

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

Re: Lead In Imitation Pearls

March 28, 2005

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

- For general information regarding the California Safe Drinking Water and Toxic Enforcement Act, see the attached summary provided by the California EPA (copies not provided to public enforcement agencies).
- This Notice of Violation is provided by the Center for Environmental Health. The Center for Environmental Health is a nonprofit corporation dedicated to protecting the environment, improving human health and supporting environmentally sound practices.

Description of Violation:

- The names and addresses of the violators are attached hereto as Exhibit 1.
- The violations have been occurring since at least February 27, 1988 and are continuing to this day.
- This Notice of Violation covers the "warning provision" of Proposition 65, which is found at California Health and Safety Code Section 25249.6.
- The names of the listed chemicals involved in these violations are lead and lead compounds ("Lead"). Exposures to Lead occur from use of the products identified in this notice.
- The category of products causing these violations is imitation pearls. These imitation pearls are used for various purposes, including but not limited to as beads and as buttons for clothing. A non-exclusive list of examples of these products is attached hereto as Exhibit 2. The Lead is contained in these products.
- Description of Violations: Use of the products identified in this notice results in human exposures to Lead. Lead is contained in both the imitation pearls and the accompanying strings, pendants, and other attachments. The route of exposure for the violations is direct ingestion when consumers place the products in their mouths, ingestion via hand to mouth contact after consumers touch or handle the products, and dermal absorption directly through the skin when consumers touch, handle, or wear the products. These exposures occur in homes, workplaces and everywhere else throughout California where these imitation pearls are worn or handled. No clear and reasonable warning is provided with these products regarding the carcinogenic or reproductive hazards of Lead.

Please direct any inquiries regarding this notice to counsel for the Center for Environmental Health: Eric Somers, Lexington Law Group, LLP, 1627 Irving Street, San Francisco, CA 94122, (415) 759-4111.

**EXHIBIT 1: List of Violators
(March 28, 2005 60-Day Notice Letter
By Center for Environmental Health
re: Lead In Imitation Pearls)**

Candela Sales Company, Inc. (dba Party Warehouse)
1125 Park St,
Alameda, CA 94501-5229

Diddams, Inc.
215 Hamilton Ave.
Palo Alto CA 94301-2530

Diddams Party Headquarters, Inc.
215 Hamilton Ave.
Palo Alto CA 94301-2530

All For Fun, Inc.
225 N Broadway Ave
Park Ridge, IL 60068

Jo-Ann Stores, Inc.
5555 Darrow Rd.
Hudson, OH 44236

Michaels Stores, Inc.
8000 Bent Branch Dr.
Irving, TX 75063

Novtex Corporation
43 Printworks Dr.
Adams, MA 01220-1220

Levcor International, Inc.
462 7th Ave.
New York, NY 10018

Blumenthal/Lansing Company, LLC
1929 Main Street
Lansing, IA 52151

Hirschberg Schutz & Co., Inc.
76 Stirling Rd.
Warren, NJ 07059-5751

**EXHIBIT 2: Non-Exclusive Examples of the Products
(March 28, 2005 60-Day Notice Letter
By Center for Environmental Health
re: Lead In Imitation Pearls)**

EXAMPLE ITEM DESCRIPTION	EXAMPLE ITEM RETAILER SKU #	EXAMPLE ITEM PACKAGE SKU #	RESPONSIBLE PARTIES
necklaces of imitation white pearls sold in multi-pack	JVS-324	JVS-324	Candela Sales Company, Inc.
"Little Folks" imitation white pearl necklace with gold clasp	--	97257-35980	Diddams, Inc.; Diddams Party Headquarters, Inc.
42" 18 mm imitation white pearl necklace	WP85L	6 42458 4218 3 1	All For Fun
48" 18 mm imitation white pearl necklace	WP85M	6 42456 4812 3 4	All For Fun
La Mode imitation white pearl 7/16" buttons	5557236	0 75160 04611 3	Jo-Ann Stores, Inc.; Levcor International, Inc.; Blumenthal/Lansing Company, LLC
La Mode imitation white pearl 1/4" buttons	7226228	0 75160 04664 9	Jo-Ann Stores, Inc.; Levcor International, Inc.; Blumenthal/Lansing Company, LLC
"Land O' Lace" Simulated Pearls	7226228	Style #D2722	Jo-Ann Stores, Inc. Novtex Corporation
"Modern Romance" 30 foot string of ivory imitation pearl beads	16318 83613 6	16318 83613 6	Michaels Stores, Inc. Hirschberg Schutz & Co., Inc.

CERTIFICATE OF MERIT

Health & Safety Code §25249.7(d)

I, Howard Hirsch, hereby declare:

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

2. I am an attorney with the Lexington Law Group, LLP, and I represent the noticing party, the Center for Environmental Health (“CEH”).

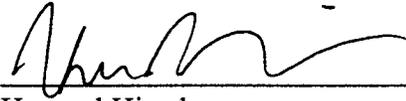
3. I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies or other data regarding the exposures to the listed chemical that is the subject of the action.

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 violators will be able to establish any of the affirmative defenses set forth in the statute.

5. The copy of the 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 & 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: March 28, 2005

A handwritten signature in black ink, appearing to read "Howard Hirsch", written over a horizontal line.

Howard Hirsch
Attorney for CENTER FOR
ENVIRONMENTAL HEALTH

SERVICE LIST

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1225 Fallon Street, Room 900
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San Bernardino, CA 92415-0004

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Quincy, CA 95971

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330 West Broadway, Suite 1320
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Riverside, CA 92501

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880 Bryant Street, Rm 325
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Obispo County
1050 Monterey St, Room 450
San Luis Obispo, CA 93408

District Attorney of San Benito County
419 Fourth Street, 2nd Floor
Hollister, CA 95023

District Attorney of San Mateo County
400 County Ctr, 3rd Fl
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District Attorney of Sierra County
Courthouse, P.O. Box 457
Downieville, CA 95936

District Attorney of Santa Barbara County
1105 Santa Barbara Street
Santa Barbara, CA 93101

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District Attorney of Yuba County
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Sonora, CA 95370

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San Jose, CA 95110

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Los Angeles, CA 90012

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San Diego, CA 92101

San Francisco City Attorney's Office
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San Francisco, CA 94102

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California Attorney General's Office
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Ralph A. Langer*
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129 Main Street
Lansing, IA 52151

Raymond Bialick*
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76 Stirling Road
Warren, NJ 07059-5751

PROOF OF SERVICE BY MAIL

I declare that:

I am employed in San Francisco County, California. I am over the age of 18 years and not a party to the within cause; my business address is 1627 Irving Street, San Francisco, California 94122.

On March 28, 2005, I served true copies of the following documents:

NOTICE OF VIOLATION OF CALIFORNIA SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT;

CERTIFICATE OF MERIT; and

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY (only sent to those on service list marked with an asterisks).

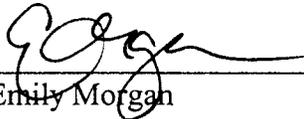
I placed a true copy of this paper in an envelope addressed to:

See Attached Service List.

I am readily familiar with my firm's practice for collection and processing of correspondence for mailing with the United States Postal Service, to wit, that correspondence will be deposited with the United States Postal Service this same day in the ordinary course of business. I placed the envelope containing the above-mentioned documents for collection and mailing on March 28, 2005, following the ordinary business practice.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on March 28, 2005, at San Francisco, California.

Signed:



Emily Morgan