

## NOTICE OF VIOLATION

California Safe Drinking Water  
and Toxic Enforcement Act

Re: Lead In Imitation Pearls

July 27, 2006

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, 528 61<sup>st</sup> Street, Suite A, Oakland, CA 94609, (510) 594-9864. The Center for Environmental Health is a nonprofit corporation dedicated to protecting the environment, improving human health and supporting environmentally sound practices. Michael Green is the Executive Director of and a responsible individual within the Center for Environmental Health.

### Description of Violation:

- The name and address of the violator is:
  - Beads By The Dozen, Inc.  
333 Edwards Avenue  
Harahan, LA 70123
- The violations have been occurring since at least July 27, 2003 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 specific type of products causing these violations is imitation pearls and imitation pearl buttons and accessories. These products are used for various purposes, including but not limited to accessories such as beads and buttons on clothing. The Lead is contained in these products. A non-exclusive example of these products is the 42" 18 mm imitation white pearl necklace (Item #WP856, Item SKU #0-6 42458 4218 31).
- Description of Exposure: Use of the products identified in this notice results in human exposures to Lead. Lead is contained in both the imitation pearls, the imitation pearl buttons and accessories, 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.

**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. Members of my firm and 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: July 27, 2006

  
\_\_\_\_\_  
Howard Hirsch  
Attorney for CENTER FOR ENVIRONMENTAL  
HEALTH

**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 July 27, 2006, 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 July 27, 2006, 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 July 27, 2006, at San Francisco, California.

Signed:

  
\_\_\_\_\_  
Angela Walker

## SERVICE LIST

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

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

District Attorney of Contra Costa  
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Ukiah, CA 95482

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Napa, CA 94559

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Merced, CA 95340

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Auburn, CA 95603

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San Bernardino, CA 92415-  
0004

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Riverside, CA 92501

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San Francisco, CA 94103

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Hollister, CA 95023

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County  
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Redwood City, CA 94063

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Downieville, CA 95936

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Santa Barbara, CA 93101

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Yreka, CA 96097

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Fairfield, CA 94533

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County  
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Santa Cruz, CA 95061

District Attorney of Sonoma County  
600 Administration Drive, Room  
212J  
Santa Rosa, CA 95403

District Attorney of Shasta County  
1525 Court Street, Third Floor  
Redding, CA 96001-1632

District Attorney of Stanislaus County \*Dan Kelly, President  
800 11<sup>th</sup> Street, Room 200  
Modesto, CA 95354  
Beads by the Dozen, Inc.  
333 Edwards Avenue  
Harahan, LA 70123

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Yuba City, CA 95991

District Attorney of Ventura County  
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Ventura, CA 93009

District Attorney of Tehama County  
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Red Bluff, CA 96080

District Attorney of Yolo County  
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Woodland, CA 95695

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Weaverville, CA 96093

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Marysville, CA 95901

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Visalia, CA 93291

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San Jose, CA 95110

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200 N. Main Street  
Los Angeles, CA 90012

San Diego City Attorney's Office  
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San Diego, CA 92101

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

Ed Weil, Deputy Attorney General  
California Attorney General's Office  
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