 1986 (Proposition 65): A Summary,” which is also
18 known as Appendix A to Title 27 of CCR § 25903.
- 19 c. The California Attorney General was provided, with the Notices of
20 Violations, additional factual information sufficient to establish a basis for
21 the Certificates of Merit, including the identity of the persons consulted with
22 and relied on by the certifier, and the facts, studies, or other data reviewed
23 by those persons, pursuant to H&S Code §§25249.7(d)(1) and
24 25249.7(h)(2).

25 23. At least 60-days have elapsed since PLAINTIFF sent the NOTICE to NEW
26 WHEY NUTRITION. The appropriate public enforcement agencies have failed to commence
and diligently prosecute a cause of action under H&S Code §25249.5, *et seq.* against NEW

1 WHEY NUTRITION based on the allegations herein.

2 24. Plaintiff is informed and believes, and based on such information and
3 belief, alleges the PRODUCTS have been marketed, distributed, and/or sold to
4 individuals in California allegedly been sold by NEW WHEY NUTRITION for use in
5 California without the requisite clear and reasonable warnings before, on, and after June
6 15, 2012. The PRODUCTS continue to be distributed and sold in California without the
7 requisite warning information.

8 25. As a proximate result of acts by NEW WHEY NUTRITION, as a person in the
9 course of doing business within the meaning of H&S Code §25249.11(b), individuals
10 throughout the State of California, including in the County of Alameda, have been exposed to
11 lead without clear and reasonable warnings. The individuals subject to exposures to lead
12 include normal and foreseeable users of the PRODUCTS, as well as all other persons exposed
13 to the PRODUCTS.

14 26. At all times relevant to this action, NEW WHEY NUTRITION has knowingly
15 and intentionally exposed the users and/or handlers of the PRODUCTS to lead without first
16 giving clear and reasonable warnings to such individuals.

17 27. Individuals using or handling the PRODUCTS are exposed to lead in excess of
18 the “maximum allowable daily” and “no significant risk” levels determined by the State of
19 California, as applicable.

20 28. At all times relevant to this action, each Defendant has, in the course of doing
21 business, failed to provide individuals using and/or handling the PRODUCTS with a clear and
22 reasonable warning that the PRODUCTS exposure individuals to lead.

23 29. The PRODUCTS continue to be marketed, distributed, and/or sold in California
24 without the requisite clear and reasonable warnings.

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FIRST CAUSE OF ACTION

**(Injunctive Relief for Violations of Health and Safety Code § 25249.5, et seq. concerning the PRODUCTS described in the June 15, 2015, Prop. 65 Notice)
Against NEW WHEY NUTRITION**

30. PLAINTIFF re-alleges and incorporates by reference each and every preceding allegation and paragraph as though fully set forth in this cause of action.

31. By committing the acts alleged in this Complaint, NEW WHEY NUTRITION, at all times relevant to this action, and continuing through the present, has violated H&S Code §25249.6 by, in the course of doing business, knowingly and intentionally exposing individuals who use or handle the PRODUCTS set forth in the Notice to the LISTED CHEMICAL, without first providing a clear and reasonable warning to such individuals pursuant to H&S Code §§ 25249.6 and 25249.11(f).

32. By the above-described acts, NEW WHEY NUTRITION has violated H&S Code § 25249.6 and is therefore subject to an injunction ordering NEW WHEY NUTRITION to stop violating Proposition 65, to provide warnings to all present and future customers, and to provide warnings to NEW WHEY NUTRITION’s past customers who purchased or used the PRODUCTS without receiving a clear and reasonable warning.

33. An action for injunctive relief under Proposition 65 is specifically authorized by Health & Safety Code §25249.7(a).

34. Continuing commission by NEW WHEY NUTRITION of the acts alleged above will irreparably harm the citizens of the State of California, for which harm they have no plain, speedy, or adequate remedy at law.

35. Wherefore, PLAINTIFF prays for judgment against NEW WHEY NUTRITION, as set forth hereafter.

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SECOND CAUSE OF ACTION

(Civil Penalties for Violations of Health and Safety Code § 25249.5, *et seq.* concerning the
PRODUCTS described in PLAINTIFF's NOTICE)
Against NEW WHEY NUTRITION

36. PLAINTIFF re-alleges and incorporates by reference each and every preceding allegation and paragraph as though fully set forth in this cause of action.

37. By committing the acts alleged in this Complaint, NEW WHEY NUTRITION at all times relevant to this action, and continuing through the present, has violated H&S Code §25249.6 by, in the course of doing business, knowingly and intentionally exposing individuals who use or handle the PRODUCTS set forth in the Notice to the LISTED CHEMICAL, without first providing a clear and reasonable warning to such individuals pursuant to H&S Code §§ 25249.6 and 25249.11(f).

38. By the above-described acts, NEW WHEY NUTRITION is liable, pursuant to H&S Code §25249.7(b), for a civil penalty of \$2,500 per day per violation for each unlawful exposure to the LISTED CHEMICAL from the PRODUCTS.

39. Wherefore, PLAINTIFF prays for judgment against NEW WHEY NUTRITION, as set forth hereafter.

THE NEED FOR INJUNCTIVE RELIEF

40. PLAINTIFF re-alleges and incorporates by this reference each and every preceding allegation and paragraph as though fully set forth in this cause of action.

41. By committing the acts alleged in this Complaint, NEW WHEY NUTRITION has caused irreparable harm for which there is no plain, speedy or adequate remedy at law. In the absence of equitable relief, NEW WHEY NUTRITION will continue to create a substantial risk of irreparable injury by continuing to cause consumers to be involuntarily and unwittingly exposed to the LISTED CHEMICAL through the use and/or handling of the PRODUCTS.

PRAYER FOR RELIEF

Wherefore, PLAINTIFF accordingly prays for the following relief:

A. A preliminary and permanent injunction, pursuant to H&S Code §25249.7(b),

1 enjoining NEW WHEY NUTRITION, its agents, employees, assigns and all persons acting in
2 concert or participating with NEW WHEY NUTRITION, from distributing or selling the
3 PRODUCTS in California without first providing a clear and reasonable warning, within the
4 meaning of Proposition 65, that the users and/or handlers of the PRODUCTS are exposed to
5 the LISTED CHEMICAL;

6 B. An injunctive order, pursuant to H&S Code §25249.7(b), compelling
7 DEFENDANTS to identify and locate each individual who has purchased the PRODUCTS
8 since June 15, 2012, and to provide a warning to such person that the use of the PRODUCTS
9 will expose the user to chemicals known to birth defects and other reproductive harm;

10 C. An assessment of civil penalties pursuant to Health & Safety Code §25249.7(b),
11 against NEW WHEY NUTRITION in the amount of \$2,500 per day for each violation of
12 Proposition 65;

13 D. An award to PLAINTIFF of its reasonable attorney's fees and costs pursuant to
14 California Code of Civil Procedure §1021.5 or the substantial benefit theory;

15 E. An award of costs of suit herein; and

16 F. Such other and further relief as may be just and proper.

17
18 Dated: September 29, 2015

WRAITH LAW



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20 By: _____

WILLIAM F. WRAITH
Attorney for Plaintiff
Environmental Research
Center

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EXHIBIT A

WRAITH LAW

24422 AVENIDA DE LA CARLOTA
SUITE 400
LAGUNA HILLS, CA 92653
Tel (949) 452-1234
Fax (949) 452-1102

June 15, 2015

**NOTICE OF VIOLATIONS OF
CALIFORNIA HEALTH & SAFETY CODE SECTION 25249.5 ET SEQ.
(PROPOSITION 65)**

Dear Alleged Violator and the Appropriate Public Enforcement Agencies:

I represent Environmental Research Center, Inc. ("ERC"), 3111 Camino Del Rio North, Suite 400, San Diego, CA 92108; Tel. (619) 500-3090. ERC's Executive Director is Chris Heptinstall. 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.

ERC has identified violations of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65"), which is codified at California Health & Safety Code §25249.5 *et seq.*, with respect to the products identified below. These violations have occurred and continue to occur because the alleged Violator identified below failed to provide required clear and reasonable warnings with these products. This letter serves as a notice of these violations to the alleged Violator and the appropriate public enforcement agencies. Pursuant to Section 25249.7(d) of the statute, ERC intends to file a private enforcement action in the public interest 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.

General Information about Proposition 65. A copy of a summary of Proposition 65, prepared by the Office of Environmental Health Hazard Assessment, is attached with the copy of this letter served to the alleged Violator identified below.

Alleged Violator. The name of the company covered by this notice that violated Proposition 65 (hereinafter the "Violator") is:

New Whey Nutrition, LLC

Consumer Products and Listed Chemical. The products that are the subject of this notice and the chemical in those products identified as exceeding allowable levels are:

New Whey Nutrition Multi-Pro Whey Isolate Blend Swiss Chocolate - Lead
New Whey Nutrition Multi-Pro Whey Isolate Blend Vanilla Cinnamon - Lead
New Whey Nutrition Bio Engineered Waximaize Fruit Punch – Lead
New Whey Nutrition Bio Engineered Waximaize Grape - 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.

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

June 15, 2015

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It should be noted that ERC may continue to investigate other products that may reveal further violations and result in subsequent notices of violations.

Route of Exposure. The consumer exposures that are the subject of this notice result from the purchase, acquisition, handling and recommended use of these products. Consequently, the primary route of exposure to this chemical has been and continues to be through ingestion, but may have also occurred and may continue to occur through inhalation and/or dermal contact.

Approximate Time Period of Violations. Ongoing violations have occurred every day since at least June 15, 2012, as well as every day since the products were introduced into the California marketplace, and will continue every day until clear and reasonable warnings are provided to product purchasers and users or until this known toxic chemical is either removed from or reduced to allowable levels in the products. Proposition 65 requires that a clear and reasonable warning be provided prior to exposure to the identified chemical. The method of warning should be a warning that appears on the product label. The Violator violated Proposition 65 because it failed to provide persons handling and/or using these products with appropriate warnings that they are being exposed to this chemical.

Consistent with the public interest goals of Proposition 65 and a desire to have these ongoing violations of California law quickly rectified, ERC is interested in seeking a constructive resolution of this matter that includes an enforceable written agreement by the Violator to: (1) reformulate the identified products so as to eliminate further exposures to the identified chemical, or provide appropriate warnings on the labels of these products; (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. Such a resolution will prevent further unwarned consumer exposures to the identified chemical, as well as an expensive and time consuming litigation.

ERC has retained me as legal counsel in connection with this matter. **Please direct all communications regarding this Notice of Violations to my attention at the law office address and telephone number indicated on the letterhead.**

Sincerely,



William F. Wraith

Attachments

Certificate of Merit

Certificate of Service

OEHHA Summary (to New Whey Nutrition, LLC and its Registered Agents for Service of Process only)

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

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

June 15, 2015

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CERTIFICATE OF MERIT

Re: Environmental Research Center, Inc.'s Notice of Proposition 65 Violations by New Whey Nutrition, LLC

I, William F. Wraith, declare:

1. This Certificate of Merit accompanies the attached 60-day notice in which it is alleged the party identified in the notice violated California Health & Safety Code Section 25249.6 by failing to provide clear and reasonable warnings.

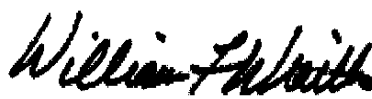
2. I am an attorney for the noticing party.

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 chemical that is 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 Violator 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: June 15, 2015



William F. Wraith

Notice of Violations of California Health & Safety Code §25249.5 *et seq.*
June 15, 2015
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CERTIFICATE OF SERVICE

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, over the age of 18 years of age, and am not a party to the within entitled action. 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 June 15, 2015, 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 the party listed below and depositing it at a U.S. Postal Service Office with the postage fully prepaid for delivery by Certified Mail:

Current President or CEO
New Whey Nutrition, LLC
5707 Dot Com Court, Suite 1079
Oviedo, FL 32765

Corporation Service Company
(Registered Agent for New Whey
Nutrition, LLC)
2711 Centerville Road, Suite 400
Wilmington, DE 19808

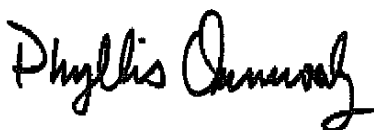
Corporation Service Company
(Registered Agent for New Whey
Nutrition, LLC)
1201 Hays Street
Tallahassee, FL 32301

On June 15, 2015, 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 June 15, 2015, 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 at a U.S. Postal Service Office with the postage fully prepaid for delivery by Priority Mail.

Executed on June 15, 2015, in Fort Oglethorpe, Georgia.



Phyllis Dunwoody

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

June 15, 2015

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Service List

District Attorney, Alameda County 1225 Fallon Street, Suite 900 Oakland, CA 94612	District Attorney, Los Angeles County 210 West Temple Street, Suite 18000 Los Angeles, CA 90012	District Attorney, San Diego County 330 West Broadway, Suite 1300 San Diego, CA 92101	District Attorney, Tuolumne County 423 N. Washington Street Sonora, CA 95370
District Attorney, Alpine County P.O. Box 248 Markleeville, CA 96120	District Attorney, Madera County 209 West Yosemite Avenue Madera, CA 93637	District Attorney, San Francisco County 850 Bryant Street, Suite 322 San Francisco, CA 94103	District Attorney, Ventura County 800 South Victoria Ave, Suite 314 Ventura, CA 93009
District Attorney, Amador County 708 Court Street Jackson, CA 95642	District Attorney, Marin County 3501 Civic Center Drive, Room 130 San Rafael, CA 94903	District Attorney, San Joaquin County 222 E. Weber Ave. Rm. 202 Stockton, CA 95202	District Attorney, Yolo County 301 2 nd Street Woodland, CA 95695
District Attorney, Butte County 25 County Center Drive, Suite 245 Oroville, CA 95965	District Attorney, Mariposa County Post Office Box 730 Mariposa, CA 95338	District Attorney, San Luis Obispo County 1035 Palm St, Room 450 San Luis Obispo, CA 93408	District Attorney, Yuba County 215 Fifth Street, Suite 152 Marysville, CA 95901
District Attorney, Calaveras County 891 Mountain Ranch Road San Andreas, CA 95249	District Attorney, Mendocino County Post Office Box 1000 Ukiah, CA 95482	District Attorney, San Mateo County 400 County Ctr., 3 rd 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, Colusa County 346 Fifth Street Suite 101 Colusa, CA 95932	District Attorney, Merced County 550 W. Main Street Merced, CA 95340	District Attorney, Santa Barbara County 1112 Santa Barbara Street Santa Barbara, CA 93101	San Diego City Attorney's Office 1200 3rd Avenue, Ste 1620 San Diego, CA 92101
District Attorney, Contra Costa County 900 Ward Street Martinez, CA 94553	District Attorney, Modoc County 204 S Court Street, Room 202 Alturas, CA 96101-4020	District Attorney, Santa Clara County 70 West Hedding Street San Jose, CA 95110	San Francisco, City Attorney City Hall, Room 234 1 Dr Carlton B Goodlett PL San Francisco, CA 94102
District Attorney, Del Norte County 450 H Street, Room 171 Crescent City, CA 95531	District Attorney, Mono County Post Office Box 617 Bridgeport, CA 93517	District Attorney, Santa Cruz County 701 Ocean Street, Room 200 Santa Cruz, CA 95060	San Jose City Attorney's Office 200 East Santa Clara Street, 16 th Floor San Jose, CA 95113
District Attorney, El Dorado County 515 Main Street Placerville, CA 95667	District Attorney, Monterey County Post Office Box 1131 Salinas, CA 93902	District Attorney, Shasta County 1355 West Street Redding, CA 96001	
District Attorney, Fresno County 2220 Tulare Street, Suite 1000 Fresno, CA 93721	District Attorney, Napa County 931 Parkway Mall Napa, CA 94559	District Attorney, Sierra County PO Box 457 Downieville, CA 95936	
District Attorney, Glenn County Post Office Box 430 Willows, CA 95988	District Attorney, Nevada County 201 Commercial Street Nevada City, CA 95959	District Attorney, Siskiyou County Post Office Box 986 Yreka, CA 96097	
District Attorney, Humboldt County 825 5th Street 4 th Floor Eureka, CA 95501	District Attorney, Orange County 401 West Civic Center Drive Santa Ana, CA 92701	District Attorney, Solano County 675 Texas Street, Ste 4500 Fairfield, CA 94533	
District Attorney, Imperial County 940 West Main Street, Ste 102 El Centro, CA 92243	District Attorney, Placer County 10810 Justice Center Drive, Ste 240 Roseville, CA 95678	District Attorney, Sonoma County 600 Administration Drive, Room 212J Santa Rosa, CA 95403	
District Attorney, Inyo County 230 W. Line Street Bishop, CA 93514	District Attorney, Plumas County 520 Main Street, Room 404 Quincy, CA 95971	District Attorney, Stanislaus County 832 12 th Street, Ste 300 Modesto, CA 95354	
District Attorney, Kern County 1215 Truxtun Avenue Bakersfield, CA 93301	District Attorney, Riverside County 3960 Orange Street Riverside, CA 92501	District Attorney, Sutter County 446 Second Street Yuba City, CA 95991	
District Attorney, Kings County 1400 West Lacey Boulevard Hanford, CA 93230	District Attorney, Sacramento County 901 "G" Street Sacramento, CA 95814	District Attorney, Tehama County Post Office Box 519 Red Bluff, CA 96080	
District Attorney, Lake County 255 N. Forbes Street Lakeport, CA 95453	District Attorney, San Benito County 419 Fourth Street, 2 nd Floor Hollister, CA 95023	District Attorney, Trinity County Post Office Box 310 Weaverville, CA 96093	
District Attorney, Lassen County 220 South Lassen Street, Ste. 8 Susanville, CA 96130	District Attorney, San Bernardino County 316 N. Mountain View Avenue San Bernardino, CA 92415-0004	District Attorney, Tulare County 221 S. Mooney Blvd., Room 224 Visalia, CA 93291	