

1 IRA REINER  
 District Attorney  
 2 MICHAEL J. DELANEY  
 Deputy District Attorney  
 3 320 West Temple Street, Room 540  
 Los Angeles, California 90012  
 4 Telephone: (213) 974-3970  
 5 Attorneys for Plaintiff

ORIGINAL FILED

DEC 26 1989

COUNTY CLERK

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 9 FOR THE COUNTY OF LOS ANGELES

C747506

|    |  |   |                 |
|----|--|---|-----------------|
| 11 | THE PEOPLE OF THE STATE OF CALIFORNIA; | ) | CASE NO.        |
|    |  | ) |                 |
| 12 | Plaintiff,                             | ) | STIPULATION FOR |
|    |  | ) | ENTRY OF FINAL  |
| 13 | v.                                     | ) | JUDGMENT        |
|    |  | ) |                 |
| 14 | SUNRIDER CORPORATION, dba SUNRIDER     | ) |                 |
| 15 | INTERNATIONAL, a Utah Corporation,     | ) |                 |
|    |  | ) |                 |
| 16 | Defendant.                             | ) |                 |

17  
 18 IT IS HEREBY STIPULATED by Plaintiff, THE PEOPLE OF  
 19 THE STATE OF CALIFORNIA, through its attorneys Ira Reiner,  
 20 District Attorney, and Michael J. Delaney, Deputy District  
 21 Attorney, County of Los Angeles, and Defendant, SUNRIDER  
 22 CORPORATION, dba SUNRIDER INTERNATIONAL, a Utah corporation,  
 23 through its attorneys Heller, Ehrman, White & McAuliffe, by  
 24 Roger Lane Carrick, Esq., that the Court may enter the Final  
 25 Judgment attached to this Stipulation as Exhibit "A" and  
 26 incorporated herein as if set forth in its entirety.

1                   IT IS FURTHER STIPULATED by these parties that the  
2 proposed Final Judgment may be signed by any Judge or Commissioner  
3 of the Superior Court of the State of California, County of  
4 Los Angeles, and entered by the Clerk upon application of the  
5 plaintiff, without notice, provided that this Stipulation has  
6 been executed by the counsel named below.

7  
8 DATED: *November 7, 1989*

IRA REINER  
District Attorney

9  
10 By *Michael Delaney*

MICHAEL J. DELANEY  
Deputy District Attorney

11  
12 Attorneys for Plaintiff  
13 PEOPLE OF THE STATE OF CALIFORNIA

14 DATED: *12-12-89*

HELLER, EHRMAN, WHITE & MCAULIFFE

15  
16 By *Stan A. Carrick (for)*

ROGER LANE CARRICK, ESQ.

17 Attorneys for Defendant  
18 SUNRIDER CORPORATION, dba  
19 SUNRIDER INTERNATIONAL,  
20 a Utah Corporation  
21  
22  
23  
24  
25  
26

1 IRA REINER  
District Attorney  
2 MICHAEL J. DELANEY  
Deputy District Attorney  
3 320 West Temple Street, Room 540  
Los Angeles, California 90012  
4 Telephone: (213) 974-3970

ORIGINAL FILED

DEC 26 1989

COUNTY CLERK

5 Attorneys For Plaintiff  
6  
7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 FOR THE COUNTY OF LOS ANGELES

C747506

|    |  |   |                |
|----|--|---|----------------|
| 11 | THE PEOPLE OF THE STATE OF CALIFORNIA, | ) | CASE NO.       |
|    |  | ) |                |
| 12 | Plaintiff,                             | ) | FINAL JUDGMENT |
|    |  | ) | PURSUANT TO    |
| 13 | v.                                     | ) | STIPULATION    |
|    |  | ) |                |
| 14 | SUNRIDER CORPORATION, dba SUNRIDER     | ) |                |
|    | INTERNATIONAL, a Utah Corporation,     | ) |                |
| 15 |  | ) |                |
|    | Defendant.                             | ) |                |
| 16 |  | ) |                |

---

17  
18 Plaintiff, The People of the State of California,  
19 having filed its Complaint herein; and defendant SUNRIDER  
20 CORPORATION, dba SUNRIDER INTERNATIONAL, a Utah corporation

21 (hereinafter "Sunrider"), having accepted service thereof; and

22 Plaintiff appearing through its attorneys Ira Reiner,  
23 District Attorney, and Michael J. Delaney, Deputy District  
24 Attorney, County of Los Angeles; defendant sunrider appearing  
25 through its attorneys Heller, Ehrman, White and McAuliffe,  
26 by Roger Lane Carrick, Esq., and

1 Plaintiff and said defendant having stipulated and  
2 consented to the entry of this Judgment prior to the taking  
3 of any proof, and without trial or adjudication of any fact  
4 or law herein, and without this Judgment constituting any  
5 admission by said defendant regarding any issue of fact or  
6 law alleged in said complaint, and

7 The Court having considered the pleadings:

8 IT IS HEREBY ORDERED, ADJUDGED AND DECREED in  
9 accordance with said Stipulation that The People of the State of  
10 California have judgment against defendant Sunrider as follows:

11  
12 JURISDICTION

13 1. This action is brought under California law and  
14 this Court has jurisdiction of the subject matter hereof and  
15 the parties hereto.

16  
17 DISCLAIMER OF ADMISSIONS

18 2. The provisions of this Judgment are entered as  
19 a result of the stipulation of the parties, without admission  
20 by any party regarding any issue of fact or law alleged in  
21 the complaint.

22  
23 APPLICABILITY

24 3. The provisions of this Judgment, including the  
25 injunction contained herein, are applicable to the defendant  
26 corporation and to its officers, and to all persons acting in

1 concert or participation with the defendant who have actual or  
2 constructive knowledge of this Judgment.

3  
4 INJUNCTION

5 4. Defendant Sunrider Corporation, dba Sunrider  
6 International, and all persons and entities set forth in  
7 Paragraph 3 above, are hereby permanently enjoined and restrained  
8 from:

9 a. Making, or causing to be made, representations  
10 on food packages or other containers which are untrue or misleading  
11 in that they fail to accurately represent the contents and  
12 ingredients of the products contained in such packages within  
13 the meaning of Health and Safety Code Sections 26002 and 26550.

14 b. Offering for sale, selling, or advertising  
15 misbranded food within the meaning of Health and Safety Code  
16 Sections 26002 and 26550.

17 c. Representing that its products have any effect  
18 on disease or medical conditions within the meaning of Health  
19 and Safety Code Section 26463.

20 d. Intentionally selling, delivering, or attempting  
21 to sell or deliver "new drugs", as that term is defined in  
22 Health and Safety Code Sections 26010 and 26021, without  
23 satisfying the requirements of Health and Safety Code Section  
24 26670.

25 //

26 //



1 for such further orders and directions as may be necessary  
2 and appropriate for the construction or carrying out of this  
3 Judgment, for the modification of any of the injunctive provisions  
4 hereof, for the enforcement of compliance therewith, or for  
5 the punishment of violations thereof.

6  
7 EFFECTIVE DATE OF JUDGMENT

8 8. This Final Judgment shall take effect immediately  
9 upon entry thereof.

10  
11 DATED: DEC 26 1989 , at Los Angeles, California.

12  
13 John W. Dickey.  
14 Judge Pro Tem  
15 Judge Pro Tem of the Superior Court  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26