



DEL MAR LAW GROUP, LLP

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November 1, 2006

**60-DAY NOTICE OF VIOLATION IN COMPLIANCE WITH CALIFORNIA
HEALTH & SAFETY CODE §25249.7(d) [“PROPOSITION 65”]**

From: Chrissy Deubler

To:

Del Laboratories
Avon Products, Inc.,
Claudia Poccia, President
1345 Avenue of the Americas
New York, NY 10105

L'Oréal USA
Laurent Attal, President & CEO
575-5th Avenue
New York, NY 10017

Markwins Beauty Products
AM Cosmetics, Inc.
Jim Koepl, Vice President
22067 Ferrero
City of Industry, CA 91789-5214

Pacific World Corp.
Joe Fracassi, President & CEO
25791 Commerce Center Drive
Lake Forest, CA 92630

Bari Cosmetics, Ltd.
Don Harkness, President
463 Temple Hill Road
New Windsor, NY 12553

Nars Cosmetics
Satoko Mitani, CEO
Francois Nars, President
580 Broadway
New York, NY 10012-3223



Chanel, Inc.
Kitty D'Alessio, President
9 W. 57th Street, Ste. 44
New York, NY 10019-2790

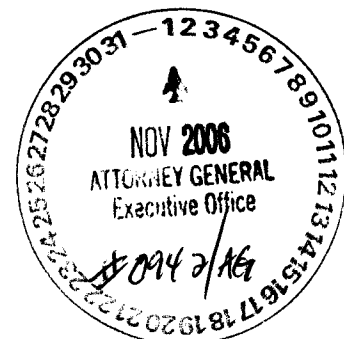
Del Laboratories, Inc.
Sally Hansen Division
William McMenemy, President & CEO
176 Reckson Plaza
Uniondale, NY 11553-9357

Parfums Christian Dior
Claude Martiniez, President
19 East 57th Street
New York, NY 10022

CCA Industries, Inc.
David Edell, CEO
Dunnan Edell, President
200 Murray Hill Parkway
East Rutherford, NJ 07073

Club Monaco Cosmetics
Joseph Mimran, President
601 West 26th Street
New York, NY 10001

Procter & Gamble Inc.
A.G. Lafley, President & CEO
2 Procter & Gamble Plaza
Cincinnati, OH 45202



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Cosmar Corporation
720 S. Powerline Rd.
Deerfield, FL 33442

Orly International Inc.
Jeff Pink, President
21314 Lassen Street
Chatsworth, CA 91311

Hard Candy, Inc. dba
Urban Decay
Sandra Lerner, President
729 Farad Street
Costa Mesa, CA 92627

Tony & Tina, Inc.
909 3rd Avenue
Suite 20
New York, NY 10022-4756

Sel-Leb Marketing
495 River Street
Patterson, NJ 07524

Nordstrom
1617-6th Avenue
Seattle, WA 98101-1742

Professional Makeup Company
1622 N. Highland
Hollywood, CA 90028

Creative Nail Design C.N.D.
Lisa Hamilton, V.P. Operations
1125 Joshua Way
Vista, CA 92081

Del Laboratories
Sally Hansen Division
William McMenemy, President & CEO
176 Reckson Plaza
Uniondale, NY 1153-9357

Maybelline, LLC
Cheryl Vitali, V.P. Marketing
P.O. Box 1010
Clark, NJ 07066

N.Y.C. New York Color
Charles Hinkaty, President
176 Reckson Plaza
P.O. Box 9357
Uniondale, NY 11553-9357

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.

Mirage Cosmetics
Chris Chon, President
10721 Tucker Street
Beltsville, MD 20705

I. INTRODUCTION

My name is Chrissy Deubler. I am a citizen of the State of California and I am acting to promote the interests of the citizens of the State of California and 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 ("Proposition 65"). As referenced above, this notice is being provided to the alleged violators, as set forth above and in Exhibit A (hereinafter the "Violators"). The violations covered by this Notice consist of product

exposure, routes of exposures, and types of harm potentially resulting from exposure to the following toxic chemicals (“listed chemicals”):

Product Exposure: See Section VI. Exhibit A
Listed Chemicals: Di-n-butyl phthalate (DBP), also known as dibutyl phthalate
Routes of Exposure: 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 set forth below in Section V (captioned “Exhibit A”). The Violators’ sales of identified nail products have been occurring from at least December 2000 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 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. The application of nail polish, as intended by its manufacturers, will cause consumers to be exposed to harmful chemicals components. Additionally, exposure can occur through the routine touching of other materials that are contaminated with the above-listed chemicals. People likely to be exposed include both children and adults.

III. CONTACT INFORMATION

Please direct all questions concerning this notice to my counsel at the following address:

John H. Donboli
JL Sean Slattery
Del Mar Law Group, LLP
322 8th Street, Suite 101
Del Mar CA 92014
Telephone: (858) 793-6244
Facsimile: (858) 793-6005

IV. PROPOSITION 65 INFORMATION

For general information concerning the provisions of Proposition 65, please contact the Office of Environmental Health Hazard Assessments (“OEHHA”) Proposition 65 Implementation Office at (916) 445-6900. For the Violators’ reference, I have attached a copy of “Proposition 65 in Plain Language” which has been prepared by OEHHA.

V. EXHIBIT A

<u>Name brand</u>	<u>Product</u>	<u>Manufacturer and/or Parent Company</u>	<u>Location</u>
Avon	Nailwear Nail Enamel (four shades) Nail Experts: Speed Dry Top Shine, Tough Enough Base/Top Coat, and On the Mend Nail Mender. Speed Dry Nail Enamel	Avon Products, Inc.	New York, NY 10105
Black Radiance U.S.A.	Black Radiance Nail Color	AM Cosmetics, Inc.	North Arlington, NJ 07031
Bon Bons	Bon Bons (nail polish)	Bari Cosmetics, Ltd	Greenwich, CT 06831
Chanel	Nail Colour	Chanel, Inc.	New York, NY 10019
Christian Dior	Nail Enamel	Parfums Christian Dior	Paris, France
Club Monaco	Nail Color	Club Monaco Cosmetics	Toronto, Canada
Cosmar	Cosmar Press&Go Nails Kit	Cosmar Corporation	Huntington Beach, CA 92647
Cover Girl	Cover Girl Nail Slicks Crackle Laquer	Procter & Gamble Inc. (Noxell Corp.)	Hunt Valley, MD 21030
Hard Candy	Nail Enamel	Hard Candy, Inc.	Beverly Hills, CA 90211
Loud Music	Nail Enamel	Sel-Leb Marketing	Patterson, NJ 07524

M	M Professional Nail Polish	<i>Professional Makeup Company</i>	Hollywood, CA 90028
Max Factor	Diamond Hard Nail Enamel	<i>Procter & Gamble Inc. (Max Factor & Co.)</i>	Hunt Valley, MD 21030
Maybelline	Express Finish Fast-Dry Nail Enamel Ultimate Wear (nail enamel) Salon Finish Nail Enamel)	<i>L'Oréal USA (Maybelline LLC)</i>	New York, NY 10017
Nailene	Professional Solutions Acrylic Tough Polish Shield PROfessional Solutions Acrylic Polish Shield PROfessional Solutions Calcium Growth Builder Nail Paints Art Kit	<i>Pacific World Corp.</i>	Lake Forest, CA 92630
NARS	Nail Polish	<i>Agora Cosmetics, Inc.</i>	New York, NY 10012
Naturalistics	90 Second Dry Super Fast Nail Color	<i>Del Laboratories, Inc (Naturalistics Div.)</i>	Farmingdale, NY 11735
Nutra Nail	Nutra Nail Maximum Strengtheners Nutra Nail Calcium Nail thickener Nutra Nail Iron Shield Nail Hardener	<i>CCA Industries, Inc.</i>	E Rutherford, NJ 07073
Oil of Olay	Nail Lacquer	<i>Procter & Gamble Inc.</i>	Hunt Valley, MD 21030
Orly	Orly Salon Nails Nail Color	<i>Orly International Inc.</i>	Los Angeles, CA 91311
Sally Hansen	Color Fast! One Coat Fast-Dry Enamel Beyond perfect Protein Nail Color Maximum Support Strengthen & Grow No More Breaks Restructurizing Strengtheners Hard as Nails with Nylon Triple Strong Advanced Gel Nail Fortifier	<i>Del Laboratories, Inc (Sally Hansen Div.)</i>	Farmingdale, NY 11735

	Thicken Up! Strengthening Nail Thickener Ultimate Shield Fortifying Base & Top Coat Hard as Nails Instant Strength Calcium Gel Nail Fortifier		
Nordstrom	S.A.N.E. Simple and Natural Essentials Nail Polish	<i>Nordstrom</i>	Seattle, WA 98101
Tony & Tina	Tony & Tina Nail Enamel	<i>Tony & Tina, Inc.</i>	New York, NY 10012
Tropez	Tropez Nail Enamel	<i>AM Cosmetics, Inc.</i>	Arlington, NJ 07031
Urban Decay	Nail Enamel	<i>Urban Decay</i>	Costa Mesa, CA 92627
Wet 'n' Wild	Wet 'n' Wild Nail Color	<i>AM Cosmetics, Inc.</i>	North Arlington, NJ 07031

The specifically identified example of the type of products subject to this Notice are for the recipients 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 category 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 type listed under Products in Exhibit A. Further, it is this citizen's position that the alleged violator is obligated to continue to conduct a good faith investigation into other specific products within the type or category described above that may have been manufactured, distributed, sold, stored (or otherwise within the notice recipient's control) during the relevant period so as to ensure that the requisite toxic warnings are provided to California citizens prior to purchase.

Dated: November 1, 2006

DEL MAR LAW GROUP, LLP

By: 

JL Sean Slattery, Esq.
John H. Donboli, Esq.
Del Mar Law Group, LLP
Attorneys for Plaintiff Chrissy Deubler

CERTIFICATE OF MERIT
Health and Safety Code Section 25249.7(d)

I, JL Sean Slattery, hereby declare:

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

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 are the subject of this action.

4. Based on the information obtained through those consultants and on all other information, in my opinion, 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 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.

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: November 1, 2006

DEL MAR LAW GROUP, LLP

By: 

JL Sean Slattery, Esq.
John H. Donboli, Esq.
Del Mar Law Group, LLP
Attorneys for Plaintiff Chrissy Deubler

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 322 Eighth Street, Suite 101, Del Mar, CA 92014.

On November 1, 2006, I served the following document(s):

- 60-DAY NOTICE OF VIOLATION SENT IN COMPLIANCE WITH HEALTH & SAFETY CODE §25249.7(d);
- PROPOSITION 65 IN PLAIN LANGUAGE;
- CERTIFICATE OF MERIT; AND
- CERTIFICATE OF MERIT ATTACHMENTS (SERVED ONLY ON THE ATTORNEY GENERAL)

on the Violators listed below via U.S. Mail by placing a true and correct copy in each sealed envelope, addressed to each Violator and placing such envelope with the United States Postal Service this same day in the ordinary course of business pursuant to Code of Civil Procedure § 1013a:

Del Laboratories
Avon Products, Inc.,
Claudia Poccia, President
1345 Avenue of the Americas
New York, NY 10105

L'Oréal USA
Laurent Attal, President & CEO
575-5th Avenue
New York, NY 10017

Markwins Beauty Products
AM Cosmetics, Inc.
Jim Koepl, Vice President
22067 Ferrero
City of Industry, CA 91789-5214

Pacific World Corp.
Joe Fracassi, President & CEO
25791 Commerce Center Drive
Lake Forest, CA 92630

Bari Cosmetics, Ltd.
Don Harkness, President
463 Temple Hill Road
New Windsor, NY 12553

Nars Cosmetics
Satoko Mitani, CEO
Francois Nars, President
580 Broadway
New York, NY 10012-3223

Chanel, Inc.
Kitty D'Alessio, President
9 W. 57th Street, Ste. 44
New York, NY 10019-2790

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New York, NY 10022

Club Monaco Cosmetics
Joseph Mimran, President
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New York, NY 10001

Cosmar Corporation
720 S. Powerline Rd.
Deerfield, FL 33442

Hard Candy, Inc. dba
Urban Decay
Sandra Lerner, President
729 Farad Street
Costa Mesa, CA 92627

Sel-Leb Marketing
495 River Street
Patterson, NJ 07524

Professional Makeup Company
1622 N. Highland
Hollywood, CA 90028

Del Laboratories
Sally Hansen Division
William McMenemy, President & CEO
176 Reckson Plaza
Uniondale, NY 1153-9357

N.Y.C. New York Color
Charles Hinkaty, President
176 Reckson Plaza
P.O. Box 9357
Uniondale, NY 11553-9357

Mirage Cosmetics
Chris Chon, President
10721 Tucker Street
Beltsville, MD 20705

CCA Industries, Inc.
David Edell, CEO
Dunnan Edell, President
200 Murray Hill Parkway
East Rutherford, NJ 07073

Procter & Gamble Inc.
A.G. Lafley, President & CEO
2 Procter & Gamble Plaza
Cincinnati, OH 45202

Orly International Inc.
Jeff Pink, President
21314 Lassen Street
Chatsworth, CA 91311

Tony & Tina, Inc.
909 3rd Avenue
Suite 20
New York, NY 10022-4756

Nordstrom
1617-6th Avenue
Seattle, WA 98101-1742

Creative Nail Design C.N.D.
Lisa Hamilton, V.P. Operations
1125 Joshua Way
Vista, CA 92081

Maybelline, LLC
Cheryl Vitali, V.P. Marketing
P.O. Box 1010
Clark, NJ 07066

Orly International, Inc.
Jeff Pink, President
21314 Lassen Street
Chatsworth, CA 91311

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

Via Overnight Air Service by placing such envelope in a Federal Express Drop-Off Box:	The Attorney General of the State of California;
By placing each envelope in a United States Postal Service mailbox, first class postage prepaid:	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.

Executed on November 1, 2006, at Del Mar, California.



Glenda Austin, Secretary
Del Mar law Group, LLP