

AMERICAN ENVIRONMENTAL SAFETY INSTITUTE  
555 BRYANT STREET  
PALO ALTO, CALIFORNIA 94301

JUNE 2, 2005

NOTICE OF VIOLATION OF THE SAFE DRINKING WATER AND  
TOXIC ENFORCEMENT ACT OF 1986  
(California Health and Safety Code § 25249.5 *et seq.*)

TO THE NOTICED PARTIES LISTED BELOW:

- ◆ AUROMÈRE AYURVEDIC IMPORTS
  - ◆ BURT'S BEES, INC.
  - ◆ CHURCH & DWIGHT CO., INC.
  - ◆ UNILEVER UNITED STATES, INC.
  - ◆ COLGATE-PALMOLIVE COMPANY
- ◆ GLAXOSMITHKLINE D/B/A SMITHKLINE BEECHAM CONSUMER HEALTHCARE, L.P.
  - ◆ THE GILLETTE COMPANY D/B/A ORAL-B LABORATORIES
    - ◆ JASON NATURAL COSMETICS
    - ◆ KISS MY FACE CORPORATION
      - ◆ LACLEDE, INC.
      - ◆ LEVLAD, INC.
  - ◆ PERSONAL PRODUCTS COMPANY, A DIVISION OF McNEIL-PPC, INC.
    - ◆ PFIZER, INC.
    - ◆ ROWPAR PHARMACEUTICALS
      - ◆ TOM'S OF MAINE
      - ◆ WELEDA INC.
  - ◆ WOODSTOCK NATURAL PRODUCTS, INC.
    - ◆ XLEAR, INC.

**Via First Class Mail – Proof of Service Attached**

TO THE PARTIES LISTED ON THE  
ATTACHED DISTRIBUTION LISTS

**Re: Consumer Toothpaste Products**

Dear Sir or Madam:

The American Environmental Safety Institute serves this Notice of Violation (“Notice”) individually upon each company set forth above (hereinafter together “the Companies”) pursuant to and in compliance with California Health and Safety Code (“H&S Code”) § 25249.7(d) and 22 California Code of Regulations (“CCR”) § 12903. This Notice satisfies a prerequisite for the Noticing Party to commence an action against the Companies to enforce the Safe Drinking Water and Toxic Enforcement Act of 1986 (California H&S Code § 25249.5 *et seq.* On information and belief, the violations addressed by this Notice occur in every county and city in California. This Notice is being served upon each violator, the California Attorney General, the district attorney of every California county and the city attorney of every California city with a population (according to the most recent decennial census) of over 750,000. If the Companies have a current registration with the California Secretary of State that identifies a Chief Executive

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Officer, President, or General Counsel, this Notice is being addressed to, and served upon, one of those persons.

Attached as Exhibit A to this Notice is a copy of "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary." The attached Summary was prepared by the California Environmental Protection Agency and provides general information about the Safe Drinking Water and Toxic Enforcement Act of 1986. Copies of the Summary are not required to be, and are not being, provided to the public enforcement agencies.

A description of the Noticing Party, the Alleged Violator, and the Alleged Violations Addressed by this Notice follows:

- ◆ The American Environment Safety Institute provides this Notice. The American Environmental Safety Institute (hereinafter "Institute") is a California non-profit corporation and is acting in the public interest pursuant to California Health and Safety Code Section 25249.7(d). The Institute's business address is 555 Bryant Street, #218, Palo Alto, California 94301. Deborah A. Sivas, President of the Institute, is the responsible individual within the Institute.
- ◆ The violator names and addresses are:

<b>Manufacturer</b>	<b>Corporate Address</b>
Auromère Ayurvedic Imports	2621 W. Highway 12, Lodi, CA 95242
Burt's Bees, Inc.	701 Distribution Drive, Durham, NC 27709
Church & Dwight Co., Inc.	469 North Harrison Street, Princeton, NJ 08543-5297
Unilever United States, Inc.	700 Sylvan Avenue, Englewood Cliffs, NJ 07632
Colgate-Palmolive Company	300 Park Avenue, 11th Floor, New York, NY 10022-7499
GlaxoSmithKline d/b/a SmithKline Beecham Consumer Healthcare, L.P.	One Franklin Plaza, Philadelphia, PA 19101
The Gillette Company d/b/a Oral-B Laboratories	Prudential Tower Building, Boston, MA 02199
Jason Natural Cosmetics	3515 Eastham Drive, Culver City, CA 90232
Kiss My Face Corporation	PO Box 224, 144 Main Street, Gardiner, NY 12525-0224
Laclede, Inc.	2030 E. University Drive, Rancho Dominguez, CA 90220
Levlad, Inc.	9200 Mason Avenue, Chatsworth, CA 91311
Personal Products Company, a Division of McNeil-PPC, Inc.	199 Grandview Road, Skillman, NJ 08558-9418
Pfizer, Inc.	235 E. 42nd Street, 26th Floor, New York, NY 10017-5755
Rowpar Pharmaceuticals	16100 N. Greenway-Hayden Loop, Suite F400, Scottsdale, AZ 85260-1789
Tom's of Maine	302 Lafayette Center, Kennebunk, ME 04043
Weleda Inc.	175 N. Route 9W, Congers, NY 10920
Woodstock Natural Products, Inc.	140 Sylvan Avenue, Englewood Cliffs, NJ 07632
Xlear, Inc.	PO Box 970911, 119 N. 1380 W Street, Orem, UT 84057

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- ◆ The violations addressed by this Notice began on or after February 27, 1988, have occurred on numerous occasions each and every day since February 27, 1988, and are ongoing and continuing.
- ◆ This Notice of Violation covers the “warning provision” of Proposition 65, which is found at H&S Code § 25249.6.
- ◆ The names of each chemical that is listed pursuant to the Safe Drinking Water and Toxic Enforcement Act of 1986 involved in the violations addressed by this Notice are Lead (listed as a reproductive toxin); and Lead and lead compounds (listed as a carcinogen) (collectively the “Listed Chemicals”). The Listed Chemicals are listed (and have been so listed for more than twelve months) by the Governor of the State of California as being a chemical known to the State of California to cause cancer or reproductive toxicity, or both cancer and reproductive toxicity. See Exhibit B attached hereto.
- ◆ The routes of exposure for the violations addressed by this Notice are dermal contact and/or ingestion during use of the Product(s).
- ◆ The type of consumer products causing the exposures addressed by this Notice are toothpaste consumer products (“Products”), including but not limited to the following illustrative product(s):

<b>TABEL A</b>
<b>AUROMÈRE AYURVEDIC IMPORTS</b>
auromère® Herbal Toothpaste - Original Licorice
auromère® Herbal Toothpaste - Fresh Mint
auromère® Herbal Toothpaste - Mint Free
<b>BURT'S BEES, INC.</b>
Doctor Burt's™ Lavender Mint Toothpaste
Doctor Burt's™ Cinna Mint Toothpaste
Doctor Burt's™ Children's Toothpaste
<b>CHURCH &amp; DWIGHT CO., INC.</b>
Aim® Cavity Protection Anticavity Fluoride Gel Toothpaste
Aim® Tartar Control Fluoride Gel Toothpaste
Aim® Whitening with Baking Soda Fluoride Gel Toothpaste
Arm & Hammer® Advance White Brilliant Sparkle Toothpaste Mint Fluoride, Tartar Control
Arm & Hammer® Advanced White Fluoride Toothpaste with Baking Soda & Peroxide Mint, Tartar Control
Arm & Hammer® Advanced White Tartar Control Toothpaste Extra Fresh Gel Mint
Arm & Hammer® Advanced White Toothpaste with Dental Baking Soda & Peroxide
Arm & Hammer® Complete Care Fluoride Toothpaste with Baking Soda & Peroxide Plus Extra Whitening
Arm & Hammer® Enamel Care Extra Whitening Fluoride Anti-Cavity Toothpaste with Liquid Calcium & Baking Soda

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<b>CHURCH &amp; DWIGHT CO., INC. (Cont.)</b>
Arm & Hammer® Enamel Care Fluoride Anti-Cavity Toothpaste with Liquid Calcium - Advanced Cleaning
Arm & Hammer® PeroxiCare Advance Cleaning Daily Fluoride Anti-Cavity Mint Toothpaste with Dental Baking Soda & Peroxide & Tartar Control
Mentadent® Advanced Care Fluoride Toothpaste, Clean Mint
Mentadent® Advanced Cleaning Fluoride Toothpaste with Baking Soda & Peroxide, Crystal Ice
Mentadent® Advanced Whitening Fluoride Toothpaste with Baking Soda & Peroxide Refreshing Mint
Mentadent® Anticavity Fluoride Toothpaste, Peppermint Fusion
Mentadent® Multi-Action Tartar Control Plus Fluoride Toothpaste with Baking Soda & Peroxide
Pearl Drops® Toothpolish
Pearl Drops® Toothpolish Gel
Pearl Drops® Whitening Gel Toothpaste
Pearl Drops® Whitening Toothpaste
Pepsodent® Anticavity Fluoride Whitening Toothpaste with Baking Soda
Pepsodent® Anticavity Original Toothpaste
Pepsodent® Tartar Control
<b>CHURCH &amp; DWIGHT CO., INC. / UNILEVER</b>
Close-Up® Anticavity Fluoride Toothpaste Freshening Red Gel Cinnamon Burst
Close-Up® Anticavity Fluoride Toothpaste MultiAction
Close-Up® Anticavity Fluoride Toothpaste Whitening
<b>COLGATE-PALMOLIVE COMPANY</b>
Colgate® 2in1 Fresh Mint
Colgate® 2in1 Icy Blast
Colgate® 2in1 Kids Bubble Gum
Colgate® 2in1 Kids Watermelon
Colgate® 2in1 Whitening
Colgate® Baking Soda & Peroxide Whitening with Tartar Control Brisk Mint Paste
Colgate® Baking Soda & Peroxide Whitening with Tartar Control Frosty Mint Striped Gel
Colgate® Barbie™
Colgate® Barney™
Colgate® Blue's Clues™
Colgate® Cavity Protection Regular Flavor
Colgate® Cavity Protection Winterfresh Gel
Colgate® Fairly OddParents™
Colgate® Fluoride Toothpaste with Micro-Cleaning Crystals
Colgate® Fresh Confidence
Colgate® Max Fresh Clean Mint
Colgate® Max Fresh Cool Mint

<b>COLGATE-PALMOLIVE COMPANY (Cont.)</b>
Colgate® Sensitive Maximum Strength Plus Whitening
Colgate® Simply White Advanced Whitening Toothpaste
Colgate® Sparkling White Cinnamon Spice
Colgate® Sparkling White Mint Zing
Colgate® SpongeBob Squarepants™
Colgate® Tartar Control Plus Whitening Gel
Colgate® Tartar Control Plus Whitening Mint Paste
Colgate® Tartar Control with Baking Soda & Peroxide
Colgate® Total®
Colgate® Total® Advanced Fresh 2in1 Liquid Gel
Colgate® Total® Advanced Fresh Gel
Colgate® Total® Fresh Stripe®
Colgate® Total® Plus Whitening Gel
Colgate® Total® Plus Whitening Paste
Ultrabrite® Advanced Whitening
<b>GLAXCOSMITHKLINE D/B/A SMITHKLINE BEECHAM CONSUMER HEALTHCARE, L.P.</b>
Aquafresh® -All® with Tartar Control Toothpaste
Aquafresh® Extra Fresh® Toothpaste
Aquafresh® Extreme Clean® Fluoride Toothpaste
Aquafresh® Kids Bubblemint Toothpaste
Aquafresh® Mary Kate & Ashley Toothpaste
Aquafresh® Sensitive Maximum Strength Toothpaste
Aquafresh® Triple Protection Fluoride Toothpaste
Aquafresh® Whitening Toothpaste with Triclene®
Sensodyne® Maximum Strength Cool Gel
Sensodyne® Maximum Strength Extra Whitening
Sensodyne® Maximum Strength Fresh Impact
Sensodyne® Maximum Strength Fresh Mint
Sensodyne® Maximum Strength Full Protection
Sensodyne® Maximum Strength Original Flavor
Sensodyne® Maximum Strength Tartar Control plus Whitening
Sensodyne® Maximum Strength with Baking Soda
<b>THE GILLETTE COMPANY D/B/A ORAL-B LABORATORIES</b>
Oral-B® Rembrandt® Daily Whitening Gel with Safe Peroxide
Oral-B® Rembrandt® Extra Whitening Toothpaste for Canker Sores
Oral-B® Rembrandt® Plus™ Toothpaste with Peroxide, Mint
Oral-B® Rembrandt® Plus™ Toothpaste with Peroxide, Wintergreen
Oral-B® Rembrandt® Power Whitening Tooth Gel
Oral-B® Rembrandt® Toothpaste

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<b>THE GILLETTE COMPANY D/B/A ORAL-B LABORATORIES (Cont.)</b>
Oral-B® Rembrandt® Toothpaste, Intense Stain Removal, Fresh Mint
Oral-B® Rembrandt® Whitening Toothpaste for Sensitive Teeth
Oral-B® Stages® Anticavity Fluoride Toothpaste, Aladdin™ Magical Fruity Wishes
Oral-B® Stages® Anticavity Fluoride Toothpaste, Mickey™ Fruity Bubble
Oral-B® Stages® Anticavity Fluoride Toothpaste, Power Rangers™ Power Fruit Burst
Oral-B® Stages® Anticavity Fluoride Toothpaste, Princess™ Pink Bubble Gum
Oral-B® Stages® Anticavity Fluoride Toothpaste, Winnie the Pooh™ Berry Bubble
<b>JASON NATURAL COSMETICS</b>
Jason® Healthy-Mouth™ Tea Tree & Cinnamon Toothpaste
Jason® Healthy-Mouth™ Plus with CoQ10 & Fluoride Gel – Tea Tree Oil & Clove & Cinnamon
Jason® Nutrismile™ Plus with CoQ10 & Fluoride Gel – Citrus & Spice
Jason® Nutrismile™ C Complex – Citrus & Spice
Jason® Oral Comfort™ with CoQ10 Non-Fluoride Gel for Sensitive Teeth
Jason® PowerSmile™ All Natural Whitening Toothpaste – Peppermint
Jason® PowerSmile™ Plus with CoQ10 & Fluoride Gel – Peppermint
Jason® Sea Fresh™ Plus with CoQ10 & Fluoride Gel – Deep Sea Spearmint
Jason® Sea Fresh™ Toothpaste – Deep Sea Spearmint
Jason® Sea Fresh™ Toothpaste – Deep Sea Spearmint
<b>KISS MY FACE CORPORATION</b>
Kiss My Face® Certified Organic Triple Action Toothpaste Aloe Vera
Kiss My Face® Certified Organic Whitening Toothpaste Aloe Vera
Kiss My Face® Certified Organic Women's Toothpaste Aloe Vera
<b>LACLEDE, INC.</b>
Biotene® Antibacterial Dry Mouth Toothpaste with Calcium, Gentle Mint Gel
Biotene® Antibacterial Dry Mouth Toothpaste, Original Flavor
FirstTeeth® Baby Toothpaste – Real Apple-Banana Flavor
<b>LEVLAD, INC.</b>
Nature's Gate® Natural Toothpaste – Wintergreen Gel
Nature's Gate® Natural Toothpaste – Cherry Gel
Nature's Gate® Natural Toothpaste – Cool Mint Gel
Nature's Gate® Dental Therapy w/Bamboo Powder and Stevia Extract – Natural Whitening Gel
<b>PERSONAL PRODUCTS COMPANY, A DIVISION OF MCNEIL-PPC, INC.</b>
Reach® Harry Potter™ Bubble Gum Anti-Cavity Fluoride Toothpaste
Reach® Rugrats™ Wacky Watermelon Anti-Cavity Fluoride Toothpaste
Reach® Scooby-Doo™ Berry Blast Gel Anti-Cavity Fluoride Toothpaste
Reach® Scooby-Doo™ Bubble Gum Anti-Cavity Fluoride Toothpaste
Reach® SpongeBob Squarepants™ Deep Sea Bubble Anti-Cavity Fluoride Toothpaste

<b>PERSONAL PRODUCTS COMPANY, A DIVISION OF MCNEIL-PPC, INC. (Cont.)</b>
Reach® Strawberry Shortcake™ Anti-Cavity Fluoride Toothpaste
Reach® Yu-Gi-Oh™ Anti-Cavity Fluoride Toothpaste
<b>PFIZER, INC.</b>
Listerine Essential Care® Toothpaste, Powerful Mint Gel
Listerine Essential Care® Toothpaste, Powerful Mint Paste
Listerine Essential Care® Toothpaste, Tartar Control, Powerful Mint Gel
<b>ROWPAR PHARMACEUTICALS</b>
CloSYSII® Toothpaste
<b>TOM'S OF MAINE</b>
Tom's of Maine® Anticavity plus Whitening Cinnamint Fluoride Toothpaste Liquid Gel
Tom's of Maine® Anticavity plus Whitening Cinnamint Gel Fluoride Toothpaste
Tom's of Maine® Anticavity plus Whitening Fennel Fluoride Toothpaste Liquid Gel
Tom's of Maine® Anticavity plus Whitening Orange-Mango Gel Fluoride Toothpaste
Tom's of Maine® Anticavity plus Whitening Peppermint Fluoride Toothpaste Liquid Gel
Tom's of Maine® Anticavity plus Whitening Peppermint Gel Fluoride Toothpaste
Tom's of Maine® Anticavity plus Whitening Spearmint Fluoride Toothpaste Liquid Gel
Tom's of Maine® Anticavity plus Whitening Spearmint Gel Fluoride Toothpaste
Tom's of Maine® Anticavity plus Whitening Wintermint Gel Fluoride Toothpaste
Tom's of Maine® Anticavity Toothpaste for Children - Goofy Grape
Tom's of Maine® Anticavity Toothpaste for Children - Orange-Mango
Tom's of Maine® Anticavity Toothpaste for Children - Silly Strawberry
Tom's of Maine® Anticavity Wintermint Toothpaste
Tom's of Maine® Natural Antiplaque plus Whitening Cinnamint Liquid Toothpaste
Tom's of Maine® Natural Antiplaque plus Whitening Fennel Liquid Toothpaste
Tom's of Maine® Natural Antiplaque plus Whitening Gel Toothpaste - Peppermint
Tom's of Maine® Natural Antiplaque plus Whitening Gel Toothpaste - Spearmint
Tom's of Maine® Natural Antiplaque plus Whitening Spearmint Liquid Toothpaste
Tom's of Maine® Natural Antiplaque Tartar Control plus Whitening Liquid Toothpaste - Peppermint
Tom's of Maine® Natural Antiplaque Tartar Control plus Whitening Liquid Toothpaste - Spearmint
Tom's of Maine® Natural Antiplaque Tartar Control plus Whitening Toothpaste - Apricot
Tom's of Maine® Natural Antiplaque Tartar Control plus Whitening Toothpaste - Cinnamint
Tom's of Maine® Natural Antiplaque Tartar Control plus Whitening Toothpaste - Fennel
Tom's of Maine® Natural Antiplaque Tartar Control plus Whitening Toothpaste - Peppermint
Tom's of Maine® Natural Antiplaque Tartar Control plus Whitening Toothpaste - Spearmint
Tom's of Maine® Natural Fluoride-Free Toothpaste for Children - Silly Strawberry
Tom's of Maine® Natural Homeopathic-Style Whitening Toothpaste
Tom's of Maine® Natural Toothpaste for Sensitive Teeth Wintermint

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<b>WELEDA INC.</b>
Weleda Children's Tooth Gel
Weleda Plant Gel Toothpaste
Weleda Salt Toothpaste
<b>WOODSTOCK NATURAL PRODUCTS, INC.</b>
The Natural Dentist™ Herbal Toothpaste and Gum Therapy - Mint Flavor
The Natural Dentist™ Herbal Toothpaste and Gum Therapy - Mint SLS Free Cinnamon
The Natural Dentist™ Herbal Toothpaste and Gum Therapy - Mint Fluoride Free
The Natural Dentist™ Whitening Plus Gentle Herbal Toothpaste - Mint Flavor
<b>XLEAR, INC.</b>
Spry™ with MAXXylitol™ and Aloe Toothpaste - Mint Flavor

- ◆ There are numerous sources of the exposures addressed in this Notice. On information and belief, these exposures occur in homes, the workplace and everywhere else in California where these products are used. These exposures occur principally off the property of the Noticed Company.
- ◆ In the course of doing business, the Companies knowingly and intentionally have exposed, and continues to expose, individuals (especially children and pregnant and post-partum women) to the Listed Chemicals in the Products. No clear and reasonable warning is or has been provided by the Companies to individuals regarding exposure to the Listed Chemicals or regarding the fact that the Listed Chemicals are known to the State of California to be a carcinogen and/or reproductive toxin.
- ◆ These exposures are ongoing and continuing, with some continuing from 1988. The Institute believes and so alleges that each Company has tolled any applicable statute of limitations by failing at any time in the past to disclose the presence of the Listed Chemicals in their Products to those persons that required a warning when they purchased the Products in the stores where the Companies' Products are sold for consumer use in California. The labels on these Products do not include any warning that would meet the definition set forth at 22 CCR § 12601(b)(1)(A) or comply with 22 CCR § 12601(b)(3) and (b)(4)(B).
- ◆ The chemicals contained in the ingredients of the Products, and subject to the warning requirements of H&S Code § 25249.6 and more specifically 22 CCR § 12601(b) *et seq.*, are listed below:
  1. Lead (listed as a reproductive toxin)
  2. Lead and lead compounds (listed as a carcinogen)
- ◆ The aforementioned carcinogen and reproductive toxins are on the Governor's list ("Prop 65 List") as set forth at 22 CCR § 12000. These chemicals are known to the State of California to cause carcinogenic and/or reproductive toxicity harm to humans requiring special warning labels and care in handling and use. The concentrations of these toxins in the Products require a warning of the existence of this chemical danger by the Product's manufacturer, distributor and retailer.

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- ◆ The principal route of exposure is through a “consumer products exposure” via dermal contact and/or ingestion. These exposures have gone on since February 27, 1988, and are ongoing and continuing at every place in California that the Products listed in TABLE A are offered for sale and use. All references to “exposure” in this notice shall be understood to be exposures to the Products, including but not limited to the specific Product brands in said TABLE and the ingredients of those Products. The sale of these Products constitutes a transfer of a known reproductive and/or carcinogenic chemical to the purchaser as well as the ultimate consuming individual from the normal use of the Products, causing the exposure to occur without a clear and reasonable warning regarding the Listed Chemicals.
- ◆ The location of these alleged exposures are many and varied, and on information and belief occur within the 58 counties of the state of California, as evidenced by the District Attorneys addressed in the enclosed distribution list. The Institute believes and so alleges that at least one of each Companies’ Products were sold within each county by the Companies’ wholesale or retail distributor, and that sale caused the utilization of the Products and consumption and subsequent exposure. This purchase and consumption caused exposures in that jurisdiction to the Listed Chemicals in the Products as identified herein, and those exposures by the Companies were allowed to take place without the prerequisite warnings as delineated by the applicable statutes specified in this notice.

Please direct any inquiries regarding this notice to counsel for the American  
Environmental Safety Institute:

Roger Lane Carrick, Esq.  
The Carrick Law Group, P.C.  
350 S. Grand Avenue, Suite 2930  
Los Angeles, CA 90071  
Tel.: (213) 346-7930  
Fax: (213) 346-7931  
E-mail: [roger@carricklawgroup.com](mailto:roger@carricklawgroup.com)



**EXHIBIT B**  
**NOTICED PARTIES:**

- ◆ AUROMÈRE AYURVEDIC IMPORTS
  - ◆ BURT'S BEES, INC.
  - ◆ CHURCH & DWIGHT CO., INC.
  - ◆ UNILEVER UNITED STATES, INC.
  - ◆ COLGATE-PALMOLIVE COMPANY
- ◆ GLAXOSMITHKLINE D/B/A SMITHKLINE BEECHAM CONSUMER HEALTHCARE, L.P.
  - ◆ THE GILLETTE COMPANY D/B/A ORAL-B LABORATORIES
    - ◆ JASON NATURAL COSMETICS
    - ◆ KISS MY FACE CORPORATION
      - ◆ LACLEDE, INC.
      - ◆ LEVLAD, INC.
  - ◆ PERSONAL PRODUCTS COMPANY, A DIVISION OF MCNEIL-PPC, INC.
    - ◆ PFIZER, INC.
    - ◆ ROWPAR PHARMACEUTICALS
      - ◆ TOM'S OF MAINE
      - ◆ WELEDA INC.
  - ◆ WOODSTOCK NATURAL PRODUCTS, INC.
    - ◆ XLEAR, INC.

List Of Chemicals Contained In The Attached 60-Day Notice of Violation That Are Listed By The Governor Of The State Of California As Being Known To The State Of California To Cause Cancer Or Reproductive Toxicity

**CARCINOGENS**

<u>Chemical</u>	<u>CAS No.</u>	<u>Date Added to List</u>
Lead and lead compounds	---	October 1, 1992

**REPRODUCTIVE TOXINS**

<u>Chemical</u>	<u>CAS No.</u>	<u>Date Added to List</u>
Lead	---	February 27, 1987



**CERTIFICATE OF MERIT**  
**HEALTH AND SAFETY CODE SECTION 25249.7(d)**

- ◆ **LEAD AND LEAD COMPOUNDS**
- ◆ **LEAD**

**NOTICED PARTIES:**

- ◆ **AUROMÈRE AYURVEDIC IMPORTS**
  - ◆ **BURT'S BEES, INC.**
  - ◆ **CHURCH & DWIGHT CO., INC.**
  - ◆ **UNILEVER UNITED STATES, INC.**
  - ◆ **COLGATE-PALMOLIVE COMPANY**
- ◆ **GLAXOSMITHKLINE D/B/A SMITHKLINE BEECHAM CONSUMER HEALTHCARE, L.P.**
  - ◆ **THE GILLETTE COMPANY D/B/A ORAL-B LABORATORIES**
    - ◆ **JASON NATURAL COSMETICS**
    - ◆ **KISS MY FACE CORPORATION**
      - ◆ **LACLEDE, INC.**
      - ◆ **LEVLAD, INC.**
  - ◆ **PERSONAL PRODUCTS COMPANY, A DIVISION OF MCNEIL-PPC, INC.**
    - ◆ **PFIZER, INC.**
    - ◆ **ROWPAR PHARMACEUTICALS**
      - ◆ **TOM'S OF MAINE**
      - ◆ **WELEDA INC.**
  - ◆ **WOODSTOCK NATURAL PRODUCTS, INC.**
    - ◆ **XLEAR, INC.**

I, Roger Lane Carrick, on behalf of American Environmental Safety Institute hereby declare:

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

2. I am the 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 chemical(s) that is the subject of this action.

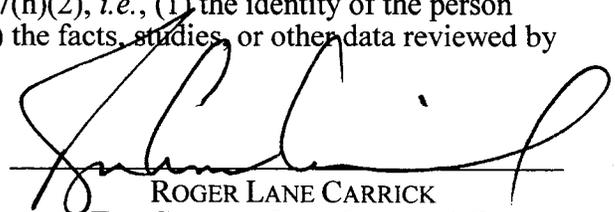
4. Based upon the information obtained through those consultations, and all other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for private action" means that the information provides a credible basis that all the 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.

**CERTIFICATE OF MERIT**  
**HEALTH AND SAFETY CODE SECTION 25249.7(d)**

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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 24249.7(h)(2), *i.e.*, (1) the identity of the person consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Date: June 2, 2005



ROGER LANE CARRICK  
THE CARRICK LAW GROUP, P.C.  
ATTORNEYS FOR  
AMERICAN ENVIRONMENTAL SAFETY  
INSTITUTE

## CERTIFICATE OF SERVICE

I am over the age of 18 and not a party to this case. I am a resident of or employed in the county where the mailing occurred. My business address is 350 S. Grand Avenue, Suite 2930, Los Angeles, CA 90071-3406.

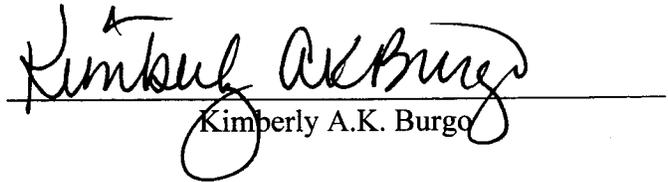
On June 2, 2005, I served copies of the documents listed immediately hereafter by first class mail by placing same in sealed envelopes, fully preparing postage thereon, and depositing said envelopes in the U.S. Mail at Los Angeles, California. Said envelopes were addressed as follows:

### SEE ATTACHED DISTRIBUTION LISTS

Documents mailed:

1. **NOTICE OF VIOLATION OF THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (California Health and Safety Code § 25249.5 et seq.)**
2. **Exhibit A - THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY (Government Entities excluded)**
3. **Exhibit B - Details of Relevant Proposition 65 Chemical Listing**
4. **CERTIFICATE OF MERIT – (attachments only sent to California Attorney General's Office)**

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct, and that this declaration was executed on June 2, 2005, at Los Angeles, California.

  
\_\_\_\_\_  
Kimberly A.K. Burgo

**DISTRIBUTION LIST – NOTICED PARTIES  
VIA FIRST CLASS U.S. MAIL – Documents Mailed:**

- (1) 60-Day Notice of Violation; (2) Exhibit A - Summary of Prop. 65;  
(3) Exhibit B - Details of Relevant Proposition 65 Chemical Listing;  
(4) Certificate of Merit; and (5) Certificate of Service**

<p>Dakshina Vahzetti, Principal or current President/CEO/Gen. Counsel <b>Auromère Ayurvedic Imports</b> 2621 W. Highway 12 Lodi, CA 95242</p>	<p>Ruben Mark, Chairman and CEO or current President/CEO/Gen. Counsel <b>Colgate-Palmolive Company</b> 300 Park Avenue, 11th Floor New York, NY 10022-7499</p>	<p>CT Corporation System <b>Registered Agent for Service of Process</b> 818 W. Seventh Street, 2<sup>nd</sup> Floor Los Angeles, CA 90017</p> <p><b>On behalf of:</b></p> <ol style="list-style-type: none"> <li>1. Colgate-Palmolive Company</li> <li>2. The Gillette Company d/b/a Oral-B Laboratories</li> <li>3. Jason Natural Cosmetics</li> <li>4. Personal Products Company, a Division of McNeil-PPC, Inc.</li> <li>5. Pfizer, Inc.</li> <li>6. Unilever United States, Inc.</li> </ol>
<p><b>Burt's Bees, Inc.</b> current President/CEO/Gen. Counsel 701 Distribution Drive Durham, NC 27709</p>	<p>James M. Yates, Jr. <b>Registered Agent for Service of Process</b> 4101 Lake Boone Trail, Suite 300 Raleigh, NC 27607-7506</p> <p><b>On behalf of:</b></p> <ol style="list-style-type: none"> <li>1. Burt's Bees, Inc.</li> </ol>	<p>Corporation Service Company d/b/a CSC - Lawyers Incorporating Service <b>Registered Agent for Service of Process</b> 2730 Gateway Oaks Drive, Suite 100 Sacramento, CA 95833</p> <p><b>On behalf of:</b></p> <ol style="list-style-type: none"> <li>1. GlaxcoSmithKline d/b/a SmithKline Beecham Consumer Healthcare, L.P.</li> </ol>
<p>James R. Craigie, President and CEO or current President/CEO/Gen. Counsel <b>Church &amp; Dwight Co., Inc.</b> 469 North Harrison Street Princeton, NJ 08543-5297</p>	<p>Jack Ziegler, President Consumer Healthcare or current President/CEO/Gen. Counsel <b>GlaxcoSmithKline d/b/a SmithKline Beecham Consumer Healthcare, L.P.</b> One Franklin Plaza Philadelphia, PA 19101</p>	<p>Irwin Simon, President or current President/CEO/Gen. Counsel <b>Jason Natural Cosmetics</b> 3515 Eastham Drive Culver City, CA 90232</p>
<p>National Registered Agents, Inc. <b>Registered Agent for Service of Process</b> 2030 Main Street, Suite 1030 Irvine, CA 92614</p> <p><b>On behalf of:</b></p> <ol style="list-style-type: none"> <li>1. Church &amp; Dwight Co., Inc.</li> </ol>	<p>James M. Kilts, Chairman, CEO, and President or current President/CEO/Gen. Counsel <b>The Gillette Company d/b/a Oral-B Laboratories</b> Prudential Tower Building Boston, MA 02199</p>	<p>Stephen Biroczky, President or current President/CEO/Gen. Counsel <b>Levlad, Inc.</b> 9200 Mason Avenue Chatsworth, CA 91311</p>
<p>Robert Macleod, President or current President/CEO/Gen. Counsel <b>Kiss My Face Corporation</b> PO Box 224 144 Main Street Gardiner, NY 12525-0224</p>	<p>Michael Pellico, President or current President/CEO/Gen. Counsel <b>Laclede, Inc.</b> 2030 E. University Drive Rancho Dominguez, CA 90220</p>	<p>Harold E. Williams, Jr. <b>Registered Agent for Service of Process</b> 9200 Mason Avenue Chatsworth, CA 91311</p> <p><b>On behalf of:</b></p> <ol style="list-style-type: none"> <li>1. Levlad, Inc.</li> </ol>

<p>James D. Silbert, Esq.  <b>Registered Agent for Service of Process</b>  Silbert, Hiller &amp; Sene LLP  1500 Broadway  New York, NY 10036</p> <p><b>On behalf of:</b>  1. Kiss My Face Corporation</p>	<p>James L. Ratcliff, CEO  or current President/CEO/Gen. Counsel  <b>Rowpar Pharmaceuticals</b>  16100 N. Greenway-Hayden Loop, Suite F400  Scottsdale, AZ 85260-1789</p>	<p>Tom Chappell, President and CEO  or current President/CEO/Gen. Counsel  <b>Tom's of Maine</b>  302 Lafayette Center  Kenebunk, ME 04043</p>
<p>Henry A. McKinnell Ph.D., CEO  or current President/CEO/Gen. Counsel  <b>Pfizer, Inc.</b>  235 E. 42nd Street, 26th Floor  New York, NY 10017-5755</p>	<p>R.E. Kirby, President  or current President/CEO/Gen. Counsel  <b>Personal Products Company, a Division of McNeil-PPC, Inc.</b>  199 Grandview Road  Skillman, NJ 08558-9418</p>	<p>Jeremiah D. Newbury  <b>Registered Agent for Service of Process</b>  One Monument Square  Portland, ME 04101</p> <p><b>On behalf of:</b>  1. Tom's of Maine</p>
<p>David Duncan, Senior Vice President  or current President/CEO/Gen. Counsel  <b>Unilever United States, Inc.</b>  700 Sylvan Avenue  Englewood Cliffs, NJ 07632</p>	<p>Charles B. Strauss, Director  or current President/CEO/Gen. Counsel  <b>Unilever United States, Inc.</b>  390 Park Avenue  New York, NY 10022</p>	<p>Blaine Yates, Director  or current President/CEO/Gen. Counsel  <b>Xlear, Inc.</b>  PO Box 970911  119 N. 1380 W Street  Orem, UT 84057</p>
<p>Erk Schuchhardt, President and CEO  or current President/CEO/Gen. Counsel  <b>Weleda Inc.</b>  175 N. Route 9 W  Congers, NY 10920</p>	<p><b>Woodstock Natural Products, Inc.</b>  current President/CEO/Gen. Counsel  140 Sylvan Avenue  Englewood Cliffs, NJ 07632</p>	<p>Nathan O. Jones  <b>Registered Agent for Service of Process</b>  3006 Indian Hills Drive  Provo, UT 84604</p> <p><b>On behalf of:</b>  1. Xlear, Inc.</p>
	<p>William Stern  <b>Registered Agent for Service of Process</b>  1 Joan Terrace  Montvale, NJ 07645</p> <p><b>On behalf of:</b>  1. Woodstock Natural Products, Inc.</p>	

**DISTRIBUTION LIST – GOVERNMENT ENTITIES**  
**VIA FIRST CLASS U.S. MAIL – Documents Mailed:**  
**(1) 60-Day Notice of Violation; (2) Exhibit B - Details of Relevant Proposition 65**  
**Chemical Listing; (3) Certificate of Merit (w/atts. AG’s office only); and**  
**(4) Certificate of Service**

	<p><b>CALIFORNIA ATTORNEY GENERAL</b>  CA Department of Justice  <b>PROP. 65 ENFORCEMENT REPORTING</b>  Attn: Prop 65 Coordinator  1515 Clay Street, Suite 2000  Post Office Box 70550  Oakland, CA 94612-0550</p> <p><b>** Via Overnight Mail</b></p>	
<p>San Francisco City Attorney’s Office  City Hall, Room 234  San Francisco, CA 94102</p>	<p>Los Angeles City Attorney’s Office  1800 City Hall East  200 N. Main Street  Los Angeles, CA 90012</p>	<p>San Diego City Attorney’s Office  Civic Center Plaza  1200 Third Avenue, 3<sup>rd</sup> Floor  San Diego, CA 92101</p>
<p>Office of the District Attorney of  Alameda County  1225 Fallon Street, Room 900  Oakland, CA 94612</p>	<p>San Jose City Attorney’s Office  151 West Mission Street  San Jose, CA 95110</p>	<p>Office of the District Attorney of  Amador County  708 Court Street, Room 202  Jackson, CA 95642</p>
<p>Office of the District Attorney of  Butte County  Administration Building  25 County Center Drive  Oroville, CA 95965</p>	<p>Office of the District Attorney of  Alpine County  P.O. Box 248  Markleeville, CA 96120</p>	<p>Office of the District Attorney of  Colusa County  547 Market Street  Colusa, CA 95932</p>
<p>Office of the District Attorney of  Contra Costa County  PO Box 670  Martinez, CA 94553</p>	<p>Office of the District Attorney of  Calaveras County  County Government Center  891 Mountain Ranch Road  San Andreas, CA 95249</p>	<p>Office of the District Attorney of  El Dorado County  515 Main Street  Placerville, CA 95667</p>
<p>Office of the District Attorney of  Fresno County  2220 Tulare Street, Suite 1000  Fresno, CA 93721</p>	<p>Office of the District Attorney of  Del Norte County  County Courthouse  450 H Street, Suite 171  Crescent City, CA 95531</p>	<p>Office of the District Attorney of  Humboldt County  825 Fifth Street  Eureka, CA 95501</p>
<p>Office of the District Attorney of  Imperial County  County Courthouse, Rm. 202  939 W. Main Street  El Centro, CA 92243</p>	<p>Office of the District Attorney of  Glenn County  P.O. Box 430  Willows, CA 95988</p>	<p>Office of the District Attorney of  Kern County  1215 Truxtun Avenue, 4<sup>th</sup> Floor  Bakersfield, CA 93301</p>

<p>Office of the District Attorney of Kings County Government Center 1400 West Lacey Boulevard Hanford, CA 93230</p>	<p>Office of the District Attorney of Inyo County 168 N. Edwards Street P.O. Drawer D Independence, CA 93526</p>	<p>Office of the District Attorney of Lassen County County Courthouse 220 S. Lassen Street, Ste. 8 Susanville, CA 96130</p>
<p>Office of the District Attorney of Los Angeles County 18000 Criminal Courts Building 210 W. Temple Street Los Angeles, CA 90012</p>	<p>Office of the District Attorney of Lake County 255 N. Forbes Street, Ste. 424 Lakeport, CA 95453</p>	<p>Office of the District Attorney of Marin County 3501 Civic Center Drive, Room 130 San Rafael, CA 94903</p>
<p>Office of the District Attorney of Mariposa County 5089 Bullion Street P.O. Box 730 Mariposa, CA 95338</p>	<p>Office of the District Attorney of Madera County 209 W. Yosemite Avenue Madera, CA 93637</p>	<p>Office of the District Attorney of Merced County 2222 "M" Street Merced, CA 95340</p>
<p>Office of the District Attorney of Modoc County County Courthouse 204 S. Court Street, Room 202 Alturas, CA 96101</p>	<p>Office of the District Attorney of Mendocino County County Courthouse P.O. Box 1000 Ukiah, CA 95482</p>	<p>Office of the District Attorney of Monterey County 240 Church Street, Room 101 Salinas, CA 93902</p>
<p>Office of the District Attorney of Napa County 931 Parkway Mall Napa, CA 94559</p>	<p>Office of the District Attorney of Mono County County Courthouse P.O. Box 617 Bridgeport, CA 93517</p>	<p>Office of the District Attorney of Orange County 401 Civic Center Drive West Santa Ana, CA 92701</p>
<p>Office of the District Attorney of Placer County 11562 "B" Avenue, DeWitt Center Auburn, CA 95603</p>	<p>Office of the District Attorney of Nevada County Courthouse Annex 201 Church Street, Suite 8 Nevada City, CA 95959-2504</p>	<p>Office of the District Attorney of Riverside County 4075 Main Street, 1st Floor Riverside, CA 92501</p>
<p>Office of the District Attorney of Sacramento County 901 "G" Street P.O. Box 749 Sacramento, CA 95814</p>	<p>Office of the District Attorney of Plumas County 520 Main Street, Room 404 P.O. Box 10716 Quincy, CA 95971</p>	<p>Office of the District Attorney of San Bernardino County 316 N. Mountain View Avenue San Bernardino, CA 92415-0004</p>
<p>Office of the District Attorney of San Diego County 330 West Broadway, Ste. 1320 San Diego, CA 92101</p>	<p>Office of the District Attorney of San Benito County 419 4th Street, 2<sup>nd</sup> Floor Hollister, CA 95023-3801</p>	<p>Office of the District Attorney of San Joaquin County 222 E. Weber, Room 202 P.O. Box 990 Stockton, CA 95201</p>

Office of the District Attorney of San Luis Obispo County 1050 Monterey Street, Room 450 San Luis Obispo, CA 93408	Office of the District Attorney of San Francisco County Hall of Justice 880 Bryant Street, Room 325 San Francisco, CA 94103	Office of the District Attorney of Santa Barbara County 1105 Santa Barbara Street Santa Barbara, CA 93101
Office of the District Attorney of Santa Clara County 70 West Hedding Street, West Wing San Jose, CA 95110	Office of the District Attorney of San Mateo County 400 County Center, 3rd Floor Redwood City, CA 94063	Office of the District Attorney of Shasta County 1525 Court Street, Third Floor P.O. Box 1320 Redding, CA 96001-1632
Office of the District Attorney of Sierra County County Courthouse P.O. Box 457 Downieville, CA 95936	Office of the District Attorney of Santa Cruz County 701 Ocean Street, Ste. 200 Santa Cruz, CA 95060	Office of the District Attorney of Solano County 600 Union Avenue Fairfield, CA 94533
Office of the District Attorney of Sonoma County Hall of Justice 600 Administration Drive, Room 212-J Santa Rosa, CA 95403	Office of the District Attorney of Siskiyou County P.O. Box 986 Yreka, CA 96097	Office of the District Attorney of Sutter County Courthouse Annex Box 1555 446 Second Street Yuba City, CA 95991
Office of the District Attorney of Tehama County County Courthouse P.O. Box 519 Red Bluff, CA 96080-0519	Office of the District Attorney of Stanislaus County 800 11 <sup>th</sup> Street, Room 200 P.O. Box 442 Modesto, CA 95354	Office of the District Attorney of Tulare County County Civic Center 221 S. Mooney Boulevard, Room 224 Visalia, CA 93291
Office of the District Attorney of Tuolumne County 423 N. Washington Street Sonora, CA 95370	Office of the District Attorney of Trinity County P.O. Box 1310 Weaverville, CA 96093	Office of the District Attorney of Ventura County 800 South Victoria Avenue, Rm. 314 Ventura, CA 93009
	Office of the District Attorney of Yolo County 301 Second Street Woodland, CA 95695	Office of the District Attorney of Yuba County County Courthouse 215 Fifth Street Marysville, CA 95901