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11 Attorneys for Plaintiff,
MATEEL ENVIRONMENTAL JUSTICE FOUNDATION
12

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA

14 COUNTY OF SAN FRANCISCO
(Unlimited Jurisdiction)
15

16 MATEEL ENVIRONMENTAL
JUSTICE FOUNDATION,

17 Plaintiff,

18 v.
19

20 HAROLD IMPORT CO., INC.; JOHNSON-
ROSE CORP.; and NORDIC PRODUCTS,
21 INC.

22 Defendants.

CASE NO. **88C-10-502288**

COMPLAINT FOR INJUNCTIVE RELIEF
AND CIVIL PENALTIES

TOXIC TORT/ENVIRONMENTAL

23 MATEEL ENVIRONMENTAL JUSTICE FOUNDATION alleges as follows:

24 INTRODUCTION

25 1. This Complaint seeks civil penalties and an injunction to remedy the continuing
26 failure of defendants HAROLD IMPORT CO., INC.; JOHNSON-ROSE CORP.; and NORDIC
27 PRODUCTS, INC. (hereinafter "Defendants"), to give clear and reasonable warnings to those
28 residents of California, who handle and use leaded brass cookware that is made from, or which

SUMMONS ISSUED

FILED
San Francisco County Superior Court

AUG - 4 2010

CLERK OF THE COURT

By: [Signature] Deputy Clerk

CASE MANAGEMENT CONFERENCE SET

JAN - 7 2011 - 9:00 AM

DEPARTMENT 212

1 incorporates components made from, (hereinafter "leaded brass utensils") that handling this
2 cookware, and eating food that has been prepared with it, causes those residents to be exposed to
3 lead and lead compounds, lead acetate, lead phosphate, and lead subacetate (hereinafter,
4 collectively, "lead"). The types of products to which this Complaint pertains are those types
5 listed in the Product List appended to the Proposition 65 60-Day Notice Letter that is attached to
6 and incorporated by reference into this Complaint. Lead is known to the State of California to
7 cause cancer, birth defects and male and female reproductive toxicity. Defendants market
8 leaded brass utensils. These products cause exposures to lead and lead compounds, which are
9 chemicals known to the State of California to cause cancer, birth defects and other reproductive
10 harm.

11 2. Defendants are businesses that market and/or distribute leaded brass utensils.
12 Defendants intend that residents of California handle and eat food that has been prepared with
13 leaded brass utensils that Defendants market and/or distribute. When these products are handled
14 and used in their normally intended manner, they expose people to lead. In spite of knowing that
15 residents of California were and are being exposed to these chemicals when they handle and use
16 leaded brass utensils, Defendants did not and do not provide clear and reasonable warnings that
17 these products cause exposure to chemicals known to cause cancer, birth defects and other
18 reproductive harm.

19 3. Plaintiff seeks injunctive relief pursuant to Health & Safety Code Section 25249.7
20 to compel Defendants to bring their business practices into compliance with section 25249.5 et
21 seq. by providing a clear and reasonable warning to each individual who has been and who in the
22 future may be exposed to the above mentioned toxic chemicals from the use of Defendants'
23 products. Plaintiff seeks an order that defendants identify and locate each individual person who
24 in the past has purchased leaded brass utensils and to provide to each such purchaser a clear and
25 reasonable warning that the leaded brass utensils will cause exposures to chemicals known to
26 cause birth defects.

27 4. In addition to injunctive relief, plaintiff seeks civil penalties to remedy the failure
28 of Defendants to provide clear and reasonable warnings regarding exposure to chemicals known

1 to cause cancer, birth defects and other reproductive harm.

2 PARTIES

3 5. Plaintiff MATEEL ENVIRONMENTAL JUSTICE FOUNDATION ("Mateel")
4 is a non-profit organization dedicated to, among other causes, the protection of the environment,
5 promotion of human health, environmental education, and consumer rights. Mateel is based in
6 Eureka, California, and is incorporated under the laws of the State of California. Mateel is a
7 "person" pursuant to Health & Safety Code Section 25118. Mateel brings this enforcement
8 action in the public interest pursuant to Health & Safety Code §25249.7(d). Residents of
9 California are regularly exposed to lead and lead compounds from leaded brass utensils marketed
10 by Defendants and are so exposed without a clear and reasonable Proposition 65 warning.

11 6. Defendants are each a person doing business within the meaning of Health &
12 Safety Code Section 25249.11. Defendants are businesses that manufacture, distribute, and/or
13 market leaded brass utensils in California, including the City and County of San Francisco.
14 Manufacture, distribution and/or marketing of these products in the City and County of San
15 Francisco and/or to people who live in San Francisco, causes people to be exposed to lead and
16 lead compounds while they are physically present in the City and County of San Francisco.

17 7. Plaintiff brings this enforcement action against Defendants pursuant to Health &
18 Safety Code Section 25249.7(d). Attached hereto and incorporated by reference is a copy of a
19 Notice of Violation letter dated May 13, 2010, which Mateel sent to California's Attorney
20 General. Substantially identical letters were sent to every District Attorney in the state, and to the
21 City Attorneys of every California city with a population greater than 750,000. On that same
22 day, Mateel sent identical Notice of Violation letters to each defendant. Attached to the Notice
23 of Violation Letters sent to each defendant was a summary of Proposition 65 that was prepared
24 by California's Office of Environmental Health Hazard Assessment. In addition, each Notice of
25 Violation Letter plaintiff sent was accompanied by a Certificate of Service attesting to the service
26 of the Notice of Violation Letter on each entity which received it. Pursuant to California Health
27 & Safety Code Section 25249.7(d), a Certificate of Merit attesting to the reasonable and
28 meritorious basis for the action was also sent with each Notice of Violation Letter. Factual

1 information sufficient to establish the basis of the Certificate of Merit was enclosed with the
2 Notice of Violation letter Mateel sent to the Attorney General.

3 8. Defendants are all businesses that employ more than ten people.

4 JURISDICTION

5 9. The Court has jurisdiction over this action pursuant to California Health & Safety
6 Code Section 25249.7. California Constitution Article VI, Section 10 grants the Superior Court
7 "original jurisdiction in all causes except those given by statute to other trial courts." Chapter 6.6
8 of the Health & Safety Code, which contains the statutes under which this action is brought, does
9 not grant jurisdiction to any other trial court.

10 10. This Court also has jurisdiction over Defendants because they are businesses that
11 have sufficient minimum contacts in California and within the City and County of San Francisco.
12 Defendants intentionally availed themselves of the California and San Francisco County markets
13 for leaded brass utensils. It is thus consistent with traditional notions of fair play and substantial
14 justice for the San Francisco Superior Court to exercise jurisdiction over them.

15 11. Venue is proper in this Court because Defendants market their products in and
16 around San Francisco and thus cause people to be exposed to lead and lead compounds while
17 those people are physically present in San Francisco. Liability for Plaintiff's causes of action, or
18 some parts thereof, has accordingly arisen in San Francisco during the times relevant to this
19 Complaint and Plaintiff seeks civil penalties and forfeitures imposed by statutes.

20 FIRST CAUSE OF ACTION
21 (Claim for Injunctive Relief)

22 12. Plaintiff realleges and incorporates by reference into this First Cause of Action, as
23 if specifically set forth herein, paragraphs 1 through 11, inclusive.

24 13. The People of the State of California have declared by referendum under
25 Proposition 65 (California Health & Safety Code § 25249.5 et seq.) their right "[t]o be informed
26 about exposures to chemicals that cause cancer, birth defects, and reproductive harm."

27 14. To effectuate this goal, Section 25249.6 of the Health and Safety Code mandates
28 that persons who, in the course of doing business, knowingly and intentionally expose any

1 individual to a chemical known to the State of California to cause cancer or birth defects must
2 first provide a clear and reasonable warning to such individual prior to the exposure.

3 15. Since at least May 13, 2007, Defendants have engaged in conduct that violates
4 Health and Safety Code Section 25249.6 et seq. This conduct includes knowingly and
5 intentionally exposing to the above mentioned toxic chemicals, those California residents who
6 handle and eat food prepared with leaded brass utensils. The normally intended use of leaded
7 brass utensils causes exposure to lead and lead compounds, which are chemicals known to the
8 State of California to cause cancer, birth defects and other reproductive harm. Defendants have
9 not provided clear and reasonable warnings, within the meaning of Health & Safety Code
10 Sections 25249.6 and 25249.11.

11 16. At all times relevant to this action, Defendants knew that the leaded brass utensils
12 they marketed was causing exposures to lead and lead compounds. Defendants intended that
13 residents of California handle and use leaded brass utensils in such ways as would lead to
14 significant exposures to these chemicals.

15 17. By the above described acts, Defendants have violated Cal. Health & Safety Code
16 § 25249.6 and are therefore subject to an injunction ordering them to stop violating Proposition
17 65 and requiring them to provide warnings to their past customers who purchased defendants'
18 products without receiving a clear and reasonable warning.

19 SECOND CAUSE OF ACTION
20 (Claim for Civil Penalties)

21 18. Plaintiff realleges and incorporates by reference into this Second Cause of Action,
22 as if specifically set forth herein, paragraphs 1 through 17, inclusive.

23 19. By the above described acts, Defendants are liable and should be liable pursuant
24 to Health & Safety Code § 25249.7(b), for a civil penalty of \$2,500.00 per day for each
25 individual exposed without proper warning to lead and lead compounds from the handling or use
26 of Defendants' leaded brass utensils.

27 PRAYER FOR RELIEF

28 Wherefore, plaintiff prays for judgment against DEFENDANTS, as follows:

1 1. Pursuant to the First Cause of Action, that all Defendants be enjoined, restrained,
2 and ordered to comply with the provisions of Section 25249.6 of the California Health & Safety
3 Code;

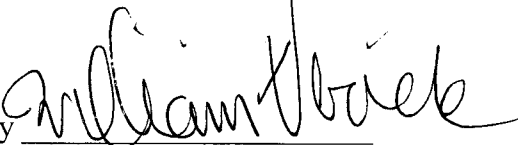
4 2. Pursuant to the Second Cause of Action, that Defendants be assessed a civil
5 penalty in an amount equal to \$2,500.00 per day per individual exposed, in violation of Section
6 25249.6 of the California Health & Safety Code, to lead and lead compounds as the result of
7 Defendants' marketing of leaded brass utensils;

8 3. That Defendants be ordered to identify and locate each individual who purchased
9 leaded brass utensils and provide a warning to each such person that the leaded brass utensils the
10 person purchased will expose that person to chemicals known to cause birth defects.

11 4. For such other relief as this court deems just and proper.

12 Dated: July 28, 2010

KLAMATH ENVIRONMENTAL LAW CENTER

13
14
15 By 

16 William Verick
17 Attorney for Plaintiff
18 Mateel Environmental Justice Foundation
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Klamath

ENVIRONMENTAL
LAW CENTER

May 13, 2010

PROPOSITION 65 ENFORCEMENT REPORTING
ATTENTION: PROP 65 COORDINATOR
1515 CLAY STREET, SUITE 2000
P.O. BOX 70550
OAKLAND CA 94612-0550

Greetings:

This office and the Mateel Environmental Justice Foundation ("Mateel") give you notice that the private companies listed on the attached service list, have been, are, will be and threaten to be in violation of Cal. Health & Safety Code § 25249.6. Both this office and Mateel are private enforcers of Proposition 65, both may be contacted at the below listed address and telephone number, and I am a responsible individual for both Mateel and this office. The above-referenced violations occur when California residents come into contact with brass cookware, such as pepper mills, cheese slicers, and cooking pots, which are made, in part, of leaded-brass or bronze; and when California residents come into contact with cookstoves that incorporate brass components (collectively, hereinafter, "leaded-brass cookware"). Specific examples of these types of products are listed in the enclosed Product List. Though a specific model or SKU or product number is given as an example, this notice pertains to all models, and all variations, of the specific type of product of which the named model is an example. Brass and/or bronze parts of this leaded-brass cookware, which users of the products touch, contain high levels of lead and lead compounds ("lead"), chemicals known to cause cancer, birth defects, and other reproductive harm. These companies either make or market this leaded-brass cookware. People are exposed to lead when they use this leaded-brass cookware and their skin comes into contact with the leaded brass or bronze parts of the leaded-brass cookware. Lead is transferred from the leaded-brass cookware to the hands of the people using these products. The lead then enters their bodies when it is absorbed directly through the skin, through mucous membranes, or through cuts and/or abrasions when they touch their hands to their mouths and other mucous membranes, or when they touch cigarettes or food and then smoke the cigarettes or ingest the food. These exposures thus occur via the dermal absorption, mucous membrane, subcutaneous, inhalation and ingestion routes. These companies did not and do not provide people with clear and reasonable warnings before they expose them to lead. The above referenced violations have occurred every day since at least May 13, 2007, and will continue every day until the lead is taken out of these products or until warnings are given. These violations are alleged for occupational exposures as well as for consumer and environmental exposures. We do not, however, allege occupational exposure violations as to any of these products manufactured outside of California, except as to workplaces these companies themselves maintain in California. Exposures constituting Proposition 65 environmental exposure violations occur both on and off the property of these companies and in each of California's 58 counties.

Cordially,

William Verick

SERVICE LIST

PROPOSITION 65 ENFORCEMENT REPORTING ATTENTION: PROP 65 COORDINATOR 1515 CLAY STREET, SUITE 2000 POST OFFICE BOX 70550 OAKLAND, CA 94612-0550	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF HUMBOLDT 825 5TH ST. EUREKA, CA 95501	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF PLACER 10810 JUSTICE CENTER DR. STE 240 ROSEVILLE, CA 95678	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF STANISLAUS 1100 I ST. #200 MODESTO, CA 95354
OFFICE OF THE CITY ATTORNEY CITY OF OAKLAND 505 14TH ST 12TH FLOOR OAKLAND, CA 94612	COUNTY OF IMPERIAL COURTHOUSE, FLOOR 2 939 W. MAIN ST EL CENTRO, CA 92243	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF PLUMAS 520 MAIN STREET #404 QUINCY, CA 95971	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SUTTER 1160 CIVIC CENTER BLVD. #A YUBA CITY, CA 95993
OFFICE OF THE CITY ATTORNEY CITY OF SAN FRANCISCO CITY HALL ROOM 206 400 VAN NESS SAN FRANCISCO, CA 94102	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF INYO P.O. DRAWER D INDEPENDENCE, CA 93526	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF RIVERSIDE 4075 MAIN ST. RIVERSIDE, CA 92501	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF TEHAMA P.O. BOX 519 REDBLUFF, CA 96080
OFFICE OF THE CITY ATTORNEY CITY OF SACRAMENTO PO BOX 1948 SACRAMENTO, CA 95812-1948	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF KERN 1215 TRUXTUN AVE. FLOOR 4 BAKERSFIELD, CA 93301	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SACRAMENTO 901 G STREET SACRAMENTO, CA 95814	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF TRINITY P.O. BOX 310 WEAVERVILLE, CA 96093
OFFICE OF THE CITY ATTORNEY CITY OF SAN JOSE 200 EAST SANTA CLARA STREET SAN JOSE, CA 95113	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF KINGS 1400 W. LACEY BLVD. HANFORD, CA 93230	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SAN BENITO 419 4TH ST HOLLISTER, CA 95023	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF TULARE COURTHOUSE #224 VISALIA, CA 93291
OFFICE OF THE CITY ATTORNEY CITY OF LOS ANGELES 200 N. MAIN ST. LOS ANGELES, CA 90012	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF LAKE 255 N. FORBES ST # 424 LAKEPORT, CA 95453	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SAN BERNARDINO 316 MT. VIEW AVE. SAN BERNARDINO, CA 92415-0004	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF TUOLUMNE 2 S. GREEN ST. SONORA, CA 95370
OFFICE OF THE CITY ATTORNEY CITY OF SAN DIEGO CONSUMER & ENVIRONMENTAL PROTECTION 1200 THIRD AVENUE, SUITE 700 SAN DIEGO, CA 92101	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF LASSEN 220 SOUTH LASSEN ST. STE 8 SUSANVILLE, CA 96130	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SAN DIEGO 330 W. BROADWAY, SUITE 1100 SAN DIEGO, CA 92101	VENTURA COUNTY DISTRICT ATTORNEY'S OFFICE 800 SOUTH VICTORIA AVE VENTURA, CA 93009
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF ALAMEDA 1225 FALLON STREET ROOM 900 OAKLAND, CA 94612	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF LOS ANGELES 18000 CRIMINAL COURTS BUILDING 210 W. TEMPLE ST. LOS ANGELES, CA 90012	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SAN FRANCISCO 850 BRYANT ST #322 SAN FRANCISCO, CA 94103	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF YOLO 301 SECOND STREET WOODLAND, CA 95695
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF ALPINE P.O. BOX 248 MARKLEEVILLE, CA 96120	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MADERA 209 W. YOSEMITE AVE. MADERA, CA 93637	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SAN JOAQUIN 222 E. WEBER AVE #202 STOCKTON, CA 95202	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF YUBA 215 5TH ST. MARYSVILLE, CA 95901
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF AMADOR 708 COURT STREET JACKSON, CA 95642	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MARIN HALL OF JUSTICE #183 SAN RAFAEL, CA 94903	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SAN LUIS OBISPO COUNTY GOVERNMENT CENTER #450 SAN LUIS OBISPO, CA 93408	TERRI S. ALPERT, MEMBER COOKING ENTHUSIAST, LLC 242 BRANFORD ROAD NORTH BRANFORD, CT 06471
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF BUTTE 25 COUNTY CENTER DR. OROVILLE, CA 95965	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MARIPOSA P.O. BOX 730 MARIPOSA, CA 95338	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SAN MATEO HALL OF JUSTICE AND RECORDS REDWOOD CITY, CA 94063	MILDRED L POLANSKY, CEO HAROLD IMPORT. CO., INC. 747 VASSAR AVE LAKEWOOD, NJ 08701-6908
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF CALAVERAS GOVERNMENT CENTER 891 MOUNTAIN RANCH ROAD SAN ANDREAS, CA 95249	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MENDOCINO PO BOX 1000 UKIAH, CA 95482	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SANTA BARBARA 1112 SANTA BARBARA ST. SANTA BARBARA, CA 93101	DWIGHT ASPINWALL, CEO JETBOIL, INC. 540 N COML STREET SUITE 240 MANCHESTER, NH 03101
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF COLUSA 547 MARKET STREET COLUSA, CA 95932	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MERCED 2222 M ST. MERCED, CA 95340	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SANTA CLARA 701 HEDDING ST. SAN JOSE, CA 95110	ERNEST BERMAN, CEO JOHNSON-ROSE CORP. 5303 CROWN DRIVE LOCKPORT, NY 14094
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF CONTRA COSTA P.O. BOX 670 MARTINEZ, CA 94553	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MODOC 204 SOUTH COURT STREET ALTURAS, CA 96101	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SANTA CRUZ 701 OCEAN ST. #200 SANTA CRUZ, CA 95060	ERNEST BERMAN, CEO JOHNSON-ROSE CORP. P.O. BOX 447 LOCKPORT, NY 14095-0447
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF DEL NORTE 450 H ST #171 CRESCENT CITY, CA 95531	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MONO P.O. BOX 617 BRIDGEPORT, CA 93517	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SHASTA 1525 COURT ST. REDDING, CA 96001	JOHNSON-ROSE INC. 7300 EAST DANBRO CRESCENT MISSISSAUGA, ONTARIO CANADA L5N 6C2
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF EL DORADO 515 MAIN ST. PLACERVILLE, CA 95667	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MONTEREY 240 CHURCH STREET P.O. BOX 1131 SALINAS, CA 93902	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SIERRA P.O. BOX 457 DOWNEVILLE, CA 95936	GUNNAR LIE, CEO NORDIC PRODUCTS, INCORPORATED 2215 MERRILL CREEK PKWY EVERETT, WA 98203
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF FRESNO 2220 TULARE ST #1000 FRESNO, CA 93721	COUNTY OF NAPA 931 PARKWAY MALL P.O. BOX 720 NAPA, CA 94559-0720	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SISKIYOU P.O. BOX 986 YREKA, CA 96097	WILLIAM STIRLING, PRESIDENT PEPPER MILL IMPORTS, INC. 1143 ECHO AVE STE J SEASIDE, CA 93955-3700
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF GLENN P.O. BOX 430 WILLOWS, CA 95988	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF NEVADA 110 UNION STREET NEVADA CITY, CA 95959	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SOLANO 600 UNION AVE FAIRFIELD, CA 94533	WILLIAM STIRLING, PRESIDENT PEPPER MILL IMPORTS, INC. P.O. BOX 775 CARMEL, CA 93921
	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF ORANGE 401 CIVIC CENTER DR WEST SANTA ANA, CA 92701	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SONOMA 600 ADMINISTRATION DR. #212J SANTA ROSA, CA 95403	JAMES L. DAVIS, PRESIDENT PRODYNE ENTERPRISES 9611 SANTA ANITA AVE RANCHO CUCAMONGA, CA 91730

PRODUCTS LIST

HAROLD IMPORT COMPANY, INC.

STAINLESS STEEL ADJUSTABLE HANDHELD CHEESE SLICER UPC CODE: 781723 431042 This product description pertains not only to the specific type of cheese slicer, but also for all units of all models of brass cheese slicers.

JETBOIL, INC.

HELIOS HIGH CAPACITY COOKING SYSTEM UPC CODE: 893483 000458 This product description pertains not only to the specific type of cookstove, but also for all units of all models of cookstoves that incorporate brass components.

JOHNSON-ROSE CORP.

ADJUSTABLE CHEESE SLICER UPC CODE: 612941 030109 This product description pertains not only to the specific type of cheese slicer, but also for all units of all models of cheese slicers that incorporate brass components.

NORDIC PRODUCTS, INC.

NORPRO PROFESSIONAL CHEESE SLICER #330 UPC CODE: 028901 003302 This product description pertains not only to the specific type of cheese slicer, but also for all units of all models of cheese slicers that incorporate brass components.

PEPPERMILL IMPORTS

ATLAS PEPPER MILL 10.5" MILL SPICE/HERB UPC CODE: 00000279354; ATLAS 9.5" COPPER PEPPER MILL #0000083741 These product descriptions pertain not only to the specific models of the products listed, but also for all units of all models of brass peppermills

PRODYNE ENTERPRISES

PRODYNE 40-H DELUXE HAND HELD WIRE CHEESE SLICER UPC CODE: 022494 040089 This product description pertains not only to the specific type of cheese slicer, but also for all units of all models of cheese slicers that incorporate brass components.

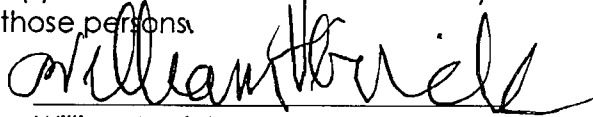
COOKING ENTHUSIAST, LLC

PEPPER MILL IMPORTS 11" BRASS PEPPER MILL #5 BRASS MILL UPC CODE: 764443 000057; PEPPER MILL IMPORTS 9" BRASS PEPPER MILL #104 ATLAS BRASS MILL UPC CODE: 764443 001047 These product descriptions pertain not only to the specific models of the products listed, but also for all units of all models of brass peppermills.

CERTIFICATE OF MERIT

I, William Verick, hereby declare: This Certificate of Merit accompanies the attached sixty-day notice(s) in which it is alleged the parties identified in the notices have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings. I am the attorney for the noticing party. I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the exposure to the listed chemical that is the subject of the action. Based on the information obtained through those consultations, and on all other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiffs' case can be established and the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute. The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health and Safety Code section 25249.7(h)(2), i.e., (1) the identity of the person(s) consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: May 13, 2010



William Verick

This notice alleges the violation of Proposition 65 with respect to occupational exposures governed by the California State Plan for Occupational Safety and Health. The State Plan incorporates the provisions of Proposition 65, as approved by Federal OSHA on June 6, 1997. This approval specifically placed certain conditions on Proposition 65, including that it does not apply to the conduct of manufacturers occurring outside the State of California. The approval also provides that an employer may use the means of compliances in the general hazard communication requirements to comply with Proposition 65. It also requires that supplemental enforcement is subject to the supervision of the California Occupational Safety and Health Administration. Accordingly, any settlement, civil complaint, or substantive court orders in this matter must be submitted to the Attorney General.

CERTIFICATE OF SERVICE

I, Nicole Frank, declare:

If called, I could and would testify as follows: I am over eighteen. My business address is 424 First Street, Eureka, California, 95501. On May 13, 2010, I caused the attached 60-DAY NOTICE LETTER, or a letter identical in substance, to be served by U.S. Mail on those public enforcement agencies listed on the attached SERVICE LIST; in addition on the same date and by U.S. Mail I caused the attached 60-DAY NOTICE LETTER and PROPOSITION 65: A SUMMARY to be sent by Certified U.S. Mail to the private business entities also listed on the attached SERVICE LIST. I deposited copies of these documents in envelopes, postage pre-paid, with the U.S. Postal Service on the day on which the mail is collected. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on May 13, 2010, at Eureka, California.



Nicole Frank