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5 (For list of additional plaintiff's counsel,
6 see attached Appendix to Stipulation)

7 Attorneys for Plaintiff

ENDORSED

SEP 04 2018

CLERK OF THE NAPA SUPERIOR COURT
BY: J. OLIVER
DEPUTY

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

10 **COUNTY OF NAPA**

11
12 PEOPLE OF THE STATE OF CALIFORNIA,)

13 Plaintiff,)

14 v.)

15 Goop, Inc.,)

16 Defendant.)
17 _____)

CASE NO.

18CV001176

FINAL JUDGMENT PURSUANT TO
STIPULATION

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19 Plaintiff, the People of the State of California, (the "People") appears through its attorneys:

20 Allison Haley, District Attorney of Napa County, by Katy Yount, Deputy District Attorney; Nancy E.
21 O'Malley, District Attorney of Alameda County, by Shara Beltramo, Deputy District Attorney; Edward
22 S. Berberian, District Attorney of Marin County, by Andres H. Perez, Deputy District Attorney; Dean
23 Flippo, District Attorney of Monterey County, by Amy Anderson, Deputy District Attorney; Tony
24 Rackauckas, District Attorney of Orange County, by Tracy E. Hughes, Senior Deputy District Attorney;
25 Jeffrey F. Rosen, District Attorney of Santa Clara County, by Yen B. Dang, Supervising Deputy District
26 Attorney; Jeffrey S. Rosell, District Attorney of Santa Cruz County, by Douglas Allen, Assistant District
27 Attorney; Stephanie A. Bridgett, District Attorney of Shasta County, by Anand "Lucky" Jesrani, Senior

1 Deputy District Attorney; Krishna A. Abrams, District Attorney of Solano County, by Diane M.
2 Newman, Deputy District Attorney; and Jill R. Ravitch, District Attorney of Sonoma County, by
3 Matthew T. Cheever, Deputy District Attorney.

4 Defendant Goop, Inc., a Delaware Corporation, appears through its attorneys, Latham & Watkins
5 LLP, by Jennifer L. Barry, Esquire.

6 Plaintiff and Defendant (the "Parties") have stipulated that this Final Judgment Pursuant to
7 Stipulation (hereinafter the "Judgment") may be entered without trial or adjudication of any issue of fact
8 or law. Nothing in this Judgment shall be construed as an admission or denial by Defendant of any fact,
9 issue of law or violations of law alleged generally or specifically in the Complaint.

10
11 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** as follows:

12 1. The Judgment has been reviewed by this Court and is found to have been entered in good
13 faith and to be, in all respects, just, reasonable, equitable and adequate to protect the public from the
14 occurrence in the future of the conduct alleged in the Complaint.

15 2. Unless otherwise stated, all obligations imposed upon Defendant by the terms of this
16 Judgment are ordered pursuant to Sections 17200, et seq., and 17500, et seq., of the California Business
17 and Professions Code, including Sections 17203, 17204, 17206, 17535, and 17536.

18 3. The Parties waive the right to appeal this Judgment both as to form and content.

19 **JURISDICTION**

20 4. This civil enforcement action is brought in the public interest under the laws of the State
21 of California. Defendant has offered for sale and/or sold products throughout the State of California,
22 including Napa County. Therefore, Napa County Superior Court ("Court") has jurisdiction of the subject
23 matter hereof and of the Parties hereto.

24 **APPLICABILITY**

25 5. This Judgment is applicable to Defendant Goop, Inc., and to its agents, servants,
26 employees, representatives, officers, directors, members, managers, subsidiaries, successors and assigns,
27 in their capacities as such, and to any and all persons, employees, corporations, and other entities who are
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1 acting in concert or participating with the Defendant, with actual or constructive notice of this judgment
2 (collectively, "Defendant").

3 6. Nothing in this Judgment shall excuse the Defendant from meeting any more-stringent
4 requirements that may be imposed hereinafter by changes in applicable and legally binding legislation,
5 regulations, ordinances, and/or permits.

6 **DEFINITIONS**

7 7. The following phrases in this Judgment have the meaning set forth below:

8 A. "COMPETENT AND RELIABLE SCIENTIFIC EVIDENCE" means tests, analyses,
9 research, studies, or other evidence based upon the expertise of professionals in the relevant area, that
10 have been conducted and evaluated in an objective manner by persons qualified to do so, using
11 procedures generally accepted in the scientific community to yield accurate and reliable results.

12 B. "DISEASE" has the same meaning as set forth in 21 Code of Federal Regulations
13 ("C.F.R.") section 101.93(g)(1).

14 C. "ENDORSEMENT" has the same meaning as set forth in 16 C.F.R. section 255.0.

15 D. "NUTRITIONAL SUPPLEMENT" means a food or dietary supplement (as defined in 21
16 USC §321 (ff)) sold, offered for sale or distributed, directly or indirectly, to consumers.

17 E. "MEDICAL DEVICE" means a device (as defined in 21 USC §321 (h)) sold, offered for sale,
18 or distributed, directly or indirectly, to consumers.

19 F. "Defendant" means Goop, Inc., a Delaware Corporation, with its current principal place of
20 business at 212 26th Street, Suite 206, Santa Monica, California, 90402, and all of its fictitious business
21 names, subsidiaries, affiliates, any successor and/or assignee, and any other business entity of which
22 Defendant Goop, Inc. is a subsidiary.

23 **INJUNCTIVE RELIEF**

24 8. For a period of five (5) years following entry of this Judgment, Defendant shall be and is
25 hereby enjoined and restrained, pursuant to California Business and Professions Code sections 17203,
26 17204, and 17535, from doing, directly or indirectly, any of the following within California:

27 A. Violating the provisions of California Civil Code section 1770(a)(5), by representing that
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1 goods or services have sponsorship, approval, characteristics, ingredients, uses or benefits which
2 they do not have;

3 B. Advertising that any NUTRITIONAL SUPPLEMENT has any effect in any of the
4 conditions, disorders, or diseases listed in California Health and Safety Code section 110403.

5 C. Advertising that any MEDICAL DEVICE has any effect on any of the conditions,
6 disorders, or diseases listed in California Health and Safety Code section 110403.

7 9. Furthermore, for a period of five (5) years following the entry of this judgment, Defendant
8 shall be and is hereby enjoined and restrained, pursuant to California Business and Professions Code
9 sections 17203, 17204 and 17535, from doing, directly or indirectly, any of the following within the State
10 of California:

11 A. Making and/or disseminating any statement regarding any NUTRITIONAL
12 SUPPLEMENT or MEDICAL DEVICE that is false or misleading in any particular, or has the
13 tendency or capacity to deceive or mislead;

14 B. Representing, expressly or by implication, that any NUTRITIONAL SUPPLEMENT can
15 diagnose, mitigate, treat, cure, or prevent any DISEASE; unless the representation is non-
16 misleading and such product:

17 a. is subject to a final over-the-counter ("OTC") drug monograph promulgated by the
18 Federal Food and Drug Administration ("FDA") for such use and conforms to the
19 conditions of such use;

20 b. remains covered by a tentative final OTC drug monograph for such use and adopts the
21 conditions of such use; or

22 c. is the subject of a new drug application for such use approved by the FDA and conforms
23 to the conditions of such use;

24 C. Representing, expressly or by implication that any MEDICAL DEVICE can diagnose,
25 mitigate, treat, cure, or prevent any DISEASE; unless the representation is non-misleading and
26 the FDA has approved such product after undergoing the Premarket Notification 510(k) process,
27 if so required.

1 D. Making and/or disseminating any claim or representation about the nature, attributes,
2 effects, efficacy, benefits, results or safety of any NUTRITIONAL SUPPLEMENT or MEDICAL
3 DEVICE, unless, at the time of making and/or disseminating such claim or representation, it is
4 true, not misleading, and Defendant already has in its possession and relies upon COMPETENT
5 AND RELIABLE SCIENTIFIC EVIDENCE concerning the NUTRITIONAL SUPPLEMENT or
6 MEDICAL DEVICE for which the claim or representation is being made and/or disseminated that
7 substantiates such claim or representation;

8 E. Making and/or disseminating any claim or representation, either directly or indirectly, that
9 misrepresents the existence, contents, validity, results, conclusions, or interpretations of any test,
10 study or research; and /or

11 F. Making and/or disseminating any claim or representation, in the form of an
12 ENDORSEMENT in violation of any of the provisions of 16 C.F.R. §255.2(a); 16 C.F.R.
13 §255.0(b); and/or 16 C.F.R §255.1(A), (B) and/or (C).

14 10. Any amended statute or regulation, successor statute or regulation or renumbered statute
15 or regulation will have the same force and effect as the statutes and regulations cited in this Judgment.

16 **MONETARY RELIEF**

17 11. Defendant is hereby ordered to pay monetary relief in this matter as follows:

18 A. **Civil Penalties:** Defendant is hereby ordered, pursuant to Business and Professions Code
19 sections 17206 and 17536, to pay civil penalties in the total amount of ONE HUNDRED FORTY-FIVE
20 THOUSAND DOLLARS (\$145,000). Said amount shall be made payable to the “Napa County Treasurer
21 f/b/o District Attorney’s Office,” which office shall distribute the payments in equal amounts among the
22 District Attorney offices representing the People in this action in accordance Government Code section
23 26506. Such monetary relief is due at the time of the filing of this Judgment and shall be sent to Deputy
24 District Katy Yount, Napa County District Attorney’s Office, 1127 First Street, Suite C, Napa, CA
25 94559.

26 B. **Investigative Costs:** Defendant is further ordered, pursuant to Business and Professions
27 Code sections 17203 and 17535, to pay investigative costs in the total amount of TWO HUNDRED
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1 NINETY-FOUR DOLLARS AND EIGHTY-THREE CENTS (\$294.83). Said amount shall be made
2 payable to the "Napa County Treasurer f/b/o District Attorney's Office," which office shall distribute the
3 payments to the District Attorney's offices which incurred the costs. Such monetary relief is due at the
4 time of the filing of this Judgment and shall be sent to Deputy District Katy Yount, Napa County District
5 Attorney's Office, 1127 First Street, Suite C, Napa, CA 94559.

6 **COMPLIANCE**

7 12. For the purpose of securing compliance with the terms of this Judgment, for a period of
8 five (5) years following entry of this Judgment Defendant is hereby ordered and mandated to do all of the
9 following in the event that it sells, advertises, or markets for sale any NUTRITIONAL SUPPLEMENTS
10 or MEDICAL DEVICES after the date of the Judgment:

11 A. Defendant shall create, maintain and make available to any representative of the People
12 for inspection and copying, within fifteen (15) days of any written request to do so, the following:

13 (1) A file that contains all COMPETENT AND RELIABLE SCIENTIFIC
14 EVIDENCE for all claims concerning the effect of a product on the structure or function of the
15 human body, made and/or disseminated for any of Defendant's NUTRITIONAL
16 SUPPLEMENTS and MEDICAL DEVICES. Each such item of COMPETENT AND
17 RELIABLE SCIENTIFIC EVIDENCE shall contain the date of its inclusion in this file; and

18 (2) A file that contains all tests, clinical trials, reports, studies, surveys,
19 demonstrations, information, or other evidence of which Defendant becomes aware, if any, that
20 contradict, qualify, or call into question any claim or representation made and/or disseminated for
21 any of Defendant's NUTRITIONAL SUPPLEMENTS or MEDICAL DEVICES, or that
22 contradict, qualify, or call into question the basis upon which Defendant relied upon such claim or
23 representation, including but not limited to complaints from consumers and complaints or
24 inquiries from governmental organizations. For each such item, the date of inclusion shall be
25 noted.

26 B. Within sixty (60) days after the date of this Judgment, Defendant shall provide a copy of
27 this Judgment to each of its current officers, and to all employees having primary authority over such
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1 sales, advertising, or policy responsibility with respect to nutritional supplements and/or medical devices;

2 C. Defendant shall provide a copy of this Judgment to each of their future officers, and to all
3 future employees having primary authority over such sales, advertising, or policy responsibility with
4 respect to nutritional supplements and/or medical devices within five (5) days after the person
5 commences his or her responsibilities;

6 D. Defendant shall obtain from each person who is provided a copy of this Judgment
7 pursuant to the terms of subparagraph B or C, above, a legible signed written acknowledgment indicating
8 that such person received a copy of this Judgment, that he/she read it, understood its terms, and agreed to
9 fully abide by all of its terms; and

10 E. Defendant shall maintain and upon request make available, within fifteen (15) days of
11 receipt of a written request, to representatives of the People for inspection and copying, each or all legible
12 signed written acknowledgments as required by subparagraph D, above.

13 **JURISDICTION RETAINED**

14 13. Jurisdiction is retained for the purposes of enabling any party to this Judgment to apply to
15 the Court at any time for such order or directions as may be necessary or appropriate for the construction
16 of or carrying out of this Judgment, for the modification of any of the injunctive provisions thereof, for
17 the enforcement of compliance therewith, or for the punishment of violations there under.

18 **EFFECT AND ENTRY**

19 14. This Judgment shall take effect immediately upon entry hereof.

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22 DATED: 8/31/18

23 By: VICTORIA WOOD
24 Judge of the Superior Court

APPENDIX

<p>NANCY E. O'MALLEY District Attorney, County of Alameda Shara Beltramo, SBN 184796 Deputy District Attorney 7677 Oakport Street, Suite 650 Oakland, CA 94621 (510) 383-8600</p>	<p>EDWARD S. BERBERIAN District Attorney, County of Marin Andres Perez, SBN 186219 Deputy District Attorney 3501 Civic Center Drive, Room 145 San Rafael, CA 94903 (415) 499-6450</p>
<p>DEAN FLIPPO District Attorney, County of Monterey Amy Anderson, SBN 301732 Deputy District Attorney 1200 Aguajito Road, Room 301 Monterey, CA 93940 (831) 647-7770</p>	<p>TONY RACKAUCKAS District Attorney, County of Orange Tracy E. Hughes, SBN 180494 Senior Deputy District Attorney 401 Civic Center Drive Santa Ana, CA 92701 (714) 834-6504</p>
<p>JILL R. RAVITCH District Attorney, County of Sonoma Matthew T. Cheever, SBN 191783 Deputy District Attorney 2300 County Center Dr., Ste. B170 Santa Rosa, CA 95403 (707) 565-3161</p>	<p>KRISHNA A. ABRAMS District Attorney, County of Solano Diane M. Newman, SBN 179926 Deputy District Attorney 675 Texas Street, Suite Fairfield, CA 94533 (707) 421-6800</p>
<p>JEFFREY F. ROSEN District Attorney, County of Santa Clara Yen B. Dang, SBN 169388 Supervising Deputy District Attorney 70 W. Hedding St., West Wing San Jose, CA 95110 (408) 792-2818</p>	<p>JEFFREY S. ROSELL District Attorney, County of Santa Cruz Douglas Allen, SBN 99239 Assistant District Attorney 701 Ocean St., Suite 200 Santa Cruz, CA 95060 (831) 454-2559</p>
<p>STEPHANIE A. BRIDGETT District Attorney, County of Shasta Anand "Lucky" Jesrani, SBN 238252 Senior Deputy District Attorney 1355 West Street Redding, CA 96001 (530) 245-6300</p>	