

*Ropers Majeski Kohn & Bentley  
A Professional Corporation  
San Francisco*

1 ANDREW L. PACKARD (State Bar No. 168690)  
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4 Law Offices of Andrew L. Packard  
5 100 Petaluma Blvd. North, Suite 301  
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**FILED**

JUL 19 2011

KIM TURNER, Court Executive Officer  
MARIN COUNTY SUPERIOR COURT  
By: K. Main, Deputy

Attorneys for Plaintiff  
ENVIRONMENTAL RESEARCH CENTER

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF MARIN

ENVIRONMENTAL RESEARCH CENTER, a  
non-profit California corporation,  
  
Plaintiff,

v.

JEUNIQUE INTERNATIONAL, INC., a  
California corporation,  
  
Defendant.

CASE NO. CIV 10 04184  
*am*  
**[PROPOSED] CONSENT  
JUDGMENT**

IT IS HEREBY STIPULATED AND AGREED by the parties hereto, as follows:

**WHEREAS:**

A. ENVIRONMENTAL RESEARCH CENTER ("ERC") is a citizen enforcer of Proposition 65 and is a non-profit corporation organized under California's Non-Profit Public Benefit Corporation Law.

B. JEUNIQUE INTERNATIONAL, INC. ("JEUNIQUE") has, in the past, manufactured, packaged, distributed, marketed, and/or sold products containing lead and lead compounds which were sold in the State of California (hereafter referred to as "The Products", each of which is explicitly set forth in Exhibit "A" hereto);

C. JEUNIQUE alleges that it had no actual or constructive knowledge of the presence of lead in The Products prior to its receipt of ERC's May 24, 2010 Notice of Proposition 65

Ropers Majeski Kohn & Bentley  
A Professional Corporation  
San Francisco

1 Violation, discussed hereinbelow;

2 D. The names of each of The Products covered under this Consent Judgment are set  
3 forth in Exhibit A;

4 E. On February 27, 1987, the State of California officially listed the chemical lead as  
5 a chemical known to cause reproductive toxicity, pursuant to California Health and Safety Code §  
6 25249.8;

7 F. On October 1, 1992, the State of California officially listed the chemicals lead and  
8 lead compounds as chemicals known to cause cancer, pursuant to California Health and Safety  
9 Code § 25249.8;

10 G. The Products have been sold by JEUNIQUE for use in California since at least  
11 August 2007;

12 H. On May 24, 2010, ERC served JEUNIQUE and each of the appropriate public  
13 enforcement agencies with a document entitled "60-Day Notice" that provided JEUNIQUE and  
14 the public enforcement agencies with notice that JEUNIQUE was in violation of California  
15 Health and Safety Code § 25249.6 *et seq.* ("Proposition 65") for failing to warn purchasers and  
16 individuals using The Products that the use of The Products exposes them to lead, a chemical  
17 known to the State of California to cause cancer and/or reproductive toxicity (a copy of the 60-  
18 Day Notice is attached hereto as Exhibit B);

19 I. This lawsuit was brought by ERC ("The Action") in the public interest at least  
20 sixty (60) days after ERC provided notice of the alleged Proposition 65 violations to JEUNIQUE  
21 and the appropriate public enforcement agencies. None of the public enforcement agencies has  
22 commenced or begun diligently to prosecute an action against JEUNIQUE for the violations  
23 alleged in The Action;

24 J. For purposes of this Consent Judgment only, ERC and JEUNIQUE stipulate that  
25 the Superior Court, In And For The County Of Marin, has jurisdiction over the subject matter of  
26 The Action and personal jurisdiction over both ERC and JEUNIQUE (jointly, "The Parties"), that  
27 venue is proper in this Court, and that this Court has jurisdiction to enter a Consent Judgment  
28 pursuant to the terms set forth herein;

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San Francisco

1 K. The Parties enter into this Consent Judgment to settle disputed claims between  
2 them and to avoid prolonged litigation. By execution of this Consent Judgment, Defendant does  
3 not admit either any violation(s) of law or the applicability of Proposition 65 as alleged in The  
4 Action. Except for the representations made above, nothing in this Consent Judgment shall be  
5 construed as an admission by Defendant or Plaintiff of any fact, issue of law, or violation of law,  
6 nor shall compliance with this Consent Judgment constitute or be construed as an admission by  
7 Defendant or Plaintiff of any fact, issue of law, or violation of law;

8 L. Except as expressly provided herein, nothing in this Consent Judgment shall  
9 prejudice, waive, or impair any right, remedy, or defense The Parties may have in any other or  
10 further legal proceeding. This paragraph shall not diminish or otherwise affect the obligations,  
11 responsibilities, and duties of any party to this Consent Judgment; and,

12 M. The "Effective Date" of this Consent Judgment shall be the date upon which this  
13 Consent Judgment is entered by the Court.

14 **NOW, THEREFORE,** in consideration of the promises, covenants, and agreements  
15 herein contained and for other consideration, the sufficiency and adequacy of which is hereby  
16 acknowledged by The Parties:

17 1. **Immediate Provision of Clear and Reasonable Health Hazard Warnings For**  
18 **The Products.** Beginning on or before June 15, 2011, JEUNIQUE shall not ship (or cause to be  
19 shipped) for sale or use in California any of The Products unless each such unit of The Products  
20 bears one or the other of the following warning statements on its individual unit label packaging,  
21 as specified below:

22 For the Products "Maintenance Plus Formula No.2" and "Feminine Care":

23 **WARNING:** This product contains lead, a substance known to the State of  
24 California to cause cancer and birth defects or other reproductive harm. **DO**  
25 **NOT USE DURING PREGNANCY.**

26 For the Products "Cleansing Herbs" and "Mental Care":

27 **WARNING:** This product contains lead, a substance known to the State of  
28 California to cause birth defects or other reproductive harm. **DO NOT USE**  
**DURING PREGNANCY.**

Ropers Majeski Kohn & Bentley  
A Professional Corporation  
San Francisco

1 The warning statement shall be prominent and displayed on the unit packaging of each of The  
2 Products with such conspicuousness, as compared with other words, statements, or designs so as  
3 to render it likely to be read and understood by an ordinary individual purchasing or using the  
4 Product.

5       2.     **Warning For The Products In The Stream of Commerce.** Within thirty (30)  
6 days after the Effective Date of this Consent Judgment, JEUNIQUE shall send a Notification  
7 Letter to each of its wholesale customers who have purchased any of The Products from  
8 JEUNIQUE in the one hundred and eighty (180) days preceding the Effective Date of this  
9 Consent Judgment. This Notification Letter shall notify JEUNIQUE's wholesale customers  
10 regarding the warning requirements of Proposition 65 as they apply to each of The Products, and  
11 provide each such customer with a sufficient supply of stickers setting forth the applicable  
12 warning statement to apply to all units of The Products remaining in stock. An exemplar of the  
13 verbatim language of the Notification Letter is attached hereto as **Exhibit C**. An exemplar for the  
14 size and clarity of the supplied Warning Stickers, bearing the text of the warning set forth in  
15 Paragraph 1 of this Consent Judgment, is attached hereto as **Exhibit D**. In lieu of the requirement  
16 set forth in this Paragraph 2, JEUNIQUE may, in its discretion, cause said wholesale customers to  
17 return The Products to JEUNIQUE on or before June 15, 2011.

18       3.     **Product Reformulation/Change In Warning Obligation.** In the event that  
19 JEUNIQUE believes that it has reformulated one of The Products such that it no longer requires  
20 the warning required herein, JEUNIQUE agrees to meet and confer in good faith with Plaintiff as  
21 follows. Prior to filing a motion to amend this Consent Judgment, JEUNIQUE shall first provide  
22 ERC and the California Attorney General's Office with any legal or scientific data upon which  
23 the motion to amend this Consent Judgment would rely. ERC and the California Attorney  
24 General's Office shall be allowed a period of forty-five (45) days to review that data and to  
25 provide JEUNIQUE with their formal written responses (the Attorney General's Office's failure  
26 to respond to this submission shall not be construed in any manner to reflect any particular view,  
27 on the part of the Attorney General's Office, of this Consent Judgment or of the applicable law or  
28 science). The Parties shall then meet-and-confer within the twenty (20) day period following

Ropers Majeski Kohn & Bentley  
A Professional Corporation  
San Francisco

1 ERC's written response. If, after meeting and conferring, JEUNIQUE elects to proceed with a  
2 motion to amend this Consent Judgment, it may do so with proper notice to ERC and the  
3 Attorney General's Office as required under the California Code of Civil Procedure. Such a  
4 motion may be accompanied by scientific data, studies, written declarations, and live testimony,  
5 or discovery responses. In the event that the Court determines that JEUNIQUE's motion was  
6 without merit or that JEUNIQUE failed to meet-and-confer in good faith prior to moving for such  
7 modification, ERC shall be awarded reasonable fees and costs incurred. In the event that the  
8 Court determines that ERC objection to the relief sought in the motion was without merit or that  
9 ERC failed to meet-and-confer in good faith prior to JEUNIQUE's filing of the motion,  
10 JEUNIQUE shall be awarded reasonable fees and costs incurred.

11 4. **Civil Penalty Assessment.** Within five (5) days of the mutual execution of this  
12 Consent Judgment, JEUNIQUE agrees to pay a civil penalty in the amount of \$6,750 pursuant to  
13 Health & Safety Code §25249.7(b). Such payment shall be made to the "Law Offices of Andrew  
14 L. Packard Attorney Client Trust Account" and remitted to the firm's address noted in the Notice  
15 provision below; in turn, Plaintiff shall remit 75% of this amount to the State of California  
16 pursuant to Health & Safety Code §25192. ERC and the Law Offices of Andrew L. Packard  
17 agree that these funds shall be held in escrow until entry of this Consent Judgment; in the event  
18 that the Consent Judgment is not entered, ERC agrees to return these funds to JEUNIQUE.

19 5. **Payment In Lieu of Further Civil Penalties.** Within five (5) days of the mutual  
20 execution of this Consent Judgment, JEUNIQUE agrees to make an additional payment in lieu of  
21 further civil penalties in the amount of \$25,500 to ERC for projects to reduce exposures to toxic  
22 chemicals, and to increase consumer, worker and community awareness of the health hazards  
23 posed by toxic chemicals. Payment of these funds shall be payable to "Environmental Research  
24 Center" and remitted to the Environmental Research Center, Attn: Karen Evans, 5694 Mission  
25 Center Road, #199, San Diego, CA 92108 within five (5) days after the Effective Date of this  
26 Consent Judgment. ERC and the Law Offices of Andrew L. Packard agree that these funds shall  
27 be held in escrow until entry of this Consent Judgment; in the event that the Consent Judgment is  
28 not entered, ERC agrees to return these funds to JEUNIQUE.

Ropery Majeski Kohn & Bentley  
A Professional Corporation  
San Francisco

1           6.     **Reimbursement of Plaintiff's Fees and Costs.** Within five (5) days of the  
2 mutual execution of this Consent Judgment, JEUNIQUE agrees to reimburse Plaintiff in the  
3 amount of \$35,250 to defray Plaintiff's reasonable investigative, expert, consultant, and  
4 attorneys' fees and costs, and all other costs incurred as a result of investigating and bringing this  
5 matter to JEUNIQUE's attention, and negotiating a settlement in the public interest. Such  
6 payment shall be payable to the Law Offices of Andrew L. Packard Attorney-Client Trust  
7 Account and remitted to the firm's address noted in the Notice provision below. ERC and the  
8 Law Offices of Andrew L. Packard agree that these funds shall be held in escrow until entry of  
9 this Consent Judgment; in the event that the Consent Judgment is not entered, ERC agrees to  
10 return these funds to JEUNIQUE.

11           7.     **Plaintiff's Waiver As To JEUNIQUE.** Plaintiff, acting on behalf of itself and  
12 acting on behalf of the general public, waives all rights to institute any form of legal or equitable  
13 action pursuant to Proposition 65 against JEUNIQUE, and its present and past parents,  
14 subsidiaries, affiliates, shareholders, officers, directors, employees, customers, representatives  
15 (and all affiliates of each of the foregoing), and also against any other persons or entities who in  
16 the course of doing business (a) may distribute, market, or sell The Products, or (b) have  
17 distributed, marketed, or sold The Products, which in either case were sold to them by or through  
18 JEUNIQUE, concerning any alleged failure to provide adequate health hazard warnings for  
19 consumer exposures to lead or lead compounds in the Products sold before the entry of this  
20 Consent Judgment.

21           8.     **Plaintiff's Waiver As To GMP Products, Inc.** Plaintiff, acting on behalf of itself  
22 and acting on behalf of the general public, waives all rights to institute any form of legal action  
23 pursuant to Proposition 65 against (a) GMP Products, Inc., an entity who supplied one or more of  
24 The Products or the ingredients for one or more of The Products to JEUNIQUE (b) GMP  
25 Products, Inc.'s present and past parents, subsidiaries, affiliates, shareholders, officers, directors,  
26 employees, and representatives (and all affiliates of each of the foregoing), and (c) any  
27 entity/entities that supplied the ingredients to GMP Products, Inc. for The Products, concerning  
28 any alleged violation of Proposition 65 arising out of the sale of The Products before the entry of

Ropers Majeski Kohn & Bentley  
A Professional Corporation  
San Francisco

1 this Consent Judgment. This waiver as to GMP Products, Inc. and all other entities noted in this  
2 Paragraph is specific as to The Products supplied by GMP Products Inc. to JEUNIQUE, and to no  
3 other products of JEUNIQUE.

4 9. Nothing in this Consent Judgment is intended to apply to any JEUNIQUE products  
5 not set forth in Exhibit A to this Consent Judgment.

6 10. **JEUNIQUE's Release of Environmental Research Center.** JEUNIQUE, by  
7 this Consent Judgment, waives all rights to institute any form of legal action against ERC for all  
8 actions or statements made or undertaken by ERC in the course of seeking enforcement of  
9 Proposition 65 against JEUNIQUE in The Action.

10 11. **Notice to the California Attorney General's Office.** Upon execution of this  
11 Consent Judgment by all of The Parties, Plaintiff shall notice a Motion for Approval & Entry of  
12 Consent Judgment in the Marin Superior Court pursuant to Title 11, Cal. Code of Regs. §3000, *et*  
13 *seq.* This motion shall be served upon all of The Parties to The Action and upon the California  
14 Attorney General's Office. In the event that the Court fails to approve and order entry of the  
15 Consent Judgment, this Consent Judgment shall become null and void upon the election of any  
16 party as to them and upon written notice to all of The Parties to The Action pursuant to the notice  
17 provisions herein. Defendant and Plaintiff shall use best efforts to support entry of this Consent  
18 Judgment in the form submitted to the Office of the Attorney General. If the Attorney General  
19 objects in writing to any term in this Consent Judgment, The Parties shall use best efforts to  
20 resolve the concern in a timely manner and prior to the hearing on the motion to approve this  
21 Consent Judgment. If The Parties cannot resolve an objection of the Attorney General, then  
22 Plaintiff and Defendant shall proceed with seeking entry of an order by the Court approving this  
23 Consent Judgment in the form originally submitted to the Office of the Attorney General. If the  
24 Attorney General elects to file papers with the Court stating that the People shall appear at the  
25 hearing for entry of this Consent Judgment so as to oppose entry of the Consent Judgment, then a  
26 party may withdraw from this Consent Judgment prior to the date of the hearing, with notice to  
27 The Parties and to the Attorney General.

28 12. **Severability.** In the event that any of the provisions of this Consent Judgment are

Ropers Majeski Kohn & Bentley  
A Professional Corporation  
San Francisco

1 held by a court to be unenforceable, the validity of the enforceable provisions shall not be  
2 adversely affected.

3 13. **Enforcement.** In the event that a dispute arises with respect to any of the  
4 provisions of this Consent Judgment, this Consent Judgment may be enforced pursuant to any  
5 valid provision of law. The prevailing party in any such dispute shall be awarded its reasonable  
6 fees and costs.

7 14. **Governing Law.** The terms of this Consent Judgment shall be governed pursuant  
8 to the laws of the State of California.

9 15. **Notices.** All correspondence and notices required to be provided under this  
10 Consent Judgment shall be in writing and shall be sent by first class registered or certified mail  
11 addressed as follows:

12 All correspondence to ERC shall be mailed to:

13 Environmental Research Center  
14 5694 Mission Center Road, #199  
San Diego, CA 92108

15 With a copy to:

16 Andrew L. Packard  
17 The Law Offices of Andrew L. Packard  
18 100 Petaluma Blvd. N Ste. 301  
Petaluma, CA 94952

19 All correspondence to JEUNIQUE shall be mailed to:

20 Ian Weingarten, President Jeunique International, Inc.  
21 1875 Century Park East  
Suite 1970  
22 Los Angeles CA 90067

23 With a copy to:

24 Thomas H. Clarke, Jr.  
25 RMKB  
26 201 Spear St., Suite 1000  
San Francisco, CA 94105

27 16. **Integration & Modification.** This Consent Judgment, together with the Exhibits  
28 hereto, which are specifically incorporated herein by this reference, constitutes the entire

Ropery Majeski Kohn & Bentley  
A Professional Corporation  
San Francisco

1 agreement between The Parties relating to the rights and obligations herein granted and assumed,  
2 and supersedes all prior agreements and understandings between The Parties. This Consent  
3 Judgment may be modified only upon the written agreement of The Parties. The titles of  
4 paragraphs are for the convenience of The Parties only, and shall not be used to interpret the  
5 terms and conditions contained herein.

6 17. Counterparts. This Consent Judgment may be executed in counterparts, each of  
7 which shall be deemed an original, and all of which, when taken together, shall constitute one and  
8 the same document.

9 18. Authorization. The undersigned are authorized to execute this Consent Judgment  
10 on behalf of their respective parties and have read, understood, and agree to all of the terms and  
11 conditions of this Consent Judgment.

12  
13 DATED: 5/20/11

14 BY:   
Chris Heptinstall  
Environmental Research Center

15  
16 DATED: 5/19/11

17 BY:   
Ian Weingarten, President  
EUNIQUE INTERNATIONAL, INC.

18 IT IS SO ORDERED.

19 Dated: JUL 19 2011

20 LYNN DURYEE,  
Judge of the Superior Court

- 21 EXHIBIT A  
[Product List]
- 22 EXHIBIT B  
[NOV]
- 23 EXHIBIT C  
[Warning Label Exemplar]
- 24 EXHIBIT D  
[Verbatim language of the Notification Letter]
- 25
- 26
- 27
- 28

## **EXHIBIT A**

[Product List]

Feminine Care

Cleansing Herbs

Mental Care

Maintenance Plus No. 2

**EXHIBIT B**

[May 24, 2010 Notice of Violation, attached]

LAW OFFICES OF  
**ANDREW L. PACKARD**  
100 PETALUMA BLVD N, STE 301, PETALUMA, CA 94952  
PHONE (707) 763-7227 FAX (707) 763-9227  
INFO@PACKARDLAWOFFICES.COM

May 24, 2010

**VIA CERTIFIED MAIL**

Mr. MULFORD J NOBBS, PRES  
Jeunique International, Inc.  
19501 East Walnut Drive South  
City Of Industry, CA 91748

Ms. Theresa Goodwin, Registered Agent  
Jeunique International, Inc.  
19501 East Walnut Drive South  
City Of Industry, CA 91748

Re: Notice of Violations of California Health & Safety Code §25249.5 *et seq.*

Dear Mr. Nobbs and Ms. Goodwin,

This firm represents the Environmental Research Center (hereafter, "ERC"), a non-profit corporation organized under California's Non-Profit Public Benefit Corporation Law in connection with this notice of violations of California's Safe Drinking Water & Toxic Enforcement Act of 1986, codified at Health & Safety Code §25249.5 *et seq.* (also referred to as "Proposition 65").

ERC is dedicated to, among other causes, reducing the use and misuse of hazardous and toxic substances, consumer protection, worker safety and corporate responsibility. ERC has documented the violations of Proposition 65 described herein, and this letter serves to provide notification of these violations to you and to the public enforcement agencies. Pursuant to §25249.7(d) of the statute, ERC intends to bring an enforcement action sixty (60) days after effective service of this notice unless the public enforcement agencies have commenced and are diligently prosecuting an action to rectify these violations. A summary of the statute and its implementing regulations, which was prepared by the lead agency designated under the statute, is enclosed with the copy of this notice served upon the violator(s).

The name of the violator covered by this notice is: Jeunique International, Inc. (hereafter, the "Violator"). The Violator manufactures, markets, distributes and/or sells in California the following products causing exposures to lead and lead compounds: Feminine Care, Cleansing Herbs, Mental Care and Maintenance Plus No. 2.

On February 27, 1987, the State of California officially listed lead as a substance known to cause reproductive toxicity. On October 1, 1992, the State of California officially listed lead and lead compounds as substances known to cause cancer.

**Route of exposure.** The consumer exposures that are the subject of this notice result from the purchase, acquisition, handling and recommended use of these products by consumers. Accordingly, consumer exposures have occurred and continue to occur primarily through the ingestion route of exposure, but also may occur through the inhalation and/or and dermal contact routes of exposure.

**Duration of violations.** Each of these ongoing violations has occurred on every day since at least May 24, 2007, as well as every day since the products were introduced in the California marketplace, and will continue every day until clear and reasonable warnings are provided to product purchasers and users.

Based on the allegations set forth in this Notice, ERC intends to file a citizen enforcement action against the Violator unless the Violator agrees in an enforceable written instrument to: (1) recall products already sold; (2) take effective measures to prevent unwarned lead exposures from being caused by products sold in the future; and (3) pay an appropriate civil penalty. In keeping with the public interest goals of the statute and my client's objectives in issuing this notice, ERC is interested in seeking a constructive resolution of this matter. Such resolution will avoid both further unwarned consumer exposures to lead and expensive and time-consuming litigation. ERC's Executive Director is Chris Heptinstall and the organization's mailing address is: 5694 Mission Center Road, #199, San Diego, CA 92108. Tel. (619) 309-4194. However, ERC has retained this firm in connection with this matter; therefore, all communications regarding this Notice of Violation may be directed to my attention at the above-listed firm address and telephone number.

Very Truly Yours,



Andrew L. Packard

Attachments:  
OEHHA Summary  
Certificate of Merit (w/o AG attachments)  
Certificate of Service

CERTIFICATE OF MERIT

**Re: the Environmental Research Center's Notice of Proposition 65 Violations Issued to Jeunique International, Inc.**

I, Andrew L. Packard, declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the party in the notice has violated Health & Safety Code §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 exposure to the listed chemicals that are 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 that 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 §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: May 24, 2010



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Andrew L. Packard

Attachments (for Attorney General Copy only)

**CERTIFICATE OF SERVICE**

I, the undersigned, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

I am a citizen of the United States, over the age of 18 years of age, and am not a party to the within entitled action. My business address is 100 Petaluma Boulevard North, Suite 301, Petaluma, California 94952.

On May 24, 2010, I served the following documents: **NOTICE OF VIOLATION, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT; "SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986: A SUMMARY"**

on the following parties by placing a true and correct copy thereof in a sealed envelope, addressed to the party listed below and depositing it in a US Postal Service Office for delivery by Certified Mail:

Mr. MULFORD J NOBBS, PRES  
Jeunique International, Inc.  
19501 East Walnut Drive South  
City Of Industry, CA 91748

Ms. Theresa Goodwin, Registered Agent  
Jeunique International, Inc.  
19501 East Walnut Drive South  
City Of Industry, CA 91748

On May 24, 2010, I served the following documents: **NOTICE OF VIOLATION, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT (including supporting documentation required by Title 11 CCR §3102)** on the following parties by placing a true and correct copy thereof in a sealed envelope, addressed to the party listed below and depositing it in a US Postal Service Office for delivery by Certified Mail:

Office of the California Attorney General  
Prop 65 Enforcement Reporting  
1515 Clay Street, Suite 2000  
Post Office Box 70550  
Oakland, CA 94612-0550

On May 24, 2010, I served the following documents: **NOTICE OF VIOLATION, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT** on each of the parties on the Service List attached hereto by placing a true and correct copy thereof in a sealed envelop, addressed to each of the parties **on the Service List attached hereto**, and depositing it in a U.S. Postal Service Office for delivery by First Class Mail.

Executed on May 24, 2010, in Petaluma, California.



Andrew L. Packard

Service List

District Attorney, Alameda County  
1225 Fallon Street, Room 900  
Oakland, CA 94612

District Attorney, Alpine County  
P.O. Box 248  
Markleeville, CA 96120

District Attorney, Amador County  
708 Court Street, #202  
Jackson, CA 95642

District Attorney, Butte County  
25 County Center Drive  
Oroville, CA 95965

District Attorney, Calaveras County  
891 Mountain Ranch Road  
San Andreas, CA 95249

District Attorney, Colusa County  
547 Market Street  
Colusa, CA 95932

District Attorney, Contra Costa County  
900 Ward Street  
Martinez, CA 94553

District Attorney, Del Norte County  
450 H Street, Ste. 171  
Crescent City, CA 95531

District Attorney, El Dorado County  
515 Main Street  
Placerville, CA 95667

District Attorney, Fresno County  
2220 Tulare Street, #1000  
Fresno, CA 93721

District Attorney, Glenn County  
Post Office Box 430  
Willows, CA 95988

District Attorney, Humboldt County  
825 5th Street  
Eureka, CA 95501

District Attorney, Imperial County  
939 West Main Street, Ste 102  
El Centro, CA 92243

District Attorney, Inyo County  
Post Office Drawer D  
Independence, CA 93526

District Attorney, Kern County  
1215 Truxtun Avenue  
Bakersfield, CA 93301

District Attorney, Kings County  
1400 West Lacey Boulevard  
Hanford, CA 93230

District Attorney, Lake County  
255 N. Forbes Street  
Lakeport, CA 95453

District Attorney, Lassen County  
220 South Lassen Street, Ste. 8  
Susanville, CA 96130

District Attorney, Los Angeles County  
210 West Temple Street, Rm 345  
Los Angeles, CA 90012

District Attorney, Madera County  
209 West Yosemite Avenue  
Madera, CA 93637

District Attorney, Marin County  
3501 Civic Center, Room 130  
San Rafael, CA 94903

District Attorney, Mariposa County  
Post Office Box 730  
Mariposa, CA 95338

District Attorney, Mendocino County  
Post Office Box 1000  
Ukiah, CA 95482

District Attorney, Merced County  
2222 "M" Street  
Merced, CA 95340

District Attorney, Modoc County  
204 S Court Street, Room 202  
Alturas, CA 96101-4020

District Attorney, Mono County  
Post Office Box 617  
Bridgeport, CA 93517

District Attorney, Monterey County  
230 Church Street, Bldg 2  
Salinas, CA 93901

District Attorney, Napa County  
931 Parkway Mall  
Napa, CA 94559

District Attorney, Nevada County  
110 Union Street  
Nevada City, CA 95959

District Attorney, Orange County  
401 Civic Center Drive West  
Santa Ana, CA 92701

District Attorney, Placer County  
10810 Justice Center Drive, Ste 240  
Roseville, CA 95603

District Attorney, Plumas County  
520 Main Street, Room 404  
Quincy, CA 95971

District Attorney, Riverside County  
4075 Main Street, 1st Floor  
Riverside, CA 92501

District Attorney, Sacramento County  
901 "G" Street  
Sacramento, CA 95814

District Attorney, San Benito County  
419 Fourth Street, 2<sup>nd</sup> Floor  
Hollister, CA 95023

District Attorney, San Bernardino County  
316 N. Mountain View Avenue  
San Bernardino, CA 92415-0004

District Attorney, San Diego County  
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San Francisco, CA 94103

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Santa Barbara, CA 93101

District Attorney, Santa Clara County  
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San Jose, CA 95110

District Attorney, Santa Cruz County  
701 Ocean Street, Room 200  
Santa Cruz, CA 95060

District Attorney, Shasta County  
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Redding, CA 96001-1632

District Attorney, Sierra County  
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District Attorney, Siskiyou County  
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Fairfield, CA 94533

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District Attorney, Stanislaus County  
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District Attorney, Yuba County  
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Marysville, CA 95901

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Los Angeles, CA 90012

San Diego City Attorney's Office  
1200 3rd Avenue, Ste 1620  
San Diego, CA 92101

San Francisco City Attorney's Office  
City Hall, Room 234  
San Francisco, CA 94102

San Jose City Attorney's Office  
200 East Santa Clara Street  
San Jose, CA 95113

## EXHIBIT C

[verbatim language of the Notification Letter]

[on Jeunique letterhead]

### IMPORTANT NOTICE TO BUYERS OF CERTAIN JEUNIQUE PRODUCTS

Jeunique International has initiated a compliance program with California's law concerning toxic exposures: Health & Safety Code §25249.5, also referred to as "Proposition 65." It is against California law to expose consumers to lead—or other potentially harmful substances—without providing a clear and reasonable warning concerning the health hazards associated with these substances (e.g., cancer; birth defects and other reproductive harm). The following products you have purchased from Jeunique contain levels of lead that require such a warning:

**Feminine Care  
Cleansing Herbs**

**Mental Care  
Maintenance Plus No. 2**

As of June 15, 2011 Jeunique will be applying warning labels to these products; if you have any of these Jeunique products purchased before this date, Jeunique will provide stickers that you can apply to these products to bring them into compliance when selling to California customers. Please let Jeunique know how many stickers you will need.

If you resell these products (either in whole or in part), you are required to provide a clear and reasonable warning within the meaning of Proposition 65 to the California purchasers of the product (i.e., include the warning sticker). Failure to provide these warnings may result in your being subject to civil penalties of up to \$2,500 per violation and other sanctions. You should consult with a lawyer concerning your obligations under the law. For additional information regarding the requirements of Proposition 65, you should contact the Office of Environmental Health Hazard Assessment at 916-445-6900 or at [www.oehha.ca.gov](http://www.oehha.ca.gov).

## EXHIBIT D

### Warning Label Exemplars:

**WARNING:** This product contains lead, a substance known to the State of California to cause cancer and birth defects or other reproductive harm. **DO NOT USE DURING PREGNANCY.**

**WARNING:** This product contains lead, a substance known to the State of California to cause birth defects or other reproductive harm. **DO NOT USE DURING PREGNANCY.**