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Superior Court of California,
County of San Francisco

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

11 EMA BELL,

12 Plaintiff,

13 vs.

14 THE TJX COMPANIES, INC.,

15 Defendant.

Case No.:

CGC-24-619421

**COMPLAINT FOR CIVIL PENALTIES AND
INJUNCTIVE RELIEF**

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

16 Plaintiff Ema Bell (“Plaintiff”), by and through her attorneys, alleges the following cause
17 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 lead, diethanolamine (“DEA”), and/or di(2-ethylhexyl) phthalate
28 (“DEHP”), toxic chemicals found in products sold and/or distributed by defendant The TJX
Companies, Inc. (“TJX” or “Defendant”) in California.

1 3. DEHP¹ 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) *Maison Sucasa*TM salt and pepper shakers manufactured,
18 distributed, and/or sold by Maison Sucasa LLC (lead), (b) *Shabby Chic*[®] teaware collections sets
19 manufactured, distributed, and/or sold by Coastline Imports (lead), (c) Nalini Originals woven
20

21 ¹ . On January 1, 1988, the State of California listed DEHP as a chemical known to the State to
22 cause cancer and it has come under the purview of Proposition 65 regulations since that time. Cal.
23 Code Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8 & 25249.10(b). On October 24,
2003, the State of California listed DEHP as a chemical known to cause birth defects or other
reproductive harm.

24 ² On October 1, 1992, the state of California listed lead as a chemical known to cause cancer and
25 it has come under the purview of Proposition 65 regulations since that time. Cal. Code Regs. Tit.
26 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.

27 ³ On June 22, 2012, the State of California listed DEA as a chemical known to the State to cause
28 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 bags manufactured, distributed, and/or sold by Nalini Originals (DEHP), (d) Kassatex soap pumps
2 manufactured, distributed, and/or sold by Wesmo Industries Ltd. and/or Kassatex Inc. (lead), (e)
3 Fortune Cat hand cream manufactured, distributed, and/or sold by Mamosy International Co. Ltd.
4 (DEA), (f) Pegasus Sports LA Dodgers bowls manufactured, distributed, and/or sold by Pegasus
5 Sports, LLC (lead), (g) Pegasus Sports LA Dodgers canisters manufactured, distributed, and/or
6 sold by Pegasus Sports, LLC (lead), (h) Nathalie Lete body creams manufactured, distributed,
7 and/or sold by Heathcote & Ivory Ltd. (DEA), (i) Elizabeth Arden green tea refreshing body
8 lotions manufactured, distributed, and/or sold by Electronic Explosion, Inc. (DEA), (j) snack jars
9 manufactured, distributed, and/or sold by Culturefly LLC and/or Yongrui Home Textile Co. Ltd.
10 (lead), (k) snack jars manufactured, distributed, and/or sold by Kaysons Handicrafts (lead), (l)
11 Modern Gourmet Foods chocolate cake mugs manufactured, distributed, and/or sold by Coastal
12 Cocktails, Inc. (lead), (m) Gentle Real Gold glass mushroom mugs manufactured, distributed,
13 and/or sold by Shanxi JingPeng Industry & Trade Co., Ltd. and/or JP Glassware Inc. (lead), and
14 (n) DOF glasses manufactured, distributed, and/or sold by Shanxi JingPeng Industry & Trade Co.,
15 Ltd. and/or JP Glassware Inc. (lead) (collectively, the “Products” and each a “Product”) that expose
16 persons to lead, DEA, and/or DEHP when used for their intended purpose.

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

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

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

27 10. Plaintiff further seeks a reasonable award of attorney’s fees and costs.
28

1 **PARTIES**

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

6 12. Defendant The TJX Companies, Inc., through its business, effectively imports,
7 distributes, sells, and/or offers the Products for sale or use in the State of California, or it implies
8 by its conduct that it imports, distributes, sells, and/or offers the Products for sale or use in the
9 State of California. Plaintiff alleges that defendant The TJX Companies, Inc. is a “person” in the
10 course of doing business within the meaning of Health & Safety Code sections 25249.6 and
11 25249.11.

12 **VENUE AND JURISDICTION**

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

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

22 15. This Court has jurisdiction over Defendant because Defendant is either a citizen of
23 the State of California, has sufficient minimum contacts with the State of California, is registered
24 with the California Secretary of State as foreign corporations authorized to do business in the State
25 of California, and/or has otherwise purposefully availed itself of the California market. Such
26 purposeful availment has rendered the exercise of jurisdiction by California courts consistent and
27 permissible with traditional notions of fair play and substantial justice.
28

1 **STATUTORY BACKGROUND**

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

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

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

12 18. An exposure to a chemical in a consumer product is one “which results from a
13 person’s acquisition, purchase, storage, consumption or other reasonably foreseeable use of a
14 consumer good, or any exposure that results from receiving a consumer service.” (27 CCR §
15 25602, para (b).) H&S Code § 25603(c) states that “a person in the course of doing business ...
16 shall provide a warning to any person to whom the product is sold or transferred unless the product
17 is packaged or labeled with a clear and reasonable warning.”

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

- 20 a. A warning that appears on a product’s label or other labeling.
- 21 b. Identification of the product at the retail outlet in a manner which provides
22 a warning. Identification may be through shelf labeling, signs, menus, or a combination
23 thereof.
- 24 c. The warnings provided pursuant to subparagraphs (a) and (b) shall be
25 prominently placed upon a product’s labels or other labeling or displayed at the retail outlet

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 with such conspicuousness, as compared with other words, statements, designs, or devices
2 in the label, labeling or display as to render it likely to be read and understood by an
3 ordinary individual under customary conditions of purchase or use.

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

6 20. Proposition 65 provides that any “person who violates or threatens to violate” the
7 statute may be enjoined in a court of competent jurisdiction. (H&S Code § 25249.7.) The phrase
8 “threaten to violate” is defined to mean creating “a condition in which there is a substantial
9 probability that a violation will occur.” (H&S Code § 25249.11(e).) Violators are liable for civil
10 penalties of up to \$2,500.00 per day for each violation of the Act (H&S Code § 25249.7) for up to
11 365 days (up to a maximum civil penalty amount per violation of \$912,000.00).

12 **FACTUAL BACKGROUND**

13 21. On January 1, 1988, the State of California listed DEHP as a chemical known to
14 the State to cause cancer and it has come under the purview of Proposition 65 regulations since
15 that time. Cal. Code Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8 & 25249.10(b).
16 On October 24, 2003, the State of California listed DEHP as a chemical known to cause birth
17 defects or other reproductive harm.

18 22. On October 1, 1992, the state of California listed lead as a chemical known to cause
19 cancer and it has come under the purview of Proposition 65 regulations since that time. Cal. Code
20 Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8 & 25249.10(b). On February 27,
21 1987, the State of California listed lead as a chemical known to cause birth defects or other
22 reproductive harm.

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

26 24. The exposures that are the subject of the Notices result from the purchase,
27 acquisition, handling, consumption, and recommended use of the Products. The primary route of
28 exposure to lead, DEA, and/or DEHP is through dermal absorption directly through the skin when

1 consumers use, touch, or handle the Products. Exposure through ingestion will occur by touching
2 the Products with subsequent touching of the user's hand to mouth. No clear and reasonable
3 warning is provided with the Products regarding the health hazards of exposure.

4 25. Defendant has processed, marketed, distributed, offered to sell and/or sold the
5 Products in California since at least July 31, 2023 with respect to the *Maison Sucasa*[™] salt and
6 pepper shakers; since at least November 2, 2023 with respect to the *Shabby Chic*[®] teaware
7 collections sets; since at least November 30, 2023 with respect to the Nalini Originals woven bags;
8 since at least December 8, 2023, with respect to the Kassatex soap pumps; since at least January
9 25, 2024 with respect to the Fortune Cat hand cream; since at least February 2, 2024 with respect
10 to the Pegasus Sports LA Dodgers bowls; since at least February 15, 2024 with respect to the
11 Pegasus Sports LA Dodgers canisters; since at least February 26, 2024 with respect to the Nathalie
12 Lete body creams and Elizabeth Arden green tea refreshing body lotions; since at least February
13 29, 2024 with respect to the snack jars; since at least March 22, 2024 with respect to the snack
14 jars; since at least April 25, 2024 with respect to the Modern Gourmet Foods chocolate cake mugs;
15 since at least May 10, 2024 with respect to the Gentle Real Gold glass mushroom mugs; and since
16 at least June 24, 2024 with respect to the DOF glasses. The Products continue to be distributed and
17 sold in California without the requisite warning information.

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

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

1 **SATISFACTION OF NOTICE REQUIREMENTS**

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

5 29. The Nalini Originals woven bags were sent to a testing laboratory for phthalate
6 testing to determine the phthalate content of the Product. For the Nalini Originals woven bags,
7 Plaintiff received a chemical test report (collectively, the “Chemical Test Reports” and each a
8 “Chemical Test Report”). The Chemical Test Report findings determined the Nalini Originals
9 woven bags expose users to DEHP. Plaintiff provided the Chemical Test Report and Product to an
10 analytical chemist to determine if, based on the findings of the Chemical Test Reports and the
11 reasonable and foreseeable use of the Products, exposure to DEHP will occur at levels that require
12 Proposition 65 warnings under the Clear and Reasonable Warnings section 25601 of Title 27 of
13 the California Code of Regulations. On November 30, 2023, Plaintiff received from the analytical
14 chemist an exposure assessment report for the Nalini Originals woven bags that concluded that
15 persons in California who consume the Nalini Originals woven bags will be exposed to levels of
16 DEHP that require a Proposition 65 exposure warning.

17 30. The Fortune Cat hand creams were sent to a testing laboratory for diethanolamine
18 testing to determine the DEA content of the Products. For the Fortune Cat hand creams, Plaintiff
19 received a Chemical Test Report. The Chemical Test Report findings determined the Fortune Cat
20 hand creams expose users to DEA. Plaintiff provided the Chemical Test Report and Product to an
21 analytical chemist to determine if, based on the findings of the Chemical Test Reports and the
22 reasonable and foreseeable use of the Product, exposure to DEA will occur at levels that require
23 Proposition 65 warnings under the Clear and Reasonable Warnings section 25601 of Title 27 of
24 the California Code of Regulations. On January 25, 2024, Plaintiff received from the analytical
25 chemist an exposure assessment report for the Fortune Cat hand cream duos that concluded that
26 persons in California who use the Fortune Cat hand cream duos will be exposed to levels of DEA
27 that require a Proposition 65 exposure warning.

1 31. The Nathalie Lete body creams were sent to a testing laboratory for diethanolamine
2 testing to determine the DEA content of the Products. For the Nathalie Lete body creams, Plaintiff
3 received a Chemical Test Report. The Chemical Test Report findings determined the Nathalie Lete
4 body creams expose users to DEA. Plaintiff provided the Chemical Test Report and Product to an
5 analytical chemist to determine if, based on the findings of the Chemical Test Reports and the
6 reasonable and foreseeable use of the Product, exposure to DEA will occur at levels that require
7 Proposition 65 warnings under the Clear and Reasonable Warnings section 25601 of Title 27 of
8 the California Code of Regulations. On February 26, 2024, Plaintiff received from the analytical
9 chemist an exposure assessment report for the Nathalie Lete body creams that concluded that
10 persons in California who use the Nathalie Lete body creams will be exposed to levels of DEA
11 that require a Proposition 65 exposure warning.

12 32. The Elizabeth Arden green tea refreshing body lotions were sent to a testing
13 laboratory for diethanolamine testing to determine the DEA content of the Products. For each
14 Product that was sent to the laboratory, Plaintiff received a Chemical Test Report. The Chemical
15 Test Report findings determined the Elizabeth Arden green tea refreshing body lotions expose
16 users to DEA. Plaintiff provided the Chemical Test Report and Product to an analytical chemist to
17 determine if, based on the findings of the Chemical Test Report and the reasonable and foreseeable
18 use of the Products, exposure to DEA will occur at levels that require Proposition 65 warnings
19 under the Clear and Reasonable Warnings section 25601 of Title 27 of the California Code of
20 Regulations. On February 26, 2024, Plaintiff received from the analytical chemist an exposure
21 assessment report for the Elizabeth Arden green tea refreshing body lotions that concluded that
22 persons in California who use the Elizabeth Arden green tea refreshing body lotions will be
23 exposed to levels of DEA that require a Proposition 65 exposure warning.

24 33. The *Maison Sucasa*[™] salt and pepper shakers were sent to a testing laboratory to
25 determine if, and what amount of, lead would migrate and/or leach from the Product. For the
26 *Maison Sucasa*[™] salt and pepper shakers, Plaintiff received a Chemical Test Report. The
27 Chemical Test Report findings determined the *Maison Sucasa*[™] salt and pepper shakers expose
28 users to lead. Plaintiff provided the Chemical Test Report and Product to an analytical chemist to

1 determine if, based on the findings of the Chemical Test Report and the reasonable and foreseeable
2 use of the Product, exposure to lead will occur at levels that require Proposition 65 warnings under
3 the Clear and Reasonable Warnings section 25601 of Title 27 of the California Code of
4 Regulations. On July 31, 2023, Plaintiff received from the analytical chemist an exposure
5 assessment report for the *Maison Sucasa*TM salt and pepper shakers that concluded that persons in
6 California who consume the *Maison Sucasa*TM salt and pepper shakers will be exposed to levels
7 of lead that require a Proposition 65 exposure warning.

8 34. The *Shabby Chic*[®] teaware collections sets were sent to a testing laboratory to
9 determine if, and what amount of, lead would migrate and/or leach from the Product. For the
10 *Shabby Chic*[®] teaware collections sets, Plaintiff received a Chemical Test Report. The Chemical
11 Test Report findings determined the *Shabby Chic*[®] teaware collections sets expose users to lead.
12 Plaintiff provided the Chemical Test Report and Product to an analytical chemist to determine if,
13 based on the findings of the Chemical Test Report and the reasonable and foreseeable use of the
14 Product, exposure to lead will occur at levels that require Proposition 65 warnings under the Clear
15 and Reasonable Warnings section 25601 of Title 27 of the California Code of Regulations. On
16 November 2, 2023, Plaintiff received from the analytical chemist an exposure assessment report
17 for the *Shabby Chic*[®] teaware collections sets that concluded that persons in California who
18 consume the *Shabby Chic*[®] teaware collections sets will be exposed to levels of lead that require
19 a Proposition 65 exposure warning.

20 35. The Kassatex soap pumps were sent to a testing laboratory to determine if, and what
21 amount of, lead would migrate and/or leach from the Product. For the Kassatex soap pumps,
22 Plaintiff received a Chemical Test Report. The Chemical Test Report findings determined the
23 Kassatex soap pumps expose users to lead. Plaintiff provided the Chemical Test Report and
24 Product to an analytical chemist to determine if, based on the findings of the Chemical Test Report
25 and the reasonable and foreseeable use of the Product, exposure to lead will occur at levels that
26 require Proposition 65 warnings under the Clear and Reasonable Warnings section 25601 of Title
27 27 of the California Code of Regulations. On December 8, 2023, Plaintiff received from the
28 analytical chemist an exposure assessment report for the Kassatex soap pumps that concluded that

1 persons in California who use the Kassatex soap pumps will be exposed to levels of lead that
2 require a Proposition 65 exposure warning.

3 36. The Pegasus Sports LA Dodgers bowls were sent to a testing laboratory to
4 determine if, and what amount of, lead would migrate and/or leach from the Product. For the
5 Pegasus Sports LA Dodgers bowls, Plaintiff received a Chemical Test Report. The Chemical Test
6 Report findings determined the Pegasus Sports LA Dodgers bowls expose users to lead. Plaintiff
7 provided the Chemical Test Report and Product to an analytical chemist to determine if, based on
8 the findings of the Chemical Test Report and the reasonable and foreseeable use of the Product,
9 exposure to lead will occur at levels that require Proposition 65 warnings under the Clear and
10 Reasonable Warnings section 25601 of Title 27 of the California Code of Regulations. On
11 February 2, 2024, Plaintiff received from the analytical chemist an exposure assessment report for
12 the Pegasus Sports LA Dodgers bowls that concluded that persons in California who use the
13 Pegasus Sports LA Dodgers bowls will be exposed to levels of lead that require a Proposition 65
14 exposure warning.

15 37. The Pegasus Sports LA Dodgers canisters were sent to a testing laboratory to
16 determine if, and what amount of, lead would migrate and/or leach from the Product. For the
17 Pegasus Sports LA Dodgers canisters, Plaintiff received a Chemical Test Report. The Chemical
18 Test Report findings determined the Pegasus Sports LA Dodgers bowls expose users to lead.
19 Plaintiff provided the Chemical Test Report and Product to an analytical chemist to determine if,
20 based on the findings of the Chemical Test Report and the reasonable and foreseeable use of the
21 Product, exposure to lead will occur at levels that require Proposition 65 warnings under the Clear
22 and Reasonable Warnings section 25601 of Title 27 of the California Code of Regulations. On
23 February 15, 2024, Plaintiff received from the analytical chemist an exposure assessment report
24 for the Pegasus Sports LA Dodgers canisters that concluded that persons in California who use the
25 Pegasus Sports LA Dodgers canisters will be exposed to levels of lead that require a Proposition
26 65 exposure warning.

27 38. The snack jars manufactured, distributed, and/or sold by Culturefly LLC and/or
28 Yongrui Home Textile Co. Ltd. were sent to a testing laboratory to determine if, and what amount

1 of, lead would migrate and/or leach from the Product. For the snack jars, Plaintiff received a
2 Chemical Test Report. The Chemical Test Report findings determined the snack jars expose users
3 to lead. Plaintiff provided the Chemical Test Report and Product to an analytical chemist to
4 determine if, based on the findings of the Chemical Test Report and the reasonable and foreseeable
5 use of the Product, exposure to lead will occur at levels that require Proposition 65 warnings under
6 the Clear and Reasonable Warnings section 25601 of Title 27 of the California Code of
7 Regulations. On February 29, 2024, Plaintiff received from the analytical chemist an exposure
8 assessment report for the snack jars that concluded that persons in California who use the snack
9 jars will be exposed to levels of lead that require a Proposition 65 exposure warning.

10 39. The snack jars manufactured, distributed, and/or sold by Kaysons Handicrafts were
11 sent to a testing laboratory to determine if, and what amount of, lead would migrate and/or leach
12 from the Product. For the snack jars, Plaintiff received a Chemical Test Report. The Chemical Test
13 Report findings determined the snack jars expose users to lead. Plaintiff provided the Chemical
14 Test Report and Product to an analytical chemist to determine if, based on the findings of the
15 Chemical Test Report and the reasonable and foreseeable use of the Product, exposure to lead will
16 occur at levels that require Proposition 65 warnings under the Clear and Reasonable Warnings
17 section 25601 of Title 27 of the California Code of Regulations. On March 22, 2024, Plaintiff
18 received from the analytical chemist an exposure assessment report for the snack jars that
19 concluded that persons in California who use the snack jars will be exposed to levels of lead that
20 require a Proposition 65 exposure warning.

21 40. The Modern Gourmet Foods chocolate cake mugs were sent to a testing laboratory
22 to determine if, and what amount of, lead would migrate and/or leach from the Product. For the
23 Modern Gourmet Foods chocolate cake mugs, Plaintiff received a Chemical Test Report. The
24 Chemical Test Report findings determined the Modern Gourmet Foods chocolate cake mugs
25 expose users to lead. Plaintiff provided the Chemical Test Report and Product to an analytical
26 chemist to determine if, based on the findings of the Chemical Test Report and the reasonable and
27 foreseeable use of the Product, exposure to lead will occur at levels that require Proposition 65
28 warnings under the Clear and Reasonable Warnings section 25601 of Title 27 of the California

1 Code of Regulations. On April 25, 2024, Plaintiff received from the analytical chemist an exposure
2 assessment report for the Modern Gourmet Foods chocolate cake mugs that concluded that persons
3 in California who use the Modern Gourmet Foods chocolate cake mugs will be exposed to levels
4 of lead that require a Proposition 65 exposure warning.

5 41. The Gentle Real Gold glass mushroom mugs were sent to a testing laboratory to
6 determine if, and what amount of, lead would migrate and/or leach from the Product. For the
7 Modern Gourmet Foods chocolate cake mugs, Plaintiff received a Chemical Test Report. The
8 Chemical Test Report findings determined the Gentle Real Gold glass mushroom mugs expose
9 users to lead. Plaintiff provided the Chemical Test Report and Product to an analytical chemist to
10 determine if, based on the findings of the Chemical Test Report and the reasonable and foreseeable
11 use of the Product, exposure to lead will occur at levels that require Proposition 65 warnings under
12 the Clear and Reasonable Warnings section 25601 of Title 27 of the California Code of
13 Regulations. On May 10, 2024, Plaintiff received from the analytical chemist an exposure
14 assessment report for the Gentle Real Gold glass mushroom mugs that concluded that persons in
15 California who use the Gentle Real Gold glass mushroom mugs will be exposed to levels of lead
16 that require a Proposition 65 exposure warning.

17 42. The DOF glasses were sent to a testing laboratory to determine if, and what amount
18 of, lead would migrate and/or leach from the Products. For the DOF glasses, Plaintiff received a
19 Chemical Test Report. The Chemical Test Report findings determined the DOF glasses expose
20 users to lead. Plaintiff provided the Chemical Test Report and Product to an analytical chemist to
21 determine if, based on the findings of the Chemical Test Reports and the reasonable and
22 foreseeable use of the Product, exposure to lead will occur at levels that require Proposition 65
23 warnings under the Clear and Reasonable Warnings section 25601 of Title 27 of the California
24 Code of Regulations. On June 24, 2024, Plaintiff received from the analytical chemist an exposure
25 assessment report for the DOF glasses that concluded that persons in California who use the DOF
26 glasses will be exposed to levels of lead that require a Proposition 65 exposure warning.

NOTICES OF VIOLATION

1
2 43. On July 31, 2023, Plaintiff gave notice of alleged violation of Health and Safety
3 Code § 25249.6 to Defendant concerning the exposure of California citizens to lead from use of
4 the *Maison Sucasa*™ salt and pepper shakers without proper warning, subject to a private action
5 to Defendant and to the California Attorney General’s office and the offices of the County District
6 attorneys and City Attorneys for each city with a population greater than 750,000 persons wherein
7 the herein violations allegedly occurred. See attached at Exhibit “A” a true and correct copy of the
8 July 31, 2023 notice of violation.

9 44. On November 2, 2023, Plaintiff gave notice of alleged violation of Health and
10 Safety Code § 25249.6 to Defendant concerning the exposure of California citizens to lead from
11 use of the *Shabby Chic*® teaware collections sets without proper warning, subject to a private
12 action to Defendant and to the California Attorney General’s office and the offices of the County
13 District attorneys and City Attorneys for each city with a population greater than 750,000 persons
14 wherein the herein violations allegedly occurred. On February 19, 2024, Plaintiff gave additional
15 notice of alleged violation of Health and Safety Code § 25249.6 to Defendant concerning the
16 exposure of California citizens to lead from use of the Product without proper warning, subject to
17 a private action to Defendant and to the California Attorney General’s office and the offices of the
18 County District attorneys and City Attorneys for each city with a population greater than 750,000
19 persons wherein the herein violations allegedly occurred. See attached at Exhibit “B” a true and
20 correct copy of the November 2, 2023 notice of violation.

21 45. On November 30, 2023, Plaintiff gave notice of alleged violation of Health and
22 Safety Code § 25249.6 to Defendant concerning the exposure of California citizens to DEHP from
23 use of the Nalini Originals woven bags without proper warning, subject to a private action to
24 Defendant and to the California Attorney General’s office and the offices of the County District
25 attorneys and City Attorneys for each city with a population greater than 750,000 persons wherein
26 the herein violations allegedly occurred. On February 2, 2024, Plaintiff gave additional notice of
27 alleged violation of Health and Safety Code § 25249.6 to Defendant concerning the exposure of
28 California citizens to DEHP from use of the Product without proper warning, subject to a private

1 action to Defendant and to the California Attorney General’s office and the offices of the County
2 District attorneys and City Attorneys for each city with a population greater than 750,000 persons
3 wherein the herein violations allegedly occurred. See attached at Exhibit “C” a true and correct
4 copy of the November 30, 2023 notice of violation.

5 46. On December 8, 2023, Plaintiff gave notice of alleged violation of Health and
6 Safety Code § 25249.6 to Defendant concerning the exposure of California citizens to lead from
7 use of the Kassatex soap pumps without proper warning, subject to a private action to Defendant
8 and to the California Attorney General’s office and the offices of the County District attorneys and
9 City Attorneys for each city with a population greater than 750,000 persons wherein the herein
10 violations allegedly occurred. On May 15, 2024, Plaintiff gave additional notice of alleged
11 violation of Health and Safety Code § 25249.6 to Defendant concerning the exposure of California
12 citizens to lead from use of the Product without proper warning, subject to a private action to
13 Defendant and to the California Attorney General’s office and the offices of the County District
14 attorneys and City Attorneys for each city with a population greater than 750,000 persons wherein
15 the herein violations allegedly occurred. See attached at Exhibit “D” a true and correct copy of the
16 December 8, 2023 notice of violation.

17 47. On January 25, 2024, Plaintiff gave notice of alleged violation of Health and Safety
18 Code § 25249.6 to Defendant concerning the exposure of California citizens to DEA from use of
19 the Fortune Cat hand cream duos without proper warning, subject to a private action to Defendant
20 and to the California Attorney General’s office and the offices of the County District attorneys and
21 City Attorneys for each city with a population greater than 750,000 persons wherein the herein
22 violations allegedly occurred. See attached at Exhibit “E” a true and correct copy of the January
23 25, 2024 notice of violation.

24 48. On February 2, 2024, Plaintiff gave notice of alleged violation of Health and Safety
25 Code § 25249.6 to Defendant concerning the exposure of California citizens to lead from use of
26 Pegasus Sports, LLC exterior decoration ceramic products, including but not limited to, Pegasus
27 Sports LA Dodgers bowls without proper warning, subject to a private action to Defendant and to
28 the California Attorney General’s office and the offices of the County District attorneys and City

1 Attorneys for each city with a population greater than 750,000 persons wherein the herein
2 violations allegedly occurred. On February 15, 2024, Plaintiff provided additional notice to
3 Defendant concerning the exposure of California citizens to lead from use of Pegasus Sports, LLC
4 exterior decoration ceramic products, including but not limited to, Pegasus Sports LA Dodgers
5 canisters without proper warning, subject to a private action to Defendant and to the California
6 Attorney General's office and the offices of the County District attorneys and City Attorneys for
7 each city with a population greater than 750,000 persons wherein the herein violations allegedly
8 occurred. See attached at Exhibit "F" a true and correct copy of the February 2, 2024 notice of
9 violation. See attached at Exhibit "G" a true and correct copy of the February 15, 2024 notice of
10 violation.

11 49. On February 26, 2024, Plaintiff gave notice of alleged violation of Health and
12 Safety Code § 25249.6 to Defendant and Heathcote & Ivory Ltd. concerning the exposure of
13 California citizens to DEA from use of the Nathalie Lete body creams without proper warning,
14 subject to a private action to Defendant and to the California Attorney General's office and the
15 offices of the County District attorneys and City Attorneys for each city with a population greater
16 than 750,000 persons wherein the herein violations allegedly occurred. See attached at Exhibit "H"
17 a true and correct copy of the February 26, 2024 notice of violation.

18 50. On February 26, 2024, Plaintiff gave notice of alleged violation of Health and
19 Safety Code § 25249.6 to Defendant concerning the exposure of California citizens to DEA from
20 use of the Elizabeth Arden green tea refreshing body lotions without proper warning, subject to a
21 private action to Defendant and to the California Attorney General's office and the offices of the
22 County District attorneys and City Attorneys for each city with a population greater than 750,000
23 persons wherein the herein violations allegedly occurred. On April 12, 2024, Plaintiff gave
24 additional notice of alleged violation of Health and Safety Code § 25249.6 to Defendant
25 concerning the exposure of California citizens to DEA from use of the Product without proper
26 warning, subject to a private action to Defendant and to the California Attorney General's office
27 and the offices of the County District attorneys and City Attorneys for each city with a population
28

1 greater than 750,000 persons wherein the herein violations allegedly occurred. See attached at
2 Exhibit “I” a true and correct copy of the February 26, 2024 notice of violation.

3 51. On February 29, 2024, Plaintiff gave notice of alleged violation of Health and
4 Safety Code § 25249.6 to Defendant concerning the exposure of California citizens to lead from
5 use of the snack jars manufactured, distributed, and/or sold by Culturefly LLC and/or Yongrui
6 Home Textile Co. Ltd. without proper warning, subject to a private action to Defendant and to the
7 California Attorney General’s office and the offices of the County District attorneys and City
8 Attorneys for each city with a population greater than 750,000 persons wherein the herein
9 violations allegedly occurred. On July 8, 2024, Plaintiff gave additional notice of alleged violation
10 of Health and Safety Code § 25249.6 to Defendant concerning the exposure of California citizens
11 to lead from use of the Product without proper warning, subject to a private action to Defendant
12 and to the California Attorney General’s office and the offices of the County District attorneys and
13 City Attorneys for each city with a population greater than 750,000 persons wherein the herein
14 violations allegedly occurred. See attached at Exhibit “J” a true and correct copy of the February
15 29, 2024 notice of violation.

16 52. On March 22, 2024, Plaintiff gave notice of alleged violation of Health and Safety
17 Code § 25249.6 to Defendant concerning the exposure of California citizens to lead from use of
18 the snack jars manufactured, distributed, and/or sold by Kaysons Handicrafts without proper
19 warning, subject to a private action to Defendant and to the California Attorney General’s office
20 and the offices of the County District attorneys and City Attorneys for each city with a population
21 greater than 750,000 persons wherein the herein violations allegedly occurred. On May 15, 2024,
22 Plaintiff gave additional notice of alleged violation of Health and Safety Code § 25249.6 to
23 Defendant concerning the exposure of California citizens to lead from use of the Product without
24 proper warning, subject to a private action to Defendant and to the California Attorney General’s
25 office and the offices of the County District attorneys and City Attorneys for each city with a
26 population greater than 750,000 persons wherein the herein violations allegedly occurred. See
27 attached at Exhibit “K” a true and correct copy of the March 22, 2024 notice of violation.

1 53. On April 25, 2024, Plaintiff gave notice of alleged violation of Health and Safety
2 Code § 25249.6 to Defendant concerning the exposure of California citizens to lead from use of
3 the Modern Gourmet Foods chocolate cake mugs without proper warning, subject to a private
4 action to Defendant and to the California Attorney General’s office and the offices of the County
5 District attorneys and City Attorneys for each city with a population greater than 750,000 persons
6 wherein the herein violations allegedly occurred. See attached at Exhibit “L” a true and correct
7 copy of the April 25, 2024 notice of violation.

8 54. On May 10, 2024, Plaintiff gave notice of alleged violation of Health and Safety
9 Code § 25249.6 to Defendant concerning the exposure of California citizens to lead from use of
10 Shanxi JingPeng Industry & Trade Co., Ltd. and/or JP Glassware Inc. exterior decoration products,
11 including but not limited to, the Gentle Real Gold glass mushroom mugs without proper warning,
12 subject to a private action to Defendant and to the California Attorney General’s office and the
13 offices of the County District attorneys and City Attorneys for each city with a population greater
14 than 750,000 persons wherein the herein violations allegedly occurred. On August 15, 2024,
15 Plaintiff gave additional notice of alleged violation of Health and Safety Code § 25249.6 to
16 Defendant concerning the exposure of California citizens to lead from use of Shanxi JingPeng
17 Industry & Trade Co., Ltd. and/or JP Glassware Inc. exterior decoration products, including but
18 not limited to, the Gentle Real Gold glass mushroom mugs without proper warning, subject to a
19 private action to Defendant and to the California Attorney General’s office and the offices of the
20 County District attorneys and City Attorneys for each city with a population greater than 750,000
21 persons wherein the herein violations allegedly occurred. On June 24, 2024, Plaintiff gave
22 additional notice of alleged violation of Health and Safety Code § 25249.6 to Defendant
23 concerning the exposure of California citizens to lead from use of Shanxi JingPeng Industry &
24 Trade Co., Ltd. and/or JP Glassware Inc. exterior decoration products, including but not limited
25 to, DOF glasses without proper warning, subject to a private action to Defendant and to the
26 California Attorney General’s office and the offices of the County District attorneys and City
27 Attorneys for each city with a population greater than 750,000 persons wherein the herein
28 violations allegedly occurred. On October 22, 2024, Plaintiff gave additional notice of alleged

1 violation of Health and Safety Code § 25249.6 to Defendant concerning the exposure of California
2 citizens to lead from use of Shanxi JingPeng Industry & Trade Co., Ltd. and/or JP Glassware Inc.
3 exterior decoration products, including but not limited to, DOF glasses without proper warning,
4 subject to a private action to Defendant and to the California Attorney General’s office and the
5 offices of the County District attorneys and City Attorneys for each city with a population greater
6 than 750,000 persons wherein the herein violations allegedly occurred. See attached at Exhibit
7 “M” a true and correct copy of the May 10, 2024 notice of violation. See attached at Exhibit “N”
8 a true and correct copy of the June 24, 2024 notice of violation.

9 55. The Notices complied with all procedural requirements of Proposition 65 including
10 the attachment of a Certificate of Merit affirming that Plaintiff’s counsel had consulted with at
11 least one person with relevant and appropriate expertise who reviewed relevant data regarding
12 lead, DEA, and/or DEHP exposure, and that counsel believed there was meritorious and reasonable
13 cause for a private action.

14 56. After receiving the Notices, and to Plaintiff’s best information and belief, none of
15 the noticed appropriate public enforcement agencies have commenced and diligently prosecuted a
16 cause of action against Defendant under Proposition 65 to enforce the alleged violations which are
17 the subject of the Notices.

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

20 **FIRST CAUSE OF ACTION**

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

22 58. Plaintiff hereby repeats and incorporates by reference paragraphs 1 through 57 of
23 this Complaint as though fully set forth herein.

24 59. Defendant has, at all times mentioned herein, acted as distributor, and/or retailer of
25 the Products.

26 60. Use of the Products will expose users to lead, DEA, and/or DEHP, hazardous
27 chemicals found on the Proposition 65 list of chemicals known to be hazardous to human health.

28 61. The Products do not comply with the Proposition 65 warning requirements.

1 62. Plaintiff, based on her best information and belief, avers that at all relevant times
2 herein, and since at least July 31, 2023 with respect to the *Maison Sucasa*TM salt and pepper
3 shakers; since at least November 2, 2023 with respect to the *Shabby Chic*[®] teaware collections
4 sets; since at least November 30, 2023 with respect to the Nalini Originals woven bags; since at
5 least December 8, 2023, with respect to the Kassatex soap pumps; since at least January 25, 2024
6 with respect to the Fortune Cat hand cream; since at least February 2, 2024 with respect to the
7 Pegasus Sports LA Dodgers bowls; since at least February 15, 2024 with respect to the Pegasus
8 Sports LA Dodgers canisters; since at least February 26, 2024 with respect to the Nathalie Lete
9 body creams and Elizabeth Arden green tea refreshing body lotions; since at least February 29,
10 2024 with respect to the snack jars; since at least March 22, 2024 with respect to the snack jars;
11 since at least April 25, 2024 with respect to the Modern Gourmet Foods chocolate cake mugs;
12 since at least May 10, 2024 with respect to the Gentle Real Gold glass mushroom mugs; and since
13 at least June 24, 2024 with respect to the DOF glasses, continuing until the present, that Defendant
14 has continued to knowingly and intentionally expose California users and consumers of the
15 Products to lead, DEA, and/or DEHP without providing required warnings under Proposition 65.

16 63. The exposures that are the subject of the Notices result from the purchase,
17 acquisition, handling, consumption, and recommended use of the Products. The primary route of
18 exposure to lead, DEA, and/or DEHP is through dermal absorption directly through the skin when
19 consumers use, touch, or handle the Products. Exposure through ingestion will occur by touching
20 the Products with subsequent touching of the user's hand to mouth. No clear and reasonable
21 warning is provided with the Products regarding the health hazards of exposure.

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

25 65. Defendant has knowledge that the normal and reasonably foreseeable use of the
26 Products expose individuals to lead, DEA, and/or DEHP, and Defendant intends that exposures to
27 lead, DEA, and/or DEHP will occur by its deliberate, non-accidental participation in the
28 importation, distribution, sale and offering of the Products to consumers in California.

1 66. Plaintiff has engaged in good faith efforts to resolve the herein claims prior to this
2 Complaint.

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

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

7 **PRAYER FOR RELIEF**

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

10 A. That the court assess civil penalties against Defendant in the amount of \$2,500 per
11 day for each violation for up to 365 days (up to a maximum civil penalty amount per
12 violation of \$912,000.00) in accordance with Health and Safety Code § 25249.7(b);

13 B. That the court preliminarily and permanently enjoin Defendant mandating
14 Proposition 65 compliant warnings on the Products;

15 C. That the court grant Plaintiff reasonable attorney's fees and costs of suit, in the
16 amount of \$50,000.00.

17 D. That the court grant any further relief as may be just and proper.

18 Dated: October 31, 2024

BRODSKY SMITH



By: _____

Evan J. Smith (SBN242352)
Ryan P. Cardona (SBN302113)
9465 Wilshire Boulevard, Suite 300
Beverly Hills, CA 90212
Telephone: (877) 534-2590
Facsimile: (310) 247-0160

Attorneys for Plaintiff

EXHIBIT "A"

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 856.795.7250

NEW YORK OFFICE
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 MINEOLA, NY 11501
 516.741.4977

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

July 31, 2023

Member/Manager Maison Sucasa LLC c/o Michael Betesh 250 Passaic Street Newark, NJ 07104	Member/Manager EMS Mind Reader LLC c/o National Corporate Services, Inc. 203 NE Front St., Suite 101 Milford, DE 19963
Member/Manager EMS Mind Reader LLC c/o TRAC – The Registered Agent Company 316 Berhill Drive Williamstown, NJ 08094	Member/Manager EMS Mind Reader LLC 250 Passaic Street Newark, NJ 07104
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 TJMaxx 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 Ema Bell (“Bell”), 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, Bell 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

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.

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:** Ema Bell, 222 S. Figueroa St. Apt. 1212, Los Angeles, CA 90012-2581; (Ph) 424-332-3817.
2. **Alleged Violator(s):** Maison Sucasa LLC; EMS Mind Reader LLC; The TJX Companies, Inc.; The TJX Companies, Inc. dba TJMaxx
3. **Time Period of Exposure:** Violations have been occurring since at least July 31, 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 reproductive toxicity.
5. **Product:**

Product ²	Non- Exclusive Examples of the Product
Salt & Pepper Shakers	Maison Sucasa Salt & Pepper Shakers UPC# 810094756116

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.


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 Bell’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 Bell 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, Bell is interested in seeking a constructive resolution of the claims in this Notice without engaging in costly and protracted litigation.

Bell 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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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

November 2, 2023

Member/Manager SC Licensing, LLC c/o Rachel Ashwill 24412 S. Main Street, Suite 105 Carson, CA 90745	President/CEO The TJX Companies, Inc. c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
Member/Manager Marshalls of CA, LLC c/o CT Corporation System 330 N. Brand Blvd., Suite 700 Glendale, CA 91203	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 Ema Bell ("Bell"), 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, Bell 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

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.

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:** Ema Bell, 222 S. Figueroa St. Apt. 1212, Los Angeles, CA 90012-2581; (Ph) 424-332-3817.
2. **Alleged Violator(s):** SC Licensing, LLC; The TJX Companies, Inc.; The TJX Companies, Inc. dba Marshalls; Marshalls of CA, LLC
3. **Time Period of Exposure:** Violations have been occurring since at least November 2, 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
Teaware Set	Shabby Chic Teaware Collection Set 1280-112262310-01999-23-1

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

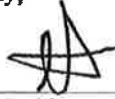
Based on the allegations set forth in this Notice, Brodsky Smith intends to file a citizen enforcement lawsuit on behalf of Bell against the alleged Violator(s) unless such Violator(s) agree in a binding written agreement to: (1) recall Products already sold; (2) provide Proposition 65 compliant exposure 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 Bell'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, Bell is interested in seeking a constructive resolution of the claims in this Notice without engaging in costly and protracted litigation.

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

November 30, 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 Ema Bell ("Bell"), 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, Bell 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

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.

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:** Ema Bell, 222 S. Figueroa St. Apt. 1212, Los Angeles, CA 90012-2581; (Ph) 424-332-3817.
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 November 30, 2023 and are continuing to this day.
4. **Listed Chemical:** Di(2-ethylhexyl) phthalate (DEHP). DEHP 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
Woven Bag	Nalini Originals Woven Bag 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 Bell 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 &

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 Bell'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.

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, Bell is interested in seeking a constructive resolution of the claims in this Notice without engaging in costly and protracted litigation.

Bell 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 “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

December 8, 2023

President/CEO Kassatex Inc. 330 Fifth Ave., Floor 11 New York, NY 10001	President/CEO Kassatex Inc. 295 Fifth Avenue, Suite 111 New York, NY 10016
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 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	

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 Ema Bell ("Bell"), 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, Bell 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

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.

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:** Ema Bell, 222 S. Figueroa St. Apt. 1212, Los Angeles, CA 90012-2581; (Ph) 424-332-3817.
2. **Alleged Violator(s):** Kassatex Inc.; The TJX Companies, Inc.; The TJX Companies, Inc. dba TJ Maxx
3. **Time Period of Exposure:** Violations have been occurring since at least December 8, 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
Soap Pump	Kassatex Soap Pump 452976

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

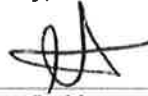
Based on the allegations set forth in this Notice, Brodsky Smith intends to file a citizen enforcement lawsuit on behalf of Bell against the alleged Violator(s) unless such Violator(s) agree in a binding written agreement to: (1) recall Products already sold; (2) provide Proposition 65 compliant exposure 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 Bell'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, Bell is interested in seeking a constructive resolution of the claims in this Notice without engaging in costly and protracted litigation.

Bell 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 “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

January 25, 2024

President/CEO Mamosy International Co. Ltd. 3F, No. 89, Section I Zhongqing Road Taichung City 404638 TAIWAN, R.O.C.	President/CEO Mamosy International Co. Ltd. 3F, No. 89, Sec. 1, Zhongqing Road, Wenzhuang Village North District Taichung City 404638 TAIWAN (R.O.C.)
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 Ema Bell ("Bell"), 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, Bell 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

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.

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:** Ema Bell, 222 S. Figueroa St. Apt. 1212, Los Angeles, CA 90012-2581; (Ph) 424-332-3817.
2. **Alleged Violator(s):** Mamosy International Co. Ltd.; The TJX Companies, Inc.; The TJX Companies, Inc. dba TJ Maxx
3. **Time Period of Exposure:** Violations have been occurring since at least January 25, 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
Hand Cream	Fortune Cat Hand Cream Duo UPC# 4715862369092

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 Bell 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 Bell'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, Bell is interested in seeking a constructive resolution of the claims in this Notice without engaging in costly and protracted litigation.

Bell 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

February 2, 2024

Member/Manager Pegasus Sports, LLC c/o Stephen Spinella 1200 Ocean Avenue Belmar, NJ 07719	Member/Manager Pegasus Sports, LLC 1349 Locust Ave. South Denmark, SC 29042
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 Ema Bell ("Bell"), 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, Bell 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

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.

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:** Ema Bell, 222 S. Figueroa St. Apt. 1212, Los Angeles, CA 90012-2581; (Ph) 424-332-3817.
2. **Alleged Violator(s):** Pegasus Sports, LLC; The TJX Companies, Inc.; The TJX Companies Inc., dba TJ Maxx
3. **Time Period of Exposure:** Violations have been occurring since at least February 2, 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:**

Product²	Non- Exclusive Examples of the Product
Bowl	Pegasus Sports LA Dodgers Dog Bowl 65-3446-166984-000999-23-1

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 Bell 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 Bell'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, Bell is interested in seeking a constructive resolution of the claims in this Notice without engaging in costly and protracted litigation.

Bell 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
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 15, 2024

Member/Manager Pegasus Sports, LLC c/o Stephen Spinella 1200 Ocean Avenue Belmar, NJ 07719	Member/Manager Pegasus Sports, LLC 1349 Locust Ave. South Denmark, SC 29042
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 Ema Bell ("Bell"), 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, Bell 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

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.

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:** Ema Bell, 222 S. Figueroa St. Apt. 1212, Los Angeles, CA 90012-2581; (Ph) 424-332-3817.
2. **Alleged Violator(s):** Pegasus Sports, LLC; The TJX Companies, Inc.; The TJX Companies Inc., dba TJ Maxx
3. **Time Period of Exposure:** Violations have been occurring since at least February 15, 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
Canister	Pegasus Sports LA Dodgers Dog Treat Canister RN# 166620

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

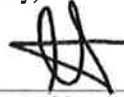
Based on the allegations set forth in this Notice, Brodsky Smith intends to file a citizen enforcement lawsuit on behalf of Bell against the alleged Violator(s) unless such Violator(s) agree in a binding written agreement to: (1) recall Products already sold; (2) provide Proposition 65 compliant exposure 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 Bell'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, Bell is interested in seeking a constructive resolution of the claims in this Notice without engaging in costly and protracted litigation.

Bell 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 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 TJMaxx 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 Heathcote & Ivory Limited 2 Lonsdale Road, 7 Chalcot Road LONDON NW6 6RD UNITED KINGDOM
President/CEO Heathcote & Ivory Limited Acre House 11-15 William Road London NW1 3ER UNITED KINGDOM	

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 Ema Bell ("Bell"), 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, Bell 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

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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:** Ema Bell, 222 S. Figueroa St. Apt. 1212, Los Angeles, CA 90012-2581; (Ph) 424-332-3817.
2. **Alleged Violator(s):** The TJX Companies, Inc.; The TJX Companies, Inc. dba TJMaxx; Heathcote & Ivory Limited
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
Body Cream	Nathalie Lete Body Cream UPC# 5 015632 112460

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

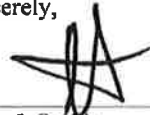
Based on the allegations set forth in this Notice, Brodsky Smith intends to file a citizen enforcement lawsuit on behalf of Bell against the alleged Violator(s) unless such Violator(s) agree in a binding written agreement to: (1) recall Products already sold; (2) provide Proposition 65 compliant exposure 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 Bell'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, Bell is interested in seeking a constructive resolution of the claims in this Notice without engaging in costly and protracted litigation.

Bell 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 “I”

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 Elizabeth Arden, Inc. c/o Corporate Creations Network Inc. 1521 Concord Pike, Suite 201 Wilmington, DE 19803	President/CEO Elizabeth Arden, Inc. c/o Corporate Creations Network, Inc. 801 US Highway 1 North Palm Beach, FL 33408
President/CEO Elizabeth Arden, Inc. c/o Prentice-Hall Corporation System, Inc. 110 North Magnolia Street Tallahassee, FL 32301	President/CEO Elizabeth Arden, Inc. c/o Corporate Creations Network Inc. 7801 Folsom Boulevard, #202 Sacramento, CA 95826
President/CEO FD Management, Inc. c/o Corporate Creations Network, Inc. 1521 Concord Pike, Suite 201 Wilmington, DE 19803	President/CEO FD Management, Inc. c/o James Artiano 3828 Carson Street, #102 Torrance, CA 90503
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 TJMaxx 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 Ema Bell ("Bell"), 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.

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.

With respect to the Product herein, Bell 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 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:** Ema Bell, 222 S. Figueroa St. Apt. 1212, Los Angeles, CA 90012-2581; (Ph) 424-332-3817.
2. **Alleged Violator(s):** Elizabeth Arden, Inc.; FD Management, 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:**

Product ²	Non- Exclusive Examples of the Product
Body Lotion	Elizabeth Arden Green Tea Refreshing Body Lotion UPC# 0 85805 07137 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.

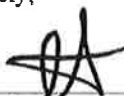
² The specifically identified example of the Product in this Notice is to assist the recipients’ investigation of, among other things, the magnitude of potential exposures to the Listed Chemical from other items within the definition of Products. This example is not intended to be an exhaustive or comprehensive identification of each specific offending Product. It is Bell’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 Bell 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, Bell is interested in seeking a constructive resolution of the claims in this Notice without engaging in costly and protracted litigation.

Bell 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 “J”

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 29, 2024

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
President/CEO The TJX Companies, Inc. dba TJMaxx c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	

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 Ema Bell ("Bell"), 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, Bell 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.

I. DESCRIPTION OF THE VIOLATION

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.

1. **Enforcer:** Ema Bell, 222 S. Figueroa St. Apt. 1212, Los Angeles, CA 90012-2581; (Ph) 424-332-3817.
2. **Alleged Violator(s):** The TJX Companies, Inc.; The TJX Companies, Inc, dba TJMaxx
3. **Time Period of Exposure:** Violations have been occurring since at least February 29, 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
Cookie Jar	Oreo Cookie Jar 20-7811-552044-001999-22-1 RN# 152992

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.

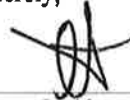
III. RESOLUTION OF THE CLAIMS

Based on the allegations set forth in this Notice, Brodsky Smith intends to file a citizen enforcement lawsuit on behalf of Bell 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, Bell is interested in seeking a constructive resolution of the claims in this Notice without engaging in costly and protracted litigation.

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Bell 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 “K”

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

March 22, 2024

President/CEO Homegoods, Inc. c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	President/CEO Homegoods, Inc. c/o CT Corporation System 330 N. Brand Blvd., Suite 700 Glendale, CA 91203
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 Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
President/CEO The TJX Companies, Inc. dba Homegoods c/o The Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	

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 Ema Bell ("Bell"), 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, Bell 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

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.

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:** Ema Bell, 222 S. Figueroa St. Apt. 1212, Los Angeles, CA 90012-2581; (Ph) 424-332-3817.
2. **Alleged Violator(s):** Homegoods, Inc.; The TJX Companies, Inc.; The TJX Companies, Inc. dba Homegoods
3. **Time Period of Exposure:** Violations have been occurring since at least March 22, 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
Food Storage Jar	Food Storage Jar 301242

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

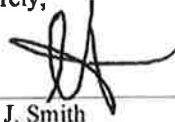
Based on the allegations set forth in this Notice, Brodsky Smith intends to file a citizen enforcement lawsuit on behalf of Bell against the alleged Violator(s) unless such Violator(s) agree in a binding written agreement to: (1) recall Products already sold; (2) provide Proposition 65 compliant exposure 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, Bell is interested in seeking a constructive resolution of the claims in this Notice without engaging in costly and protracted litigation.

Bell 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 'EJ 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 “L”

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

April 25, 2024

President/CEO Coastal Cocktails, Inc. c/o Frank Blundo 15760 Ventura Blvd. Encino, CA 91436	President/CEO Coastal Cocktails, Inc. 1920 E. Deere Avenue, Suite 100 Santa Ana, CA 92705
President/CEO Modern Gourmet Foods, Inc. 1920 E. Deere Ave., Ste. 100 Santa Ana, CA 92705	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	President/CEO The TJX Companies, Inc. dba TJ Maxx c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801

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 Ema Bell ("Bell"), 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, Bell 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

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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:** Ema Bell, 222 S. Figueroa St. Apt. 1212, Los Angeles, CA 90012-2581; (Ph) 424-332-3817.
2. **Alleged Violator(s):** Coastal Cocktails, Inc.; Modern Gourmet Foods, Inc.; The TJX Companies, Inc.; The TJX Companies, Inc. dba TJ Maxx
3. **Time Period of Exposure:** Violations have been occurring since at least April 25, 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
Mug	Modern Gourmet Foods Chocolate Mug Cake S721664

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

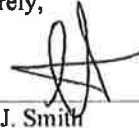
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these violations of California law quickly rectified, Bell is interested in seeking a constructive resolution of the claims in this Notice without engaging in costly and protracted litigation.

Bell 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 “M”

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

May 10, 2024

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
President/CEO The TJX Companies, Inc. dba TJ Maxx c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	

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 Ema Bell ("Bell"), 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, Bell 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:** Ema Bell, 222 S. Figueroa St. Apt. 1212, Los Angeles, CA 90012-2581; (Ph) 424-332-3817.
2. **Alleged Violator(s):** The TJX Companies, Inc.; The TJX Companies, Inc. dba TJ Maxx
3. **Time Period of Exposure:** Violations have been occurring since at least May 10, 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
Mug	Gentle Real Gold Glass Mushroom Mug 80 1270 827084 000799 03 9

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.

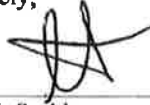
III. RESOLUTION OF THE CLAIMS

Based on the allegations set forth in this Notice, Brodsky Smith intends to file a citizen enforcement lawsuit on behalf of Bell 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, Bell 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 Bell'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.

Bell 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 “N”

LAW OFFICES
BRODSKY SMITH

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BEVERLY HILLS, CA 90212
877.534.2590
www.brodskysmith.com

NEW JERSEY OFFICE
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856.795.7250

NEW YORK OFFICE
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MINEOLA, NY 11501
516.741.4977

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

June 24, 2024

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	Member/Manager Marshalls 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 Ema Bell ("Bell"), 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, Bell 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:** Ema Bell, 222 S. Figueroa St. Apt. 1212, Los Angeles, CA 90012-2581; (Ph) 424-332-3817.
- 2. **Alleged Violator(s):** The TJX Companies, Inc.; The TJX Companies, Inc. dba Marshalls; Marshalls of CA, LLC
- 3. **Time Period of Exposure:** Violations have been occurring since at least June 24, 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
Glasses	DOF Glasses 1280-115535015-00999-04-9

- 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 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.

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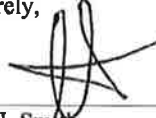
III. RESOLUTION OF THE CLAIMS

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Sincerely,



Evan J. Smith

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