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CONSUMER PROTECTION SUIT OVER DANGEROUS LEAD LEVELS IN TODDLER FORMULA

The Santa Cruz County District Attorney's Office, as part of the California Food, Drug and Medical Device Task Force, joined with the California Attorney General's Office and nine other District Attorney's Offices to file suit against two businesses that sell toddler formula, **Graceleigh and Nutraceutical Corp**, due to the discovery of dangerously elevated lead levels in their products. Testing revealed that these formulas exceed the U.S. Food and Drug Administration provisional daily intake levels for children under six, and cause lead exposures between 13 and 15 times the maximum allowable dose level under California law.

The lawsuit, filed in Alameda County this morning, alleges that the companies' Toddler Formula products are adulterated under California and Federal standards and their sale constitutes an Unfair Business Practice; and that the sale of the products violated Proposition 65, the state law that requires warnings prior to exposing individuals to harmful chemicals. It also alleges that representation of the products as "pure" and "clean," was false and misleading. **The Products are: Peaceful Planet Toddler Supreme and Sammy's Milk Free-Range Goat Milk Toddler Formula.**

"Lead is a neurotoxin that is particularly dangerous to children and is cumulative, remaining in the body. The Santa Cruz County District Attorney's Office is committed to protecting the health and safety of Santa Cruz County residents, and marketing adulterated products for consumption by children is unacceptable." Said District Attorney Jeffrey Rosell.

The lawsuit alleges that the both Peaceful Planet Toddler Supreme and Sammy's Milk Free-Range Goat Milk Toddler Formula are adulterated and should not be sold in California because they expose toddlers to lead in amounts that exceed the FDA's Provisional Total Tolerable Intake Level for children. Sales of these two products therefore constitute an unfair business practice under California's Unfair Competition Law. In addition, Proposition 65, approved by California voters in 1986, protects public health by requiring businesses to warn consumers if they expose them to toxic chemicals, including lead. The lawsuit alleges that the two products cause exposures that exceed the threshold warning levels for lead under Proposition 65, and that the companies failed to warn consumers that these products would expose their children to lead.

Graceleigh, doing business as Sammy's Milk, is a Newport Beach company and Nutraceutical is a Utah company. The California Department of Health Services and the Federal Food and Drug Administration are aware of this action.

A copy of the complaint is attached.