

SUPPLEMENTAL 60-DAY NOTICE OF VIOLATION

SENT IN COMPLIANCE WITH CALIFORNIA HEALTH & SAFETY CODE §25249.7(d)

Date: June 27, 2006

To: Yuzo Hasegawa, President – Yaegaki Corporation of USA, Inc.

California Attorney General's Office;
District Attorney's Office for 58 Counties;
City Attorneys for San Francisco, San Diego, San Jose, Sacramento and Los Angeles;

From: Russell Brimer

I. INTRODUCTION

My name is Russell Brimer. I am a citizen of the State of California acting in the interest of the general public. I seek to promote awareness of exposures to toxic chemicals in products sold in California and, if possible, to improve human health by reducing hazardous substances contained in such items. This Notice is provided to the parties listed above pursuant to California Health & Safety Code §25249.6 *et seq.* ("Proposition 65") and supplements the notice sent on November 23, 2005. As noted above, notice is being provided to the violator, Yaegaki Corporation of USA, Inc. (the "Violator"). The violations covered by this Notice consist of the product exposures, routes of exposures, and types of harm potentially resulting from exposure to the toxic chemicals ("listed chemicals") identified below, as follows:

Product Exposure: See Section VI. Exhibit A
Listed Chemicals: Lead; Cadmium
Routes of Exposure: Ingestion, Dermal
Types of Harm: Birth Defects and Other Reproductive Harm

II. NATURE OF ALLEGED VIOLATION (PRODUCT EXPOSURE)

The specific type or types of products (hereafter the "products") that are causing consumer and occupational exposures in violation of Proposition 65 (and that are covered by this Notice) are listed in Exhibit A in section VI below. The Violator's sales of these glassware products have been occurring from at least June 27, 2005 to the present. As a result of the sales of these products, exposures to the listed chemicals have been occurring without clear and reasonable warnings as required by Proposition 65. Without proper warnings regarding the toxic effects of exposures to the listed chemicals produced by the products, California citizens lack the information necessary to make informed decisions on whether and how to eliminate (or reduce) the risk of exposure to the toxic chemicals from the reasonably foreseeable use of the products.

A. CONSUMER PRODUCT EXPOSURE

California consumers, through the act of buying, acquiring or utilizing the products, are exposed to the listed chemicals. By way of example, but not limitation, exposures occur when California citizens use (such as drink from the vessel), display, clean, repair, pack, unpack, arrange, store or otherwise handle the products. These tasks cause consumers to be exposed directly or indirectly through the routine touching of the parts or portions of the products containing readily available surface amounts of the listed chemicals. Additionally, exposure can occur through the routine touching and ingesting of other materials that become contaminated with the listed chemicals from the products as a result of these tasks. People likely to be exposed include both children and adults.

B. OCCUPATIONAL EXPOSURE

Similarly, men and women in California use the products as a part of their jobs and are, therefore, subject to occupational exposures to the listed chemicals. Employees are exposed at the California business locations of the apparent manufacturer, distributor and retailer (and their agents, assigns and divisions) as well as all other California locations where the products, or the component parts thereof that include the listed chemicals are, by way of example but not limitation, used (such as drank from the vessel), packed, unpacked, labeled, arranged, displayed, cleaned, stocked, stored, repaired or otherwise handled. These tasks cause employee exposure directly or indirectly through the routine touching of the parts or portions of the products containing readily available surface amounts of the listed chemicals. Additionally, exposure can occur through the routine touching and ingesting of other materials that are contaminated with the listed chemicals from the products as a result of these tasks. These products are also used by sole proprietors and other persons in settings not covered by the Occupational Safety Health Act ("OSH Act"). This Notice alleges the violation of Proposition 65 with respect to occupational exposure governed by the California State Plan for Occupational Safety and Health. The State Plan incorporates the provisions of Proposition 65, as approved by Federal OSHA on June 6, 1997. This approval specifically placed certain conditions with regard to occupational exposures on Proposition 65, including that it does not apply to the conduct of manufacturers occurring outside the State of California. The approval also provides that an employer may use the means of compliance contained in the general hazard communication requirement to comply with Proposition 65. It also requires that supplemental enforcement is subject to the supervision of the California Occupational Safety and Health Administration. Accordingly, any settlement, civil complaint, or substantive court orders in this matter must be submitted to the California Attorney General.

III. CONTACT INFORMATION

Please direct all questions concerning this notice to me at the following addresses:

Russell Brimer
c/o Laralei S. Paras
c/o D. Joshua Voorhees
Hirst & Chanler LLP
2560 Ninth Street
Parker Plaza, Suite 214
Berkeley, CA 94710
Telephone: (510) 848-8880

IV. PROPOSITION 65 INFORMATION

For general information concerning the provisions of Proposition 65, please feel free to contact the Office of Environmental Health Hazard Assessment's ("OEHHA") Proposition 65 Implementation Office at (916) 445-6900. For the Violator's reference, I have attached a copy of "Proposition 65: A Summary" which has been prepared by OEHHA.

V. ADDITIONAL NOTICE INFORMATION

THIS INFORMATION IS NOT REQUIRED TO BE PROVIDED UNDER CAL. CODE REGS., TITLE 22 §12903(b)(4).

Identified below is a specific example of a product within one or more of the categories or types of offending products recently purchased and witnessed as being available for purchase or use in California. Based on publicly available information, the retailers, distributors and/or manufacturers of this example of the categories or types of products are also provided below. Brimer believes and alleges that the sale of the offending products also has occurred without the requisite Proposition 65 "clear and reasonable warnings" at other locations including, but not limited to, transactions made over-the-counter, business-to-business, through the internet and/or via a catalog by the Violator, and other retailers and distributors of the manufacturer.

<i>Product*</i>	<i>Retailer(s)</i>	<i>Manufacturer(s)/Distributor(s)</i>
Yaegaki Sake (#6 87122 10073 5)	Dakota Brothers, Inc.; Marina Food Santa Clara County, Northern California	Yaegaki Corporation of USA

VI. EXHIBIT A

<i>Product Category</i>	<i>Such As*</i>	<i>Toxins</i>
Glass Sake Bottles and Other Glassware Intended for the Storage, Serving or Consumption of Food or Beverages with Colored Artwork, Designs and/or Markings on the Exterior Surface	Yaegaki Sake (#6 87122 10073 5)	Lead
Glassware Intended for the Storage, Serving or Consumption of Food or Beverages with Colored Artwork, Designs and/or Markings on the Exterior Surface		Cadmium

*The specifically identified example of one or more of the types of products which are subject to this Notice is for the recipient's benefit to assist in its investigation of, among other things, the magnitude of potential exposure to the listed chemicals from other items within the product categories listed in Exhibit A. It is important to note that this example is not meant to be an exhaustive or comprehensive identification of each specific offending product of the types listed under "Product Category" in Exhibit A. Further, it is this citizen's position that the alleged Violator is obligated to continue to conduct in good faith an investigation into other specific products within the types or categories described above that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the notice recipient's custody or control) during the relevant period so as to ensure that the requisite toxic warnings are provided to California citizens prior to purchase.

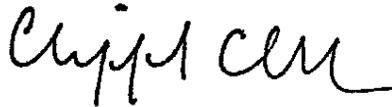
CERTIFICATE OF MERIT

Health and Safety Code Section 25249.7(d)

I, Clifford A. Chanler, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the party identified in the notice has violated Health and Safety Code §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 *alleged* exposure to the listed chemicals that is the subject of this 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 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: 6/27/06



Clifford A. Chanler

PROOF OF SERVICE

I, the undersigned, declare under penalty of perjury:

I am a citizen of the United States, over the age of 18 years, and not a party to the within action; my business address is 2560 Ninth Street, Parker Plaza, Suite 214, Berkeley, CA 94710.

On June 27, 2006, I served the following documents:

SUPPLEMENTAL 60-DAY NOTICE OF VIOLATION SENT IN COMPLIANCE WITH HEALTH & SAFETY CODE §25249.7(d);

PROPOSITION 65: A SUMMARY;

CERTIFICATE OF MERIT; AND

CERTIFICATE OF MERIT ATTACHMENTS (SERVED ONLY ON THE ATTORNEY GENERAL)

served on the Violator listed below via First Class Mail through the United States Postal Service by placing a true and correct copy in a sealed envelope, addressed to the Violator and placing such envelope in a United States Postal Service mailbox:

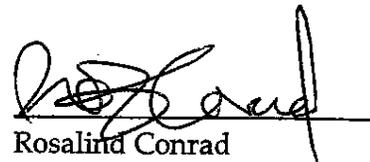
Yuzo Hasegawa, President
Yaegaki Corporation of USA, Inc.
c/o Todd O. Maiden
Reed Smith LLP
Two Embarcadero Center, Suite 2000
San Francisco, CA 94111

as well as providing copies of the notice to the public enforcers by placing a true and correct copy in a sealed envelope, addressed to each party listed below, and served as follows:

<i>Via 2nd Day Air Service by placing such envelope in a Federal Express Drop-Off Box:</i>	The Attorney General of the State of California;
<i>By placing each envelope in a United States Postal Service mailbox, first class postage prepaid:</i>	The District Attorney for Each of the 58 counties in California; and The City Attorney for Los Angeles, San Diego, San Jose, San Francisco and Sacramento;

A list of addresses for each of these recipients is attached.

Executed on June 27, 2006 at Berkeley, California.


Rosalind Conrad

SERVICE LIST

- The Honorable Tom Orloff
Alameda County District Attorney
1225 Fallon Street, Room 900
Oakland, CA 94612
- The Honorable William Richmond
Alpine County District Attorney
270 Laramie Street, Annex Building
Markleeville, CA 96120
- The Honorable Todd Riebe
Amador County District Attorney
708 Court Street, #202
Jackson, CA 95642
- The Honorable Michael Ramsey
Butte County District Attorney
25 County Center Drive,
Administration Building
Oroville, CA 95965
- The Honorable Jeffrey Tuttle
Calaveras County District Attorney
891 Mountain Ranch Road
San Andreas, CA 95249
- The Honorable John R. Poyner
Colusa County District Attorney
547 Market Street
Colusa, CA 95932
- The Honorable Robert J. Kochly
Contra Costa County District Attorney
725 Court Street, 4th Floor, Rm. 402
Martinez, CA 94553
- The Honorable Michael Riese
Del Norte County District Attorney
450 H Street
Crecent City, CA 95531
- The Honorable Gary Lacy
El Dorado County District Attorney
515 Main Street
Placerville, CA 95667
- The Honorable Elizabeth Egan
Fresno County District Attorney
2220 Tulare Street, #1000
Fresno, CA 93721
- The Honorable Robert Holzapfel
Glenn County District Attorney
540 West Sycamore
Wilows, CA 95988
- The Honorable Paul Gallegos
Humboldt County District Attorney
825 5th Street
Eureka, CA 95501
- The Honorable Gilbert Otero
Imperial County District Attorney
939 West Main Street
El Centro, CA 92243
- The Honorable Arthur Maillet
Inyo County District Attorney
168 North Edwards
Independence, CA 93526
- The Honorable Edward R. Jegels
Kern County District Attorney
1215 Trudun Avenue
Bakersfield, CA 93301
- The Honorable Ronald Calhoun
Kings County District Attorney
1400 West Lacey Boulevard
Hanford, CA 93230
- The Honorable Gerhard Luck
Lake County District Attorney
255 North Forbes Street
Lakeport, CA 95453
- The Honorable Robert Burns
Lassen County District Attorney
220 S. Lassen Street, Ste. 8
Susanville, CA 96130
- The Honorable Steve Cooley
Los Angeles County District Attorney
210 West Temple Street
Los Angeles, CA 90012
- The Honorable Ernest LICalsi
Madera County District Attorney
209 West Yosemite Avenue
Madera, CA 93637
- The Honorable Edward Berberian
Marin County District Attorney
3591 Civic Center Drive, Room 130
San Rafael, CA 94903
- The Honorable Robert Brown
Mariposa County District Attorney
5101 Jones Street
Mariposa, CA 95338
- The Honorable Norman Vroman
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100 North State Street, G-10
Ukiah, CA 95482
- The Honorable Gordon Spencer
Merced County District Attorney
2222 M Street
Merced, CA 95340
- The Honorable Jordan Funk
Modoc County District Attorney
204 S. Court Street, Room 202
Alturas, CA 96101
- The Honorable George Booth
Mono County District Attorney
Old Court House, Main Street
Bridgeport, CA 93517
- The Honorable Dean Filippo
Monterey County District Attorney
240 Church Street, #101
Salinas, CA 93901
- The Honorable Gary Lieberstein
Napa County District Attorney
931 Parkway Mall
Napa, CA 94559
- The Honorable Michael Ferguson
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201 Church Street, Suite 8
Nevada City, CA 95959
- The Honorable Tony Rackauckas
Orange County District Attorney
401 Civic Center Drive West
Santa Ana, CA 92701
- The Honorable Bradford Fenocchio
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- The Honorable Jeff Cunan
Plumas County District Attorney
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Quincy, CA 95971
- The Honorable Grover Trask II
Riverside County District Attorney
4075 Main Street
Riverside, CA 92501
- The Honorable Jan Scully
Sacramento County District Attorney
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Sacramento, CA 95814
- The Honorable John Saisfield
San Benito County District Attorney
419 4th Street, Second Floor
Hollister, CA 95203
- The Honorable Michael Ramos
San Bernardino County District Attorney
316 N. Mountain View Avenue
San Bernardino, CA 92415
- The Honorable Bonnie Dumanis
San Diego County District Attorney
330 W. Broadway Street, Suite 1320
San Diego, CA 92101
- The Honorable Kamala Harris
San Francisco County District Attorney
850 Bryant Street, Room 325
San Francisco, CA 94103
- The Honorable James Willett
San Joaquin County District Attorney
222 E. Weber Avenue, 2nd Floor, Room 202
Stockton, CA 95201
- The Honorable Gerald Shea
San Luis Obispo County District Attorney
1050 Monterey Street, Room 460
San Luis Obispo, CA 93408
- The Honorable James Fox
San Mateo County District Attorney
400 County Center, Third Floor
Redwood City, CA 94063
- The Honorable Thomas Sneedon, Jr.
Santa Barbara County District Attorney
1112 Santa Barbara Street
Santa Barbara, CA 93101
- The Honorable George Kennedy
Santa Clara County District Attorney
70 West Hedding Street, West Wing
San Jose, CA 95110
- The Honorable Bob Lee
Santa Cruz County District Attorney
701 Ocean Street, Room 200
Santa Cruz, CA 95060
- The Honorable Gerald Benito
Shasta County District Attorney
1525 Court Street, Third Floor
Redding, CA 96001
- The Honorable Lawrence Allen
Sierra County District Attorney
100 Courthouse Square, Second Floor
Downieville, CA 95936
- The Honorable James Andrus
Siskiyou County District Attorney
311 4th Street
Yreka, CA 96097
- The Honorable David Paulson
Solano County District Attorney
675 Texas Street, Suite 4500
Fairfield, CA 94533
- The Honorable Stephan Passalacqua
Sonoma County District Attorney
600 Administration Drive, Room 212J
Santa Rosa, CA 95403
- The Honorable Carol Shiple
Stanislaus County District Attorney
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Modesto, CA 95353
- The Honorable Carl Adams
Sutter County District Attorney
446 Second Street
Yuba City, CA 95991
- The Honorable Gregg Cohen
Tehama County District Attorney
444 Oak Street, Room 1
Red Bluff, CA 96080
- The Honorable David Cross
Trinity County District Attorney
101 Court Street
Weaverville, CA 96093
- The Honorable Phillip Cline
Tulare County District Attorney
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Visalia, CA 93291
- The Honorable Donald Segerstrom, Jr.
Tuolumne County District Attorney
2 South Green Street
Sonora, CA 95370
- The Honorable Gregory Totten
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Ventura, CA 93009
- The Honorable David C. Henderson
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- The Honorable Patrick McGrath
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- The Honorable Michael Aguirre
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1200 Third Avenue, Suite 1620
San Diego, CA 92101
- The Honorable Samuel Jackson
Office of the City Attorney, Sacramento
915 I Street, 4th Floor
Sacramento, CA 95814
- The Honorable Dennis J. Herrera
Office of the City Attorney, San Francisco
City Hall, Room 234
San Francisco, CA 94102
- The Honorable Richard Doyle
Office of the City Attorney, San Jose
200 East Santa Clara Street
San Jose, CA 95113