



To whom it concerns,

Re: Declaration of legality of products within the European Union imported by Agel

We, Agel Enterprises, Netherlands B.V. located at Emma Goldmanweg 1 5032 MN Tilburg, The Netherlands, declare with this statement that all products imported and marketed into the European Union fulfill all legal requirements as stipulated in the relevant treaties, regulations and legislations.

We, Agel Enterprises, Netherlands B.V. have according to the regulation EC/178/2002 laying down the general principles and requirements of food law, Art. 17 “Food and Business operators at all stages of production, processing and distribution within the business under their control shall ensure that foods or feeds satisfy the requirements of food law,” the legal obligation and the sole responsibility to market products that are in conformity with the existing ruling laws.

As the responsibility lies with the food business operator, the member states’ authorities within the European Union cannot grant authorization of food products. By this they cannot officially and publicly make statements that products are authorized (beside Novel Foods and GMO-produced foods and ingredients). They can however according to Article 17 of the regulation monitor and verify that relevant requirements of food law are fulfilled.

If a product has been legally imported and marketed according to the relevant legislations in one member state, another member state cannot according to Article 28 and 30 of the Treaty of the European Union ([http://europa.eu/eur-lex/en/treaties/dat/C\\_2002325EN.003301.html](http://europa.eu/eur-lex/en/treaties/dat/C_2002325EN.003301.html)) “quantitative restrictions on import or all measures having equivalent effect shall be prohibited between member states” and “prohibition or restriction - based on public health reasons - shall not however constitute means of arbitrary discrimination or a disguised restriction on trade between member states” prohibit or restrict trade of this product.

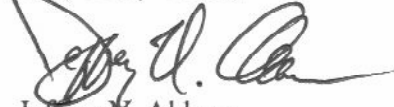
Especially in those instances where a harmonized legislation exists this prohibition on barriers to trade and the free movement of goods is guaranteed.

For Food supplements such a harmonized legislation exists and this legislation reconfirms the free movement of goods within the European Union. The directive EC/2002/46 on the approximation of laws of the member states relating to food supplements in Art. 11 stipulates “without prejudice to Art. 4(7) member states shall not, for reasons related to their composition, manufacturing specifications, presentation or labeling prohibits or restricts the trade in products, which comply with this directive.”

Also in this case no public statement can be issued by authorities that the products are legally for sale in a member state. The authority can, according to Art. 10 of the directive “to facilitate efficient monitoring of food supplements, Member states may require the manufacturer or the person placing the products on the market in their territory to notify the competent authority of that placing on the market by forwarding a model of the label used for the product.”

We, Agel Enterprises, Netherlands B.V., declare that we have complied with these requirements for the relevant products covered by the scope of this directive.

Very Truly Yours,



Jeffrey N. Aldous

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