



OFFICE OF THE

**DISTRICT ATTORNEY**

COUNTY OF SHASTA

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*District Attorney*

**DIETARY SUPPLEMENT DISTRIBUTOR TO PAY \$2.65 MILLION  
TO SETTLE HISTORIC STATEWIDE  
UNFAIR BUSINESS PRACTICES LAWSUIT**

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**FOR IMMEDIATE RELEASE**

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Irwin Naturals, Inc. (Irwin Naturals) has been ordered to pay \$2.65 million in the largest multi-jurisdictional settlement of its kind in California by a dietary supplement manufacturer for unfair business practices. The Shasta County District Attorney, along with the District Attorneys of Alameda, Marin, Monterey, Napa, Orange, Santa Clara, Santa Cruz, Solano, and Sonoma counties, filed a civil lawsuit to enjoin Irwin Naturals from engaging in false and misleading advertising of certain dietary supplement products in violation of Proposition 65, which requires a warning label on products that expose the consumer to over half a microgram of lead per day, and Hoodia products that did not contain the *Hoodia gordonii* herb.

The settlement requires that Irwin Naturals products marketed and sold in California be accurately labeled with a lead warning if the product exposes the consumer to over half a microgram lead intake per day. The order requires them to pay \$1.95 million in civil penalties to provide support for future enforcement of California consumer protection laws, provide up to \$100,000 in restitution to California consumers who did not receive previously requested refunds, and \$600,000 in investigative costs.

Irwin Naturals is a Los Angeles-based dietary supplement distributor to over 50 countries, which markets and sells its products retail and through direct sales. In 2008, a California taskforce manned by the 10 District Attorney Offices, created to investigate dietary supplements claims, began an investigation into Irwin Naturals for false and misleading representation in their marketing

marketing and sales of certain products, including *Dual Action Cleanse*, *Fast Action Hoodia Diet*, and *10 Day Hoodia Diet*. Testing of Hoodia products revealed that they did not contain any *Hoodia gordonii*, contrary to their labeling information.

A subsequent investigation revealed that Irwin Naturals was marketing and selling certain dietary supplements containing lead. California Law requires that all products containing more than half a microgram of lead be marked with warning labels. Laboratory testing revealed that certain Irwin Naturals products, *Green Tea Fat Metabolizer* and *Green Tea Fat Burner*, contained over half a microgram of lead. Samples of the company's *System Six* and *Green Tea Fat Meltdown* dietary supplements tested up to 10 times over the legal limit of lead and *Green Tea Fat Burner* tested over 14 times over the legal limit of lead.

The settlement did not require the defendant to admit fault or liability. Irwin Naturals agreed to strict injunctive terms to prevent any future unfair or deceptive business practices. They stopped selling and/or reformulated all of the tested products since being alerted to the test results and will be required in the future to include warning information with all products containing specific levels of lead marketed to California residents. Irwin Naturals was ordered to pay restitution to consumers who filed documented complaints with Irwin Naturals, the Better Business Bureau, the California Attorney General or any of the prosecuting District Attorney Offices between July 1, 2006 and Jan. 18, 2011, who have not already received refunds.

Deputy District Attorney Erin M. Dervin of the Consumer Protection Unit prosecuted this case. The Consumer Protection Unit exists to help consumers with problems they may have with products or services provided by businesses.