

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

Re: Lead in Jewelry

October 20, 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 ("CEH"), 528 61st Street, Suite A, Oakland, CA 94609, (510) 594-9864. CEH 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 CEH.

Description of Violation:

- The names and addresses of the violators are attached hereto as Exhibit 1.
- The violations have been occurring since at least October 20, 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 jewelry. This jewelry is made of and contains Lead. A list of non-exclusive examples of this specific type of products is attached hereto as Exhibit 2.
- Description of Exposure: Use of the products identified in this notice results in human exposures to Lead. Lead is contained in both the metallic and non-metallic parts of the jewelry. For example, the non-metallic cords of bracelets and necklaces contain Lead, as does the pearl coating on imitation pearls and the metallic components such as beads, pendants, clasps, posts and other components of the jewelry. 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 products are worn or handled. No clear and reasonable warning is provided with these products regarding the carcinogenic or reproductive hazards of Lead.

Resolution of Noticed Claims:

- Based on the allegations set forth in this Notice, CEH intends to file a citizen enforcement lawsuit unless each of the alleged violators agrees in a binding

written instrument to remedy the violations alleged herein by recall of products already sold, warning or reformulation of products in the future, and to pay an appropriate civil penalty based on the factors enumerated in California Health and Safety Code Section 25249.7(b). If any of the alleged violators is interested in resolving this dispute without resort to expensive and time-consuming litigation, please feel free to contact CEH through its counsel identified below. It should be noted that CEH cannot: (1) finalize any settlement until after the 60-day notice period has expired; nor (2) speak for the Attorney General or any District or City Attorney who received CEH's 60-day Notice. Therefore, while reaching an agreement with CEH will resolve its claims, such agreement may not satisfy the public prosecutors.

Please direct any inquiries regarding this notice to CEH and its counsel Eric S. Somers at Lexington Law Group, LLP, 1627 Irving Street, San Francisco, CA 94122, (415) 759-4111.

Exhibit 1: List of Violators
October 20, 2006 Notice of Violation
Re: Lead in Jewelry

AZ3, Inc.
2761 Fruitland Ave.
Vernon, CA 90058

Colori USA Corporation
2121 North California Blvd., Suite 1030
Walnut Creek, CA 94596

Albertson's, Inc.
250 Parkcenter Blvd.
Boise, ID 83706

Conair Corporation
150 Milford Road
East Windsor, NJ 08520

Albertson's LLC
250 Parkcenter Blvd.
P.O. Box 20
Boise, ID 83706

Corrine McCormack, Inc.
7 West 36th Street, 5th Floor
New York, NY 10018

Ambassador Toys LLC
343 Castenada Avenue
San Francisco, CA 94116

D.M. Merchandising, Inc.
835 N. Church Rd.
Elmhurst, IL 60126

BCBG Max Azria Group, Inc.
2761 Fruitland Avenue
Vernon, CA 90058

Donkie, LLC doing business as
Ambiance
915 Howard St.
San Francisco, CA 94103

Basic
3401 Dale Road Suite 280
Modesto, CA 95356

The Dress Barn, Inc.
30 Dunnigan Drive
Suffern, NY 10901

C.H. Forsman Company
318 West 39th Street
New York, NY 10018

G+G Retail, Inc.
520 8th Avenue
New York, NY 10018

Cache, Inc.
1440 Broadway 5th Floor
New York, NY 10018

Georgiou Studio, Inc.
808 Brannan Street
San Francisco, CA 94103

Carolyn Forsman Conversation Piece
Jewelry
441 W. 44th Street
New York, NY 10036-4402

Guess?, Inc.
1444 South Alameda Street
Los Angeles, CA 90021

Guess? Retail, Inc.
1444 South Alameda Street
Los Angeles, CA 90021

I Love Bracelets, Inc.
1940 14th St.
Santa Monica, CA 90404

M & P Central, Inc. doing business as
Bloom
465 East 32nd Street
Los Angeles, CA 90012

Max Rave, LLC
317 Madison Ave., Ste. 1010
New York, NY 10017

New Albertson's, Inc.
250 Parkcenter Blvd.
P.O. Box 20
Boise, ID 83706

Papyrus Franchise Corporation
500 Chadbourne Rd., Box 6030
Fairfield, CA 94533

Rite Aid Corporation
30 Hunter Lane
Camp Hill, PA 17011

Schurman Fine Papers
500 Chadbourne Rd.
Fairfield, CA 94533

Scünci International, Inc.
2200 Byberry Road
Hatboro, PA 19040-9040

Shoe Pavilion Corporation
1380 Fitzgerald Dr.
Pinole, CA 94564

Shoe Pavilion, Inc.
13245 Riverside Drive, Ste. 450
Sherman Oaks, CA 91423

Solstice Marketing Concepts, LLC
801 Jefferson Road
Parsipanny, NJ 07054

Solstice Marketing Corporation
801 Jefferson Road
Parsipanny, NJ 07054

Spencer Gifts, LLC
6826 Black Horse Pike
Egg Harbor Township, NJ 08234

Supervalu, Inc.
11840 Valley View Road
Eden Prairie, MN 55344

Urban Outfitters, Inc.
1809 Walnut Street
Philadelphia, PA 19103

Urban Outfitters West LLC
1809 Walnut Street
Philadelphia, PA 19103

Westrim, Inc.
7855 Hayvenhurst Avenue
Van Nuys, CA 91406-1712

Denise Withington dba Hallmark
Creations
520 Coddington Center
Santa Rosa, CA 95401

World of Jeans & Tops dba Tilly's
10 Whatney
Irvine, CA 92618

EXHIBIT 2: Non-Exclusive Examples of the Products
October 20, 2006 60-Day Notice Letter
Re: Lead In Jewelry

Noticed Parties	Non-Exclusive Examples of the Products	Item or SKU # or Further Description
AZ3, Inc.; BCBG Max Azria Group, Inc.	Sterling silver plt fila chandel earrings	400000686691
AZ3, Inc.; G+G Retail, Inc.; Max Rave, LLC	Silver jeweled bow necklace	26722789-2106
Albertson's, Inc.; Albertson's LLC; New Albertson's, Inc.; Conair Corporation; Supervalu, Inc.; Scunci International, Inc.	Scunci barrette	43194-36460
Ambassador Toys LLC	Kids metal tiara ring	036085 Pearl tiara ring 4198
Basic	Jeweled ring	n/a
Cache, Inc.	Starburst necklace	4097614
C.H. Forsman Company; Carolyn Forsman Conversation Piece Jewelry	Slideshow floral bracelet	226072
Colori USA Corporation	Fish shaped ring	GF 018614
Conair Corporation; Rite Aid Corporation	Jeweled hair clip	Con Jwl SQ PNV; Model #58205
Corrine McCormack, Inc.; Solstice Marking Concepts, LLC; Solstice Marketing Corporation	Optic necklace	CM 12003; 1019700010001

Noticed Parties	Non-Exclusive Examples of the Products	Item or SKU # or Further Description
D.M. Merchandising, Inc.	Flip flop pendant drop	n/a
Donkie, LLC dba Ambiance	Jeweled hair clip	44 hearts/star/c; AH 000046
The Dress Barn, Inc.	Necklace and earring set	Epoxy SQ Drop Snake; 000000554170
Georgiou Studio, Inc.	Jeweled necklace	Lee Crys Vintage Y N; NK001P5 0010/S
Guess?, Inc.; Guess? Retail, Inc.	Pearl and jeweled necklace	J77 IR CRY PRL 30NK; 748838902372
I Love Bracelets, Inc.; Denise Withington dba Hallmark Creations	Heart and cross silver charm bracelet	Brac-Spiritual; 097502886355
M & P Central, Inc. dba Bloom	Silver slipper necklace	Accessory; 8200001411
Papyrus Franchise Corporation; Schurman Fine Papers	Crystal floral bracelet	Model No. 77779; PC338125
Shoe Pavillion Corporation; Shoe Pavillion, Inc.	Pink Hearts metal & pearl bracelet	PH DA204 SL PNK; 000866651
Spencer Gifts, LLC	Real Metal dragon & pentagon necklace	J Dragon W/PENT; 00706127
Urban Outfitters, Inc.; Urban Outfitters West LLC	Skul ring	16305287 12668869 MDS 1
Westrim, Inc.	Off-white magnetic pearl beads - 4 mm Lot No. - 4849200589	17197163
World of Jeans & Tops doing business as Tilly's	Skull w/ rhinestone ring	11390114001

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 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: October 20, 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 October 20, 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 October 20, 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 October 20, 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
County
725 Court Street, Room 402
Martinez, CA 94553

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

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

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

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

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

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

District Attorney of Fresno County
2220 Tulare Street, #1000
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District Attorney of Kings County
1400 West Lacey
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District Attorney of Lake County
255 N. Forbes Street
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District Attorney of Imperial County
939 W. Main Street
El Centro, CA 92243

District Attorney of Lassen County
220 S. Lassen St., Ste 8
Susanville, CA 96130

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Independence, CA 93526

District Attorney of Los Angeles
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210 W. Temple Street, Room 345
Los Angeles, CA 90012

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209 West Yosemite Avenue
Madera, CA 93637

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

District Attorney of Mono County
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P.O. Box 730
Mariposa, CA 95338

District Attorney of Monterey County
PO Box 1131
Salinas, CA 93902

District Attorney of Mendocino
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P.O. Box 1000
Ukiah, CA 95482

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931 Parkway Mall
Napa, CA 94559

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2222 "M" Street
Merced, CA 95340

District Attorney of Nevada County
201 Church St., Suite 8
Nevada City, CA 95959

District Attorney of Orange County
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Santa Ana, CA 92702

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Alturas, CA 96101-4020

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Auburn, CA 95603

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San Bernardino, CA 92415-0004

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4075 Main Street, 1st Floor
Riverside, CA 92501

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San Francisco, CA 94103

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Sacramento, CA 95814

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Stockton, CA 95201

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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
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District Attorney of San Mateo County
400 County Ctr, 3rd Fl
Redwood City, CA 94063

District Attorney of Sierra County
Courthouse, P.O. Box 457
Downieville, CA 95936

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1105 Santa Barbara Street
Santa Barbara, CA 93101

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Yreka, CA 96097

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Fairfield, CA 94533

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District Attorney of Santa Cruz County
701 Ocean Street, Room 200
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
800 11th Street, Room 200
Modesto, CA 95354

District Attorney of Sutter County
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Yuba City, CA 95991

District Attorney of Ventura County
800 South Victoria Ave
Ventura, CA 93009

District Attorney of Tehama County
P.O. Box 519
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District Attorney of Yolo County
301 Second Street
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District Attorney of Trinity County
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District Attorney of Yuba County
215 Fifth Street
Marysville, CA 95901

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221 S. Mooney Ave, Room 224
Visalia, CA 93291

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Sonora, CA 95370

San Jose City Attorney's Office
151 West Mission Street
San Jose, CA 95110

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Room 1800, City Hall East
200 N. Main Street
Los Angeles, CA 90012

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

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City Hall, Room 234
San Francisco, CA 94102

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Boise, ID 83726

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Papyrus Franchise Corporation
500 Chadbourne Rd., Box 6030
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