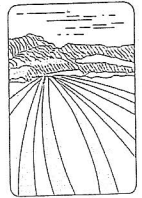




Oregon

Theodore R. Kulongoski, Governor

Department of Agriculture
635 Capitol Street NE
Salem, OR 97301-2532



June 17, 2010

AMY SERAFIN
ADVANCED NUTRIENTS
1137 CHRISTIAN CHURCH RD
BRANDENBURG KY 40108

Sent by Certified Mail

NOTICE OF NONCOMPLIANCE

A recent Advanced Nutrients PR release titled, "Hydroponics Nutrients for Medical Marijuana Gain Government Approval" (<http://www.prnewswire.com/news-releases/hydroponics-nutrients-for-medical-marijuana-gain-government-approval-95489084.html>), with the company contact specified as Michael Straumietis, contains false and misleading claims concerning Advanced Nutrients products.

As I explained in a letter of February 23, 2010, to Advanced Nutrients, "labeling" means any printed or verbal representation used to promote the sale of any fertilizer, agricultural mineral, agricultural amendment or lime product. Labeling includes, but is not limited to: sales presentations, brochures, posters, websites, printed advertisements, radio and television advertisements [ORS 633.311(14)]. Press releases are a form of labeling.

Oregon statute [ORS 633.366(2)(a)] considers a product mislabeled if the label or labeling is "false, misleading or deceptive." Using Webster's Third New International Dictionary as a guide, a claim is misleading if it, "lead in a wrong direction or into a mistaken action or belief." Further, in identifying "mislead" as a synonym to "deceive" the dictionary states that "mislead" "indicates a causing to fall into error of some sort, intentionally or not." Products with labels or labeling using terms or claims that may mislead a consumer are mislabeled, and prohibited under Oregon law.

Mislabeled

- 1) This press release states, ". . . Oregon regulators have given first-ever official US approval to a brand of medical marijuana hydroponics nutrients . . ."

The online version of the Merriam-Webster Dictionary defines approve as "to have or express a favorable opinion of." Product registration means a product has met the minimum requirements for sale or distribution in Oregon. No opinion, favorable or otherwise, is expressed or implied. This statement, which applies to the entire Advanced Nutrients brand, is false and misleading.

- 2) This press release states, ". . . Oregon regulators have given first-ever official US approval to a brand of medical marijuana hydroponics nutrients . . ." In fact, Oregon has registered two Advanced Nutrients products with label claims stating the product is for the production of medical marijuana. Individual products are registered for sale or distribution, not brands. This claim, which applies to the entire Advanced Nutrients brand, is misleading.

- 3) The press release stated, "Until Straumietis asked regulators to evaluate the medical

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marijuana effectiveness and safety of Advanced Nutrients hydroponics formulas, regulators nationwide had apparently never considered how hydroponics nutrients specifically affect medical marijuana crops."

To date, Oregon has not received a request from Mr. Straumietis to "evaluate the medical marijuana effectiveness and safety of Advanced Nutrients hydroponics formulas . . ." This labeling claim is false, and all "Advanced Nutrients hydroponic formulas" may be considered mislabeled.

- 4) This press release stated, "Until Straumietis asked regulators to evaluate the medical marijuana effectiveness and safety of Advanced Nutrients hydroponics formulas, regulators nationwide had apparently never considered how hydroponics nutrients specifically affect medical marijuana crops."

This claim, that a state agency, which might be considered as an independent evaluator, has evaluated and approved the safety of these products to produce medical marijuana is false. This claim is also particularly disturbing, as it appears to be targeted to mislead a particularly vulnerable population, medical patients who have turned to medical marijuana in hope of some relief of their symptoms.

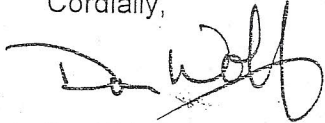
The claim that Oregon, the state referred to in the PR release, has evaluated the effectiveness and safety of Advanced Nutrients hydroponics for use in the production of medical marijuana is false and misleading, and all "Advanced Nutrients hydroponic formulas" may be considered mislabeled.

Departmental Actions

As Advanced Nutrients is currently engaged in replacing all unregistered and mislabeled containers of products in all Oregon retail locations, the Department is loathe to institute enforcement action against all Advanced Nutrients products at this time. The Department does not anticipate any further enforcement for this PR release.

Please be aware that further false and misleading claims, or other mislabeling, may result in a Stop Sale, Use, or Removal Order for all Advanced Nutrients products covered by the claim. **All** Advanced Nutrients products would have been subject to Stop Sale, Use, or Removal Orders and additional enforcement for the false and misleading claims made in this PR release.

Cordially,



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For more information visit our website:
oregon.gov/ODA/PEST/fertilizer.shtml

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