

November 5, 2008



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**NOTICE OF VIOLATION OF
CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.**

Dear Public Enforcement Agencies:

As You Sow ("AYS") is a non-profit foundation organized under California's Non-Profit Public Benefit Corporation Law. AYS is dedicated to, among other causes, the protection of the environment, the promotion of human health, the improvement of worker and consumer safety, and environmental education.

AYS has documented violations of California's Safe Drinking Water & Toxic Enforcement Act of 1986 ("Proposition 65"), codified at Health & Safety Code §25249.5 *et seq.* This letter serves to provide AYS' notification of these violations to the public enforcement agencies and to the violator. Pursuant to §25249.7(d) of the statute, AYS 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.

Alleged violator. The name of the violator covered by this notice is **VITACOST.COM, INC.** doing business as **NUTRACEUTICAL SCIENCES INSTITUTE** ("Vitacost").

Chemicals. These violations involve exposures to lead and lead compounds from the products listed 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.

Consumer products. This notice covers each of the products listed in Exhibit A, attached hereto, with respect to the above-referenced chemical. The products that are the subject of this notice are herbal dietary supplements that are imported, exported, manufactured, packaged, distributed, marketed and/or sold by Vitacost.

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

Duration of violations. Each of these ongoing violations has occurred on every day for at least November 5, 2007, as well as every day since the products were introduced in the California

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marketplace, and will continue every day until clear and reasonable warnings are provided to product purchasers and users or until these known toxic chemicals are removed from the products.

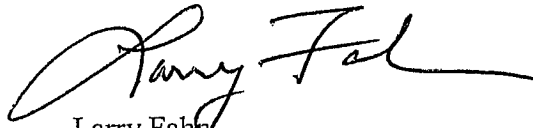
This notice of violation supplements the previous notice of violation issued by AYS against Vitacost on February 27, 2008.

Pursuant to Title 11, C.C.R. § 3100, a certificate of merit is attached hereto.

In keeping with its public interest mission and to expeditiously rectify these ongoing violations of California law, AYS is interested in seeking a constructive resolution of this matter without engaging in costly and protracted litigation. Please direct all communications regarding this notice to AYS' counsel in this matter:

Andrew L. Packard, Esq.
Law Offices of Andrew L. Packard
319 Pleasant Street
Petaluma, CA 94952
Tel: 707-763-7227
Fax: 707-763-9227

Very truly yours,

A handwritten signature in black ink, appearing to read "Larry Fahn", written in a cursive style.

Larry Fahn
Executive Director

Enclosure

EXHIBIT A

835003008360	NSI Synergy Max Multi-Vit, Ver-5 60 Packets
844197011216	NSI Synergy 3000 Multi- Vitamin Version 11-60 Pack
835003006205	NSI Turmeric Extract with BioPerine Value Pack -- 900 mg- 360 Capsules each
844197010974	NSI Keto Burn [®] with Fucoxanthin -- 90 Capsules
835003000111	NSI Synergy Basic Multi-Vitamin Version 2 -- 60 Capsules
835003002481	NSI Synergy Women's Multi-Vitamin with Iron -- 240 Capsules
835003006533	CSI Benfotiamine -- 150 mg - 60 Capsules
835003006540	CSI DMAE Complex with Nutriene -- 80 mg - 60 Capsules
835003006557	CSI Maitake Mushroom Complex -- 350 mg - 90 Capsules
835003009022	NSI 42 Fruits & Vegetables -- 1400 mg - 300 Capsules
835003007363	NSI 5-Loxin [®] -AKBA Boswellia Serrata Extract -- 150 mg per serving -120 Capsules
835003001989	NSI ACTIValue -- 500 mg - 60 Capsules
835003003990	NSI Acai Berry Extract -- 1,000 mg per serving - 60 Capsules
835003004744	NSI Acid Redux -- 700 mg per serving - 240 Capsules
835003007271	NSI ActiSlim with PinnoThin Version 2 -- 60 Licaps
835003007882	NSI Advan-C with Citrus Bioflavonoids -- 500 mg - 100 Capsules
835003007868	NSI Advan-C with Citrus Bioflavonoids -- 500 mg - 300 Capsules
835003006700	NSI Aged Garlic Extract with Lecithin -- 980 mg per serving - 200 Capsules
835003006694	NSI Aged Garlic Extract with Red Yeast Rice -- 1200 mg per serving - 180 Capsules
835003008230	NSI Alfalfa Juice Concentrate -- 3300 mg - 180 Capsules
835003004492	NSI Aller-7 -- 330 mg -- 60 Capsules
835003007448	NSI AppleZin Ultra w/Quercetin -- 1,000 mg per serving- 60 Capsules
835003006328	NSI Artemisinin -- 500 mg -- 100 Capsules
835003007905	NSI Artichoke Extract -- 600 mg -- 60 Capsules
835003008094	NSI Artichoke Leaves -- 810 mg -- 120 Capsules
844197010639	NSI Ashwagandha Extract -- 470 mg per serving -- 120 Capsules
835003008414	NSI Astragalus 1000 mg per serving -- 60 Capsules
835003002832	NSI Avena Sativa Extract Wild Oats -- 750 mg -- 200 Capsules
835003007400	NSI BioCore DPP IV Gluten Peptide Enzymes --100 mg -90 Capsules
835003005307	NSI BioCosanol Policosanol -- 20 mg -- 120 Capsules
835003007943	NSI Black Walnut Hull -- 1000 mg -- 120 Capsules
844197010608	NSI Broccoli Sprout Extract BroccoPlus [®] -1,000 mg per serving -- 120 Capsules
835003007462	NSI Buffered C w/Bioflavonoids Complex -- 1000 mg per serving -- 250 Capsules
844197010073	NSI Butterbur Extract -- 75 mg -- 120 Capsules
844197010677	NSI Celery Seed -- 1500 mg per serving- 100 Capsules
835003008339	NSI Chamomile --900 mg -120 Capsules
835003002474	NSI Chicken Collagen -- 240 Capsules
835003003624	NSI Chlorophyllin with L-OptiZinc -- 200 Capsules
835003003808	NSI Cocoa Bean Extract -- 900 mg -- 120 Capsules
835003003549	NSI Colon Cleanse -- 200 Tablets
835003000006	NSI Coral Calcium 1,000 mg of Marine Coral Per Serving -- 6 Bottles / 90 Capsules/Ea
835003009084	NSI Coral Calcium w/Magnesium Double Strength -- 2000 mg -- 240 Capsules
835003001255	NSI Cordyceps Mushroom Extract -- 500 mg -- 60 Capsules
835003009619	NSI Cranberry Extract -- 400 mg -- 60 Capsules
835003006977	NSI Cruciferous Vegetables & DIM with BroccoSinolate -- 60 Capsules
835003009534	NSI Deodorized Garlic Ultra 18,000 -- 600 mg -- 90 Capsules
835003007516	NSI Echinacea -- 1200 mg -- 180 Capsules
835003001002	NSI EstroPower -- 60 Capsules
835003003464	NSI European Bilberry Extract with Grape Skin Extract -- 120 Capsules
835003004379	NSI Eyebright Complex -- 120 Capsules
835003001699	NSI Ferrochel Iron -- 18 mg -- 120 Capsules
835003009640	NSI Ferrochel Iron 18mg 60 Capsules

835003008216 NSI FibroLift® with CoQ10 – 120 Capsules
 835003008209 NSI FibroLift® with CoQ10 – 60 Capsules
 835003004249 NSI ForsLean – 250 mg – 120 Capsules
 835003009756 NSI ForsLean – 250 mg – 240 Capsules
 835003004706 NSI GinkgoSelect Ginkgo Biloba – 360 mg – 90 Capsules
 835003009763 NSI GinkgoSelect Ginkgo Biloba – 360 mg per serving – 180 Capsules
 835003008643 NSI Grape Seed Extract w/ Resveratrol – 120 mg – 120 Capsules
 835003006755 NSI Grape Seed Extract with Resveratrol – 120 mg – 60 Capsules
 835003009558 NSI Grape Seed Green Tea Red Wine – 120 Capsules
 835003003266 NSI Green Coffee Extract – 500 mg – 120 Capsules
 835003002511 NSI Green Tea & Berry Blend – 120 Capsules
 835003001507 NSI Green Tea Extract – 250 mg – 100 Capsules
 835003004690 NSI GreenSelect Green Tea – 600 mg per serving – 90 Capsules
 835003009527 NSI Gymnema Extract – 520 mg – 120 Capsules
 835003003778 NSI Healthy Cholesterol Version 2 – 240 Capsules
 835003002092 NSI Healthy Colon – 240 Capsules
 835003007349 NSI High Selenium Yeast – 200 mcg – 120 Capsules
 835003003075 NSI Holy Basil – 800 mg – 180 Capsules
 835003000944 NSI Homocysteine Formula – 60 Capsules
 835003003983 NSI Hoodia Glucomannan Complex – 1,000 mg – 120 Capsules
 835003002726 NSI Hyaluronic Acid & Buffered-C – 60 Capsules
 835003002115 NSI Hyaluronic Acid BioCell Collagen II – 100 mg per serving – 240 Capsules
 835003000890 NSI ImmunoLift Immune System Formula – 1200 mg – 60 Capsules
 835003003747 NSI ImmunoLin – 2,500 mg – 240 Capsules
 844197010875 NSI JamboLean® Eugenia Jambolana Extract – 750 mg per serving -120 Capsules
 835003006601 NSI KudzuMin with Betatene & L-Optizinc – 120 Capsules
 835003001224 NSI MGC-5 Double Strength – 1,100 mg per serving – 60 Capsules
 835003007370 NSI MGC-6 Version 2 – 1,300 mg per serving – 60 Capsules
 835003001316 NSI MGC-7®; Double Strength – 1300 mg- 60 Capsules
 835003009671 NSI Maca Extract – 100 Capsules
 835003009039 NSI Magnesium – 500 mg – 60 Capsules
 835003007226 NSI Male Enhancement Formula with MacaPure – 60 Capsules
 835003007622 NSI Manganese – 10 mg – 300 Capsules
 835003004331 NSI Mangosteen Extract – 500 mg-120 Capsules
 835003008636 NSI Mangosteen Pomegranate Noni Complex – 1440 mg – 300 Capsules
 835003009473 NSI Men's Passion Booster with LJ 100 – 120 Capsules
 835003009466 NSI Men's Passion Booster with LJ100 – 60 Capsules
 835003007615 NSI Mullein – 660 mg – 100 Capsules
 835003002627 NSI Nattozimes 3,000 FU –195 mg – 60 Capsules
 844197010059 NSI Neurocholine®; w/ Cognizin®; Citicoline 800 mg Per Serving – 60 Capsules
 835003006809 NSI Noni Fruit – 1300 mg per serving – 180 Capsules
 835003001477 NSI NutriSlim with Phase 2 Starch Neutralizer – 180 Capsules
 835003006632 NSI Passion Flower – 700 mg per serving – 300 Capsules
 835003007929 NSI Pygeum Africanum Extract – 50 mg – 60 Capsules
 835003007592 NSI Pygeum and Saw Palmetto – 120 Capsules
 835003009459 NSI Quercetin & Bromelain – 120 Capsules
 835003000357 NSI Quercetin & Vitamin C – 180 Capsules
 835003007714 NSI Quercetin Bromelain & Vitamin C – 120 Capsules
 835003008018 NSI Red Clover Blossoms – 750 mg – 120 Capsules
 835003005437 NSI Red Marine Algae – 375 mg – 300 Capsules
 835003006427 NSI Red Yeast Rice with Biocosanol Policosanol – 120 Capsules
 835003001248 NSI Reishi Mushroom Extract – 500 mg – 60 Capsules
 844197010646 NSI Relora® -- 250 mg – 90 Capsules

835003006762 NSI Resveratrol – 100 mg – 60 Capsules
 835003003051 NSI Resveratrol Green Tea/C/Grape Complex – 120 Capsules
 835003007936 NSI Rose Hips – 1100 mg – 120 Capsules
 835003004997 NSI Rosemary Extract – 500 mg – 60 Capsules
 835003005086 NSI Salacia Oblonga Extract – 500 mg – 120 Capsules
 835003009435 NSI Saw Palmetto – 540 mg – 180 Capsules
 835003004355 NSI Saw Palmetto – 540 mg – 300 Capsules
 835003009428 NSI Saw Palmetto – 540 mg – 90 Capsules
 835003008261 NSI Schizandra – 1160 mg – 120 Capsules
 835003007721 NSI Senna – 1880 mg per serving – 100 Capsules
 844197010066 NSI Setria Glutathione with CoQ10 – 250 mg – 60 Capsules
 835003003877 NSI Shiitake Mushroom Extract – 500 mg – 300 Capsules
 835003008278 NSI Skullcap – 850 mg – 120 Capsules
 835003007394 NSI Slendesta Potato Protein Extract – 300 mg 60 cp
 835003002979 NSI Slippery Elm Bark – 200 Capsules
 835003002566 NSI SoySelect® Soy Extract – 200 mg – 120 Capsules
 835003007769 NSI St. John's Wort Extract – 300 mg-180 Capsules
 835003000586 NSI Standardized Gymnema Extract – 520 mg – 90 Capsules
 835003008223 NSI Super Cranforte Complex 60 Capsules
 835003004102 NSI Super ORAC Antioxidant Complex – 1,200 mg – 60 Capsules
 835003006113 NSI Synergy ArthriPower Ultra Multi-Vitamin Version 2 – 12 Bottles / 240 Capsules each
 835003004317 NSI Synergy Multi-Vitamin Version 10 – 180 Capsules
 844197011032 NSI Synergy Women's with Iron Multi-Vitamin Version 5-240 Capsules
 835003001880 NSI Sytrinol –120 Capsules
 835003005949 NSI TestosteRip Extreme – 120 Capsules
 835003006625 NSI Three Tea Antioxidant Formula – 1,200 mg – 60 Capsules
 835003002719 NSI Turmeric Curcuma Longa Non-Irradiated – 200 Capsules
 835003008551 NSI Turmeric Extract w/ BioPerine® -- 900 mg – 240 Capsules
 835003001378 NSI Turmeric Extract with Bioperine – 900 mg – 60 Capsules
 835003006793 NSI Ultimate Berry Complex – 1000 mg – 120 Capsules
 835003004485 NSI Ultimate Immunity Formula w/AHCC & Antioxidants – 240 Capsules
 835003006021 NSI Ultra Enzyme Complex – 200 Capsules
 835003008889 NSI Ultra Enzyme Complex – 300 Capsules
 835003008872 NSI Ultra Enzymes Complex – 100 Capsules
 835003009497 NSI UltraSlim FX Regensure Glucosamine – 240 Capsules
 835003004768 NSI UltraSlim FX with Regensure Glucosamine – 120 Capsules
 835003009480 NSI UltraSlim FX with Regensure™ Glucosamine – 60 Capsules
 835003007981 NSI Uva Ursi – 1000 mg – 120 Capsules
 835003002146 NSI Vegetarian Digestive Enzymes – 180 Capsules
 835003000388 NSI Vegetarian Digestive Enzymes – 90 Capsules
 835003009695 NSI Vitamin C with Bioflavonoids, Quercetin, Green Tea, L-Lysine and L-Proline – 120 Capsules
 835003003433 NSI Vitamin C with Bioflavonoids, Quercetin, Green Tea, L-Lysine and L-Proline – 240 Capsules
 835003004669 NSI Vitamin C with Rose Hips – 500 mg – 250 Capsules
 835003006038 NSI Vitex Agnus-Castus – 800 mg per serving – 300 Capsules
 835003004003 NSI Vitex Chasteberry Extract – 225 mg – 240 Capsules
 835003004263 NSI Women's Passion Booster All Natural Extracts – 1,290 mg – 120 Capsules
 835003008087 NSI Wood Betony – 600 mg – 120 Capsules
 835003007202 NSI YTE Young Tissue Extract – 800 mg – 60 cp
 835003009176 Smart Basics Milk Thistle – 300 mg – 120 Capsules
 835003000630 NSI 42 Fruits & Vegetables – 1,400 mg per serving – 180 Capsules
 835003000937 NSI ActiVin Grape Seed Extract – 200 mg – 100 Capsules

835003000548	NSI Allergy Shield – 120 Capsules
835003006007	NSI Candida Yeast Management – 240 Capsules
835003000753	NSI CandidaClear – 120 Capsules
835003007356	NSI Cayenne – 600 mg – 180 Capsules
835003009398	NSI Cinnamon – 500 mg – 120 Capsules
835003001897	NSI Cinnamon – 500 mg – 240 Capsules
835003002306	NSI CortiMin – 60 Capsules
835003007158	NSI Gelatin – 1,680 mg per serving – 250 Capsules
835003007219	NSI Healthy Blood Sugar with Resveratrol – 60 Capsules
835003004737	NSI IP-6 Inositol Hexaphosphate – 500 mg – 240 Capsules
835003003099	NSI Maca Extract – 200 Capsules
835003004522	NSI Olive Leaf Extract – 500 mg – 300 Capsules
835003000685	NSI Olive Leaf Extract – 500 mg – 60 Capsules
835003004225	NSI Organic Bitter Melon Fruit – 900 mg – 150 Capsules
835003004652	NSI Quercetin & Bromelain – 250 Capsules
835003002023	NSI Red Yeast Rice – 600 mg – 240 Capsules
835003000432	NSI Selenium Select – 200 mcg – 200 Capsules
835003005642	NSI Shark Cartilage – 750 mg – 300 Capsules
835003006311	NSI Tart Cherry Extract – 465 mg – 120 Capsules
835003009718	NSI Teavigo Caffeine Free – 150 mg EGCG – 120 Capsules
835003002931	NSI Tribulus Terrestris Extract – 625 mg – 200 Capsules
835003005963	NSI Valerian Root Complex – 1,020 mg – 180 Capsules
835003009749	NSI Wildcrafted Bitter Melon Fruit – 900 mg per serving – 240 Capsules
835003008421	NSI Astragalus 1000 mg per serving – 120 Capsules
835003007820	NSI Advan-C® -- 500 mg- 300 Capsules
835003003792	NSI American Ginseng 80% -- 500 mg – 300 Capsules
835003001293	NSI Antioxidant Booster – 60 Capsules
835003009565	NSI Antioxidant Complex – 120 Capsules
835003000739	NSI Antioxidant Complex – 60 Capsules
835003005840	NSI Apple Cider Vinegar – 1,500 mg – 360 Capsules
835003008247	NSI Banaba Leaf Extract – 300 mg – 120 Capsules
835003001996	NSI BerryVin High Orac Berries – 500 mg -120 Capsules
835003008070	NSI Blessed Thistle – 680 mg – 120 Caps
835003009374	NSI Carb Blocker w/ Phase 2 – 240 Capsules
835003001354	NSI Carb Blocker with Phase 2 Starch Neutralizer – 120 Capsules
844197010790	NSI Cat's Claw {Uña de Gato} – 500 mg – 300 Capsules
835003007509	NSI Catuaba Complex Men's Formula – 1050 mg – 60 Capsules
835003005987	NSI Chromium GTF ChromeMate – 200 mcg – 300 Capsules
835003005697	NSI DIM Complex with BroccoSinolate – 525 mg per serving – 120 Capsules
835003003617	NSI Eleuthero Root – 648 mg – 300 Capsules
835003006991	NSI EpiCor High Metabolite Immunogens – 500 mg -60 Capsules
835003000715	NSI Grape Seed Green Tea & Red Wine – 60 Capsules
835003003525	NSI Grapefruit Seed Extract – 300 Capsules
835003005796	NSI Horse Chestnut Complex – 700 mg – 180 Capsules
835003004713	NSI Men's Passion Booster with LJ100 Tongkat Ali – 30 Capsules
835003005475	NSI Pine Bark Extract 95% OPC – 100 mg – 300 Capsules
835003004423	NSI Turmeric Extract Curcumin C3 Complex with Bioperine – 120 Capsules
835003006076	NSI Vegetarian Red Yeast Rice – 600 mg – 120 Capsules
835003006526	CSI Alpha Lipoic Acid Facial Complex with BioPerine – 60 Capsules
835003005291	NSI Agaricus Blazei Extract – 500 mg – 90 Capsules
835003001736	NSI Chitosan – 500 mg – 240 Capsules
835003005826	NSI Chlorophyll & Alfalfa – 300 Capsules
835003007479	NSI Fo-Ti Root – 1220 mg – 100 Capsules
835003005819	NSI Ginger Root – 1,100 mg per serving – 360 Capsules

835003008285 NSI Herbal Hormone Complex 920 mg per serving – 180 Capsules
835003008315 NSI Herbal Liver Support – 950 mg – 120 Capsules
835003003082 NSI Hoodia Gordonii – 120 Capsules
835003009770 NSI Horny Goat Weed Complex – 240 Capsules
835003005758 NSI Horny Goat Weed Complex 1,200 mg per serving – 120 Capsules
835003008322 NSI Horsechestnut Complex – 1300 mg – 120 Capsules
835003003518 NSI Kudzu Root (1,200 mg per serving) – 180 Capsules
835003001682 NSI Nattokinase – 100 mg (2,000 FU) – 90 Capsules
835003004065 NSI Red Yeast Rice + CoQ10 with No-Flush Niacin – 120 Capsules
835003002696 NSI Rhodiola Rosea – 240 Capsules
835003005024 NSI Turmeric Extract with BioPerine – 900 mg – 120 Capsules
835003006670 NSI Wild Yam Root – 850 mg – 300 Capsules
844197010967 NSI Quebracho Bark Extract Q-Vida®; -- 400 mg – 60 Capsules
844197010660 NSI Stinging Nettle Leaf 300 Caps
835003008438 NSI Wild Blueberry Complex w/ Pomegranate – 60 Vegetarian Capsules
835003008445 NSI Wild Blueberry complex w/Pomegranate – 1400 mg – 120 Vegetarian Capsules
835003007783 NSI Wildcrafted Bladderwrack – 600 mg – 180 Vegetarian Capsules
835003006748 NSI Hoodia Gordonii – 500 mg – 240 Vegetarian Capsules
835003006854 NSI Hoodia Gordonii – 250 mg – 1 fl oz
835003006861 NSI Stevia Leaf Extract – 4 Fluid Ounce
835003004515 NSI Norwegian Cod Liver Oil – 2,200 mg per serving – 100 Softgels
835003005420 NSI Norwegian Cod Liver Oil – 2,200 mg per serving – 300 softgels
844197010912 NSI Omega Fishies For Kids – 200 mg DHA per serving – 120 Softgels
835003006496 NSI Omega-3 Mood Formula – 1,200 mg EPA & DHA per serving – 180 Softgels
835003002344 NSI Royal Jelly – 120 Softgels
835003006090 NSI Royal Jelly Extract – 2000 mg – 300 Softgels
835003007585 NSI Omega 3-6-9 Natural Oil Blend – 2000 mg – 180 Softgels
835003001484 NSI Mega EFA Omega-3 EPA & DHA – 120 Softgels
835003005017 NSI Mega EFA® Omega -3 EPA & DHA – 240 Softgels
835003005635 NSI Phosphatidylserine Complex – 1,000 mg per serving – 300 Softgels
835003007530 NSI Silica from Horsetail Herb Extract – 1500 mg – 240 Tablets
844197011155 NSI Synergy 3000 Multi- Vitamin Version 11 180 Cap
844197011308 NSI Synergy 3000 Multi-Vitamin Version 11 180 Tabs
844197010547 NSI Synergy Advanced Version 5
835003009879 NSI Synergy Basic Multi-Vit Version 3 3Pack
844197011001 NSI Synergy Basic Multi-Vitamin Version 3 60 Caps
844197011230 NSI Synergy Basic Multi-Vitamin Version 3 60 Tabs
844197011322 NSI Synergy Cardiolift Multi Version 7 180 Caps
835003007172 NSI Synergy Energy Version 3 120 Caps
835003009855 NSI synergy Energy Version 3 240 Caps
835003000234 NSI Synergy GlucoPower Multi-Vit, Ver-2 240 Caps
844197011025 NSI Synergy Healthy Cholesterol Multi-Vitamin 180 C
835003005710 NSI Synergy Max 60 Packets Ver 4
844197011292 NSI Synergy Men's Multi-Vit, Version 3 180 Tabs
835003000173 NSI Synergy Men's Multi-Vitamin Ver-2 240 Caps (01
835003009510 NSI Synergy Men's Multi-Vitamin Version 2- 3 Pack
835003008377 NSI Synergy NeuroPower Multi-Vitamin V-4 180 Caps
844197011018 NSI Synergy Once Daily Multi Version 3 60 Caps
844197011247 NSI Synergy Once Daily Multi- Vitamin V3- 60 Tabs
844197010561 NSI Synergy Platinum Version-4 60 Packets
835003007752 NSI Synergy Prenatal Plus Multi-Vitamin 180 Caps
835003001873 NSI Synergy Rx 180 caps
835003006939 NSI Synergy Spectrum Multi-Vit & Mineral 360 Caps
835003005048 NSI Synergy Supreme Version 3 360 Caps

835003005079	NSI Synergy Ultra Multi Vitamin Version 5
835003005765	NSI Synergy V-10 w/Mega EFA TocoQ10 100mg 60Packet
835003004775	NSI Synergy Women's Multi-Vitamin Ver-5 240 Caps
844197011032	NSI Synergy Women's Multi-Vitamin w Iron V-5 240 C
835003006465	NSI Advanced Bone Support Formula 150 Caps
835003005055	NSI ArthriPower Ultra Multi Vitamin Ver 2- 240 Cap
835003004416	NSI Bone Booster Complex 240 Caps
835003008988	NSI Calcium & Magnesium 120 caps
835003000364	NSI Calcium & Magnesium 240 Caps (0136)
835003002177	NSI Calcium Citrate Chewable Tablets 120 Tabs
835003000722	NSI Calcium Citrate Malate 1,000mg 200 Caps (0172)
835003004386	NSI Calcium Citrate w/Vitamin D 240 Tabs
835003005109	NSI Calcium Citrate/Malate 100 Caps
835003005116	NSI Calcium Citrate/Malate 300 Caps
835003000760	NSI Calcium Citrate/Malate Magnesium & Vit D 180 C
835003008728	NSI Calcium Citrate/Malate Mg & Vitamin D 300 Caps
835003008711	NSI Calcium Citrate/Malate Mg & Vitamin D 90 Caps
835003004027	NSI Calcium Multi-Mineral w/TriBoron 240 Caps
835003002955	NSI Calcium Pyruvate 750 mg 240 Caps
844197010806	NSI Calcium-Mg-Zn 300 Tab
835003001606	NSI Cardiolift Advanced Version 2 180 Caps
835003002078	NSI Chlorella 200mg 1500 Tabs
844197011278	NSI Chia Seeds, 16oz
835003007028	NSI Chocolate Protein Soy Shake 64g
835003002153	NSI Chocolate Soy Shake 14g
844197011513	NSI CoQ10 Energizer 120 Caps
835003009053	NSI Coral Calcium 180 Caps
835003009060	NSI Coral Calcium 360 Caps
835003000852	NSI Coral Calcium 90Caps (0185)
835003001132	NSI Coral Calcium W/Magnesium 180 Caps (0213)
835003002757	NSI CreaPure Creatine Monohydrate 300 Caps
844197010127	NSI Creatine w/ Creapure Powder 500g
835003002276	NSI Creatine with Creapure Powder 1,000g
844197010998	NSI DiCalcium Malate w Magnesium & Vitamin D3 180c
835003009817	NSI D-Ribose BioEnergy 3000mg 100 Caps
835003005918	NSI D-Ribose BioEnergy 3000mg 200 Caps
835003005901	NSI D-Ribose Bioenergy RIBOSE 300g / 10.6oz
835003002368	NSI Fiber Drink Orange Flavor 16.93oz
835003002375	NSI Fiber Drink Tropical Fruit Flavor 15.6oz
835003000579	NSI Friendly Fiber 240 Caps (0157)
835003009589	NSI Friendly Fiber w/ FOS & Probiotics 120 Caps
835003001026	NSI Friendly Fiber W/FOS & Probiotics 240 Caps
835003001903	NSI Glucomannan 180 caps
835003008841	NSI Glucomannan 360 Caps
835003008834	NSI Glucomannan 90 Caps
835003007660	NSI GlucoPower Shake Chocolate 555g
835003007677	NSI GlucoPower Shake Vanilla 555g
835003000227	NSI Glucosamine & Chondroitin Double Strength 180
835003001712	NSI Glucosamine & Chondrotin 240t Tabs
835003001743	NSI Glucosamine Sulfate 1000mg 240 Caps
835003000883	NSI Glucosamine Sulfate 750mg 180 Caps (0188)
835003008803	NSI Glucosamine, Chondrotin & MSM W/Vit-C 120 Tab
835003001729	NSI Glucosamine, Chondrotin & MSM W/Vit-C 240 Tab
835003008797	NSI Glucosamine, Chondrotin & MSM W/Vit-C 90 Tab

835003000326	NSI Glucosamine/Chondroitin & MSM 120 Caps
835003008780	NSI Glucosamine/Chondroitin & MSM 240 Caps
835003005031	NSI Glucosamine/Chondroitin & MSM 360 Caps
844197011490	NSI Hair, Skin & Nails formula 120 Caps
835003000562	NSI Healthy Bones 120 Caps
835003003297	NSI Healthy Bones Ultra 240 Caps
835003001118	NSI Healthy Libido 180 Caps (0211)
835003009596	NSI Healthy Libido 360 Caps
835003001514	NSI Healthy Liver Version 2 180 Caps
835003001385	NSI Healthy Skin Version 2 180 Caps (0238)
844197011520	NSI Joint Formula 240 Caps
835003003921	NSI Lecithin Granules (Apples & Cinnamon) 16oz
844197010134	NSI Lecithin Granules (Unflavd) 32oz
835003002788	NSI Lecithin Granules (Unflvrd) 16oz
835003002702	NSI L-Glutamine 500mg 360 Caps
835003007097	NSI Liquid Calcium Magnesium w 800iu D 16oz
835003007103	NSI Liquid Calcium Magnesium w 800iu D 32oz
844197010349	NSI Liquid Diet w/Hoodia 32oz
835003006946	NSI Liquid Gluc/Chon/MSM w/Orange Flavor 32oz
835003001552	NSI Low Carb DietersBasic Multi V-2 180 Caps
835003005093	NSI Magnesium Ultra 90 Caps
835003001798	NSI Magnesium (Malate) 175mg 180 Caps
835003000654	NSI Magnesium 500mg 180 Caps (0165)
835003009046	NSI Magnesium 500mg 90 Caps
835003007455	NSI Magnesium Asporotate 400mg 120 Caps
835003004348	NSI Magnesium Citrate 400mg 120 Tabs
835003003471	NSI Magnesium Taurinate 180 Caps
835003002030	NSI Magnesium Ultra 180 Caps
844197011537	NSI Men's Multi-Nutrient 240 Caps
835003007547	NSI Mitochondrial Energy Booster 120 Caps
844197011063	NSI Mitochondrial Energy Optimizer w SODzyme 120c
844197010769	NSI Multi Minerals w/ Boron & D 300 tab
835003003532	NSI Multi-Fiber 275 Tabs
844197010103	NSI Muscle Protein Max Chocolate 2.3lb
844197010097	NSI Muscle Protein Max Cookies n Creme 2.3lb
844197010110	NSI Muscle Protein Max Vanilla 2.3 lbs
844197010257	NSI N.O. Thunder Grape Berry Flavor 820g 1.81 lbs
844197010233	NSI N.O. Thunder Tropical Fruit Punch 1.81 lbs
835003001347	NSI Natural GH Formula 120 Caps (0234)
835003004461	NSI Natural Magnesium Calm Lemon 16oz
835003004454	NSI Natural Magnesium Calm Raspberry/Lemon 16oz
835003004447	NSI Natural Magnesium Calm Unflavored 16oz
835003003341	NSI Natural Ultra Calcium 1200 w/Vit-D 300 Softgel
835003003822	NSI Natural Whey w/Xylitol & Stevia Chocolate 5lb
835003004089	NSI Natural Whey w/Xylitol & Stevia Vanilla 5lb
835003001446	NSI OcuPower Basic Multi-Vitamin - 60 Caps (0244)
835003000067	NSI Ocupower Multi-Vitamin 180 Caps (0106)
835003004430	NSI Organic Cold-Milled Flax Seed 15oz
835003002399	NSI Organic Flax Seed Oil 2,000mg 300 Softgels
835003004362	NSI Organic High Lignans Flax Oil (20% Lig) 16floz
844197010417	NSI Organic Noni Menopause Formula for Women 32 oz
844197010431	NSI Organic Noni Vitality Formula for Men 32 oz
835003007196	NSI Organic Spirulina 500mg 360 Tabs
835003007257	NSI Organic Spirulina Powder 1lb

835003003006	NSI Pedia Power Synergy Childs Chew(Berry)240 Tabs
835003004058	NSI Phytoestrogen Complex w/Soy Select 60 Caps
835003007561	NSI PhytoEstrogen Ultra 1800mg per serv 60 Softgel
835003002290	NSI Phytosterol Complex 240 Tabs
835003002962	NSI Potassium & Magnesium 200 Caps
835003004270	NSI Potassium Citrate 99mg 300 Caps
835003008681	NSI Protein Ultra 24 Chocolate 2 lbs
835003008674	NSI Protein Ultra 24 Vanilla 936 g
835003001965	NSI Psyllium Husks 200 Caps
835003002795	NSI Psyllium Husks Powder 22oz
844197010141	NSI Psyllium Husks Powder 44oz
835003007332	NSI Pure Energy 180 Caps
835003007042	NSI Sambucus Nigra Elderberry 8 oz
835003004751	NSI Spirulina 1000mg 360 Tabs
835003007134	NSI Unflavored Soy Protein Shake
835003007035	NSI Vanilla Protein Soy Shake 2.1 lbs
835003002160	NSI Vanilla Soy Shake 14g
835003004300	NSI Vegetarian Glucosamine & MSM 240 Veg Caps
835003008292	NSI Wheat Grass 1000mg 90 Vcaps
835003003914	NSI WheyIso Chocolate 3lb
835003002504	NSI WheyIso Vanilla 3lb
835003008179	NSI Whole Food Shake 585g 21 oz
844197011506	NSI Women's Multi-Nutrient 240 Caps
835003008001	NSI Yeast Clean 180 Caps

CERTIFICATE OF MERIT

**(for As You Sow's Proposition 65 Violation on VITACOST.COM, INC. doing
business as NUTRACEUTICAL SCIENCES INSTITUTE)**

I, Andrew L. Packard, declare:

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

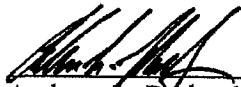
2. I am an attorney for the noticing party.

3. I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the exposure to the listed chemicals that are the subject of the 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 plaintiffs' 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. 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 §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: November 5, 2008



Andrew L. Packard

Attachments (for Attorney General copy only)

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, and not a party to the within action; my business address is: 311 California Street, Suite 510, San Francisco, CA 94104.

On November 5, 2008, I served the following documents:

- Notice of Violation 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 parties listed below, and depositing it at a United States Postal Service Office for delivery by Certified Mail:

Ira Kerker, CEO
Vitacost.Com, Inc.
dba Nutraceutical Sciences Institute
5400 Broken Sound Blvd., NW, Suite 500
Boca Raton, FL 33487

On November 5, 2008, I served the following document(s):

- Notice of Violation of California Health & Safety Code § 25249.5 et seq.
- Certificate of Merit, including Supporting Documentation Required by Title 11, C.C.R. § 3102

on the following party by placing a true and correct copy thereof in a sealed envelope, addressed to the party listed below, and depositing it at a United States Postal Service Office for delivery by Certified Mail:

Attn: Ed Weil, Deputy Attorney General
California Department of Justice
1515 Clay Street, Suite 2000
Oakland, CA 94612

On November 5, 2008, I served the following document(s):

- Notice of Violation of California Health & Safety Code § 25249.5 et seq., including Exhibit A
- 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 United States Postal Service mail box for delivery by First Class Mail.

Executed on November 5, 2008, at San Francisco, California.


Karalyn P. Buchner

PUBLIC ENFORCEMENT AGENCY SERVICE LIST

ALAMEDA COUNTY DISTRICT ATTORNEY
1225 FALLON ST RM 900
OAKLAND CA 94612

ALPINE COUNTY DISTRICT ATTORNEY
PO BOX 248
MARKLEEVILLE CA 96120

AMADOR COUNTY DISTRICT ATTORNEY
708 COURT ST STE 202
JACKSON CA 95642

BUTTE COUNTY DISTRICT ATTORNEY
25 COUNTY CTR DR
OROVILLE CA 95965

CALAVERAS COUNTY DISTRICT ATTORNEY
891 MTN RANCH RD
SAN ANDREAS CA 95249

COLUSA COUNTY DISTRICT ATTORNEY
547 MARKET ST STE 102
COLUSA CA 95932

CONTRA COSTA COUNTY DISTRICT
ATTORNEY
725 COURT ST 4TH FLR
MARTINEZ CA 94553

DEL NORTE COUNTY DISTRICT ATTORNEY
450 H ST STE 171
CRESCENT CITY CA 95531

EL DORADO COUNTY DISTRICT ATTORNEY
515 MAIN ST
PLACERVILLE CA 95667

FRESNO COUNTY DISTRICT ATTORNEY
2220 TULARE ST STE 1000
FRESNO CA 93721

GLENN COUNTY DISTRICT ATTORNEY
PO BOX 430
WILLOWS CA 95988

HUMBOLDT COUNTY DISTRICT ATTORNEY
825 FIFTH ST
EUREKA CA 95501

IMPERIAL COUNTY DISTRICT ATTORNEY
940 W MAIN ST
EL CENTRO CA 92243

INYO COUNTY DISTRICT ATTORNEY
PO BOX D
INDEPENDENCE CA 93526

KERN COUNTY DISTRICT ATTORNEY
1215 TRUXTUN AVE
BAKERSFIELD CA 93301

KINGS COUNTY DISTRICT ATTORNEY
1400 W LACEY BLVD
HANFORD CA 93230

LAKE COUNTY DISTRICT ATTORNEY
255 N FORBES ST
LAKEPORT CA 95453

LASSEN COUNTY DISTRICT ATTORNEY
220 S LASSEN ST STE 8
SUSANVILLE CA 96130

LA COUNTY DISTRICT ATTORNEY
210 W TEMPLE ST STE 18000
LOS ANGELES CA 90012-3210

MADERA COUNTY DISTRICT ATTORNEY
209 W YOSEMITE AVE
MADERA CA 93637

MARIN COUNTY DISTRICT ATTORNEY
3501 CIVIC CTR DR RM 130
SAN RAFAEL CA 94903

MARIPOSA COUNTY DISTRICT ATTORNEY
PO BOX 730
MARIPOSA CA 95338

MENDOCINO COUNTY DISTRICT
ATTORNEY
PO BOX 1000
UKIAH CA 95482

MERCED COUNTY DISTRICT ATTORNEY
2222 M ST
MERCED CA 95340

MODOC COUNTY DISTRICT ATTORNEY
204 S COURT ST RM 202
ALTURAS CA 96101-4020

MONO COUNTY DISTRICT ATTORNEY
PO BOX 617
BRIDGEPORT CA 93517

MONTEREY COUNTY DISTRICT ATTORNEY
PO BOX 1131
SALINAS CA 93902

NAPA COUNTY DISTRICT ATTORNEY
931 PARKWAY MALL
NAPA CA 94559

NEVADA COUNTY DISTRICT ATTORNEY
201 CHURCH ST STE 8
NEVADA CITY CA 95959

ORANGE COUNTY DISTRICT ATTORNEY
401 CIVIC CTR DR WEST
SANTA ANA CA 92701

PLACER COUNTY DISTRICT ATTORNEY
11562 B AVE
AUBURN CA 95603

PLUMAS COUNTY DISTRICT ATTORNEY
520 MAIN ST RM 404
QUINCY CA 95971

RIVERSIDE COUNTY DISTRICT ATTORNEY
4075 MAIN ST
RIVERSIDE CA 92501

PUBLIC ENFORCEMENT AGENCY SERVICE LIST

SACRAMENTO COUNTY DISTRICT
ATTORNEY
901 G ST
SACRAMENTO CA 95814

SAN BENITO COUNTY DISTRICT
ATTORNEY
419 FOURTH ST, FL 2
HOLLISTER CA 95023

SAN BERNARDINO COUNTY DISTRICT
ATTORNEY
316 N MTN VIEW AVE
SAN BERNARDINO CA 92415-0004

SAN DIEGO COUNTY DISTRICT ATTORNEY
330 W BROADWAY
SAN DIEGO CA 92101

SAN FRANCISCO COUNTY DISTRICT
ATTORNEY
850 BRYANT ST RM 325
SAN FRANCISCO CA 94103

SAN JOAQUIN COUNTY DISTRICT
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PO BOX 990
STOCKTON CA 95201-0990

SAN LUIS OBISPO COUNTY DISTRICT
ATTORNEY
CITY GOVERNMENT CTR, 4TH FLR
SAN LUIS OBISPO CA 93408

SAN MATEO COUNTY DISTRICT ATTORNEY
400 COUNTY CTR FL 3
REDWOOD CITY CA 94063

SANTA BARBARA COUNTY DISTRICT
ATTORNEY
1112 SANTA BARBARA ST
SANTA BARBARA CA 93101

SANTA CLARA COUNTY DISTRICT
ATTORNEY
70 W HEDDING ST WEST WING
SAN JOSE CA 95110

SANTA CRUZ COUNTY DISTRICT
ATTORNEY
701 OCEAN ST RM 200
SANTA CRUZ CA 95060

SHASTA COUNTY DISTRICT ATTORNEY
1525 COURT ST FL 3
REDDING CA 96001

SIERRA COUNTY DISTRICT ATTORNEY
PO BOX 457
DOWNIEVILLE CA 95936

SISKIYOU COUNTY DISTRICT ATTORNEY
PO BOX 986
YREKA CA 96097

SOLANO COUNTY DISTRICT ATTORNEY
675 TEXAS ST STE 4500
FAIRFIELD CA 94533

SONOMA COUNTY DISTRICT ATTORNEY
600 ADMINISTRATION DR RM 212-J
SANTA ROSA CA 95403

STANISLAUS COUNTY DISTRICT
ATTORNEY
PO BOX 442
MODESTO CA 95353

SUTTER COUNTY DISTRICT ATTORNEY
446 SECOND ST
YUBA CITY CA 95991

TEHAMA COUNTY DISTRICT ATTORNEY
PO BOX 519
RED BLUFF CA 96080

TRINITY COUNTY DISTRICT ATTORNEY
PO BOX 310
WEAVERVILLE CA 96093

TULARE COUNTY DISTRICT ATTORNEY
221 S MOONEY BLVD RM 224
VISALIA CA 93291

TUOLUMNE COUNTY DISTRICT ATTORNEY
423 N WASHINGTON ST
SONORA CA 95370

VENTURA COUNTY DISTRICT ATTORNEY
800 S VICTORIA AVE
VENTURA CA 93009

YOLO COUNTY DISTRICT ATTORNEY
301 SECOND ST
WOODLAND CA 95695

YUBA COUNTY DISTRICT ATTORNEY
215 FIFTH ST
MARYSVILLE CA 95901

LOS ANGELES CITY ATTORNEY'S OFFICE
800 CITY HALL EAST
200 N MAIN ST
LOS ANGELES CA 90012

SAN DIEGO CITY ATTORNEY'S OFFICE
CIVIC CENTER PLAZA
1200 THIRD AVE STE 1620
SAN DIEGO CA 92101

SAN JOSE CITY ATTORNEY'S OFFICE
200 E SANTA CLARA ST FL 6
SAN JOSE CA 95113

SAN FRANCISCO CITY ATTORNEY'S
OFFICE
CITY HALL RM 234
SAN FRANCISCO, CA 94102