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Attorneys for Plaintiff
Environmental Health Advocates, Inc.

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN FRANCISCO

ENVIRONMENTAL HEALTH ADVOCATES,
INC.,

Plaintiff,

v.

STAR NAIL PRODUCTS, INC., a California
corporation; MARIO BADESCU SKIN CARE,
INC., a New York corporation; ANTHONY USA
LLC, a New York limited liability company;
ANTHONY SKIN LLC, a New York limited
liability company; BIO CREATIVE
ENTERPRISES, a California corporation; THG
BEAUTY USA LLC, a Minnesota limited liability
company; HALOGEN, LLC D.B.A. EXPOSED
SKIN CARE, a Washington limited liability
company; CLINIQUE LABORATORIES, LLC, a
Delaware limited liability company; THE ESTEE
LAUDER COMPANIES INC., a Delaware
corporation; SISLEY COSMETICS USA INC., a
Delaware corporation; OBAGI
COSMECEUTICALS LLC, a Delaware limited
liability company; TOPIX PHARMACEUTICALS
INC., a New York corporation; ENVIRON SKIN
CARE (PTY) LTD., a South African corporation;
VMV USA LIMITED, a Delaware corporation; and
DOES 1 through 100, inclusive,

Defendants.

ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco

08/19/2025
Clerk of the Court
BY: MARIVIC VIRAY
Deputy Clerk

Case No.:

CGC-25-628275

**COMPLAINT FOR CIVIL PENALTIES
AND INJUNCTIVE RELIEF**

(Health & Safety Code § 25249.6 et seq.)

I.
INTRODUCTION

1. This Complaint is a representative action brought by Environmental Health Advocates, Inc. (“Plaintiff”) in the public interest of the citizens of the State of California (“the People”). Plaintiff seeks to remedy Defendants' failure to inform the People of exposure to diethanolamine ("DEA") (“DEA”), a chemical known to the State of California to cause cancer. DEA is a common component of cosmetic and grooming products, and often functions as an emulsifier or foaming agent. Defendants expose consumers to DEA by manufacturing, importing, selling, and/or distributing a variety of cleansers, body wash, and body scrubs, including, but not limited to (1) ASP Gentle Exfoliating Hand and Body Scrub, (2) Mario Badescu Seaweed Cleansing Soap, (3) Anthony Blue Sea Kelp Body Scrub, (4) SkinResQ Exfoliating Body Wash, Papaya Extract, (5) Christophe Robin Cleansing Purifying Scrub with Sea Salt, (6) Mario Badescu Glycolic Foaming Cleanser, (7) Exposed Skincare Body Wash, (8) Clinique Happy Body Wash, (9) Sisley-Paris Foaming Cleanser, (10) Obagi Nu Derm Gentle Cleanser, (11) Replenix Antioxidant Hydrating Cleanser, (12) Environ Skin EssentiA Vita-Antioxidant AVST Gel, (13) Mario Badescu Cleansing Milk With Carnation & Rice Oil, and (14) VMV Hypoallergenics Hydra Balance Gentle Cream Cleanser for Combination Skin (collectively, the “Products¹”). Defendants know and intend that customers will use Products containing DEA.

2. Under California’s Safe Drinking Water and Toxic Enforcement Act of 1986, California Health and Safety Code, section 25249.6 et seq. (“Proposition 65”), “[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 giving clear and reasonable warning to such individual. . . .” (Health & Safety Code, § 25249.6.)

3. California identified and listed DEA as a chemical known to cause cancer as early as June 22, 2012, thereby requiring a clear and reasonable warning about potential exposure to DEA on any consumer good. Despite this, Defendants failed to sufficiently warn consumers and individuals in California about potential exposure to DEA in connection with Defendants' manufacture, import, sale,

¹ See 60-Day Notice of Violation Attorney General Nos. 2024-04617, 2024-03696, 2024-04492, 2024-04436, 2024-04849, 2024-04826, 2024-05056, 2024-05179, 2024-05180, 2024-05247, 2024-05281, 2025-01268, 2025-00176, and 2025-00168 attached hereto as **Exhibits 1-14** (hereinafter, the “Notices”).

1 or distribution of Products. This is a violation of Proposition 65.

2 4. Plaintiff seeks injunctive relief compelling Defendants to sufficiently warn consumers
3 in California before exposing them to DEA in Products. (Health & Safety Code, § 25249.7(a).) Plaintiff
4 also seeks civil penalties against Defendants for violations of Proposition 65 along with attorney's fees
5 and costs. (Health & Safety Code, § 25249.7(b).)

6 **II.**
PARTIES

7 5. Plaintiff ENVIRONMENTAL HEALTH ADVOCATES, INC. ("Plaintiff") is a
8 corporation in the State of California dedicated to protecting the health of California citizens through
9 the elimination or reduction of toxic exposure from consumer products. Plaintiff has prosecuted a
10 number of Proposition 65 cases in the public interest. These cases have resulted in significant public
11 benefit—including the reformulation and repackaging of numerous consumer products—to make them
12 safer for California consumers, and to properly apprise California consumers of any health risks
13 associated with their usage. Plaintiff brings this action in the public interest pursuant to Health and
14 Safety Code, section 25249.7.

15 6. Defendant STAR NAIL PRODUCTS, INC. ("Star Nail") is a corporation organized and
16 existing under the laws of California. Star Nail is registered to do business in California, and does
17 business in the County of San Francisco, within the meaning of Health and Safety Code, section
18 25249.11. Star Nail manufactures, imports, sells, or distributes Product 1 in California and San
19 Francisco County.

20 7. Defendant MARIO BADESCU SKIN CARE, INC. ("Mario Badescu") is a corporation
21 organized and existing under the laws of New York. Mario Badescu is registered to do business in
22 California, and does business in the County of San Francisco, within the meaning of Health and Safety
23 Code, section 25249.11. Mario Badescu manufactures, imports, sells, or distributes Products 2, 6, and
24 13 in California and San Francisco County.

25 8. Defendant ANTHONY USA LLC ("Anthony USA") is a limited liability company
26 organized and existing under the laws of New York. Anthony USA is registered to do business in
27 California, and does business in the County of San Francisco, within the meaning of Health and Safety
28

1 Code, section 25249.11. Anthony USA manufactures, imports, sells, or distributes Product 3 in
2 California and San Francisco County.

3 9. Defendant ANTHONY SKIN LLC ("Anthony Skin") is a limited liability company
4 organized and existing under the laws of New York. Anthony Skin is registered to do business in
5 California, and does business in the County of San Francisco, within the meaning of Health and Safety
6 Code, section 25249.11. Anthony Skin manufactures, imports, sells, or distributes Product 3 in
7 California and San Francisco County.

8 10. Defendant BIO CREATIVE ENTERPRISES ("Bio Creative") is a corporation
9 organized and existing under the laws of California. Bio Creative is registered to do business in
10 California, and does business in the County of San Francisco, within the meaning of Health and Safety
11 Code, section 25249.11. Bio Creative manufactures, imports, sells, or distributes Product 4 in California
12 and San Francisco County.

13 11. Defendant THG BEAUTY USA LLC ("THG") is a limited liability company organized
14 and existing under the laws of Minnesota. THG is registered to do business in California, and does
15 business in the County of San Francisco, within the meaning of Health and Safety Code, section
16 25249.11. THG manufactures, imports, sells, or distributes Product 5 in California and San Francisco
17 County.

18 12. Defendant HALOGEN, LLC D.B.A. EXPOSED SKIN CARE ("Halogen") is a
19 limited liability company organized and existing under the laws of Washington. Halogen is registered
20 to do business in California, and does business in the County of San Francisco, within the meaning of
21 Health and Safety Code, section 25249.11. Halogen manufactures, imports, sells, or distributes Product
22 7 in California and San Francisco County.

23 13. Defendant CLINIQUE LABORATORIES, LLC ("Clinique") is a limited liability
24 company organized and existing under the laws of Delaware. Clinique is registered to do business in
25 California, and does business in the County of San Francisco, within the meaning of Health and Safety
26 Code, section 25249.11. Clinique manufactures, imports, sells, or distributes Product 8 in California and
27 San Francisco County.

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1 14. Defendant THE ESTEE LAUDER COMPANIES INC. ("Estee Lauder") is a
2 corporation organized and existing under the laws of Delaware. Estee Lauder is registered to do business
3 in California, and does business in the County of San Francisco, within the meaning of Health and Safety
4 Code, section 25249.11. Estee Lauder manufactures, imports, sells, or distributes Product 8 in California
5 and San Francisco County.

6 15. Defendant SISLEY COSMETICS USA INC. ("Sisley") is a corporation organized and
7 existing under the laws of Delaware. Sisley is registered to do business in California, and does business
8 in the County of San Francisco, within the meaning of Health and Safety Code, section 25249.11. Sisley
9 manufactures, imports, sells, or distributes Product 9 in California and San Francisco County.

10 16. Defendant OBAGI COSMECEUTICALS LLC ("Obagi") is a limited liability company
11 organized and existing under the laws of Delaware. Obagi is registered to do business in California, and
12 does business in the County of San Francisco, within the meaning of Health and Safety Code, section
13 25249.11. Obagi manufactures, imports, sells, or distributes Product 10 in California and San Francisco
14 County.

15 17. Defendant TOPIX PHARMACEUTICALS INC. ("Topix") is a corporation organized
16 and existing under the laws of New York. Topix is registered to do business in California, and does
17 business in the County of San Francisco, within the meaning of Health and Safety Code, section
18 25249.11. Topix manufactures, imports, sells, or distributes Product 11 in California and San Francisco
19 County.

20 18. Defendant ENVIRON SKIN CARE (PTY) LTD. ("Environ") is a limited liability
21 company organized and existing under the laws of South Africa. Environ is registered to do business in
22 California, and does business in the County of San Francisco, within the meaning of Health and Safety
23 Code, section 25249.11. Environ manufactures, imports, sells, or distributes Product 12 in California
24 and San Francisco County.

25 19. Defendant VMV USA LIMITED ("VMV") is a corporation organized and existing
26 under the laws of Delaware. VMV is registered to do business in California, and does business in the
27 County of San Francisco, within the meaning of Health and Safety Code, section 25249.11. VMV
28 manufactures, imports, sells, or distributes Product 14 in California and San Francisco County.

20. Plaintiff does not know the true names and/or capacities, whether individual, partners, or corporate, of the Defendants sued herein as DOES 1 through 100, inclusive, and for that reason sues said Defendants under fictitious names pursuant to Cal. Civ. Proc. § 474. Plaintiff will seek leave to amend this Complaint when the true names and capacities of these Defendants have been ascertained. Plaintiff is informed and believes and thereon alleges that these Defendants are responsible in whole or in part for the remedies and penalties sought herein.

21. At all times mentioned, Defendants were the agents, alter egos, servants, joint venturers, joint employers, or employees for each other. Defendants acted with the consent of the other Co-Defendants and acted within the course, purpose, and scope of their agency, service, or employment. All conduct was ratified by Defendants, and each of them.

III. VENUE AND JURISDICTION

22. California Constitution Article VI, Section 10 grants the Superior Court original jurisdiction in all cases except those given by statute to other trial courts. The Health and Safety Code statute upon which this action is based does not give jurisdiction to any other court. As such, this Court has jurisdiction.

23. Venue is proper in San Francisco County Superior Court pursuant to Code of Civil Procedure, sections 394, 395, and 395.5. Wrongful conduct occurred and continues to occur in this County. Defendants conducted and continue to conduct business in this County as it relates to Products.

24. Defendants have sufficient minimum contacts in the State of California or otherwise purposefully avail themselves of the California market. Exercising jurisdiction over Defendants would be consistent with traditional notions of fair play and substantial justice.

IV. BACKGROUND FACTS

25. Under California’s Safe Drinking Water and Toxic Enforcement Act of 1986, California Health and Safety Code, section 2529.6 et seq. (“Proposition 65”), “no person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the state of to cause cancer or reproductive toxicity without first giving clear and reasonable warning to such individual...” (Health & Safety Code, § 25249.6.)

1 26. Proposition 65 requires the State of California to maintain “a list of chemicals known to
2 the state to cause cancer or reproductive toxicity,” which is to be “revised and republished in light of
3 additional knowledge” on at least an annual basis. (Health & Safety Code, § 25249.8(a).)

4 27. California identified and listed DEA as a chemical known to cause cancer as early as
5 June 22, 2012. DEA is a common component of cosmetic and grooming products, and often functions
6 as an emulsifier or foaming agent.

7 28. In 2012, the International Agency for Research on Cancer (IARC) also formally
8 identified DEA as a Group 2B possible human carcinogen. (See IARC Working Group on the Evaluation
9 of Carcinogenic Risks to Humans, Some Chemicals Present in Industrial and Consumer Products, Food
10 and Drinking-Water. Lyon (FR): International Agency for Research on Cancer; 2013, (IARC
11 Monographs on the Evaluation of Carcinogenic Risks to Humans, No. 101.)
12 DIETHANOLAMINE, available at: <https://www.ncbi.nlm.nih.gov/books/NBK373177/> [last visited
13 August 19, 2025].)

14 29. Animal studies have reported effects on various organ systems from long-term topical
15 administration of DEA. For example, a study conducted by the National Toxicology Program
16 (hereinafter, the “NTP study”) showed that dermal exposure to DEA amplified the development of
17 tumors in the liver and kidney tubules. (See National Toxicology Program, NTP Toxicology and
18 Carcinogenesis Studies of Diethanolamine (CAS No. 111-42-2) in F344/N Rats and B6C3F1 Mice
19 (Dermal Studies). Natl Toxicol Program Tech Rep Ser. 1999 Jul; 478:1-212. PMID: 12571685.,
20 available at: <https://pubmed.ncbi.nlm.nih.gov/12571685/> [last visited August 19, 2025].)

21 30. The Office of Environmental Health Hazard Assessment (“OEHHA”) has established
22 specific safe harbor levels for many of the chemicals listed under Proposition 65. For cancer-causing
23 chemicals in particular, a safe harbor level is called a “No Significant Risk Level,” or “NSRL.” An
24 NSRL is the daily intake level calculated to result in one excess case of cancer in an exposed human
25 population of 100,000, assuming lifetime exposure at the level in question. (See OEHHA’s Proposition
26 65 Process for Developing Safe Harbor Numbers (February 2001), available at
27 <https://oehha.ca.gov/media/downloads/crn/2001safeharborprocess.pdf> [last visited August 19, 2025].)

28 The State of California has not yet established an NSRL for DEA. However, research suggests that an

1 NSRL of 5.6 micrograms/day of DEA is appropriate, where dermal absorption is the route of exposure.
2 (See Wang B, Amacher DE, Whittaker MH. Derivation of a No-Significant-Risk-Level (NSRL) for
3 diethanolamine (DEA). Regul Toxicol Pharmacol. 2014 Feb;68(1):76-84. doi:
4 10.1016/j.yrtph.2013.11.009. Epub 2013 Nov 23. PMID: 24275050. [last visited August 19, 2025].)
5 This NSRL is derived from the NTP study described above, using a benchmark dose modeling method
6 based on the incidence of hepatocellular carcinomas in female mice, in accordance with the guidelines
7 of the California Environmental Protection Agency.

8 31. In order to ensure that the injunctive relief sought herein confers a public benefit upon
9 California consumers, EHA adopts the NSRL of 5.6 micrograms/day for DEA derived from the NTP
10 study.

11 **V.**
CAUSES OF ACTION

12 **FIRST CAUSE OF ACTION**

13 **(Violation of Proposition 65 – Against all Defendants)**

14 32. Plaintiff incorporates by reference each and every allegation contained above.

15 33. Proposition 65 mandates that citizens be informed about exposures to chemicals that
16 cause cancer, birth defects, and other reproductive harm.

17 34. Defendants manufactured, imported, sold, and/or distributed Products containing DEA
18 in violation of Health and Safety Code, section 25249.6 et seq. Plaintiff is informed and believes such
19 violations have continued after receipt of the Notices and will continue to occur into the future.

20 35. In manufacturing, importing, selling, and/or distributing Products, Defendants failed to
21 provide a clear and reasonable warning to consumers and individuals in California who may be exposed
22 to DEA through reasonably foreseeable use of the Products.

23 36. Products expose individuals to DEA through dermal absorption. This exposure is a
24 natural and foreseeable consequence of Defendants placing Products into the stream of commerce. As
25 such, Defendants intend that consumers will use Products, exposing them to DEA.

26 37. Defendants' Products exceed the NSRL of 5.6 micrograms/day, which was derived from
27 the NTP study.

1 38. Defendants knew or should have known that the Products contained DEA and exposed
2 individuals to DEA in the ways provided above. The Notices informed Defendants of the presence of
3 DEA in the Products. Likewise, media coverage concerning DEA and related chemicals in consumer
4 products provided constructive notice to Defendants.

5 39. Defendants' actions in this regard were deliberate and not accidental.

6 40. More than sixty days prior to naming each defendant in this lawsuit, Plaintiff issued a
7 60-Day Notice of Violation upon each Defendant as required by and in compliance with Proposition 65.
8 Plaintiff provided the Notices to the various required public enforcement agencies along with a
9 certificate of merit. The Notices alleged that Defendants violated Proposition 65 by failing to sufficiently
10 warn consumers in California of the health hazards associated with exposures to DEA contained in the
11 Products.

12 41. The appropriate public enforcement agencies provided with the Notices failed to
13 commence and diligently prosecute a cause of action against Defendants.

14 42. Individuals exposed to DEA contained in Products through dermal absorption resulting
15 from reasonably foreseeable use of the Products have suffered and continue to suffer irreparable harm.
16 There is no other plain, speedy, or adequate remedy at law.

17 43. Defendants are liable for a maximum civil penalty of \$2,500 per day for each violation
18 of Proposition 65 pursuant to Health and Safety Code, section 252497(b). Injunctive relief is also
19 appropriate pursuant to Health and Safety Code, section 25249.7(a).

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1 **PRAYER FOR RELIEF**

2 Wherefore, Plaintiff prays for judgment against Defendants as follows:

- 3 1. Civil penalties in the amount of \$2,500 per day for each violation. Plaintiff alleges that
4 damages total a minimum of \$1,000,000;
- 5 2. A preliminary and permanent injunction against Defendants from manufacturing,
6 importing, selling, and/or distributing Products in California without providing a clear and reasonable
7 warning as required by Proposition 65 and related Regulations;
- 8 3. Reasonable attorney's fees and costs of suit; and
- 9 4. Such other and further relief as may be just and proper.
- 10

11 Respectfully submitted:

12 Dated: August 19, 2025

ENTORNO LAW, LLP

13
14 By:



Noam Glick

15 Craig M. Nicholas
16 Jake W. Schulte
17 Janani Natarajan
18 Gianna E. Tirrell

19 Attorneys for Plaintiff
20 Environmental Health Advocates, Inc.

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EXHIBIT 1



ATTORNEYS AT LAW

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225 Broadway, Suite 1900
San Diego, CA 92101

November 1, 2024

Via Certified Mail:

Chief Executive Officer Star Nail Products, Inc. c/o Anthony Cuccio 29120 Ave. Paine Valencia, CA 91355	All Season Professional c/o Registered Agent Sandstone Court Bulwell Nottingham NG6 8NN United Kingdom
Sally Beauty Supply LLC c/o 1505 Corporate Creations Network Inc. 7801 Folsom Blvd, #202 Sacramento, CA 95826	Current Chief Executive Officer Sally Beauty Supply LLC c/o Denise Paulonis 3001 Colorado Boulevard Denton, TX 76210

Re: Proposition 65 Notice of Violation

This notice amends the original notice of violation AG No. 2024-03552. This notice adds All Season Professional as an entity.

To Whom It May Concern:

We represent Environmental Health Advocates, Inc., an organization in the State of California acting in the interest of the general public. This letter serves as notice that the parties listed above are in violation of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act, commencing with section 25249.5 of the Health and Safety Code ("Proposition 65"). In particular, the violations alleged by this notice consist of types of harm that may potentially result from exposures to the toxic chemical Diethanolamine ("DEA"). This chemical was listed as a carcinogen on June 22, 2012.

The specific type of product that is causing exposures in violation of Proposition 65 is body scrub including but not limited to:

	<u>Product Name</u>	<u>Manufacturer</u>	<u>Distributor/Retailer</u>
1.	ASP Gentle Exfoliating Hand & Body Scrub	Star Nail Products, Inc. // All Season Professional	Sally Beauty Supply LLC

The routes of exposure for the violations include dermal absorption by consumers. These exposures occur through the reasonably foreseeable use of the product. The sales of this product have been occurring since at least March 2024, are continuing to this day and

will continue to occur as long as the product subject to this notice is sold to and used by consumers.

Proposition 65 requires that a clear and reasonable warning is provided with these products regarding the exposures to DEA caused by ordinary use of the product. The Parties are in violation of Proposition 65 by failing to provide such warning to consumers and as a result of the sales of this product, exposures to DEA have been occurring without proper warnings.

Pursuant to Proposition 65, notice and intent to sue shall be provided to violators 60-days before filing a complaint. This letter provides notice of the alleged violation to the parties listed above and the appropriate governmental authorities. A summary of Proposition 65 is attached.

EHA identifies Fred Duran as a responsible individual within the entity, 12245 Carmel Vista Road, Unit 193, San Diego, CA 92130; 915-312-2577. Mr. Duran requests all communications be sent to EHA's attorneys.

If you have any questions or wish to discuss any of the above, please contact me at noam@entornolaw.com and include clerks@entornolaw.com in the email.

Sincerely,

ENTORNO LAW LLP.



Noam Glick

Craig M. Nicholas
Jake Schulte
Janani Natarajan

CERTIFICATE OF MERIT

I, Noam Glick, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the parties identified in the notice have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

2. I am an attorney for the noticing party.

3. I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the alleged exposure to the listed chemical that is the subject of the action.

4. Based on the information obtained through those consultations, and on all other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that “reasonable and meritorious case for the private action” means that the information provides a credible basis that all elements of the plaintiff’s case can be established and the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute.

5. The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health and Safety Code section 25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: November 1, 2024



Noam Glick, Attorney at Law

CERTIFICATE OF SERVICE

I, Madeline Walsh, declare that I am over the age of 18 years, and am not a party to the within action. I am employed in the County of San Diego, California, where the mailing occurs; and my business address is 225 Broadway, 19th Floor, San Diego, California 92101.

On November 1, 2024, I served the following documents: **(1) 60-DAY NOTICE OF VIOLATION SENT IN COMPLIANCE WITH HEALTH & SAFETY CODE SECTION 25249.7(d); (2) CERTIFICATE OF MERIT; (3) PROPOSITION 65: A SUMMARY; and (4) CERTIFICATE OF MERIT ATTACHMENT (served only on the Attorney General)** on the parties listed below by placing a true and correct copy thereof in a sealed envelope, addressed to each party and depositing it at my business address with the U.S. Postal Service for delivery by Certified Mail with the postage thereon fully prepaid:

Via Certified Mail

Chief Executive Officer Star Nail Products, Inc. c/o Anthony Cuccio 29120 Ave. Paine Valencia, CA 91355	All Season Professional c/o Registered Agent Sandstone Court Bulwell Nottingham NG6 8NN United Kingdom
Sally Beauty Supply LLC c/o 1505 Corporate Creations Network Inc. 7801 Folsom Blvd, #202 Sacramento, CA 95826	Current Chief Executive Officer Sally Beauty Supply LLC c/o Denise Paulonis 3001 Colorado Boulevard Denton, TX 76210

On November 1, 2024, I served the California Attorney General (via website Portal) by uploading a true and correct copy thereof as a PDF file via the California Attorney General's website.

On November 1, 2024, I transmitted via electronic mail the above-listed documents to the electronic mail addresses of the City and/or District Attorneys who have specifically authorized e-mail service and the authorization appears on the Attorney General's web site.

See Attached Service List

On November 1, 2024, I served the following persons and/or entities at the last known address by placing a true and correct copy thereof in a sealed envelope and depositing it at my business address with the U.S. Postal Service for delivery with the postage thereon fully prepaid, and addressed as follows:

See Attached Service List

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on November 1 2024, at San Diego, California.



Madeline Walsh

APPENDIX A

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY

The following summary has been prepared by the California Office of Environmental Health Hazard Assessment (OEHHA), the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as “Proposition 65”). A copy of this summary must be included as an attachment to any notice of violation served upon an alleged violator of the Act. The summary provides basic information about the provisions of the law, and is intended to serve only as a convenient source of general information. It is not intended to provide authoritative guidance on the meaning or application of the law. The reader is directed to the statute and OEHHA implementing regulations (see citations below) for further information.

FOR INFORMATION CONCERNING THE BASIS FOR THE ALLEGATIONS IN THE NOTICE RELATED TO YOUR BUSINESS, CONTACT THE PERSON IDENTIFIED ON THE NOTICE.

The text of Proposition 65 (Health and Safety Code Sections 25249.5 through 25249.13) is available online at: <http://oehha.ca.gov/prop65/law/P65law72003.html>. Regulations that provide more specific guidance on compliance, and that specify procedures to be followed by the State in carrying out certain aspects of the law, are found in Title 27 of the California Code of Regulations, sections 25102 through 27001.¹ These implementing regulations are available online at: <http://oehha.ca.gov/prop65/law/P65Regs.html>.

WHAT DOES PROPOSITION 65 REQUIRE?

The “Proposition 65 List.” Under Proposition 65, the lead agency (OEHHA) publishes a list of chemicals that are known to the State of California to cause cancer and/or reproductive toxicity. Chemicals are placed on the Proposition 65 list if they are known to cause cancer and/or birth defects or other reproductive harm, such as damage to

¹ All further regulatory references are to sections of Title 27 of the California Code of Regulations unless otherwise indicated. The statute, regulations and relevant case law are available on the OEHHA website at: <http://www.oehha.ca.gov/prop65/law/index.html>.

female or male reproductive systems or to the developing fetus. This list must be updated at least once a year. The current Proposition 65 list of chemicals is available on the OEHHA website at: http://www.oehha.ca.gov/prop65/prop65_list/Newlist.html.

Only those chemicals that are on the list are regulated under Proposition 65. Businesses that produce, use, release or otherwise engage in activities involving listed chemicals must comply with the following:

Clear and reasonable warnings. A business is required to warn a person before “knowingly and intentionally” exposing that person to a listed chemical unless an exemption applies. The warning given must be “clear and reasonable.” This means that the warning must: (1) clearly make known that the chemical involved is known to cause cancer, or birth defects or other reproductive harm; and (2) be given in such a way that it will effectively reach the person before he or she is exposed to that chemical. Some exposures are exempt from the warning requirement under certain circumstances discussed below.

Prohibition from discharges into drinking water. A business must not knowingly discharge or release a listed chemical into water or onto land where it passes or probably will pass into a source of drinking water. Some discharges are exempt from this requirement under certain circumstances discussed below.

DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?

Yes. You should consult the current version of the statute and regulations (<http://www.oehha.ca.gov/prop65/law/index.html>) to determine all applicable exemptions, the most common of which are the following:

Grace Period. Proposition 65 warning requirements do not apply until 12 months after the chemical has been listed. The Proposition 65 discharge prohibition does not apply to a discharge or release of a chemical that takes place less than 20 months after the listing of the chemical.

Governmental agencies and public water utilities. All agencies of the federal, state or local government, as well as entities operating public water systems, are exempt.

Businesses with nine or fewer employees. Neither the warning requirement nor the discharge prohibition applies to a business that employs a total of nine or fewer employees. This includes all employees, not just those present in California.

Exposures that pose no significant risk of cancer. For chemicals that are listed under Proposition 65 as known to the State to cause cancer, a warning is not required if the business causing the exposure can demonstrate that the exposure occurs at a level that poses “no significant risk.” This means that the exposure is calculated to result in not more than one excess case of cancer in 100,000 individuals exposed over a 70-year lifetime. The Proposition 65 regulations identify specific “No Significant Risk Levels” (NSRLs) for many listed carcinogens. Exposures below these levels are exempt from the warning requirement. See OEHHA's website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of NSRLs, and Section 25701 *et seq.* of the regulations for information concerning how these levels are calculated.

Exposures that will produce no observable reproductive effect at 1,000 times the level in question. For chemicals known to the State to cause reproductive toxicity, a warning is not required if the business causing the exposure can demonstrate that the exposure will produce no observable effect, even at 1,000 times the level in question. In other words, the level of exposure must be below the “no observable effect level” divided by 1,000. This number is known as the Maximum Allowable Dose Level (MADL). See OEHHA's website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of MADLs, and Section 25801 *et seq.* of the regulations for information concerning how these levels are calculated.

Exposures to Naturally Occurring Chemicals in Food. Certain exposures to chemicals that naturally occur in foods (i.e., that do not result from any known human activity, including activity by someone other than the person causing the exposure) are exempt from the warning requirements of the law. If the chemical is a contaminant² it must be reduced to the lowest level feasible. Regulations explaining this exemption can be found in Section 25501.

Discharges that do not result in a “significant amount” of the listed chemical entering any source of drinking water. The prohibition from discharges into drinking water does not apply if the discharger is able to demonstrate that a “significant amount” of the listed chemical has not, does not, or will not pass into or probably pass into a source of drinking water, and that the discharge complies with all other applicable laws, regulations, permits, requirements, or orders. A “significant amount” means any detectable amount, except an amount that would meet the “no significant risk” level for chemicals that cause cancer or that is 1,000 times below the “no observable effect” level for chemicals that cause reproductive toxicity, if an individual were exposed to that amount in drinking water.

² See Section 25501(a)(4).

HOW IS PROPOSITION 65 ENFORCED?

Enforcement is carried out through civil lawsuits. These lawsuits may be brought by the Attorney General, any district attorney, or certain city attorneys. Lawsuits may also be brought by private parties acting in the public interest, but only after providing notice of the alleged violation to the Attorney General, the appropriate district attorney and city attorney, and the business accused of the violation. The notice must provide adequate information to allow the recipient to assess the nature of the alleged violation. The notice must comply with the information and procedural requirements specified in Section 25903 of Title 27 and sections 3100-3103 of Title 11. A private party may not pursue an independent enforcement action under Proposition 65 if one of the governmental officials noted above initiates an enforcement action within sixty days of the notice.

A business found to be in violation of Proposition 65 is subject to civil penalties of up to \$2,500 per day for each violation. In addition, the business may be ordered by a court to stop committing the violation.

A private party may not file an enforcement action based on certain exposures if the alleged violator meets specific conditions. For the following types of exposures, the Act provides an opportunity for the business to correct the alleged violation:

- An exposure to alcoholic beverages that are consumed on the alleged violator's premises to the extent onsite consumption is permitted by law;
- An exposure to a Proposition 65 listed chemical in a food or beverage prepared and sold on the alleged violator's premises that is primarily intended for immediate consumption on- or off-premises. This only applies if the chemical was not intentionally added to the food, and was formed by cooking or similar preparation of food or beverage components necessary to render the food or beverage palatable or to avoid microbiological contamination;
- An exposure to environmental tobacco smoke caused by entry of persons (other than employees) on premises owned or operated by the alleged violator where smoking is permitted at any location on the premises;
- An exposure to listed chemicals in engine exhaust, to the extent the exposure occurs inside a facility owned or operated by the alleged violator and primarily intended for parking non-commercial vehicles.

If a private party alleges that a violation occurred based on one of the exposures described above, the private party must first provide the alleged violator a notice of special compliance procedure and proof of compliance form.

A copy of the notice of special compliance procedure and proof of compliance form is included in Appendix B and can be downloaded from OEHHA's website at:
<http://oehha.ca.gov/prop65/law/p65law72003.html>.

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

Contact the Office of Environmental Health Hazard Assessment's Proposition 65 Implementation Office at (916) 445-6900 or via e-mail at
P65Public.Comments@oehha.ca.gov.

Revised: May 2017

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.7, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

E-Mail Service List

The Honorable Pamela Price Alameda County, District Attorney 7677 Oakport Street, Suite 650 Oakland, CA 94621 CEPDProp65@acgov.org	The Honorable Barbara Yook Calaveras County, 891 Mountain Ranch Rd. San Andreas, CA 95249 Phone: 209-754-6330 Prop65Env@co.calaveras.ca.us	The Honorable Stacey Grassini Contra Costa County, Deputy District Attorney 900 Ward Street Martinez, CA 94553 sgrassini@contracostada.org
The Honorable James Clinchard El Dorado County, Assistant District Attorney 778 Pacific Street Placerville, CA 95667 EDCDAPROP65@edcda.us	The Honorable Lisa A. Smittcamp, Fresno County, District Attorney 2100 Tulare Street Fresno, CA 93721 Phone: (559) 600-3141 consumerprotection@fresnocountyca.gov	The Honorable Thomas L. Hardy Inyo County, District Attorney 168 North Edwards Street Independence, CA 93526 Phone: 760.878.0282 inyoda@inyocounty.us
The Honorable Michelle Latimer Lassen County, Program Coordinator 220 S. Lassen Street Susanville, CA 96130 Phone: 530-251-8284 mlatimer@co.lassen.ca.us	The Honorable Lori Frugoli Marin County, District Attorney 3501 Civic Center Drive, Room 145 San Rafael, CA 94903 consumer@marincounty.gov	The Honorable Walter W. Wall , Mariposa County, District Attorney P.O. Box 730 Mariposa, CA 95338 Phone: (209) 966-3626 mcda@mariposacounty.org
The Honorable Kimberly Lewis, Merced County, District Attorney 550 West Main Street Merced, CA 95340 Phone: (209) 385-7381 Prop65@countyofmerced.com	The Honorable Jeannine M. Pacioni, Monterey County, District Attorney 1200 Aguajito Road Monterey , CA 93940 Prop65DA@co.monterey.ca.us	The Honorable Allison Haley Napa County, District Attorney 1127 First Street, Suite C Napa , CA 94559 CEPD@countyofnapa.org
The Honorable Clifford H. Newell Nevada County, District Attorney 201 Commercial Street Nevada City , CA 95959 DA.Prop65@co.nevada.ca.us	The Honorable Morgan Briggs Gire Placer County, District Attorney 10810 Justice Center Drive Roseville, CA 95678 Phone: 916-543-8000 prop65@placer.ca.gov	The Honorable David Hollister Plumas County, District Attorney 520 Main St. Quincy, CA 95971 Phone: (530) 283-6303 davidhollister@countyofplumas.com
The Honorable Paul E. Zellerbach Riverside County, District Attorney 3072 Orange Street Riverside, CA 92501 Prop65@rivcoda.org	The Honorable Anne Marie Schubert Sacramento County, District Attorney 901 G Street Sacramento, CA 95814 Prop65@sacda.org	The Honorable Summer Stephan San Diego County, District Attorney 330 West Broadway San Diego, CA 92101 SanDiegoDAProp65@sdcca.org
The Honorable Alexander Grayner San Francisco County, Asst. District Attorney 350 Rhode Island Street San Francisco, CA 94103 alexandra.grayner@sfgov.org	The Honorable Tori Verber Salazar San Joaquin County, District Attorney 222 E. Weber Avenue, Room 202 Stockton, CA 95202 DAConsumer.Environmental@sjcda.org	The Honorable Eric J. Dobroth San Luis Obispo County, Deputy District Attorney County Government Center Annex, 4th Floor San Luis Obispo, CA 93408 Phone: 805-781-5800 edobroth@co.slo.ca.us
The Honorable Christopher Dalbey Santa Barbara County, Deputy District Attorney 1112 Santa Barbara St. Santa Barbara, CA 93101 Phone: 805-568-2300 DAProp65@co.santa-barbara.ca.us	The Honorable Bud Porter Santa Clara County, Supervising Deputy District Attorney 70 W Hedding St San Jose, CA 95110 EPU@da.sccgov.org	The Honorable Jeffrey S. Rosell Santa Cruz County, District Attorney 701 Ocean Street Santa Cruz, CA 95060 Phone: 831-454-2400 Prop65DA@santacruzcounty.us
The Honorable Jill Ravitch Sonoma County, District Attorney 600 Administration Drive Santa Rosa, CA 95403 Jeannie.Barnes@sonoma- county.org	The Honorable Phillip J. Cline Tulare County, District Attorney 221 S Mooney Blvd Visalia, CA 95370 Prop65@co.tulare.ca.us	The Honorable Gregory D. Totten Ventura County, District Attorney 800 S Victoria Ave Ventura, CA 93009 daspecialops@ventura.org
The Honorable Jeff W. Resig Yolo County, District Attorney 301 Second Street Woodland, CA 95695 cfepd@yolocounty.org	The Honorable Mark Ankcom City of San Diego, Deputy City Attorney 1200 Third Avenue San Diego, CA 92101 CityAttyProp65@sandiego.gov	The Honorable Henry Lifton City of San Francisco, Deputy City Attorney 1390 Market Street, 7th Floor San Francisco, CA 94102 Prop65@sfcityatty.org
The Honorable Nora V. Frimann City of Santa Clara, City Attorney 200 E. Santa Clara Street, 16th Floor San Jose, CA 96113 Proposition65notices@sanjoseca.gov		

MAIL SERVICE LIST

The Honorable Robert Priscaro Alpine County, District Attorney P.O. Box 248 Markleeville, CA 96120	The Honorable Todd Riebe Amador County, District Attorney 708 Court Street, #202 Jackson, CA 95642	The Honorable Michael L. Ramsey Butte County, District Attorney 25 County Center Drive - Administrative Building Oroville, CA 95965
The Honorable Brenden Farrell Colusa County, District Attorney 310 6 th Street Colusa, CA 95932	The Honorable Katherine Micks Del Norte County, District Attorney 450 H Street, Room 171 Crescent City, CA 95531	The Honorable Dwayne Stewart Glenn County, District Attorney P.O. Box 430 Willows, CA 95988
The Honorable Stacey Eads Humboldt County, District Attorney 825 5th Street Eureka, CA 95501	The Honorable George Marquez Imperial County, District Attorney 940 West Main Street, Suite 102 El Centro, CA 92243	The Honorable Cynthia Zimmer Kern County, District Attorney 1215 Truxtun Avenue Bakersfield, CA 93301
The Honorable Sarah Hacker Kings County, District Attorney 1400 West Lacey Blvd. Hanford, CA 93230	The Honorable Susan Krones Lake County, District Attorney 255 N. Forbes Street Lakeport, CA 95453	The Honorable George Gascon Los Angeles County, District Attorney 211 W. Temple Street, Suite 1200 Los Angeles, CA 90012
The Honorable Sally O. Moreno, District Attorney 300 South G Street, Suite 300 Madera, CA 93637	The Honorable C. David Eyster Mendocino County, District Attorney P.O. Box 1000 Ukiah, CA 95482	The Honorable Cynthia Campbell Modoc County, District Attorney 204 S. Court Street, Room 202 Alturas, CA 96101
The Honorable David Anderson Mono County, District Attorney P.O. Box 2053 Mammoth Lakes, CA 93546	The Honorable Todd Spitzer Orange County, District Attorney 300 N. Flower Street Santa Ana, CA 92703	The Honorable Joel Buckingham San Benito County, District Attorney 419 4th Street Hollister, CA 95023
The Honorable Jason Anderson San Bernardino County, District Attorney 303 W. Third Street San Bernardino, CA 92415	The Honorable Stephen M. Wagstaffe San Mateo County, District Attorney 400 County Center, Third Floor Redwood City, CA 94063	The Honorable Stephanie A. Bridgett Shasta County, District Attorney 1355 West Street Redding, CA 96001
The Honorable Sandra Groven Sierra County, District Attorney 100 Courthouse Square Downieville, CA 95936	The Honorable James Kirk Andrus Siskiyou County, District Attorney P.O. Box 986 Yreka, CA 96097	The Honorable Krishna A. Abrams Solano County, District Attorney 675 Texas Street, Suite 4500 Fairfield, CA 94533
The Honorable Jeff Laugero Stanislaus County, District Attorney 832 12th Street, Suite 300 Modesto, CA 95353	The Honorable Jennifer Dupre Sutter County, District Attorney 463 2nd Street, Suite 102 Yuba City, CA 95991	The Honorable Matthew Rogers Tehama County, District Attorney P.O. Box 519 Red Bluff, CA 96080
The Honorable David Brady Trinity County, District Attorney P.O. Box 310 Weaverville, CA 96093	The Honorable Cassandra Jenecke Tuolumne County, District Attorney 2 S. Green St. Sonora, CA 95370	The Honorable Clint Curry Yuba County, District Attorney 215 Fifth Street, Suite 152 Marysville, CA 95901
The Honorable Mike Feuer City of Los Angeles, City Attorney 200 N. Main Street Los Angeles, CA 90012		

EXHIBIT 2



ATTORNEYS AT LAW

Tel: 619-629-0527
noam@entornolaw.com
craig@entornolaw.com
jake@entornolaw.com
janani@entornolaw.com

225 Broadway, Suite 1900
San Diego, CA 92101

September 5, 2024

Via Certified Mail:

Mario Badescu Skin Care, Inc. c/o Morris Cabasso 1880 East 8 th Street Brooklyn, NY 11223	
Ulta Salon, Cosmetics & Fragrance, Inc. c/o CSC Lawyers Incorporating Service 2710 Gateway Oaks Drive Sacramento, CA 95833	Current Chief Executive Officer Ulta Salon, Cosmetics & Fragrance, Inc. c/o David Kimbell 1000 Remington Blvd, Suite 120 Bolingbrook, IL 60440

Re: Proposition 65 Notice of Violation

To Whom It May Concern:

We represent Environmental Health Advocates, Inc., an organization in the State of California acting in the interest of the general public. This letter serves as notice that the parties listed above are in violation of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act, commencing with section 25249.5 of the Health and Safety Code (“Proposition 65”). In particular, the violations alleged by this notice consist of types of harm that may potentially result from exposures to the toxic chemical Diethanolamine (“DEA”). This chemical was listed as a carcinogen on June 22, 2012.

The specific type of product that is causing exposures in violation of Proposition 65 is soap including but not limited to:

	<u>Product Name</u>	<u>Manufacturer</u>	<u>Distributor/Retailer</u>
1.	Mario Badescu Seaweed Cleansing Soap	Mario Badescu Skin Care, Inc.	Ulta Salon, Cosmetics & Fragrance, Inc.

The routes of exposure for the violations include dermal absorption by consumers. These exposures occur through the reasonably foreseeable use of the product. The sales of this product have been occurring since at least July 2024, are continuing to this day and will continue to occur as long as the product subject to this notice is sold to and used by consumers.

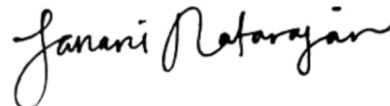
Proposition 65 requires that a clear and reasonable warning is provided with these products regarding the exposures to DEA caused by ordinary use of the product. The Parties are in violation of Proposition 65 by failing to provide such warning to consumers and as a result of the sales of this product, exposures to DEA have been occurring without proper warnings.

Pursuant to Proposition 65, notice and intent to sue shall be provided to violators 60-days before filing a complaint. This letter provides notice of the alleged violation to the parties listed above and the appropriate governmental authorities. A summary of Proposition 65 is attached.

EHA identifies Fred Duran as a responsible individual within the entity, 12245 Carmel Vista Road, Unit 193, 92130; 915-312-2577. Mr. Duran requests all communications be sent to EHA's attorneys.

If you have any questions or wish to discuss any of the above, please contact me at janani@entornolaw.com and include clerks@entornolaw.com in the email.

Sincerely,

A handwritten signature in black ink that reads "Janani Natarajan". The signature is fluid and cursive, with the first name "Janani" and last name "Natarajan" clearly legible.

ENTORNO LAW LLP.

Janani Natarajan

Noam Glick
Craig M. Nicholas
Jake Schulte

Enclosures

CERTIFICATE OF MERIT

I, Janani Natarajan, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the parties identified in the notice have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

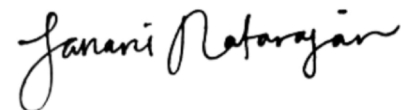
2. I am an attorney for the noticing party.

3. I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the alleged exposure to the listed chemical that is the subject of the action.

4. Based on the information obtained through those consultations, and on all other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that “reasonable and meritorious case for the private action” means that the information provides a credible basis that all elements of the plaintiff’s case can be established and the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute.

5. The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health and Safety Code section 25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: September 5, 2024

A handwritten signature in black ink, reading "Janani Natarajan". The signature is written in a cursive, flowing style.

Janani Natarajan, Attorney at Law

CERTIFICATE OF SERVICE

I, Gayatri Bhanot, declare that I am over the age of 18 years, and am not a party to the within action. I am employed in the County of San Diego, California, where the mailing occurs; and my business address is 225 Broadway, 19th Floor, San Diego, California 92101.

On September 5, 2024, I served the following documents: **(1) 60-DAY NOTICE OF VIOLATION SENT IN COMPLIANCE WITH HEALTH & SAFETY CODE SECTION 25249.7(d); (2) CERTIFICATE OF MERIT; (3) PROPOSITION 65: A SUMMARY; and (4) CERTIFICATE OF MERIT ATTACHMENT (served only on the Attorney General)** on the parties listed below by placing a true and correct copy thereof in a sealed envelope, addressed to each party and depositing it at my business address with the U.S. Postal Service for delivery by Certified Mail with the postage thereon fully prepaid:

Via Certified Mail

Mario Badescu Skin Care, Inc. c/o Morris Cabasso 1880 East 8 th Street Brooklyn, NY 11223	
Ulta Salon, Cosmetics & Fragrance, Inc. c/o CSC Lawyers Incorporating Service 2710 Gateway Oaks Drive Sacramento, CA 95833	Current Chief Executive Officer c/o David Kimbell 1000 Remington Blvd, Suite 120 Bolingbrook, IL 60440

On September 5, 2024, I served the California Attorney General (via website Portal) by uploading a true and correct copy thereof as a PDF file via the California Attorney General's website.

On September 5, 2024, I transmitted via electronic mail the above-listed documents to the electronic mail addresses of the City and/or District Attorneys who have specifically authorized e-mail service and the authorization appears on the Attorney General's web site.

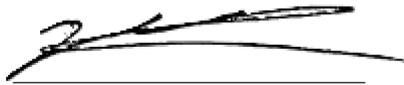
See Attached Service List

On September 5, 2024, I served the following persons and/or entities at the last known address by placing a true and correct copy thereof in a sealed envelope and depositing it at my business address with the U.S. Postal Service for delivery with the postage thereon fully prepaid, and addressed as follows:

See Attached Service List

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on September 5, 2024, at San Diego, California.


Gayatri Bhanot

APPENDIX A

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY

The following summary has been prepared by the California Office of Environmental Health Hazard Assessment (OEHHA), the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as “Proposition 65”). A copy of this summary must be included as an attachment to any notice of violation served upon an alleged violator of the Act. The summary provides basic information about the provisions of the law, and is intended to serve only as a convenient source of general information. It is not intended to provide authoritative guidance on the meaning or application of the law. The reader is directed to the statute and OEHHA implementing regulations (see citations below) for further information.

FOR INFORMATION CONCERNING THE BASIS FOR THE ALLEGATIONS IN THE NOTICE RELATED TO YOUR BUSINESS, CONTACT THE PERSON IDENTIFIED ON THE NOTICE.

The text of Proposition 65 (Health and Safety Code Sections 25249.5 through 25249.13) is available online at: <http://oehha.ca.gov/prop65/law/P65law72003.html>. Regulations that provide more specific guidance on compliance, and that specify procedures to be followed by the State in carrying out certain aspects of the law, are found in Title 27 of the California Code of Regulations, sections 25102 through 27001.¹ These implementing regulations are available online at: <http://oehha.ca.gov/prop65/law/P65Regs.html>.

WHAT DOES PROPOSITION 65 REQUIRE?

The “Proposition 65 List.” Under Proposition 65, the lead agency (OEHHA) publishes a list of chemicals that are known to the State of California to cause cancer and/or reproductive toxicity. Chemicals are placed on the Proposition 65 list if they are known to cause cancer and/or birth defects or other reproductive harm, such as damage to

¹ All further regulatory references are to sections of Title 27 of the California Code of Regulations unless otherwise indicated. The statute, regulations and relevant case law are available on the OEHHA website at: <http://www.oehha.ca.gov/prop65/law/index.html>.

female or male reproductive systems or to the developing fetus. This list must be updated at least once a year. The current Proposition 65 list of chemicals is available on the OEHHA website at: http://www.oehha.ca.gov/prop65/prop65_list/Newlist.html.

Only those chemicals that are on the list are regulated under Proposition 65. Businesses that produce, use, release or otherwise engage in activities involving listed chemicals must comply with the following:

Clear and reasonable warnings. A business is required to warn a person before “knowingly and intentionally” exposing that person to a listed chemical unless an exemption applies. The warning given must be “clear and reasonable.” This means that the warning must: (1) clearly make known that the chemical involved is known to cause cancer, or birth defects or other reproductive harm; and (2) be given in such a way that it will effectively reach the person before he or she is exposed to that chemical. Some exposures are exempt from the warning requirement under certain circumstances discussed below.

Prohibition from discharges into drinking water. A business must not knowingly discharge or release a listed chemical into water or onto land where it passes or probably will pass into a source of drinking water. Some discharges are exempt from this requirement under certain circumstances discussed below.

DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?

Yes. You should consult the current version of the statute and regulations (<http://www.oehha.ca.gov/prop65/law/index.html>) to determine all applicable exemptions, the most common of which are the following:

Grace Period. Proposition 65 warning requirements do not apply until 12 months after the chemical has been listed. The Proposition 65 discharge prohibition does not apply to a discharge or release of a chemical that takes place less than 20 months after the listing of the chemical.

Governmental agencies and public water utilities. All agencies of the federal, state or local government, as well as entities operating public water systems, are exempt.

Businesses with nine or fewer employees. Neither the warning requirement nor the discharge prohibition applies to a business that employs a total of nine or fewer employees. This includes all employees, not just those present in California.

Exposures that pose no significant risk of cancer. For chemicals that are listed under Proposition 65 as known to the State to cause cancer, a warning is not required if the business causing the exposure can demonstrate that the exposure occurs at a level that poses “no significant risk.” This means that the exposure is calculated to result in not more than one excess case of cancer in 100,000 individuals exposed over a 70-year lifetime. The Proposition 65 regulations identify specific “No Significant Risk Levels” (NSRLs) for many listed carcinogens. Exposures below these levels are exempt from the warning requirement. See OEHHA's website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of NSRLs, and Section 25701 *et seq.* of the regulations for information concerning how these levels are calculated.

Exposures that will produce no observable reproductive effect at 1,000 times the level in question. For chemicals known to the State to cause reproductive toxicity, a warning is not required if the business causing the exposure can demonstrate that the exposure will produce no observable effect, even at 1,000 times the level in question. In other words, the level of exposure must be below the “no observable effect level” divided by 1,000. This number is known as the Maximum Allowable Dose Level (MADL). See OEHHA's website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of MADLs, and Section 25801 *et seq.* of the regulations for information concerning how these levels are calculated.

Exposures to Naturally Occurring Chemicals in Food. Certain exposures to chemicals that naturally occur in foods (i.e., that do not result from any known human activity, including activity by someone other than the person causing the exposure) are exempt from the warning requirements of the law. If the chemical is a contaminant² it must be reduced to the lowest level feasible. Regulations explaining this exemption can be found in Section 25501.

Discharges that do not result in a “significant amount” of the listed chemical entering any source of drinking water. The prohibition from discharges into drinking water does not apply if the discharger is able to demonstrate that a “significant amount” of the listed chemical has not, does not, or will not pass into or probably pass into a source of drinking water, and that the discharge complies with all other applicable laws, regulations, permits, requirements, or orders. A “significant amount” means any detectable amount, except an amount that would meet the “no significant risk” level for chemicals that cause cancer or that is 1,000 times below the “no observable effect” level for chemicals that cause reproductive toxicity, if an individual were exposed to that amount in drinking water.

² See Section 25501(a)(4).

HOW IS PROPOSITION 65 ENFORCED?

Enforcement is carried out through civil lawsuits. These lawsuits may be brought by the Attorney General, any district attorney, or certain city attorneys. Lawsuits may also be brought by private parties acting in the public interest, but only after providing notice of the alleged violation to the Attorney General, the appropriate district attorney and city attorney, and the business accused of the violation. The notice must provide adequate information to allow the recipient to assess the nature of the alleged violation. The notice must comply with the information and procedural requirements specified in Section 25903 of Title 27 and sections 3100-3103 of Title 11. A private party may not pursue an independent enforcement action under Proposition 65 if one of the governmental officials noted above initiates an enforcement action within sixty days of the notice.

A business found to be in violation of Proposition 65 is subject to civil penalties of up to \$2,500 per day for each violation. In addition, the business may be ordered by a court to stop committing the violation.

A private party may not file an enforcement action based on certain exposures if the alleged violator meets specific conditions. For the following types of exposures, the Act provides an opportunity for the business to correct the alleged violation:

- An exposure to alcoholic beverages that are consumed on the alleged violator's premises to the extent onsite consumption is permitted by law;
- An exposure to a Proposition 65 listed chemical in a food or beverage prepared and sold on the alleged violator's premises that is primarily intended for immediate consumption on- or off-premises. This only applies if the chemical was not intentionally added to the food, and was formed by cooking or similar preparation of food or beverage components necessary to render the food or beverage palatable or to avoid microbiological contamination;
- An exposure to environmental tobacco smoke caused by entry of persons (other than employees) on premises owned or operated by the alleged violator where smoking is permitted at any location on the premises;
- An exposure to listed chemicals in engine exhaust, to the extent the exposure occurs inside a facility owned or operated by the alleged violator and primarily intended for parking non-commercial vehicles.

If a private party alleges that a violation occurred based on one of the exposures described above, the private party must first provide the alleged violator a notice of special compliance procedure and proof of compliance form.

A copy of the notice of special compliance procedure and proof of compliance form is included in Appendix B and can be downloaded from OEHHA's website at:
<http://oehha.ca.gov/prop65/law/p65law72003.html>.

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

Contact the Office of Environmental Health Hazard Assessment's Proposition 65 Implementation Office at (916) 445-6900 or via e-mail at
P65Public.Comments@oehha.ca.gov.

Revised: May 2017

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.7, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

E-Mail Service List

The Honorable Pamela Price Alameda County, District Attorney 7677 Oakport Street, Suite 650 Oakland, CA 94621 CEPDProp65@acgov.org	The Honorable Barbara Yook Calaveras County, 891 Mountain Ranch Rd. San Andreas, CA 95249 Phone: 209-754-6330 Prop65Env@co.calaveras.ca.us	The Honorable Stacey Grassini Contra Costa County, Deputy District Attorney 900 Ward Street Martinez, CA 94553 sgrassini@contracostada.org
The Honorable James Clinchard El Dorado County, Assistant District Attorney 778 Pacific Street Placerville, CA 95667 EDCDAPROP65@edcda.us	The Honorable Lisa A. Smittcamp, Fresno County, District Attorney 2100 Tulare Street Fresno, CA 93721 Phone: (559) 600-3141 consumerprotection@fresnocountyca.gov	The Honorable Thomas L. Hardy Inyo County, District Attorney 168 North Edwards Street Independence, CA 93526 Phone: 760.878.0282 inyoda@inyocounty.us
The Honorable Michelle Latimer Lassen County, Program Coordinator 220 S. Lassen Street Susanville, CA 96130 Phone: 530-251-8284 mlatimer@co.lassen.ca.us	The Honorable Lori Frugoli Marin County, District Attorney 3501 Civic Center Drive, Room 145 San Rafael, CA 94903 consumer@marincounty.gov	The Honorable Walter W. Wall , Mariposa County, District Attorney P.O. Box 730 Mariposa, CA 95338 Phone: (209) 966-3626 mcda@mariposacounty.org
The Honorable Kimberly Lewis, Merced County, District Attorney 550 West Main Street Merced, CA 95340 Phone: (209) 385-7381 Prop65@countyofmerced.com	The Honorable Jeannine M. Pacioni, Monterey County, District Attorney 1200 Aguajito Road Monterey , CA 93940 Prop65DA@co.monterey.ca.us	The Honorable Allison Haley Napa County, District Attorney 1127 First Street, Suite C Napa , CA 94559 CEPD@countyofnapa.org
The Honorable Clifford H. Newell Nevada County, District Attorney 201 Commercial Street Nevada City , CA 95959 DA.Prop65@co.nevada.ca.us	The Honorable Morgan Briggs Gire Placer County, District Attorney 10810 Justice Center Drive Roseville, CA 95678 Phone: 916-543-8000 prop65@placer.ca.gov	The Honorable David Hollister Plumas County, District Attorney 520 Main St. Quincy, CA 95971 Phone: (530) 283-6303 davidhollister@countyofplumas.com
The Honorable Paul E. Zellerbach Riverside County, District Attorney 3072 Orange Street Riverside, CA 92501 Prop65@rivcoda.org	The Honorable Anne Marie Schubert Sacramento County, District Attorney 901 G Street Sacramento, CA 95814 Prop65@sacda.org	The Honorable Summer Stephan San Diego County, District Attorney 330 West Broadway San Diego, CA 92101 SanDiegoDAProp65@sdcca.org
The Honorable Alexander Grayner San Francisco County, Asst. District Attorney 350 Rhode Island Street San Francisco, CA 94103 alexandra.grayner@sfgov.org	The Honorable Tori Verber Salazar San Joaquin County, District Attorney 222 E. Weber Avenue, Room 202 Stockton, CA 95202 DAConsumer.Environmental@sjcda.org	The Honorable Eric J. Dobroth San Luis Obispo County, Deputy District Attorney County Government Center Annex, 4th Floor San Luis Obispo, CA 93408 Phone: 805-781-5800 edobroth@co.slo.ca.us
The Honorable Christopher Dalbey Santa Barbara County, Deputy District Attorney 1112 Santa Barbara St. Santa Barbara, CA 93101 Phone: 805-568-2300 DAProp65@co.santa-barbara.ca.us	The Honorable Bud Porter Santa Clara County, Supervising Deputy District Attorney 70 W Hedding St San Jose, CA 95110 EPU@da.sccgov.org	The Honorable Jeffrey S. Rosell Santa Cruz County, District Attorney 701 Ocean Street Santa Cruz, CA 95060 Phone: 831-454-2400 Prop65DA@santacruzcounty.us
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EXHIBIT 3



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janani@entornolaw.com

225 Broadway, Suite 1900
San Diego, CA 92101

October 24, 2024

Via Certified Mail:

Anthony USA LLC c/o Registered Agent 15 Holt Drive Stony Point, NY 10980	Anthony Skin LLC c/o Registered Agent 15 Holt Drive Stony Point, NY 10980
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To Whom It May Concern:

We represent Environmental Health Advocates, Inc., an organization in the State of California acting in the interest of the general public. This letter serves as notice that the parties listed above are in violation of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act, commencing with section 25249.5 of the Health and Safety Code (“Proposition 65”). In particular, the violations alleged by this notice consist of types of harm that may potentially result from exposures to the toxic chemical Diethanolamine (“DEA”). This chemical was listed as a carcinogen on June 22, 2012.

The specific types of products that are causing exposures in violation of Proposition 65 are body scrubs, including but not limited to:

	<u>Product Name</u>	<u>Manufacturer</u>	<u>Distributor/Retailer</u>
1.	Anthony Blue Sea Kelp Body Scrub	Anthony USA LLC // Anthony Skin LLC	Anthony USA LLC // Anthony Skin LLC

The routes of exposure for the violations include dermal absorption by consumers. These exposures occur through the reasonably foreseeable use of the product. The sales of this product have been occurring since at least August 2024, are continuing to this day and will continue to occur as long as the product subject to this notice is sold to and used by consumers.

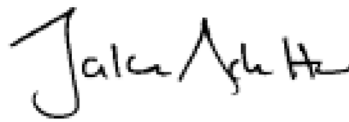
Proposition 65 requires that a clear and reasonable warning is provided with these products regarding the exposures to DEA caused by ordinary use of the product. The Parties are in violation of Proposition 65 by failing to provide such warning to consumers and as a result of the sales of this product, exposures to DEA have been occurring without proper warnings.

Pursuant to Proposition 65, notice and intent to sue shall be provided to violators 60-days before filing a complaint. This letter provides notice of the alleged violation to the parties listed above and the appropriate governmental authorities. A summary of Proposition 65 is attached.

EHA identifies Fred Duran as a responsible individual within the entity, 12245 Carmel Vista Road, Unit 193, San Diego, CA, 92130; 915-312-2577. Mr. Duran requests all communications be sent to EHA's attorneys.

If you have any questions or wish to discuss any of the above, please contact me at jake@entornolaw.com and include clerks@entornolaw.com in the email.

ENTORNO LAW, LLP

A handwritten signature in black ink, appearing to read "Jake Schulte". The signature is fluid and cursive, with the first name "Jake" being more prominent than the last name "Schulte".

Jake Schulte

Noam Glick
Craig M. Nicholas
Janani Natarajan

Enclosures

CERTIFICATE OF MERIT

I, Jake Schulte, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the parties identified in the notice have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

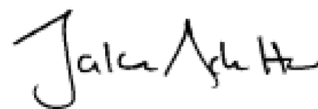
2. I am an attorney for the noticing party.

3. I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the alleged exposure to the listed chemical that is the subject of the action.

4. Based on the information obtained through those consultations, and on all other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiffs' case can be established and the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute.

5. The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health and Safety Code section 25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: October 24, 2024

A handwritten signature in black ink that reads "Jake Schulte". The signature is written in a cursive, slightly stylized font.

Jake Schulte, Attorney at Law

CERTIFICATE OF SERVICE

I, Camille Sytko, declare that I am over the age of 18 years, and am not a party to the within action. I am employed in the County of San Diego, California, where the mailing occurs; and my business address is 225 Broadway, 19th Floor, San Diego, California 92101.

On October 24, 2024, I served the following documents: **(1) 60-DAY NOTICE OF VIOLATION SENT IN COMPLIANCE WITH HEALTH & SAFETY CODE SECTION 25249.7(d); (2) CERTIFICATE OF MERIT; (3) PROPOSITION 65: A SUMMARY; and (4) CERTIFICATE OF MERIT ATTACHMENT (served only on the Attorney General)** on the parties listed below by placing a true and correct copy thereof in a sealed envelope, addressed to each party and depositing it at my business address with the U.S. Postal Service for delivery by Certified Mail with the postage thereon fully prepaid:

Via Certified Mail

Anthony USA LLC c/o Registered Agent 15 Holt Drive Stony Point, NY 10980	Anthony Skin LLC c/o Registered Agent 15 Holt Drive Stony Point, NY 10980
---	--

On October 24, 2024, I served the California Attorney General (via website Portal) by uploading a true and correct copy thereof as a PDF file via the California Attorney General's website.

On October 24, 2024, I transmitted via electronic mail the above-listed documents to the electronic mail addresses of the City and/or District Attorneys who have specifically authorized e-mail service and the authorization appears on the Attorney General's web site.

See Attached Service List

On October 24, 2024, I served the following persons and/or entities at the last known address by placing a true and correct copy thereof in a sealed envelope and depositing it at my business address with the U.S. Postal Service for delivery with the postage thereon fully prepaid, and addressed as follows:

See Attached Service List

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on October 24, 2024, at San Diego, California.


Camille Sytko

APPENDIX A

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY

The following summary has been prepared by the California Office of Environmental Health Hazard Assessment (OEHHA), the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as “Proposition 65”). A copy of this summary must be included as an attachment to any notice of violation served upon an alleged violator of the Act. The summary provides basic information about the provisions of the law, and is intended to serve only as a convenient source of general information. It is not intended to provide authoritative guidance on the meaning or application of the law. The reader is directed to the statute and OEHHA implementing regulations (see citations below) for further information.

FOR INFORMATION CONCERNING THE BASIS FOR THE ALLEGATIONS IN THE NOTICE RELATED TO YOUR BUSINESS, CONTACT THE PERSON IDENTIFIED ON THE NOTICE.

The text of Proposition 65 (Health and Safety Code Sections 25249.5 through 25249.13) is available online at: <http://oehha.ca.gov/prop65/law/P65law72003.html>. Regulations that provide more specific guidance on compliance, and that specify procedures to be followed by the State in carrying out certain aspects of the law, are found in Title 27 of the California Code of Regulations, sections 25102 through 27001.¹ These implementing regulations are available online at: <http://oehha.ca.gov/prop65/law/P65Regs.html>.

WHAT DOES PROPOSITION 65 REQUIRE?

The “Proposition 65 List.” Under Proposition 65, the lead agency (OEHHA) publishes a list of chemicals that are known to the State of California to cause cancer and/or reproductive toxicity. Chemicals are placed on the Proposition 65 list if they are known to cause cancer and/or birth defects or other reproductive harm, such as damage to

¹ All further regulatory references are to sections of Title 27 of the California Code of Regulations unless otherwise indicated. The statute, regulations and relevant case law are available on the OEHHA website at: <http://www.oehha.ca.gov/prop65/law/index.html>.

female or male reproductive systems or to the developing fetus. This list must be updated at least once a year. The current Proposition 65 list of chemicals is available on the OEHHA website at: http://www.oehha.ca.gov/prop65/prop65_list/Newlist.html.

Only those chemicals that are on the list are regulated under Proposition 65. Businesses that produce, use, release or otherwise engage in activities involving listed chemicals must comply with the following:

Clear and reasonable warnings. A business is required to warn a person before “knowingly and intentionally” exposing that person to a listed chemical unless an exemption applies. The warning given must be “clear and reasonable.” This means that the warning must: (1) clearly make known that the chemical involved is known to cause cancer, or birth defects or other reproductive harm; and (2) be given in such a way that it will effectively reach the person before he or she is exposed to that chemical. Some exposures are exempt from the warning requirement under certain circumstances discussed below.

Prohibition from discharges into drinking water. A business must not knowingly discharge or release a listed chemical into water or onto land where it passes or probably will pass into a source of drinking water. Some discharges are exempt from this requirement under certain circumstances discussed below.

DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?

Yes. You should consult the current version of the statute and regulations (<http://www.oehha.ca.gov/prop65/law/index.html>) to determine all applicable exemptions, the most common of which are the following:

Grace Period. Proposition 65 warning requirements do not apply until 12 months after the chemical has been listed. The Proposition 65 discharge prohibition does not apply to a discharge or release of a chemical that takes place less than 20 months after the listing of the chemical.

Governmental agencies and public water utilities. All agencies of the federal, state or local government, as well as entities operating public water systems, are exempt.

Businesses with nine or fewer employees. Neither the warning requirement nor the discharge prohibition applies to a business that employs a total of nine or fewer employees. This includes all employees, not just those present in California.

Exposures that pose no significant risk of cancer. For chemicals that are listed under Proposition 65 as known to the State to cause cancer, a warning is not required if the business causing the exposure can demonstrate that the exposure occurs at a level that poses “no significant risk.” This means that the exposure is calculated to result in not more than one excess case of cancer in 100,000 individuals exposed over a 70-year lifetime. The Proposition 65 regulations identify specific “No Significant Risk Levels” (NSRLs) for many listed carcinogens. Exposures below these levels are exempt from the warning requirement. See OEHHA's website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of NSRLs, and Section 25701 *et seq.* of the regulations for information concerning how these levels are calculated.

Exposures that will produce no observable reproductive effect at 1,000 times the level in question. For chemicals known to the State to cause reproductive toxicity, a warning is not required if the business causing the exposure can demonstrate that the exposure will produce no observable effect, even at 1,000 times the level in question. In other words, the level of exposure must be below the “no observable effect level” divided by 1,000. This number is known as the Maximum Allowable Dose Level (MADL). See OEHHA's website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of MADLs, and Section 25801 *et seq.* of the regulations for information concerning how these levels are calculated.

Exposures to Naturally Occurring Chemicals in Food. Certain exposures to chemicals that naturally occur in foods (i.e., that do not result from any known human activity, including activity by someone other than the person causing the exposure) are exempt from the warning requirements of the law. If the chemical is a contaminant² it must be reduced to the lowest level feasible. Regulations explaining this exemption can be found in Section 25501.

Discharges that do not result in a “significant amount” of the listed chemical entering any source of drinking water. The prohibition from discharges into drinking water does not apply if the discharger is able to demonstrate that a “significant amount” of the listed chemical has not, does not, or will not pass into or probably pass into a source of drinking water, and that the discharge complies with all other applicable laws, regulations, permits, requirements, or orders. A “significant amount” means any detectable amount, except an amount that would meet the “no significant risk” level for chemicals that cause cancer or that is 1,000 times below the “no observable effect” level for chemicals that cause reproductive toxicity, if an individual were exposed to that amount in drinking water.

² See Section 25501(a)(4).

HOW IS PROPOSITION 65 ENFORCED?

Enforcement is carried out through civil lawsuits. These lawsuits may be brought by the Attorney General, any district attorney, or certain city attorneys. Lawsuits may also be brought by private parties acting in the public interest, but only after providing notice of the alleged violation to the Attorney General, the appropriate district attorney and city attorney, and the business accused of the violation. The notice must provide adequate information to allow the recipient to assess the nature of the alleged violation. The notice must comply with the information and procedural requirements specified in Section 25903 of Title 27 and sections 3100-3103 of Title 11. A private party may not pursue an independent enforcement action under Proposition 65 if one of the governmental officials noted above initiates an enforcement action within sixty days of the notice.

A business found to be in violation of Proposition 65 is subject to civil penalties of up to \$2,500 per day for each violation. In addition, the business may be ordered by a court to stop committing the violation.

A private party may not file an enforcement action based on certain exposures if the alleged violator meets specific conditions. For the following types of exposures, the Act provides an opportunity for the business to correct the alleged violation:

- An exposure to alcoholic beverages that are consumed on the alleged violator's premises to the extent onsite consumption is permitted by law;
- An exposure to a Proposition 65 listed chemical in a food or beverage prepared and sold on the alleged violator's premises that is primarily intended for immediate consumption on- or off-premises. This only applies if the chemical was not intentionally added to the food, and was formed by cooking or similar preparation of food or beverage components necessary to render the food or beverage palatable or to avoid microbiological contamination;
- An exposure to environmental tobacco smoke caused by entry of persons (other than employees) on premises owned or operated by the alleged violator where smoking is permitted at any location on the premises;
- An exposure to listed chemicals in engine exhaust, to the extent the exposure occurs inside a facility owned or operated by the alleged violator and primarily intended for parking non-commercial vehicles.

If a private party alleges that a violation occurred based on one of the exposures described above, the private party must first provide the alleged violator a notice of special compliance procedure and proof of compliance form.

A copy of the notice of special compliance procedure and proof of compliance form is included in Appendix B and can be downloaded from OEHHA's website at:
<http://oehha.ca.gov/prop65/law/p65law72003.html>.

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

Contact the Office of Environmental Health Hazard Assessment's Proposition 65 Implementation Office at (916) 445-6900 or via e-mail at
P65Public.Comments@oehha.ca.gov.

Revised: May 2017

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.7, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

E-Mail Service List

The Honorable Pamela Price Alameda County, District Attorney 7677 Oakport Street, Suite 650 Oakland, CA 94621 CEPDProp65@acgov.org	The Honorable Barbara Yook Calaveras County, 891 Mountain Ranch Rd. San Andreas, CA 95249 Phone: 209-754-6330 Prop65Env@co.calaveras.ca.us	The Honorable Stacey Grassini Contra Costa County, Deputy District Attorney 900 Ward Street Martinez, CA 94553 sgrassini@contracostada.org
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EXHIBIT 4



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225 Broadway, Suite 1900
San Diego, CA 92101

October 18, 2024

Via Certified Mail:

Current Chief Executive Officer Bio Creative Enterprises, Inc. c/o Jason Freeman 350 Kalmus DR Costa Mesa, CA 92626	Bio Creative Enterprises, Inc. c/o Registered Agent 350 Kalmus Dr Costa Mesa, CA 92626
T.J. Maxx of CA, LLC. c/o C T Corporation System 330 N Brand Blvd Glendale, CA 91203	
The TJX Companies, Inc. c/o Brian Palmer 17725 Twister Ct Adelanto, CA 92301	Current Chief Executive Officer The TJX Companies, Inc. c/o Brian Paul Palmer 11070 West Gates St Romeo, MI 48065

Re: Proposition 65 Notice of Violation

To Whom It May Concern:

We represent Environmental Health Advocates, Inc., an organization in the State of California acting in the interest of the general public. This letter serves as notice that the parties listed above are in violation of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act, commencing with section 25249.5 of the Health and Safety Code ("Proposition 65"). In particular, the violations alleged by this notice consist of types of harm that may potentially result from exposures to the toxic chemical Diethanolamine ("DEA"). This chemical was listed as a carcinogen on June 22, 2012.

The specific type of product that is causing exposures in violation of Proposition 65 is body wash, including but not limited to:

	<u>Product Name</u>	<u>Manufacturer</u>	<u>Distributor/Retailer</u>
1.	SkinResQ Exfoliating Body Wash, Papaya Extract	Bio Creative Enterprises, Inc.	T.J. Maxx of CA, LLC. / The TJX Companies, Inc.

The routes of exposure for the violations include dermal absorption by consumers. These exposures occur through the reasonably foreseeable use of the product. The sales of this product have been occurring since at least September 2024, are continuing to this day and will continue to occur as long as the product subject to this notice is sold to and used by consumers.

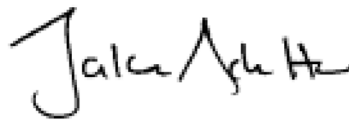
Proposition 65 requires that a clear and reasonable warning is provided with these products regarding the exposures to DEA caused by ordinary use of the product. The Parties are in violation of Proposition 65 by failing to provide such warning to consumers and as a result of the sales of this product, exposures to DEA have been occurring without proper warnings.

Pursuant to Proposition 65, notice and intent to sue shall be provided to violators 60-days before filing a complaint. This letter provides notice of the alleged violation to the parties listed above and the appropriate governmental authorities. A summary of Proposition 65 is attached.

EHA identifies Fred Duran as a responsible individual within the entity, 12245 Carmel Vista Road, Unit 193, San Diego, CA, 92130; 915-312-2577. Mr. Duran requests all communications be sent to EHA's attorneys.

If you have any questions or wish to discuss any of the above, please contact me at jake@entornolaw.com and include clerks@entornolaw.com in the email.

ENTORNO LAW, LLP

A handwritten signature in black ink, appearing to read "Jake Schulte", with a stylized, cursive script.

Jake Schulte

Noam Glick
Craig M. Nicholas
Janani Natarajan

Enclosures

CERTIFICATE OF MERIT

I, Jake Schulte, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the parties identified in the notice have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

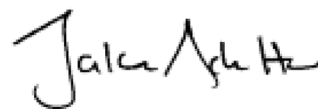
2. I am an attorney for the noticing party.

3. I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the alleged exposure to the listed chemical that is the subject of the action.

4. Based on the information obtained through those consultations, and on all other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that “reasonable and meritorious case for the private action” means that the information provides a credible basis that all elements of the plaintiffs' case can be established and the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute.

5. The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health and Safety Code section 25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: October 18, 2024

A handwritten signature in black ink that reads "Jake Schulte". The signature is written in a cursive, flowing style.

Jake Schulte, Attorney at Law

CERTIFICATE OF SERVICE

I, Camille Sytko, declare that I am over the age of 18 years, and am not a party to the within action. I am employed in the County of San Diego, California, where the mailing occurs; and my business address is 225 Broadway, 19th Floor, San Diego, California 92101.

On October 18, 2024, I served the following documents: **(1) 60-DAY NOTICE OF VIOLATION SENT IN COMPLIANCE WITH HEALTH & SAFETY CODE SECTION 25249.7(d); (2) CERTIFICATE OF MERIT; (3) PROPOSITION 65: A SUMMARY; and (4) CERTIFICATE OF MERIT ATTACHMENT (served only on the Attorney General)** on the parties listed below by placing a true and correct copy thereof in a sealed envelope, addressed to each party and depositing it at my business address with the U.S. Postal Service for delivery by Certified Mail with the postage thereon fully prepaid:

Via Certified Mail

Current Chief Executive Officer Bio Creative Enterprises, Inc. c/o Jason Freeman 350 Kalmus DR Costa Mesa, CA 92626	Bio Creative Enterprises, Inc. c/o Registered Agent 350 Kalmus Dr Costa Mesa, CA 92626
T.J. Maxx of CA, LLC. c/o C T Corporation System 330 N Brand Blvd Glendale, CA 91203	
The TJX Companies, Inc. c/o Brian Palmer 17725 Twister Ct Adelanto, CA 92301	Current Chief Executive Officer The TJX Companies, Inc. c/o Brian Paul Palmer 11070 West Gates St Romeo, MI 48065

On October 18, 2024, I served the California Attorney General (via website Portal) by uploading a true and correct copy thereof as a PDF file via the California Attorney General's website.

On October 18, 2024, I transmitted via electronic mail the above-listed documents to the electronic mail addresses of the City and/or District Attorneys who have specifically authorized e-mail service and the authorization appears on the Attorney General's web site.

See Attached Service List

On October 18, 2024, I served the following persons and/or entities at the last known address by placing a true and correct copy thereof in a sealed envelope and depositing it at my business address with the U.S. Postal Service for delivery with the postage thereon fully prepaid, and addressed as follows:

See Attached Service List

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on October 18, 2024, at San Diego, California.


Camille Sytko

APPENDIX A

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY

The following summary has been prepared by the California Office of Environmental Health Hazard Assessment (OEHHA), the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as “Proposition 65”). A copy of this summary must be included as an attachment to any notice of violation served upon an alleged violator of the Act. The summary provides basic information about the provisions of the law, and is intended to serve only as a convenient source of general information. It is not intended to provide authoritative guidance on the meaning or application of the law. The reader is directed to the statute and OEHHA implementing regulations (see citations below) for further information.

FOR INFORMATION CONCERNING THE BASIS FOR THE ALLEGATIONS IN THE NOTICE RELATED TO YOUR BUSINESS, CONTACT THE PERSON IDENTIFIED ON THE NOTICE.

The text of Proposition 65 (Health and Safety Code Sections 25249.5 through 25249.13) is available online at: <http://oehha.ca.gov/prop65/law/P65law72003.html>. Regulations that provide more specific guidance on compliance, and that specify procedures to be followed by the State in carrying out certain aspects of the law, are found in Title 27 of the California Code of Regulations, sections 25102 through 27001.¹ These implementing regulations are available online at: <http://oehha.ca.gov/prop65/law/P65Regs.html>.

WHAT DOES PROPOSITION 65 REQUIRE?

The “Proposition 65 List.” Under Proposition 65, the lead agency (OEHHA) publishes a list of chemicals that are known to the State of California to cause cancer and/or reproductive toxicity. Chemicals are placed on the Proposition 65 list if they are known to cause cancer and/or birth defects or other reproductive harm, such as damage to

¹ All further regulatory references are to sections of Title 27 of the California Code of Regulations unless otherwise indicated. The statute, regulations and relevant case law are available on the OEHHA website at: <http://www.oehha.ca.gov/prop65/law/index.html>.

female or male reproductive systems or to the developing fetus. This list must be updated at least once a year. The current Proposition 65 list of chemicals is available on the OEHHA website at: http://www.oehha.ca.gov/prop65/prop65_list/Newlist.html.

Only those chemicals that are on the list are regulated under Proposition 65. Businesses that produce, use, release or otherwise engage in activities involving listed chemicals must comply with the following:

Clear and reasonable warnings. A business is required to warn a person before “knowingly and intentionally” exposing that person to a listed chemical unless an exemption applies. The warning given must be “clear and reasonable.” This means that the warning must: (1) clearly make known that the chemical involved is known to cause cancer, or birth defects or other reproductive harm; and (2) be given in such a way that it will effectively reach the person before he or she is exposed to that chemical. Some exposures are exempt from the warning requirement under certain circumstances discussed below.

Prohibition from discharges into drinking water. A business must not knowingly discharge or release a listed chemical into water or onto land where it passes or probably will pass into a source of drinking water. Some discharges are exempt from this requirement under certain circumstances discussed below.

DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?

Yes. You should consult the current version of the statute and regulations (<http://www.oehha.ca.gov/prop65/law/index.html>) to determine all applicable exemptions, the most common of which are the following:

Grace Period. Proposition 65 warning requirements do not apply until 12 months after the chemical has been listed. The Proposition 65 discharge prohibition does not apply to a discharge or release of a chemical that takes place less than 20 months after the listing of the chemical.

Governmental agencies and public water utilities. All agencies of the federal, state or local government, as well as entities operating public water systems, are exempt.

Businesses with nine or fewer employees. Neither the warning requirement nor the discharge prohibition applies to a business that employs a total of nine or fewer employees. This includes all employees, not just those present in California.

Exposures that pose no significant risk of cancer. For chemicals that are listed under Proposition 65 as known to the State to cause cancer, a warning is not required if the business causing the exposure can demonstrate that the exposure occurs at a level that poses “no significant risk.” This means that the exposure is calculated to result in not more than one excess case of cancer in 100,000 individuals exposed over a 70-year lifetime. The Proposition 65 regulations identify specific “No Significant Risk Levels” (NSRLs) for many listed carcinogens. Exposures below these levels are exempt from the warning requirement. See OEHHA's website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of NSRLs, and Section 25701 *et seq.* of the regulations for information concerning how these levels are calculated.

Exposures that will produce no observable reproductive effect at 1,000 times the level in question. For chemicals known to the State to cause reproductive toxicity, a warning is not required if the business causing the exposure can demonstrate that the exposure will produce no observable effect, even at 1,000 times the level in question. In other words, the level of exposure must be below the “no observable effect level” divided by 1,000. This number is known as the Maximum Allowable Dose Level (MADL). See OEHHA's website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of MADLs, and Section 25801 *et seq.* of the regulations for information concerning how these levels are calculated.

Exposures to Naturally Occurring Chemicals in Food. Certain exposures to chemicals that naturally occur in foods (i.e., that do not result from any known human activity, including activity by someone other than the person causing the exposure) are exempt from the warning requirements of the law. If the chemical is a contaminant² it must be reduced to the lowest level feasible. Regulations explaining this exemption can be found in Section 25501.

Discharges that do not result in a “significant amount” of the listed chemical entering any source of drinking water. The prohibition from discharges into drinking water does not apply if the discharger is able to demonstrate that a “significant amount” of the listed chemical has not, does not, or will not pass into or probably pass into a source of drinking water, and that the discharge complies with all other applicable laws, regulations, permits, requirements, or orders. A “significant amount” means any detectable amount, except an amount that would meet the “no significant risk” level for chemicals that cause cancer or that is 1,000 times below the “no observable effect” level for chemicals that cause reproductive toxicity, if an individual were exposed to that amount in drinking water.

² See Section 25501(a)(4).

HOW IS PROPOSITION 65 ENFORCED?

Enforcement is carried out through civil lawsuits. These lawsuits may be brought by the Attorney General, any district attorney, or certain city attorneys. Lawsuits may also be brought by private parties acting in the public interest, but only after providing notice of the alleged violation to the Attorney General, the appropriate district attorney and city attorney, and the business accused of the violation. The notice must provide adequate information to allow the recipient to assess the nature of the alleged violation. The notice must comply with the information and procedural requirements specified in Section 25903 of Title 27 and sections 3100-3103 of Title 11. A private party may not pursue an independent enforcement action under Proposition 65 if one of the governmental officials noted above initiates an enforcement action within sixty days of the notice.

A business found to be in violation of Proposition 65 is subject to civil penalties of up to \$2,500 per day for each violation. In addition, the business may be ordered by a court to stop committing the violation.

A private party may not file an enforcement action based on certain exposures if the alleged violator meets specific conditions. For the following types of exposures, the Act provides an opportunity for the business to correct the alleged violation:

- An exposure to alcoholic beverages that are consumed on the alleged violator's premises to the extent onsite consumption is permitted by law;
- An exposure to a Proposition 65 listed chemical in a food or beverage prepared and sold on the alleged violator's premises that is primarily intended for immediate consumption on- or off-premises. This only applies if the chemical was not intentionally added to the food, and was formed by cooking or similar preparation of food or beverage components necessary to render the food or beverage palatable or to avoid microbiological contamination;
- An exposure to environmental tobacco smoke caused by entry of persons (other than employees) on premises owned or operated by the alleged violator where smoking is permitted at any location on the premises;
- An exposure to listed chemicals in engine exhaust, to the extent the exposure occurs inside a facility owned or operated by the alleged violator and primarily intended for parking non-commercial vehicles.

If a private party alleges that a violation occurred based on one of the exposures described above, the private party must first provide the alleged violator a notice of special compliance procedure and proof of compliance form.

A copy of the notice of special compliance procedure and proof of compliance form is included in Appendix B and can be downloaded from OEHHA's website at:
<http://oehha.ca.gov/prop65/law/p65law72003.html>.

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

Contact the Office of Environmental Health Hazard Assessment's Proposition 65 Implementation Office at (916) 445-6900 or via e-mail at
P65Public.Comments@oehha.ca.gov.

Revised: May 2017

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.7, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

E-Mail Service List

The Honorable Pamela Price Alameda County, District Attorney 7677 Oakport Street, Suite 650 Oakland, CA 94621 CEPDProp65@acgov.org	The Honorable Barbara Yook Calaveras County, 891 Mountain Ranch Rd. San Andreas, CA 95249 Phone: 209-754-6330 Prop65Env@co.calaveras.ca.us	The Honorable Stacey Grassini Contra Costa County, Deputy District Attorney 900 Ward Street Martinez, CA 94553 sgrassini@contracostada.org
The Honorable James Clinchard El Dorado County, Assistant District Attorney 778 Pacific Street Placerville, CA 95667 EDCDAPROP65@edcda.us	The Honorable Lisa A. Smittcamp, Fresno County, District Attorney 2100 Tulare Street Fresno, CA 93721 Phone: (559) 600-3141 consumerprotection@fresnocountyca.gov	The Honorable Thomas L. Hardy Inyo County, District Attorney 168 North Edwards Street Independence, CA 93526 Phone: 760.878.0282 inyoda@inyocounty.us
The Honorable Michelle Latimer Lassen County, Program Coordinator 220 S. Lassen Street Susanville, CA 96130 Phone: 530-251-8284 mlatimer@co.lassen.ca.us	The Honorable Lori Frugoli Marin County, District Attorney 3501 Civic Center Drive, Room 145 San Rafael, CA 94903 consumer@marincounty.gov	The Honorable Walter W. Wall , Mariposa County, District Attorney P.O. Box 730 Mariposa, CA 95338 Phone: (209) 966-3626 mcda@mariposacounty.org
The Honorable Kimberly Lewis, Merced County, District Attorney 550 West Main Street Merced, CA 95340 Phone: (209) 385-7381 Prop65@countyofmerced.com	The Honorable Jeannine M. Pacioni, Monterey County, District Attorney 1200 Aguajito Road Monterey , CA 93940 Prop65DA@co.monterey.ca.us	The Honorable Allison Haley Napa County, District Attorney 1127 First Street, Suite C Napa , CA 94559 CEPD@countyofnapa.org
The Honorable Clifford H. Newell Nevada County, District Attorney 201 Commercial Street Nevada City , CA 95959 DA.Prop65@co.nevada.ca.us	The Honorable Morgan Briggs Gire Placer County, District Attorney 10810 Justice Center Drive Roseville, CA 95678 Phone: 916-543-8000 prop65@placer.ca.gov	The Honorable David Hollister Plumas County, District Attorney 520 Main St. Quincy, CA 95971 Phone: (530) 283-6303 davidhollister@countyofplumas.com
The Honorable Paul E. Zellerbach Riverside County, District Attorney 3072 Orange Street Riverside, CA 92501 Prop65@rivcoda.org	The Honorable Anne Marie Schubert Sacramento County, District Attorney 901 G Street Sacramento, CA 95814 Prop65@sacda.org	The Honorable Summer Stephan San Diego County, District Attorney 330 West Broadway San Diego, CA 92101 SanDiegoDAProp65@sdcca.org
The Honorable Alexander Grayner San Francisco County, Asst. District Attorney 350 Rhode Island Street San Francisco, CA 94103 alexandra.grayner@sfgov.org	The Honorable Tori Verber Salazar San Joaquin County, District Attorney 222 E. Weber Avenue, Room 202 Stockton, CA 95202 DAConsumer.Environmental@sjcda.org	The Honorable Eric J. Dobroth San Luis Obispo County, Deputy District Attorney County Government Center Annex, 4th Floor San Luis Obispo, CA 93408 Phone: 805-781-5800 edobroth@co.slo.ca.us
The Honorable Christopher Dalbey Santa Barbara County, Deputy District Attorney 1112 Santa Barbara St. Santa Barbara, CA 93101 Phone: 805-568-2300 DAProp65@co.santa-barbara.ca.us	The Honorable Bud Porter Santa Clara County, Supervising Deputy District Attorney 70 W Hedding St San Jose, CA 95110 EPU@da.sccgov.org	The Honorable Jeffrey S. Rosell Santa Cruz County, District Attorney 701 Ocean Street Santa Cruz, CA 95060 Phone: 831-454-2400 Prop65DA@santacruzcounty.us
The Honorable Jill Ravitch Sonoma County, District Attorney 600 Administration Drive Santa Rosa, CA 95403 Jeannie.Barnes@sonoma- county.org	The Honorable Phillip J. Cline Tulare County, District Attorney 221 S Mooney Blvd Visalia, CA 95370 Prop65@co.tulare.ca.us	The Honorable Gregory D. Totten Ventura County, District Attorney 800 S Victoria Ave Ventura, CA 93009 daspecialops@ventura.org
The Honorable Jeff W. Resig Yolo County, District Attorney 301 Second Street Woodland, CA 95695 cfepd@yolocounty.org	The Honorable Mark Ankcom City of San Diego, Deputy City Attorney 1200 Third Avenue San Diego, CA 92101 CityAttyProp65@sandiego.gov	The Honorable Henry Lifton City of San Francisco, Deputy City Attorney 1390 Market Street, 7th Floor San Francisco, CA 94102 Prop65@sfcityatty.org
The Honorable Nora V. Frimann City of Santa Clara, City Attorney 200 E. Santa Clara Street, 16th Floor San Jose, CA 96113 Proposition65notices@sanjoseca.gov		

MAIL SERVICE LIST

The Honorable Robert Priscaro Alpine County, District Attorney P.O. Box 248 Markleeville, CA 96120	The Honorable Todd Riebe Amador County, District Attorney 708 Court Street, #202 Jackson, CA 95642	The Honorable Michael L. Ramsey Butte County, District Attorney 25 County Center Drive - Administrative Building Oroville, CA 95965
The Honorable Brenden Farrell Colusa County, District Attorney 310 6 th Street Colusa, CA 95932	The Honorable Katherine Micks Del Norte County, District Attorney 450 H Street, Room 171 Crescent City, CA 95531	The Honorable Dwayne Stewart Glenn County, District Attorney P.O. Box 430 Willows, CA 95988
The Honorable Stacey Eads Humboldt County, District Attorney 825 5th Street Eureka, CA 95501	The Honorable George Marquez Imperial County, District Attorney 940 West Main Street, Suite 102 El Centro, CA 92243	The Honorable Cynthia Zimmer Kern County, District Attorney 1215 Truxtun Avenue Bakersfield, CA 93301
The Honorable Sarah Hacker Kings County, District Attorney 1400 West Lacey Blvd. Hanford, CA 93230	The Honorable Susan Krones Lake County, District Attorney 255 N. Forbes Street Lakeport, CA 95453	The Honorable George Gascon Los Angeles County, District Attorney 211 W. Temple Street, Suite 1200 Los Angeles, CA 90012
The Honorable Sally O. Moreno, District Attorney 300 South G Street, Suite 300 Madera, CA 93637	The Honorable C. David Eyster Mendocino County, District Attorney P.O. Box 1000 Ukiah, CA 95482	The Honorable Cynthia Campbell Modoc County, District Attorney 204 S. Court Street, Room 202 Alturas, CA 96101
The Honorable David Anderson Mono County, District Attorney P.O. Box 2053 Mammoth Lakes, CA 93546	The Honorable Todd Spitzer Orange County, District Attorney 300 N. Flower Street Santa Ana, CA 92703	The Honorable Joel Buckingham San Benito County, District Attorney 419 4th Street Hollister, CA 95023
The Honorable Jason Anderson San Bernardino County, District Attorney 303 W. Third Street San Bernardino, CA 92415	The Honorable Stephen M. Wagstaffe San Mateo County, District Attorney 400 County Center, Third Floor Redwood City, CA 94063	The Honorable Stephanie A. Bridgett Shasta County, District Attorney 1355 West Street Redding, CA 96001
The Honorable Sandra Groven Sierra County, District Attorney 100 Courthouse Square Downieville, CA 95936	The Honorable James Kirk Andrus Siskiyou County, District Attorney P.O. Box 986 Yreka, CA 96097	The Honorable Krishna A. Abrams Solano County, District Attorney 675 Texas Street, Suite 4500 Fairfield, CA 94533
The Honorable Jeff Laugero Stanislaus County, District Attorney 832 12th Street, Suite 300 Modesto, CA 95353	The Honorable Jennifer Dupre Sutter County, District Attorney 463 2nd Street, Suite 102 Yuba City, CA 95991	The Honorable Matthew Rogers Tehama County, District Attorney P.O. Box 519 Red Bluff, CA 96080
The Honorable David Brady Trinity County, District Attorney P.O. Box 310 Weaverville, CA 96093	The Honorable Cassandra Jenecke Tuolumne County, District Attorney 2 S. Green St. Sonora, CA 95370	The Honorable Clint Curry Yuba County, District Attorney 215 Fifth Street, Suite 152 Marysville, CA 95901
The Honorable Mike Feuer City of Los Angeles, City Attorney 200 N. Main Street Los Angeles, CA 90012		

EXHIBIT 5



ATTORNEYS AT LAW

Tel: 619-629-0527
noam@entornolaw.com
craig@entornolaw.com
jake@entornolaw.com
janani@entornolaw.com

225 Broadway, Suite 1900
San Diego, CA 92101

November 15, 2024

Via Certified Mail:

THG Beauty USA LLC c/o Universal Registered Agents, Inc. 1545 River Park Drive Sacramento, CA 95815	The Hut.com Limited c/o Registered Agent Icon 1 7-9 Sunbank Lane Ringway Altrincham WA15 0AF United Kingdom
Nordstrom, Inc. c/o CSC – Lawyers Incorporating Service 2710 Gateway Oaks Drive Sacramento, CA 95833	Current Chief Executive Officer Nordstrom, Inc. c/o Erik Nordstrom 1617 Sixth Avenue Seattle, WA 98101

Re: Proposition 65 Notice of Violation

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The specific type of product that is causing exposures in violation of Proposition 65 is cleansing scrub, including but not limited to:

	<u>Product Name</u>	<u>Manufacturer</u>	<u>Distributor/Retailer</u>
1.	Christophe Robin Cleansing Purifying Scrub with Sea Salt	THG Beauty USA LLC // The Hut.com Limited	Nordstrom, Inc.

The routes of exposure for the violations include dermal absorption by consumers. These exposures occur through the reasonably foreseeable use of the product. The sales of this product have been occurring since at least October 2024, are continuing to this day and

will continue to occur as long as the product subject to this notice is sold to and used by consumers.

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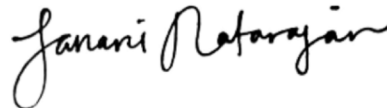
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EHA identifies Fred Duran as a responsible individual within the entity, 12245 Carmel Vista Road, Unit 193, San Diego, CA, 92130; 915-312-2577. Mr. Duran requests all communications be sent to EHA's attorneys.

If you have any questions or wish to discuss any of the above, please contact me at janani@entornolaw.com and include clerks@entornolaw.com in the email.

Sincerely,

ENTORNO LAW LLP.

A handwritten signature in black ink, reading "Janani Natarajan". The signature is fluid and cursive, with the first name "Janani" and last name "Natarajan" clearly distinguishable.

Janani Natarajan

Noam Glick
Craig M. Nicholas
Jake Schulte

Enclosures

CERTIFICATE OF MERIT

I, Janani Natarajan, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the parties identified in the notice have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

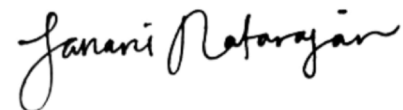
2. I am an attorney for the noticing party.

3. I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the alleged exposure to the listed chemical that is the subject of the action.

4. Based on the information obtained through those consultations, and on all other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that “reasonable and meritorious case for the private action” means that the information provides a credible basis that all elements of the plaintiff’s case can be established and the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute.

5. The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health and Safety Code section 25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: November 15, 2024

A handwritten signature in black ink that reads "Janani Natarajan". The signature is written in a cursive, flowing style.

Janani Natarajan, Attorney at Law

CERTIFICATE OF SERVICE

I, Madeline Walsh, declare that I am over the age of 18 years, and am not a party to the within action. I am employed in the County of San Diego, California, where the mailing occurs; and my business address is 225 Broadway, 19th Floor, San Diego, California 92101.

On November 15, 2024, I served the following documents: **(1) 60-DAY NOTICE OF VIOLATION SENT IN COMPLIANCE WITH HEALTH & SAFETY CODE SECTION 25249.7(d); (2) CERTIFICATE OF MERIT; (3) PROPOSITION 65: A SUMMARY; and (4) CERTIFICATE OF MERIT ATTACHMENT (served only on the Attorney General)** on the parties listed below by placing a true and correct copy thereof in a sealed envelope, addressed to each party and depositing it at my business address with the U.S. Postal Service for delivery by Certified Mail with the postage thereon fully prepaid:

Via Certified Mail

THG Beauty USA LLC c/o Universal Registered Agents, Inc. 1545 River Park Drive Sacramento, CA 95815	The Hut.com Limited c/o Registered Agent Icon 1 7-9 Sunbank Lane Ringway Altrincham WA15 0AF United Kingdom
Nordstrom, Inc. c/o CSC – Lawyers Incorporating Service 2710 Gateway Oaks Drive Sacramento, CA 95833	Current Chief Executive Officer Nordstrom, Inc. c/o Erik Nordstrom 1617 Sixth Avenue Seattle, WA 98101

On November 15, 2024, I served the California Attorney General (via website Portal) by uploading a true and correct copy thereof as a PDF file via the California Attorney General's website.

On November 15, 2024, I transmitted via electronic mail the above-listed documents to the electronic mail addresses of the City and/or District Attorneys who have specifically authorized e-mail service and the authorization appears on the Attorney General's web site.

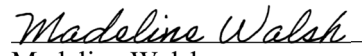
See Attached Service List

On November 15, 2024, I served the following persons and/or entities at the last known address by placing a true and correct copy thereof in a sealed envelope and depositing it at my business address with the U.S. Postal Service for delivery with the postage thereon fully prepaid, and addressed as follows:

See Attached Service List

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on November 15, 2024, at San Diego, California.


Madeline Walsh

APPENDIX A

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY

The following summary has been prepared by the California Office of Environmental Health Hazard Assessment (OEHHA), the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as “Proposition 65”). A copy of this summary must be included as an attachment to any notice of violation served upon an alleged violator of the Act. The summary provides basic information about the provisions of the law, and is intended to serve only as a convenient source of general information. It is not intended to provide authoritative guidance on the meaning or application of the law. The reader is directed to the statute and OEHHA implementing regulations (see citations below) for further information.

FOR INFORMATION CONCERNING THE BASIS FOR THE ALLEGATIONS IN THE NOTICE RELATED TO YOUR BUSINESS, CONTACT THE PERSON IDENTIFIED ON THE NOTICE.

The text of Proposition 65 (Health and Safety Code Sections 25249.5 through 25249.13) is available online at: <http://oehha.ca.gov/prop65/law/P65law72003.html>. Regulations that provide more specific guidance on compliance, and that specify procedures to be followed by the State in carrying out certain aspects of the law, are found in Title 27 of the California Code of Regulations, sections 25102 through 27001.¹ These implementing regulations are available online at: <http://oehha.ca.gov/prop65/law/P65Regs.html>.

WHAT DOES PROPOSITION 65 REQUIRE?

The “Proposition 65 List.” Under Proposition 65, the lead agency (OEHHA) publishes a list of chemicals that are known to the State of California to cause cancer and/or reproductive toxicity. Chemicals are placed on the Proposition 65 list if they are known to cause cancer and/or birth defects or other reproductive harm, such as damage to

¹ All further regulatory references are to sections of Title 27 of the California Code of Regulations unless otherwise indicated. The statute, regulations and relevant case law are available on the OEHHA website at: <http://www.oehha.ca.gov/prop65/law/index.html>.

female or male reproductive systems or to the developing fetus. This list must be updated at least once a year. The current Proposition 65 list of chemicals is available on the OEHHA website at: http://www.oehha.ca.gov/prop65/prop65_list/Newlist.html.

Only those chemicals that are on the list are regulated under Proposition 65. Businesses that produce, use, release or otherwise engage in activities involving listed chemicals must comply with the following:

Clear and reasonable warnings. A business is required to warn a person before “knowingly and intentionally” exposing that person to a listed chemical unless an exemption applies. The warning given must be “clear and reasonable.” This means that the warning must: (1) clearly make known that the chemical involved is known to cause cancer, or birth defects or other reproductive harm; and (2) be given in such a way that it will effectively reach the person before he or she is exposed to that chemical. Some exposures are exempt from the warning requirement under certain circumstances discussed below.

Prohibition from discharges into drinking water. A business must not knowingly discharge or release a listed chemical into water or onto land where it passes or probably will pass into a source of drinking water. Some discharges are exempt from this requirement under certain circumstances discussed below.

DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?

Yes. You should consult the current version of the statute and regulations (<http://www.oehha.ca.gov/prop65/law/index.html>) to determine all applicable exemptions, the most common of which are the following:

Grace Period. Proposition 65 warning requirements do not apply until 12 months after the chemical has been listed. The Proposition 65 discharge prohibition does not apply to a discharge or release of a chemical that takes place less than 20 months after the listing of the chemical.

Governmental agencies and public water utilities. All agencies of the federal, state or local government, as well as entities operating public water systems, are exempt.

Businesses with nine or fewer employees. Neither the warning requirement nor the discharge prohibition applies to a business that employs a total of nine or fewer employees. This includes all employees, not just those present in California.

Exposures that pose no significant risk of cancer. For chemicals that are listed under Proposition 65 as known to the State to cause cancer, a warning is not required if the business causing the exposure can demonstrate that the exposure occurs at a level that poses “no significant risk.” This means that the exposure is calculated to result in not more than one excess case of cancer in 100,000 individuals exposed over a 70-year lifetime. The Proposition 65 regulations identify specific “No Significant Risk Levels” (NSRLs) for many listed carcinogens. Exposures below these levels are exempt from the warning requirement. See OEHHA's website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of NSRLs, and Section 25701 *et seq.* of the regulations for information concerning how these levels are calculated.

Exposures that will produce no observable reproductive effect at 1,000 times the level in question. For chemicals known to the State to cause reproductive toxicity, a warning is not required if the business causing the exposure can demonstrate that the exposure will produce no observable effect, even at 1,000 times the level in question. In other words, the level of exposure must be below the “no observable effect level” divided by 1,000. This number is known as the Maximum Allowable Dose Level (MADL). See OEHHA's website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of MADLs, and Section 25801 *et seq.* of the regulations for information concerning how these levels are calculated.

Exposures to Naturally Occurring Chemicals in Food. Certain exposures to chemicals that naturally occur in foods (i.e., that do not result from any known human activity, including activity by someone other than the person causing the exposure) are exempt from the warning requirements of the law. If the chemical is a contaminant² it must be reduced to the lowest level feasible. Regulations explaining this exemption can be found in Section 25501.

Discharges that do not result in a “significant amount” of the listed chemical entering any source of drinking water. The prohibition from discharges into drinking water does not apply if the discharger is able to demonstrate that a “significant amount” of the listed chemical has not, does not, or will not pass into or probably pass into a source of drinking water, and that the discharge complies with all other applicable laws, regulations, permits, requirements, or orders. A “significant amount” means any detectable amount, except an amount that would meet the “no significant risk” level for chemicals that cause cancer or that is 1,000 times below the “no observable effect” level for chemicals that cause reproductive toxicity, if an individual were exposed to that amount in drinking water.

² See Section 25501(a)(4).

HOW IS PROPOSITION 65 ENFORCED?

Enforcement is carried out through civil lawsuits. These lawsuits may be brought by the Attorney General, any district attorney, or certain city attorneys. Lawsuits may also be brought by private parties acting in the public interest, but only after providing notice of the alleged violation to the Attorney General, the appropriate district attorney and city attorney, and the business accused of the violation. The notice must provide adequate information to allow the recipient to assess the nature of the alleged violation. The notice must comply with the information and procedural requirements specified in Section 25903 of Title 27 and sections 3100-3103 of Title 11. A private party may not pursue an independent enforcement action under Proposition 65 if one of the governmental officials noted above initiates an enforcement action within sixty days of the notice.

A business found to be in violation of Proposition 65 is subject to civil penalties of up to \$2,500 per day for each violation. In addition, the business may be ordered by a court to stop committing the violation.

A private party may not file an enforcement action based on certain exposures if the alleged violator meets specific conditions. For the following types of exposures, the Act provides an opportunity for the business to correct the alleged violation:

- An exposure to alcoholic beverages that are consumed on the alleged violator's premises to the extent onsite consumption is permitted by law;
- An exposure to a Proposition 65 listed chemical in a food or beverage prepared and sold on the alleged violator's premises that is primarily intended for immediate consumption on- or off-premises. This only applies if the chemical was not intentionally added to the food, and was formed by cooking or similar preparation of food or beverage components necessary to render the food or beverage palatable or to avoid microbiological contamination;
- An exposure to environmental tobacco smoke caused by entry of persons (other than employees) on premises owned or operated by the alleged violator where smoking is permitted at any location on the premises;
- An exposure to listed chemicals in engine exhaust, to the extent the exposure occurs inside a facility owned or operated by the alleged violator and primarily intended for parking non-commercial vehicles.

If a private party alleges that a violation occurred based on one of the exposures described above, the private party must first provide the alleged violator a notice of special compliance procedure and proof of compliance form.

A copy of the notice of special compliance procedure and proof of compliance form is included in Appendix B and can be downloaded from OEHHA's website at:
<http://oehha.ca.gov/prop65/law/p65law72003.html>.

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

Contact the Office of Environmental Health Hazard Assessment's Proposition 65 Implementation Office at (916) 445-6900 or via e-mail at
P65Public.Comments@oehha.ca.gov.

Revised: May 2017

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.7, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

E-Mail Service List

The Honorable Pamela Price Alameda County, District Attorney 7677 Oakport Street, Suite 650 Oakland, CA 94621 CEPDProp65@acgov.org	The Honorable Barbara Yook Calaveras County, 891 Mountain Ranch Rd. San Andreas, CA 95249 Phone: 209-754-6330 Prop65Env@co.calaveras.ca.us	The Honorable Stacey Grassini Contra Costa County, Deputy District Attorney 900 Ward Street Martinez, CA 94553 sgrassini@contracostada.org
The Honorable James Clinchard El Dorado County, Assistant District Attorney 778 Pacific Street Placerville, CA 95667 EDCDAPROP65@edcda.us	The Honorable Lisa A. Smittcamp, Fresno County, District Attorney 2100 Tulare Street Fresno, CA 93721 Phone: (559) 600-3141 consumerprotection@fresnocountyca.gov	The Honorable Thomas L. Hardy Inyo County, District Attorney 168 North Edwards Street Independence, CA 93526 Phone: 760.878.0282 inyoda@inyocounty.us
The Honorable Michelle Latimer Lassen County, Program Coordinator 220 S. Lassen Street Susanville, CA 96130 Phone: 530-251-8284 mlatimer@co.lassen.ca.us	The Honorable Lori Frugoli Marin County, District Attorney 3501 Civic Center Drive, Room 145 San Rafael, CA 94903 consumer@marincounty.gov	The Honorable Walter W. Wall , Mariposa County, District Attorney P.O. Box 730 Mariposa, CA 95338 Phone: (209) 966-3626 mcda@mariposacounty.org
The Honorable Kimberly Lewis, Merced County, District Attorney 550 West Main Street Merced, CA 95340 Phone: (209) 385-7381 Prop65@countyofmerced.com	The Honorable Jeannine M. Pacioni, Monterey County, District Attorney 1200 Aguajito Road Monterey , CA 93940 Prop65DA@co.monterey.ca.us	The Honorable Allison Haley Napa County, District Attorney 1127 First Street, Suite C Napa , CA 94559 CEPD@countyofnapa.org
The Honorable Clifford H. Newell Nevada County, District Attorney 201 Commercial Street Nevada City , CA 95959 DA.Prop65@co.nevada.ca.us	The Honorable Morgan Briggs Gire Placer County, District Attorney 10810 Justice Center Drive Roseville, CA 95678 Phone: 916-543-8000 prop65@placer.ca.gov	The Honorable David Hollister Plumas County, District Attorney 520 Main St. Quincy, CA 95971 Phone: (530) 283-6303 davidhollister@countyofplumas.com
The Honorable Paul E. Zellerbach Riverside County, District Attorney 3072 Orange Street Riverside, CA 92501 Prop65@rivcoda.org	The Honorable Anne Marie Schubert Sacramento County, District Attorney 901 G Street Sacramento, CA 95814 Prop65@sacda.org	The Honorable Summer Stephan San Diego County, District Attorney 330 West Broadway San Diego, CA 92101 SanDiegoDAProp65@sdcdca.org
The Honorable Alexander Grayner San Francisco County, Asst. District Attorney 350 Rhode Island Street San Francisco, CA 94103 alexandra.grayner@sfgov.org	The Honorable Tori Verber Salazar San Joaquin County, District Attorney 222 E. Weber Avenue, Room 202 Stockton, CA 95202 DAConsumer.Environmental@sjcda.org	The Honorable Eric J. Dobroth San Luis Obispo County, Deputy District Attorney County Government Center Annex, 4th Floor San Luis Obispo, CA 93408 Phone: 805-781-5800 edobroth@co.slo.ca.us
The Honorable Christopher Dalbey Santa Barbara County, Deputy District Attorney 1112 Santa Barbara St. Santa Barbara, CA 93101 Phone: 805-568-2300 DAProp65@co.santa-barbara.ca.us	The Honorable Bud Porter Santa Clara County, Supervising Deputy District Attorney 70 W Hedding St San Jose, CA 95110 EPU@da.sccgov.org	The Honorable Jeffrey S. Rosell Santa Cruz County, District Attorney 701 Ocean Street Santa Cruz, CA 95060 Phone: 831-454-2400 Prop65DA@santacruzcounty.us
The Honorable Jill Ravitch Sonoma County, District Attorney 600 Administration Drive Santa Rosa, CA 95403 Jeannie.Barnes@sonoma- county.org	The Honorable Phillip J. Cline Tulare County, District Attorney 221 S Mooney Blvd Visalia, CA 95370 Prop65@co.tulare.ca.us	The Honorable Gregory D. Totten Ventura County, District Attorney 800 S Victoria Ave Ventura, CA 93009 daspecialops@ventura.org
The Honorable Jeff W. Resig Yolo County, District Attorney 301 Second Street Woodland, CA 95695 cfepd@yolocounty.org	The Honorable Mark Ankcom City of San Diego, Deputy City Attorney 1200 Third Avenue San Diego, CA 92101 CityAttyProp65@sandiego.gov	The Honorable Henry Lifton City of San Francisco, Deputy City Attorney 1390 Market Street, 7th Floor San Francisco, CA 94102 Prop65@sfcityatty.org
The Honorable Nora V. Frimann City of Santa Clara, City Attorney 200 E. Santa Clara Street, 16th Floor San Jose, CA 96113 Proposition65notices@sanjoseca.gov		

MAIL SERVICE LIST

The Honorable Robert Priscaro Alpine County, District Attorney P.O. Box 248 Markleeville, CA 96120	The Honorable Todd Riebe Amador County, District Attorney 708 Court Street, #202 Jackson, CA 95642	The Honorable Michael L. Ramsey Butte County, District Attorney 25 County Center Drive - Administrative Building Oroville, CA 95965
The Honorable Brenden Farrell Colusa County, District Attorney 310 6 th Street Colusa, CA 95932	The Honorable Katherine Micks Del Norte County, District Attorney 450 H Street, Room 171 Crescent City, CA 95531	The Honorable Dwayne Stewart Glenn County, District Attorney P.O. Box 430 Willows, CA 95988
The Honorable Stacey Eads Humboldt County, District Attorney 825 5th Street Eureka, CA 95501	The Honorable George Marquez Imperial County, District Attorney 940 West Main Street, Suite 102 El Centro, CA 92243	The Honorable Cynthia Zimmer Kern County, District Attorney 1215 Truxtun Avenue Bakersfield, CA 93301
The Honorable Sarah Hacker Kings County, District Attorney 1400 West Lacey Blvd. Hanford, CA 93230	The Honorable Susan Krones Lake County, District Attorney 255 N. Forbes Street Lakeport, CA 95453	The Honorable George Gascon Los Angeles County, District Attorney 211 W. Temple Street, Suite 1200 Los Angeles, CA 90012
The Honorable Sally O. Moreno, District Attorney 300 South G Street, Suite 300 Madera, CA 93637	The Honorable C. David Eyster Mendocino County, District Attorney P.O. Box 1000 Ukiah, CA 95482	The Honorable Cynthia Campbell Modoc County, District Attorney 204 S. Court Street, Room 202 Alturas, CA 96101
The Honorable David Anderson Mono County, District Attorney P.O. Box 2053 Mammoth Lakes, CA 93546	The Honorable Todd Spitzer Orange County, District Attorney 300 N. Flower Street Santa Ana, CA 92703	The Honorable Joel Buckingham San Benito County, District Attorney 419 4th Street Hollister, CA 95023
The Honorable Jason Anderson San Bernardino County, District Attorney 303 W. Third Street San Bernardino, CA 92415	The Honorable Stephen M. Wagstaffe San Mateo County, District Attorney 400 County Center, Third Floor Redwood City, CA 94063	The Honorable Stephanie A. Bridgett Shasta County, District Attorney 1355 West Street Redding, CA 96001
The Honorable Sandra Groven Sierra County, District Attorney 100 Courthouse Square Downieville, CA 95936	The Honorable James Kirk Andrus Siskiyou County, District Attorney P.O. Box 986 Yreka, CA 96097	The Honorable Krishna A. Abrams Solano County, District Attorney 675 Texas Street, Suite 4500 Fairfield, CA 94533
The Honorable Jeff Laugero Stanislaus County, District Attorney 832 12th Street, Suite 300 Modesto, CA 95353	The Honorable Jennifer Dupre Sutter County, District Attorney 463 2nd Street, Suite 102 Yuba City, CA 95991	The Honorable Matthew Rogers Tehama County, District Attorney P.O. Box 519 Red Bluff, CA 96080
The Honorable David Brady Trinity County, District Attorney P.O. Box 310 Weaverville, CA 96093	The Honorable Cassandra Jenecke Tuolumne County, District Attorney 2 S. Green St. Sonora, CA 95370	The Honorable Clint Curry Yuba County, District Attorney 215 Fifth Street, Suite 152 Marysville, CA 95901
The Honorable Mike Feuer City of Los Angeles, City Attorney 200 N. Main Street Los Angeles, CA 90012		

EXHIBIT 6



ATTORNEYS AT LAW

Tel: 619-629-0527
noam@entornolaw.com
craig@entornolaw.com
jake@entornolaw.com
janani@entornolaw.com

225 Broadway, Suite 1900
San Diego, CA 92101

November 15, 2024

Via Certified Mail:

Mario Badescu Skin Care, Inc. c/o Morris Cabasso 1880 East 8th Street Brooklyn, NY 11223	
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Re: Proposition 65 Notice of Violation

To Whom It May Concern:

We represent Environmental Health Advocates, Inc., an organization in the State of California acting in the interest of the general public. This letter serves as notice that the parties listed above are in violation of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act, commencing with section 25249.5 of the Health and Safety Code (“Proposition 65”). In particular, the violations alleged by this notice consist of types of harm that may potentially result from exposures to the toxic chemical Diethanolamine (“DEA”). This chemical was listed as a carcinogen on June 22, 2012.

The specific type of product that is causing exposures in violation of Proposition 65 is cleanser, including but not limited to:

	<u>Product Name</u>	<u>Manufacturer</u>	<u>Distributor/Retailer</u>
1.	Mario Badescu Glycolic Foaming Cleanser	Mario Badescu Skin Care, Inc.	Mario Badescu Skin Care, Inc.

The routes of exposure for the violations include dermal absorption by consumers. These exposures occur through the reasonably foreseeable use of the product. The sales of this product have been occurring since at least October 2024, are continuing to this day and will continue to occur as long as the product subject to this notice is sold to and used by consumers.

Proposition 65 requires that a clear and reasonable warning is provided with these products regarding the exposures to DEA caused by ordinary use of the product. The Parties are in violation of Proposition 65 by failing to provide such warning to consumers and as a result of the sales of this product, exposures to DEA have been occurring without proper warnings.

Pursuant to Proposition 65, notice and intent to sue shall be provided to violators 60-days before filing a complaint. This letter provides notice of the alleged violation to the parties listed above and the appropriate governmental authorities. A summary of Proposition 65 is attached.

EHA identifies Fred Duran as a responsible individual within the entity, 12245 Carmel Vista Road, Unit 193, San Diego, CA, 92130; 915-312-2577. Mr. Duran requests all communications be sent to EHA's attorneys.

If you have any questions or wish to discuss any of the above, please contact me at noam@entornolaw.com and include clerks@entornolaw.com in the email.

Sincerely,

ENTORNO LAW LLP.

A handwritten signature in blue ink, appearing to read "Noam Glick". The signature is fluid and cursive, with the first name "Noam" and last name "Glick" clearly distinguishable.

Noam Glick

Craig M. Nicholas

Jake Schulte

Janani Natarajan

CERTIFICATE OF MERIT

I, Noam Glick, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the parties identified in the notice have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

2. I am an attorney for the noticing party.

3. I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the alleged exposure to the listed chemical that is the subject of the action.

4. Based on the information obtained through those consultations, and on all other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that “reasonable and meritorious case for the private action” means that the information provides a credible basis that all elements of the plaintiff’s case can be established and the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute.

5. The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health and Safety Code section 25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: November 15, 2024



Noam Glick, Attorney at Law

CERTIFICATE OF SERVICE

I, Gayatri Bhanot, declare that I am over the age of 18 years, and am not a party to the within action. I am employed in the County of San Diego, California, where the mailing occurs; and my business address is 225 Broadway, 19th Floor, San Diego, California 92101.

On November 15, 2024, I served the following documents: **(1) 60-DAY NOTICE OF VIOLATION SENT IN COMPLIANCE WITH HEALTH & SAFETY CODE SECTION 25249.7(d); (2) CERTIFICATE OF MERIT; (3) PROPOSITION 65: A SUMMARY; and (4) CERTIFICATE OF MERIT ATTACHMENT (served only on the Attorney General)** on the parties listed below by placing a true and correct copy thereof in a sealed envelope, addressed to each party and depositing it at my business address with the U.S. Postal Service for delivery by Certified Mail with the postage thereon fully prepaid:

Via Certified Mail

Mario Badescu Skin Care, Inc. c/o Morris Cabasso 1880 East 8th Street Brooklyn, NY 11223	
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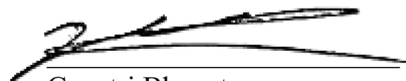
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See Attached Service List

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on November 15, 2024, at San Diego, California.


Gayatri Bhanot

APPENDIX A

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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female or male reproductive systems or to the developing fetus. This list must be updated at least once a year. The current Proposition 65 list of chemicals is available on the OEHHA website at: http://www.oehha.ca.gov/prop65/prop65_list/Newlist.html.

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² See Section 25501(a)(4).

HOW IS PROPOSITION 65 ENFORCED?

Enforcement is carried out through civil lawsuits. These lawsuits may be brought by the Attorney General, any district attorney, or certain city attorneys. Lawsuits may also be brought by private parties acting in the public interest, but only after providing notice of the alleged violation to the Attorney General, the appropriate district attorney and city attorney, and the business accused of the violation. The notice must provide adequate information to allow the recipient to assess the nature of the alleged violation. The notice must comply with the information and procedural requirements specified in Section 25903 of Title 27 and sections 3100-3103 of Title 11. A private party may not pursue an independent enforcement action under Proposition 65 if one of the governmental officials noted above initiates an enforcement action within sixty days of the notice.

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- An exposure to alcoholic beverages that are consumed on the alleged violator's premises to the extent onsite consumption is permitted by law;
- An exposure to a Proposition 65 listed chemical in a food or beverage prepared and sold on the alleged violator's premises that is primarily intended for immediate consumption on- or off-premises. This only applies if the chemical was not intentionally added to the food, and was formed by cooking or similar preparation of food or beverage components necessary to render the food or beverage palatable or to avoid microbiological contamination;
- An exposure to environmental tobacco smoke caused by entry of persons (other than employees) on premises owned or operated by the alleged violator where smoking is permitted at any location on the premises;
- An exposure to listed chemicals in engine exhaust, to the extent the exposure occurs inside a facility owned or operated by the alleged violator and primarily intended for parking non-commercial vehicles.

If a private party alleges that a violation occurred based on one of the exposures described above, the private party must first provide the alleged violator a notice of special compliance procedure and proof of compliance form.

A copy of the notice of special compliance procedure and proof of compliance form is included in Appendix B and can be downloaded from OEHHA's website at:
<http://oehha.ca.gov/prop65/law/p65law72003.html>.

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

Contact the Office of Environmental Health Hazard Assessment's Proposition 65 Implementation Office at (916) 445-6900 or via e-mail at
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Revised: May 2017

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.7, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

E-Mail Service List

The Honorable Pamela Price Alameda County, District Attorney 7677 Oakport Street, Suite 650 Oakland, CA 94621 CEPDProp65@acgov.org	The Honorable Barbara Yook Calaveras County, 891 Mountain Ranch Rd. San Andreas, CA 95249 Phone: 209-754-6330 Prop65Env@co.calaveras.ca.us	The Honorable Stacey Grassini Contra Costa County, Deputy District Attorney 900 Ward Street Martinez, CA 94553 sgrassini@contracostada.org
The Honorable James Clinchard El Dorado County, Assistant District Attorney 778 Pacific Street Placerville, CA 95667 EDCDAPROP65@edcda.us	The Honorable Lisa A. Smittcamp, Fresno County, District Attorney 2100 Tulare Street Fresno, CA 93721 Phone: (559) 600-3141 consumerprotection@fresnocountyca.gov	The Honorable Thomas L. Hardy Inyo County, District Attorney 168 North Edwards Street Independence, CA 93526 Phone: 760.878.0282 inyoda@inyocounty.us
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The Honorable Alexander Grayner San Francisco County, Asst. District Attorney 350 Rhode Island Street San Francisco, CA 94103 alexandra.grayner@sfgov.org	The Honorable Tori Verber Salazar San Joaquin County, District Attorney 222 E. Weber Avenue, Room 202 Stockton, CA 95202 DAConsumer.Environmental@sjcda.org	The Honorable Eric J. Dobroth San Luis Obispo County, Deputy District Attorney County Government Center Annex, 4th Floor San Luis Obispo, CA 93408 Phone: 805-781-5800 edobroth@co.slo.ca.us
The Honorable Christopher Dalbey Santa Barbara County, Deputy District Attorney 1112 Santa Barbara St. Santa Barbara, CA 93101 Phone: 805-568-2300 DAProp65@co.santa-barbara.ca.us	The Honorable Bud Porter Santa Clara County, Supervising Deputy District Attorney 70 W Hedding St San Jose, CA 95110 EPU@da.sccgov.org	The Honorable Jeffrey S. Rosell Santa Cruz County, District Attorney 701 Ocean Street Santa Cruz, CA 95060 Phone: 831-454-2400 Prop65DA@santacruzcounty.us
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The Honorable Jeff W. Resig Yolo County, District Attorney 301 Second Street Woodland, CA 95695 cfepd@yolocounty.org	The Honorable Mark Ankcom City of San Diego, Deputy City Attorney 1200 Third Avenue San Diego, CA 92101 CityAttyProp65@sandiego.gov	The Honorable Henry Lifton City of San Francisco, Deputy City Attorney 1390 Market Street, 7th Floor San Francisco, CA 94102 Prop65@sfcityatty.org
The Honorable Nora V. Frimann City of Santa Clara, City Attorney 200 E. Santa Clara Street, 16th Floor San Jose, CA 96113 Proposition65notices@sanjoseca.gov		

MAIL SERVICE LIST

The Honorable Robert Priscaro Alpine County, District Attorney P.O. Box 248 Markleeville, CA 96120	The Honorable Todd Riebe Amador County, District Attorney 708 Court Street, #202 Jackson, CA 95642	The Honorable Michael L. Ramsey Butte County, District Attorney 25 County Center Drive - Administrative Building Oroville, CA 95965
The Honorable Brenden Farrell Colusa County, District Attorney 310 6 th Street Colusa, CA 95932	The Honorable Katherine Micks Del Norte County, District Attorney 450 H Street, Room 171 Crescent City, CA 95531	The Honorable Dwayne Stewart Glenn County, District Attorney P.O. Box 430 Willows, CA 95988
The Honorable Stacey Eads Humboldt County, District Attorney 825 5th Street Eureka, CA 95501	The Honorable George Marquez Imperial County, District Attorney 940 West Main Street, Suite 102 El Centro, CA 92243	The Honorable Cynthia Zimmer Kern County, District Attorney 1215 Truxtun Avenue Bakersfield, CA 93301
The Honorable Sarah Hacker Kings County, District Attorney 1400 West Lacey Blvd. Hanford, CA 93230	The Honorable Susan Kronen Lake County, District Attorney 255 N. Forbes Street Lakeport, CA 95453	The Honorable George Gascon Los Angeles County, District Attorney 211 W. Temple Street, Suite 1200 Los Angeles, CA 90012
The Honorable Sally O. Moreno, District Attorney 300 South G Street, Suite 300 Madera, CA 93637	The Honorable C. David Eyster Mendocino County, District Attorney P.O. Box 1000 Ukiah, CA 95482	The Honorable Cynthia Campbell Modoc County, District Attorney 204 S. Court Street, Room 202 Alturas, CA 96101
The Honorable David Anderson Mono County, District Attorney P.O. Box 2053 Mammoth Lakes, CA 93546	The Honorable Todd Spitzer Orange County, District Attorney 300 N. Flower Street Santa Ana, CA 92703	The Honorable Joel Buckingham San Benito County, District Attorney 419 4th Street Hollister, CA 95023
The Honorable Jason Anderson San Bernardino County, District Attorney 303 W. Third Street San Bernardino, CA 92415	The Honorable Stephen M. Wagstaffe San Mateo County, District Attorney 400 County Center, Third Floor Redwood City, CA 94063	The Honorable Stephanie A. Bridgett Shasta County, District Attorney 1355 West Street Redding, CA 96001
The Honorable Sandra Groven Sierra County, District Attorney 100 Courthouse Square Downieville, CA 95936	The Honorable James Kirk Andrus Siskiyou County, District Attorney P.O. Box 986 Yreka, CA 96097	The Honorable Krishna A. Abrams Solano County, District Attorney 675 Texas Street, Suite 4500 Fairfield, CA 94533
The Honorable Jeff Laugero Stanislaus County, District Attorney 832 12th Street, Suite 300 Modesto, CA 95353	The Honorable Jennifer Dupre Sutter County, District Attorney 463 2nd Street, Suite 102 Yuba City, CA 95991	The Honorable Matthew Rogers Tehama County, District Attorney P.O. Box 519 Red Bluff, CA 96080
The Honorable David Brady Trinity County, District Attorney P.O. Box 310 Weaverville, CA 96093	The Honorable Cassandra Jenecke Tuolumne County, District Attorney 2 S. Green St. Sonora, CA 95370	The Honorable Clint Curry Yuba County, District Attorney 215 Fifth Street, Suite 152 Marysville, CA 95901
The Honorable Mike Feuer City of Los Angeles, City Attorney 200 N. Main Street Los Angeles, CA 90012		

Attachment 7



ATTORNEYS AT LAW

Tel: 619-629-0527
noam@entornolaw.com
craig@entornolaw.com
jake@entornolaw.com
janani@entornolaw.com

225 Broadway, Suite 1900
San Diego, CA 92101

March 21, 2025

Via Certified Mail:

Halogent, LLC d.b.a. Exposed Skin Care c/o Jeff Hautala 79 S Horton St., Suite 150 Seattle, WA 98134	Halogent, LLC c/o Catherine E. Maxson 920 Fifth Avenue, Suite 3300 Seattle, WA 98104-1610
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Re: Proposition 65 Notice of Violation

This notice amends the original notice of violation AG No. 2024-05056. This notice adds an additional address for Halogent, LLC.

To Whom It May Concern:

We represent Environmental Health Advocates, Inc., an organization in the State of California acting in the interest of the general public. This letter serves as notice that the parties listed above are in violation of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act, commencing with section 25249.5 of the Health and Safety Code (“Proposition 65”). In particular, the violations alleged by this notice consist of types of harm that may potentially result from exposures to the toxic chemical Diethanolamine (“DEA”). This chemical was listed as a carcinogen on June 22, 2012.

The specific type of product that is causing exposures in violation of Proposition 65 is body wash, including but not limited to:

	<u>Product Name</u>	<u>Manufacturer</u>	<u>Distributor/Retailer</u>
1.	Exposed Skincare Body Wash	Halogent, LLC d.b.a Exposed Skin Care	Halogent, LLC d.b.a Exposed Skin Care

The routes of exposure for the violations include dermal absorption by consumers. These exposures occur through the reasonably foreseeable use of the product. The sales of this product have been occurring since at least October 2024, are continuing to this day and will continue to occur as long as the product subject to this notice is sold to and used by consumers.

Proposition 65 requires that a clear and reasonable warning is provided with these products regarding the exposures to DEA caused by ordinary use of the product. The Parties are in violation of Proposition 65 by failing to provide such warning to consumers and as a

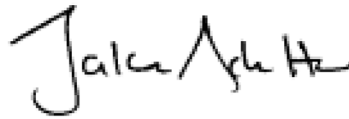
result of the sales of this product, exposures to DEA have been occurring without proper warnings.

Pursuant to Proposition 65, notice and intent to sue shall be provided to violators 60-days before filing a complaint. This letter provides notice of the alleged violation to the parties listed above and the appropriate governmental authorities. A summary of Proposition 65 is attached.

EHA identifies Allan Cate as a responsible individual within the entity, 888 Prospect Street, Suite 200, La Jolla, CA 92037; 858-692-1035. Mr. Cate requests all communications be sent to EHA's attorneys.

If you have any questions or wish to discuss any of the above, please contact me at jake@entornolaw.com and include clerks@entornolaw.com in the email.

ENTORNO LAW, LLP

A handwritten signature in black ink, appearing to read "Jake Schulte". The signature is fluid and cursive, with the first name "Jake" being more prominent than the last name "Schulte".

Jake Schulte

Noam Glick
Craig M. Nicholas
Janani Natarajan
Gianna Tirrell

Enclosures

CERTIFICATE OF MERIT

I, Jake Schulte, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the parties identified in the notice have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

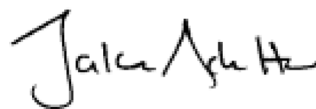
2. I am an attorney for the noticing party.

3. I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the alleged exposure to the listed chemical that is the subject of the action.

4. Based on the information obtained through those consultations, and on all other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiffs' case can be established and the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute.

5. The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health and Safety Code section 25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: March 21, 2025

A handwritten signature in black ink that reads "Jake Schulte". The signature is written in a cursive, flowing style.

Jake Schulte, Attorney at Law

CERTIFICATE OF SERVICE

I, Madeline Walsh, declare that I am over the age of 18 years, and am not a party to the within action. I am employed in the County of San Diego, California, where the mailing occurs; and my business address is 225 Broadway, 19th Floor, San Diego, California 92101.

On March 21, 2025, I served the following documents: **(1) 60-DAY NOTICE OF VIOLATION SENT IN COMPLIANCE WITH HEALTH & SAFETY CODE SECTION 25249.7(d); (2) CERTIFICATE OF MERIT; (3) PROPOSITION 65: A SUMMARY; and (4) CERTIFICATE OF MERIT ATTACHMENT (served only on the Attorney General)** on the parties listed below by placing a true and correct copy thereof in a sealed envelope, addressed to each party and depositing it at my business address with the U.S. Postal Service for delivery by Certified Mail with the postage thereon fully prepaid:

Via Certified Mail

Halogent, LLC d.b.a. Exposed Skin Care c/o Jeff Hautala 79 S Horton St., Suite 150 Seattle, WA 98134	Halogent, LLC c/o Catherine E. Maxson 920 Fifth Avenue, Suite 3300 Seattle, WA 98104-1610
---	--

On March 21, 2025, I served the California Attorney General (via website Portal) by uploading a true and correct copy thereof as a PDF file via the California Attorney General's website.

On March 21, 2025, I transmitted via electronic mail the above-listed documents to the electronic mail addresses of the City and/or District Attorneys who have specifically authorized e-mail service and the authorization appears on the Attorney General's web site.

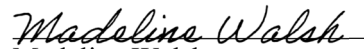
See Attached Service List

On March 21, 2025, I served the following persons and/or entities at the last known address by placing a true and correct copy thereof in a sealed envelope and depositing it at my business address with the U.S. Postal Service for delivery with the postage thereon fully prepaid, and addressed as follows:

See Attached Service List

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on March 21, 2025, at San Diego, California.


Madeline Walsh

APPENDIX A

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY

The following summary has been prepared by the California Office of Environmental Health Hazard Assessment (OEHHA), the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as “Proposition 65”). A copy of this summary must be included as an attachment to any notice of violation served upon an alleged violator of the Act. The summary provides basic information about the provisions of the law, and is intended to serve only as a convenient source of general information. It is not intended to provide authoritative guidance on the meaning or application of the law. The reader is directed to the statute and OEHHA implementing regulations (see citations below) for further information.

FOR INFORMATION CONCERNING THE BASIS FOR THE ALLEGATIONS IN THE NOTICE RELATED TO YOUR BUSINESS, CONTACT THE PERSON IDENTIFIED ON THE NOTICE.

The text of Proposition 65 (Health and Safety Code Sections 25249.5 through 25249.13) is available online at: <http://oehha.ca.gov/prop65/law/P65law72003.html>. Regulations that provide more specific guidance on compliance, and that specify procedures to be followed by the State in carrying out certain aspects of the law, are found in Title 27 of the California Code of Regulations, sections 25102 through 27001.¹ These implementing regulations are available online at: <http://oehha.ca.gov/prop65/law/P65Regs.html>.

WHAT DOES PROPOSITION 65 REQUIRE?

The “Proposition 65 List.” Under Proposition 65, the lead agency (OEHHA) publishes a list of chemicals that are known to the State of California to cause cancer and/or reproductive toxicity. Chemicals are placed on the Proposition 65 list if they are known to cause cancer and/or birth defects or other reproductive harm, such as damage to

¹ All further regulatory references are to sections of Title 27 of the California Code of Regulations unless otherwise indicated. The statute, regulations and relevant case law are available on the OEHHA website at: <http://www.oehha.ca.gov/prop65/law/index.html>.

female or male reproductive systems or to the developing fetus. This list must be updated at least once a year. The current Proposition 65 list of chemicals is available on the OEHHA website at: http://www.oehha.ca.gov/prop65/prop65_list/Newlist.html.

Only those chemicals that are on the list are regulated under Proposition 65. Businesses that produce, use, release or otherwise engage in activities involving listed chemicals must comply with the following:

Clear and reasonable warnings. A business is required to warn a person before “knowingly and intentionally” exposing that person to a listed chemical unless an exemption applies. The warning given must be “clear and reasonable.” This means that the warning must: (1) clearly make known that the chemical involved is known to cause cancer, or birth defects or other reproductive harm; and (2) be given in such a way that it will effectively reach the person before he or she is exposed to that chemical. Some exposures are exempt from the warning requirement under certain circumstances discussed below.

Prohibition from discharges into drinking water. A business must not knowingly discharge or release a listed chemical into water or onto land where it passes or probably will pass into a source of drinking water. Some discharges are exempt from this requirement under certain circumstances discussed below.

DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?

Yes. You should consult the current version of the statute and regulations (<http://www.oehha.ca.gov/prop65/law/index.html>) to determine all applicable exemptions, the most common of which are the following:

Grace Period. Proposition 65 warning requirements do not apply until 12 months after the chemical has been listed. The Proposition 65 discharge prohibition does not apply to a discharge or release of a chemical that takes place less than 20 months after the listing of the chemical.

Governmental agencies and public water utilities. All agencies of the federal, state or local government, as well as entities operating public water systems, are exempt.

Businesses with nine or fewer employees. Neither the warning requirement nor the discharge prohibition applies to a business that employs a total of nine or fewer employees. This includes all employees, not just those present in California.

Exposures that pose no significant risk of cancer. For chemicals that are listed under Proposition 65 as known to the State to cause cancer, a warning is not required if the business causing the exposure can demonstrate that the exposure occurs at a level that poses “no significant risk.” This means that the exposure is calculated to result in not more than one excess case of cancer in 100,000 individuals exposed over a 70-year lifetime. The Proposition 65 regulations identify specific “No Significant Risk Levels” (NSRLs) for many listed carcinogens. Exposures below these levels are exempt from the warning requirement. See OEHHA's website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of NSRLs, and Section 25701 *et seq.* of the regulations for information concerning how these levels are calculated.

Exposures that will produce no observable reproductive effect at 1,000 times the level in question. For chemicals known to the State to cause reproductive toxicity, a warning is not required if the business causing the exposure can demonstrate that the exposure will produce no observable effect, even at 1,000 times the level in question. In other words, the level of exposure must be below the “no observable effect level” divided by 1,000. This number is known as the Maximum Allowable Dose Level (MADL). See OEHHA's website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of MADLs, and Section 25801 *et seq.* of the regulations for information concerning how these levels are calculated.

Exposures to Naturally Occurring Chemicals in Food. Certain exposures to chemicals that naturally occur in foods (i.e., that do not result from any known human activity, including activity by someone other than the person causing the exposure) are exempt from the warning requirements of the law. If the chemical is a contaminant² it must be reduced to the lowest level feasible. Regulations explaining this exemption can be found in Section 25501.

Discharges that do not result in a “significant amount” of the listed chemical entering any source of drinking water. The prohibition from discharges into drinking water does not apply if the discharger is able to demonstrate that a “significant amount” of the listed chemical has not, does not, or will not pass into or probably pass into a source of drinking water, and that the discharge complies with all other applicable laws, regulations, permits, requirements, or orders. A “significant amount” means any detectable amount, except an amount that would meet the “no significant risk” level for chemicals that cause cancer or that is 1,000 times below the “no observable effect” level for chemicals that cause reproductive toxicity, if an individual were exposed to that amount in drinking water.

² See Section 25501(a)(4).

HOW IS PROPOSITION 65 ENFORCED?

Enforcement is carried out through civil lawsuits. These lawsuits may be brought by the Attorney General, any district attorney, or certain city attorneys. Lawsuits may also be brought by private parties acting in the public interest, but only after providing notice of the alleged violation to the Attorney General, the appropriate district attorney and city attorney, and the business accused of the violation. The notice must provide adequate information to allow the recipient to assess the nature of the alleged violation. The notice must comply with the information and procedural requirements specified in Section 25903 of Title 27 and sections 3100-3103 of Title 11. A private party may not pursue an independent enforcement action under Proposition 65 if one of the governmental officials noted above initiates an enforcement action within sixty days of the notice.

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- An exposure to alcoholic beverages that are consumed on the alleged violator's premises to the extent onsite consumption is permitted by law;
- An exposure to a Proposition 65 listed chemical in a food or beverage prepared and sold on the alleged violator's premises that is primarily intended for immediate consumption on- or off-premises. This only applies if the chemical was not intentionally added to the food, and was formed by cooking or similar preparation of food or beverage components necessary to render the food or beverage palatable or to avoid microbiological contamination;
- An exposure to environmental tobacco smoke caused by entry of persons (other than employees) on premises owned or operated by the alleged violator where smoking is permitted at any location on the premises;
- An exposure to listed chemicals in engine exhaust, to the extent the exposure occurs inside a facility owned or operated by the alleged violator and primarily intended for parking non-commercial vehicles.

If a private party alleges that a violation occurred based on one of the exposures described above, the private party must first provide the alleged violator a notice of special compliance procedure and proof of compliance form.

A copy of the notice of special compliance procedure and proof of compliance form is included in Appendix B and can be downloaded from OEHHA's website at:
<http://oehha.ca.gov/prop65/law/p65law72003.html>.

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

Contact the Office of Environmental Health Hazard Assessment's Proposition 65 Implementation Office at (916) 445-6900 or via e-mail at
P65Public.Comments@oehha.ca.gov.

Revised: May 2017

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.7, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

E-Mail Service List

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The Honorable Christopher Dalbey Santa Barbara County, Deputy District Attorney 1112 Santa Barbara St. Santa Barbara, CA 93101 Phone: 805-568-2300 DAProp65@co.santa-barbara.ca.us	The Honorable Bud Porter Santa Clara County, Supervising Deputy District Attorney 70 W Hedding St San Jose, CA 95110 EPU@da.sccgov.org	The Honorable Jeffrey S. Rosell Santa Cruz County, District Attorney 701 Ocean Street Santa Cruz, CA 95060 Phone: 831-454-2400 Prop65DA@santacruzcounty.us
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The Honorable Jeff W. Resig Yolo County, District Attorney 301 Second Street Woodland, CA 95695 cfepd@yolocounty.gov	The Honorable Mark Ankcom City of San Diego, Deputy City Attorney 1200 Third Avenue San Diego, CA 92101 CityAttyProp65@sandiego.gov	The Honorable Henry Lifton City of San Francisco, Deputy City Attorney 1390 Market Street, 7th Floor San Francisco, CA 94102 Prop65@sfcityatty.org
The Honorable Nora V. Frimann City of Santa Clara, City Attorney 200 E. Santa Clara Street, 16th Floor San Jose, CA 96113 Proposition65notices@sanjoseca.gov		

MAIL SERVICE LIST

The Honorable Robert Priscaro Alpine County, District Attorney P.O. Box 248 Markleeville, CA 96120	The Honorable Todd Riebe Amador County, District Attorney 708 Court Street, #202 Jackson, CA 95642	The Honorable Michael L. Ramsey Butte County, District Attorney 25 County Center Drive - Administrative Building Oroville, CA 95965
The Honorable Brenden Farrell Colusa County, District Attorney 310 6 th Street Colusa, CA 95932	The Honorable Katherine Micks Del Norte County, District Attorney 450 H Street, Room 171 Crescent City, CA 95531	The Honorable Dwayne Stewart Glenn County, District Attorney P.O. Box 430 Willows, CA 95988
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The Honorable Sarah Hacker Kings County, District Attorney 1400 West Lacey Blvd. Hanford, CA 93230	The Honorable Susan Krones Lake County, District Attorney 255 N. Forbes Street Lakeport, CA 95453	The Honorable George Gascon Los Angeles County, District Attorney 211 W. Temple Street, Suite 1200 Los Angeles, CA 90012
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The Honorable Jeff Laugero Stanislaus County, District Attorney 832 12th Street, Suite 300 Modesto, CA 95353	The Honorable Jennifer Dupre Sutter County, District Attorney 463 2nd Street, Suite 102 Yuba City, CA 95991	The Honorable Matthew Rogers Tehama County, District Attorney P.O. Box 519 Red Bluff, CA 96080
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The Honorable Mike Feuer City of Los Angeles, City Attorney 200 N. Main Street Los Angeles, CA 90012		

EXHIBIT 8



ATTORNEYS AT LAW

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craig@entornolaw.com
jake@entornolaw.com
janani@entornolaw.com

225 Broadway, Suite 1900
San Diego, CA 92101

December 13, 2024

Via Certified Mail:

Clinique Laboratories, LLC c/o CSC – Lawyers Incorporating Service 2710 Gateway Oaks Drive Sacramento, CA 95833	Current Chief Executive Officer Clinique Laboratories, LLC c/o Fabrizio Freda 7 Corporate Center Drive Melville, NY 11747
The Estee Lauder Companies Inc. c/o The Prentice-Hall Corporation System, Inc. 251 Little Falls Drive Wilmington, DE 19808	

Re: Proposition 65 Notice of Violation

To Whom It May Concern:

We represent Environmental Health Advocates, Inc., an organization in the State of California acting in the interest of the general public. This letter serves as notice that the parties listed above are in violation of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act, commencing with section 25249.5 of the Health and Safety Code (“Proposition 65”). In particular, the violations alleged by this notice consist of types of harm that may potentially result from exposures to the toxic chemical Diethanolamine (“DEA”). This chemical was listed as a carcinogen on June 22, 2012.

The specific type of product that is causing exposures in violation of Proposition 65 is body wash, including but not limited to:

	<u>Product Name</u>	<u>Manufacturer</u>	<u>Distributor/Retailer</u>
1.	Clinique Happy Body Wash	Clinique Laboratories, LLC // The Estee Lauder Companies Inc.	Clinique Laboratories, LLC // The Estee Lauder Companies Inc.

The routes of exposure for the violations include dermal absorption by consumers. These exposures occur through the reasonably foreseeable use of the product. The sales of this product have been occurring since at least December 2024, are continuing to this day and will continue to occur as long as the product subject to this notice is sold to and used by consumers.

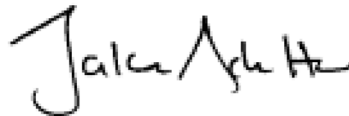
Proposition 65 requires that a clear and reasonable warning is provided with these products regarding the exposures to DEA caused by ordinary use of the product. The Parties are in violation of Proposition 65 by failing to provide such warning to consumers and as a result of the sales of this product, exposures to DEA have been occurring without proper warnings.

Pursuant to Proposition 65, notice and intent to sue shall be provided to violators 60-days before filing a complaint. This letter provides notice of the alleged violation to the parties listed above and the appropriate governmental authorities. A summary of Proposition 65 is attached.

EHA identifies Allan Cate as a responsible individual within the entity, 888 Prospect Street, Suite 200, La Jolla, CA 92037; 858-692-1035. Mr. Cate requests all communications be sent to EHA's attorneys.

If you have any questions or wish to discuss any of the above, please contact me at jake@entornolaw.com and include clerks@entornolaw.com in the email.

ENTORNO LAW, LLP

A handwritten signature in black ink, appearing to read "Jake Schulte". The signature is fluid and cursive, with the first name "Jake" being more prominent than the last name "Schulte".

Jake Schulte

Noam Glick
Craig M. Nicholas
Janani Natarajan

Enclosures

CERTIFICATE OF MERIT

I, Jake Schulte, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the parties identified in the notice have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

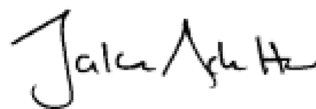
2. I am an attorney for the noticing party.

3. I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the alleged exposure to the listed chemical that is the subject of the action.

4. Based on the information obtained through those consultations, and on all other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiffs' case can be established and the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute.

5. The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health and Safety Code section 25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: December 13, 2024

A handwritten signature in black ink that reads "Jake Schulte". The signature is written in a cursive, flowing style.

Jake Schulte, Attorney at Law

CERTIFICATE OF SERVICE

I, Madeline Walsh, declare that I am over the age of 18 years, and am not a party to the within action. I am employed in the County of San Diego, California, where the mailing occurs; and my business address is 225 Broadway, 19th Floor, San Diego, California 92101.

On December 13, 2024, I served the following documents: **(1) 60-DAY NOTICE OF VIOLATION SENT IN COMPLIANCE WITH HEALTH & SAFETY CODE SECTION 25249.7(d); (2) CERTIFICATE OF MERIT; (3) PROPOSITION 65: A SUMMARY; and (4) CERTIFICATE OF MERIT ATTACHMENT (served only on the Attorney General)** on the parties listed below by placing a true and correct copy thereof in a sealed envelope, addressed to each party and depositing it at my business address with the U.S. Postal Service for delivery by Certified Mail with the postage thereon fully prepaid:

Via Certified Mail

Clinique Laboratories, LLC c/o CSC – Lawyers Incorporating Service 2710 Gateway Oaks Drive Sacramento, CA 95833	Current Chief Executive Officer Clinique Laboratories, LLC c/o Fabrizio Freda 7 Corporate Center Drive Melville, NY 11747
The Estee Lauder Companies Inc. c/o The Prentice-Hall Corporation System, Inc. 251 Little Falls Drive Wilmington, DE 19808	

On December 13, 2024, I served the California Attorney General (via website Portal) by uploading a true and correct copy thereof as a PDF file via the California Attorney General's website.

On December 13, 2024, I transmitted via electronic mail the above-listed documents to the electronic mail addresses of the City and/or District Attorneys who have specifically authorized e-mail service and the authorization appears on the Attorney General's web site.

See Attached Service List

On December 13, 2024, I served the following persons and/or entities at the last known address by placing a true and correct copy thereof in a sealed envelope and depositing it at my business address with the U.S. Postal Service for delivery with the postage thereon fully prepaid, and addressed as follows:

See Attached Service List

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 13, 2024, at San Diego, California.

Madeline Walsh
Madeline Walsh

APPENDIX A

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY

The following summary has been prepared by the California Office of Environmental Health Hazard Assessment (OEHHA), the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as “Proposition 65”). A copy of this summary must be included as an attachment to any notice of violation served upon an alleged violator of the Act. The summary provides basic information about the provisions of the law, and is intended to serve only as a convenient source of general information. It is not intended to provide authoritative guidance on the meaning or application of the law. The reader is directed to the statute and OEHHA implementing regulations (see citations below) for further information.

FOR INFORMATION CONCERNING THE BASIS FOR THE ALLEGATIONS IN THE NOTICE RELATED TO YOUR BUSINESS, CONTACT THE PERSON IDENTIFIED ON THE NOTICE.

The text of Proposition 65 (Health and Safety Code Sections 25249.5 through 25249.13) is available online at: <http://oehha.ca.gov/prop65/law/P65law72003.html>. Regulations that provide more specific guidance on compliance, and that specify procedures to be followed by the State in carrying out certain aspects of the law, are found in Title 27 of the California Code of Regulations, sections 25102 through 27001.¹ These implementing regulations are available online at: <http://oehha.ca.gov/prop65/law/P65Regs.html>.

WHAT DOES PROPOSITION 65 REQUIRE?

The “Proposition 65 List.” Under Proposition 65, the lead agency (OEHHA) publishes a list of chemicals that are known to the State of California to cause cancer and/or reproductive toxicity. Chemicals are placed on the Proposition 65 list if they are known to cause cancer and/or birth defects or other reproductive harm, such as damage to

¹ All further regulatory references are to sections of Title 27 of the California Code of Regulations unless otherwise indicated. The statute, regulations and relevant case law are available on the OEHHA website at: <http://www.oehha.ca.gov/prop65/law/index.html>.

female or male reproductive systems or to the developing fetus. This list must be updated at least once a year. The current Proposition 65 list of chemicals is available on the OEHHA website at: http://www.oehha.ca.gov/prop65/prop65_list/Newlist.html.

Only those chemicals that are on the list are regulated under Proposition 65. Businesses that produce, use, release or otherwise engage in activities involving listed chemicals must comply with the following:

Clear and reasonable warnings. A business is required to warn a person before “knowingly and intentionally” exposing that person to a listed chemical unless an exemption applies. The warning given must be “clear and reasonable.” This means that the warning must: (1) clearly make known that the chemical involved is known to cause cancer, or birth defects or other reproductive harm; and (2) be given in such a way that it will effectively reach the person before he or she is exposed to that chemical. Some exposures are exempt from the warning requirement under certain circumstances discussed below.

Prohibition from discharges into drinking water. A business must not knowingly discharge or release a listed chemical into water or onto land where it passes or probably will pass into a source of drinking water. Some discharges are exempt from this requirement under certain circumstances discussed below.

DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?

Yes. You should consult the current version of the statute and regulations (<http://www.oehha.ca.gov/prop65/law/index.html>) to determine all applicable exemptions, the most common of which are the following:

Grace Period. Proposition 65 warning requirements do not apply until 12 months after the chemical has been listed. The Proposition 65 discharge prohibition does not apply to a discharge or release of a chemical that takes place less than 20 months after the listing of the chemical.

Governmental agencies and public water utilities. All agencies of the federal, state or local government, as well as entities operating public water systems, are exempt.

Businesses with nine or fewer employees. Neither the warning requirement nor the discharge prohibition applies to a business that employs a total of nine or fewer employees. This includes all employees, not just those present in California.

Exposures that pose no significant risk of cancer. For chemicals that are listed under Proposition 65 as known to the State to cause cancer, a warning is not required if the business causing the exposure can demonstrate that the exposure occurs at a level that poses “no significant risk.” This means that the exposure is calculated to result in not more than one excess case of cancer in 100,000 individuals exposed over a 70-year lifetime. The Proposition 65 regulations identify specific “No Significant Risk Levels” (NSRLs) for many listed carcinogens. Exposures below these levels are exempt from the warning requirement. See OEHHA's website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of NSRLs, and Section 25701 *et seq.* of the regulations for information concerning how these levels are calculated.

Exposures that will produce no observable reproductive effect at 1,000 times the level in question. For chemicals known to the State to cause reproductive toxicity, a warning is not required if the business causing the exposure can demonstrate that the exposure will produce no observable effect, even at 1,000 times the level in question. In other words, the level of exposure must be below the “no observable effect level” divided by 1,000. This number is known as the Maximum Allowable Dose Level (MADL). See OEHHA's website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of MADLs, and Section 25801 *et seq.* of the regulations for information concerning how these levels are calculated.

Exposures to Naturally Occurring Chemicals in Food. Certain exposures to chemicals that naturally occur in foods (i.e., that do not result from any known human activity, including activity by someone other than the person causing the exposure) are exempt from the warning requirements of the law. If the chemical is a contaminant² it must be reduced to the lowest level feasible. Regulations explaining this exemption can be found in Section 25501.

Discharges that do not result in a “significant amount” of the listed chemical entering any source of drinking water. The prohibition from discharges into drinking water does not apply if the discharger is able to demonstrate that a “significant amount” of the listed chemical has not, does not, or will not pass into or probably pass into a source of drinking water, and that the discharge complies with all other applicable laws, regulations, permits, requirements, or orders. A “significant amount” means any detectable amount, except an amount that would meet the “no significant risk” level for chemicals that cause cancer or that is 1,000 times below the “no observable effect” level for chemicals that cause reproductive toxicity, if an individual were exposed to that amount in drinking water.

² See Section 25501(a)(4).

HOW IS PROPOSITION 65 ENFORCED?

Enforcement is carried out through civil lawsuits. These lawsuits may be brought by the Attorney General, any district attorney, or certain city attorneys. Lawsuits may also be brought by private parties acting in the public interest, but only after providing notice of the alleged violation to the Attorney General, the appropriate district attorney and city attorney, and the business accused of the violation. The notice must provide adequate information to allow the recipient to assess the nature of the alleged violation. The notice must comply with the information and procedural requirements specified in Section 25903 of Title 27 and sections 3100-3103 of Title 11. A private party may not pursue an independent enforcement action under Proposition 65 if one of the governmental officials noted above initiates an enforcement action within sixty days of the notice.

A business found to be in violation of Proposition 65 is subject to civil penalties of up to \$2,500 per day for each violation. In addition, the business may be ordered by a court to stop committing the violation.

A private party may not file an enforcement action based on certain exposures if the alleged violator meets specific conditions. For the following types of exposures, the Act provides an opportunity for the business to correct the alleged violation:

- An exposure to alcoholic beverages that are consumed on the alleged violator's premises to the extent onsite consumption is permitted by law;
- An exposure to a Proposition 65 listed chemical in a food or beverage prepared and sold on the alleged violator's premises that is primarily intended for immediate consumption on- or off-premises. This only applies if the chemical was not intentionally added to the food, and was formed by cooking or similar preparation of food or beverage components necessary to render the food or beverage palatable or to avoid microbiological contamination;
- An exposure to environmental tobacco smoke caused by entry of persons (other than employees) on premises owned or operated by the alleged violator where smoking is permitted at any location on the premises;
- An exposure to listed chemicals in engine exhaust, to the extent the exposure occurs inside a facility owned or operated by the alleged violator and primarily intended for parking non-commercial vehicles.

If a private party alleges that a violation occurred based on one of the exposures described above, the private party must first provide the alleged violator a notice of special compliance procedure and proof of compliance form.

A copy of the notice of special compliance procedure and proof of compliance form is included in Appendix B and can be downloaded from OEHHA's website at:
<http://oehha.ca.gov/prop65/law/p65law72003.html>.

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

Contact the Office of Environmental Health Hazard Assessment's Proposition 65 Implementation Office at (916) 445-6900 or via e-mail at
P65Public.Comments@oehha.ca.gov.

Revised: May 2017

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.7, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

E-Mail Service List

The Honorable Pamela Price Alameda County, District Attorney 7677 Oakport Street, Suite 650 Oakland, CA 94621 CEPDProp65@acgov.org	The Honorable Barbara Yook Calaveras County, 891 Mountain Ranch Rd. San Andreas, CA 95249 Phone: 209-754-6330 Prop65Env@co.calaveras.ca.us	The Honorable Stacey Grassini Contra Costa County, Deputy District Attorney 900 Ward Street Martinez, CA 94553 sgrassini@contracostada.org
The Honorable James Clinchard El Dorado County, Assistant District Attorney 778 Pacific Street Placerville, CA 95667 EDCDAPROP65@edcda.us	The Honorable Lisa A. Smittcamp, Fresno County, District Attorney 2100 Tulare Street Fresno, CA 93721 Phone: (559) 600-3141 consumerprotection@fresnocountyca.gov	The Honorable Thomas L. Hardy Inyo County, District Attorney 168 North Edwards Street Independence, CA 93526 Phone: 760.878.0282 inyoda@inyocounty.us
The Honorable Michelle Latimer Lassen County, Program Coordinator 220 S. Lassen Street Susanville, CA 96130 Phone: 530-251-8284 mlatimer@co.lassen.ca.us	The Honorable Lori Frugoli Marin County, District Attorney 3501 Civic Center Drive, Room 145 San Rafael, CA 94903 consumer@marincounty.gov	The Honorable Walter W. Wall , Mariposa County, District Attorney P.O. Box 730 Mariposa, CA 95338 Phone: (209) 966-3626 mcda@mariposacounty.org
The Honorable Kimberly Lewis, Merced County, District Attorney 550 West Main Street Merced, CA 95340 Phone: (209) 385-7381 Prop65@countyofmerced.com	The Honorable Jeannine M. Pacioni, Monterey County, District Attorney 1200 Aguajito Road Monterey , CA 93940 Prop65DA@co.monterey.ca.us	The Honorable Allison Haley Napa County, District Attorney 1127 First Street, Suite C Napa , CA 94559 CEPD@countyofnapa.org
The Honorable Clifford H. Newell Nevada County, District Attorney 201 Commercial Street Nevada City , CA 95959 DA.Prop65@co.nevada.ca.us	The Honorable Morgan Briggs Gire Placer County, District Attorney 10810 Justice Center Drive Roseville, CA 95678 Phone: 916-543-8000 prop65@placer.ca.gov	The Honorable David Hollister Plumas County, District Attorney 520 Main St. Quincy, CA 95971 Phone: (530) 283-6303 davidhollister@countyofplumas.com
The Honorable Paul E. Zellerbach Riverside County, District Attorney 3072 Orange Street Riverside, CA 92501 Prop65@rivcoda.org	The Honorable Anne Marie Schubert Sacramento County, District Attorney 901 G Street Sacramento, CA 95814 Prop65@sacda.org	The Honorable Summer Stephan San Diego County, District Attorney 330 West Broadway San Diego, CA 92101 SanDiegoDAProp65@sdcca.org
The Honorable Alexander Grayner San Francisco County, Asst. District Attorney 350 Rhode Island Street San Francisco, CA 94103 alexandra.grayner@sfgov.org	The Honorable Tori Verber Salazar San Joaquin County, District Attorney 222 E. Weber Avenue, Room 202 Stockton, CA 95202 DAConsumer.Environmental@sjcda.org	The Honorable Eric J. Dobroth San Luis Obispo County, Deputy District Attorney County Government Center Annex, 4th Floor San Luis Obispo, CA 93408 Phone: 805-781-5800 edobroth@co.slo.ca.us
The Honorable Christopher Dalbey Santa Barbara County, Deputy District Attorney 1112 Santa Barbara St. Santa Barbara, CA 93101 Phone: 805-568-2300 DAProp65@co.santa-barbara.ca.us	The Honorable Bud Porter Santa Clara County, Supervising Deputy District Attorney 70 W Hedding St San Jose, CA 95110 EPU@da.sccgov.org	The Honorable Jeffrey S. Rosell Santa Cruz County, District Attorney 701 Ocean Street Santa Cruz, CA 95060 Phone: 831-454-2400 Prop65DA@santacruzcounty.us
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The Honorable Mike Feuer City of Los Angeles, City Attorney 200 N. Main Street Los Angeles, CA 90012		

EXHIBIT 9



ATTORNEYS AT LAW

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jake@entornolaw.com
janani@entornolaw.com

225 Broadway, Suite 1900
San Diego, CA 92101

December 13, 2024

Via Certified Mail:

Bluemercury, Inc. c/o Corporate Creations Network Inc. 7901 Folsom Blvd. #202 Sacramento, CA 95826	Current Chief Executive Officer Bluemercury, Inc. c/o Maly Bernstein 7250 Woodmont Ave STE 200 Bethesda, MD 20814
CFEB Sisley c/o Registered Agent 3 Avenue de Friedland Paris, France 75008	
Sisley Cosmetics USA Inc. c/o Paracorp Incorporated 2804 Gateway Oaks Dr Sacramento, CA 95833	Current Chief Executive Officer Sisley Cosmetics USA Inc. c/o James Maki 360 Lexington Ave, 19 th Floor New York, NY 10017

Re: Proposition 65 Notice of Violation

To Whom It May Concern:

We represent Environmental Health Advocates, Inc., an organization in the State of California acting in the interest of the general public. This letter serves as notice that the parties listed above are in violation of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act, commencing with section 25249.5 of the Health and Safety Code ("Proposition 65"). In particular, the violations alleged by this notice consist of types of harm that may potentially result from exposures to the toxic chemical Diethanolamine ("DEA"). This chemical was listed as a carcinogen on June 22, 2012.

The specific type of product that is causing exposures in violation of Proposition 65 is cleanser, including but not limited to:

	<u>Product Name</u>	<u>Manufacturer</u>	<u>Distributor/Retailer</u>
1.	Sisley-Paris Foaming Cleanser	CFEB Sisley // Sisley Cosmetics USA, Inc.	Bluemercury, Inc.

The routes of exposure for the violations include dermal absorption by consumers. These exposures occur through the reasonably foreseeable use of the product. The sales of this product have been occurring since at least October 2024, are continuing to this day and will continue to occur as long as the product subject to this notice is sold to and used by consumers.

Proposition 65 requires that a clear and reasonable warning is provided with these products regarding the exposures to DEA caused by ordinary use of the product. The Parties are in violation of Proposition 65 by failing to provide such warning to consumers and as a result of the sales of this product, exposures to DEA have been occurring without proper warnings.

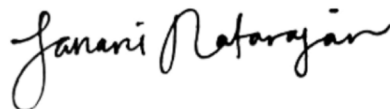
Pursuant to Proposition 65, notice and intent to sue shall be provided to violators 60-days before filing a complaint. This letter provides notice of the alleged violation to the parties listed above and the appropriate governmental authorities. A summary of Proposition 65 is attached.

EHA identifies Allan Cate as a responsible individual within the entity, 888 Prospect Street, Suite 200, La Jolla, CA 92037; 858-692-1035. Mr. Cate requests all communications be sent to EHA's attorneys.

If you have any questions or wish to discuss any of the above, please contact me at janani@entornolaw.com and include clerks@entornolaw.com in the email.

Sincerely,

ENTORNO LAW LLP.

A handwritten signature in black ink, reading "Janani Natarajan". The signature is fluid and cursive, with the first name "Janani" and last name "Natarajan" clearly distinguishable.

Janani Natarajan

Noam Glick
Craig M. Nicholas
Jake Schulte

Enclosures

CERTIFICATE OF MERIT

I, Janani Natarajan, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the parties identified in the notice have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

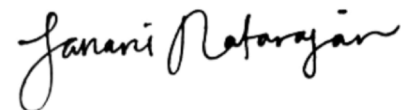
2. I am an attorney for the noticing party.

3. I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the alleged exposure to the listed chemical that is the subject of the action.

4. Based on the information obtained through those consultations, and on all other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that “reasonable and meritorious case for the private action” means that the information provides a credible basis that all elements of the plaintiff’s case can be established and the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute.

5. The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health and Safety Code section 25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: December 13, 2024

A handwritten signature in black ink that reads "Janani Natarajan". The signature is written in a cursive, flowing style.

Janani Natarajan, Attorney at Law

CERTIFICATE OF SERVICE

I, Madeline Walsh, declare that I am over the age of 18 years, and am not a party to the within action. I am employed in the County of San Diego, California, where the mailing occurs; and my business address is 225 Broadway, 19th Floor, San Diego, California 92101.

On December 13, 2024, I served the following documents: **(1) 60-DAY NOTICE OF VIOLATION SENT IN COMPLIANCE WITH HEALTH & SAFETY CODE SECTION 25249.7(d); (2) CERTIFICATE OF MERIT; (3) PROPOSITION 65: A SUMMARY; and (4) CERTIFICATE OF MERIT ATTACHMENT (served only on the Attorney General)** on the parties listed below by placing a true and correct copy thereof in a sealed envelope, addressed to each party and depositing it at my business address with the U.S. Postal Service for delivery by Certified Mail with the postage thereon fully prepaid:

Via Certified Mail

Bluemercury, Inc. c/o Corporate Creations Network Inc. 7901 Folsom Blvd. #202 Sacramento, CA 95826	Current Chief Executive Officer Bluemercury, Inc. c/o Maly Bernstein 7250 Woodmont Ave STE 200 Bethesda, MD 20814
CFEB Sisley c/o Registered Agent 3 Avenue de Friedland Paris, France 75008	
Sisley Cosmetics USA Inc. c/o Paracorp Incorporated 2804 Gateway Oaks Dr Sacramento, CA 95833	Current Chief Executive Officer Sisley Cosmetics USA Inc. c/o James Maki 360 Lexington Ave, 19 th Floor New York, NY 10017

On December 13, 2024, I served the California Attorney General (via website Portal) by uploading a true and correct copy thereof as a PDF file via the California Attorney General's website.

On December 13, 2024, I transmitted via electronic mail the above-listed documents to the electronic mail addresses of the City and/or District Attorneys who have specifically authorized e-mail service and the authorization appears on the Attorney General's web site.

See Attached Service List

On December 13, 2024, I served the following persons and/or entities at the last known address by placing a true and correct copy thereof in a sealed envelope and depositing it at my business address with the U.S. Postal Service for delivery with the postage thereon fully prepaid, and addressed as follows:

See Attached Service List

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 13, 2024, at San Diego, California.



Madeline Walsh

APPENDIX A

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY

The following summary has been prepared by the California Office of Environmental Health Hazard Assessment (OEHHA), the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as “Proposition 65”). A copy of this summary must be included as an attachment to any notice of violation served upon an alleged violator of the Act. The summary provides basic information about the provisions of the law, and is intended to serve only as a convenient source of general information. It is not intended to provide authoritative guidance on the meaning or application of the law. The reader is directed to the statute and OEHHA implementing regulations (see citations below) for further information.

FOR INFORMATION CONCERNING THE BASIS FOR THE ALLEGATIONS IN THE NOTICE RELATED TO YOUR BUSINESS, CONTACT THE PERSON IDENTIFIED ON THE NOTICE.

The text of Proposition 65 (Health and Safety Code Sections 25249.5 through 25249.13) is available online at: <http://oehha.ca.gov/prop65/law/P65law72003.html>. Regulations that provide more specific guidance on compliance, and that specify procedures to be followed by the State in carrying out certain aspects of the law, are found in Title 27 of the California Code of Regulations, sections 25102 through 27001.¹ These implementing regulations are available online at: <http://oehha.ca.gov/prop65/law/P65Regs.html>.

WHAT DOES PROPOSITION 65 REQUIRE?

The “Proposition 65 List.” Under Proposition 65, the lead agency (OEHHA) publishes a list of chemicals that are known to the State of California to cause cancer and/or reproductive toxicity. Chemicals are placed on the Proposition 65 list if they are known to cause cancer and/or birth defects or other reproductive harm, such as damage to

¹ All further regulatory references are to sections of Title 27 of the California Code of Regulations unless otherwise indicated. The statute, regulations and relevant case law are available on the OEHHA website at: <http://www.oehha.ca.gov/prop65/law/index.html>.

female or male reproductive systems or to the developing fetus. This list must be updated at least once a year. The current Proposition 65 list of chemicals is available on the OEHHA website at: http://www.oehha.ca.gov/prop65/prop65_list/Newlist.html.

Only those chemicals that are on the list are regulated under Proposition 65. Businesses that produce, use, release or otherwise engage in activities involving listed chemicals must comply with the following:

Clear and reasonable warnings. A business is required to warn a person before “knowingly and intentionally” exposing that person to a listed chemical unless an exemption applies. The warning given must be “clear and reasonable.” This means that the warning must: (1) clearly make known that the chemical involved is known to cause cancer, or birth defects or other reproductive harm; and (2) be given in such a way that it will effectively reach the person before he or she is exposed to that chemical. Some exposures are exempt from the warning requirement under certain circumstances discussed below.

Prohibition from discharges into drinking water. A business must not knowingly discharge or release a listed chemical into water or onto land where it passes or probably will pass into a source of drinking water. Some discharges are exempt from this requirement under certain circumstances discussed below.

DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?

Yes. You should consult the current version of the statute and regulations (<http://www.oehha.ca.gov/prop65/law/index.html>) to determine all applicable exemptions, the most common of which are the following:

Grace Period. Proposition 65 warning requirements do not apply until 12 months after the chemical has been listed. The Proposition 65 discharge prohibition does not apply to a discharge or release of a chemical that takes place less than 20 months after the listing of the chemical.

Governmental agencies and public water utilities. All agencies of the federal, state or local government, as well as entities operating public water systems, are exempt.

Businesses with nine or fewer employees. Neither the warning requirement nor the discharge prohibition applies to a business that employs a total of nine or fewer employees. This includes all employees, not just those present in California.

Exposures that pose no significant risk of cancer. For chemicals that are listed under Proposition 65 as known to the State to cause cancer, a warning is not required if the business causing the exposure can demonstrate that the exposure occurs at a level that poses “no significant risk.” This means that the exposure is calculated to result in not more than one excess case of cancer in 100,000 individuals exposed over a 70-year lifetime. The Proposition 65 regulations identify specific “No Significant Risk Levels” (NSRLs) for many listed carcinogens. Exposures below these levels are exempt from the warning requirement. See OEHHA's website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of NSRLs, and Section 25701 *et seq.* of the regulations for information concerning how these levels are calculated.

Exposures that will produce no observable reproductive effect at 1,000 times the level in question. For chemicals known to the State to cause reproductive toxicity, a warning is not required if the business causing the exposure can demonstrate that the exposure will produce no observable effect, even at 1,000 times the level in question. In other words, the level of exposure must be below the “no observable effect level” divided by 1,000. This number is known as the Maximum Allowable Dose Level (MADL). See OEHHA's website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of MADLs, and Section 25801 *et seq.* of the regulations for information concerning how these levels are calculated.

Exposures to Naturally Occurring Chemicals in Food. Certain exposures to chemicals that naturally occur in foods (i.e., that do not result from any known human activity, including activity by someone other than the person causing the exposure) are exempt from the warning requirements of the law. If the chemical is a contaminant² it must be reduced to the lowest level feasible. Regulations explaining this exemption can be found in Section 25501.

Discharges that do not result in a “significant amount” of the listed chemical entering any source of drinking water. The prohibition from discharges into drinking water does not apply if the discharger is able to demonstrate that a “significant amount” of the listed chemical has not, does not, or will not pass into or probably pass into a source of drinking water, and that the discharge complies with all other applicable laws, regulations, permits, requirements, or orders. A “significant amount” means any detectable amount, except an amount that would meet the “no significant risk” level for chemicals that cause cancer or that is 1,000 times below the “no observable effect” level for chemicals that cause reproductive toxicity, if an individual were exposed to that amount in drinking water.

² See Section 25501(a)(4).

HOW IS PROPOSITION 65 ENFORCED?

Enforcement is carried out through civil lawsuits. These lawsuits may be brought by the Attorney General, any district attorney, or certain city attorneys. Lawsuits may also be brought by private parties acting in the public interest, but only after providing notice of the alleged violation to the Attorney General, the appropriate district attorney and city attorney, and the business accused of the violation. The notice must provide adequate information to allow the recipient to assess the nature of the alleged violation. The notice must comply with the information and procedural requirements specified in Section 25903 of Title 27 and sections 3100-3103 of Title 11. A private party may not pursue an independent enforcement action under Proposition 65 if one of the governmental officials noted above initiates an enforcement action within sixty days of the notice.

A business found to be in violation of Proposition 65 is subject to civil penalties of up to \$2,500 per day for each violation. In addition, the business may be ordered by a court to stop committing the violation.

A private party may not file an enforcement action based on certain exposures if the alleged violator meets specific conditions. For the following types of exposures, the Act provides an opportunity for the business to correct the alleged violation:

- An exposure to alcoholic beverages that are consumed on the alleged violator's premises to the extent onsite consumption is permitted by law;
- An exposure to a Proposition 65 listed chemical in a food or beverage prepared and sold on the alleged violator's premises that is primarily intended for immediate consumption on- or off-premises. This only applies if the chemical was not intentionally added to the food, and was formed by cooking or similar preparation of food or beverage components necessary to render the food or beverage palatable or to avoid microbiological contamination;
- An exposure to environmental tobacco smoke caused by entry of persons (other than employees) on premises owned or operated by the alleged violator where smoking is permitted at any location on the premises;
- An exposure to listed chemicals in engine exhaust, to the extent the exposure occurs inside a facility owned or operated by the alleged violator and primarily intended for parking non-commercial vehicles.

If a private party alleges that a violation occurred based on one of the exposures described above, the private party must first provide the alleged violator a notice of special compliance procedure and proof of compliance form.

A copy of the notice of special compliance procedure and proof of compliance form is included in Appendix B and can be downloaded from OEHHA's website at:
<http://oehha.ca.gov/prop65/law/p65law72003.html>.

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

Contact the Office of Environmental Health Hazard Assessment's Proposition 65 Implementation Office at (916) 445-6900 or via e-mail at
P65Public.Comments@oehha.ca.gov.

Revised: May 2017

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.7, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

E-Mail Service List

The Honorable Pamela Price Alameda County, District Attorney 7677 Oakport Street, Suite 650 Oakland, CA 94621 CEPDProp65@acgov.org	The Honorable Barbara Yook Calaveras County, 891 Mountain Ranch Rd. San Andreas, CA 95249 Phone: 209-754-6330 Prop65Env@co.calaveras.ca.us	The Honorable Stacey Grassini Contra Costa County, Deputy District Attorney 900 Ward Street Martinez, CA 94553 sgrassini@contracostada.org
The Honorable James Clinchard El Dorado County, Assistant District Attorney 778 Pacific Street Placerville, CA 95667 EDCDAPROP65@edcda.us	The Honorable Lisa A. Smittcamp, Fresno County, District Attorney 2100 Tulare Street Fresno, CA 93721 Phone: (559) 600-3141 consumerprotection@fresnocountyca.gov	The Honorable Thomas L. Hardy Inyo County, District Attorney 168 North Edwards Street Independence, CA 93526 Phone: 760.878.0282 inyoda@inyocounty.us
The Honorable Michelle Latimer Lassen County, Program Coordinator 220 S. Lassen Street Susanville, CA 96130 Phone: 530-251-8284 mlatimer@co.lassen.ca.us	The Honorable Lori Frugoli Marin County, District Attorney 3501 Civic Center Drive, Room 145 San Rafael, CA 94903 consumer@marincounty.gov	The Honorable Walter W. Wall , Mariposa County, District Attorney P.O. Box 730 Mariposa, CA 95338 Phone: (209) 966-3626 mcda@mariposacounty.org
The Honorable Kimberly Lewis, Merced County, District Attorney 550 West Main Street Merced, CA 95340 Phone: (209) 385-7381 Prop65@countyofmerced.com	The Honorable Jeannine M. Pacioni, Monterey County, District Attorney 1200 Aguajito Road Monterey , CA 93940 Prop65DA@co.monterey.ca.us	The Honorable Allison Haley Napa County, District Attorney 1127 First Street, Suite C Napa , CA 94559 CEPD@countyofnapa.org
The Honorable Clifford H. Newell Nevada County, District Attorney 201 Commercial Street Nevada City , CA 95959 DA.Prop65@co.nevada.ca.us	The Honorable Morgan Briggs Gire Placer County, District Attorney 10810 Justice Center Drive Roseville, CA 95678 Phone: 916-543-8000 prop65@placer.ca.gov	The Honorable David Hollister Plumas County, District Attorney 520 Main St. Quincy, CA 95971 Phone: (530) 283-6303 davidhollister@countyofplumas.com
The Honorable Paul E. Zellerbach Riverside County, District Attorney 3072 Orange Street Riverside, CA 92501 Prop65@rivcoda.org	The Honorable Anne Marie Schubert Sacramento County, District Attorney 901 G Street Sacramento, CA 95814 Prop65@sacda.org	The Honorable Summer Stephan San Diego County, District Attorney 330 West Broadway San Diego, CA 92101 SanDiegoDAProp65@sdcca.org
The Honorable Alexander Grayner San Francisco County, Asst. District Attorney 350 Rhode Island Street San Francisco, CA 94103 alexandra.grayner@sfgov.org	The Honorable Tori Verber Salazar San Joaquin County, District Attorney 222 E. Weber Avenue, Room 202 Stockton, CA 95202 DAConsumer.Environmental@sjcda.org	The Honorable Eric J. Dobroth San Luis Obispo County, Deputy District Attorney County Government Center Annex, 4th Floor San Luis Obispo, CA 93408 Phone: 805-781-5800 edobroth@co.slo.ca.us
The Honorable Christopher Dalbey Santa Barbara County, Deputy District Attorney 1112 Santa Barbara St. Santa Barbara, CA 93101 Phone: 805-568-2300 DAProp65@co.santa-barbara.ca.us	The Honorable Bud Porter Santa Clara County, Supervising Deputy District Attorney 70 W Hedding St San Jose, CA 95110 EPU@da.sccgov.org	The Honorable Jeffrey S. Rosell Santa Cruz County, District Attorney 701 Ocean Street Santa Cruz, CA 95060 Phone: 831-454-2400 Prop65DA@santacruzcounty.us
The Honorable Jill Ravitch Sonoma County, District Attorney 600 Administration Drive Santa Rosa, CA 95403 ECLD@sonoma- county.org	The Honorable Phillip J. Cline Tulare County, District Attorney 221 S Mooney Blvd Visalia, CA 95370 Prop65@co.tulare.ca.us	The Honorable Gregory D. Totten Ventura County, District Attorney 800 S Victoria Ave Ventura, CA 93009 daspecialops@ventura.org
The Honorable Jeff W. Resig Yolo County, District Attorney 301 Second Street Woodland, CA 95695 cfepd@yolocounty.gov	The Honorable Mark Ankcom City of San Diego, Deputy City Attorney 1200 Third Avenue San Diego, CA 92101 CityAttyProp65@sandiego.gov	The Honorable Henry Lifton City of San Francisco, Deputy City Attorney 1390 Market Street, 7th Floor San Francisco, CA 94102 Prop65@sfcityatty.org
The Honorable Nora V. Frimann City of Santa Clara, City Attorney 200 E. Santa Clara Street, 16th Floor San Jose, CA 96113 Proposition65notices@sanjoseca.gov		

MAIL SERVICE LIST

The Honorable Robert Priscaro Alpine County, District Attorney P.O. Box 248 Markleeville, CA 96120	The Honorable Todd Riebe Amador County, District Attorney 708 Court Street, #202 Jackson, CA 95642	The Honorable Michael L. Ramsey Butte County, District Attorney 25 County Center Drive - Administrative Building Oroville, CA 95965
The Honorable Brenden Farrell Colusa County, District Attorney 310 6 th Street Colusa, CA 95932	The Honorable Katherine Micks Del Norte County, District Attorney 450 H Street, Room 171 Crescent City, CA 95531	The Honorable Dwayne Stewart Glenn County, District Attorney P.O. Box 430 Willows, CA 95988
The Honorable Stacey Eads Humboldt County, District Attorney 825 5th Street Eureka, CA 95501	The Honorable George Marquez Imperial County, District Attorney 940 West Main Street, Suite 102 El Centro, CA 92243	The Honorable Cynthia Zimmer Kern County, District Attorney 1215 Truxtun Avenue Bakersfield, CA 93301
The Honorable Sarah Hacker Kings County, District Attorney 1400 West Lacey Blvd. Hanford, CA 93230	The Honorable Susan Krones Lake County, District Attorney 255 N. Forbes Street Lakeport, CA 95453	The Honorable George Gascon Los Angeles County, District Attorney 211 W. Temple Street, Suite 1200 Los Angeles, CA 90012
The Honorable Sally O. Moreno, District Attorney 300 South G Street, Suite 300 Madera, CA 93637	The Honorable C. David Eyster Mendocino County, District Attorney P.O. Box 1000 Ukiah, CA 95482	The Honorable Cynthia Campbell Modoc County, District Attorney 204 S. Court Street, Room 202 Alturas, CA 96101
The Honorable David Anderson Mono County, District Attorney P.O. Box 2053 Mammoth Lakes, CA 93546	The Honorable Todd Spitzer Orange County, District Attorney 300 N. Flower Street Santa Ana, CA 92703	The Honorable Joel Buckingham San Benito County, District Attorney 419 4th Street Hollister, CA 95023
The Honorable Jason Anderson San Bernardino County, District Attorney 303 W. Third Street San Bernardino, CA 92415	The Honorable Stephen M. Wagstaffe San Mateo County, District Attorney 400 County Center, Third Floor Redwood City, CA 94063	The Honorable Stephanie A. Bridgett Shasta County, District Attorney 1355 West Street Redding, CA 96001
The Honorable Sandra Groven Sierra County, District Attorney 100 Courthouse Square Downieville, CA 95936	The Honorable James Kirk Andrus Siskiyou County, District Attorney P.O. Box 986 Yreka, CA 96097	The Honorable Krishna A. Abrams Solano County, District Attorney 675 Texas Street, Suite 4500 Fairfield, CA 94533
The Honorable Jeff Laugero Stanislaus County, District Attorney 832 12th Street, Suite 300 Modesto, CA 95353	The Honorable Jennifer Dupre Sutter County, District Attorney 463 2nd Street, Suite 102 Yuba City, CA 95991	The Honorable Matthew Rogers Tehama County, District Attorney P.O. Box 519 Red Bluff, CA 96080
The Honorable David Brady Trinity County, District Attorney P.O. Box 310 Weaverville, CA 96093	The Honorable Cassandra Jenecke Tuolumne County, District Attorney 2 S. Green St. Sonora, CA 95370	The Honorable Clint Curry Yuba County, District Attorney 215 Fifth Street, Suite 152 Marysville, CA 95901
The Honorable Mike Feuer City of Los Angeles, City Attorney 200 N. Main Street Los Angeles, CA 90012		

EXHIBIT 10



ATTORNEYS AT LAW

Tel: 619-629-0527
noam@entornolaw.com
craig@entornolaw.com
jake@entornolaw.com
janani@entornolaw.com

225 Broadway, Suite 1900
San Diego, CA 92101

December 16, 2024

Via Certified Mail:

Obagi Cosmeceuticals LLC c/o Universal Registered Agents, Inc. 1545 River Park Drive Sacramento, CA 95815	Current Chief Executive Officer Obagi Cosmeceuticals LLC c/o Michel Brousset 3760 Kilroy Airport Way Suite 500 Long Beach, CA 90806
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Re: Proposition 65 Notice of Violation

To Whom It May Concern:

We represent Environmental Health Advocates, Inc., an organization in the State of California acting in the interest of the general public. This letter serves as notice that the parties listed above are in violation of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act, commencing with section 25249.5 of the Health and Safety Code (“Proposition 65”). In particular, the violations alleged by this notice consist of types of harm that may potentially result from exposures to the toxic chemical Diethanolamine (“DEA”). This chemical was listed as a carcinogen on June 22, 2012.

The specific type of product that is causing exposures in violation of Proposition 65 are cleansers, including but not limited to:

	<u>Product Name</u>	<u>Manufacturer</u>	<u>Distributor/Retailer</u>
1.	Obagi Nu Derm Gentle Cleanser	Obagi Cosmeceuticals LLC	Obagi Cosmeceuticals LLC

The routes of exposure for the violations include dermal absorption by consumers. These exposures occur through the reasonably foreseeable use of the product. The sales of this product have been occurring since at least November 2024, are continuing to this day and will continue to occur as long as the product subject to this notice is sold to and used by consumers.

Proposition 65 requires that a clear and reasonable warning is provided with these products regarding the exposures to DEA caused by ordinary use of the product. The Parties are in violation of Proposition 65 by failing to provide such warning to consumers and as a result of the sales of this product, exposures to DEA have been occurring without proper warnings.

Pursuant to Proposition 65, notice and intent to sue shall be provided to violators 60-days before filing a complaint. This letter provides notice of the alleged violation to the parties listed above and the appropriate governmental authorities. A summary of Proposition 65 is attached.

EHA identifies Allan Cate as a responsible individual within the entity, 888 Prospect Street, Suite 200, La Jolla, CA 92037; 858-692-1035. Mr. Cate requests all communications be sent to EHA's attorneys.

If you have any questions or wish to discuss any of the above, please contact me at noam@entornolaw.com and include clerks@entornolaw.com in the email.

Sincerely,

ENTORNO LAW LLP.

A handwritten signature in blue ink that reads "Noam Glick". The signature is fluid and cursive, with the first name "Noam" and last name "Glick" clearly distinguishable.

Noam Glick

Craig M. Nicholas

Jake Schulte

Janani Natarajan

CERTIFICATE OF MERIT

I, Noam Glick, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the parties identified in the notice have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

2. I am an attorney for the noticing party.

3. I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the alleged exposure to the listed chemical that is the subject of the action.

4. Based on the information obtained through those consultations, and on all other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that “reasonable and meritorious case for the private action” means that the information provides a credible basis that all elements of the plaintiff’s case can be established and the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute.

5. The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health and Safety Code section 25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: December 16, 2024



Noam Glick, Attorney at Law

CERTIFICATE OF SERVICE

I, Madeline Walsh, declare that I am over the age of 18 years, and am not a party to the within action. I am employed in the County of San Diego, California, where the mailing occurs; and my business address is 225 Broadway, 19th Floor, San Diego, California 92101.

On December 16, 2024, I served the following documents: **(1) 60-DAY NOTICE OF VIOLATION SENT IN COMPLIANCE WITH HEALTH & SAFETY CODE SECTION 25249.7(d); (2) CERTIFICATE OF MERIT; (3) PROPOSITION 65: A SUMMARY; and (4) CERTIFICATE OF MERIT ATTACHMENT (served only on the Attorney General)** on the parties listed below by placing a true and correct copy thereof in a sealed envelope, addressed to each party and depositing it at my business address with the U.S. Postal Service for delivery by Certified Mail with the postage thereon fully prepaid:

Via Certified Mail

Obagi Cosmeceuticals LLC c/o Universal Registered Agents, Inc. 1545 River Park Drive Sacramento, CA 95815	Current Chief Executive Officer Obagi Cosmeceuticals LLC c/o Michel Brousset 3760 Kilroy Airport Way Suite 500 Long Beach, CA 90806
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On December 16, 2024, I served the California Attorney General (via website Portal) by uploading a true and correct copy thereof as a PDF file via the California Attorney General's website.

On December 16, 2024, I transmitted via electronic mail the above-listed documents to the electronic mail addresses of the City and/or District Attorneys who have specifically authorized e-mail service and the authorization appears on the Attorney General's web site.

See Attached Service List

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See Attached Service List

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 16, 2024, at San Diego, California.

Madeline Walsh
Madeline Walsh

APPENDIX A

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY

The following summary has been prepared by the California Office of Environmental Health Hazard Assessment (OEHHA), the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as “Proposition 65”). A copy of this summary must be included as an attachment to any notice of violation served upon an alleged violator of the Act. The summary provides basic information about the provisions of the law, and is intended to serve only as a convenient source of general information. It is not intended to provide authoritative guidance on the meaning or application of the law. The reader is directed to the statute and OEHHA implementing regulations (see citations below) for further information.

FOR INFORMATION CONCERNING THE BASIS FOR THE ALLEGATIONS IN THE NOTICE RELATED TO YOUR BUSINESS, CONTACT THE PERSON IDENTIFIED ON THE NOTICE.

The text of Proposition 65 (Health and Safety Code Sections 25249.5 through 25249.13) is available online at: <http://oehha.ca.gov/prop65/law/P65law72003.html>. Regulations that provide more specific guidance on compliance, and that specify procedures to be followed by the State in carrying out certain aspects of the law, are found in Title 27 of the California Code of Regulations, sections 25102 through 27001.¹ These implementing regulations are available online at: <http://oehha.ca.gov/prop65/law/P65Regs.html>.

WHAT DOES PROPOSITION 65 REQUIRE?

The “Proposition 65 List.” Under Proposition 65, the lead agency (OEHHA) publishes a list of chemicals that are known to the State of California to cause cancer and/or reproductive toxicity. Chemicals are placed on the Proposition 65 list if they are known to cause cancer and/or birth defects or other reproductive harm, such as damage to

¹ All further regulatory references are to sections of Title 27 of the California Code of Regulations unless otherwise indicated. The statute, regulations and relevant case law are available on the OEHHA website at: <http://www.oehha.ca.gov/prop65/law/index.html>.

female or male reproductive systems or to the developing fetus. This list must be updated at least once a year. The current Proposition 65 list of chemicals is available on the OEHHA website at: http://www.oehha.ca.gov/prop65/prop65_list/Newlist.html.

Only those chemicals that are on the list are regulated under Proposition 65. Businesses that produce, use, release or otherwise engage in activities involving listed chemicals must comply with the following:

Clear and reasonable warnings. A business is required to warn a person before “knowingly and intentionally” exposing that person to a listed chemical unless an exemption applies. The warning given must be “clear and reasonable.” This means that the warning must: (1) clearly make known that the chemical involved is known to cause cancer, or birth defects or other reproductive harm; and (2) be given in such a way that it will effectively reach the person before he or she is exposed to that chemical. Some exposures are exempt from the warning requirement under certain circumstances discussed below.

Prohibition from discharges into drinking water. A business must not knowingly discharge or release a listed chemical into water or onto land where it passes or probably will pass into a source of drinking water. Some discharges are exempt from this requirement under certain circumstances discussed below.

DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?

Yes. You should consult the current version of the statute and regulations (<http://www.oehha.ca.gov/prop65/law/index.html>) to determine all applicable exemptions, the most common of which are the following:

Grace Period. Proposition 65 warning requirements do not apply until 12 months after the chemical has been listed. The Proposition 65 discharge prohibition does not apply to a discharge or release of a chemical that takes place less than 20 months after the listing of the chemical.

Governmental agencies and public water utilities. All agencies of the federal, state or local government, as well as entities operating public water systems, are exempt.

Businesses with nine or fewer employees. Neither the warning requirement nor the discharge prohibition applies to a business that employs a total of nine or fewer employees. This includes all employees, not just those present in California.

Exposures that pose no significant risk of cancer. For chemicals that are listed under Proposition 65 as known to the State to cause cancer, a warning is not required if the business causing the exposure can demonstrate that the exposure occurs at a level that poses “no significant risk.” This means that the exposure is calculated to result in not more than one excess case of cancer in 100,000 individuals exposed over a 70-year lifetime. The Proposition 65 regulations identify specific “No Significant Risk Levels” (NSRLs) for many listed carcinogens. Exposures below these levels are exempt from the warning requirement. See OEHHA's website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of NSRLs, and Section 25701 *et seq.* of the regulations for information concerning how these levels are calculated.

Exposures that will produce no observable reproductive effect at 1,000 times the level in question. For chemicals known to the State to cause reproductive toxicity, a warning is not required if the business causing the exposure can demonstrate that the exposure will produce no observable effect, even at 1,000 times the level in question. In other words, the level of exposure must be below the “no observable effect level” divided by 1,000. This number is known as the Maximum Allowable Dose Level (MADL). See OEHHA's website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of MADLs, and Section 25801 *et seq.* of the regulations for information concerning how these levels are calculated.

Exposures to Naturally Occurring Chemicals in Food. Certain exposures to chemicals that naturally occur in foods (i.e., that do not result from any known human activity, including activity by someone other than the person causing the exposure) are exempt from the warning requirements of the law. If the chemical is a contaminant² it must be reduced to the lowest level feasible. Regulations explaining this exemption can be found in Section 25501.

Discharges that do not result in a “significant amount” of the listed chemical entering any source of drinking water. The prohibition from discharges into drinking water does not apply if the discharger is able to demonstrate that a “significant amount” of the listed chemical has not, does not, or will not pass into or probably pass into a source of drinking water, and that the discharge complies with all other applicable laws, regulations, permits, requirements, or orders. A “significant amount” means any detectable amount, except an amount that would meet the “no significant risk” level for chemicals that cause cancer or that is 1,000 times below the “no observable effect” level for chemicals that cause reproductive toxicity, if an individual were exposed to that amount in drinking water.

² See Section 25501(a)(4).

HOW IS PROPOSITION 65 ENFORCED?

Enforcement is carried out through civil lawsuits. These lawsuits may be brought by the Attorney General, any district attorney, or certain city attorneys. Lawsuits may also be brought by private parties acting in the public interest, but only after providing notice of the alleged violation to the Attorney General, the appropriate district attorney and city attorney, and the business accused of the violation. The notice must provide adequate information to allow the recipient to assess the nature of the alleged violation. The notice must comply with the information and procedural requirements specified in Section 25903 of Title 27 and sections 3100-3103 of Title 11. A private party may not pursue an independent enforcement action under Proposition 65 if one of the governmental officials noted above initiates an enforcement action within sixty days of the notice.

A business found to be in violation of Proposition 65 is subject to civil penalties of up to \$2,500 per day for each violation. In addition, the business may be ordered by a court to stop committing the violation.

A private party may not file an enforcement action based on certain exposures if the alleged violator meets specific conditions. For the following types of exposures, the Act provides an opportunity for the business to correct the alleged violation:

- An exposure to alcoholic beverages that are consumed on the alleged violator's premises to the extent onsite consumption is permitted by law;
- An exposure to a Proposition 65 listed chemical in a food or beverage prepared and sold on the alleged violator's premises that is primarily intended for immediate consumption on- or off-premises. This only applies if the chemical was not intentionally added to the food, and was formed by cooking or similar preparation of food or beverage components necessary to render the food or beverage palatable or to avoid microbiological contamination;
- An exposure to environmental tobacco smoke caused by entry of persons (other than employees) on premises owned or operated by the alleged violator where smoking is permitted at any location on the premises;
- An exposure to listed chemicals in engine exhaust, to the extent the exposure occurs inside a facility owned or operated by the alleged violator and primarily intended for parking non-commercial vehicles.

If a private party alleges that a violation occurred based on one of the exposures described above, the private party must first provide the alleged violator a notice of special compliance procedure and proof of compliance form.

A copy of the notice of special compliance procedure and proof of compliance form is included in Appendix B and can be downloaded from OEHHA's website at:
<http://oehha.ca.gov/prop65/law/p65law72003.html>.

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

Contact the Office of Environmental Health Hazard Assessment's Proposition 65 Implementation Office at (916) 445-6900 or via e-mail at
P65Public.Comments@oehha.ca.gov.

Revised: May 2017

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.7, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

E-Mail Service List

The Honorable Pamela Price Alameda County, District Attorney 7677 Oakport Street, Suite 650 Oakland, CA 94621 CEPDProp65@acgov.org	The Honorable Barbara Yook Calaveras County, 891 Mountain Ranch Rd. San Andreas, CA 95249 Phone: 209-754-6330 Prop65Env@co.calaveras.ca.us	The Honorable Stacey Grassini Contra Costa County, Deputy District Attorney 900 Ward Street Martinez, CA 94553 sgrassini@contracostada.org
The Honorable James Clinchard El Dorado County, Assistant District Attorney 778 Pacific Street Placerville, CA 95667 EDCDAPROP65@edcda.us	The Honorable Lisa A. Smittcamp, Fresno County, District Attorney 2100 Tulare Street Fresno, CA 93721 Phone: (559) 600-3141 consumerprotection@fresnocountyca.gov	The Honorable Thomas L. Hardy Inyo County, District Attorney 168 North Edwards Street Independence, CA 93526 Phone: 760.878.0282 inyoda@inyocounty.us
The Honorable Michelle Latimer Lassen County, Program Coordinator 220 S. Lassen Street Susanville, CA 96130 Phone: 530-251-8284 mlatimer@co.lassen.ca.us	The Honorable Lori Frugoli Marin County, District Attorney 3501 Civic Center Drive, Room 145 San Rafael, CA 94903 consumer@marincounty.gov	The Honorable Walter W. Wall , Mariposa County, District Attorney P.O. Box 730 Mariposa, CA 95338 Phone: (209) 966-3626 mcda@mariposacounty.org
The Honorable Kimberly Lewis, Merced County, District Attorney 550 West Main Street Merced, CA 95340 Phone: (209) 385-7381 Prop65@countyofmerced.com	The Honorable Jeannine M. Pacioni, Monterey County, District Attorney 1200 Aguajito Road Monterey , CA 93940 Prop65DA@co.monterey.ca.us	The Honorable Allison Haley Napa County, District Attorney 1127 First Street, Suite C Napa , CA 94559 CEPD@countyofnapa.org
The Honorable Clifford H. Newell Nevada County, District Attorney 201 Commercial Street Nevada City , CA 95959 DA.Prop65@co.nevada.ca.us	The Honorable Morgan Briggs Gire Placer County, District Attorney 10810 Justice Center Drive Roseville, CA 95678 Phone: 916-543-8000 prop65@placer.ca.gov	The Honorable David Hollister Plumas County, District Attorney 520 Main St. Quincy, CA 95971 Phone: (530) 283-6303 davidhollister@countyofplumas.com
The Honorable Paul E. Zellerbach Riverside County, District Attorney 3072 Orange Street Riverside, CA 92501 Prop65@rivcoda.org	The Honorable Anne Marie Schubert Sacramento County, District Attorney 901 G Street Sacramento, CA 95814 Prop65@sacda.org	The Honorable Summer Stephan San Diego County, District Attorney 330 West Broadway San Diego, CA 92101 SanDiegoDAProp65@sdcca.org
The Honorable Alexander Grayner San Francisco County, Asst. District Attorney 350 Rhode Island Street San Francisco, CA 94103 alexandra.grayner@sfgov.org	The Honorable Tori Verber Salazar San Joaquin County, District Attorney 222 E. Weber Avenue, Room 202 Stockton, CA 95202 DAConsumer.Environmental@sjcda.org	The Honorable Eric J. Dobroth San Luis Obispo County, Deputy District Attorney County Government Center Annex, 4th Floor San Luis Obispo, CA 93408 Phone: 805-781-5800 edobroth@co.slo.ca.us
The Honorable Christopher Dalbey Santa Barbara County, Deputy District Attorney 1112 Santa Barbara St. Santa Barbara, CA 93101 Phone: 805-568-2300 DAProp65@co.santa-barbara.ca.us	The Honorable Bud Porter Santa Clara County, Supervising Deputy District Attorney 70 W Hedding St San Jose, CA 95110 EPU@da.sccgov.org	The Honorable Jeffrey S. Rosell Santa Cruz County, District Attorney 701 Ocean Street Santa Cruz, CA 95060 Phone: 831-454-2400 Prop65DA@santacruzcounty.us
The Honorable Jill Ravitch Sonoma County, District Attorney 600 Administration Drive Santa Rosa, CA 95403 ECLD@sonoma- county.org	The Honorable Phillip J. Cline Tulare County, District Attorney 221 S Mooney Blvd Visalia, CA 95370 Prop65@co.tulare.ca.us	The Honorable Gregory D. Totten Ventura County, District Attorney 800 S Victoria Ave Ventura, CA 93009 daspecialops@ventura.org
The Honorable Jeff W. Resig Yolo County, District Attorney 301 Second Street Woodland, CA 95695 cfepd@yolocounty.gov	The Honorable Mark Ankcom City of San Diego, Deputy City Attorney 1200 Third Avenue San Diego, CA 92101 CityAttyProp65@sandiego.gov	The Honorable Henry Lifton City of San Francisco, Deputy City Attorney 1390 Market Street, 7th Floor San Francisco, CA 94102 Prop65@sfcityatty.org
The Honorable Nora V. Frimann City of Santa Clara, City Attorney 200 E. Santa Clara Street, 16th Floor San Jose, CA 96113 Proposition65notices@sanjoseca.gov		

MAIL SERVICE LIST

The Honorable Robert Priscaro Alpine County, District Attorney P.O. Box 248 Markleeville, CA 96120	The Honorable Todd Riebe Amador County, District Attorney 708 Court Street, #202 Jackson, CA 95642	The Honorable Michael L. Ramsey Butte County, District Attorney 25 County Center Drive - Administrative Building Oroville, CA 95965
The Honorable Brenden Farrell Colusa County, District Attorney 310 6 th Street Colusa, CA 95932	The Honorable Katherine Micks Del Norte County, District Attorney 450 H Street, Room 171 Crescent City, CA 95531	The Honorable Dwayne Stewart Glenn County, District Attorney P.O. Box 430 Willows, CA 95988
The Honorable Stacey Eads Humboldt County, District Attorney 825 5th Street Eureka, CA 95501	The Honorable George Marquez Imperial County, District Attorney 940 West Main Street, Suite 102 El Centro, CA 92243	The Honorable Cynthia Zimmer Kern County, District Attorney 1215 Truxtun Avenue Bakersfield, CA 93301
The Honorable Sarah Hacker Kings County, District Attorney 1400 West Lacey Blvd. Hanford, CA 93230	The Honorable Susan Krones Lake County, District Attorney 255 N. Forbes Street Lakeport, CA 95453	The Honorable George Gascon Los Angeles County, District Attorney 211 W. Temple Street, Suite 1200 Los Angeles, CA 90012
The Honorable Sally O. Moreno, District Attorney 300 South G Street, Suite 300 Madera, CA 93637	The Honorable C. David Eyster Mendocino County, District Attorney P.O. Box 1000 Ukiah, CA 95482	The Honorable Cynthia Campbell Modoc County, District Attorney 204 S. Court Street, Room 202 Alturas, CA 96101
The Honorable David Anderson Mono County, District Attorney P.O. Box 2053 Mammoth Lakes, CA 93546	The Honorable Todd Spitzer Orange County, District Attorney 300 N. Flower Street Santa Ana, CA 92703	The Honorable Joel Buckingham San Benito County, District Attorney 419 4th Street Hollister, CA 95023
The Honorable Jason Anderson San Bernardino County, District Attorney 303 W. Third Street San Bernardino, CA 92415	The Honorable Stephen M. Wagstaffe San Mateo County, District Attorney 400 County Center, Third Floor Redwood City, CA 94063	The Honorable Stephanie A. Bridgett Shasta County, District Attorney 1355 West Street Redding, CA 96001
The Honorable Sandra Groven Sierra County, District Attorney 100 Courthouse Square Downieville, CA 95936	The Honorable James Kirk Andrus Siskiyou County, District Attorney P.O. Box 986 Yreka, CA 96097	The Honorable Krishna A. Abrams Solano County, District Attorney 675 Texas Street, Suite 4500 Fairfield, CA 94533
The Honorable Jeff Laugero Stanislaus County, District Attorney 832 12th Street, Suite 300 Modesto, CA 95353	The Honorable Jennifer Dupre Sutter County, District Attorney 463 2nd Street, Suite 102 Yuba City, CA 95991	The Honorable Matthew Rogers Tehama County, District Attorney P.O. Box 519 Red Bluff, CA 96080
The Honorable David Brady Trinity County, District Attorney P.O. Box 310 Weaverville, CA 96093	The Honorable Cassandra Jenecke Tuolumne County, District Attorney 2 S. Green St. Sonora, CA 95370	The Honorable Clint Curry Yuba County, District Attorney 215 Fifth Street, Suite 152 Marysville, CA 95901
The Honorable Mike Feuer City of Los Angeles, City Attorney 200 N. Main Street Los Angeles, CA 90012		

EXHIBIT 11



ATTORNEYS AT LAW

Tel: 619-629-0527
noam@entornolaw.com
craig@entornolaw.com
jake@entornolaw.com
janani@entornolaw.com

225 Broadway, Suite 1900
San Diego, CA 92101

December 17, 2024

Via Certified Mail:

DermaGlobe, Inc. c/o Jimmy Nguyen 1305 W Arrow Hwy, Ste 107 San Dimas, CA 91773	Current Chief Executive Officer DermaGlobe, Inc. c/o Patrick Francis Leroy 4530 Live Oak Drive Claremont, CA 91711
Topix Pharmaceuticals Inc. c/o CSC- Lawyers Incorporating Service 2710 Gateway Oaks Drive Sacramento, CA 95833	Current Chief Executive Officer Topix Pharmaceuticals Inc. c/o Brenda Wu 5200 New Horizons Blvd, N Amityville, NY 11701

Re: Proposition 65 Notice of Violation

To Whom It May Concern:

We represent Environmental Health Advocates, Inc., an organization in the State of California acting in the interest of the general public. This letter serves as notice that the parties listed above are in violation of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act, commencing with section 25249.5 of the Health and Safety Code (“Proposition 65”). In particular, the violations alleged by this notice consist of types of harm that may potentially result from exposures to the toxic chemical Diethanolamine (“DEA”). This chemical was listed as a carcinogen on June 22, 2012.

The specific type of product that is causing exposures in violation of Proposition 65 are cleansers including but not limited to:

	<u>Product Name</u>	<u>Manufacturer</u>	<u>Distributor/Retailer</u>
1.	Replenix Antioxidant Hydrating Cleanser	Topix Pharmaceuticals Inc.	DermaGlobe, Inc

The routes of exposure for the violations include dermal absorption by consumers. These exposures occur through the reasonably foreseeable use of the product. The sales of this product have been occurring since at least October 2024, are continuing to this day and will continue to occur as long as the product subject to this notice is sold to and used by consumers.

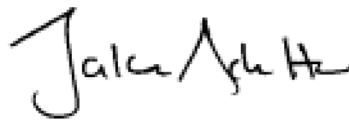
Proposition 65 requires that a clear and reasonable warning is provided with these products regarding the exposures to DEA caused by ordinary use of the product. The Parties are in violation of Proposition 65 by failing to provide such warning to consumers and as a result of the sales of this product, exposures to DEA have been occurring without proper warnings.

Pursuant to Proposition 65, notice and intent to sue shall be provided to violators 60-days before filing a complaint. This letter provides notice of the alleged violation to the parties listed above and the appropriate governmental authorities. A summary of Proposition 65 is attached.

EHA identifies Allan Cate as a responsible individual within the entity, 888 Prospect Street, Suite 200, La Jolla, CA 92037; 858-692-1035. Mr. Cate requests all communications be sent to EHA's attorneys.

If you have any questions or wish to discuss any of the above, please contact me at jake@entornolaw.com and include clerks@entornolaw.com in the email.

ENTORNO LAW, LLP

A handwritten signature in black ink, appearing to read "Jake Schulte". The signature is fluid and cursive, with the first name "Jake" being more prominent than the last name "Schulte".

Jake Schulte

Noam Glick
Craig M. Nicholas
Janani Natarajan

Enclosures

CERTIFICATE OF MERIT

I, Jake Schulte, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the parties identified in the notice have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

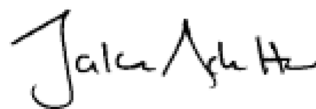
2. I am an attorney for the noticing party.

3. I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the alleged exposure to the listed chemical that is the subject of the action.

4. Based on the information obtained through those consultations, and on all other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiffs' case can be established and the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute.

5. The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health and Safety Code section 25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: December 17, 2024

A handwritten signature in black ink that reads "Jake Schulte". The signature is written in a cursive, slightly stylized font.

Jake Schulte, Attorney at Law

CERTIFICATE OF SERVICE

I, Madeline Walsh, declare that I am over the age of 18 years, and am not a party to the within action. I am employed in the County of San Diego, California, where the mailing occurs; and my business address is 225 Broadway, 19th Floor, San Diego, California 92101.

On December 17, 2024, I served the following documents: **(1) 60-DAY NOTICE OF VIOLATION SENT IN COMPLIANCE WITH HEALTH & SAFETY CODE SECTION 25249.7(d); (2) CERTIFICATE OF MERIT; (3) PROPOSITION 65: A SUMMARY; and (4) CERTIFICATE OF MERIT ATTACHMENT (served only on the Attorney General)** on the parties listed below by placing a true and correct copy thereof in a sealed envelope, addressed to each party and depositing it at my business address with the U.S. Postal Service for delivery by Certified Mail with the postage thereon fully prepaid:

Via Certified Mail

DermaGlobe, Inc. c/o Jimmy Nguyen 1305 W Arrow Hwy, Ste 107 San Dimas, CA 91773	Current Chief Executive Officer DermaGlobe, Inc. c/o Patrick Francis Leroy 4530 Live Oak Drive Claremont, CA 91711
Topix Pharmaceuticals Inc. c/o CSC- Lawyers Incorporating Service 2710 Gateway Oaks Drive Sacramento, CA 95833	Current Chief Executive Officer Topix Pharmaceuticals Inc. c/o Brenda Wu 5200 New Horizons Blvd, N Amityville, NY 11701

On December 17, 2024, I served the California Attorney General (via website Portal) by uploading a true and correct copy thereof as a PDF file via the California Attorney General's website.

On December 17, 2024, I transmitted via electronic mail the above-listed documents to the electronic mail addresses of the City and/or District Attorneys who have specifically authorized e-mail service and the authorization appears on the Attorney General's web site.

See Attached Service List

On December 17, 2024, I served the following persons and/or entities at the last known address by placing a true and correct copy thereof in a sealed envelope and depositing it at my business address with the U.S. Postal Service for delivery with the postage thereon fully prepaid, and addressed as follows:

See Attached Service List

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 17, 2024, at San Diego, California.

Madeline Walsh
Madeline Walsh

APPENDIX A

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY

The following summary has been prepared by the California Office of Environmental Health Hazard Assessment (OEHHA), the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as “Proposition 65”). A copy of this summary must be included as an attachment to any notice of violation served upon an alleged violator of the Act. The summary provides basic information about the provisions of the law, and is intended to serve only as a convenient source of general information. It is not intended to provide authoritative guidance on the meaning or application of the law. The reader is directed to the statute and OEHHA implementing regulations (see citations below) for further information.

FOR INFORMATION CONCERNING THE BASIS FOR THE ALLEGATIONS IN THE NOTICE RELATED TO YOUR BUSINESS, CONTACT THE PERSON IDENTIFIED ON THE NOTICE.

The text of Proposition 65 (Health and Safety Code Sections 25249.5 through 25249.13) is available online at: <http://oehha.ca.gov/prop65/law/P65law72003.html>. Regulations that provide more specific guidance on compliance, and that specify procedures to be followed by the State in carrying out certain aspects of the law, are found in Title 27 of the California Code of Regulations, sections 25102 through 27001.¹ These implementing regulations are available online at: <http://oehha.ca.gov/prop65/law/P65Regs.html>.

WHAT DOES PROPOSITION 65 REQUIRE?

The “Proposition 65 List.” Under Proposition 65, the lead agency (OEHHA) publishes a list of chemicals that are known to the State of California to cause cancer and/or reproductive toxicity. Chemicals are placed on the Proposition 65 list if they are known to cause cancer and/or birth defects or other reproductive harm, such as damage to

¹ All further regulatory references are to sections of Title 27 of the California Code of Regulations unless otherwise indicated. The statute, regulations and relevant case law are available on the OEHHA website at: <http://www.oehha.ca.gov/prop65/law/index.html>.

female or male reproductive systems or to the developing fetus. This list must be updated at least once a year. The current Proposition 65 list of chemicals is available on the OEHHA website at: http://www.oehha.ca.gov/prop65/prop65_list/Newlist.html.

Only those chemicals that are on the list are regulated under Proposition 65. Businesses that produce, use, release or otherwise engage in activities involving listed chemicals must comply with the following:

Clear and reasonable warnings. A business is required to warn a person before “knowingly and intentionally” exposing that person to a listed chemical unless an exemption applies. The warning given must be “clear and reasonable.” This means that the warning must: (1) clearly make known that the chemical involved is known to cause cancer, or birth defects or other reproductive harm; and (2) be given in such a way that it will effectively reach the person before he or she is exposed to that chemical. Some exposures are exempt from the warning requirement under certain circumstances discussed below.

Prohibition from discharges into drinking water. A business must not knowingly discharge or release a listed chemical into water or onto land where it passes or probably will pass into a source of drinking water. Some discharges are exempt from this requirement under certain circumstances discussed below.

DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?

Yes. You should consult the current version of the statute and regulations (<http://www.oehha.ca.gov/prop65/law/index.html>) to determine all applicable exemptions, the most common of which are the following:

Grace Period. Proposition 65 warning requirements do not apply until 12 months after the chemical has been listed. The Proposition 65 discharge prohibition does not apply to a discharge or release of a chemical that takes place less than 20 months after the listing of the chemical.

Governmental agencies and public water utilities. All agencies of the federal, state or local government, as well as entities operating public water systems, are exempt.

Businesses with nine or fewer employees. Neither the warning requirement nor the discharge prohibition applies to a business that employs a total of nine or fewer employees. This includes all employees, not just those present in California.

Exposures that pose no significant risk of cancer. For chemicals that are listed under Proposition 65 as known to the State to cause cancer, a warning is not required if the business causing the exposure can demonstrate that the exposure occurs at a level that poses “no significant risk.” This means that the exposure is calculated to result in not more than one excess case of cancer in 100,000 individuals exposed over a 70-year lifetime. The Proposition 65 regulations identify specific “No Significant Risk Levels” (NSRLs) for many listed carcinogens. Exposures below these levels are exempt from the warning requirement. See OEHHA's website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of NSRLs, and Section 25701 *et seq.* of the regulations for information concerning how these levels are calculated.

Exposures that will produce no observable reproductive effect at 1,000 times the level in question. For chemicals known to the State to cause reproductive toxicity, a warning is not required if the business causing the exposure can demonstrate that the exposure will produce no observable effect, even at 1,000 times the level in question. In other words, the level of exposure must be below the “no observable effect level” divided by 1,000. This number is known as the Maximum Allowable Dose Level (MADL). See OEHHA's website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of MADLs, and Section 25801 *et seq.* of the regulations for information concerning how these levels are calculated.

Exposures to Naturally Occurring Chemicals in Food. Certain exposures to chemicals that naturally occur in foods (i.e., that do not result from any known human activity, including activity by someone other than the person causing the exposure) are exempt from the warning requirements of the law. If the chemical is a contaminant² it must be reduced to the lowest level feasible. Regulations explaining this exemption can be found in Section 25501.

Discharges that do not result in a “significant amount” of the listed chemical entering any source of drinking water. The prohibition from discharges into drinking water does not apply if the discharger is able to demonstrate that a “significant amount” of the listed chemical has not, does not, or will not pass into or probably pass into a source of drinking water, and that the discharge complies with all other applicable laws, regulations, permits, requirements, or orders. A “significant amount” means any detectable amount, except an amount that would meet the “no significant risk” level for chemicals that cause cancer or that is 1,000 times below the “no observable effect” level for chemicals that cause reproductive toxicity, if an individual were exposed to that amount in drinking water.

² See Section 25501(a)(4).

HOW IS PROPOSITION 65 ENFORCED?

Enforcement is carried out through civil lawsuits. These lawsuits may be brought by the Attorney General, any district attorney, or certain city attorneys. Lawsuits may also be brought by private parties acting in the public interest, but only after providing notice of the alleged violation to the Attorney General, the appropriate district attorney and city attorney, and the business accused of the violation. The notice must provide adequate information to allow the recipient to assess the nature of the alleged violation. The notice must comply with the information and procedural requirements specified in Section 25903 of Title 27 and sections 3100-3103 of Title 11. A private party may not pursue an independent enforcement action under Proposition 65 if one of the governmental officials noted above initiates an enforcement action within sixty days of the notice.

A business found to be in violation of Proposition 65 is subject to civil penalties of up to \$2,500 per day for each violation. In addition, the business may be ordered by a court to stop committing the violation.

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- An exposure to alcoholic beverages that are consumed on the alleged violator's premises to the extent onsite consumption is permitted by law;
- An exposure to a Proposition 65 listed chemical in a food or beverage prepared and sold on the alleged violator's premises that is primarily intended for immediate consumption on- or off-premises. This only applies if the chemical was not intentionally added to the food, and was formed by cooking or similar preparation of food or beverage components necessary to render the food or beverage palatable or to avoid microbiological contamination;
- An exposure to environmental tobacco smoke caused by entry of persons (other than employees) on premises owned or operated by the alleged violator where smoking is permitted at any location on the premises;
- An exposure to listed chemicals in engine exhaust, to the extent the exposure occurs inside a facility owned or operated by the alleged violator and primarily intended for parking non-commercial vehicles.

If a private party alleges that a violation occurred based on one of the exposures described above, the private party must first provide the alleged violator a notice of special compliance procedure and proof of compliance form.

A copy of the notice of special compliance procedure and proof of compliance form is included in Appendix B and can be downloaded from OEHHA's website at:
<http://oehha.ca.gov/prop65/law/p65law72003.html>.

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

Contact the Office of Environmental Health Hazard Assessment's Proposition 65 Implementation Office at (916) 445-6900 or via e-mail at
P65Public.Comments@oehha.ca.gov.

Revised: May 2017

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.7, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

E-Mail Service List

The Honorable Pamela Price Alameda County, District Attorney 7677 Oakport Street, Suite 650 Oakland, CA 94621 CEPDProp65@acgov.org	The Honorable Barbara Yook Calaveras County, 891 Mountain Ranch Rd. San Andreas, CA 95249 Phone: 209-754-6330 Prop65Env@co.calaveras.ca.us	The Honorable Stacey Grassini Contra Costa County, Deputy District Attorney 900 Ward Street Martinez, CA 94553 sgrassini@contracostada.org
The Honorable James Clinchard El Dorado County, Assistant District Attorney 778 Pacific Street Placerville, CA 95667 EDCDAPROP65@edcda.us	The Honorable Lisa A. Smittcamp, Fresno County, District Attorney 2100 Tulare Street Fresno, CA 93721 Phone: (559) 600-3141 consumerprotection@fresnocountyca.gov	The Honorable Thomas L. Hardy Inyo County, District Attorney 168 North Edwards Street Independence, CA 93526 Phone: 760.878.0282 inyoda@inyocounty.us
The Honorable Michelle Latimer Lassen County, Program Coordinator 220 S. Lassen Street Susanville, CA 96130 Phone: 530-251-8284 mlatimer@co.lassen.ca.us	The Honorable Lori Frugoli Marin County, District Attorney 3501 Civic Center Drive, Room 145 San Rafael, CA 94903 consumer@marincounty.gov	The Honorable Walter W. Wall , Mariposa County, District Attorney P.O. Box 730 Mariposa, CA 95338 Phone: (209) 966-3626 mcda@mariposacounty.org
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The Honorable Alexander Grayner San Francisco County, Asst. District Attorney 350 Rhode Island Street San Francisco, CA 94103 alexandra.grayner@sfgov.org	The Honorable Tori Verber Salazar San Joaquin County, District Attorney 222 E. Weber Avenue, Room 202 Stockton, CA 95202 DAConsumer.Environmental@sjcda.org	The Honorable Eric J. Dobroth San Luis Obispo County, Deputy District Attorney County Government Center Annex, 4th Floor San Luis Obispo, CA 93408 Phone: 805-781-5800 edobroth@co.slo.ca.us
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The Honorable Jason Anderson San Bernardino County, District Attorney 303 W. Third Street San Bernardino, CA 92415	The Honorable Stephen M. Wagstaffe San Mateo County, District Attorney 400 County Center, Third Floor Redwood City, CA 94063	The Honorable Stephanie A. Bridgett Shasta County, District Attorney 1355 West Street Redding, CA 96001
The Honorable Sandra Groven Sierra County, District Attorney 100 Courthouse Square Downieville, CA 95936	The Honorable James Kirk Andrus Siskiyou County, District Attorney P.O. Box 986 Yreka, CA 96097	The Honorable Krishna A. Abrams Solano County, District Attorney 675 Texas Street, Suite 4500 Fairfield, CA 94533
The Honorable Jeff Laugero Stanislaus County, District Attorney 832 12th Street, Suite 300 Modesto, CA 95353	The Honorable Jennifer Dupre Sutter County, District Attorney 463 2nd Street, Suite 102 Yuba City, CA 95991	The Honorable Matthew Rogers Tehama County, District Attorney P.O. Box 519 Red Bluff, CA 96080
The Honorable David Brady Trinity County, District Attorney P.O. Box 310 Weaverville, CA 96093	The Honorable Cassandra Jenecke Tuolumne County, District Attorney 2 S. Green St. Sonora, CA 95370	The Honorable Clint Curry Yuba County, District Attorney 215 Fifth Street, Suite 152 Marysville, CA 95901
The Honorable Mike Feuer City of Los Angeles, City Attorney 200 N. Main Street Los Angeles, CA 90012		

EXHIBIT 12



ATTORNEYS AT LAW

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jake@entornolaw.com
janani@entornolaw.com

225 Broadway, Suite 1900
San Diego, CA 92101

April 18, 2025

Via Certified Mail:

Environ Skin Care (PTY) LTD. c/o Registered Agent No 2 69 Earls Court Square London, SW596 United Kingdom	Environ Skin Care (PTY) LTD. c/o Registered Agent No. 14 Jan Smuts Road Parow Cape Town 7500 South Africa
The Art of Beauty LLC c/o National Registered Agents, Inc. of NJ 100 Canal Pointe Blvd., Suite 108 Princeton, NJ 08540	Environ Skin Care (PTY) LTD. c/o Andrew L. Reibman K&L GATES LLP 599 Lexington Ave New York, NY 10022-6030

Re: Proposition 65 Notice of Violation

This notice amends the original notice of violation AG No. 2024-05272. This notice adds an additional address for Environ Skin Care (PTY) LTD.

To Whom It May Concern:

We represent Environmental Health Advocates, Inc., an organization in the State of California acting in the interest of the general public. This letter serves as notice that the parties listed above are in violation of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act, commencing with section 25249.5 of the Health and Safety Code (“Proposition 65”). In particular, the violations alleged by this notice consist of types of harm that may potentially result from exposures to the toxic chemical Diethanolamine (“DEA”). This chemical was listed as a carcinogen on June 22, 2012.

The specific type of product that is causing exposures in violation of Proposition 65 is skin cleanser, including but not limited to:

	<u>Product Name</u>	<u>Manufacturer</u>	<u>Distributor/Retailer</u>
1.	Environ Skin EssentiA Vita-Antioxidant AVST Gel	Environ Skin Care (PTY) LTD.	The Art of Beauty LLC

The routes of exposure for the violations include dermal absorption by consumers. These exposures occur through the reasonably foreseeable use of the product. The sales of this product have been occurring since at least October 2024, are continuing to this day and will continue to

occur as long as the product subject to this notice is sold to and used by consumers.

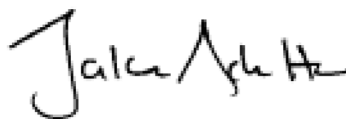
Proposition 65 requires that a clear and reasonable warning is provided with these products regarding the exposures to DEA caused by ordinary use of the product. The Parties are in violation of Proposition 65 by failing to provide such warning to consumers and as a result of the sales of this product, exposures to DEA have been occurring without proper warnings.

Pursuant to Proposition 65, notice and intent to sue shall be provided to violators 60-days before filing a complaint. This letter provides notice of the alleged violation to the parties listed above and the appropriate governmental authorities. A summary of Proposition 65 is attached.

EHA identifies Allan Cate as a responsible individual within the entity, 888 Prospect Street, Suite 200, La Jolla, CA 92037; 858-692-1035. Mr. Cate requests all communications be sent to EHA's attorneys.

If you have any questions or wish to discuss any of the above, please contact me at jake@entornolaw.com and include clerks@entornolaw.com in the email.

ENTORNO LAW, LLP

A handwritten signature in black ink, appearing to read "Jake Schulte". The signature is fluid and cursive, with the first name "Jake" being more prominent than the last name "Schulte".

Jake Schulte

Noam Glick
Craig M. Nicholas
Janani Natarajan
Gianna Tirrell

Enclosures

CERTIFICATE OF MERIT

I, Jake Schulte, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the parties identified in the notice have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

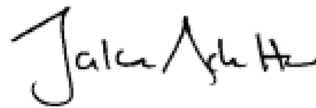
2. I am an attorney for the noticing party.

3. I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the alleged exposure to the listed chemical that is the subject of the action.

4. Based on the information obtained through those consultations, and on all other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiffs' case can be established and the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute.

5. The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health and Safety Code section 25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: April 18, 2025

A handwritten signature in black ink that reads "Jake Schulte". The signature is written in a cursive, flowing style.

Jake Schulte, Attorney at Law

CERTIFICATE OF SERVICE

I, Madeline Walsh, declare that I am over the age of 18 years, and am not a party to the within action. I am employed in the County of San Diego, California, where the mailing occurs; and my business address is 225 Broadway, 19th Floor, San Diego, California 92101.

On April 18, 2025, I served the following documents: **(1) 60-DAY NOTICE OF VIOLATION SENT IN COMPLIANCE WITH HEALTH & SAFETY CODE SECTION 25249.7(d); (2) CERTIFICATE OF MERIT; (3) PROPOSITION 65: A SUMMARY; and (4) CERTIFICATE OF MERIT ATTACHMENT (served only on the Attorney General)** on the parties listed below by placing a true and correct copy thereof in a sealed envelope, addressed to each party and depositing it at my business address with the U.S. Postal Service for delivery by Certified Mail with the postage thereon fully prepaid:

Via Certified Mail

Environ Skin Care (PTY) LTD. c/o Registered Agent No 2 69 Earls Court Square London, SW596 United Kingdom	Environ Skin Care (PTY) LTD. c/o Registered Agent No. 14 Jan Smuts Road Parow Cape Town 7500 South Africa
The Art of Beauty LLC c/o National Registered Agents, Inc. of NJ 100 Canal Pointe Blvd., Suite 108 Princeton, NJ 08540	Environ Skin Care (PTY) LTD. c/o Andrew L. Reibman K&L GATES LLP 599 Lexington Ave New York, NY 10022-6030

On April 18, 2025, I served the California Attorney General (via website Portal) by uploading a true and correct copy thereof as a PDF file via the California Attorney General's website.

On April 18, 2025, I transmitted via electronic mail the above-listed documents to the electronic mail addresses of the City and/or District Attorneys who have specifically authorized e-mail service and the authorization appears on the Attorney General's web site.

See Attached Service List

On April 18, 2025, I served the following persons and/or entities at the last known address by placing a true and correct copy thereof in a sealed envelope and depositing it at my business address with the U.S. Postal Service for delivery with the postage thereon fully prepaid, and addressed as follows:

See Attached Service List

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on April 18, 2025, at San Diego, California.

Madeline Walsh

Madeline Walsh

APPENDIX A

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY

The following summary has been prepared by the California Office of Environmental Health Hazard Assessment (OEHHA), the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as “Proposition 65”). A copy of this summary must be included as an attachment to any notice of violation served upon an alleged violator of the Act. The summary provides basic information about the provisions of the law, and is intended to serve only as a convenient source of general information. It is not intended to provide authoritative guidance on the meaning or application of the law. The reader is directed to the statute and OEHHA implementing regulations (see citations below) for further information.

FOR INFORMATION CONCERNING THE BASIS FOR THE ALLEGATIONS IN THE NOTICE RELATED TO YOUR BUSINESS, CONTACT THE PERSON IDENTIFIED ON THE NOTICE.

The text of Proposition 65 (Health and Safety Code Sections 25249.5 through 25249.13) is available online at: <http://oehha.ca.gov/prop65/law/P65law72003.html>. Regulations that provide more specific guidance on compliance, and that specify procedures to be followed by the State in carrying out certain aspects of the law, are found in Title 27 of the California Code of Regulations, sections 25102 through 27001.¹ These implementing regulations are available online at: <http://oehha.ca.gov/prop65/law/P65Regs.html>.

WHAT DOES PROPOSITION 65 REQUIRE?

The “Proposition 65 List.” Under Proposition 65, the lead agency (OEHHA) publishes a list of chemicals that are known to the State of California to cause cancer and/or reproductive toxicity. Chemicals are placed on the Proposition 65 list if they are known to cause cancer and/or birth defects or other reproductive harm, such as damage to

¹ All further regulatory references are to sections of Title 27 of the California Code of Regulations unless otherwise indicated. The statute, regulations and relevant case law are available on the OEHHA website at: <http://www.oehha.ca.gov/prop65/law/index.html>.

female or male reproductive systems or to the developing fetus. This list must be updated at least once a year. The current Proposition 65 list of chemicals is available on the OEHHA website at: http://www.oehha.ca.gov/prop65/prop65_list/Newlist.html.

Only those chemicals that are on the list are regulated under Proposition 65. Businesses that produce, use, release or otherwise engage in activities involving listed chemicals must comply with the following:

Clear and reasonable warnings. A business is required to warn a person before “knowingly and intentionally” exposing that person to a listed chemical unless an exemption applies. The warning given must be “clear and reasonable.” This means that the warning must: (1) clearly make known that the chemical involved is known to cause cancer, or birth defects or other reproductive harm; and (2) be given in such a way that it will effectively reach the person before he or she is exposed to that chemical. Some exposures are exempt from the warning requirement under certain circumstances discussed below.

Prohibition from discharges into drinking water. A business must not knowingly discharge or release a listed chemical into water or onto land where it passes or probably will pass into a source of drinking water. Some discharges are exempt from this requirement under certain circumstances discussed below.

DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?

Yes. You should consult the current version of the statute and regulations (<http://www.oehha.ca.gov/prop65/law/index.html>) to determine all applicable exemptions, the most common of which are the following:

Grace Period. Proposition 65 warning requirements do not apply until 12 months after the chemical has been listed. The Proposition 65 discharge prohibition does not apply to a discharge or release of a chemical that takes place less than 20 months after the listing of the chemical.

Governmental agencies and public water utilities. All agencies of the federal, state or local government, as well as entities operating public water systems, are exempt.

Businesses with nine or fewer employees. Neither the warning requirement nor the discharge prohibition applies to a business that employs a total of nine or fewer employees. This includes all employees, not just those present in California.

Exposures that pose no significant risk of cancer. For chemicals that are listed under Proposition 65 as known to the State to cause cancer, a warning is not required if the business causing the exposure can demonstrate that the exposure occurs at a level that poses “no significant risk.” This means that the exposure is calculated to result in not more than one excess case of cancer in 100,000 individuals exposed over a 70-year lifetime. The Proposition 65 regulations identify specific “No Significant Risk Levels” (NSRLs) for many listed carcinogens. Exposures below these levels are exempt from the warning requirement. See OEHHA's website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of NSRLs, and Section 25701 *et seq.* of the regulations for information concerning how these levels are calculated.

Exposures that will produce no observable reproductive effect at 1,000 times the level in question. For chemicals known to the State to cause reproductive toxicity, a warning is not required if the business causing the exposure can demonstrate that the exposure will produce no observable effect, even at 1,000 times the level in question. In other words, the level of exposure must be below the “no observable effect level” divided by 1,000. This number is known as the Maximum Allowable Dose Level (MADL). See OEHHA's website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of MADLs, and Section 25801 *et seq.* of the regulations for information concerning how these levels are calculated.

Exposures to Naturally Occurring Chemicals in Food. Certain exposures to chemicals that naturally occur in foods (i.e., that do not result from any known human activity, including activity by someone other than the person causing the exposure) are exempt from the warning requirements of the law. If the chemical is a contaminant² it must be reduced to the lowest level feasible. Regulations explaining this exemption can be found in Section 25501.

Discharges that do not result in a “significant amount” of the listed chemical entering any source of drinking water. The prohibition from discharges into drinking water does not apply if the discharger is able to demonstrate that a “significant amount” of the listed chemical has not, does not, or will not pass into or probably pass into a source of drinking water, and that the discharge complies with all other applicable laws, regulations, permits, requirements, or orders. A “significant amount” means any detectable amount, except an amount that would meet the “no significant risk” level for chemicals that cause cancer or that is 1,000 times below the “no observable effect” level for chemicals that cause reproductive toxicity, if an individual were exposed to that amount in drinking water.

² See Section 25501(a)(4).

HOW IS PROPOSITION 65 ENFORCED?

Enforcement is carried out through civil lawsuits. These lawsuits may be brought by the Attorney General, any district attorney, or certain city attorneys. Lawsuits may also be brought by private parties acting in the public interest, but only after providing notice of the alleged violation to the Attorney General, the appropriate district attorney and city attorney, and the business accused of the violation. The notice must provide adequate information to allow the recipient to assess the nature of the alleged violation. The notice must comply with the information and procedural requirements specified in Section 25903 of Title 27 and sections 3100-3103 of Title 11. A private party may not pursue an independent enforcement action under Proposition 65 if one of the governmental officials noted above initiates an enforcement action within sixty days of the notice.

A business found to be in violation of Proposition 65 is subject to civil penalties of up to \$2,500 per day for each violation. In addition, the business may be ordered by a court to stop committing the violation.

A private party may not file an enforcement action based on certain exposures if the alleged violator meets specific conditions. For the following types of exposures, the Act provides an opportunity for the business to correct the alleged violation:

- An exposure to alcoholic beverages that are consumed on the alleged violator's premises to the extent onsite consumption is permitted by law;
- An exposure to a Proposition 65 listed chemical in a food or beverage prepared and sold on the alleged violator's premises that is primarily intended for immediate consumption on- or off-premises. This only applies if the chemical was not intentionally added to the food, and was formed by cooking or similar preparation of food or beverage components necessary to render the food or beverage palatable or to avoid microbiological contamination;
- An exposure to environmental tobacco smoke caused by entry of persons (other than employees) on premises owned or operated by the alleged violator where smoking is permitted at any location on the premises;
- An exposure to listed chemicals in engine exhaust, to the extent the exposure occurs inside a facility owned or operated by the alleged violator and primarily intended for parking non-commercial vehicles.

If a private party alleges that a violation occurred based on one of the exposures described above, the private party must first provide the alleged violator a notice of special compliance procedure and proof of compliance form.

A copy of the notice of special compliance procedure and proof of compliance form is included in Appendix B and can be downloaded from OEHHA's website at:
<http://oehha.ca.gov/prop65/law/p65law72003.html>.

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

Contact the Office of Environmental Health Hazard Assessment's Proposition 65 Implementation Office at (916) 445-6900 or via e-mail at
P65Public.Comments@oehha.ca.gov.

Revised: May 2017

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.7, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

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The Honorable Sally O. Moreno, District Attorney 300 South G Street, Suite 300 Madera, CA 93637	The Honorable C. David Eyster Mendocino County, District Attorney P.O. Box 1000 Ukiah, CA 95482	The Honorable Cynthia Campbell Modoc County, District Attorney 204 S. Court Street, Room 202 Alturas, CA 96101
The Honorable David Anderson Mono County, District Attorney P.O. Box 2053 Mammoth Lakes, CA 93546	The Honorable Todd Spitzer Orange County, District Attorney 300 N. Flower Street Santa Ana, CA 92703	The Honorable Joel Buckingham San Benito County, District Attorney 419 4th Street Hollister, CA 95023
The Honorable Jason Anderson San Bernardino County, District Attorney 303 W. Third Street San Bernardino, CA 92415	The Honorable Stephen M. Wagstaffe San Mateo County, District Attorney 400 County Center, Third Floor Redwood City, CA 94063	The Honorable Stephanie A. Bridgett Shasta County, District Attorney 1355 West Street Redding, CA 96001
The Honorable Sandra Groven Sierra County, District Attorney 100 Courthouse Square Downieville, CA 95936	The Honorable James Kirk Andrus Siskiyou County, District Attorney P.O. Box 986 Yreka, CA 96097	The Honorable Krishna A. Abrams Solano County, District Attorney 675 Texas Street, Suite 4500 Fairfield, CA 94533
The Honorable Jeff Laugero Stanislaus County, District Attorney 832 12th Street, Suite 300 Modesto, CA 95353	The Honorable Jennifer Dupre Sutter County, District Attorney 463 2nd Street, Suite 102 Yuba City, CA 95991	The Honorable Matthew Rogers Tehama County, District Attorney P.O. Box 519 Red Bluff, CA 96080
The Honorable David Brady Trinity County, District Attorney P.O. Box 310 Weaverville, CA 96093	The Honorable Cassandra Jenecke Tuolumne County, District Attorney 2 S. Green St. Sonora, CA 95370	The Honorable Clint Curry Yuba County, District Attorney 215 Fifth Street, Suite 152 Marysville, CA 95901
The Honorable Mike Feuer City of Los Angeles, City Attorney 200 N. Main Street Los Angeles, CA 90012		

EXHIBIT 13



ATTORNEYS AT LAW

Tel: 619-629-0527
noam@entornolaw.com
craig@entornolaw.com
jake@entornolaw.com
janani@entornolaw.com

225 Broadway, Suite 1900
San Diego, CA 92101

January 17, 2025

Via Certified Mail:

Mario Badescu Skin Care, Inc.
c/o Morris Cabasso
1880 East 8th Street
Brooklyn, NY 11223

Re: Proposition 65 Notice of Violation

To Whom It May Concern:

We represent Environmental Health Advocates, Inc., an organization in the State of California acting in the interest of the general public. This letter serves as notice that the parties listed above are in violation of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act, commencing with section 25249.5 of the Health and Safety Code (“Proposition 65”). In particular, the violations alleged by this notice consist of types of harm that may potentially result from exposures to the toxic chemical Diethanolamine (“DEA”). This chemical was listed as a carcinogen on June 22, 2012.

The specific type of product that is causing exposures in violation of Proposition 65 is cleanser, including but not limited to:

	<u>Product Name</u>	<u>Manufacturer</u>	<u>Distributor/Retailer</u>
1.	Mario Badescu Cleansing Milk with Carnation & Rice Oil	Mario Badescu Skin Care, Inc.	Mario Badescu Skin Care, Inc.

The routes of exposure for the violations include dermal absorption by consumers. These exposures occur through the reasonably foreseeable use of the product. The sales of this product have been occurring since at least November 2024, are continuing to this day and will continue to occur as long as the product subject to this notice is sold to and used by consumers.

Proposition 65 requires that a clear and reasonable warning is provided with these products regarding the exposures to DEA caused by ordinary use of the product. The Parties are in violation of Proposition 65 by failing to provide such warning to consumers and as a result of the sales of this product, exposures to DEA have been occurring without proper warnings.

Pursuant to Proposition 65, notice and intent to sue shall be provided to violators 60-days before filing a complaint. This letter provides notice of the alleged violation to the parties listed above and the appropriate governmental authorities. A summary of Proposition 65 is attached.

EHA identifies Allan Cate as a responsible individual within the entity, 888 Prospect Street, Suite 200, La Jolla, CA 92037; 858-692-1035. Mr. Cate requests all communications be sent to EHA's attorneys.

If you have any questions or wish to discuss any of the above, please contact me at noam@entornolaw.com and include clerks@entornolaw.com in the email.

Sincerely,

ENTORNO LAW LLP.

A handwritten signature in blue ink that reads "Noam Glick". The signature is fluid and cursive, with the first name "Noam" and last name "Glick" clearly distinguishable.

Noam Glick

Craig M. Nicholas

Jake Schulte

Janani Natarajan

CERTIFICATE OF MERIT

I, Noam Glick, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the parties identified in the notice have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

2. I am an attorney for the noticing party.

3. I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the alleged exposure to the listed chemical that is the subject of the action.

4. Based on the information obtained through those consultations, and on all other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that “reasonable and meritorious case for the private action” means that the information provides a credible basis that all elements of the plaintiff’s case can be established and the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute.

5. The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health and Safety Code section 25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: January 17, 2025



Noam Glick, Attorney at Law

CERTIFICATE OF SERVICE

I, Gayatri Bhanot, declare that I am over the age of 18 years, and am not a party to the within action. I am employed in the County of San Diego, California, where the mailing occurs; and my business address is 225 Broadway, 19th Floor, San Diego, California 92101.

On January 17, 2025, I served the following documents: **(1) 60-DAY NOTICE OF VIOLATION SENT IN COMPLIANCE WITH HEALTH & SAFETY CODE SECTION 25249.7(d); (2) CERTIFICATE OF MERIT; (3) PROPOSITION 65: A SUMMARY; and (4) CERTIFICATE OF MERIT ATTACHMENT (served only on the Attorney General)** on the parties listed below by placing a true and correct copy thereof in a sealed envelope, addressed to each party and depositing it at my business address with the U.S. Postal Service for delivery by Certified Mail with the postage thereon fully prepaid:

Via Certified Mail

Mario Badescu Skin Care, Inc. c/o Morris Cabasso 1880 East 8th Street Brooklyn, NY 11223

On January 17, 2025, I served the California Attorney General (via website Portal) by uploading a true and correct copy thereof as a PDF file via the California Attorney General's website.

On January 17, 2025, I transmitted via electronic mail the above-listed documents to the electronic mail addresses of the City and/or District Attorneys who have specifically authorized e-mail service and the authorization appears on the Attorney General's web site.

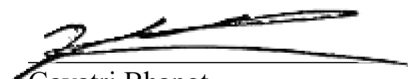
See Attached Service List

On January 17, 2025, I served the following persons and/or entities at the last known address by placing a true and correct copy thereof in a sealed envelope and depositing it at my business address with the U.S. Postal Service for delivery with the postage thereon fully prepaid, and addressed as follows:

See Attached Service List

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on January 17, 2025, at San Diego, California.


Gayatri Bhanot

APPENDIX A

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY

The following summary has been prepared by the California Office of Environmental Health Hazard Assessment (OEHHA), the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as “Proposition 65”). A copy of this summary must be included as an attachment to any notice of violation served upon an alleged violator of the Act. The summary provides basic information about the provisions of the law, and is intended to serve only as a convenient source of general information. It is not intended to provide authoritative guidance on the meaning or application of the law. The reader is directed to the statute and OEHHA implementing regulations (see citations below) for further information.

FOR INFORMATION CONCERNING THE BASIS FOR THE ALLEGATIONS IN THE NOTICE RELATED TO YOUR BUSINESS, CONTACT THE PERSON IDENTIFIED ON THE NOTICE.

The text of Proposition 65 (Health and Safety Code Sections 25249.5 through 25249.13) is available online at: <http://oehha.ca.gov/prop65/law/P65law72003.html>. Regulations that provide more specific guidance on compliance, and that specify procedures to be followed by the State in carrying out certain aspects of the law, are found in Title 27 of the California Code of Regulations, sections 25102 through 27001.¹ These implementing regulations are available online at: <http://oehha.ca.gov/prop65/law/P65Regs.html>.

WHAT DOES PROPOSITION 65 REQUIRE?

The “Proposition 65 List.” Under Proposition 65, the lead agency (OEHHA) publishes a list of chemicals that are known to the State of California to cause cancer and/or reproductive toxicity. Chemicals are placed on the Proposition 65 list if they are known to cause cancer and/or birth defects or other reproductive harm, such as damage to

¹ All further regulatory references are to sections of Title 27 of the California Code of Regulations unless otherwise indicated. The statute, regulations and relevant case law are available on the OEHHA website at: <http://www.oehha.ca.gov/prop65/law/index.html>.

female or male reproductive systems or to the developing fetus. This list must be updated at least once a year. The current Proposition 65 list of chemicals is available on the OEHHA website at: http://www.oehha.ca.gov/prop65/prop65_list/Newlist.html.

Only those chemicals that are on the list are regulated under Proposition 65. Businesses that produce, use, release or otherwise engage in activities involving listed chemicals must comply with the following:

Clear and reasonable warnings. A business is required to warn a person before “knowingly and intentionally” exposing that person to a listed chemical unless an exemption applies. The warning given must be “clear and reasonable.” This means that the warning must: (1) clearly make known that the chemical involved is known to cause cancer, or birth defects or other reproductive harm; and (2) be given in such a way that it will effectively reach the person before he or she is exposed to that chemical. Some exposures are exempt from the warning requirement under certain circumstances discussed below.

Prohibition from discharges into drinking water. A business must not knowingly discharge or release a listed chemical into water or onto land where it passes or probably will pass into a source of drinking water. Some discharges are exempt from this requirement under certain circumstances discussed below.

DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?

Yes. You should consult the current version of the statute and regulations (<http://www.oehha.ca.gov/prop65/law/index.html>) to determine all applicable exemptions, the most common of which are the following:

Grace Period. Proposition 65 warning requirements do not apply until 12 months after the chemical has been listed. The Proposition 65 discharge prohibition does not apply to a discharge or release of a chemical that takes place less than 20 months after the listing of the chemical.

Governmental agencies and public water utilities. All agencies of the federal, state or local government, as well as entities operating public water systems, are exempt.

Businesses with nine or fewer employees. Neither the warning requirement nor the discharge prohibition applies to a business that employs a total of nine or fewer employees. This includes all employees, not just those present in California.

Exposures that pose no significant risk of cancer. For chemicals that are listed under Proposition 65 as known to the State to cause cancer, a warning is not required if the business causing the exposure can demonstrate that the exposure occurs at a level that poses “no significant risk.” This means that the exposure is calculated to result in not more than one excess case of cancer in 100,000 individuals exposed over a 70-year lifetime. The Proposition 65 regulations identify specific “No Significant Risk Levels” (NSRLs) for many listed carcinogens. Exposures below these levels are exempt from the warning requirement. See OEHHA's website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of NSRLs, and Section 25701 *et seq.* of the regulations for information concerning how these levels are calculated.

Exposures that will produce no observable reproductive effect at 1,000 times the level in question. For chemicals known to the State to cause reproductive toxicity, a warning is not required if the business causing the exposure can demonstrate that the exposure will produce no observable effect, even at 1,000 times the level in question. In other words, the level of exposure must be below the “no observable effect level” divided by 1,000. This number is known as the Maximum Allowable Dose Level (MADL). See OEHHA's website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of MADLs, and Section 25801 *et seq.* of the regulations for information concerning how these levels are calculated.

Exposures to Naturally Occurring Chemicals in Food. Certain exposures to chemicals that naturally occur in foods (i.e., that do not result from any known human activity, including activity by someone other than the person causing the exposure) are exempt from the warning requirements of the law. If the chemical is a contaminant² it must be reduced to the lowest level feasible. Regulations explaining this exemption can be found in Section 25501.

Discharges that do not result in a “significant amount” of the listed chemical entering any source of drinking water. The prohibition from discharges into drinking water does not apply if the discharger is able to demonstrate that a “significant amount” of the listed chemical has not, does not, or will not pass into or probably pass into a source of drinking water, and that the discharge complies with all other applicable laws, regulations, permits, requirements, or orders. A “significant amount” means any detectable amount, except an amount that would meet the “no significant risk” level for chemicals that cause cancer or that is 1,000 times below the “no observable effect” level for chemicals that cause reproductive toxicity, if an individual were exposed to that amount in drinking water.

² See Section 25501(a)(4).

HOW IS PROPOSITION 65 ENFORCED?

Enforcement is carried out through civil lawsuits. These lawsuits may be brought by the Attorney General, any district attorney, or certain city attorneys. Lawsuits may also be brought by private parties acting in the public interest, but only after providing notice of the alleged violation to the Attorney General, the appropriate district attorney and city attorney, and the business accused of the violation. The notice must provide adequate information to allow the recipient to assess the nature of the alleged violation. The notice must comply with the information and procedural requirements specified in Section 25903 of Title 27 and sections 3100-3103 of Title 11. A private party may not pursue an independent enforcement action under Proposition 65 if one of the governmental officials noted above initiates an enforcement action within sixty days of the notice.

A business found to be in violation of Proposition 65 is subject to civil penalties of up to \$2,500 per day for each violation. In addition, the business may be ordered by a court to stop committing the violation.

A private party may not file an enforcement action based on certain exposures if the alleged violator meets specific conditions. For the following types of exposures, the Act provides an opportunity for the business to correct the alleged violation:

- An exposure to alcoholic beverages that are consumed on the alleged violator's premises to the extent onsite consumption is permitted by law;
- An exposure to a Proposition 65 listed chemical in a food or beverage prepared and sold on the alleged violator's premises that is primarily intended for immediate consumption on- or off-premises. This only applies if the chemical was not intentionally added to the food, and was formed by cooking or similar preparation of food or beverage components necessary to render the food or beverage palatable or to avoid microbiological contamination;
- An exposure to environmental tobacco smoke caused by entry of persons (other than employees) on premises owned or operated by the alleged violator where smoking is permitted at any location on the premises;
- An exposure to listed chemicals in engine exhaust, to the extent the exposure occurs inside a facility owned or operated by the alleged violator and primarily intended for parking non-commercial vehicles.

If a private party alleges that a violation occurred based on one of the exposures described above, the private party must first provide the alleged violator a notice of special compliance procedure and proof of compliance form.

A copy of the notice of special compliance procedure and proof of compliance form is included in Appendix B and can be downloaded from OEHHA's website at:
<http://oehha.ca.gov/prop65/law/p65law72003.html>.

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

Contact the Office of Environmental Health Hazard Assessment's Proposition 65 Implementation Office at (916) 445-6900 or via e-mail at
P65Public.Comments@oehha.ca.gov.

Revised: May 2017

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.7, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

E-Mail Service List

The Honorable Pamela Price Alameda County, District Attorney 7677 Oakport Street, Suite 650 Oakland, CA 94621 CEPDProp65@acgov.org	The Honorable Barbara Yook Calaveras County, 891 Mountain Ranch Rd. San Andreas, CA 95249 Phone: 209-754-6330 Prop65Env@co.calaveras.ca.us	The Honorable Stacey Grassini Contra Costa County, Deputy District Attorney 900 Ward Street Martinez, CA 94553 sgrassini@contracostada.org
The Honorable James Clinchard El Dorado County, Assistant District Attorney 778 Pacific Street Placerville, CA 95667 EDCDAPROP65@edcda.us	The Honorable Lisa A. Smittcamp, Fresno County, District Attorney 2100 Tulare Street Fresno, CA 93721 Phone: (559) 600-3141 consumerprotection@fresnocountyca.gov	The Honorable Thomas L. Hardy Inyo County, District Attorney 168 North Edwards Street Independence, CA 93526 Phone: 760.878.0282 inyoda@inyocounty.us
The Honorable Michelle Latimer Lassen County, Program Coordinator 220 S. Lassen Street Susanville, CA 96130 Phone: 530-251-8284 mlatimer@co.lassen.ca.us	The Honorable Lori Frugoli Marin County, District Attorney 3501 Civic Center Drive, Room 145 San Rafael, CA 94903 consumer@marincounty.gov	The Honorable Walter W. Wall , Mariposa County, District Attorney P.O. Box 730 Mariposa, CA 95338 Phone: (209) 966-3626 mcda@mariposacounty.org
The Honorable Kimberly Lewis, Merced County, District Attorney 550 West Main Street Merced, CA 95340 Phone: (209) 385-7381 Prop65@countyofmerced.com	The Honorable Jeannine M. Pacioni, Monterey County, District Attorney 1200 Aguajito Road Monterey , CA 93940 Prop65DA@co.monterey.ca.us	The Honorable Allison Haley Napa County, District Attorney 1127 First Street, Suite C Napa , CA 94559 CEPD@countyofnapa.org
The Honorable Clifford H. Newell Nevada County, District Attorney 201 Commercial Street Nevada City , CA 95959 DA.Prop65@co.nevada.ca.us	The Honorable Morgan Briggs Gire Placer County, District Attorney 10810 Justice Center Drive Roseville, CA 95678 Phone: 916-543-8000 prop65@placer.ca.gov	The Honorable David Hollister Plumas County, District Attorney 520 Main St. Quincy, CA 95971 Phone: (530) 283-6303 davidhollister@countyofplumas.com
The Honorable Paul E. Zellerbach Riverside County, District Attorney 3072 Orange Street Riverside, CA 92501 Prop65@rivcoda.org	The Honorable Anne Marie Schubert Sacramento County, District Attorney 901 G Street Sacramento, CA 95814 Prop65@sacda.org	The Honorable Summer Stephan San Diego County, District Attorney 330 West Broadway San Diego, CA 92101 SanDiegoDAProp65@sdcca.org
The Honorable Alexander Grayner San Francisco County, Asst. District Attorney 350 Rhode Island Street San Francisco, CA 94103 alexandra.grayner@sfgov.org	The Honorable Tori Verber Salazar San Joaquin County, District Attorney 222 E. Weber Avenue, Room 202 Stockton, CA 95202 DAConsumer.Environmental@sjcda.org	The Honorable Eric J. Dobroth San Luis Obispo County, Deputy District Attorney County Government Center Annex, 4th Floor San Luis Obispo, CA 93408 Phone: 805-781-5800 edobroth@co.slo.ca.us
The Honorable Christopher Dalbey Santa Barbara County, Deputy District Attorney 1112 Santa Barbara St. Santa Barbara, CA 93101 Phone: 805-568-2300 DAProp65@co.santa-barbara.ca.us	The Honorable Bud Porter Santa Clara County, Supervising Deputy District Attorney 70 W Hedding St San Jose, CA 95110 EPU@da.sccgov.org	The Honorable Jeffrey S. Rosell Santa Cruz County, District Attorney 701 Ocean Street Santa Cruz, CA 95060 Phone: 831-454-2400 Prop65DA@santacruzcounty.us
The Honorable Jill Ravitch Sonoma County, District Attorney 600 Administration Drive Santa Rosa, CA 95403 ECLD@sonoma- county.org	The Honorable Phillip J. Cline Tulare County, District Attorney 221 S Mooney Blvd Visalia, CA 95370 Prop65@co.tulare.ca.us	The Honorable Gregory D. Totten Ventura County, District Attorney 800 S Victoria Ave Ventura, CA 93009 daspecialops@ventura.org
The Honorable Jeff W. Resig Yolo County, District Attorney 301 Second Street Woodland, CA 95695 cfepd@yolocounty.gov	The Honorable Mark Ankcom City of San Diego, Deputy City Attorney 1200 Third Avenue San Diego, CA 92101 CityAttyProp65@sandiego.gov	The Honorable Henry Lifton City of San Francisco, Deputy City Attorney 1390 Market Street, 7th Floor San Francisco, CA 94102 Prop65@sfcityatty.org
The Honorable Nora V. Frimann City of Santa Clara, City Attorney 200 E. Santa Clara Street, 16th Floor San Jose, CA 96113 Proposition65notices@sanjoseca.gov		

MAIL SERVICE LIST

The Honorable Robert Priscaro Alpine County, District Attorney P.O. Box 248 Markleeville, CA 96120	The Honorable Todd Riebe Amador County, District Attorney 708 Court Street, #202 Jackson, CA 95642	The Honorable Michael L. Ramsey Butte County, District Attorney 25 County Center Drive - Administrative Building Oroville, CA 95965
The Honorable Brenden Farrell Colusa County, District Attorney 310 6 th Street Colusa, CA 95932	The Honorable Katherine Micks Del Norte County, District Attorney 450 H Street, Room 171 Crescent City, CA 95531	The Honorable Dwayne Stewart Glenn County, District Attorney P.O. Box 430 Willows, CA 95988
The Honorable Stacey Eads Humboldt County, District Attorney 825 5th Street Eureka, CA 95501	The Honorable George Marquez Imperial County, District Attorney 940 West Main Street, Suite 102 El Centro, CA 92243	The Honorable Cynthia Zimmer Kern County, District Attorney 1215 Truxtun Avenue Bakersfield, CA 93301
The Honorable Sarah Hacker Kings County, District Attorney 1400 West Lacey Blvd. Hanford, CA 93230	The Honorable Susan Kronen Lake County, District Attorney 255 N. Forbes Street Lakeport, CA 95453	The Honorable George Gascon Los Angeles County, District Attorney 211 W. Temple Street, Suite 1200 Los Angeles, CA 90012
The Honorable Sally O. Moreno, District Attorney 300 South G Street, Suite 300 Madera, CA 93637	The Honorable C. David Eyster Mendocino County, District Attorney P.O. Box 1000 Ukiah, CA 95482	The Honorable Cynthia Campbell Modoc County, District Attorney 204 S. Court Street, Room 202 Alturas, CA 96101
The Honorable David Anderson Mono County, District Attorney P.O. Box 2053 Mammoth Lakes, CA 93546	The Honorable Todd Spitzer Orange County, District Attorney 300 N. Flower Street Santa Ana, CA 92703	The Honorable Joel Buckingham San Benito County, District Attorney 419 4th Street Hollister, CA 95023
The Honorable Jason Anderson San Bernardino County, District Attorney 303 W. Third Street San Bernardino, CA 92415	The Honorable Stephen M. Wagstaffe San Mateo County, District Attorney 400 County Center, Third Floor Redwood City, CA 94063	The Honorable Stephanie A. Bridgett Shasta County, District Attorney 1355 West Street Redding, CA 96001
The Honorable Sandra Groven Sierra County, District Attorney 100 Courthouse Square Downieville, CA 95936	The Honorable James Kirk Andrus Siskiyou County, District Attorney P.O. Box 986 Yreka, CA 96097	The Honorable Krishna A. Abrams Solano County, District Attorney 675 Texas Street, Suite 4500 Fairfield, CA 94533
The Honorable Jeff Laugero Stanislaus County, District Attorney 832 12th Street, Suite 300 Modesto, CA 95353	The Honorable Jennifer Dupre Sutter County, District Attorney 463 2nd Street, Suite 102 Yuba City, CA 95991	The Honorable Matthew Rogers Tehama County, District Attorney P.O. Box 519 Red Bluff, CA 96080
The Honorable David Brady Trinity County, District Attorney P.O. Box 310 Weaverville, CA 96093	The Honorable Cassandra Jenecke Tuolumne County, District Attorney 2 S. Green St. Sonora, CA 95370	The Honorable Clint Curry Yuba County, District Attorney 215 Fifth Street, Suite 152 Marysville, CA 95901
The Honorable Mike Feuer City of Los Angeles, City Attorney 200 N. Main Street Los Angeles, CA 90012		

EXHIBIT 14



ATTORNEYS AT LAW

Tel: 619-629-0527
noam@entornolaw.com
craig@entornolaw.com
jake@entornolaw.com
janani@entornolaw.com

225 Broadway, Suite 1900
San Diego, CA 92101

January 17, 2025

VMV USA Limited
c/o Corporation Service Company
251 Little Falls Drive
Wilmington, DE 19080

Re: Proposition 65 Notice of Violation

To Whom It May Concern:

We represent Environmental Health Advocates, Inc., an organization in the State of California acting in the interest of the general public. This letter serves as notice that the parties listed above are in violation of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act, commencing with section 25249.5 of the Health and Safety Code (“Proposition 65”). In particular, the violations alleged by this notice consist of types of harm that may potentially result from exposures to the toxic chemical Diethanolamine (“DEA”). This chemical was listed as a carcinogen on June 22, 2012.

The specific type of product that is causing exposures in violation of Proposition 65 is cleanser, including but not limited to:

	<u>Product Name</u>	<u>Manufacturer</u>	<u>Distributor/Retailer</u>
1.	VMV Hypoallergenics Hydra Balance Gentle Cream Cleanser for Combination Skin	VMV USA Limited	Skin Prescriptives Marketing, Inc.

The routes of exposure for the violations include dermal absorption by consumers. These exposures occur through the reasonably foreseeable use of the product. The sales of this product have been occurring since at least November 2024, are continuing to this day and will continue to occur as long as the product subject to this notice is sold to and used by consumers.

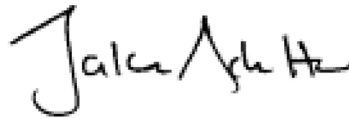
Proposition 65 requires that a clear and reasonable warning is provided with these products regarding the exposures to DEA caused by ordinary use of the product. The Parties are in violation of Proposition 65 by failing to provide such warning to consumers and as a result of the sales of this product, exposures to DEA have been occurring without proper warnings.

Pursuant to Proposition 65, notice and intent to sue shall be provided to violators 60-days before filing a complaint. This letter provides notice of the alleged violation to the parties listed above and the appropriate governmental authorities. A summary of Proposition 65 is attached.

EHA identifies Allan Cate as a responsible individual within the entity, 888 Prospect Street, Suite 200, La Jolla, CA 92037; 858-692-1035. Mr. Cate requests all communications be sent to EHA's attorneys.

If you have any questions or wish to discuss any of the above, please contact me at jake@entornolaw.com and include clerks@entornolaw.com in the email.

ENTORNO LAW, LLP

A handwritten signature in black ink, appearing to read "Jake Schulte". The signature is fluid and cursive, with the first name "Jake" being more prominent than the last name "Schulte".

Jake Schulte

Noam Glick
Craig M. Nicholas
Janani Natarajan

Enclosures

CERTIFICATE OF MERIT

I, Jake Schulte, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the parties identified in the notice have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

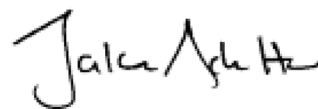
2. I am an attorney for the noticing party.

3. I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the alleged exposure to the listed chemical that is the subject of the action.

4. Based on the information obtained through those consultations, and on all other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiffs' case can be established and the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute.

5. The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health and Safety Code section 25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: January 17, 2025

A handwritten signature in black ink that reads "Jake Schulte". The signature is written in a cursive, slightly stylized font.

Jake Schulte, Attorney at Law

CERTIFICATE OF SERVICE

I, Madeline Walsh, declare that I am over the age of 18 years, and am not a party to the within action. I am employed in the County of San Diego, California, where the mailing occurs; and my business address is 225 Broadway, 19th Floor, San Diego, California 92101.

On January 17, 2025, I served the following documents: **(1) 60-DAY NOTICE OF VIOLATION SENT IN COMPLIANCE WITH HEALTH & SAFETY CODE SECTION 25249.7(d); (2) CERTIFICATE OF MERIT; (3) PROPOSITION 65: A SUMMARY; and (4) CERTIFICATE OF MERIT ATTACHMENT (served only on the Attorney General)** on the parties listed below by placing a true and correct copy thereof in a sealed envelope, addressed to each party and depositing it at my business address with the U.S. Postal Service for delivery by Certified Mail with the postage thereon fully prepaid:

Via Certified Mail

VMV USA Limited c/o Corporation Service Company 251 Little Falls Drive Wilmington, DE 19080
--

On January 17, 2025, I served the California Attorney General (via website Portal) by uploading a true and correct copy thereof as a PDF file via the California Attorney General's website.

On January 17, 2025, I transmitted via electronic mail the above-listed documents to the electronic mail addresses of the City and/or District Attorneys who have specifically authorized e-mail service and the authorization appears on the Attorney General's web site.

See Attached Service List

On January 17, 2025, I served the following persons and/or entities at the last known address by placing a true and correct copy thereof in a sealed envelope and depositing it at my business address with the U.S. Postal Service for delivery with the postage thereon fully prepaid, and addressed as follows:

See Attached Service List

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on January 17, 2025, at San Diego, California.

Madeline Walsh
Madeline Walsh

APPENDIX A

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY

The following summary has been prepared by the California Office of Environmental Health Hazard Assessment (OEHHA), the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as “Proposition 65”). A copy of this summary must be included as an attachment to any notice of violation served upon an alleged violator of the Act. The summary provides basic information about the provisions of the law, and is intended to serve only as a convenient source of general information. It is not intended to provide authoritative guidance on the meaning or application of the law. The reader is directed to the statute and OEHHA implementing regulations (see citations below) for further information.

FOR INFORMATION CONCERNING THE BASIS FOR THE ALLEGATIONS IN THE NOTICE RELATED TO YOUR BUSINESS, CONTACT THE PERSON IDENTIFIED ON THE NOTICE.

The text of Proposition 65 (Health and Safety Code Sections 25249.5 through 25249.13) is available online at: <http://oehha.ca.gov/prop65/law/P65law72003.html>. Regulations that provide more specific guidance on compliance, and that specify procedures to be followed by the State in carrying out certain aspects of the law, are found in Title 27 of the California Code of Regulations, sections 25102 through 27001.¹ These implementing regulations are available online at: <http://oehha.ca.gov/prop65/law/P65Regs.html>.

WHAT DOES PROPOSITION 65 REQUIRE?

The “Proposition 65 List.” Under Proposition 65, the lead agency (OEHHA) publishes a list of chemicals that are known to the State of California to cause cancer and/or reproductive toxicity. Chemicals are placed on the Proposition 65 list if they are known to cause cancer and/or birth defects or other reproductive harm, such as damage to

¹ All further regulatory references are to sections of Title 27 of the California Code of Regulations unless otherwise indicated. The statute, regulations and relevant case law are available on the OEHHA website at: <http://www.oehha.ca.gov/prop65/law/index.html>.

female or male reproductive systems or to the developing fetus. This list must be updated at least once a year. The current Proposition 65 list of chemicals is available on the OEHHA website at: http://www.oehha.ca.gov/prop65/prop65_list/Newlist.html.

Only those chemicals that are on the list are regulated under Proposition 65. Businesses that produce, use, release or otherwise engage in activities involving listed chemicals must comply with the following:

Clear and reasonable warnings. A business is required to warn a person before “knowingly and intentionally” exposing that person to a listed chemical unless an exemption applies. The warning given must be “clear and reasonable.” This means that the warning must: (1) clearly make known that the chemical involved is known to cause cancer, or birth defects or other reproductive harm; and (2) be given in such a way that it will effectively reach the person before he or she is exposed to that chemical. Some exposures are exempt from the warning requirement under certain circumstances discussed below.

Prohibition from discharges into drinking water. A business must not knowingly discharge or release a listed chemical into water or onto land where it passes or probably will pass into a source of drinking water. Some discharges are exempt from this requirement under certain circumstances discussed below.

DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?

Yes. You should consult the current version of the statute and regulations (<http://www.oehha.ca.gov/prop65/law/index.html>) to determine all applicable exemptions, the most common of which are the following:

Grace Period. Proposition 65 warning requirements do not apply until 12 months after the chemical has been listed. The Proposition 65 discharge prohibition does not apply to a discharge or release of a chemical that takes place less than 20 months after the listing of the chemical.

Governmental agencies and public water utilities. All agencies of the federal, state or local government, as well as entities operating public water systems, are exempt.

Businesses with nine or fewer employees. Neither the warning requirement nor the discharge prohibition applies to a business that employs a total of nine or fewer employees. This includes all employees, not just those present in California.

Exposures that pose no significant risk of cancer. For chemicals that are listed under Proposition 65 as known to the State to cause cancer, a warning is not required if the business causing the exposure can demonstrate that the exposure occurs at a level that poses “no significant risk.” This means that the exposure is calculated to result in not more than one excess case of cancer in 100,000 individuals exposed over a 70-year lifetime. The Proposition 65 regulations identify specific “No Significant Risk Levels” (NSRLs) for many listed carcinogens. Exposures below these levels are exempt from the warning requirement. See OEHHA's website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of NSRLs, and Section 25701 *et seq.* of the regulations for information concerning how these levels are calculated.

Exposures that will produce no observable reproductive effect at 1,000 times the level in question. For chemicals known to the State to cause reproductive toxicity, a warning is not required if the business causing the exposure can demonstrate that the exposure will produce no observable effect, even at 1,000 times the level in question. In other words, the level of exposure must be below the “no observable effect level” divided by 1,000. This number is known as the Maximum Allowable Dose Level (MADL). See OEHHA's website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of MADLs, and Section 25801 *et seq.* of the regulations for information concerning how these levels are calculated.

Exposures to Naturally Occurring Chemicals in Food. Certain exposures to chemicals that naturally occur in foods (i.e., that do not result from any known human activity, including activity by someone other than the person causing the exposure) are exempt from the warning requirements of the law. If the chemical is a contaminant² it must be reduced to the lowest level feasible. Regulations explaining this exemption can be found in Section 25501.

Discharges that do not result in a “significant amount” of the listed chemical entering any source of drinking water. The prohibition from discharges into drinking water does not apply if the discharger is able to demonstrate that a “significant amount” of the listed chemical has not, does not, or will not pass into or probably pass into a source of drinking water, and that the discharge complies with all other applicable laws, regulations, permits, requirements, or orders. A “significant amount” means any detectable amount, except an amount that would meet the “no significant risk” level for chemicals that cause cancer or that is 1,000 times below the “no observable effect” level for chemicals that cause reproductive toxicity, if an individual were exposed to that amount in drinking water.

² See Section 25501(a)(4).

HOW IS PROPOSITION 65 ENFORCED?

Enforcement is carried out through civil lawsuits. These lawsuits may be brought by the Attorney General, any district attorney, or certain city attorneys. Lawsuits may also be brought by private parties acting in the public interest, but only after providing notice of the alleged violation to the Attorney General, the appropriate district attorney and city attorney, and the business accused of the violation. The notice must provide adequate information to allow the recipient to assess the nature of the alleged violation. The notice must comply with the information and procedural requirements specified in Section 25903 of Title 27 and sections 3100-3103 of Title 11. A private party may not pursue an independent enforcement action under Proposition 65 if one of the governmental officials noted above initiates an enforcement action within sixty days of the notice.

A business found to be in violation of Proposition 65 is subject to civil penalties of up to \$2,500 per day for each violation. In addition, the business may be ordered by a court to stop committing the violation.

A private party may not file an enforcement action based on certain exposures if the alleged violator meets specific conditions. For the following types of exposures, the Act provides an opportunity for the business to correct the alleged violation:

- An exposure to alcoholic beverages that are consumed on the alleged violator's premises to the extent onsite consumption is permitted by law;
- An exposure to a Proposition 65 listed chemical in a food or beverage prepared and sold on the alleged violator's premises that is primarily intended for immediate consumption on- or off-premises. This only applies if the chemical was not intentionally added to the food, and was formed by cooking or similar preparation of food or beverage components necessary to render the food or beverage palatable or to avoid microbiological contamination;
- An exposure to environmental tobacco smoke caused by entry of persons (other than employees) on premises owned or operated by the alleged violator where smoking is permitted at any location on the premises;
- An exposure to listed chemicals in engine exhaust, to the extent the exposure occurs inside a facility owned or operated by the alleged violator and primarily intended for parking non-commercial vehicles.

If a private party alleges that a violation occurred based on one of the exposures described above, the private party must first provide the alleged violator a notice of special compliance procedure and proof of compliance form.

A copy of the notice of special compliance procedure and proof of compliance form is included in Appendix B and can be downloaded from OEHHA's website at:
<http://oehha.ca.gov/prop65/law/p65law72003.html>.

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

Contact the Office of Environmental Health Hazard Assessment's Proposition 65 Implementation Office at (916) 445-6900 or via e-mail at
P65Public.Comments@oehha.ca.gov.

Revised: May 2017

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.7, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

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