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ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco

08/05/2024
Clerk of the Court
BY: DAEJA ROGERS
Deputy Clerk

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF SAN FRANCISCO

11 PRECILA BALABBO,

12 Plaintiff,

13 vs.

14 THE TJX COMPANIES, INC.,

15 Defendant.

Case No.:

CGC-24-616992

**COMPLAINT FOR CIVIL PENALTIES AND
INJUNCTIVE RELIEF**

**(Violation of Health & Safety Code § 25249.5 et
seq.)**

16 Plaintiff Precila Balabbo (“Plaintiff”), by and through her attorneys, alleges the following
17 cause of action in the public interest of the citizens of the State of California.

18 **BACKGROUND OF THE CASE**

19 1. Plaintiff brings this representative action on behalf of all California citizens to
20 enforce relevant portions of Safe Drinking Water and Toxic Enforcement Act of 1986, codified at
21 the Health and Safety Code § 25249.5 et seq (“Proposition 65”), which reads, in relevant part,
22 “[n]o person in the course of doing business shall knowingly and intentionally expose any
23 individual to a chemical known to the state to cause cancer or reproductive toxicity without first
24 giving clear and reasonable warning to such individual ...”. Health & Safety Code § 25249.6.

25 2. This complaint is a representative action brought by Plaintiff in the public interest
26 of the citizens of the State of California to enforce the People’s right to be informed of the health
27 hazards caused by exposure to chromium (hexavalent compounds) (“CrVI”), lead, and/or
28 diethanolamine (“DEA”), toxic chemicals found in products sold and/or distributed by defendant
The TJX Companies, Inc. (“TJX” or “Defendant”) in California.

1 3. CrVI¹ and lead² are harmful chemicals known to the State of California to cause
2 cancer and birth defects or other reproductive harm. DEA³ is a harmful chemical known to the
3 State of California to cause cancer.

4 4. Proposition 65 requires all businesses with ten (10) or more employees that operate
5 within California or sell products therein to comply with Proposition 65 regulations. Included in
6 such regulations is the requirement that businesses must label any product containing a Proposition
7 65-listed chemical that will create an exposure above safe harbor levels with a “clear and
8 reasonable” warning before “knowingly and intentionally” exposing any person to any such listed
9 chemical.

10 5. Proposition 65 allows for civil penalties of up to \$2,500.00 per day per violation
11 for up to 365 days (up to a maximum civil penalty amount per violation of \$912,000.00) to be
12 imposed upon defendants in a civil action for violations of Proposition 65. Health & Safety Code
13 § 25249.7(b). Proposition 65 also allows for any court of competent jurisdiction to enjoin the
14 actions of a defendant which “violate or threaten to violate” the statute. Health & Safety Code §
15 25249.7.

16 6. Plaintiff alleges that Defendant distributes and/or offers for sale in California,
17 without a requisite exposure warning, (a) Newton Buying Corp. leather handbags, RN # 75343
18 (CrVI), (b) *Sincerely Nuts*® lightly sweetened dried unsulfured mango slices, UPC #
19 850009366658, (lead), (c) El Almendro almond pumpkin seed and dark chocolate protein bars,

20 _____
21 ¹ On February 27, 1987, the State of California listed chromium (VI) as a chemical known to the
22 State to cause cancer and it has come under the purview of Proposition 65 regulations since that
23 time. Cal. Code Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8 & 25249.10(b). On
24 December 19, 2008, the State of California listed chromium (VI) as a chemical known to cause
25 birth defects or other reproductive harm.

26 ² On October 1, 1992, the state of California listed lead as a chemical known to cause cancer and
27 it has come under the purview of Proposition 65 regulations since that time. Cal. Code Regs. Tit.
28 27, § 27001(c); Health & Safety Code §§ 25249.8 & 25249.10(b). On February 27, 1987, the State
of California listed lead as a chemical known to cause birth defects or other reproductive harm.

³ On June 22, 2012, the State of California listed DEA as a chemical known to the State to cause
cancer and it has come under the purview of Proposition 65 regulations since that time. Cal. Code
Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8 & 25249.10(b).

1 UPC # 8410223909592, (lead), (d) genuine leather hand crafted India wallets, RN # 75343, (CrVI),
2 (e) PaperProducts gift set with glass tea pots, UPC # 4021766237468, (lead), (f) *Home*
3 *Essentials*[™] lemons & leaves tea pots, UPC # 786460927773, (lead), (g) ceramic frog figurines,
4 Style # 273879, (lead), and (h) *Pause*[™] *Well Aging*[™] discovery kit collagen boosting
5 moisturizers, UPC # 850005029100, (DEA) (collectively, the “Products” and each a “Product”)
6 that expose persons to CrVI, lead, and/or DEA when used for their intended purpose.

7 7. Defendant’s failure to warn consumers and other individuals in California of the
8 health hazards associated with exposure to CrVI, lead, and/or DEA in conjunction with the sale
9 and/or distribution of the Products is a violation of Proposition 65 and subjects Defendant to the
10 enjoinder and civil penalties described herein.

11 8. Plaintiff seeks civil penalties against Defendant for its violations of Proposition 65
12 in accordance with Health and Safety Code § 25249.7(b).

13 9. Plaintiff also seeks injunctive relief, preliminarily and permanently, requiring
14 Defendant to provide purchasers, users, or consumers of the Products with required warnings
15 related to the dangers and health hazards associated with exposure to CrVI, lead, and/or DEA
16 pursuant to Health and Safety Code § 25249.7(a).

17 10. Plaintiff further seeks a reasonable award of attorney’s fees and costs.

18 **PARTIES**

19 11. Plaintiff is a citizen of the State of California acting in the interest of the general
20 public to promote awareness of exposures to toxic chemicals in products sold in California and to
21 improve human health by reducing hazardous substances contained in such items. She brings this
22 action in the public interest pursuant to Health and Safety Code § 25249.7(d).

23 12. Defendant The TJX Companies, Inc., through its business, effectively imports,
24 distributes, sells, and/or offers the Products for sale or use in the State of California, or it implies
25 by its conduct that it imports, distributes, sells, and/or offers the Products for sale or use in the
26 State of California. Plaintiff alleges that defendant The TJX Companies, Inc. is a “person” in the
27 course of doing business within the meaning of Health & Safety Code sections 25249.6 and
28 25249.11.

1 **VENUE AND JURISDICTION**

2 13. Venue is proper in the County of San Francisco because one or more of the
3 instances of wrongful conduct occurred, and continue to occur in this county and/or because
4 Defendant conducted, and continues to conduct, business in the County of San Francisco with
5 respect to the Products.

6 14. This Court has jurisdiction over this action pursuant to California Constitution
7 Article VI, § 10, which grants the Superior Court original jurisdiction in all causes except those
8 given by statute to other trial courts. Health and Safety Code § 25249.7 allows for the enforcement
9 of violations of Proposition 65 in any Court of competent jurisdiction; therefore, this Court has
10 jurisdiction over this lawsuit.

11 15. This Court has jurisdiction over Defendant because Defendant is either a citizen of
12 the State of California, has sufficient minimum contacts with the State of California, is registered
13 with the California Secretary of State as foreign corporations authorized to do business in the State
14 of California, and/or has otherwise purposefully availed itself of the California market. Such
15 purposeful availment has rendered the exercise of jurisdiction by California courts consistent and
16 permissible with traditional notions of fair play and substantial justice.

17 **STATUTORY BACKGROUND**

18 16. The people of the State of California declared in Proposition 65 their right “[t]o be
19 informed about exposures to chemicals that cause cancer, birth defects, or other reproductive
20 harm.” (Section 1(b) of Initiative Measure, Proposition 65.)

21 17. To effect this goal, Proposition 65 requires that individuals be provided with a
22 “clear and reasonable warning” before being exposed to substances listed by the State of California
23 as causing cancer and birth defects or other reproductive harm. H&S Code § 25249.6 states, in
24 pertinent part:

25 No person in the course of doing business shall knowingly and intentionally expose any
26 individual to a chemical known to the state to cause cancer or reproductive toxicity without
27 first giving clear and reasonable warning to such individual...

1 18. An exposure to a chemical in a consumer product is one “which results from a
2 person’s acquisition, purchase, storage, consumption or other reasonably foreseeable use of a
3 consumer good, or any exposure that results from receiving a consumer service.” (27 CCR §
4 25602, para (b).) H&S Code § 25603(c) states that “a person in the course of doing business ...
5 shall provide a warning to any person to whom the product is sold or transferred unless the product
6 is packaged or labeled with a clear and reasonable warning.”

7 19. Pursuant to H&S Code § 25603.1, the warning may be provided by using one or
8 more of the following methods individually or in combination:⁴

9 a. A warning that appears on a product’s label or other labeling.

10 b. Identification of the product at the retail outlet in a manner which provides
11 a warning. Identification may be through shelf labeling, signs, menus, or a combination
12 thereof.

13 c. The warnings provided pursuant to subparagraphs (a) and (b) shall be
14 prominently placed upon a product’s labels or other labeling or displayed at the retail outlet
15 with such conspicuousness, as compared with other words, statements, designs, or devices
16 in the label, labeling or display as to render it likely to be read and understood by an
17 ordinary individual under customary conditions of purchase or use.

18 d. A system of signs, public advertising identifying the system and toll-free
19 information services, or any other system that provides clear and reasonable warnings.

20 20. Proposition 65 provides that any “person who violates or threatens to violate” the
21 statute may be enjoined in a court of competent jurisdiction. (H&S Code § 25249.7.) The phrase
22 “threaten to violate” is defined to mean creating “a condition in which there is a substantial
23 probability that a violation will occur.” (H&S Code § 25249.11(e).) Violators are liable for civil

24
25
26
27 ⁴ Alternatively, a person in the course of doing business may elect to comply with the warning
28 requirements set out in the amended version of 27 CCR 25601, *et.seq.* as amended on August 30,
2016, and operative on August 30, 2018.

1 penalties of up to \$2,500.00 per day for each violation of the Act (H&S Code § 25249.7) for up to
2 365 days (up to a maximum civil penalty amount per violation of \$912,000.00).

3 **FACTUAL BACKGROUND**

4 21. On June 22, 2012, the State of California listed DEA as a chemical known to the
5 State to cause cancer and it has come under the purview of Proposition 65 regulations since that
6 time. Cal. Code Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8 & 25249.10(b).

7 22. On October 1, 1992, the state of California listed lead as a chemical known to cause
8 cancer and it has come under the purview of Proposition 65 regulations since that time. Cal. Code
9 Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8 & 25249.10(b). On February 27,
10 1987, the State of California listed lead as a chemical known to cause birth defects or other
11 reproductive harm.

12 23. On February 27, 1987, the State of California listed chromium (VI) as a chemical
13 known to the State to cause cancer and it has come under the purview of Proposition 65 regulations
14 since that time. Cal. Code Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8 &
15 25249.10(b). On December 19, 2008, the State of California listed chromium (VI) as a chemical
16 known to cause birth defects or other reproductive harm.

17 24. The exposures that are the subject of the Notices result from the purchase,
18 acquisition, handling, consumption, and recommended use of the Products. The primary route of
19 exposure to lead in ceramic products, CrvI, and/or DEA is through dermal absorption directly
20 through the skin when consumers use, touch, or handle the Products. Exposure through ingestion
21 will occur by touching the Products with subsequent touching of the user's hand to mouth. The
22 primary route of exposure to lead in food products is through ingestion. When foods contaminated
23 with lead are consumed, ingestion of lead will occur which will increase blood lead levels. No
24 clear and reasonable warning is provided with the Products regarding the health hazards of
25 exposure.

26 25. Defendant has processed, marketed, distributed, offered to sell and/or sold the
27 Products in California since at least August 7, 2023 with respect to the Newton Buying Corp.
28 leather handbags; since at least August 16, 2023 with respect to the *Sincerely Nuts®* lightly

1 sweetened dried unsulfured mango slices and the El Almendro almond pumpkin seed and dark
2 chocolate protein bars; since at least August 31, 2023 with respect to the genuine leather hand
3 crafted India wallets; since at least October 9, 2023 with respect to the PaperProducts gift set with
4 glass tea pots and the *Home Essentials*[™] lemons & leaves tea pots; since at least February 16,
5 2024 with respect to the ceramic frog figurines; and since at least February 26, 2024 with respect
6 to the *Pause*[™] *Well Aging*[™] discovery kit collagen boosting moisturizers. The Products continue
7 to be distributed and sold in California without the requisite warning information.

8 26. At all times relevant to this action, Defendant has knowingly and intentionally
9 exposed users and/or consumers of the Products to CrVI, lead, and/or DEA without first giving a
10 clear and reasonable exposure warning to such individuals.

11 27. As a proximate result of acts by Defendant, as a person in the course of doing
12 business within the meaning of H&S Code § 25249.11, individuals throughout the State of
13 California, including in San Francisco County, have been exposed to CrVI, lead, and/or DEA
14 without a clear and reasonable warning on the Products. The individuals subject to the violative
15 exposures include normal and foreseeable users and consumers that use the Products, as well as
16 all others exposed to the Products.

17 **SATISFACTION OF NOTICE REQUIREMENTS**

18 28. Plaintiff purchased the Products from TJJ. At the time of purchase, Defendant did
19 not provide a Proposition 65 exposure warning for CrVI, lead, DEA, or any other Proposition 65
20 listed chemical in a manner consistent with H&S Code § 25603.1 as described *supra*.

21 29. The *Pause*[™] *Well Aging*[™] discovery kit collagen boosting moisturizers were sent
22 to a testing laboratory for diethanolamine testing to determine the DEA content of the Product; the
23 *Sincerely Nuts*[®] lightly sweetened dried unsulfured mango slices and the El Almendro almond
24 pumpkin seed and dark chocolate protein bars were sent to a testing laboratory to determine if, and
25 what amount of, lead a consumer would be exposed to per serving size; the PaperProducts gift set
26 with glass tea pots, the *Home Essentials*[™] lemons & leaves tea pots, and the ceramic frog figurines
27 were sent to a testing laboratory to determine if, and what amount of, lead would migrate and/or
28 leach from the Products; and the Newton Buying Corp. leather handbags and the genuine leather

1 hand crafted India wallets were sent to a CrVI laboratory to determine the CrVI content from the
2 Products.

3 30. For each Product that was sent to the laboratory, Plaintiff received a chemical test
4 report (collectively, the “Chemical Test Reports” and each a “Chemical Test Report”). The
5 Chemical Test Reports findings determined the *Sincerely Nuts*® lightly sweetened dried
6 unsulfured mango slices, the El Almendro almond pumpkin seed and dark chocolate protein bars,
7 the PaperProducts gift set with glass tea pots, the *Home Essentials*™ lemons & leaves tea pots,
8 and the ceramic frog figurines expose users and/or consumers to lead; the Newton Buying Corp.
9 leather handbags and the genuine leather hand crafted India wallets; and the *Pause*™ *Well Aging*™
10 discovery kit collagen boosting moisturizers expose users to DEA.

11 31. Plaintiff provided each Chemical Test Report and each Product to an analytical
12 chemist to determine if, based on the findings of the Chemical Test Reports and the reasonable
13 and foreseeable use of the Products, exposure to CrVI, lead, and/or DEA will occur at levels that
14 require Proposition 65 warnings under the Clear and Reasonable Warnings section 25601 of Title
15 27 of the California Code of Regulations.

16 32. On August 7, 2023, Plaintiff received from the analytical chemist an exposure
17 assessment report for the Newton Buying Corp. leather handbags that concluded that persons in
18 California who use the Newton Buying Corp. leather handbags will be exposed to levels of CrVI
19 that require a Proposition 65 exposure warning. On August 16, 2023, Plaintiff received from the
20 analytical chemist exposure assessment reports for the *Sincerely Nuts*® lightly sweetened dried
21 unsulfured mango slices and the El Almendro almond pumpkin seed and dark chocolate protein
22 bars that concluded that persons in California who consume the *Sincerely Nuts*® lightly sweetened
23 dried unsulfured mango slices and the El Almendro almond pumpkin seed and dark chocolate
24 protein bars will be exposed to levels of lead that require a Proposition 65 exposure warning. On
25 August 31, 2023, Plaintiff received from the analytical chemist an exposure assessment report for
26 the genuine leather hand crafted India wallets that concluded that persons in California who use
27 the genuine leather hand crafted India wallets will be exposed to levels of CrVI that require a
28 Proposition 65 exposure warning. On October 9, 2023, Plaintiff received from the analytical

1 chemist an exposure assessment report for the PaperProducts gift set with glass tea pots and the
2 *Home Essentials*TM lemons & leaves tea pots that concluded that persons in California who use the
3 PaperProducts gift set with glass tea pots and the *Home Essentials*TM lemons & leaves tea pots will
4 be exposed to levels of lead that require a Proposition 65 exposure warning. On February 16, 2024,
5 Plaintiff received from the analytical chemist an exposure assessment report for the ceramic frog
6 figurines that concluded that persons in California who use the ceramic frog figurines will be
7 exposed to levels of lead that require a Proposition 65 exposure warning. On February 26, 2024,
8 Plaintiff received from the analytical chemist an exposure assessment report for the *Pause*TM *Well*
9 *Aging*TM discovery kit collagen boosting moisturizers that concluded that persons in California
10 who use the *Pause*TM *Well Aging*TM discovery kit collagen boosting moisturizers will be exposed
11 to levels of DEA that require a Proposition 65 exposure warning.

12 33. On August 7, 2023 (Newton Buying Corp. leather handbags), August 16, 2023
13 (*Sincerely Nuts*[®] lightly sweetened dried unsulfured mango slices and El Almendro almond
14 pumpkin seed and dark chocolate protein bars), August 31, 2023 (genuine leather hand crafted
15 India wallets), October 9, 2023 (PaperProducts gift set with glass tea pots and *Home Essentials*TM
16 lemons & leaves tea pots), February 16, 2024 (ceramic frog figurines), and February 26, 2024
17 (*Pause*TM *Well Aging*TM discovery kit collagen boosting moisturizers), Plaintiff gave notice of
18 alleged violation of Health and Safety Code § 25249.6 (collectively, the “Notices” and each a
19 “Notice”) to Defendant concerning the exposure of California citizens to CrVI, lead, and/or DEA
20 contained in the Products without proper warning, subject to a private action to Defendant and to
21 the California Attorney General’s office and the offices of the County District attorneys and City
22 Attorneys for each city with a population greater than 750,000 persons wherein the herein
23 violations allegedly occurred. See attached at Exhibits “A” – “H” a true and correct copy of the
24 Notices.

25 34. The Notices complied with all procedural requirements of Proposition 65 including
26 the attachment of a Certificate of Merit affirming that Plaintiff’s counsel had consulted with at
27 least one person with relevant and appropriate expertise who reviewed relevant data regarding
28

1 CrVI, lead, and/or DEA exposure, and that counsel believed there was meritorious and reasonable
2 cause for a private action.

3 35. After receiving the Notices, and to Plaintiff's best information and belief, none of
4 the noticed appropriate public enforcement agencies have commenced and diligently prosecuted a
5 cause of action against Defendant under Proposition 65 to enforce the alleged violations which are
6 the subject of the Notices.

7 36. Plaintiff is commencing this action more than sixty (60) days from the date of each
8 Notice to Defendant, as required by law

9 **FIRST CAUSE OF ACTION**

10 **(By Plaintiff against Defendant for the Violation of Proposition 65)**

11 37. Plaintiff hereby repeats and incorporates by reference paragraphs 1 through 37 of
12 this Complaint as though fully set forth herein.

13 38. Defendant has, at all times mentioned herein, acted as distributor, and/or retailer of
14 the Products.

15 39. Use of the Products will expose users to CrVI, lead, and/or DEA, hazardous
16 chemicals found on the Proposition 65 list of chemicals known to be hazardous to human health.

17 40. The Products do not comply with the Proposition 65 warning requirements.

18 41. Plaintiff, based on her best information and belief, avers that at all relevant times
19 herein, and since at least August 7, 2023 with respect to the Newton Buying Corp. leather
20 handbags; since at least August 16, 2023 with respect to the *Sincerely Nuts*® lightly sweetened
21 dried unsulfured mango slices and the El Almendro almond pumpkin seed and dark chocolate
22 protein bars; since at least August 31, 2023 with respect to the genuine leather hand crafted India
23 wallets; since at least October 9, 2023 with respect to the PaperProducts gift set with glass tea pots
24 and the *Home Essentials*™ lemons & leaves tea pots; since at least February 16, 2024 with respect
25 to the ceramic frog figurines; and since at least February 26, 2024 with respect to the *Pause*™ *Well*
26 *Aging*™ discovery kit collagen boosting moisturizers, continuing until the present, that Defendant
27 has continued to knowingly and intentionally expose California users and consumers of the
28 Products to CrVI, lead, and/or DEA without providing required warnings under Proposition 65.

1 42. The exposures that are the subject of the Notices result from the purchase,
2 acquisition, handling, consumption, and recommended use of the Products. The primary route of
3 exposure to lead in ceramic products, CrVI, and/or DEA is through dermal absorption directly
4 through the skin when consumers use, touch, or handle the Products. Exposure through ingestion
5 will occur by touching the Products with subsequent touching of the user's hand to mouth. The
6 primary route of exposure to lead in food products is through ingestion. When foods contaminated
7 with lead are consumed, ingestion of lead will occur which will increase blood lead levels. No
8 clear and reasonable warning is provided with the Products regarding the health hazards of
9 exposure.

10 43. Plaintiff, based on her best information and belief, avers that such exposures will
11 continue every day until clear and reasonable warnings are provided to purchasers and users or
12 until these known toxic chemicals are removed from the Products.

13 44. Defendant has knowledge that the normal and reasonably foreseeable use of the
14 Products expose individuals to CrVI, lead, and/or DEA, and Defendant intends that exposures to
15 CrVI, lead, and/or DEA will occur by its deliberate, non-accidental participation in the
16 importation, distribution, sale and offering of the Products to consumers in California.

17 45. Plaintiff has engaged in good faith efforts to resolve the herein claims prior to this
18 Complaint.

19 46. Pursuant to Health and Safety Code § 25249.7(b), as a consequence of the above
20 described acts, Defendant is liable for a maximum civil penalty of \$2,500 per day per violation.

21 47. Pursuant to Health and Safety Code § 25249.7(a), this Court is specifically
22 authorized to grant injunctive relief in favor of Plaintiff and against Defendant.


PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment against Defendant and requests the following relief:

- A. That the court assess civil penalties against Defendant in the amount of \$2,500 per day for each violation for up to 365 days (up to a maximum civil penalty amount per violation of \$912,000.00) in accordance with Health and Safety Code § 25249.7(b);
- B. That the court preliminarily and permanently enjoin Defendant mandating Proposition 65 compliant warnings on the Products;
- C. That the court grant Plaintiff reasonable attorney’s fees and costs of suit, in the amount of \$50,000.00.
- D. That the court grant any further relief as may be just and proper.

Dated: August 5, 2024

BRODSKY SMITH

By:  _____
 Evan J. Smith (SBN242352)
 Ryan P. Cardona (SBN302113)
 9465 Wilshire Boulevard, Suite 300
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Attorneys for Plaintiff

EXHIBIT “A”

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TWO BALA PLAZA, STE. 805
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610.667.6200

August 7, 2023

President/CEO Newton Buying Corp. c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	President/CEO Newton Buying Corp. c/o CT Corporation System 155 Federal Street, Suite 700 Boston, MA 02110
President/CEO The TJX Companies, Inc. c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	President/CEO The TJX Companies, Inc. dba Marshalls c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
President/CEO The TJX Companies, Inc. c/o CT Corporation System 101 Federal Street Boston, MA 02110	

60-Day Notice of Violation of California Safe Drinking Water and Toxic Enforcement Act¹

To Whom It May Concern:

This Notice of Violation (the "Notice") is provided to you pursuant to and in compliance with California Health & Safety Code § 25249.7(d).

Brodsky Smith represents Precila Balabbo ("Balabbo"), a citizen of the State of California acting in the interest of the general public to promote awareness of exposures to toxic chemicals from use of consumer products sold in California and to improve human health and the environment by reducing hazardous substances.

With respect to the Product herein, Balabbo has identified a violation of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65") codified at Cal. Health & Safety Code § 25249.5, et seq. This violation has occurred and continues to occur because the alleged Violator(s) failed to provide a clear and reasonable health hazard warning in connection with the sale or use of the Product in California. Health & Safety Code § 25249.6 provides that "[n]o person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the State to cause cancer or reproductive toxicity without first providing a clear and reasonable warning to such individual ..." Without proper warnings regarding the toxic effects of exposures to the Listed Chemical resulting from use of the Product, California citizens lack the information necessary to make informed decisions on

¹ The public enforcement agencies that have been served with copies of this Notice are identified in the attached distribution list accompanying the Certificate of Service.

whether and/or how to eliminate (or reduce) the risk of exposure to the Listed Chemical from the reasonably foreseeable use of the Product.

I. DESCRIPTION OF THE VIOLATION

1. **Enforcer:** Precila Balabbo, 285 6th Street, Unit 209, San Pedro, CA 90731; (Ph)818-434-4023.
2. **Alleged Violator(s):** Newton Buying Corp.; The TJX Companies, Inc.; The TJX Companies, Inc. dba Marshalls
3. **Time Period of Exposure:** Violations have been occurring since at least August 7, 2023 and are continuing to this day.
4. **Listed Chemical:** Chromium (VI). Chromium (VI) is listed under Proposition 65 as a chemical known to the State to cause cancer and birth defects or other reproductive harm.
5. **Product:**

Product ²	Non- Exclusive Examples of the Product
Leather Handbag	Newton Buying Corp. Leather Handbag RN# 75343

6. **Description of Exposure:** The exposures that are the subject of this Notice result from the purchase, acquisition, handling and recommended use of the Product. The primary route of exposure to the Listed Chemical is through dermal absorption directly through the skin when consumers use, touch, or handle the Products. Some amount of exposure through ingestion can occur by touching the Product with subsequent touching of the user's hand to mouth. No clear and reasonable warning is provided with the Products regarding the health hazards of exposure to the Listed Chemical.

II. PROPOSITION 65 INFORMATION

For the Violators' reference, enclosed is a copy of "Proposition 65: A Summary" that has been prepared by the Office of Environmental Health Hazard Assessment ("OEHHA"). For more information concerning the provisions of Proposition 65, contact OEHHA at 916.445.6900.

III. RESOLUTION OF THE CLAIMS

Based on the allegations set forth in this Notice, Brodsky Smith intends to file a citizen enforcement lawsuit on behalf of Balabbo against the alleged Violator(s) unless such Violator(s) agree in a binding written agreement to: (1) recall Products already sold; (2) provide Proposition 65 compliant exposure warnings for Products sold in the future or reformulate the Products to eliminate exposures to the Listed Chemical; and (3) pay an appropriate civil penalty based on the factors enumerated in Health & Safety Code § 25249.7(b). Consistent with the public interest goals of Proposition 65 and the desire to have

² The specifically identified example of the Product in this Notice is to assist the recipients' investigation of, among other things, the magnitude of potential exposures to the Listed Chemical from other items within the definition of Products. This example is not intended to be an exhaustive or comprehensive identification of each specific offending Product. It is Balabbo's position that the alleged Violators are obligated to conduct a good faith investigation into other Products that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the alleged Violators' custody or control) during the relevant period to ensure that requisite health hazard warnings were and are provided to California citizens prior to purchase and use.

these violations of California law quickly rectified, Balabbo is interested in seeking a constructive resolution of the claims in this Notice without engaging in costly and protracted litigation.

Balabbo has retained me as legal counsel in connection with this Notice. **Please direct all communications regarding this Notice to my attention at Brodsky Smith, 9595 Wilshire Blvd., Ste. 900, Beverly Hills, CA 90212, (877) 534-2590, esmith@brodskysmith.com.**

Sincerely,



Evan J. Smith

Attachments

Certificate of Merit

Certificate of Service

The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary

EXHIBIT “B”

LAW OFFICES
BRODSKY SMITH

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877.534.2590
www.brodskysmith.com

NEW JERSEY OFFICE
1310 NORTH KINGS HIGHWAY
CHERRY HILL, NJ 08934
856.795.7250

NEW YORK OFFICE
240 MINEOLA BOULEVARD
MINEOLA, NY 11501
516.741.4977

PENNSYLVANIA OFFICE
TWO BALA PLAZA, STE. 805
BALA CYNWYD, PA 19004
610.667.6200

August 16, 2023

Member/Manager The Nuts Shop, LLC c/o corporation Service Company Princeton South Corporate Center, Suite 160 100 Charles Ewing Blvd. Ewing, NJ 08628	President/CEO Sincerely Nuts, Inc. c/o Albert Esses 253 Wagner Street Middlesex, NJ 08846
President/CEO Sincerely Nuts, Inc. 148 39 th Street, 5 th Floor Brooklyn, NY 11232	President/CEO The TJX Companies, Inc. c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
President/CEO The TJX Companies, Inc. dba TJ Maxx c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	President/CEO The TJX Companies, Inc. c/o CT Corporation System 101 Federal Street Boston, MA 02110
President/CEO The TJX Companies, Inc. Jay Meltzer c/o TJX Co. 770 Cochituate Road Framingham, MA 01701	

60-Day Notice of Violation of California Safe Drinking Water and Toxic Enforcement Act¹

To Whom It May Concern:

This Notice of Violation (the "Notice") is provided to you pursuant to and in compliance with California Health & Safety Code § 25249.7(d).

Brodsky Smith represents Precila Balabbo ("Balabbo"), a citizen of the State of California acting in the interest of the general public to promote awareness of exposures to toxic chemicals from use of consumer products sold in California and to improve human health and the environment by reducing hazardous substances.

With respect to the Product herein, Balabbo has identified a violation of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65") codified at Cal. Health & Safety

¹ The public enforcement agencies that have been served with copies of this Notice are identified in the attached distribution list accompanying the Certificate of Service.

Code § 25249.5, et seq. This violation has occurred and continues to occur because the alleged Violator(s) failed to provide a clear and reasonable health hazard warning in connection with the sale or use of the Product in California. Health & Safety Code § 25249.6 provides that “[n]o person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the State to cause cancer or reproductive toxicity without first providing a clear and reasonable warning to such individual ...” Without proper warnings regarding the toxic effects of exposures to the Listed Chemical resulting from use of the Product, California citizens lack the information necessary to make informed decisions on whether and/or how to eliminate (or reduce) the risk of exposure to the Listed Chemical from the reasonably foreseeable use of the Product.

I. DESCRIPTION OF THE VIOLATION

1. **Enforcer:** Precila Balabbo, 285 6th Street, Unit 209, San Pedro, CA 90731; (Ph) 818-434-4023.
2. **Alleged Violator(s):** The Nuts Shop, LLC; Sincerely Nuts, Inc.; The TJX Companies, Inc.; The TJX Companies, Inc. dba TJ Maxx
3. **Time Period of Exposure:** Violations have been occurring since at least August 16, 2023 and are continuing to this day.
4. **Listed Chemical:** Lead. Lead is listed under Proposition 65 as a chemical known to the State to cause cancer and birth defects or other reproductive harm.
5. **Product:**

Product ²	Non- Exclusive Examples of the Product
Unsulphured Mango Slices	Sincerely Nuts Lightly Sweetened Dried Unsulphured Mango Slices UPC# 850009366658

6. **Description of Exposure:** The exposures that are the subject of this Notice result from the purchase and recommended use of the Product. The primary route of exposure to the Listed Chemical is through ingestion. When foods contaminated with the Listed Chemical are consumed, ingestion of the Listed Chemical will occur which will increase BLLs. No clear and reasonable warning is provided with the Products regarding the health hazards of exposure to the Listed Chemical.

II. PROPOSITION 65 INFORMATION

For the Violators’ reference, enclosed is a copy of “Proposition 65: A Summary” that has been prepared by the Office of Environmental Health Hazard Assessment (“OEHHA”). For more information concerning the provisions of Proposition 65, contact OEHHA at 916.445.6900.

² The specifically identified example of the Product in this Notice is to assist the recipients’ investigation of, among other things, the magnitude of potential exposures to the Listed Chemical from other items within the definition of Products. This example is not intended to be an exhaustive or comprehensive identification of each specific offending Product. It is Balabbo’s position that the alleged Violators are obligated to conduct a good faith investigation into other Products that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the alleged Violators’ custody or control) during the relevant period to ensure that requisite health hazard warnings were and are provided to California citizens prior to purchase and use.

III. RESOLUTION OF THE CLAIMS

Based on the allegations set forth in this Notice, Brodsky Smith intends to file a citizen enforcement lawsuit on behalf of Balabbo against the alleged Violator(s) unless such Violator(s) agree in a binding written agreement to: (1) recall Products already sold; (2) provide Proposition 65 compliant exposure warnings for Products sold in the future or reformulate the Products to eliminate exposures to the Listed Chemical; and (3) pay an appropriate civil penalty based on the factors enumerated in Health & Safety Code § 25249.7(b). Consistent with the public interest goals of Proposition 65 and the desire to have these violations of California law quickly rectified, Balabbo is interested in seeking a constructive resolution of the claims in this Notice without engaging in costly and protracted litigation.

Balabbo has retained me as legal counsel in connection with this Notice. **Please direct all communications regarding this Notice to my attention at Brodsky Smith, 9595 Wilshire Blvd., Ste. 900, Beverly Hills, CA 90212, (877) 534-2590, esmith@brodskysmith.com.**

Sincerely,



Evan J. Smith

Attachments

Certificate of Merit

Certificate of Service

The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary

EXHIBIT “C”

LAW OFFICES
BRODSKY SMITH

9595 WILSHIRE BLVD., STE. 900
BEVERLY HILLS, CA 90212
877.534.2590
www.brodskysmith.com

NEW JERSEY OFFICE
1310 NORTH KINGS HIGHWAY
CHERRY HILL, NJ 08934
856.795.7250

NEW YORK OFFICE
240 MINEOLA BOULEVARD
MINEOLA, NY 11501
516.741.4977

PENNSYLVANIA OFFICE
TWO BALA PLAZA, STE. 805
BALA CYNWYD, PA 19004
610.667.6200

August 16, 2023

President/CEO Delaviuda USA Inc. c/o JM Martinez CPA, PA 2600 Douglas Road, 800 Coral Gables, FL 33134	President/CEO Delaviuda USA Inc. 3191 Coral Way, Suite 620 Miami, FL 33145
President/CEO Delaviuda Alimentacion S.A.U. Santa Maria 4 Sonseca, Toledo SPAIN 45100	President/CEO The TJX Companies, Inc. c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
President/CEO The TJX Companies, Inc. dba TJ Maxx c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	President/CEO The TJX Companies, Inc. c/o CT Corporation System 101 Federal Street Boston, MA 02110
President/CEO The TJX Companies, Inc. Jay Meltzer c/o TJX Co. 770 Cochituate Road Framingham, MA 01701	

60-Day Notice of Violation of California Safe Drinking Water and Toxic Enforcement Act¹

To Whom It May Concern:

This Notice of Violation (the "Notice") is provided to you pursuant to and in compliance with California Health & Safety Code § 25249.7(d).

Brodsky Smith represents Precila Balabbo ("Balabbo"), a citizen of the State of California acting in the interest of the general public to promote awareness of exposures to toxic chemicals from use of consumer products sold in California and to improve human health and the environment by reducing hazardous substances.

With respect to the Product herein, Balabbo has identified a violation of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65") codified at Cal. Health & Safety Code § 25249.5, et seq. This violation has occurred and continues to occur because the alleged Violator(s)

¹ The public enforcement agencies that have been served with copies of this Notice are identified in the attached distribution list accompanying the Certificate of Service.

failed to provide a clear and reasonable health hazard warning in connection with the sale or use of the Product in California. Health & Safety Code § 25249.6 provides that “[n]o person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the State to cause cancer or reproductive toxicity without first providing a clear and reasonable warning to such individual ...” Without proper warnings regarding the toxic effects of exposures to the Listed Chemical resulting from use of the Product, California citizens lack the information necessary to make informed decisions on whether and/or how to eliminate (or reduce) the risk of exposure to the Listed Chemical from the reasonably foreseeable use of the Product.

I. DESCRIPTION OF THE VIOLATION

1. **Enforcer:** Precila Balabbo, 285 6th Street, Unit 209, San Pedro, CA 90731; (Ph) 818-434-4023.
2. **Alleged Violator(s):** Delaviuda USA Inc.; Delaviuda Alimentacion S.A.U. ; The TJX Companies, Inc.; The TJX Companies, Inc. dba TJ Maxx
3. **Time Period of Exposure:** Violations have been occurring since at least August 16, 2023 and are continuing to this day.
4. **Listed Chemical:** Lead. Lead is listed under Proposition 65 as a chemical known to the State to cause cancer and birth defects or other reproductive harm.
5. **Product:**

Product ²	Non- Exclusive Examples of the Product
Almond Pumpkin Seed and dark Chocolate Protein Bar	Almendro Almond Pumpkin Seed and Dark Chocolate Protein Bars UPC# 841023909592

6. **Description of Exposure:** The exposures that are the subject of this Notice result from the purchase and recommended use of the Product. The primary route of exposure to the Listed Chemical is through ingestion. When foods contaminated with the Listed Chemical are consumed, ingestion of the Listed Chemical will occur which will increase BLLs. No clear and reasonable warning is provided with the Products regarding the health hazards of exposure to the Listed Chemical.

II. PROPOSITION 65 INFORMATION

For the Violators’ reference, enclosed is a copy of “Proposition 65: A Summary” that has been prepared by the Office of Environmental Health Hazard Assessment (“OEHHA”). For more information concerning the provisions of Proposition 65, contact OEHHA at 916.445.6900.

² The specifically identified example of the Product in this Notice is to assist the recipients’ investigation of, among other things, the magnitude of potential exposures to the Listed Chemical from other items within the definition of Products. This example is not intended to be an exhaustive or comprehensive identification of each specific offending Product. It is Balabbo’s position that the alleged Violators are obligated to conduct a good faith investigation into other Products that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the alleged Violators’ custody or control) during the relevant period to ensure that requisite health hazard warnings were and are provided to California citizens prior to purchase and use.

III. RESOLUTION OF THE CLAIMS

Based on the allegations set forth in this Notice, Brodsky Smith intends to file a citizen enforcement lawsuit on behalf of Balabbo against the alleged Violator(s) unless such Violator(s) agree in a binding written agreement to: (1) recall Products already sold; (2) provide Proposition 65 compliant exposure warnings for Products sold in the future or reformulate the Products to eliminate exposures to the Listed Chemical; and (3) pay an appropriate civil penalty based on the factors enumerated in Health & Safety Code § 25249.7(b). Consistent with the public interest goals of Proposition 65 and the desire to have these violations of California law quickly rectified, Balabbo is interested in seeking a constructive resolution of the claims in this Notice without engaging in costly and protracted litigation.

Balabbo has retained me as legal counsel in connection with this Notice. **Please direct all communications regarding this Notice to my attention at Brodsky Smith, 9595 Wilshire Blvd., Ste. 900, Beverly Hills, CA 90212, (877) 534-2590, esmith@brodskysmith.com.**

Sincerely,



Evan J. Smith

Attachments

Certificate of Merit

Certificate of Service

The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary

EXHIBIT “D”

LAW OFFICES
BRODSKY SMITH

9595 WILSHIRE BLVD., STE. 900
BEVERLY HILLS, CA 90212
877.534.2590
www.brodskysmith.com

NEW JERSEY OFFICE
1310 NORTH KINGS HIGHWAY
CHERRY HILL, NJ 08934
856.795.7250

NEW YORK OFFICE
240 MINEOLA BOULEVARD
MINEOLA, NY 11501
516.741.4977

PENNSYLVANIA OFFICE
TWO BALA PLAZA, STE. 805
BALA CYNWYD, PA 19004
610.667.6200

August 31, 2023

President/CEO Newton Buying Corp. c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	President/CEO Newton Buying Corp. c/o CT Corporation System 155 Federal Street, Suite 700 Boston, MA 02110
President/CEO The TJX Companies, Inc. c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	President/CEO The TJX Companies, Inc. dba TJ Maxx c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
President/CEO The TJX Companies, Inc. c/o CT Corporation System 101 Federal Street Boston, MA 02110	

60-Day Notice of Violation of California Safe Drinking Water and Toxic Enforcement Act¹

To Whom It May Concern:

This Notice of Violation (the "Notice") is provided to you pursuant to and in compliance with California Health & Safety Code § 25249.7(d).

Brodsky Smith represents Precila Balabbo ("Balabbo"), a citizen of the State of California acting in the interest of the general public to promote awareness of exposures to toxic chemicals from use of consumer products sold in California and to improve human health and the environment by reducing hazardous substances.

With respect to the Product herein, Balabbo has identified a violation of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65") codified at Cal. Health & Safety Code § 25249.5, et seq. This violation has occurred and continues to occur because the alleged Violator(s) failed to provide a clear and reasonable health hazard warning in connection with the sale or use of the Product in California. Health & Safety Code § 25249.6 provides that "[n]o person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the State to cause cancer or reproductive toxicity without first providing a clear and reasonable warning to such individual ..." Without proper warnings regarding the toxic effects of exposures to the Listed Chemical resulting from use of the Product, California citizens lack the information necessary to make informed decisions on

¹ The public enforcement agencies that have been served with copies of this Notice are identified in the attached distribution list accompanying the Certificate of Service.

whether and/or how to eliminate (or reduce) the risk of exposure to the Listed Chemical from the reasonably foreseeable use of the Product.

I. DESCRIPTION OF THE VIOLATION

1. **Enforcer:** Precila Balabbo, 285 6th Street, Unit 209, San Pedro, CA 90731; (Ph)818-434-4023.
2. **Alleged Violator(s):** Newton Buying Corp.; The TJX Companies, Inc.; The TJX Companies, Inc. dba TJ Maxx
3. **Time Period of Exposure:** Violations have been occurring since at least August 31, 2023 and are continuing to this day.
4. **Listed Chemical:** Chromium (VI). Chromium (VI) is listed under Proposition 65 as a chemical known to the State to cause cancer and birth defects or other reproductive harm.
5. **Product:**

Product²	Non- Exclusive Examples of the Product
Leather Wallet	Genuine Leather Hand Crafted India Wallet RN# 75343

6. **Description of Exposure:** The exposures that are the subject of this Notice result from the purchase, acquisition, handling and recommended use of the Product. The primary route of exposure to the Listed Chemical is through dermal absorption directly through the skin when consumers use, touch, or handle the Products. Some amount of exposure through ingestion can occur by touching the Product with subsequent touching of the user's hand to mouth. No clear and reasonable warning is provided with the Products regarding the health hazards of exposure to the Listed Chemical.

II. PROPOSITION 65 INFORMATION

For the Violators' reference, enclosed is a copy of "Proposition 65: A Summary" that has been prepared by the Office of Environmental Health Hazard Assessment ("OEHHA"). For more information concerning the provisions of Proposition 65, contact OEHHA at 916.445.6900.

III. RESOLUTION OF THE CLAIMS

Based on the allegations set forth in this Notice, Brodsky Smith intends to file a citizen enforcement lawsuit on behalf of Balabbo against the alleged Violator(s) unless such Violator(s) agree in a binding written agreement to: (1) recall Products already sold; (2) provide Proposition 65 compliant exposure warnings for Products sold in the future or reformulate the Products to eliminate exposures to the Listed Chemical; and (3) pay an appropriate civil penalty based on the factors enumerated in Health & Safety Code § 25249.7(b). Consistent with the public interest goals of Proposition 65 and the desire to have

² The specifically identified example of the Product in this Notice is to assist the recipients' investigation of, among other things, the magnitude of potential exposures to the Listed Chemical from other items within the definition of Products. This example is not intended to be an exhaustive or comprehensive identification of each specific offending Product. It is Balabbo's position that the alleged Violators are obligated to conduct a good faith investigation into other Products that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the alleged Violators' custody or control) during the relevant period to ensure that requisite health hazard warnings were and are provided to California citizens prior to purchase and use.

these violations of California law quickly rectified, Balabbo is interested in seeking a constructive resolution of the claims in this Notice without engaging in costly and protracted litigation.

Balabbo has retained me as legal counsel in connection with this Notice. **Please direct all communications regarding this Notice to my attention at Brodsky Smith, 9595 Wilshire Blvd., Ste. 900, Beverly Hills, CA 90212, (877) 534-2590, esmith@brodskysmith.com.**

Sincerely,

A handwritten signature in black ink, appearing to be 'Evan J. Smith', written over a horizontal line.

Evan J. Smith

Attachments

Certificate of Merit

Certificate of Service

The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary

EXHIBIT “E”

LAW OFFICES
BRODSKY SMITH

9595 WILSHIRE BLVD., STE. 900
BEVERLY HILLS, CA 90212
877.534.2590
www.brodskysmith.com

NEW JERSEY OFFICE
1310 NORTH KINGS HIGHWAY
CHERRY HILL, NJ 08934
856.795.7250

NEW YORK OFFICE
240 MINEOLA BOULEVARD
MINEOLA, NY 11501
516.741.4977

PENNSYLVANIA OFFICE
TWO BALA PLAZA, STE. 805
BALA CYNWYD, PA 19004
610.667.6200

October 9, 2023

President/CEO PaperProducts Design US, Inc. c/o Roel Mulder 2180 Mar East Tiburon, CA 94920	President/CEO PaperProducts Design US, Inc. 60 Galli Drive, Unit 1 Novato, CA 94949
President/CEO Ppd Paperproducts Design GmbH Am Hambuch 4 Meckenheim 53340 GERMANY	President/CEO The TJX Companies, Inc. c/o CT Corporation System 101 Federal Street Boston, MA 02110
President/CEO The TJX Companies, Inc. c/o The Corporation Trust Company 1209 Orane Street Wilmington, DE 19801	President/CEO T.J. Maxx, Inc. P.O. Box 500 One Mercer Road Natick, MA 01760
Member/Manager T.J. Maxx of CA, LLC c/o CT Corporation System 330 N. Brand Blvd., Suite 700 Glendale, CA 91203	

60-Day Notice of Violation of California Safe Drinking Water and Toxic Enforcement Act¹

To Whom It May Concern:

This Notice of Violation (the "Notice") is provided to you pursuant to and in compliance with California Health & Safety Code § 25249.7(d).

Brodsky Smith represents Precila Balabbo ("Balabbo"), a citizen of the State of California acting in the interest of the general public to promote awareness of exposures to toxic chemicals from use of consumer products sold in California and to improve human health and the environment by reducing hazardous substances.

With respect to the Product herein, Balabbo has identified a violation of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65") codified at Cal. Health & Safety Code § 25249.5, et seq. This violation has occurred and continues to occur because the alleged Violator(s) failed to provide a clear and reasonable health hazard warning in connection with the sale or use of the Product in California. Health & Safety Code § 25249.6 provides that "[n]o person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the State to cause

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cancer or reproductive toxicity without first providing a clear and reasonable warning to such individual ...” Without proper warnings regarding the toxic effects of exposures to the Listed Chemical resulting from use of the Product, California citizens lack the information necessary to make informed decisions on whether and/or how to eliminate (or reduce) the risk of exposure to the Listed Chemical from the reasonably foreseeable use of the Product.

I. DESCRIPTION OF THE VIOLATION

1. **Enforcer:** Precila Balabbo, 285 6th Street, Unit 209, San Pedro, CA 90731; (Ph) 818-434-4023.
2. **Alleged Violator(s):** PaperProducts Design US, Inc.; PPD Paperproducts Design GmbH; The TJX Companies, Inc.; T.J. Maxx of CA, LLC; T.J. Maxx, Inc.
3. **Time Period of Exposure:** Violations have been occurring since at least October 9, 2023 and are continuing to this day.
4. **Listed Chemical:** Lead. Lead is listed under Proposition 65 as a chemical known to the State to cause cancer and birth defects or other reproductive harm.
5. **Product:**

Product²	Non- Exclusive Examples of the Product
Tea Pot	PaperProducts Gift Set with Glass Tea Pot UPC# 4021766237468

6. **Description of Exposure:** The exposures that are the subject of this Notice result from the purchase, acquisition, handling and recommended use of the Product. The primary route of exposure to the Listed Chemical is through dermal absorption directly through the skin when consumers use, touch, or handle the Products. Some amount of exposure through ingestion can occur by touching the Product with subsequent touching of the user’s hand to mouth. No clear and reasonable warning is provided with the Products regarding the health hazards of exposure to the Listed Chemical.

II. PROPOSITION 65 INFORMATION

For the Violators’ reference, enclosed is a copy of “Proposition 65: A Summary” that has been prepared by the Office of Environmental Health Hazard Assessment (“OEHHA”). For more information concerning the provisions of Proposition 65, contact OEHHA at 916.445.6900.

III. RESOLUTION OF THE CLAIMS

Based on the allegations set forth in this Notice, Brodsky Smith intends to file a citizen enforcement lawsuit on behalf of Balabbo against the alleged Violator(s) unless such Violator(s) agree in a binding written agreement to: (1) recall Products already sold; (2) provide Proposition 65 compliant

² The specifically identified example of the Product in this Notice is to assist the recipients’ investigation of, among other things, the magnitude of potential exposures to the Listed Chemical from other items within the definition of Products. This example is not intended to be an exhaustive or comprehensive identification of each specific offending Product. It is Balabbo’s position that the alleged Violators are obligated to conduct a good faith investigation into other Products that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the alleged Violators’ custody or control) during the relevant period to ensure that requisite health hazard warnings were and are provided to California citizens prior to purchase and use.

exposure warnings for Products sold in the future or reformulate the Products to eliminate exposures to the Listed Chemical; and (3) pay an appropriate civil penalty based on the factors enumerated in Health & Safety Code § 25249.7(b). Consistent with the public interest goals of Proposition 65 and the desire to have these violations of California law quickly rectified, Balabbo is interested in seeking a constructive resolution of the claims in this Notice without engaging in costly and protracted litigation.

Balabbo has retained me as legal counsel in connection with this Notice. **Please direct all communications regarding this Notice to my attention at Brodsky Smith, 9595 Wilshire Blvd., Ste. 900, Beverly Hills, CA 90212, (877) 534-2590, esmith@brodskysmith.com.**

Sincerely,



Evan J. Smith

Attachments

Certificate of Merit

Certificate of Service

The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary

EXHIBIT “F”

LAW OFFICES
BRODSKY SMITH

9595 WILSHIRE BLVD., STE. 900
BEVERLY HILLS, CA 90212
877.534.2590
www.brodskysmith.com

NEW JERSEY OFFICE
1310 NORTH KINGS HIGHWAY
CHERRY HILL, NJ 08934
856.795.7250

NEW YORK OFFICE
240 MINEOLA BOULEVARD
MINEOLA, NY 11501
516.741.4977

PENNSYLVANIA OFFICE
TWO BALA PLAZA, STE. 805
BALA CYNWYD, PA 19004
610.667.6200

October 9, 2023

President/CEO Home Essentials, Inc. c/o Isidore Godinger 200 Theodore Conrad Drive Jersey City, NJ 07305-4616	President/CEO Home Essentials & Beyond, Inc. c/o Isidore Godinger 200 Theodore Conrad Drive Jersey City, NJ 07305
President/CEO The TJX Companies, Inc. c/o The Corporation Trust Company Corporation trust Center 1209 Orange Street Wilmington, DE 19801	President/CEO The TJX Companies, Inc. c/o CT Corporation System 101 Federal Street Boston, MA 02110
Member/Manager T.J. Maxx of CA, LLC c/o CT Corporation System 330 N. Brand Blvd., Suite 700 Glendale, CA 91203	President/CEO T.J. Maxx, Inc. P.O. Box 500 One Mercer Road Natick, MA 01760

60-Day Notice of Violation of California Safe Drinking Water and Toxic Enforcement Act¹

To Whom It May Concern:

This Notice of Violation (the "Notice") is provided to you pursuant to and in compliance with California Health & Safety Code § 25249.7(d).

Brodsky Smith represents Precila Balabbo ("Balabbo"), a citizen of the State of California acting in the interest of the general public to promote awareness of exposures to toxic chemicals from use of consumer products sold in California and to improve human health and the environment by reducing hazardous substances.

With respect to the Product herein, Balabbo has identified a violation of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65") codified at Cal. Health & Safety Code § 25249.5, et seq. This violation has occurred and continues to occur because the alleged Violator(s) failed to provide a clear and reasonable health hazard warning in connection with the sale or use of the Product in California. Health & Safety Code § 25249.6 provides that "[n]o person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the State to cause cancer or reproductive toxicity without first providing a clear and reasonable warning to such individual ..." Without proper warnings regarding the toxic effects of exposures to the Listed Chemical resulting from use of the Product, California citizens lack the information necessary to make informed decisions on

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whether and/or how to eliminate (or reduce) the risk of exposure to the Listed Chemical from the reasonably foreseeable use of the Product.

I. DESCRIPTION OF THE VIOLATION

1. **Enforcer:** Precila Balabbo, 285 6th Street, Unit 209, San Pedro, CA 90731; (Ph) 818-434-4023.
2. **Alleged Violator(s):** Home Essentials, Inc.; Home Essentials & Beyond, Inc.; The TJX Companies, Inc.; T.J. Maxx of CA, LLC; T.J. Maxx, Inc.
3. **Time Period of Exposure:** Violations have been occurring since at least October 9, 2023 and are continuing to this day.
4. **Listed Chemical:** Lead. Lead is listed under Proposition 65 as a chemical known to the State to cause cancer and birth defects or other reproductive harm.
5. **Product:**

Product²	Non- Exclusive Examples of the Product
Tea Pot	Home Essentials Lemons & Leaves Tea Pot UPC# 786460927773

6. **Description of Exposure:** The exposures that are the subject of this Notice result from the purchase, acquisition, handling and recommended use of the Product. The primary route of exposure to the Listed Chemical is through dermal absorption directly through the skin when consumers use, touch, or handle the Products. Some amount of exposure through ingestion can occur by touching the Product with subsequent touching of the user's hand to mouth. No clear and reasonable warning is provided with the Products regarding the health hazards of exposure to the Listed Chemical.

II. PROPOSITION 65 INFORMATION

For the Violators' reference, enclosed is a copy of "Proposition 65: A Summary" that has been prepared by the Office of Environmental Health Hazard Assessment ("OEHHA"). For more information concerning the provisions of Proposition 65, contact OEHHA at 916.445.6900.

III. RESOLUTION OF THE CLAIMS

Based on the allegations set forth in this Notice, Brodsky Smith intends to file a citizen enforcement lawsuit on behalf of Balabbo against the alleged Violator(s) unless such Violator(s) agree in a binding written agreement to: (1) recall Products already sold; (2) provide Proposition 65 compliant exposure warnings for Products sold in the future or reformulate the Products to eliminate exposures to the Listed Chemical; and (3) pay an appropriate civil penalty based on the factors enumerated in Health & Safety Code § 25249.7(b). Consistent with the public interest goals of Proposition 65 and the desire to have

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these violations of California law quickly rectified, Balabbo is interested in seeking a constructive resolution of the claims in this Notice without engaging in costly and protracted litigation.

Balabbo has retained me as legal counsel in connection with this Notice. **Please direct all communications regarding this Notice to my attention at Brodsky Smith, 9595 Wilshire Blvd., Ste. 900, Beverly Hills, CA 90212, (877) 534-2590, esmith@brodskysmith.com.**

Sincerely,



Evan J. Smith

Attachments

Certificate of Merit

Certificate of Service

The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary

EXHIBIT “G”

LAW OFFICES
BRODSKY SMITH

9595 WILSHIRE BLVD., STE. 900
BEVERLY HILLS, CA 90212
877.534.2590
www.brodskysmith.com

NEW JERSEY OFFICE
1310 NORTH KINGS HIGHWAY
CHERRY HILL, NJ 08934
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NEW YORK OFFICE
240 MINEOLA BOULEVARD
MINEOLA, NY 11501
516.741.4977

PENNSYLVANIA OFFICE
TWO BALA PLAZA, STE. 805
BALA CYNWYD, PA 19004
610.667.6200

February 16, 2024

President/CEO Homegoods, Inc. c/o The Corporation Trust Company 1209 Orange St., Wilmington, DE 19801	President/CEO Homegoods, Inc. 770 Cochituate Rd., Framingham, MA 01701
President/CEO The TJX Companies, Inc. c/o The Corporation Trust Company 1209 Orange St., Wilmington, DE 19801	President/CEO The TJX Companies, Inc. dba HomeGoods c/o The Corporation Trust Company 1209 Orange St., Wilmington, DE 19801
President/CEO JBM Sales & Marketing 125 Washington St. #4, Ste. 4 Foxborough, MA 02035	Member/Manager Adobe West LLC c/o Capital Administrations LLC 1712 Pioneer Ave., Ste. 2424 Cheyenne, WY 82001

60-Day Notice of Violation of California Safe Drinking Water and Toxic Enforcement Act¹

To Whom It May Concern:

This Notice of Violation (the "Notice") is provided to you pursuant to and in compliance with California Health & Safety Code § 25249.7(d).

Brodsky Smith represents Precila Balabbo ("Balabbo"), a citizen of the State of California acting in the interest of the general public to promote awareness of exposures to toxic chemicals from use of consumer products sold in California and to improve human health and the environment by reducing hazardous substances.

With respect to the Product herein, Balabbo has identified a violation of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65") codified at Cal. Health & Safety Code § 25249.5, et seq. This violation has occurred and continues to occur because the alleged Violator(s) failed to provide a clear and reasonable health hazard warning in connection with the sale or use of the Product in California. Health & Safety Code § 25249.6 provides that "[n]o person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the State to cause cancer or reproductive toxicity without first providing a clear and reasonable warning to such individual ..." Without proper warnings regarding the toxic effects of exposures to the Listed Chemical resulting from use of the Product, California citizens lack the information necessary to make informed decisions on whether and/or how to eliminate (or reduce) the risk of exposure to the Listed Chemical from the reasonably foreseeable use of the Product.

¹ The public enforcement agencies that have been served with copies of this Notice are identified in the attached distribution list accompanying the Certificate of Service.

I. DESCRIPTION OF THE VIOLATION

- 1. **Enforcer:** Precila Balabbo, 285 6th Street, Unit 209, San Pedro, CA 90731; (Ph) 818-434-4023.
- 2. **Alleged Violator(s):** Homegoods, Inc.; The TJX Companies, Inc.; The TJX Companies, Inc. dba HomeGoods; JBM Sales & Marketing; Adobe West LLC
- 3. **Time Period of Exposure:** Violations have been occurring since at least February 16, 2024 and are continuing to this day.
- 4. **Listed Chemical:** Lead. Lead is listed under Proposition 65 as a chemical known to the State to cause cancer and birth defects or other reproductive harm.
- 5. **Product:**

Product ²	Non- Exclusive Examples of the Product
Figurine	Ceramic Frog Figurine Style # 273879

- 6. **Description of Exposure:** The exposures that are the subject of this Notice result from the purchase, acquisition, handling and recommended use of the Product. The primary route of exposure to the Listed Chemical is through dermal absorption directly through the skin when consumers use, touch, or handle the Products. Some amount of exposure through ingestion can occur by touching the Product with subsequent touching of the user's hand to mouth. No clear and reasonable warning is provided with the Products regarding the health hazards of exposure to the Listed Chemical.

II. PROPOSITION 65 INFORMATION

For the Violators' reference, enclosed is a copy of "Proposition 65: A Summary" that has been prepared by the Office of Environmental Health Hazard Assessment ("OEHHA"). For more information concerning the provisions of Proposition 65, contact OEHHA at 916.445.6900.

III. RESOLUTION OF THE CLAIMS

Based on the allegations set forth in this Notice, Brodsky Smith intends to file a citizen enforcement lawsuit on behalf of Balabbo against the alleged Violator(s) unless such Violator(s) agree in a binding written agreement to: (1) recall Products already sold; (2) provide Proposition 65 compliant exposure warnings for Products sold in the future or reformulate the Products to eliminate exposures to the Listed Chemical; and (3) pay an appropriate civil penalty based on the factors enumerated in Health & Safety Code § 25249.7(b). Consistent with the public interest goals of Proposition 65 and the desire to have these violations of California law quickly rectified, Balabbo is interested in seeking a constructive resolution of the claims in this Notice without engaging in costly and protracted litigation.

² The specifically identified example of the Product in this Notice is to assist the recipients' investigation of, among other things, the magnitude of potential exposures to the Listed Chemical from other items within the definition of Products. This example is not intended to be an exhaustive or comprehensive identification of each specific offending Product. It is Balabbo's position that the alleged Violators are obligated to conduct a good faith investigation into other Products that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the alleged Violators' custody or control) during the relevant period to ensure that requisite health hazard warnings were and are provided to California citizens prior to purchase and use.

Balabbo has retained me as legal counsel in connection with this Notice. Please direct all communications regarding this Notice to my attention at Brodsky Smith, 9595 Wilshire Blvd., Ste. 900, Beverly Hills, CA 90212, (877) 534-2590, esmith@brodskysmith.com.

Sincerely,



Evan J. Smith

Attachments

Certificate of Merit

Certificate of Service

The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary

EXHIBIT “H”

LAW OFFICES
BRODSKY SMITH

9595 WILSHIRE BLVD., STE. 900
BEVERLY HILLS, CA 90212
877.534.2590
www.brodskysmith.com

NEW JERSEY OFFICE
1310 NORTH KINGS HIGHWAY
CHERRY HILL, NJ 08934
856.795.7250

NEW YORK OFFICE
240 MINEOLA BOULEVARD
MINEOLA, NY 11501
516.741.4977

PENNSYLVANIA OFFICE
TWO BALA PLAZA, STE. 805
BALA CYNWYD, PA 19004
610.667.6200

February 26, 2024

President/CEO The Pause Group, Inc. c/o Registered Agent Solutions, Inc. 838 Walker Road, Suite 21-2 Dover, DE 19904	President/CEO The Pause Group, Inc. 1090 King Georges Post Road, Suite 505 Edison, NJ 08837
President/CEO The Pause Group, Inc. c/o Davis & Gilbert LLP, Attn: Brooke E 1740 Broadway, #3 New York, NY 10019	President/CEO The TJX Companies, Inc. c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
President/CEO The TJX Companies, Inc. dba TJ Maxx c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	President/CEO The TJX Companies, Inc. c/o CT Corporation System 101 Federal Street Boston, MA 02110

60-Day Notice of Violation of California Safe Drinking Water and Toxic Enforcement Act¹

To Whom It May Concern:

This Notice of Violation (the "Notice") is provided to you pursuant to and in compliance with California Health & Safety Code § 25249.7(d).

Brodsky Smith represents Precila Balabbo ("Balabbo"), a citizen of the State of California acting in the interest of the general public to promote awareness of exposures to toxic chemicals from use of consumer products sold in California and to improve human health and the environment by reducing hazardous substances.

With respect to the Product herein, Balabbo has identified a violation of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65") codified at Cal. Health & Safety Code § 25249.5, et seq. This violation has occurred and continues to occur because the alleged Violator(s) failed to provide a clear and reasonable health hazard warning in connection with the sale or use of the Product in California. Health & Safety Code § 25249.6 provides that "[n]o person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the State to cause cancer without first providing a clear and reasonable warning to such individual ..." Without proper warnings regarding the toxic effects of exposures to the Listed Chemical resulting from use of the Product, California citizens lack the information necessary to make informed decisions on whether and/or how to

¹ The public enforcement agencies that have been served with copies of this Notice are identified in the attached distribution list accompanying the Certificate of Service.

eliminate (or reduce) the risk of exposure to the Listed Chemical from the reasonably foreseeable use of the Product.

I. DESCRIPTION OF THE VIOLATION

1. **Enforcer:** Precila Balabbo, 285 W. 6th Street, Unit 209, San Pedro, CA 90731; (Ph) 818-434-4023.
2. **Alleged Violator(s):** The Pause Group, Inc.; The TJX Companies, Inc.; The TJX Companies, Inc. dba TJMaxx
3. **Time Period of Exposure:** Violations have been occurring since at least February 26, 2024 and are continuing to this day.
4. **Listed Chemical:** Diethanolamine (DEA) is listed under Proposition 65 as a chemical known to the State to cause cancer.
5. **Product:**

Product²	Non- Exclusive Examples of the Product
Collagen Boosting Moisturizer	Pause Well Aging Discovery Kit Collagen Boosting Moisturizer UPC# 8 50005 02910 0

6. **Description of Exposure:** The exposures that are the subject of this Notice result from the purchase, acquisition, handling and recommended use of the Product. The primary route of exposure to the Listed Chemical is through dermal exposure. Some amount of exposure through ingestion can occur by touching the Product with subsequent touching of the user's hand to mouth. No clear and reasonable warning is provided with the Products regarding the health hazards of exposure to the Listed Chemical.

II. PROPOSITION 65 INFORMATION

For the Violators' reference, enclosed is a copy of "Proposition 65: A Summary" that has been prepared by the Office of Environmental Health Hazard Assessment ("OEHHA"). For more information concerning the provisions of Proposition 65, contact OEHHA at 916.445.6900.

III. RESOLUTION OF THE CLAIMS

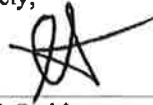
Based on the allegations set forth in this Notice, Brodsky Smith intends to file a citizen enforcement lawsuit on behalf of Balabbo against the alleged Violator(s) unless such Violator(s) agree in a binding written agreement to: (1) recall Products already sold; (2) provide Proposition 65 compliant exposure warnings for Products sold in the future or reformulate the Products to eliminate exposures to the Listed Chemical; and (3) pay an appropriate civil penalty based on the factors enumerated in Health & Safety Code § 25249.7(b). Consistent with the public interest goals of Proposition 65 and the desire to have

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Sincerely,



Evan J. Smith

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The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary